



BSF Athlete Grievance Policy

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1. Introduction

Any Athlete on a national team programme run by the British Softball Federation may, at some time, experience problems or wish to raise concerns about their training, training or competition conditions or relationships with colleagues or athlete support personnel: 'a grievance'¹. It is in everybody's interests to resolve problems at an early stage before they escalate into more significant issues. For this reason, it is our responsibility to ensure that we deal with all Athlete grievances fairly and without unreasonable delay and provide appropriate support.

Issues that may cause concern include the following:

- Health and safety.
- Training relationships.
- Bullying, harassment or discrimination; or any unacceptable behaviour.

If a grievance relates to:

- **an Athlete who is under 18 or an adult at risk², the designated safeguarding lead must be informed at the start.**
- **bullying, harassment or discrimination, refer to the British Softball Federation's Unacceptable Behaviour (Dignity & Respect) Policy.**
- **matters that might be criminal, legal/safeguarding advice must be taken and the matter referred to the statutory authorities before proceeding further.**

This policy does not include:

- appeals against selection decisions;
- competition/games decisions and/or results; or
- anti-doping issues.

Grievances should be brought within a reasonable time (no more than three months after the event complained of) in order to ensure that the British Softball Federation can carry out an investigation.

Where the grievance relates to a disciplinary decision, the British Softball Federation's Disciplinary Appeals Procedure will usually apply. However, where an Athlete raises a grievance during a disciplinary process, this may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. In all such cases proceedings should be paused and advice taken from the HR Advisor.

The policy does not confer contractual rights on individuals and will be reviewed in line with any legislative changes.

Athletes under the age of 18, or who are classified as an adult at risk, should be supported by their parents or legal guardians, who shall act on their behalf.

¹ You believe that you have been 'wronged' by being treated 'unreasonably'.

² An adult who: has needs for care and support; and is experiencing, or is at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

2. Principles

The principles governing the policy and application of this are as follows:

- our approach will be consistent and non-discriminatory;
- all Athletes will be treated with dignity and respect; and
- our approach will be open and transparent and will, if necessary, involve investigations to establish the facts of each case.

In order to ensure that matters are dealt with fairly the following shall apply:

- the Athlete must inform the Head Coach or Performance Director of the nature of the grievance;
- a meeting will be held with the Athlete to discuss the grievance;
- Athletes will be allowed to be accompanied³ at the meeting;
- An investigation, if necessary, will be carried out to establish the facts of the case; and
- a decision will be made on any appropriate action required.

If the grievance concerns the PD, the Athlete should raise the matter in writing to the CEO, with a copy sent to the Head of Sport Integrity at UK Sport⁴.

Each step of the procedure will be taken without unreasonable delay and meetings will be conducted in ways that enable both the Athlete and the British Softball Federation to explain their case.

If an Athlete has difficulty in putting their grievance in writing, they should seek help from a colleague or make the British Softball Federation aware of any such difficulty by contacting the HR Advisor.

It is recommended that where appropriate, should any serious grievances and/or grievance appeals be received, consideration should be given as to whether or not the investigation is conducted by an independent investigator to prevent any conflict of interest.

3. Informal Resolution

Most grievances can be resolved quickly and informally through discussion with the Head Coach or PD. The British Softball Federation, therefore, recommends that wherever possible and appropriate to do so, problems and concerns should be raised informally. Successful informal resolution can frequently involve the use of a trained mediator.

If, however, the Athlete does not wish to raise their concerns with their Head Coach or PD, for whatever reason, here are a number of other ways in which the problem or concern can be raised and resolved informally:

- Discuss with the individual causing the problem – It may be that talking to the individual concerned may resolve the issue(s). It is recommended that wherever possible and

³ Another Athlete; a member of the coaching staff; a practitioner; or a representative from the British Athletes' Commission (BAC). An athlete may be accompanied by a friend who is also a lawyer, but that individual is not there in any professional capacity.

⁴ John.Donnelly@uksport.gov.uk

appropriate the Athlete tries to settle their grievances informally in the first instance even if this is with a person more senior to them.

- Other personnel working within the national team programmes - If the Athlete feels unable to approach their own Head Coach, they may wish to approach a member of the coaching staff, or a practitioner with whom they feel comfortable.
- HR Advisor – If the Athlete has tried the options above or feels as though they cannot raise the problem directly with anyone else then speak to the HR Advisor. In these circumstances the HR Advisor may agree to have an informal meeting with the person with whom there are issues. This may help to resolve the problems informally.

