**Naomh Bríd GAC Grievance Procedure (2021)**

**Introduction**

1. This procedure is to be used in conjunction with [all other GAA documents and policies adopted by the Club, including

GAA -Code of Behaviour Underage

St Brigids Club Charter

Equality Policy

Social Media and GDPR Policy

Anti–Bullying Policy (This is included in the GAA – Code of Behaviour as well)

Tobacco, Alcohol and Drugs Policy

In particular, it is to be used by reference to the provisions of the current Club Constitution and, in particular, Article 5 thereof.

1. The procedure is designed to provide guidance to Club members, team mentors, players and supporters on the general principles, which apply in the operation of this grievance procedure. This procedure is not legally binding. However, another body or authority, where relevant, can take into consideration the provisions of the procedure when issuing decisions.
2. This Grievance Procedure shall not apply to, and shall be separate from, any issue of Child Protection or Safeguarding that may arise within the Club, that shall be addressed under the Club policies listed in paragraph 1 above.
3. A grievance is an expression of dissatisfaction, that is, a failure to perform a function in accordance with the Club’s stated policies and practices. It gives the Club the opportunity to put something right which has gone wrong. The determination of grievances under this procedure will ensure that faults or mistakes are acknowledged, and remedies provided where possible.
4. Confidentiality shall be maintained in respect of all issues, and in respect of all persons, arising under this Grievance Procedure in cases of alleged misconduct or bad practice within the terms of, and having regard to the GDPR policy of the GAA. A guarantee of confidentiality or undertakings regarding secrecy cannot always be given, particularly where the welfare of any party to a complaint is such that it will supersede all other considerations. It is important to protect the rights of all parties where any grievance is raised. Any and all information gathered in the course of investigating and determining a grievance shall be treated in a careful and sensitive manner and will be discussed only with those who are directly concerned. This approach is not a breach of the concept of confidentiality.
5. Subject to that caveat, all persons involved in a process arising under this grievance procedure will be afforded the utmost and appropriate respect, fairness, support and confidentiality at all stages of the procedure.
6. All information in relation to grievances will be stored in a secure place, with limited access only by persons designated in any given case, for that purpose by Rúnaí an Chlub (Club Secretary), in consultation with Cathaoirleach an Chlub (Club Chairperson), adhering at all times to the requirements of data protection legislation.
7. Anonymous grievances or rumours are difficult to address but will not be ignored. In all cases the safety and welfare of the Club members is paramount. The information received, even if anonymous or where it originates through rumour, shall be investigated to the maximum extent possible and handled in a confidential manner.

**Stages in the Grievance Procedure**

1. The vast majority of grievances are best resolved informally and at the point nearest to the origin of the grievance.
2. The determination of informal grievances is set out below.

**Informal Grievance**

1. Where it appears to An Rúnaí, in consultation with An Cathaoirleach, that a grievance, that must be received by An Rúnaí in writing, can be properly considered and determined informally, with the consent of the parties, the Club will deal with all such grievances as soon as possible. All grievances will be noted by An Rúnaí and kept securely and confidentially in accordance with data protection legislation.
2. The complainant will be encouraged to speak directly to the person the subject of the grievance in a calm and non-confrontational manner in an effort to resolve the grievance in a mutually satisfactory manner. If this does not prove possible, then An Rúnaí, in consultation with An Cathaoirleach, may delegate a member of the Executive Committee to try and resolve the complaint by mediation. If this does not prove successful then the grievance will be determined as a formal grievance in accordance with the processes set out below.

**Formal Grievance**

 13. If the grievance cannot be resolved in an informal manner then the following steps shall be initiated:

● Receiving a Grievance

● Appointment of an Investigation Committee

● Procedure

● Sanctions

● Appeal Procedure

**Receiving a Formal Grievance**

14. Any formal grievance shall be submitted in writing to An Rúnaí in the first instance who shall inform An Cathaoirleach.

15. The grievance shall be acknowledged in writing within 5 working days of its receipt.

16. The person against whom the grievance has been made shall be notified of the nature of the grievance by An Rúnaí by telephone and in writing.

17. If the grievance, in the opinion of An Rúnaí, in consultation with An Cathaoirleach, is of a serious nature, the person against whom the grievance has been made shall temporarily step aside from any position in the Club held by him or her during the investigation and his or her position be carried out on a caretaker basis by another member determined by An Rúnaí in consultation with An Cathaoirleach.

