

REGULATION NO. 7 ECF COMPLAINTS AGAINST DIRECT MEMBERS AND SUPPORTERS PROCEDURE

Made by the Board of the English Chess Federation ("ECF") on 4 September, 2024 pursuant to Article 86 of its articles of association. Words and expressions defined in the articles of association shall, save where the context otherwise requires, bear the same meaning when used in this document.

1. Introduction

- 1.1 This document sets out the procedures for the handling of complaints concerning the behaviour of Direct Members and persons with supporter status ("Supporters").
- 1.2 A complaint (the "Complaint") may be made under this procedure by any Direct Member or Supporter or by any ECF official (the "Complainant") where the Complainant believes that a Direct Member or Supporter (the "Alleged Offender") has engaged in behaviour which brings the ECF or English chess into disrepute, or seriously misbehaves in an unjustifiably aggressive, humiliating, degrading or inappropriate way to any officer of the ECF or any other person participating in, attending, organising or otherwise undertaking any activity in relation to a chess event (whether taking place in England or elsewhere) or any chess club within the jurisdiction of the ECF.
- 1.3 For the purposes of the definition of "Alleged Offender", "Direct Member" shall mean any person who is a Direct Member or Supporter at the time the Complaint is made or was a Direct Member or Supporter at any time in the 24 month period commencing 12 months before and ending 12 months after any complained of behaviour.

2. Instigation of Complaint

- (a) A Complaint shall be made by email to the Chair of the Board ("Chair") detailing, with material available evidence, the alleged behaviour.
- (b) The Chair shall acknowledge receipt of the complaint as soon as reasonably practicable and in any event within seven days.
- (c) The Chair may, with the agreement of any other Director of the ECF, reject a Complaint if the Chair in their absolute discretion determines that the Complaint is frivolous, vexatious, insufficiently material, manifestly ill-founded or should be dealt with by other means or by another body, such as a club, league, union or local association.
- (d) If the Chair believes that any clarification of, or further information in relation to, the alleged behaviour is required then they shall request of the Complainant such clarification and/or further information within 21 days of the date of receipt of the Complaint.
- (e) The Chair may, with the agreement of any other Director of the ECF, at their absolute discretion, pending hearing of the Complaint, suspend the Alleged Offender from membership or Supporter status of the ECF where the Chair believes that suspension is appropriate in the light of the nature and/or severity of the alleged behaviour.
- (f) If the Chair has a material conflict of interest in relation to the Complaint, they shall notify the Board and the Board shall appoint an alternative person to take the role required of the Chair under this document.
- (g) All information provided pursuant to the Complaint, including details which are personal to either party, may be made available to the other party in order to enable the other party to respond.

3. Complaints Panel

3.1 The Chair shall by no later than the date falling 28 days after the date of receipt of the Complaint, unless the Complaint has been rejected under paragraph 2, have formed a panel (the “Panel”) to hear the Complaint.

3.2 The Panel:

- (a) shall have either three or five members;
- (b) may include the Chair as one of its members;
- (c) shall have at least one member who is a director;
- (d) shall include at least one male and one female;
- (e) shall, where safeguarding issues are involved, include at least one ECF official whose duties include a safeguarding role; and
- (f) shall not include anyone who has a material conflict of interest in relation to the Complaint.

4. Hearing of the Complaint

4.1 The Panel shall meet (whether in person or virtually) to consider the Complaint no later than 14 days after the later of:

- (a) formation of the Panel; and
- (b) receipt of any clarification and/or further information requested under paragraph 1 above.

4.2 In fulfilling its functions, the Panel:

- (a) shall give the Alleged Offender an opportunity to respond to the allegations being made against them;
- (b) may ask questions of and request further information from the Complainant, the Alleged Offender and any other relevant party;
- (c) pending resolution of the Complaint, may suspend the Alleged Offender from membership or Supporter status of the ECF on the same basis as referred to in section 2 above; and
- (d) shall, where appropriate, suggest to the Complainant that consideration should be given by the Complainant to involving the police.

4.3 Where the alleged behaviour constitutes criminal behaviour of sufficient seriousness, the Panel shall have the discretion, whether or not the police is involved, not to hear the Complaint or to adjourn the hearing of the Complaint for so long as it considers appropriate.

4.4 After hearing the Complaint, the Panel shall:

- (a) proceed to determine the outcome of the Complaint as soon as reasonably practicable taking into account, without limitation, the complexity and severity of the allegations, the volume of information it needs to review and the time taken to supply information to it; and
- (b) Issue a determination in writing to both the complainant and the Alleged Offender which shall include a statement as to the outcome of the Complaint.

4.5 If the Panel upholds the Complaint in whole or in part it may:

- (a) cancel with no refund the ECF membership/Supporter status of the \offender; and/or
- (b) prevent them being an ECF member or Supporter for a specified period of any length or for life; and/or;
- (c) prohibit their participating in any ECF organised events for a specified period of any length or for life; and/or
- (d) prohibit the individual from having any safeguarding role in any organisation connected with the ECF or in relation to any event affiliated or otherwise connected with the ECF; and/or
- (e) remove the individual from any role or office with the ECF; and/or
- (f) remove the individual from the register of ECF coaches; and/or
- (g) determine that a sanction be deferred or removed conditionally on the Alleged Offender satisfying such requirements as may be determined by the Panel.

4.6 The Panel may also make such recommendations to the Board as it thinks appropriate, including that the Alleged Offender be reported to one or more of the FIDE Ethics Committee, Qualifications Commission, Arbiters Commission or other appropriate body within FIDE.

4.7 The Panel has the discretion to determine that details of the Complaint and the Panel's decision, remedies and recommendations be published on the ECF website.

(h) Right of appeal

5.1 Each of the Complainant and the Alleged Offender may appeal against the ruling of the Panel by email notice to the Chair and on payment of a fee of £50 (such fee to be repaid if, but only if, the appeal is upheld), such appeal to be made no later than 21 days after being notified of the Panel's decision and specifying the applicable grounds for appeal. The only permissible grounds for appeal are that:

- (a) there was a material breach by the Panel of the procedural requirements set out in section 4 above;
- (b) in the light of the evidence, the ruling of the Panel was perverse; and
- (c) there is material new evidence which it was not reasonably possible to adduce at the original hearing.

5.2 If there is an applicable ground for appeal, the Chair shall appoint a panel to hear the appeal (the "Appeal Panel"). Paragraphs (a) to (f) of section 3 shall apply equally to the composition of the Appeal Panel; in addition, no member of the Panel may also be on the Appeal Panel.

5.3 The Appeal Panel may ask questions of and request further information from the Complainant, the Alleged Offender and any other relevant party.

5.4 The Appeal Panel shall meet and reach its decision as soon as reasonably practicable. The powers and discretions set out in the final two paragraphs of section 4 shall apply, mutatis mutandis, to the decision of the Appeal Panel.

5.5 If an appeal is made, the burden of proof shall rest with the party bringing the appeal.

5.6 If there is an appeal by the Alleged Offender and that appeal is dismissed, the Appeal Panel shall have the power to vary in such manner as it determines is appropriate the sanctions specified by the Panel, including without limitation imposing or varying sanctions not specified by the Panel.