4. Formal Resolution

4.1 Let the British Softball Federation know the nature of the grievance

If it is not possible to resolve a grievance informally, an Athlete should raise the matter formally and without unreasonable delay with their Head Coach/PD or, if their PD is the subject of the grievance, with the CEO⁵. This should be done in writing, setting out the nature of the grievance and a brief description, which includes any relevant facts, dates and names of individuals involved: a suggested format is at **Paragraph 11**.

Normally the grievance will be heard and decided by the PD. The PD may choose to do this by way of a panel consisting of themselves and a second person who is unconnected with the case. If the grievance concerns the PD, it will be heard and decided by a panel consisting of the CEO and a second person unconnected with the case.

4.2 Investigations

In some cases, it may be necessary to conduct an investigation into the Athlete's grievance. On receipt of the written grievance, the Athlete shall be interviewed as soon as possible by their Head Coach or PD (or if they are the subject of the grievance, by a person nominated by the CEO).

The British Softball Federation requires all persons involved in grievance investigations to cooperate fully and promptly with this process. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews.

The British Softball Federation may initiate an investigation before holding a grievance meeting where this is considered appropriate. In other cases the British Softball Federation may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases the British Softball Federation will hold a further grievance meeting with the Athlete after the investigation and before reaching a decision.

⁵ Copy to Hd of Sport Integrity at UK Sport.

4.3 Hold a Meeting to discuss the problem

A formal meeting will be arranged as soon as reasonably possible following receipt of the Athlete's written grievance and the conclusion of any investigation. The following should attend:

- the Athlete raising the grievance and their companion;
- any relevant witnesses;
- the person hearing the grievance (normally the PD); and
- the HR Advisor.

It may be appropriate the person about whom the grievance has been raised (the respondent) to attend the meeting, if the complainant agrees and it does not make the situation worse. If this is not the case, then the respondent should be invited to a separate meeting and may be accompanied by a companion.

Athletes and their companions should make every effort to attend the meeting. If the Athlete or their companion cannot attend they should inform us immediately and we will try, within reason, to agree an alternative.

Athletes will be able to explain their grievance and make suggestions as to how they think it can be resolved. Respondents and witnesses, if attending, will be asked to give a statement if appropriate.

4.4 Allow the Athlete to be accompanied at the meeting

Athletes may be accompanied at any grievance meeting by: another Athlete, a member of the coaching staff, a practitioner or a representative from the British Athletes' Commission (BAC). Athletes under the age of 18 or classified as vulnerable adults/persons at risk should be accompanied by their parents or legal guardians.

4.5 Decide on the appropriate action

Following the meeting, there will be an adjournment to allow the person(s) hearing the case to decide it, or, if further investigations are required, to conduct these without unreasonable delay. After any further investigations, the grievance will be decided.

The Athlete will receive a letter explaining the outcome of the grievance meeting (and any investigation) as soon as reasonably possible after the meeting has taken place. The Athlete will also have a briefing to have explained what action the PD or CEO intends to take to resolve the grievance and, where appropriate what may be required of the Athlete. The Athlete will also be informed of the right to appeal the decision if they are not content with the action taken.

4.6 Independent appeal

Where an Athlete believes that their grievance has not been satisfactorily resolved they have the option to appeal the decision to an independent body. The Athlete should let the British Softball Federation know the grounds (reasons) for their appeal within 10 working days of receiving the outcome letter. This must be in writing to the CEO, with a copy sent to the Head of Sports Integrity at UK Sport.

The grounds for an appeal would reasonably one or more of the following:

- the correct process was not followed;

- the decision maker was biased;
- the decision was made without considering all the relevant facts; or
- the decision was not one a reasonable person could have made.

Appeals will be heard without unreasonable delay and by an independent body that is endorsed by all parties to the dispute. UK Sport recommends that this is facilitated by Sport Resolution UK, but NGBs may use an alternative sport specialist dispute resolution service provider. Athletes will be reimbursed for any reasonable expenses incurred as a result of attending the appeal.

Athletes have the right to be accompanied by: another Athlete, a member of the coaching staff, a practitioner or a representative from the BAC. The outcome of the appeal will be communicated as soon as possible following the appeal hearing and is the final stage in the Grievance Procedure.

5. Other points for consideration

Mediation is an extremely effective method of resolution in the majority of cases, and should always be considered at the outset. It is imperative that a trained mediator is used.

