

Preamble to the Dispute Procedure

1) The committee feels that it should not be involved in personal disputes.

2) The dispute procedure can never cover all eventualities. The next complaint will probably not be entirely covered by the amended procedure laboriously developed from the last dispute; as someone once said about computer programs 'There is always one more bug'.

3) And from the other side, one person has said that they would never have invoked the complaint procedure if they had realised beforehand the problems, pitfalls, and the trouble it would cause.

The committee have decided therefore that The Dispute Procedure should carry a 'Health Warning'; please see below.

Dispute Procedure 'Health Warning'

Please note that all disputes brought to the attention of the committee for action are always destructive. In spite of requests for details to remain confidential, this never happens and two camps evolve. There is never a winner, as there is always bad feeling and usually one or both of the respondents eventually leave the club. In some cases friends of the disputants also leave and frequently new/prospective members are also disillusioned and decide that IVC is not for them, as they 'thought it was a social club' !

Committees spend vast amounts of time trying to mediate in these issues using the Complaints Procedure, which results in and other members being drawn in to act on an independent committee. All of this is incredibly wasteful of the committee's time over a period of several meetings, usually a year or more (these things never happen quickly) when it should be running the club. It makes the normally enjoyable involvement of committee members a matter of endless heartache instead of the usually pleasant role of running a social club.

Please remember that this is a social club, and as in any family and group of friends there will always be arguments, disagreements and disputes, but that people should endeavour to manage their own affairs responsibly without bringing the matter into the focus of the committee or of other members.

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 :
 - a) To give clubs enough confidence so that they can act to handle such issues.
 - b) To provide guidance so that clubs don't make more problems for themselves.
 - c) 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.
 - a) 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.
 - b) Get another member, who has the respect of the member whose conduct is causing concern, to have a 'Quiet Word'.
 - c) Invite the persons concerned to take part in Informal Mediation.
 - d) 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.

- a) **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.
 - b) **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 :
- a) The Clubs Committee
 - b) An Internal Tribunal made up of senior/experienced Club Members
 - c) An External Tribunal drawn from nearby IVC's
 - d) 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 :
- a) It is too distracting for the Committee which needs to concentrate on running a successful club.
 - b) 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.
 - c) Committees can be political and these issues need looking at in an utterly rational way to ensure justice.
 - d) 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 :
- a) 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.
 - b) That errors in procedure or of understanding the rules or facts were made and these were serious enough to have possibly affected the outcome
 - c) 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.

Notes on how to Make 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) It unfortunately happens in any Club or walk of life that others behaviour can be perceived as inappropriate. If this happens then the aggrieved party has a perfect right to be heard and to have a rational way of dealing with the problem. In the absence of a rational approach it is likely that inappropriate behaviour will go unchecked and/or will provoke reciprocal inappropriate behaviour all of which can seriously damage the club.
- 2) If you want to tackle what you believe is inappropriate behaviour, possibly towards yourself, then you need to first take stock. Are you being oversensitive or have you read too much into what happened? If, having taken stock, you still believe that you have a grievance or complaint that you want to raise then you should do so.
- 3) Please avoid the temptation to make your issue an item of gossip. To get good quality results that all parties can accept it is best if matters are dealt with confidentially. Gossiping about others perceived bad behaviour can be seen as bullying or harassment. By all means discuss this with your close friends or with people who you feel you can rely on so you can have the benefit of their advice and perspective but do please make sure that they know and appreciate that this is a confidential situation.
- 4) The first step is going to be to try to contact the other party (or parties) to explain the issue to them and the impact that it has had on you or others. You should be very careful at this stage not to behave inappropriately yourself. It is very easy if you are hurt or upset to come across yourself as being hostile and aggressive which will risk damaging your case and could put you in the wrong. If the other party is perceived by you as difficult to approach or you are particularly upset then it may be better to find an intermediary who can communicate between you. Most people on being so approached will be only too ready to reassure you that no harm was meant. This is a sign of a reasonable person. You may of course get a hostile response which is in itself likely to be inappropriate. If you do get a poor quality response then it is important that you do not respond in kind.
- 5) If you still feel aggrieved after having informally approached the other party (or parties) then the next step is to invite them to take part in informal mediation. This should be done by someone you can both have confidence in, perhaps someone from outside the club. Neither yourself nor any other party have to take part in this process but a willingness to do so does show a reasonable attitude.
- 6) If you still feel aggrieved after this then you should consider making a formal complaint. By doing so you are making sure that the issue can be dealt with rationally and fairly. As well as protecting yourself you will also be protecting the Club and helping the other parties to see that their behaviour can be damaging. Your complaint should simply and fairly explain the facts of the case and then explain the impact that the behaviour has had on you and your enjoyment of the club. You might want to suggest remedies but please make sure that these are reasonable and achievable. Please try to stick to the facts of the case and do not be tempted to use the complaint as a mechanism to abuse or mistreat any of the other parties.

