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## BMSS Complaints Policy

### What is a complaint?

Swim England – Club Complaint is a complaint involving an alleged breach of the club's rules or any other dispute not relating to an alleged breach of Swim England regulations, between two or more club members, any or none of whom may be an officer of the club, or one or more club members and one or more employees of the club (dealt with under regulation 103 in the Swim England handbook).

Excludes:

- Breach of Swim England Regulations (dealt with under regulation 104 in the Swim England handbook)
- Allegation against paid employee of the club (dealt with through the contract of employment and if in breach of regulations then also dealt with under regulation 104 of the Swim England handbook) Staying local for university but with reduced capacity to train.

### Club Complaint Process

**Step 1: Amicable resolution** Make attempts to resolve the situation amongst those involved without involving the BMSS committee or a 3rd person. It is important to remember that both parties should follow up in writing / via email to each other what was discussed and agreed so there is some record of what took place. If this is not successful or possible move onto step 2.

**Step 2: Club Complaint Log Form** Request a club complaint form from the chairperson (bmss.chair@outlook.com).

**Step 3: Mediation (optional)** If both parties agree to mediation, the chair will appoint an independent mediator. If either party does not feel able or want to have mediation the process will move onto step 4.

**Step 4: Club Complaint Hearing** This requires the chairperson to form a panel of 3 independent members (often from other clubs) who listen to the complainants and respondents' viewpoints. Up to 3 witnesses for both parties can be brought to the hearing to give evidence, following prior arrangement with the panel chair.

**Step 5: Club Complaint Outcome** Sanctions can be applied accordingly or if appropriate the matter can be referred to the OJA as a Judicial Complaint. Outcome is final and binding unless grounds to make a Judicial Complaint if:

- they believe that the Club or panel did not comply with Judicial Regulation 103; or
- they believe that a sanction imposed by a panel is disproportionate.

A Judicial Complaint may not be made by a party to a Club Complaint on the sole basis that a panel's decision was not in their favour.

Please contact the chair person on bmss.chair@outlook.com if you need to discuss anything with regards to the process of dealing with a complaint or potential complaint.