

RYA

RYA Racing Programme Participant Grievance Policy Updated June 2022

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1. Introduction

This grievance policy is designed to help deal with grievances involving Participants in RYA Racing Programmes.

The policy applies to:

- a) **Sailors** who participate in any programme organised by the RYA racing department
- b) **Parents of sailors** participating in any programme organised by the RYA racing department
- c) **And individuals**, other than members of RYA staff **providing services to the RYA racing department**

(Together "Participants")

This policy does not apply to:

- a) **RYA staff**. Staff should raise grievances under the RYA staff grievance procedure, set out in the RYA staff handbook.
- b) **General complaints** to the RYA, either from RYA members or members of the public. These should be addressed in accordance with the RYA complaints policy.
- c) Grievances related to **selection decisions**.
- d) Grievances relating to matters subject to the **Racing Rules of Sailing**.
- e) Grievances relating to **anti-doping issues**.

A Participant may, at some time, experience problems or wish to raise concerns about their training, training or competition conditions or relationships with colleagues or athlete support personnel: 'a grievance'¹. It is in everybody's interests to resolve problems at an early stage before they escalate into more significant issues. For this reason, it is our responsibility to ensure that we deal with all grievances fairly and without unreasonable delay and provide appropriate support.

Issues that may cause concern include the following:

- Health and safety.
- Training relationships.
- Bullying, harassment or discrimination;
- Other inappropriate or unacceptable behaviour.

If a grievance relates to:

- **a participant who is under 18 or an adult at risk²: the RYA Safeguarding Manager must be informed at the start.**
- **Matters that might be criminal: legal/safeguarding advice must be taken and the matter referred to the statutory authorities if applicable.**

Grievances should be brought within a reasonable time (no more than three months after the event) to ensure that the RYA can carry out an investigation.

¹ You believe that you have been 'wronged' by being treated 'unreasonably'.

² An adult who: has needs for care and support; and is experiencing, or is at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

The policy does not confer contractual rights on individuals and will be reviewed in line with any legislative changes.

Participants under the age of 18 or classified as an adult at risk should be supported by their parents or legal guardians.

2. Principles

The principles governing the policy and application of this are as follows:

- our approach will be consistent and non-discriminatory.
- all Participants will be treated with dignity and respect; and
- our approach will be open and transparent and will, if necessary, involve investigations to establish the facts of each case.

To ensure that matters are dealt with fairly the following shall apply:

- the Participant will inform the Programme Manager of the nature of the grievance;
- if the grievance concerns the Programme Manager, then the Participant should inform the Director of Racing of the nature of the grievance;
- If the grievance concerns the Director of Racing, the participant should inform the CEO in writing, with a copy sent to the Head of Integrity at UK Sport.
- The Programme Manager, Director of Racing or CEO may appoint another individual to act on their behalf.
- Every effort will be made to resolve the grievance informally at this stage. If informal resolution is not effective, the participant may notify the Director of Racing that they wish to raise a formal grievance;
- an investigation may be undertaken to establish the facts of the case;
- a meeting will be held with the Participant to discuss the grievance;
- the Participant will be allowed to be accompanied³ at the meeting;
and
- a decision will be made on any appropriate action required.

Each step of the procedure will be taken without unreasonable delay and meetings will be conducted in ways that enable both the Participant and the RYA to explain their case.

If a Participant has difficulty in putting their grievance in writing, they should seek help from a colleague or make the RYA aware of any such difficulty by contacting the RYA Safeguarding Manager.

It is recommended that where appropriate, consideration should be given as to whether any investigation is conducted by an independent investigator to prevent any conflict of interest.

Programme Managers

³ Another Participant; a member of the coaching staff; a practitioner; or in the case of a member of the BST, a representative from the British Athletes' Commission (BAC). A Participant may be accompanied by a friend who is also a lawyer, but that individual is not there in any professional capacity.

RYA Racing Programme	Programme Manager
Junior	Junior Racing Manager
Youth	Youth Racing Manager
British Sailing Team or British Sailing Squad	Performance Director
Coaching	Coach Development Manager
Keelboat	Racing Services Manager
Racing Events	Racing Services Manager
Other Racing Programmes	Racing Operations Manager

3. Informal Resolution

Most grievances can be resolved quickly and informally through discussion. The RYA, therefore, recommends that wherever possible and appropriate to do so, problems and concerns should be raised informally. The individual handling the grievance may recommend the use of a trained mediator depending on the nature of the grievance.

