

The British Biathlon Union Grievance & Discipline Policy

This document sets out the British Biathlon Union (BBU) Grievance Policy for BBU Staff, Athletes, Members and Third Parties that may regrettably experience problems, concerns, or wish to raise a complaint against working conditions or their relationship with other BBU Staff, Athletes, Members or Third Parties.

The Policy aims to outline the procedure for such Grievances. The BBU views that it is in everybody's best interests to resolve problems, concerns, or complaints within the workplace at an early stage before they can escalate into more significant issues. For this reason, it is expected that the Complainant will try to resolve their complaint informally if possible. The Formal Procedure should only be used when Informal Resolution has failed to resolve the issue or is not making progress at a reasonable pace.

Although issues, problems, and concerns may be raised under the BBU Whistleblowing Policy, there is a distinction between a Grievance and Whistleblowing. The areas that are covered by the Policy relate to matters of personal interest and ones that do not impact on the wider public, whilst the BBU Whistleblowing Policy provides the framework for dealing with serious concerns.

It is our Policy to ensure that all BBU Staff, Athletes, Members, and Third Parties have access to a procedure that is fair, effective, and timely in helping to deal with any Grievances relating to their employment or programme.

Aims

To mutually resolve any BBU Staff, Athlete, Members or Third Party's Grievance raised within the BBU training, competition and working environment.

To provide a policy that enables BBU Staff, Athletes, Members, and Third Parties to either informally or formally raise any complaint, problem, or concern without Victimisation.

The Policy is not designed to include appeals against athlete selection decisions, competition/games decisions, competition/games results, anti-doping issues, or any matter which should be covered under the BBU Whistleblowing Policy or BBU Selection Document.

The Policy is designed to be read in conjunction with wider BBU Policies.

Policy Principles

The Policy is based on the following principles:

- Our approach to all parties will be consistent and fair. All parties will be treated with dignity and respect, and our approach will be open and transparent.
- All proceedings, whether informal or formal, should, so far as is practicable, remain confidential.

- Each step of the proceedings will be taken without unreasonable delay and hearings will be conducted in ways that enable both the Complainant and BBU to explain their case.
- Where more than one Complainant has lodged a complaint relating to the same, or substantially the same issue, the complaints may be dealt with together in the interests of fair and consistent decision-making.
- If the Complainant has difficulty in putting their Grievance in writing (for example, their first language is not English, or they have difficulty expressing themselves on paper), they should make the BBU aware of any difficulty by contacting the BBU Safeguarding Lead.
- The timescales set out in the procedures may be extended with the agreement of the parties.
- It is only possible to hear complaints that are within the power of the BBU to resolve.

Informal Resolution

The Complainant should first aim to solve the Grievance through means of Informal Resolution. This allows Grievances to be dealt with in an informal setting without having to go through the Formal Procedure. The procedure for resolving a Grievance by way of Informal Resolution is outlined below;

The BBU recommends that if the Complainant has a Grievance that involves another person, they should first try to resolve the matter by discussing it informally with the person involved. It is recommended that wherever possible the Complainant tries to settle their Grievances informally in the first instance, even if this is with someone more senior to them.

However, if the Complainant does not wish to raise their concerns with the other person involved for whatever reason, there are many ways in which the Grievance can be resolved informally:

- The Complainant may request a meeting with their Line Manager who will try to resolve the issue. The meeting should be held within 10 working days after the Complainant makes the request.
- Successful Informal Resolution can frequently involve the use of Mediation. Mediation is an extremely effective method of resolution that uses a Third Party to aid in resolving Grievances and it should always be considered from the outset. It is important to use a trained mediator when using this method and The British Athletes Commission have trained mediators that can be provided by UK Sport should they be needed.
- If the Complainant feels they cannot approach their own point of contact, or if the Grievance is about that Individual, they may wish to approach another senior member of the BBU with whom they feel comfortable.



If the Complainant is still dissatisfied, after any action to resolve the Grievance taken by the Individuals referred to above then they may proceed to the Formal Procedure.

Formal Procedure

If the Complainant is not satisfied with the treatment their Grievance complaint has received through Informal Resolution, they may continue with the Formal Procedure. The details of the Formal Procedure are outlined below;

The Complainant has the right to be accompanied by their Authorised Representative at every stage of the following Formal Procedure. This may be a trade union representative or fellow colleague. The Formal Procedure is internal to the BBU and apart from external trade union representatives, does not allow for any external representation.

