



Community Games

Complaints & Disciplinary Policy

Updated May 2016

Complaints & Disciplinary Policy

General

Any member may make a complaint if they feel the standards of care, treatment and practice of Community Games are perceived to fall short of what is acceptable. A complaint may be against Members, Participants, Volunteer, Areas, County or Provinces of Community Games. This document sets out how formal complaints should be made and what will happen when they are made.

Users should note the following:

1. These rules do not apply to complaints of child abuse or suspected child-abuse. Community Games has a specific policy for these complaints. Details of these policies can be downloaded from our website.
2. These rules do not apply to complaints concerning the format or conduct of events themselves. Such complaints should be made at area level and progressed through the usual channels.
3. These rules do not apply to informal complaints of any nature. Informal complaints are those not put in writing. There is an exception to this which is that where it is believed by the person involved that someone or their property is in danger or about to become endangered, immediate action will be taken by Community Games and its representatives to remove the danger and resolve the situation. In these urgent cases the complaint should be made without delay to the Games Director (Area, County & Provincial Level) or Event Controller (National Level) who may impose an immediate suspension from the Event or Games, pending further investigation.

This policy allows for disciplinary action to be taken against any Member, Participant, Volunteer, Area, County or Province of Community Games on foot of a complaint if any breaches of the Rules and Procedures of Community Games are found to have occurred.

This Policy sets out the factors to be taken into account in dealing with complaints and if required, discipline. It identifies the relevant bodies to deal with complaints and disciplinary matters. It specifies how each is commenced validly and clarifies the stages involved, right of appeal and the grounds of challenge under *Just Sport Ireland (JSI) arbitration*.

To ensure that complaints and disciplinary hearings are consistent at all levels in Community Games each person or committee (Complaints and Disciplinary Committee – abbreviated to CDC) entrusted with jurisdiction to deal with complaints or disciplinary hearings must adhere to the rules and procedures set out in this policy. In the case of any conflict between any other rules, byelaws or codes of conducts introduced by Community Games at any level, this policy will take precedence.

If there is, in the opinion of the Board, an omission in this policy that renders any matter unclear or uncertain, then the matter shall be clarified by the Board in accordance with the spirit of this policy and their decision based on their clarification shall be binding on all parties. The Board will amend this policy to remedy the omission.

The Board of Community Games may review and amend this Policy and its rules and procedures from time to time, particularly where omissions, experience, legislative updates or legal developments indicate it prudent to do so.

Every official, spectator, member, including all participants and volunteers shall accept that this Policy and its rules and procedures shall govern how all complaints, disciplinary actions, or dispute of whatsoever nature and howsoever arising shall be determined.

As there is a cost in administering the Complaints and Disciplinary Committee process, complainants will be subjected to an administration fee as set out on the most recent version of the Complaint Form. Where a complaint is upheld the administration fee will be reimbursed.

Complaints

Complaints are only deemed to be made when they are put in writing and signed by a person or persons making the complaint and submitted to the appropriate CDC with the appropriate fee. Written complaints will always be deemed serious enough to commence the formal processes outlined below in this policy. To assist those who feel the need to make a complaint, Community Games has a form for doing so. This form is available to download from the Community Games website or from Appendix 2 of this policy.

So, for a complaint to be valid, the complaint shall:

- 1) Be made within 14 days of the date of the alleged incident or breach (save where exceptional circumstances are proven to the satisfaction of the relevant CDC)
- 2) Be in writing completed on the official Complaint Form for the time being
- 3) Refer specifically to a particular incident or incidents
- 4) Specify the Rule allegedly broken or the breach that allegedly occurred
- 5) Be accompanied by an appropriate fee made payable to Community Games. The fee in respect of complaints is always on the most current version of the complaint form. As of May 2016 the fee at Area Level shall be €20, at County Level shall be €40, at Provincial Level €60, and a National Level, €100.

