



## COMPLAINTS AND DISCIPLINARY POLICY AND PROCEDURE

## AMENDMENT RECORD

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## CONTENTS

BACKGROUND.....	4
1. DEFINITIONS AND INTERPRETATION .....	5
PART 1: APPLICATION OF THIS PRCEDURE .....	6
2. JURISDICTION .....	6
3. SUMMARY AND SCOPE .....	6
PART 2: PROCESS OF A COMPLAINT .....	7
4. COMPLAINT REPORTING AND INITIAL DC ACTIONS.....	7
5. TEMPORARY PRELIMINARY SANCTIONS.....	9
6. DC INVESTIGATION .....	10
7. DC HEARINGS.....	11
8. DC DECISION AND SANCTIONS .....	12
9. APPEALS.....	14
10. GENERAL.....	15

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**DMS-12469097 - 2.0 - 29.01.2018 British Powerlifting** is a trading name of

GB Powerlifting Federation Ltd

Limited by guarantee and Registered in England and Wales , No. 06625045

AFFILIATED TO: The International Powerlifting Federation & the European Powerlifting Federation

## BACKGROUND

- I. GB Powerlifting Federation Ltd ("**British Powerlifting**" or "**BP**") is committed to providing a fair, consistent and proportionate approach to the handling of Complaints.
- II. The Complaints and Disciplinary Policy and Procedure (the "**Procedure**") is designed to provide an open and transparent route for Complaints made under this procedure to be resolved fairly within a reasonable period.
- III. Where a Complaint necessitates formal disciplinary proceedings, BP shall exercise its disciplinary powers in the manner set out in this Procedure.
- IV. Included herein is the ability to enable a process for the consideration of Complaints that give rise to concerns about an individual's suitability to be working or volunteering with children, young persons and/or adults at risk within the sport.
- V. It is our intention to promote a culture where it is safe and acceptable for any person to raise any complaints or concerns including those of poor practice, bullying or harassment, neglect, grooming, abuse or other forms of misconduct. No person should be victimised for raising concerns or making a Complaint.
- VI. BP requires members and registered or affiliated organisations to co-operate in any Complaints investigation, where requested, to participate in interviews; to provide information and/or statements or any other information believed to be in their possession or knowledge and to attend hearings to give evidence. Members or those representing BP registered or affiliated organisations who fail to comply with these requirements, may themselves be subject to disciplinary action.
- VII. The Board of BP may amend this document as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the Board. The version in force is published on the BP website. Any existing Complaints where disciplinary proceedings have already been instigated prior to the introduction of this version of the Procedure will be conducted in accordance with the version of the Procedure that was in force at the time that proceedings were instigated.

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VIII. The laws of England and Wales shall apply in relation to these Procedures and to any legal dispute arising from these.

## 1. DEFINITIONS AND INTERPRETATION

1.1. For the purpose of this document, the following words and phrases shall have the following meaning:

<b>Word or Phrase</b>	<b>Definition</b>
<b>“Articles”</b>	the articles of association of British Powerlifting;
<b>“Appeal Panel”</b>	a panel of non-conflicted members of the Board to hear appeals in accordance with paragraph 9;
<b>“British Powerlifting” or “BP”</b>	GB Powerlifting Federation Ltd;
<b>“Board”</b>	the Board of British Powerlifting;
<b>“By Laws”</b>	the by laws of British Powerlifting as published on the BP website from time to time;
<b>“Case Panel”</b>	the panel formed by the DC to make the decision of the DC;
<b>“Complaint”</b>	any communication to BP from which it appears that there has or may have been a breach of the Articles of Association of British Powerlifting (the <b>“Articles”</b> ), the By Laws of British Powerlifting (the <b>“By laws”</b> ) or any other British Powerlifting policy, whether expressed as a complaint, disclosure, grievance, allegation, query or expression of concern or identification of an issue;
<b>“Complaint Form”</b>	the form contained at Schedule 1 of this Procedure to be completed by a Complainant as the initial step of a Complaint and sent to the DC in accordance with paragraph 4.1;
<b>“Complainant”</b>	is the individual or organisation who has raised the Complaint;
<b>“Disciplinary Committee” or “DC”</b>	the disciplinary committee formed by British Powerlifting in accordance with the By Laws;
<b>“DC Hearing”</b>	an in person hearing organised by the Disciplinary committee in accordance with paragraph 7 of this Procedure;