If, the Participant does not wish to raise their concerns with the Programme Manager, Director of Racing, CEO or an individual nominated to act for whatever reason, there are a number of other ways in which the problem or concern can be raised and resolved informally:

- Discuss with the individual causing the problem – It may be that talking to the individual concerned may resolve the issue(s).
- Discuss with a third party - If the Participant feels unable to approach their own Programme Manager, they may wish to approach the RYA Safeguarding Officer, a member of the coaching staff, or a practitioner with whom they feel comfortable. Such other person shall then report the matter to the Director of Racing.
- Discuss with the RYA Safeguarding Manager – If the Participant has tried the options above or feels as though they cannot raise the problem directly with anyone else then they may choose to speak to the RYA Safeguarding Officer. In these circumstances the RYA Safeguarding Officer may agree to have an informal meeting with the person with whom there are issues.

4. Formal Resolution

4.1 Let the RYA know the nature of the grievance

If it is not possible to resolve a grievance informally, a Participant should raise the matter formally and without unreasonable delay with the Director of Racing or, if the Director of Racing is the subject of the grievance, with the CEO. This should be done in writing, setting out the nature of the grievance and a brief description, which includes any relevant facts, dates and names of individuals involved: a suggested format is at **Paragraph 12**.

Normally the grievance will be heard by a panel consisting of either the Programme Manager, Director of Racing or CEO (as applicable) and a second person unconnected with the case from outside of the Racing Department. The Programme Manager, Director of Racing or CEO may appoint someone to act in his / her place.

4.2 Investigations

In some cases, it may be necessary to carry out an investigation into the facts surrounding the grievance. On receipt of the written grievance, the Participant shall be interviewed as soon as possible by the Programme Manager or the Director of Racing (or if they are the subject of the grievance by the CEO or person nominated by the Director of Racing or CEO). They may also choose to appoint an independent person or body to carry out an investigation.

The RYA requires all persons involved in grievance investigations to co-operate fully and promptly with this process. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews.

The RYA may initiate an investigation before holding a grievance meeting where this is considered appropriate. In other cases, the RYA may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, the RYA will hold a further grievance meeting with the Participant after the investigation and before reaching a decision.

4.3 Hold a meeting to discuss the problem

A formal meeting will be arranged as soon as reasonably possible. The following should attend:

- the Participant raising the grievance and their companion;
- any relevant witnesses;
- the panel outlined in 4.1

It may be appropriate for the person about whom the grievance has been raised (the respondent) to attend the meeting if the complainant agrees and it does not make the situation worse. If this is not the case, then the respondent should be invited to a separate meeting and may be accompanied by a companion.

Participants and their companions should make every effort to attend the meeting. If the Participant or their companion cannot attend, they should inform us immediately and we will try, within reason, to agree an alternative.

Participants will be able to explain their grievance and make suggestions as to how they think it can be resolved. Respondents and witnesses, if attending, will be asked to give a statement if appropriate.

4.4 Allow the Participant to be accompanied at the meeting

Participants may be accompanied at any grievance meeting by: another Participant; a member of the coaching staff; or in the case of a member of the British Sailing Team, a representative from the British Athletes' Commission (BAC). Participants under the age of 18 or classified as vulnerable adults/persons at risk may be accompanied by their parents or legal guardians.

4.5 Decide on the appropriate action

Following the meeting, there will be an adjournment to allow the person(s) hearing the case to decide it, or, if further investigations are required, to conduct these without unreasonable delay. After any further investigations, the grievance will be decided.

The Participant will receive a letter explaining the outcome of the grievance meeting (and any investigation) as soon as reasonably possible after the meeting has taken place. The Participant will also be informed what action is to be taken to resolve the grievance and, where appropriate, what may be required of the Participant. The Participant may request to be updated on the

progress of longer-term actions, if implemented. The Participant will also be informed of the right to appeal the decision if they are not content with the action taken.

4.6 Right of Appeal

Where a Participant believes that their grievance has not been satisfactorily resolved they have the option to appeal the decision. The Participant should inform the Director of Racing of the grounds (reasons) for their appeal within 10 working days of receiving the outcome letter. In the case of a Participant who is a British Sailing Team member, a copy must be sent to the Head of Sports Integrity at UK Sport.

The grounds for an appeal would reasonably be one or more of the following:

- the correct process was not followed;
- the decision maker was biased;
- the decision was made without considering all the relevant facts; or
- the decision was not one a reasonable person could have made.