Complaints must be dealt with at the lowest local level (in order Area/County/Province). In the event that the matter is not resolved satisfactorily at that local level or if either party is still not satisfied with the outcome, it moves up to the next level. To allow for this each level will appoint a CDC. This is an abbreviation for a Complaints and Disciplinary Committee. Details of these Committees are at Appendix 3. It is to the appropriate CDCs that complaints are made. The function of the CDC (at the appropriate level) is to hear and decide on complaints and to impose Disciplinary Action if necessary. They shall do so in a fair and timely manner. If the matter is not resolved at the Provincial level then it can then be appealed to the National Complaints and Disciplinary Committee (NCDC). If either party is still not satisfied with the outcome, there is the right to challenge the decisions of the NCDC to the Board of Directors on certain grounds before *Just Sport Ireland (JSI) arbitration*.

The Board of Directors shall refer all complaints made directly to it to the NCDC.

The Board of Community Games shall appoint the National Complaints and Disciplinary Committee (National CDC). The National CDC will investigate and decide on the outcome of all complaints and on all consequent disciplinary actions that have not been resolved at Provincial levels or that may have been made directly to it or any otherwise unresolved matters. The Board of Community Games shall entertain appeals of any decision made by the National CDC. In so doing will apply the rules of a CDC to itself so for example, any board member who is connected in any way whatsoever to the matter under appeal shall absent themselves from the Board's deliberations of the appeal and shall not attempt to influence other board members in their deliberations.

Any complaints of breaches of:

- (I) This Policy,
- (II) These Rules and Procedures,
- (III) The Memorandum and Articles of Association of Community Games,
- (IV) The Community Games Administration Rulebook,
- (V) The Community Games Code of Conduct and
- (VI) Any or all other Community Games Policies or Statements.

and any actions bringing the Community Games into disrepute (including but not exclusively, any form of abuse, aggressive, bullying or threatening behaviour, coercion, intimidation, incitement to hatred or violence, assault or damage to property, any form of alcohol or substance use or any mischievous, malicious or



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vexatious behaviour) shall be determined in accordance with this Policy and all members, volunteers, participants, spectators, Areas, Counties, Provinces and National Committees or Sub-Committees and any other unit provided for by the Board now or in the future shall be subject to this Policy. Consequently, the policy covers all complaints of whatsoever nature and howsoever arising except for the three exclusions mentioned above.

Where a Person is charged with a criminal offence, which if proven, is likely to bring the Community Games into disrepute, then that Person may be suspended from membership by the NCDC if it forms the opinion that it is prudent to do so. Such a suspension shall also preclude that person from future participation in Community Games events and from attending at any building in which Community Games and its affiliates or associates gather for the preparation for an event pending the resolution of the matter but without the necessity on the part of the NCDC to have an oral hearing on the matter.

Consideration of Complaints

On becoming aware of a complaint, a CDC shall be empowered to impose a suspension on a member, participant or volunteer pending the determination of the complaint where the gravity of the allegation made or the potential consequences of not imposing a suspension shall in the opinion of the CDC warrant such immediate suspension.

The Respondent, if there is one, shall be issued with a copy of the formal complaint within 3 working days of receipt by the CDC.

Community Games supports mediation as a form of dispute resolution. Where a CDC considers a complaint appropriate for resolution by mediation then the parties to the complaint shall participate in the mediation. The mediation does not prejudice either party's right to proceed to a formal hearing by the CDC should the mediation not result in a settlement of the complaint.

Where an application has been made to the General Secretary by any party for an expedited hearing of a complaint, consent may or may not be given by the General Secretary to such an expedited hearing. If consent is given then that complaint shall be referred to the NCDC.

Within 7 days of receipt of the complaint, the CDC shall write to the Complainant and Respondent seeking clarification of any facts and copies of any documentation and inviting the parties to make any further comment or produce any further documentation and seeking any further details as the CDC may deem necessary. The CDC shall have discretion to extend the deadline where they deem it appropriate.

Co-operation with any investigation of a complaint is essential, such co-operation is expected from all concerned, and a CDC may draw conclusions from the lack of co-operation.