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<b>“DC Hearing Panel”</b>	a panel of at least 3 members of the Disciplinary Committee to undertake certain actions outlined in this Procedure;
<b>“Lead DC Member”</b>	a nominated member of the Disciplinary Committee who leads the investigatory stage of a matter in accordance with paragraph 6.1 of this procedure;
<b>“Procedures”</b>	the procedures outlined in this document;
<b>“Respondent”</b>	the individual or organisation against whom a Complaint is made and/or against whom disciplinary proceedings are brought;
<b>“working day”</b>	a day other than a Saturday or Sunday or a recognised public holiday in the UK

1.2. To the extent there is any conflict between this document and:

1.1.1. the Articles, the provisions within the Articles will prevail; or

1.1.2. the By Laws, the provisions of this Disciplinary procedure shall prevail.

## **PART 1: APPLICATION OF THIS PROCEDURE**

### **2. JURISDICTION**

2.1. BP’s Articles and By Laws require that, as a condition of membership, all members, and those associated with members, comply with all Articles, By Laws, policies and regulations made by the Board and conduct themselves in accordance with all relevant BP policies and in accordance with the spirit of BP’s objects.

2.2. Although BP has jurisdiction over those individuals and organisations described in paragraph 2.1, BP’s affiliated bodies (for example the IPF and EPF) may have their own disciplinary jurisdiction over such persons or organisations. In such a case, where both BP and another body have jurisdiction with regards a matter, the DC will determine how best to proceed in concert with that organisation.

### **3. SUMMARY AND SCOPE**

3.1. Subject to 3.2, these Procedures shall apply to:

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- 3.1.1. Complaints of alleged breaches of BP Governance Articles, By Laws, or other polices;
  - 3.1.2. Complaints that raise safeguarding concerns; and
  - 3.1.3. any other matter that the DC, in its sole discretion, considers may constitute misconduct or give rise to safeguarding concerns or should otherwise be dealt with under this Procedure.
- 3.2. These Procedures shall not apply to any anti-doping offences which shall be dealt with in accordance with BP's anti doping rules.
  - 3.3. BP's procedures are not an alternative way of addressing criminal offences. BP encourages complainants to report allegations or suspicions of a criminal nature to the police in the first instance. BP itself will involve the statutory authorities in appropriate matters. BP will support the police with any resulting investigation in line with its legal obligations. The DC will exercise its discretion when deciding whether to consider the Complaint before any criminal proceedings have concluded and may liaise with the police in this regard.
  - 3.4. It is normally necessary to identify the Complainant to provide the Respondent with a clear understanding of the allegations and ensure procedural fairness. In some situations, it may be possible to keep the details of a Complainant confidential (where there is a good reason for concern and/or the identity of the Complainant is not material to the case or anonymity has been requested), but this is sometimes not possible as the complainant's identity may be apparent from the details of the complaint provided to the Respondent.

## **PART 2: PROCESS OF A COMPLAINT**

### **4. COMPLAINT REPORTING AND INITIAL DC ACTIONS**

- 4.1. All Complaints should be made directly to the DC by a Complainant providing a completed Initial Complaint Form (as contained at Appendix 1) to the DC a their email address contained on the BP website (disciplinary@britishpowerlifting.org at the date of this policy). Any Complaint pursuant to this document received by BP or the Board, must be referred to the DC without any additional investigation.
- 4.2. The DC will make an initial assessment of the Complaint to determine whether the matter falls under the jurisdiction of these Procedures.

