



# **TWC Complaint Management Policy**

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## Part One: Introduction

### 1. Purpose

This document describes the approach by which a complaint made against an officer or Member of The Wimbledon Club (“TWC” or “the Club”) should be raised, managed and resolved.

Investigation of a complaint against an employee of the Club, or anyone the Club has instructed to work with its Members, is beyond the scope of this policy and shall be passed to, then investigated and dealt with by, the General Committee.

### 2. Summary

This policy covers:

- a) An explanation of the need for a disciplinary policy.
- b) How a complaint should be made.
- c) Initial investigation of a Member who is the subject of a complaint to determine the facts.
- d) Whether there is a need to refer to the police and the obligations of the Club to do so.
- e) How the disciplinary sub-committee will be formed and reach a finding.
- f) The appeals process.
- g) Confidentiality.

### 3. Need

A Member has the right to expect that fellow Members, Club officers and employees behave in a cordial and friendly manner which is consistent with the principle of behaviour laid out in Article 13 of the Club Charter. It is expected that, at all times, members act responsibly and do not do anything that would, or might reasonably be expected to, damage the good name and reputation of either the club or any of its Members. Offensive or dishonest behaviour is not tolerated.

In order for the Club to run in such a manner, a clear and fair process for managing complaints is required, that is seen to be properly executed when needed. The process is based on the following:

- a) That all Members of the Club know their responsibilities as a Member in whatever role they undertake.
- b) If any Member has a personal grievance or complaint, then they know how to raise such a grievance in a manner consistent with the Charter and Bye-laws of the Club.
- c) There is clear guidance to determine whether a complaint is within the scope of the Club to consider.
- d) A clear policy exists describing the obligations of the Club to investigate a complaint and the process by which such a complaint must be managed to a conclusion.

### 4. Scope

The Club will consider as within its responsibility any complaint relating to:

- a) A Member breaching the Charter or Bye-laws of the Club.
- b) Any Officer of the Club (i.e. a General Committee or Sports Committee member) exceeding their authority or exercising their powers as an Officer in a manner where there are reasonable grounds to believe improper behaviour is taking place.

- c) Any behaviour of a person on the Club premises which is not consistent with the Charter or Bye-laws of the Club.

A complaint may be made by a Member, employee or guest of the Club.

Article 13 of the Club Charter provides some explanation of the conduct expected and the Club Disciplinary Policy, a copy of which is at Part 4 of the Annex, lays out at the highest level the powers to take action. This policy describes how any complaint shall be raised and dealt with.

Unless there are particularly aggravating circumstances, the Club will not consider as within its powers to investigate any matter that relates to:

- a) An argument between Members that is primarily an external dispute, unless such a dispute occurs on Club premises and then only in regard to its impact on other Members.
- b) A Member discussing their own personal confidential information in public rooms.

## **5. Vexatious complaints**

A Member who makes vexatious or serious complaints which on investigation are considered to be largely or entirely without foundation may themselves be breaking the Charter and Bye-laws of the Club and find themselves subject to disciplinary action under the Club Disciplinary Policy.

The Club may dismiss a complaint without an obligation to investigate fully that complaint if it finds it to be vexatious.

## **6. Confidentiality**

Any person making a complaint, who is the subject of a complaint or is a witness to an incident that is the basis of a complaint is expected to treat all matters relating to the complaint in confidence, and not to divulge information about the complaint to other Club Members before, during or after the complaint has been dealt with. In so doing it would be unfair to the individuals concerned, damages the friendly environment of the Club, can result in the spreading of half-truths, leads to the taking of sides to the general detriment of the Club, and makes it more difficult for a resolution to be reached.

Failing to keep complaint matters confidential will itself be considered a breach of Article 13 of the Club Charter and could lead to a Member themselves being disciplined.

## **7. Precedence**

In the event of there being any conflict between this policy and the Club Charter and Bye-laws, the Charter and Bye-laws take precedence.

## Part Two: Complaints Process

### 1. Complaint against an Officer of the Club

Any person who wishes to make a complaint against a member of the General Committee shall make that complaint to the Chair of the Club or to the President.

