

Dispute Guidance

Notes on how to Hear a Complaint

These Notes should be read in conjunction with the Dispute Guidance document. These notes are intended to be supplementary and subservient to the Dispute Guidance.

1. Serving on a Hearing Body is a very useful and important duty to perform for IVC. It provides a rational way to deal with Complaints and Grievances and so to allow issues to be resolved without resort to other less desirable routes. It also clearly asserts that IVCs are quality organisations.
2. You must stick to the principles of Natural Justice as explained in the Dispute Guidance document.
3. You must take care that all parties involved are informed of all the allegations and evidence against them and are allowed every opportunity to defend themselves.
4. If you are a Tribunal you must take care to liaise and to act externally as one body. This is to produce the best quality result, the most authoritative result and to protect against any improper pressure.
5. The first thing you should do is to read the relevant procedural documents so that you can act in accordance with them. These should have been sent to you by the Club and are available on the IVC Web Site (www.ivc.org). You should probably put aside an hour to do this. The relevant documents are
 1. Code of Conduct
 2. Dispute Guidance
 3. Notes on how to Make a Complaint
 4. Notes on how to Handle a Complaint
 5. Notes on how to Serve on a Hearing Body
 6. Notes on how to Handle an Appeal
6. The second thing you should do is to read the Complaint and any accompanying documents.
7. The third thing you should do is to liaise with the other members of the body (if you are part of a Tribunal) so you can act in concert.
8. How you conduct your enquiry will be up to yourselves. One route would be to circulate the Complaint to all the parties other than the one making the Complaint and ask for their comment/observations/defence. At the same time you could ask the party making the Complaint to provide any witness statements or further evidence.
9. Once any such further information has been gathered you could then simply send it to all the other parties and ask for their comments. Then keep repeating this process until everyone has said all they want to.

10. If you think that some submitted evidence is, either in its content or in how it is expressed, a means of attacking any of the other parties then you should not allow it. That is the process should not be used to abuse or mistreat any of the parties. If you decide (as a body) that this is the case then the evidence should be rejected with perhaps an invitation to re-submit something that is not an abuse of the process. This needs to be carefully considered as it may provide grounds for an appeal.
11. If you hold a hearing all remaining parties must be invited and must be allowed to bring a friend or advisor along. (A McKenzie Friend). Reasonable efforts must be made to hold the hearing at a time and a place that suits all involved parties. You must not allow the process to be frustrated by a parties unreasonable refusal to agree a suitable time and place for the hearing. It is preferable from a time, cost and effort basis to avoid a hearing if possible.
12. The final thing for you to do is to come to conclusions as to whose behaviour (if any) has been inappropriate and what sanctions or penalties would be, in your view, fair and reasonable.
13. It will not be appropriate for you to attempt to mediate between the parties unless it would be very easy to do. The mediation phase will have already been completed and the issue will be at a stage where it needs someone to come to some clear simple decisions so that the club and the parties involved can reach closure and move on.
14. You may, if you think it appropriate, make whatever comments you see fit about the Complaint but this should be done from the basis of being constructive and conciliatory.
15. You may, if you think it appropriate, make whatever relevant recommendations you see fit to the Clubs Committee. These are not binding.
16. You should avoid getting involved in aspects of the Complaint which are mere matters of opinion. That is you should not use the process as a platform for expressing your personal views or any views unless they are relevant to the complained of behaviour.
17. You should not allow the process to be unduly slowed or frustrated by any party. If you think it appropriate you should be prepared to move to a conclusion.
18. Your final decision should be delivered in writing (email is fine) to your nominated contact at the Club.
19. If you are doing this on a voluntary basis then you are entitled to claim reasonable expenses.