- 7) Your complaint should be sent to the Chairman and/or Secretary only unless they are both a party to the issue in which case it should go to the most senior and trusted member of the Committee that you can find.
- 8) The Club should make strenuous and immediate efforts to resolve the issue as soon as possible to limit the continuing damage that might otherwise be done. Your responsibility will be, with the other parties, to make your best effort to seek a resolution and a closure of the issue so that everyone can move on.
- 9) Like the other parties, you have a right to appeal as explained in the Dispute Guidance document. Any appeal needs to be on one of the grounds specified.

Notes on how to Handle 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) If, as a representative of your club, you receive a formal complaint then you have a duty to see that the complaint is dealt with properly. Normally complaints will be handled by the Chairman or Secretary.
- 2) Complaints should be handled
 - a) As quickly as possible
 - b) Confidentially.
 - c) Utterly impartially
- 3) The first step will be to inform all parties
 - a) That a complaint has been made
 - b) Provide a very brief indication of what the complaint is about
 - c) Invite all parties to take part in Mediation
- 4) Consideration should be given to keeping the matter confidential from the Committee particularly if a member of the Committee is one of the parties involved. If the Committee is informed it must be done on a confidential basis. The Committee should not involve itself in any Hearing except to protect the Hearing Body and the process and perhaps to provide evidence.
- 5) Mediation should be started as soon as possible. If mediation has not been started two weeks after the Complaint was made, or as soon as it becomes obvious that mediation will not be possible then the process should move to appointing a body to hear the matter (a Hearing Body). This should also be the case as soon as the Mediation has completed if it has not succeeded in resolving the complaint to the satisfaction of all parties. Mediation is not expected to last more than two weeks.
- 6) Mediation can be provided by any person that all parties have confidence in and who can be relied upon to be reasonably level headed. The purpose is to allow parties to communicate and to express themselves fairly and to see if a route to an amicable resolution can be found. Mediation is entirely confidential and nothing revealed in it can be used elsewhere.
- 7) It may be necessary to seek external mediation. A route for this is the National Mediation Helpline (<https://www.nationalmediationhelpline.com>) for England & Wales

or the Scottish Mediation Network (<http://www.scottishmediation.org.uk>) for Scotland. You can enquire here for free about costs and about the process. The mediation itself will be chargeable. The cost of such Mediation services may be money well spent as it will assert that your Club is a quality organisation as well as hopefully resolving the particular issue in question. For clubs with limited funds financial support may be available from AIVC.

- 8) The appointment of a Hearing Body should be done according to the Dispute Guidance document. It may be a Tribunal of three IVC members who may be members of your IVC or members of other IVCs. Alternatively it may be an external professional such as a Solicitor. An ideal person for this will be a Solicitor with experience of Employment and/or Human Rights Law. Again, for clubs with limited funds, financial assistance may be available from AIVC.
- 9) If it is not possible after a week to appoint a Tribunal then an external Professional should be appointed. It is important that the Complaint is dealt with as quickly as possible.
- 10) In the case of a Tribunal the Hearing Body should act as one. This is to increase the quality of the result, increase the authority of the result and to protect the individual members from any improper pressure.
- 11) The Hearing Body should be supplied with a copy of all the Guides and documents on the Dispute process as well as a copy of the Code of Conduct. They should have a person designated as their Single Point of Contact (SPOC) who should deal with all communication between the club and the Hearing Body.
- 12) Any reasonable expenses of the Hearing Body should be paid. Again, for clubs with limited funds, financial assistance may be available from AIVC.
- 13) The Hearing Body should report back to the SPOC in writing who should immediately inform all parties to the dispute of the decision.

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 :
 - a) Code of Conduct
 - b) Dispute Guidance
 - c) Notes on how to Make a Complaint
 - d) Notes on how to Handle a Complaint
 - e) Notes on how to Serve on a Hearing Body
 - f) 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.

Notes on how to Handle an Appeal

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) The principles for Handling an Appeal are much the same as for the original Complaint.
- 2) An Appeal should be heard by a more independent body. That is if the Complaint was heard internally by a Tribunal of IVC Members from your own Club then the appeal should be heard by an External Tribunal of IVC Members from other IVCs. If the Complaint was heard by an External Tribunal then the appeal should be heard by an external Professional.
- 3) The first thing the Appeal Body should do is to determine if there are suitable grounds for the Appeal. The allowed grounds for appeal are defined in the Dispute Guidance document. If the body does not believe that there are grounds then the appeal should be dismissed at that stage.
- 4) If the appeal is allowed then the matter should be re-heard although it can re-use such documentation from the original hearing as is still available.
- 5) There is no allowance for Appealing against an Appeal. Any aggrieved parties will have to take the matter to external authorities if they wish to pursue it.