Any person who wishes to make a complaint against a member of a Sports Committee shall make that complaint to the Chair of that Sports Committee or to a member of the General Committee.

### 2. Complaint against a Club Member, employee or anyone the Club has instructed to work with its Members

Any person who wishes to make a complaint against a Club Member, employee or anyone the Club has instructed to work with its Members shall make that complaint to the Chair of their Sports Committee or to a member of the General Committee.

As noted above, investigation of a complaint against an employee of the Club or anyone the Club has instructed to work with its Members is beyond the scope of this policy and shall be passed to, then investigated and dealt with by, the General Committee.

### 3. Complaint format

A complaint may initially be made orally. This provides the opportunity for the complainant to raise an issue informally in the first instance, and for the Club representative to give some initial feedback on whether the Club considers the complaint within its responsibility.

The complainant and Club representative may agree that, though the complaint is valid, it is not sufficiently serious for a formal complaint and it will be sufficient for the matter to be dealt with on an informal basis.

If the Member wishes to make a formal complaint then that must be in writing (which can include accepted electronic communication).

### 4. Action on receiving a complaint

When a Club representative receives any complaint, they must immediately initiate the complaints process and shall:

- a) Make a record that a complaint has been received and the nature of the complaint, irrespective of whether the complaint has been made orally or in writing.
- b) Request that the complainant provides details in writing within 48 hours of any incident including the names of witnesses. This is of particular importance if there is any degree of complexity, the complaint is serious or there are a number of Members involved.
- c) Consider the seriousness of the complaint and make an initial assessment as to whether the complaint can be handled informally or requires a formal process.
- d) Consider whether the complaint is vexatious.
- e) Consider whether any evidence may be available and take all reasonable measures to secure such evidence. In particular and if relevant, the Club representative should secure any video

recordings that might bear on the complaint in a timely manner so that such evidence is not overwritten or lost.

- f) Consider whether there is a reasonable likelihood that a criminal offence has taken place. In this case the Club representative should advise the complainant to approach the police, and should consider whether they themselves should also approach the police if compelling evidence of a possible offence, such as video evidence, exists.
- g) Consider whether any of the parties are well known to the Club representative or if there is any other conflict of interest that might compromise in any way their ability to carry out an investigation or make recommendations on appropriate action. If there are, then the Club representative must note this and seek an alternative person to manage the complaint.
- h) Appoint an Arbitrator (which may be themselves) to carry out any further investigation and report back to the General Committee.

## 5. Managing an informal complaint

In the case of an informal complaint the Arbitrator will perform an initial investigation to establish the facts, consider whether the complaint is valid and see if the issue can be resolved to both the satisfaction of the complainant and the member being complained about, for example by a simple acknowledgement and/or apology.

In this case the complaint can be recorded as closed and no further action is required. It will be at the discretion of the Arbitrator the extent to which the details of the complaint now closed should be shared with other Club Officers.

Otherwise the complaint shall be escalated to a formal complaint.

## 6. Managing a formal complaint

If an informal complaint cannot be resolved or a serious complaint is received the Arbitrator shall:

- a) Initiate the formal complaint investigation process.
- b) Ensure that all parties contributing to the investigation are told they are doing so on a confidential basis, and that the existence of the complaint and discussion of any aspect of it with a third party would be a breach of Article 13 of the Club Charter.
- c) Ask for a written confidential statement of the complaint from the complainant, including details of what they would consider a satisfactory outcome, for example whether an apology would be sufficient or whether full escalation to the Club disciplinary process is desired.
- d) Identify witnesses to any incident that forms the basis of the complaint and, if any exist, seek information from them, asking for a statement in writing if appropriate.
- e) Make any further investigations they believe appropriate to establish the facts of the matter and consider whether the Charter and Bye-laws of the Club have been breached.
- f) Contact the Member who is the subject of the complaint, advise them that a complaint has been received and ask them for their recollections of the incident. If appropriate a statement of fact should also be requested from the Member. At this point no other statements should be shared.
- g) If a consensus is achieved regarding the facts and the matter can be dealt with immediately, for example by an apology or if the Member being complained about resigns from the Club immediately and on their own volition, then the matter can be closed.

