

CONDUCT AND COMPLAINTS POLICY

1. This Policy deals with (i) conduct issues/concerns (including where the conduct of a member calls into question the reputation of the British Judo Association or the member's behaviour / conduct is contrary to the aims of the British Judo Association, and (ii) complaints. An "Issue" in this Policy refers to either as the context requires. For the avoidance of doubt, safeguarding issues are dealt with by the Safeguarding Case Management Group and not the Conduct and Complaints Commission.
2. It is recommended that, if appropriate, Issues should be referred to the relevant Club or Area to consider prior to escalation to the Conducts and Complaints Commission.
3. Issues must be notified to the Conduct and Complaints Commission within 3 months of the alleged incident or omission. Issues notified after this time will only be considered in exceptional circumstances.
4. Wherever possible Issues must be notified to the Conduct and Complaints Commission in writing and include the name and address of complainant/person referring the conduct issue. The Conduct and Complaints Commission may investigate Issues received anonymously if justified.
5. The Conduct and Complaints Commission Chair (or deputy) will make an assessment of the Issue and may: (i) refer it to the Conduct and Complaints Commission Panel, another BJA Commission (i.e. Referees, club or Area committee) or to an investigator (each an "Investigator"), or (ii) seek an informal resolution, or (iii) refer to any appropriate outside agency; dependent on the circumstances and seriousness of the Issue. (It should be noted that a police or Social Services investigation, or other criminal or civil proceedings, will take priority and no action will be taken by the Conduct and Complaints Commission until that investigation and any resulting criminal proceedings has concluded.)
6. When allocated to the Conduct and Complaints Commission Panel, other BJA Commission or an investigator the complainant will be informed that the Issue is being investigated and if appropriate that the complainant's details will be disclosed to the person complained about.
7. The person complained about, or the person whose conduct is being investigated, as applicable (the "Respondent") will be informed of an outline of the Issue. A brief statement will be requested from the Respondent. The Respondent must submit any statement within 21 days of such request.
8. Investigations will be thorough, proportionate, relevant and fair to all parties. Contact with witnesses, if applicable, may be via telephone or email or by face to

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face meetings. When contact is made by phone, a reasonable note of the conversation will be made, and confirmation of the conversation will usually be sought by email. The Respondent may be contacted for further information at any time during the investigation.

9. Full disclosure of all relevant statements, including those that may support or undermine the case, will be disclosed to the Respondent who will be given an opportunity to respond. The Investigator may also ask any appropriate questions of them and ask for any evidence or witness that supports the Respondent.
10. The Investigator will then complete a standardised report and attach all notes/statements obtained during the investigation within 21 days of conclusion of the investigation.
11. Where the investigation has been carried out by an Investigator or another BJA Commission, their report and any submission(s) by the Respondent, will be provided to the Chair of the Conduct and Complaints Commission who will decide, dependent on the complexity of the case, to either circulate the report and submission to Panel members for adjudication by mail/email, or to hold a formal Panel. A formal Panel may be convened remotely or in person. If considered by mail/email, all Panel members may ask any questions of the investigator or other Panel members.
12. A formal Panel will consist of a Chair and at least two other Panel members and, where applicable, the investigator.
13. No personal appearance will be allowed by the complainant or the Respondent at a formal Panel hearing.
14. The Panel will decide the Issue using 'the balance of probabilities' as the burden of proof and will find the case as 'Proven' or 'Not Proven'.
15. If the Issue is found to be 'Proven', the Panel will decide upon an appropriate sanction. This may range from 'words of advice' to expulsion. The Panel reserves the right to take into consideration any previous reports and/or findings against the Respondent.
16. If the Conduct and Complaints Commission Panel is considering a sanction of a suspension or expulsion, the Panel will be suspended to allow a personal appearance at, or submission of further evidence and/or statement to, a reconvened Panel by the Respondent.
17. In such circumstances, the Chair of the Conduct and Complaints Commission will arrange a new Panel hearing date when the same Panel members and the

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Respondent are available. Whenever possible, this will be within one month of notification of the suspended Panel hearing.

18. At any such re-convened Hearing the Respondent may bring a friend or representative. Such friend or representative may consult with the Respondent but shall have no right to address the Panel unless invited to do so by the Chair. It should be noted that no costs or expenses will be paid by the BJA to any person appearing before the Panel. The purpose of the Hearing is not to re-hear the case. After the Chair has outlined the proposed finding against them, the Respondent will be allowed a combined total of 20 minutes to present any mitigation to the Panel including, if relevant, to clarify any errors of fact in evidence presented. It must be emphasised that only mitigation as to action will be heard. The Panel will then retire to consider an appropriate sanction.
19. The Chair of the Conduct and Complaints Commission will notify the complainant and the Respondent of the Panel's decision within seven days of the conclusion of the Hearing.
20. The Board of Directors of the BJA reserves the right in exceptional circumstances to alter or amend these procedures provided that the investigation and adjudication, as altered or amended, remains fair to all parties. Where there has been a procedural error, the Chief Executive of the BJA may direct the Conduct and Complaints Commission to re-hear the case or make any further investigation as necessary.