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- 4.3. If a Complaint falls outside the jurisdiction of these Procedures, it will be referred to the relevant organisation or BP department to be dealt with appropriately.
- 4.4. If the Complaint falls under the jurisdiction of these Procedures, the DC will assess the seriousness of the Complaint and may do any one or more of the following:
  - 4.4.1. dismiss the complaint as unfounded or as insufficiently serious to require any further action by BP. It is noted that this power should only be used in extreme circumstances where the DC is completely confident the matter meets that description;
  - 4.4.2. refer the complaint to another organisation or BP department;
  - 4.4.3. proceed with initial enquiries to help determine whether a full investigation is required;
  - 4.4.4. consider any temporary preliminary sanctions in accordance with paragraph 5 below;
  - 4.4.5. proceed to the investigation in accordance with paragraph 6 ; or
  - 4.4.6. report the issue to the relevant statutory authority.
- 4.5. If the DC determine that the case should be dismissed, they shall send the Complainant and the Board a notice containing:
  - 4.5.1. the name of the Respondent (unless it is deemed inappropriate to do so);
  - 4.5.2. the name of the Complainant (unless it is deemed inappropriate to do so);
  - 4.5.3. the date on which the Complaint was received;
  - 4.5.4. the reasoning for the case being dismissed at this stage; and
  - 4.5.5. details of the Complainant's right to appeal.



4.6. If the DC determine that further investigation is required, they shall send the Respondent, Complainant and Board a notice containing:

4.6.1. the name of the Respondent (unless it is deemed inappropriate to do so);

4.6.2. the name of the Complainant (unless it is deemed inappropriate to do so);

4.6.3. the date on which the Complaint was received; and

4.6.4. an outline of the next steps to be undertaken by the DC.

## **5. TEMPORARY PRELIMINARY SANCTIONS**

5.1. The DC may, at any time prior to the determination of a Complaint, suspend the membership of a Respondent or any part or parts of the rights or benefits of a Respondent if there are reasonable grounds to believe that one or more of the following is applicable:

5.1.1. children, young person(s) or adults at risk are considered to be at risk;

5.1.2. it is necessary for the protection of other persons;

5.1.3. the Complaint against the Respondent would, if established and upheld, result in the revocation of membership;

5.1.4. the reputation of BP, an affiliated association or a registered club could be harmed if the Respondent is not suspended; or

5.1.5. the continued involvement of the Respondent might impede enquiries and/or the investigation.

5.2. Suspension in these circumstances is not a disciplinary sanction and is communicated by BP to all third parties on a need to know basis as they solely determine.

- 5.3. The DC will maintain a record of those to whom the suspension has been disclosed. Disclosure may be made to anyone having a reasonable need to be aware of the circumstances.
- 5.4. Where the Respondent is the subject of a temporary suspension, the DC will review the suspension at regular intervals and update the Respondent as to the review outcome. Where the temporary suspension has been in place for at least six months, or as the case may be, six months since the last review, the Respondent has the right to request a review of the temporary suspension by submitting full written reasons for the review to the Board. The Board shall review the temporary suspension upon receiving the request for the review and communicate the outcome of the decision in writing usually within seven days of the request having been made. The decision of the Board on the review of the temporary suspension shall be final and shall not be the subject of any appeal.
- 5.5. Support to the Respondent shall be provided by the provision of appropriate advice and guidance.

## **6. DC INVESTIGATION**

- 6.1. The DC shall appoint:
  - 6.1.1. a Lead DC Member at the outset of their investigation who shall be responsible for carrying out, arranging and supervising the investigation as necessary. The investigator will also liaise with statutory agencies as necessary and obtain copies of any relevant evidence/information necessary for these proceedings, subject to Data Protection release and agreement from the agency that we are able to proceed with this process; and
  - 6.1.2. a DC Hearing Panel consisting of non-conflicted DC members who will consider the matter.
- 6.2. The Lead DC Member should ensure the timescales for the investigation are communicated to the Complainant and the Respondent as well as keeping them informed of progress of the investigation as it proceeds.