If the Grievance has not been resolved during Informal Resolution and the Complainant wishes to proceed to the Formal Procedure, the Complainant may do so, and the complaint will be heard by the Panel. The Complainant must set out in writing without unreasonable delay, the nature of their complaint and the reasons why they were not satisfied with the Informal Resolution stage outcome.

The Complainant should explain how they think it should be settled. This must be submitted to the Chair of the Board.

Investigations in some cases, may be necessary to investigate the Complainant's Grievance. If there is an investigation, it will be conducted before holding a Formal Hearing. If after the Grievance hearing a further investigation is required, then a second Formal Hearing will be held.

For complaints relating to a process or decision, the Chair of the Board will appoint an Investigating Officer (which in most cases may be the Chair themselves) who will be asked to provide a full written report together with any relevant documents. The investigation should be conducted as quickly as possible while allowing for all relevant information and evidence to be gathered. A timescale for this will be agreed between the Complainant and the Investigating Officer.

An Investigating Officer may be someone internal to the BBU who is designated the role, or in investigations that have a larger scope, BBU may hire an independent person to fill the role.

For complaints against a named Individual or Individuals, the Chair of the Board will give a copy of the complaint to the Respondent at the earliest opportunity. The Respondent will present their response at a hearing with a view to gain relevant information and achieve a resolution without an investigation.



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

The Formal Hearing will be held within 10 working days of receipt of the Investigating Officer's report, or within 10 working days of the complaint being received if it is against an Individual.

The Complainant will be given 5 working days' notice that the Formal Hearing is to be held. The Complainant may request an alternative date to allow up to an additional 5 working days.

Any relevant written information or evidence must be made available to all parties at the earliest opportunity and, in any case, 24 hours before the Formal Hearing.

All parties involved will be allowed to attend and make representations at the Formal Hearing. Witnesses may be called. Refusal of either party to attend shall not invalidate the proceedings.

The Panel itself will consist of a Board member, a Line Manager, and an external independent member of the Panel. An impartial note-taker, will take down a record of the proceedings. Where possible, the Panel should have a gender balance.

A Formal Record of a Hearing will be given to the Complainant. In serious cases, the Formal Hearing will be recorded, and a copy will be given to the Complainant.

Following the Formal Hearing, BBU will adjourn to decide on what action, if any, to take. If further investigations are required these will be conducted without unreasonable delay.

The Panel's decision, the reasons for that decision, and any form of remedy will be communicated in writing to the Complainant who has made the complaint. Where the complaint is against an Individual, both parties will be given a copy of the decision. This will be handed to the Complainant whenever possible or posted directly by recorded delivery to the Complainant within 3 working days of the Formal Hearing and to the Complainant's Authorised Representative, where applicable.

If the Grievance is deemed valid by the Panel and the Grievance instead concerns other things such as work practices or health and safety, the Panel will conclude that there will be discussion surrounding a form of remedy to ensure the Grievance matter does not occur again.

Appeals

If the Complainant is not satisfied with the outcome of the Formal Hearing outlined in the Formal Procedure, they have the right of Appeal. The procedure for raising Appeals is outlined below;



An Appeal is commenced when the Complainant impacted by a Grievance decision, or their Authorised Representative makes an Appeal in writing to the BBU CEO by email to their email address within the time frame of 5 days after the original decision is delivered.

The Notice of Appeal must set out full details of the Complainant's ground(s) of Appeal and include:

- details of the decision which the Complainant is appealing;
- details of the ground(s) of Appeal upon which the Complainant relies, including the way the Complainant alleges that the Formal Procedure may not have been applied or followed;
- any documents or written evidence upon which the Complainant relies in support of their Appeal. Only documents relevant to the Complainant's grounds of Appeal may be submitted.

If the Complainant or their Authorised Representative fails to submit the Notice of Appeal within the time limit set out in this process, the Complainant will have lost their right of Appeal.

The Appeal will be considered first by the Panel who made the decision in the Formal Procedure, who will explain their reasons for the decision to the Complainant or their Authorised Representative. If the Complainant or Authorised Representative is not satisfied with the process or the outcome of the Panel's final decision, then the Complainant or Authorised Representative may opt to refer the matter to an Appeal Panel, based on the same grounds of appeal and Notice of Appeal.