APPEAL PROCEDURE

21. In certain circumstances, as set out below, an appeal may be made in respect of the decision reached by the Panel.
22. Any Appeal by the Respondent must be made in writing to the BJA Chief Executive, within ten working days of the date of written notification of the Conduct and Complaints Commission Panel's decision.
23. The Respondent's notification of Appeal must contain the grounds for the Appeal. The only grounds for an Appeal are:
 - That there was a material error, either factual or procedural in the original Hearing.
 - There is material new evidence that, had it been known at the time of the Conduct and Complaints Commission Hearing, would have affected the decision of the Panel.

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- An Appeal may also be made solely against the sanction imposed by the Conduct and Complaints Commission Panel.

An Appeal that does not meet one of these criteria may be refused by the BJA Chief Executive and will not proceed further.

24. If an Appeal is granted, the Respondent shall pay a £100 admin fee to the BJA. Where such Appeal is successful, this fee will be refunded.
25. The Appeal Panel shall comprise of three members selected from the BJA Council and/or members of the Board of Directors at the discretion of the BJA Chief Executive having regard to whether parties are known to each other and the complexities of the issues. The BJA Chief Executive may also invite a person from another sporting NGB or a legal professional to be one of the three Appeal Panel members. The BJA Chief Executive will designate one of the Appeal Panel as Chair of the Appeal.
26. The identity of the Appeal Panel members shall be notified to the Respondent who may raise any specific concerns about the inclusion of any person as an Appeal Panel member. However, the BJA Chief Executive's decision as to membership and Chair of the Appeal Panel is final.
27. The BJA Chief Executive's Office will be responsible for arranging the date and venue of the Appeal Hearing having due regard for the availability of all parties. The date of the Appeal Hearing should normally be within six weeks of the notification of Appeal.
28. A full set of the papers will be provided to Appeal Panel members and the Respondent no later than ten days before the Appeal Hearing date (unless the Appeal Hearing falls within that time, in which case the papers will be provided as soon as possible). A copy of the grounds for Appeal and any supporting statements will also be provided to all Appeal Panel members.

THE APPEAL HEARING

29. An Appeal is not a re-Hearing of the original Conduct and Complaints Commission Hearing and whilst it will be necessary for Appeal Panel members to review the evidence by reading the statements and any reports, it will not involve the calling of live witnesses unless material new evidence has come to light that was not available to the Conduct and Complaints Commission Panel. It should be noted that not every fact or procedure will be material to the Appeal. This will be entirely at the discretion of the Appeal Panel Chair whose decision will be final and absolute.

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30. The Respondent may invite a companion or representative to accompany them at the Appeal Hearing. Such friend or representative may consult with the Respondent but shall have no right to address the Panel unless invited to do so by the Appeal Panel Chair. The Conduct and Complaints Commission investigator, or BJA Chief Executive if the investigator is not available, will normally attend an Appeal Hearing. Any other person attending an Appeal Hearing will be entirely at the discretion of the Appeal Panel Chair.
31. Before calling any person into the Hearing, the Appeal Panel Chair will ensure that Appeal Panel members have read and understand the case and have a copy of the grounds for Appeal. The Appeal Panel Chair will then call in the Respondent together with their companion or representative and the Conduct and Complaints Commission investigator.
32. The Appeal Panel Chair will then ask the Respondent to outline the grounds for their Appeal and provide any verbal or documented support for their Appeal. The Appeal Panel may ask the Respondent any questions or seek clarification of any of the points raised.
33. The Appeal Panel may then ask the Conduct and Complaints Commission investigator and/or BJA Chief Executive any questions or seek clarification on the information provided by the Respondent or from the original investigation or Hearing.
34. Once the Appeal Panel Chair is satisfied that the Appeal Panel have sufficient information on which to decide the Appeal, they will retire to consider whether the Appeal is upheld or dismissed. The Appeal Panel also has the power to change any sanction imposed by the original Conduct and Complaints Commission Panel.
35. At the conclusion of the Appeal, the Appeal Panel shall have the power to:
 - Dismiss the Appeal,
 - Alter or vary the original decision,
 - Quash any sanction and/or substitute it for any other penalty, or
 - Make any such other order or determination as it may think right or just.
36. The decision of the Appeal Panel will be communicated to the Respondent within seven days of the Hearing.
37. The Appeal will be final and binding and there lies no other form of Appeal.

DECISION PUBLICATION

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38. All decisions from investigations, Conduct and Complaints Commission Panels and Appeal Panels shall be provided to the BJA Board of Directors.
39. A brief, anonymised statement of the Issue and the outcome of the Conduct and Complaints Commission Panel's decision and, if relevant, any Appeal decision will be made available by the BJA. All further facts, incidents and information that the BJA Chief Executive, Conduct and Complaints Commission Members, Investigator or Appeal Panel gain knowledge of, whilst carrying out their duties, will remain confidential.

Updated: July 2020

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48. Full disclosure of all relevant statements, including those that may support or undermine the case, will be disclosed to the Respondent who will be given an

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opportunity to respond. The Investigator may also ask any appropriate questions of them and ask for any evidence or witness that supports the Respondent .

49. The Investigator will then complete a standardised report and attach all notes/statements obtained during the investigation within 21 days of conclusion of the investigation.
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