In the majority of cases any grievance raised by an Athlete will be dealt with in line with this policy. However, on occasion, where the British Softball Federation believes that, following an investigation, a grievance raised is intentionally vexatious or malicious, it may decline to deal with it on this basis. In addition, where the British Softball Federation feels that a grievance is intentionally vexatious or malicious, it may be considered appropriate for action to be taken against that Athlete under the British Softball Federation's disciplinary policy. Such instances will be rare and the British Softball Federation does not wish to discourage athletes from raising valid grievances.

The welfare of all parties is an important consideration during the process. PDs/Head Coaches must ensure that both the complainant and respondent:

- have a companion to support them;
- are kept briefed on the process if there is an investigation;
- are able to access welfare support; and
- do not have to work together if it will make the situation worse.

6. Grievances on or after termination of engagement with the National Team Programme

Where a grievance continues or is raised on or after termination of engagement with a national team programme, this grievance procedure will be followed.

7. Frivolous, Vexatious and Malicious Grievances

If during the investigation it becomes clear that the grievance would meet the test for being considered frivolous, intentionally vexatious or malicious, the investigator can close the case after discussion with, and ratified by, the CEO/HR Advisor.

7.1 Meaning of frivolous, vexatious and malicious

The generally accepted meanings of these words are as follows:

- **Frivolous** – trivial, trifling or futile, not serious.
- **Vexatious** – causing or tending to cause irritation or distress; not having sufficient grounds for action and seeking only to cause annoyance.
- **Malicious** – bearing active ill-will or spite; having wrongful intention toward any other.

7.2 Factors which may indicate that a grievance is frivolous, malicious or vexatious

There are a number of factors that could contribute to a determination that a grievance is in this category. These factors are that the grievance:

- Adds no new information from a grievance which has already been determined by the British Softball Federation.
- Continually changes, apparently to prolong an investigation.
- Fails to identify clearly the substance or precise issues which require to be addressed.
- Is made by a person who makes excessive contact or unreasonable demands, including abusive behaviour and threats. This type of grievance may be dealt with under the disciplinary policy.

Finally, it is the grievance, not the person making the grievance, which must be considered. Where an Athlete has made a vexatious or malicious grievance in the past, it will not be assumed that any future grievance will also be vexatious or malicious.

8. Confidentiality

Athletes should not discuss any disciplinary matter with NGB staff other than the HR Advisor involved in the case, managers involved in the process and their own companion.

9. Exceptional Circumstances

In cases where it is not practical to implement the procedure fully and expeditiously, for example in the absence of a witness, Athletes will be dealt with as closely as possible in accordance with this procedure.

The British Softball Federation reserves the right to commission an external professional to undertake any investigation into a grievance or appeal should it believe the case requires it.

10. British Athletes' Commission (BAC)

The BAC exists to provide confidential advice and support to all athletes on performance programmes. Any athlete who is considering using [insert NGB name]'s grievance process should contact the BAC as follows:

Email: admin@britishathletes.org
Phone: 0203 126 4270
Web: www.britishathletes.org

11. Note-Taking & Records

The British Softball Federation requires 'meeting notes' to be taken at all meetings to record decisions and outcomes. All interviews must have a verbatim written record, signed by the interviewer and the subject of the interview. The interview must contain first party evidence and not include hearsay or speculation⁶.

If an investigation leads to a criminal prosecution (or be drawn upon as part of a HR appeal procedure), all material obtained in the investigation must be handed over to the relevant authorities. This includes UK Sport where the respondent is employed in a funded performance programme.

It is not the policy for the British Softball Federation to make an audio recording of any investigations or meetings. Neither the British Softball Federation nor the Athlete is permitted to record meetings, interviews or hearings without the other party's prior written consent.

The Athlete will be sent a copy of the interview or meeting notes produced, which will constitute the employer's record of proceedings. All records from the process, both formal and informal resolution, will be kept confidentially in the British Softball Federation's administrative office for 12 months.

⁶ First party evidence is evidence that the individual saw or heard. Hearsay is evidence that the individual was told by another party or overheard.

12. Grievance Proforma

Personal-in-Confidence when completed	
1	Name:
2	Contact Details: Mobile Email
3	Nature of Grievance:
4	When it occurred
5	Where it occurred:
6	Name of Respondent(s)
7	Name of Witnesses
8	What outcome do you want?
9	Are you willing to engage in mediation? Y/N
10	Do you want a companion? Y/N If yes, who would you like to nominate.
11	Any other details
12	Signed : Date:
Personal-in-Confidence when completed	

13. Process Flow Chart