Appeals will be heard without unreasonable delay by someone who has no previous involvement with the grievance and who is independent of the RYA Racing Department.

Participants have the right to be accompanied by: another Participant; a member of the coaching staff; a practitioner; or in the case of a British Sailing Team member, a representative from the BAC. The outcome of the appeal will be communicated as soon as possible following the appeal hearing and is the final stage in the Grievance Procedure.

5. Other points for consideration

Mediation is an extremely effective method of resolution in the majority of cases. On receipt of a formal grievance, it may be suggested that the parties consider mediation. When it is decided mediation is to be attempted, a trained mediator will be used.

The welfare of all parties is an important consideration during the process. Programme Managers and the Director of Racing must ensure that both the complainant and respondent:

- have a companion to support them if they want one;
- are kept briefed on the process if there is an investigation;
- do not have to work or train together while the grievance is being considered if it will make the situation worse.

Members of the British Sailing Team should continue to be able to access welfare support as required

6. Grievances after termination of involvement in a Programme

Where a grievance continues or is raised after the individual ceases to be a Participant this grievance procedure will be followed for a period of 3 months. Grievances will not be considered after 3 months.

7. Frivolous, Vexatious and Malicious Grievances

If during the investigation it becomes clear that the grievance would meet the test for being considered frivolous, intentionally vexatious or malicious, the Programme Manager or Director of Racing may close the case after discussion with, and ratification by, the CEO or RYA legal. Such instances will be rare and the RYA does not wish to discourage participants from raising valid grievances.

7.1 Factors which may indicate that a grievance is frivolous, malicious or vexatious

There are a number of factors that could contribute to a determination that a grievance is in this category. These factors are that the grievance:

- Adds no new information from a grievance which has already been determined by the RYA.
- Continually changes, apparently to prolong an investigation.
- Fails to identify clearly the substance or precise issues which require to be addressed.
- Is made by a person who makes excessive contact or unreasonable demands, including abusive behaviour and threats. This type of grievance may be dealt with under the disciplinary policy.

Finally, it is the grievance, not the person making the grievance, which must be considered. Where a Participant has made a vexatious or malicious grievance in the past, it will not be assumed that any future grievance will also be vexatious or malicious.

8. Confidentiality

Participants should not discuss a grievance matter outside of the RYA or outside of those directly involved in the handling of the matter. Doing so may result in disciplinary action being taken

9. Exceptional Circumstances

In cases where it is not practical to implement the procedure fully and expeditiously, for example in the absence of a witness, Participants will be dealt with as closely as possible in accordance with this procedure.

The RYA reserve the right to commission an independent party to undertake any investigation, into a grievance or appeal should it believe the case requires it.

10. British Athletes' Commission (BAC)

The BAC exists to provide confidential advice and support to all UK Sport funded athletes on performance programmes. Any WCP athlete who is considering using the RYA's grievance process can contact the BAC as follows:

Email: admin@britishathletes.org
Phone: 0203 126 4270
Web: www.britishathletes.org

11. Sport Integrity

The RYA has signed up to Sport Integrity, an independent disclosure and investigation pilot operated on behalf of UK Sport.

Sport Integrity facilitates an independent helpline for Relevant Persons as defined in the Sport Integrity Rules of Procedure to raise concerns with an independent body. If the concern raised falls within the jurisdiction of the scheme, Sport Integrity may carry out an independent investigation into the concern and will provide a report of the findings to the RYA.

Further details of the scheme can be found at www.sportintegrity.com

12. Note Taking & Records

The RYA requires 'meeting notes' to be taken at all meetings including a record of any decisions and outcomes. The interview must contain first party evidence and not include hearsay or speculation⁴.

Participants should be aware that material in obtained or produced connection with a grievance such as evidence, meeting notes or witness statements may be shared with other departments of the RYA, third parties such as statutory agencies, the police, or in the case of funded athletes, with UK Sport where circumstances require

It is not the policy for the RYA to make an audio recording of any investigations or meetings. Neither the RYA nor the Participant is permitted to record meetings, interviews or hearings without the other party's prior written consent. Unauthorised recording may result in disciplinary proceedings.

All records from the process, both formal and informal resolution, will be kept confidentially by the RYA for a minimum of 12 months.

⁴ First party evidence is evidence that the individual saw or heard. Hearsay is evidence that the individual was told by another party or overheard.

14. Process Flow Chart for formal resolution