In determining whether to uphold a complaint, a CDC shall take into account the following factors:

1. Age
2. Co-operation
3. Prior Warnings
4. Prior Record
5. Apology offered
6. Remorse
7. Gravity of offence
8. Effect on parties affected by the, matter complained of
9. Effect of sanction on Respondent
10. Any other factor deemed relevant

The CDC shall convene an oral hearing in the case of Disciplinary Action. In the case of a complaint, the CDC shall have discretion to either convene an oral hearing or decide the complaint on a "documents only" basis. In considering the above, the CDC shall have regard to the gravity of the complaint.

Where an oral hearing is convened the CDC shall notify the parties of:

- 1). The specific complaint, alleged misconduct or objection
- 2). The relevant rule and offence allegedly breached
- 3). The identification of the parties
- 4). The time, date and venue of the hearing
- 5). The procedures involved
- 6). The possible sanctions
- 7). The rights of the parties
- 8). Any other procedural requirements



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The CDC may conduct a hearing to determine any complaint.

At a hearing the Complainant shall first present their complaint and call such witnesses and make such submissions and the Respondent if there is one shall respond in like manner.

The CDC, in its discretion, may invite third parties (including but not limited to witnesses, officials or experts) to provide evidence or assistance to the Committee in any form at a hearing. The CDC may also invite such third parties to make submissions in writing or otherwise in advance of the hearing.

The parties to a complaint are entitled at a hearing to be accompanied by one person, who attends in a supporting role but not to speak on their behalf.

In the event of the non-attendance of a Complainant at a hearing, without notice deemed sufficient by the CDC to be reasonable cause for non-attendance, the complaint shall be deemed to have been determined in the Respondents favour and not upheld and shall be at an end.

The CDC may adjourn or rearrange any hearing at its discretion. An adjourned or rearranged hearing shall take place as soon as is practicable, and any suspension already imposed, shall be automatically extended until the rearranged hearing takes place.

The CDC will determine whether the complaint is upheld.

Following a decision either on foot of the consideration of all of the documents relating to the complaint or on foot of a hearing a CDC may decide to uphold the complaint. If a CDC does uphold a complaint it shall take disciplinary action.

Once a decision is made as to the veracity of the complaint then if the complaint is upheld, a CDC shall take into account mitigating and aggravating factors if any. If the complaint is not upheld then the matter shall be at an end.

CDCs shall make decisions based on the 'balance of probabilities' as they see it.

Members of CDCs shall keep all information disclosed to them confidential and no disclosure of any detail shall be made to any third party unless by order of the Courts or the Board.

The Board may require the disclosure of certain facts to be made to other persons at Area, County, Province or National level but only where strictly required. The documents produced during any internal proceedings shall remain private to Community Games unless required by the Courts to be made public.

Members of CDCs shall not be held personally liable in any forum or Court for any acts or omissions in their role as members of the CDCs.

Complaints against any member of the CDCs sitting as members of CDCs will not be entertained.

Any costs or expenses incurred by any party (or any of their witnesses) incurred prior to, during or after a CDC hearing will be the sole responsibility of that party.

The decision of the CDC shall be notified in writing simultaneously to the relevant parties within 3 days of the making of the decision.

The decision shall include reference to the parties' right to appeal to the next level within 7 days of the date of notification of the decision.



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While the appeal if any is being determined, the original sanction imposed by the CDC shall stand.

Disciplinary Action

All CDCs shall have the power to take disciplinary action. Such action shall be taken when a complaint is upheld.

In the circumstance where a Games Director (Area, County & Provincial Level) or Event Controller (National Level) has imposed an immediate suspension they shall prepare a report for the appropriate CDC within three days of the incident or as soon as possible thereafter where they deem further sanction necessary. This report shall be treated as a complaint. The report prepared shall contain details of the nature of the misconduct, the suspension imposed and the time, date and place of the incident.

Disciplinary actions shall comprise but not be limited to the following and shall be imposed at the discretion of the CDC once it has upheld a complaint.

1. A verbal warning
2. A written warning
3. A suspension
4. A fine
5. An expulsion

The General Secretary shall be notified if a Member, Participant, Volunteer, Area, County or Province is sanctioned, suspended or expelled, or if an individual steps down from a position. Such notification shall be in writing and detail the facts of the complaint and the outcome. The General Secretary shall report to the Board of Directors on all findings of CDC's at the next Board meeting.