- 6.3. The Lead DC Member may request any BP member or individual on behalf of a registered or affiliated organisation to make written or oral representations. Failure to co-operate with a request to participate in an interview may itself be considered misconduct.
- 6.4. The Lead DC Member will ensure details of the complaint and any relevant additional material is shared with the Respondent unless the DC determines that disclosure of specific information may place any person or persons at risk of harm and/or revealing it to the individual may amount to a criminal offence and/or amount to an unwarranted infringement of privacy or might otherwise be unlawful.
- 6.5. As part of the investigation stage, the Respondent and/or Complainant may be interviewed where, in the sole direction of the Lead DC member, it is necessary;
- 6.6. As part of the investigation, the Respondent must be given a full opportunity to provide any written representations and evidence in response to the Complaint, particulars of which must be provided by the DC.
- 6.7. The Lead DC Member shall collate all evidence and prepare a summary of the Complaint and evidence, including any relevant information held on file by BP, for consideration by the DC Hearing Panel.
- 6.8. The DC Hearing Panel will review the evidence produced by the investigation and may take one or more of the following actions if they determine further information is required:
  - 6.8.1. refer the matter back to the Lead DC Member for further investigation of specific areas;
  - 6.8.2. to hold a hearing whether in person, by telephone or such other electronic communication system as may be deemed appropriate in all the circumstances and in accordance with paragraph 7 ; or
  - 6.8.3. request further information from the parties.

## **7. DC HEARINGS**

- 7.1. In accordance with paragraph 6.8.2, the DC Hearing Panel shall have sole discretion as to whether a DC Hearing is to take place.

- 7.2. The Respondent will be provided with a copy of the Lead DC Member's report and any other written material that the DC has considered, save for any material that, if provided could, in the view of the DC, place an individual at risk of harm from any person or persons, and/or revealing it to the Respondent may amount to a criminal offence, otherwise be unlawful or adversely impact on a police investigation.
- 7.3. A hearing conducted under these procedures is not a judicial hearing and therefore evidence will not be delivered under oath. The Panel adjudicating a hearing, will however, endeavour to apply the rules of natural justice.
- 7.4. If the Respondent fails to appear at the time fixed for the hearing without good reason, the hearing may be conducted in his or her absence if appropriate.

## **8. DC DECISION AND SANCTIONS**

- 8.1. Once the DC Hearing Panel are satisfied they have all the information they require, they may take any of the following actions (for avoidance of doubt, they may take any or all of the below as they see fit):
  - 8.1.1. refer the matter to the Police, Local Authorities Designated Officer or Children's Social Care or such other organisation(s) as may be appropriate;
  - 8.1.2. require protective measures;
  - 8.1.3. recommend that no further action be taken;
  - 8.1.4. Impose sanctions including, but not limited to:
    - 8.1.4.1. terminate a Member's BP membership;
    - 8.1.4.2. impose a ban on a Member's BP membership;
    - 8.1.4.3. removal of eligibility to participate in or be selected for competition or other powerlifting-related activity for a specified period;

- 8.1.4.4. suspending or removing from office one or more officials of an organisation;
  - 8.1.4.5. withdrawal of some or all powerlifting-related membership related benefit;
  - 8.1.4.6. conditions relating to the Respondent's participation in powerlifting related activities;
  - 8.1.4.7. first formal warning;
  - 8.1.4.8. final formal warning; and
  - 8.1.4.9. imposition of a Fine payable to a sports charity to be nominated by BP.
- 8.1.5. require the Respondent to make improvements which may include but is not limited to:
- 8.1.5.1. a personal development plan;
  - 8.1.5.2. requirement to complete a period of mentoring and/or supervision and/or monitoring;
  - 8.1.5.3. requirement to prove competence for any powerlifting-related activity;
  - 8.1.5.4. advice or directions on future conduct;
  - 8.1.5.5. requiring a person or organisation to modify the way in which it operates;
- 8.1.6. agree control measures designed to limit the safeguarding risk or potential of, posed by the Respondent or any other individual (subject to the full co-operation of the Respondent and/or the registered or affiliated organisation);
- 8.1.7. require the Respondent (and/or any other relevant individual(s)) to undergo a criminal record check;
- 8.1.8. require the Respondent to undergo a risk assessment conducted by a person specified by BP;

