

**ANNUAL GENERAL MEETING 11 OCTOBER 2014**

The attached regulation sets out for, Council to note, the complaints procedure that the Board intends to operate. This is intended as an interim arrangement; in the longer term a committee, independent of the Board, is envisaged. The mechanisms for this will, I expect, come out of the Independent Constitutional and Governance Review Commission (see ECF website for details).

There are a number of aspects in this procedure where there are contrary views and indeed the best option is unclear. It may be best to have something in place and amend it on the basis of experience; examples are:

- a. Whether we should allow anyone to bring a complaint as written, or just individual members or member organisations.
- b. Should this procedure only cover the actions of officials acting in their official capacity (i.e. as per regulation No. 2)?

**REGULATION NO. 5 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/wp-content/uploads/2010/01/Regulation-No.-2-The-Directors-and-Officers-Responsibilities-Regs-Aug-2014.pdf/>) 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. Under this procedure complaints should only be brought where there is an alleged serious case of maladministration.

1.3. An administration charge of £50 shall be payable for any complaint raised. This fee shall be returnable if the complaint is upheld or if the complaint is found to have merit.

1.4. The complaint must be raised within 4 weeks of the alleged infraction and must be submitted to the ECF Office with the above fee.

**2. Instigation of Complaint**

2.1. A complaint will normally be considered by the ECF only after all direct routes for the resolution of the matter have been attempted. For example, if the complaint concerns an event run independently of the ECF, but registered with it, it should initially be addressed to the organisers or controllers of the event in question.

2.2 On receipt complaints shall be logged in the ECF Office. To facilitate this, directors who receive a complaint shall send a copy to the Office

2.3. 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, policy or official encompassed by the complaint;

2.3.2. If the responsible Director is not clear, or if the complaint spans more than one directorate, the complaint should be addressed to the Chief Executive;

2.3.3. If the complaint concerns a member of the ECF Board (apart from the Chief Executive), it should be addressed to the Chief Executive;

2.3.4. If the complaint concerns the Chief Executive, it should be addressed to one of the Non-Executive Directors. An up-to-date list of ECF directors and other officials is maintained on the ECF website.

### **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 an initial 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 complainant 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. This will be provided to the individual and/or the event involved.

3.4. If the complaint is upheld the ECF shall take whatever action is deemed appropriate. If disciplinary action in respect of an ECF official is considered appropriate, this may include such measures as:

- a written warning;
- a temporary suspension from duty;
- dismissal from post<sup>1</sup>.

3.5 The outcome of the complaint will be published on the ECF website.

### **4. Appeals Procedure**

4.1. Appeals must be made in writing within 14 calendar days of the issue of the original ruling.

4.2. The appeal should be addressed to the next official in the sequence as set out in paragraph 2.2. For example, if a Director ruled on the original complaint, the appeal should be addressed to the Chief Executive.

4.3. The timetable for acknowledging and responding to the appeal shall be as set out in paragraphs 3.1 and 3.2. If the appeal is to be heard by the Board, it may be necessary to await the next scheduled Board meeting.

4.4. An appeal must include a substantive basis beyond disagreement with the original ruling. Such a basis could include:

4.4.1. Failure to give the evidence proper consideration;

4.4.2. Failure to consult with relevant parties;

4.4.3. Failure to follow the applicable procedures;

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<sup>1</sup> In the case of officers elected by ECF Council (Directors, the FIDE delegate and chairmen and members of the Finance and Governance Committees) a procedural motion will need to be brought to ECF Council.

4.4.4. The argument that, in the light of the evidence, the ruling was perverse.

4.5. The appeal will, as far as is possible, be assessed by people not involved in the original decision.

4.5. The decision in the response to the appeal will be final.

4.6 The outcome of the appeal will be published on the ECF website.