

## **English Subbuteo Association (ESA) – Complaint Procedure**

### 1. Introduction

This procedure applies to any complaints raised by a member, guest member or affected third party regarding the ESA as an organisation or any ESA member or guest member's wrongful actions, omissions or behaviours. The above wrongful behaviours include discrimination and any other unfair treatments. The complaint procedure is only operable in relation to incidents that occur during an ESA event or social events and public communication related to an ESA event. If the nature of the complaint sits in an area that is not under the authority of the ESA, the ESA will explain that to the complainant indicating an alternative route whenever possible.

### 2. Learning culture

The ESA is committed to listening to its members, guest members and third parties as a learning opportunity to continuously improve the experience of the game. The ESA nurtures a learning culture therefore aims to address complaints informally first and only if an informal route is unsuccessful to initiate a formal procedure.

### 3. How to raise a complaint

The individual who wants to raise a complaint should write an email to [englishsubbuteoassociation@gmail.com](mailto:englishsubbuteoassociation@gmail.com) giving name, surname and contact details and stating what the complaint is about and what is the outcome they would like to achieve with their complaint. If the person who wishes to complain finds it difficult to write an email, they can approach an ESA board member who can support or signpost who can assist. Anonymous allegations will not be taken into consideration. The complainant needs to be willing to assist with a review of the complaint.

### 4. Informal procedure

The ESA Chair will be informed of the complaint and will urgently appoint an assessor who may be an ESA board member or a suitable person nominated by the ESA board. The assessor will attempt to review and address the complaint informally at first. The first step will be reviewing the complaint with the complainant, making sure the nature of the complaint and the outcome they wish to achieve is clear, proportionate and specific. The second step will be establishing the facts based on balance of probabilities involving both parties - the complainant and the respondent - including both parties' witnesses and other witnesses the assessor may find relevant. It is in the interest of the ESA community to encourage positive relationships based on respect. We believe that most of the complaints can and must be sorted out informally with a learning approach, looking for reasonable remedies and mutual understanding.

### 5. Formal Procedure

If the informal procedure does not resolve the complaint, the assessor will inform the Chair that they have to start a formal procedure. These will be the formal procedure steps:

- 5.1. The assessor must gather both parties' written evidence or statements (including relevant witnesses) and evaluate the matter looking to address the issue raised and any lesson learnt.

- 5.2. The assessor will allow reasonable time for all involved parties to have their say but also will consider the impact of delaying the issuing of an outcome.
- 5.3. If the respondent does not make themselves available within a reasonable time for no valid reason, the investigation report will be completed without their statement.
- 5.4. The assessor will take the time they need to consider the matter and will keep the complainant informed of an expected completion date. The assessor will make a decision based on the balance or probability, which is the standard of proof used in civil law. The assessor will outline the allegation, findings, conclusions and recommendations in his report.
- 5.5. While reviewing the complaint, the assessor may find that there is a case to respond to for an ESA member in terms of disciplinary policy, for instance a breach of code of conduct or values and behaviour. In that case they will include this in their recommendations and, if appropriate, as one of the remedies taken in relation to the complaint. The Chair will then issue a separate disciplinary review and will decide whether to appoint the same assessor or another. The outcome of the disciplinary review is an internal procedure and it is not to be shared with the complainant.
- 5.6. The assessor will notify the ESA Chair and the ESA Welfare Officer of the outcome. The ESA Board will be updated for learning purposes, in a way that adheres to confidentiality, while the report will not be shared with any other parties unless requested by the Police or Safeguarding authority.
- 5.7. The assessor will then communicate the decision to the complainant and to the respondent.
- 5.8. The complainant has the right to appeal the outcome in writing to the ESA Chair or another Board member. The appeal request must be sent within 15 days of the issue of the outcome notification. The complaint cannot ask to review again what has already been assessed but only ask for a review in the light of new facts or incorrect procedure. The appeal assessor must be not the same individual who assessed the original complaint.

## 6. Confidentiality

Both formal and informal procedures are strictly confidential. All involved parties are obliged to keep the entire process and all related information confidential. Only exception: if the matter presents a reputational risk for the ESA, the Chair will inform the Board. If this is the case, the formal procedure assessor should not be a board member.

## 7. Incident to be reported to the Police or Safeguarding authority

If a complaint relates to an incident that must be reported to the Police or Safeguarding authority, that takes priority over the ESA informal or formal review of the complaint which may have to be paused until the outcome of the police or safeguarding investigation. The complainant should be informed if the ESA review was paused or terminated, unless the Police or the Safeguarding Authority advises otherwise.

## 8. Conflict of interest

Neither the assessor nor the appeal assessor will have any significant conflict of interest in the outcome and these roles will be allocated on that basis. If an individual cannot be found to fulfil one of these roles, the ESA will appoint a suitable external party.



9. Associated policies

ESA Code of Conduct

ESA Disciplinary Procedure

ESA Values and Behaviours

ESA, 13/05/2024