The BBU will nominate an Appeal Panel made up of at least three people (one of which being independent and the remainder being internal to the BBU) and none of whom have any conflicts of interest in respect of the Appeal.

Once appointed, the Appeal Panel will receive the Notice of Appeal and supporting information as soon as reasonably possible. Chair of the Appeal Panel will convene a meeting to take place as soon as practical, and in any event, within 5 working days of receipt of the Notice of Appeal, at which the Appeal Panel will consider the Notice of Appeal.

The Appeal Panel will investigate the grounds set out in the Notice of Appeal and establish, to their reasonable satisfaction, whether or not there has been a failure to apply or adhere to the Formal Procedure.

The possible outcomes of an Appeal are:

- Confirm the original decision that is under Appeal and reject the Appeal; or
- Withdraw the decision under Appeal and remit the matter back to the Formal Procedure Panel, identifying the errors they have made in the conduct of the Formal Procedure and requesting that a new decision is made within 5 days;

- Withdraw the decision under Appeal and confirm the remedy suitable for the Complainant.
- The decision of the Appeal Panel shall be reached by majority vote and all members shall have one vote each.
- All parties will be informed of the Appeal Panel's decision to either confirm or withdraw the decision under Appeal.

Disciplinary Action

Where the Respondent admits misconduct and/or the Disciplinary Panel determines that any allegation has been found to be proved or a complaint has been admitted, the Disciplinary Panel, after taking into account any mitigation or representations made by the Respondent and the Case Presenter, may impose one or more of the following sanctions on the Respondent:

- A written warning as to his/her conduct which shall remain on the Respondent's record for a period of 3 years.
- A fine for such amount as the Disciplinary Panel shall in their sole discretion direct.
- Order the payment of compensation to a Member or other person for any loss, damage or injury (including injury to feelings) suffered by them.
- Order that any results of the Respondent from either past or future competitions or events shall not count.
- Suspend the Respondent from membership of British Biathlon Union for such period and/or from such specified competitions and/or events as the Disciplinary Panel decides.
- Expel the Respondent from the BBU.
- Require the Respondent to comply with a period of mentoring/ supervision/training.
- Require the Respondent to prove competence. This may specify relevant training to be undergone and a reasonable period within which it must be undertaken. If a participant fails, without good reason, to comply with such a requirement, the Panel shall reconvene and consider alternative or additional sanctions, or it may refer the case for consideration by another Disciplinary Panel.

Where applicable, when determining sanctions, the Disciplinary Panel will refer to the rules, regulations and codes of standards from any other relevant external bodies, for example, anti-doping sanctions will be administered in accordance with the current UK AntiDoping Rules and Regulations.

Members will not be entitled to the refund of any fees paid to the BBU for the duration of the sanction. Any member who fails to pay a fine or compensation imposed by the BBU or the Disciplinary Panel by the date stipulated or who fails to pay for goods or services provided by the BBU, including the processing of memberships . If such indebtedness is not fully settled by the date stipulated or within 30 days of the dispatch of such notification, the members shall automatically be suspended from all rights and privileges of membership of the BBU and no further transactions will be processed on their behalf until such payment has been received.



The BBU retains the right to refuse membership or renewal of membership in respect of any member. Where a disciplinary sanction imposes a suspension or expulsion on a Member and the Member submits an Appeal Form regarding that decision, such suspension or expulsion shall continue until the Appeal is heard unless, in the sole discretion of the BBU, there are exceptional circumstances which indicate that such suspension or expulsion should be lifted pending the outcome of the Appeal.

Confidentiality

BBU Staff, Athletes, Members and Third Parties should not discuss any disciplinary matter with anyone other than the parties involved in the process and the Complainant's own Authorised Representative. Failure to maintain confidentiality may result in disciplinary action being taken.

The outcome of a Formal Hearing will remain confidential to the parties involved. Disclosure may be made in accordance with BBU' legal, contractual, or regulatory obligations.

Invalid Grievances

During the investigation, it may become clear that the Complainant's Grievance would meet the test for being considered "malicious". The Investigating Officer can close the case after discussion with, and ratified by, the Board of Directors.