- 8.1.9. conclude that there is reasonable cause to believe that a child, young person or adult at risk, might be at risk and refer the matter to the relevant statutory agency consideration; or
- 8.1.10. any other action the DC thinks appropriate bearing in mind the case in question.
- 8.2. Once the DC has reached a decision it shall advise the Respondent within 14 days and provide written reasons for the decision.
- 8.3. The Complainant(s) and the Board will be provided with an appropriate summary of the outcome.
- 8.4. The DC may choose to give reasons for its decision. If it does so, no appeal shall be initiated or continued solely on the ground of the adequacy of those reasons.
- 8.5. Each party shall bear its own costs (including but not limited to legal costs, scientific or other expert's fees, witness costs) in connection with the Complaint(s) made or appeals brought under the procedures.

## **9. APPEALS**

- 9.1. The Appeal Panel shall be formed of non-conflicted members of the Board.
- 9.2. A Respondent may appeal any sanction of the DC imposed under 8.1.4.
- 9.3. The time limits set out in these procedures may be varied where appropriate and shall be determined by the Appeal Panel on application in writing by either party.
- 9.4. Either the Respondent or Complainant may appeal a decision of the DC.
- 9.5. Either party wishing to appeal a decision of the DC must submit a written appeal notice and inform the other party no later than 14 days after the date on which the DC's decision was sent to the parties. An appeal will normally be a review rather than a repeat of the Disciplinary Committee's investigation and hearing; however, the Appeal Panel shall have discretion to conduct the appeal as it considers appropriate.

9.6. The Appeal Panel shall conduct the appeal procedure and proceedings in such a manner as it sees fit in accordance with the Procedure and the rules of natural justice. This shall include but shall not be limited to:

9.6.1. stipulating how the appeal shall be handled;

9.6.2. whether to hold a hearing whether in person, by telephone or such other electronic communication system as may be deemed appropriate in all the circumstances if at all;

9.6.3. the regularity of communication to the parties.

9.7. The decision of the Appeals Panel shall be delivered in the form of a written decision with reasons. In the event:

9.7.1. that the Appeal Panel upholds the decision of the DC against the Respondent, it may confirm the sanction imposed by the DC or, in exercise of its discretion, impose such other sanction(s) as would have been open to the DC to impose;

9.7.2. that the Appeal Panel overturns the decision of the DC in relation to the Respondent, the Appeal Panel, in the exercise of its discretion, can impose such sanction as it sees fit would have been open to the DC to impose had it found against the Respondent;

9.7.3. Concerning an appeal only against the sanction imposed, the Appeal Panel can exercise its discretion to affirm the sanction imposed by the DC or substitute its own sanction(s) in place of that of the DC.

9.8. A copy of the decision in writing will be sent to the Respondent and the Complainant no later than 21 days following the completion of the appeal hearing.

9.9. No Appeals Panel will have the power to make an award of costs against either party.

## 10. GENERAL

10.1. Where a Complainant, Respondent or witness requires adjustments to enable them to participate fairly in any aspect of the complaints and disciplinary process, the DC will

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consult with the individual and, where considered reasonable, will ensure appropriate adjustments are made.