18. All letters of grievance shall be kept securely and confidentially by An Rúnaí.

19. Any letter of grievance, once received by an Rúnaí remains the property of the Club and shall remain confidential and will not be read at a meeting or circulated to any person save in pursuit of determining the grievance in accordance with this grievance procedure and then only to the extent necessary for that purpose.

**Appointment of an Investigation Committee**

20. An investigation committee consisting of An Cathaoirleach or Leas-Cathaoirleach an Chlub (Club Vice-Chairperson), An Rúnaí and another member of the Club determined by An Rúnaí, in consultation with An Cathaoirleach, shall be established (provided that no such member of the investigation committee has an interest in the matter the subject of the grievance or any of the actors involved or potentially involved, including where any such member of the investigation committee may be reasonably perceived to have such interest) in which case he/she must step aside and be replaced by another.

**Dealing with the Grievance (Procedure):**

21. On receiving a grievance the investigation committee will inform the individuals involved with details of the grievance made.

22. Every party to the grievance will be afforded the opportunity of providing a response verbally at a meeting with the investigation committee.

23. If either party does not attend the meeting, they will be offered the opportunity of providing a response in writing.

24. If either party fails to co-operate with the investigation committee, the investigation will continue in their absence.

25. If either party involves a young person (subject to there being no child protection or safeguarding issue), he or she must be accompanied by their parent or guardian.

26. If a parent or guardian in the particular circumstances is party to the grievance, the young person in question must be accompanied by an appropriate independent adult.

27. In appropriate circumstances the investigation committee, in its sole discretion, may enlist the assistance of professional help either internal or external to the Club.

 28. The investigation committee shall report its findings and any recommendations for sanction should it recommend a finding that misconduct has occurred and, at the same time, shall send a copy of its recommended findings and recommended sanctions to the parties to the grievance.

29. The Executive Committee (excluding any member who has been part of the investigation committee and any member who shall sit on any appeal against a finding of misconduct or any sanction imposed) shall consider collectively consider the report of the investigation committee and make a decision on whether any misconduct has occurred arising out of the grievance and decide what sanction, if any, to impose.

 **Sanctions:**

 30. Where the Executive Committee, as defined in paragraph 29 above, finds that misconduct has occurred, it shall notify the parties in writing of that finding within five days and notify the parties of any sanction or corrective action being imposed along with its reasons.

31. If the party against whom the grievance was brought, and where misconduct was found to have occurred, is a young person, notification of the decision of the Executive Committee, as defined, including the sanction, if any, shall be communicated in writing to the young person’s parent or guardian.

32. Following receipt of the recommendations of the investigating committee, the Executive Committee, as defined, may issue any of the following sanctions, or none, as it deems necessary:

• a warning as to future behaviour; or

• suspension from training and/or participation in or attendance at Club matches (either at home or away); or

• suspension from Club for a period; or

• expulsion from the Club.

 or any other sanction permissible by the GAA as set out in An Treoir Oifigúil (The Official Guide).

**Appeals:**

33. If either party to a grievance is dissatisfied with the outcome of the grievance, he, she or they may appeal either the finding and/or the sanction, if any, to an appeals committee comprising at least one member of the Executive Committee and two other members of the club nominated by the Executive Committee who were not part of the investigation committee nor party to the decision of the Executive Committee at first instance, as defined in paragraph 29 above.

32. All appeals shall be made in writing to the said member of the Executive Committee within 7 days of the issue of the decision of the Executive Committee at first instance.

33. The appeals committee shall have the power to confirm, set aside or change any finding of misconduct but only where such finding is found to be manifestly unfounded, and/or any sanction or corrective action imposed by the Executive Committee at first instance. The grievance shall not be re-heard ab initio.

34. The decision of the appeals committee in respect of the grievance shall be final.

**Guidance**

35. An investigation committee, the Executive Committee, as defined in paragraph 29 above, and any appeals committee, as defined in paragraph 33 above, is advised to keep in mind when investigating and determining a grievance:

* the particular incident the subject of the grievance and the nature of the alleged misconduct
* any previous incidents of misconduct by the party the subject of the grievance (that may, in due course, if a finding of misconduct is recommended or found, be taken into account in considering the appropriate sanction, if any);
* the need for consistency in determining the outcome of grievances alleging misconduct;
* the nature of any appropriate corrective action that should be taken should a finding of misconduct be recommended or determined (eg. an apology to the complainant)
* what future behaviour is to be expected from the person the subject of the grievance should a funding of misconduct be recommended or determined.

36. This is not intended to be an exhaustive list but is merely guidance offered to the three entities involved, or which may be involved in investigating and determining, respectively, any grievance that falls to be determined as a formal grievance.