

# UKBJJA Complaints & Disciplinary Policy

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# UKBJJA Complaints & Disciplinary Policy

## Introduction

This policy applies to all members, clubs, events and officials of the United Kingdom Brazilian Jiu Jitsu Association (UKBJJA).

This policy should be read in conjunction with the UKBJJA's Code of Conduct and all UKBJJA Policies; Procedures and Rules.

### 1) Objectives

- i. The objective of the complaints system is to secure, as expeditiously as possible, a just outcome following the submission of a complaint by the system and procedures set out in this policy.
- ii. Where possible the UKBJJA will seek to resolve complaints through mediation as further set out below.
- iii. Where possible the UKBJJA will respect any complainant's desire for confidentiality.

### 2) What is a Complaint?

- i. A complaint is a written expression of dissatisfaction about the standard of service, actions or lack of action on the part of the UKBJJA, affiliated events, affiliated clubs, or any member of the UKBJJA.
- ii. Grounds for complaint shall include, but shall not be limited to the following:
  - i. any action (including inaction), behaviour or practice which may bring the sport or the UKBJJA into disrepute;
  - ii. a breach of any of the UKBJJA Policies, Procedures, Rules or Codes of Conduct;
  - iii. the violation of the UKBJJA's Constitution;
- iii. A complaint may be made by any person or organization that (a) is a member of the UKBJJA; and/or (b) affected or likely to be affected by any ground for complaint.
- iv. The UKBJJA shall have the right to bring a complaint, or be involved in a complaint as an interested party if it considers it to be in the best interests of the sport for it to do so. Examples of this would be cases where grounds for complaints outlined in 2.ii are widely publicized in the public domain.

### 3) Procedure for complaints

- i. Complaints should be made in writing to the Complaints Officer and should include the complainant's name; address and basis for their complaint (per 2 iii – above). The Complaints Officer can, at their discretion, investigate anonymous complaints if they feel it is justified. They can also treat any complaint received as anonymous as detailed in section 1.iii of this policy.
- ii. The Complaints Officer will assess the complaint and will determine whether the complaint should be investigated further, resolved informally or dismissed.
- iii. If the Complaints Officer determines that the complaint should be investigated further, the Complaints Officer will forward the complaint, at his sole discretion, to an Investigator, who will be either (a) an appropriate outside agency; and/or (b) another UKBJJA Commission; and/or (c) an appropriate Officer of the UKBJJA. (Police

or Social Services investigations will take priority and no action will be taken until that investigation and any resulting criminal proceedings has concluded.)

- iv. Once allocated, the Investigator will inform the complainant that they are dealing with the matter and tell them that their details will be disclosed to the person complained against. They will also inform the person complained against that they are the subject of a complaint, an outline of the complaint, who made the complaint and ask for a brief response to the complaint. (exceptions being circumstances where the Complaints Officer has either upheld the right to anonymity from a complainant as outlined in section 1.iii or they have decided that an anonymous complaint can be investigated in line with section 3.i, in these cases only subject and outline will be provided)
- v. The Investigator will then conduct an investigation that is thorough, proportionate, relevant and fair to all parties. The Investigator will complete a report and attach all documents and evidence gathered during the investigation. This will be disclosed to the person complained against and they will be asked, in writing if they wish to give a written response.
- vi. The investigator will submit their report and any submission by the person complained against to the Complaints Officer who may make a judgement or in more complex cases convene a formal Complaints Panel. A formal Complaints Panel will consist of three Board or Council members. In the event that the complaint is against a referee in the course of their duties the UKBJA Head Referee must be a member of the panel.
- vii. Neither the complainant nor the person complained against will be present at any meeting of a Complaints Panel.
- viii. The Complaints Panel will evaluate the case based on the evidence and decide if the case is found to be "Proven" or "Not Proven". If "Proven", the Panel will decide upon an appropriate sanction from those detailed in this document. The Complaints Panel will provide written reasons for all its decisions.
- ix. The Complaints Officer will write to the complainant and the person complained against within 10 working days notifying them of the outcome, together with a copy of the Complaints Panel's written reasons.
- x. A person complained against may make an appeal only on the basis of a material error or in the case of new evidence.
- xi. Any Appeal must be made, in writing to the Chairman, within ten working days of receiving written notification of the outcome from the Complaints Officer. The Appeal must contain the grounds for the appeal.
- xii. The Appeal Panel will consist of the Chairman and two other members from the Board of Directors or Council, one of whom shall be legally qualified. These members will be different from those who sat on the initial Complaints Panel.
- xiii. The CEO will arrange an appropriate time and venue for the Appeal.
- xiv. The Complaints Officer will ensure that Appeal Panel members have read and understood the case and have a copy of the Complaints Panel's written reasons and the grounds for Appeal.
- xv. The Appeal Panel shall, at its sole discretion, determine whether the appeal should proceed by way of (a) a review of the Complaints Panel decision; or (b) a fresh hearing.

- xvi. After the Appeal, the Appeal Panel shall have the power to:
    - Dismiss the Appeal
    - Alter or vary the original decision.
    - Remove a sanction or impose a different sanction
    - Make any other similar appropriate judgement which it considers right
  - xvii. The decision of the Appeal Panel will be communicated to the appellant within ten working days.
  - xviii. The Appeal will be final and there will be no other route to appeal.
- 4) Sanctions available to Complaints & Appeal Panel
- i. The following sanctions are available to both the Complaints and Appeal Panels in dealing with clubs and individual members in the event of a complaint being found Proven: -
    - i. A formal written warning advising of improvements that need to be made in terms of conduct/procedures.
    - ii. A final written warning advising of further sanctions if non-compliance continues.
    - iii. Suspension from attending UKBJJA events for a period of time decided by the Panel.
    - iv. Suspension of membership for a period of time decided by the panel.
    - v. Termination of membership for a period of time decided by the panel, after which they will be eligible to reapply as long as any criteria imposed by the panel are satisfied.
    - vi. Permanent termination of membership in the event of serious incidents.
  - ii. The following sanctions are available to the Complaints and Appeal Panel in dealing with UKBJJA sanctioned events in the event of a complaint being found Proven: -
    - i. A formal written warning advising of improvements that need to be made in terms of conduct/procedures.
    - ii. A final written warning advising of further sanctions if non-compliance continues.
    - iii. Removal of sanctioning for a period of time to be decided by the panel.
    - iv. Permanent removal of sanctioning in the event of serious incidents.
  - iii. The following sanctions are available to the Complaints and Appeal Panel in dealing with UKBJJA qualified officials in the event of a complaint being found Proven: -
    - i. A formal written warning advising of improvements that need to be made in terms of conduct/procedures.
    - ii. A final written warning advising of further sanctions if non-compliance continues.
    - iii. Downgrading or removal of UKBJJA referee qualification.