- 10.2. Appropriate advice and guidance will be provided to the Respondent and may also be provided to the witnesses or to the Complainant.
- 10.3. BP shall not be liable for any travel, subsistence or accommodation costs of the Respondent, Complainant any witnesses who may be required by the Respondent to attend any hearing, his or her adviser and/or companion nor for any fees which may be payable to any adviser.
- 10.4. Where a Respondent is under the age of 16 years, correspondence will be addressed to their parent or guardian only and they will be entitled to attend together with their child, if a complaint results in a hearing and make such representations as the parent or guardian thinks fit on the Respondent's behalf.
- 10.5. Where a Respondent is between 16 and 18 years, the DC will be responsible for confirming whether the Respondent consents for copies of the correspondence to be provided to their parent or guardian. If a Complaint results in an appeal hearing, Respondents under the age of 18 are entitled to be accompanied by a parent or guardian.
- 10.6. With appropriate consideration to relevant matters of confidentiality, if any, BP may publish, or cause to be published on its website or elsewhere, the outcome of a DC and/or an Appeal decision and will notify the Complainant, Respondent or other persons or organisations, as appropriate, of the outcome.
- 10.7. BP shall not be liable to any individual, club or organisation that is suspended or disqualified from powerlifting-related activity for any loss however caused out of or in connection with suspension or disqualification under this procedure.
- 10.8. If there are reasonable grounds to believe that a person, either individually or on behalf of an organisation, or body has not given full and truthful evidence, this conduct may be the subject of a separate charge of misconduct.



- 10.9. The Complaint Form at Schedule 1 shall be used to lodge any complaint or grievance and sent to Chairman British Powerlifting Disciplinary Committee Mr Ian Finch, email [disciplinary@britishpowerlifting.org](mailto:disciplinary@britishpowerlifting.org)

## SCHEDULE 1

### COMPLAINT FORM

All fields must be completed on the form below in order for the Disciplinary Committee to consider your Complaint. Please provide as much detail as possible about your Complaint.

You do have the right, in certain circumstances, to remain anonymous; however, this may not always be possible depending on the nature of the Complaint. If you indicate below that you do wish to remain anonymous and this is not possible, the Disciplinary Committee will contact you.

Please ensure you have read the British Powerlifting Disciplinary Procedure to understand the jurisdiction and purpose of the Disciplinary Committee. If you have any initial questions regarding whether the Disciplinary Committee is the appropriate forum for your grievance, please email the Disciplinary Committee at [disciplinary@britishpowerlifting.org](mailto:disciplinary@britishpowerlifting.org) in advance of filing the below.

British Powerlifting take all Complaints made seriously. Members are reminded that the inappropriate filing of Disciplinary Complaints can in itself be a breach of member conduct.

<b>NAME OF COMPLAINANT</b>	
<b>MEMBERSHIP NUMBER OF COMPLAINANT (IF A MEMBER)</b>	
<b>POSTAL ADDRESS OF COMPLAINANT</b>	
<b>EMAIL ADDRESS OF COMPLAINANT</b>	
<b>TELEPHONE NUMBER(S) OF COMPLAINT</b>	
<b>DO YOU (COMPLAINANT) WISH TO REMAIN ANNONYMOUS? IF YES, PLEASE BRIEFLY OUTLINE WHY.</b>	
<b>NAME OF INDIVIDUAL(S) YOU ARE COMPLAINING AGAINST.</b>	
<b>ANY CONTACT DETAIL OF INDIVIDUAL(S) YOU ARE COMPLAINING AGAINST (F KNOWN).</b>	
<b>ARE ANY OF THE INDIVIDUALS INVOLVED UNDER THE AGE OF 18</b>	
<b>OUTLINE OF YOUR COMPLAINT.</b> <b>PLEASE PROVIDE AS MUCH DETAIL AS POSSIBLE INCLUDING (WHERE POSSIBLE) NAMES, DATES, WITNESS NAMES, EVIDENCE, BRITISH POWERLIFTING RULES YOU BELIEVE TO BE BREACHED AND/OR ANY OTHER INFORMATION YOU THINK WILL BE HELPFUL.</b>	

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**I confirm that the information contained on this form and provided is, in my reasonable belief, true and accurate in all regards.**

**SIGNED (COMPLAINANT)** .....

**PRINT NAME** .....