

# Dispute Guidance

Guidance to IVC Clubs on handling Disputes, Grievances and Complaints

1. Clubs need to be able to deal effectively with Disputes, Complaints and Grievances in ways that take only a reasonable amount of effort and which do not cause harm. This guidance has three aims.
  1. To give clubs enough confidence so that they can act to handle such issues
  2. To provide guidance so that clubs don't make more problems for themselves
  3. To reassure members that they will be treated fairly
2. Feelings can run high and matters should be dealt with in an utterly confidential way. It's always 'good gossip' when problems happen but it does not help resolve issues and it can easily amount to bullying or harassment. It is quite possible that people on all sides will feel angry, threatened or vulnerable. It is quite normal for people caught up in an issue to behave less rationally than they otherwise would do. So that people are not unduly stressed it is important to deal with matters with care and sensitivity. Matters should be dealt with as speedily as possible with aim of limiting damage and achieving closure so that everyone can 'move on'.
3. There are four ways that disputes or problems can be handled. The more informal the methods are better as they take less effort and are more likely to produce a good result.
  1. If a members conduct is causing concern you could send them a copy of the Clubs Code of Conduct. You must only do this in a non-judgemental way and only once or very infrequently.
  2. Get another member, who has the respect of the member whose conduct is causing concern, to have a 'Quiet Word'.
  3. Invite the persons concerned to take part in Informal Mediation.
  4. Instigate Formal Proceedings which may result in a penalty or sanction being imposed on a member. This should start with Formal Mediation for a period of one or two weeks in the hope of settling the issue with a minimum of effort or damage. If that fails then a Disciplinary Proceeding should automatically start.
4. Mediation must be completely confidential and nothing revealed in it should be used elsewhere. This needs to be done by someone who has the respect of all parties to the Dispute.
5. Formal Proceedings can only be based on a written complaint. Complaints should be accepted about any current member of the Club providing that there is an IVC dimension.
6. Deciding to impose a penalty on a member is a judicial process and must be taken seriously. Clubs must not impose any sort of sanction or penalty on a member without sticking to the rules of Natural Justice. In other words you must be fair. If you do not do this then you leave the club, and possibly committee

members, wide open to legal challenge. Aristotle once said “The law is reason, free from passion”.

7. The rules of Natural Justice are simple and straightforward and there are only two.
  1. **Fair Hearing** – All parties should be given a fair opportunity to present their case, should know what the other evidence is so they can challenge it and what they say must be fairly considered.
  2. **Judicial Impartiality** – The body hearing the matter must act in a genuinely fair way, its members must not have any pre-conceived ideas, they must not have any particular animosity or friendship with any of the parties to the case and they should not have any personal interest in the case. They should ideally have the confidence of all concerned (and others). They should not have had any prior dealings with the case. Decisions must be made solely on the evidence presented.
8. Members should not normally be suspended prior to a case being heard as this deprives them of their right to enjoy their membership of the club and attaches a presumption of guilt. You cannot suspend a member unless the clubs rules allow it.
9. There are four bodies that can hear cases or Appeals.
  1. The Clubs Committee
  2. An Internal Tribunal made up of senior/experienced Club Members
  3. An External Tribunal drawn from nearby IVC's
  4. An External Adjudicator (a Professional such as a Solicitor or Accountant)
10. It is not recommended that Club Committees get involved in Formal Proceedings unless the case is simple, the likely penalties light and the club is small. Committees are not the best body to hear cases for the following reasons.
  1. It is too distracting for the Committee which needs to concentrate on running a successful club.
  2. If the Committee deal with these matters then all the members of the Committee have to get involved and fully consider all the evidence. This is too much effort and the number of people may be intimidating for the people subject to the process.
  3. Committees can be political and these issues need looking at in an utterly rational way to ensure justice.
  4. The Committee cannot fairly deal with Complaints about itself or any of its members.
11. There should be an Appeal process. Appeals should ideally be held by an external body (Tribunal or Adjudicator). They should be lodged within a short time, say two weeks (except on grounds of new evidence) and should be allowed for any of the following reasons.
  1. That the decision reached was one that no reasonable body could have come to. This is not the same as simply disagreeing with the decision.

2. That errors in procedure or of understanding the rules or facts were made and these were serious enough to have possibly affected the outcome
  3. That new evidence has come to light which was not available at the time of the original hearing and which may have affected the outcome if it had been known.
12. Decisions should be in writing, should normally give reasons and should be delivered to all parties and the Committee at the same time. The decision should take effect immediately it is issued.
  13. At the bodies entire discretion the matter may be dealt with without a hearing, ie entirely on paper. If there is a hearing then all parties should be invited. Each party is entitled to be accompanied by a friend who has a right to be heard. The standard to use is "Balance of Probabilities" rather than "Beyond Reasonable Doubt".
  14. Any Penalties should be appropriate to the case. The case being found may be penalty enough. Bodies hearing cases should use their ingenuity and imagination to come up with appropriate penalties suited to the case in question. Modest fines or compensation may be appropriate.
  15. Suspensions from membership should be limited to a maximum of 6 months as otherwise it would effectively amount to an expulsion. Being barred from certain types of activity or event may be appropriate but should always carry a time limit of, say, a maximum of 2 years. Expulsion should only ever be a last resort and should be time bounded for a minimum of one year (to prevent a sympathetic Committee from re-admitting the person) and a maximum of five years. For misconduct by a Committee member in their official capacity a penalty of being barred from office should be considered (for a specified time which should not be more than five years).
  16. The body may make whatever recommendations they feel appropriate or helpful to the Clubs Committee. Such recommendations are not binding.
  17. If the body hearing the Complaint (or an Appeal) thinks that the Complaint (or Appeal) may be malicious, mischievous, frivolous, is otherwise an abuse of the process or possibly should have been resolved at an earlier stage then they should say so. If they are sure that this is the case then that decision should form part of their findings and they may award an appropriate penalty.
  18. It is recommended that clubs have the following question on their application forms. "Have you ever been refused admission or expelled from any IVC Club? If so please give details." An answer of Yes to this question should not automatically cause an application to be refused but it should prompt further consideration.

Note: The information in this document is offered in good faith but no liability can be accepted for any errors or omissions.