If a complaint is referred to the police, then the Club may suspend any further action until a police investigation has been completed and the outcome of that investigation is known.

## 7. Escalation to the General Committee

Where a complaint is a serious breach of the Club Charter and Bye-laws that warrants consideration by the General Committee then the following procedure should be followed:

- a) The Arbitrator may at their discretion request a confidential interview with and/or a written statement from any or all of: the person making the complaint; any Member being complained about; and any witnesses. It is within the rights of any individual to refuse or ignore such a request, but the disciplinary process will still continue based on the evidence gathered by the Arbitrator.
- b) The Arbitrator may request additional Club officers or Club employees of appropriate seniority to be present at such interviews, and in particular to make a record of any meeting.
- c) Any Member being interviewed may bring a “friend”. It should be noted that Members are not expected to bring lawyers to a private and confidential meeting. Any intention to bring a lawyer to such a meeting must be agreed in advance and can be borne in mind by the committee in considering any decision.
- d) The Arbitrator may ask parties to attend a joint meeting but should respect the desire of any party only to meet with the Arbitrator.
- e) At the meeting or meetings, the Arbitrator shall:
  - i. Describe the purpose of the meeting which is to establish the facts and determine whether there are grounds to initiate disciplinary proceedings in accordance with the Club Disciplinary Policy.
  - ii. The result of this will be a report with attached statements and a recommendation whether to form a Disciplinary Committee to investigate a breach of rules under the Club Disciplinary Policy.
  - iii. Remind all attendees that the meeting is confidential.
  - iv. Verify each person’s statement and seek clarification or expansion of any relevant points.
  - v. Explain the complaints.
  - vi. Share the statements made by other parties and give time for consideration by a party receiving the statement.
  - vii. Identify whether there is any dispute of fact.
- f) The Arbitrator shall provide the findings of any investigation to the General Committee for resolution, laying out the facts as they can be best determined, and a recommendation whether it is appropriate to initiate a full disciplinary process.

## 8. Setting up a Disciplinary Committee

The Arbitrator shall report to the General Committee the results of an initial investigation. The General Committee shall determine the action to be taken and specifically whether to take disciplinary action in accordance with the Club Disciplinary Policy, a copy of which is at Part Four of the Annex to the Club Charter.

The Honorary Secretary shall determine the exact disciplinary process to be followed in accordance with Section DP2 of the Club Disciplinary Policy and specifically whether setting up a full disciplinary investigation is required.

If so, the Club Chair shall appoint a Disciplinary Committee from members of the General Committee who are sufficiently independent from the parties involved and can therefore take a decision without fear or favour and to minimise the risk of perceived partisanship.

The Honorary Secretary shall then explain the process to be followed to all parties who may be required to make a further contribution, including details of:

- a) The members of any Disciplinary Committee.
- b) The expected time frame to complete the process.
- c) The date of any meeting when the Member is requested to appear before the committee in accordance with Section DP2 of the Club Disciplinary Policy.

The Honorary Secretary shall inform the Member of the findings in accordance with Section DP5 of the Club Disciplinary Policy. They shall also inform the person who made the original complaint.

## **9. Managing an appeal**

Sections DP6, DP7 and DP8 of the Club Disciplinary Policy provide for an appeal process.

The submission of any appeal in writing shall be in accordance with Section DP6 of the Club Disciplinary Policy and shall be submitted to the Honorary Secretary for the attention of the General Committee.

If an appeal is received:

- a) The Club Chair shall identify members of the Appeal Panel who must not be members of the original Disciplinary Committee.
- b) The Honorary Secretary shall set a time frame for the review of the complaint, the dates of any meetings to be held to consider the appeal and whether or not the Member making the appeal or any other person who was involved in the complaint is requested to attend.
- c) The complainant shall be informed of the appeal and the basis of that appeal and may make a further submission or statement related to any new information that forms the basis of the appeal.

The findings of the appeal in accordance with Section DP7 and DP8 of the Club Disciplinary Policy shall be communicated to the people concerned.

## **10. Amendment**

The General Committee is empowered in accordance with Article 15 of the Charter to amend this policy as it sees fit. The amended policy will be published on the Club website.