Appeals

Each party to a decision of a CDC shall have the right of appeal. An appeal must be made within seven days of publication of the CDC decision.

Each CDC shall be the appellate body of the next lower CDC. Hence, a decision of the Area CDC may be appealed to the County CDC. A decision of the County CDC may be appealed to the National CDC (NCDC). A decision of the Provincial CDC may be appealed to NCDC.

The Board shall be the appellate body for all appeals for the NCDC.

All decisions by the Board are final and not subject to appeal within the organisation.

Any person who sits on the NCDC and who is also a member of the Board of Directors, may not sit on the Board of Directors to preside over an Appeal.

The appeal shall be a fresh hearing as if the first hearing before the CDC did not take place but no evidence not presented in the first hearing shall be admitted.

The appellant shall deliver a written notice of appeal to the Chief Executive Officer specifying (a) date of decision (b) the grounds of appeal (c) copy of relevant documentation and (d) an Appeal fee of €100.

The procedures set out for CDCs shall apply to Appeal hearings.

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Appendix 1. Definitions

Area - means the geographical area within a County as defined in the Community Games Articles of Association.

Board - means the Directors of Community Games.

CDC - means the Complaints and Disciplinary Committee at Area, County, Provincial and National level including those Committees which sit in an appellate function which in turn includes the National complaints and Disciplinary Committee (the NCDC).

Community Games - means the National Community Games Limited t/a Community Games.

Complaint - means an expression of discontent made by a party submitted in writing together with an appropriate fee.

Complaints and Disciplinary Committees (CDC) - means the committees appointed at Area, County, Provincial or National level to hear and determine such complaints or Disciplinary Action.

Complaint Form - means the official complaint document template as set out at appendix 2 and available on the Community Games website or on application from the Head Office.

Complainant - means the party making the complaint.

County - means the usual 32 bounded geographical areas known as counties of Ireland.

Disciplinary Action - means any disciplinary action imposed by a CDC.

Event - means any game, training exercise, meeting, seminar, conference, competition or activity organised and sanctioned by Community Games.

Member - means any representative of an Area, County, Province or Director at National level as defined in the Community Games Memorandum and Articles of Association.

NCDC – means the National Complaints and Disciplinary Committee.

Official - means any person who officiates, judges, referees or assists in officiating, judging or refereeing in any Event (County, Provincial or National).

Parent - means the legally appointed person responsible for a child (parent or guardian).

Participant – means any athlete that is eligible to compete in activity or event.

Procedures - means the procedures set out in this policy.

Respondent - means a person(s) or Area or County responding to a complaint.

Spectator - means any person who neither participates nor officiates at an Event but who attends in a capacity to view a participant or participants.

Volunteer - means any person who contributes to the organisation and administration of the Community Games at any level at any Event or Activity.



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Appendix 2. Complaint Form.

(The Complaint Form may change from time to time and an up to date version is always available on the website of Community Games at www.communitygames.ie).

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Appendix 3. Complaints and Disciplinary Committees (CDCs).

1. A CDC shall consist of a minimum of 5 Members and be appointed by County Executive at County level, by the Provincial Committee at Provincial Level and by the Board at National Level. At Area Level the CDC must consist of 3 Members appointed at the Area AGM.
2. A Children's Officer may not sit on the CDC.
3. A quorum of at least 3 members of the CDC shall be necessary to convene a hearing.
4. A CDC shall be empowered to delegate any particular function to one member of the CDC, save and except for any decision on culpability.
5. A Chairperson shall be appointed at the first meeting of any CDC and thereafter they shall Chair all meetings and hearings.
6. No person appointed to the CDC shall hold that appointment for more than five years continuously.
7. A member of a CDC shall decline to participate in any decision if in their opinion there may be grounds to question their impartiality.
8. A member of a CDC shall not participate in any decision in which they have a direct or indirect interest in the outcome of the proceedings.
9. All decisions of the CDC shall be by majority vote.
10. CDCs shall have no authority to and shall not attempt make any award of costs.