

ENGLISH CHESS FEDERATION
ANNUAL GENERAL MEETING 12 OCTOBER 2013
Paper from the Governance Committee on Complaints Procedure

C19.13.1

A year ago in the closing minutes of the AGM, Council adopted proposals drafted by Andrew Farthing on “Standards of Conduct” and “Complaints Procedure”. Subsequently, the Board found the complaints procedure to be unworkable when it involved Board members considering complaints against other Board members. As reported at the Finance Council meeting in April, the procedure was suspended and the need for a new procedure identified. This paper was produced in response to that need, which embodies the following principles:

1. I considered, but abandoned, the idea of an independent complaints body. I do not think this can be addressed within the current framework of company law and ECF Articles. Consequently, I have restricted the scope of the revised complaints procedure to exclude directors. I consider that Council has to deal with issues raised about Directors.
2. I have tried to clarify who can complain and about what. Thus this procedure solely deals with the official duties of an ECF official.
3. I have added a fee to deter frivolous complaints.
4. I have outlined the possible courses of action available following a complaint.
5. Previously, the complaint procedure was neither a regulation nor a bye-law. So its status was unclear. I have made it a regulation because I feel that the Board needs the flexibility to modify it, without immediate reference to Council. As a consequence Council is invited to note rather than accept this paper.

It should be noted that the standard of conduct has been retained untouched.

If anyone wishes to raise any points on this paper, I should be happy to discuss them in advance of the Council meeting.

Chris Majer
Chairman of Governance Committee on behalf of the Board

Regulation No. 4

The ECF Complaints Procedure

1. Introduction

- 1.1. This document sets out the procedures for the handling of complaints concerning the English Chess Federation (ECF) and the actions of its officials (see list on the ECF website at: <http://www.englishchess.org.uk/about-2/ecf-officials/>) when acting in an official capacity (i.e. conducting one of the activities outlined in Regulation No 2 – the Directors and Officers Responsibilities document).
- 1.2. Complaints can only be brought by individual ECF members or by the delegate of a member organisation acting on behalf of that organisation.
- 1.3. An administration charge of £25 shall be payable for any complaint raised. This fee shall be returnable if the complaint is upheld.
- 1.4. The complaint must be raised within 2 weeks of the alleged infraction and must be submitted to the ECF Office with the above fee.
- 1.5. A complaint may not be raised via this procedure against a Director or the FIDE Delegate because they are accountable to Council and stand for re-election on an annual basis.

2. Investigation of Complaint

- 2.1. Complaints should be made in writing as soon as practicable after the incident in question.
- 2.2. The appropriate recipient of the complaint should be determined as follows:
 - 2.3.1 In the first place, the complaint should be addressed to the Director responsible for the event, activity, policy or official encompassed by the complaint;
 - 2.3.2 If it is not clear which is the responsible Director, or if the complaint spans more than one directorate, the complaint should be addressed to the Chief Executive.

3. Handling of Complaint

- 3.1. The ECF will endeavour to acknowledge receipt of all complaints within 72 hours.
- 3.2. The ECF will endeavour to provide a written response to complaints within 14 calendar days of receipt. If the official handling the complaint does not expect to be able to meet this timetable, this will be advised to the plaintiff at the earliest opportunity and in any event within 14 calendar days of receipt of the original complaint.

3.3. The response to the complaint shall be made in writing and shall include an explanation of the ruling and its basis.

4. Possible Actions

4.1. Following a complaint, the following options are available to the ECF:

- a) Dismiss the complaint;
- b) Acknowledge the complaint but take no action;
- c) Warn the officer concerned;
- d) Reprimand the officer concerned;
- e) Suspend the officer concerned;
- f) Dismiss the officer concerned.

5. Appeals

5.1. No appeal against the original ruling will be permitted under this procedure.