



Complaints Policy

2 April 2025

Version 2.0

Registered Charity Number 266982

Document Governance

Document management

Document type	Policy
Version	2.0
Status	Final
Policy Effective Date	03/04/2025
Publication	N
Publication Date	03/04/2025
Classification	Unrestricted
Document owner	COS

Document history

Author	Version	Changes
HoG	1.0	Original document (20220929)
COS	2.0	Incorporation of elements of the 2010 Equalities Act.

List of reviewers

Reviewer	Version
Governance Committee	1.0
COS	2.0

Approval

Function	Date
Association Management Committee	18/11/2022
National Council	09/12/2022
AMC	08/11/2024

Distribution list

Groups	Version
National Council	1.0
Area Chairmen	1.0
Branch Chairmen	1.0
Central Office Staff	1.0
National Council	2.0
Area Chairmen	2.0
Branch Chairmen	2.0
Central Office Staff	2.0

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1 Introduction

The Royal Naval Association is built upon the tenets of Unity, Loyalty, Patriotism and Comradeship. Our motto of Once Navy, Always Navy should bring us together as a cohesive family of serving and former serving members and their families. As with all organisations and families, there will be differences of opinion and on occasion these can lead to disputes and arguments. This Complaints Policy seeks to provide a framework for addressing what we should do, when frustrations surface and how we can resolve these quickly and amicably. It also provides a framework for what we do, when unfortunately, such differences cannot be reconciled.

2 Negotiate

2.1.0 The Complaint

When a complaint is received, at a Branch, (including online members) Area or at National level, we should do our utmost to resolve the complaint as quickly as possible, with the least amount of upset, but ensuring that a resolution is provided.

2.1.1 Branch / Online Member Level Complaint

When a complaint is generated within a Branch by a member it should be passed to the Branch Committee. The Branch Chair should speak to both parties as soon as possible, to see whether the matter can be resolved. If the matter can be resolved quickly and to the satisfaction of all parties, then it should be, with all parties agreeing to move on. Where the complaint is made by or against the Branch Chair or a member of the Branch Committee, it may be more appropriate to ask the Area Chair or NCM to look into the matter and try to resolve the situation.

If the Complaint cannot be resolved informally, then the Branch Chair (or Area Officer) should move to the next level – “3 Mediate (Part One)”.

2.1.2 Area Complaint

As with a Branch Complaint, the Area Chair should investigate and try to resolve the issue as above. Where the Area Chair or a member of the Area Committee is subject of or party to the complaint, the Area National Council Member (NCM) should take the lead to resolve the issue(s).

If the Complaint cannot be resolved informally, then the Area Chair/NCM should move to the next process – “3 Mediate (Part One)”

2.1.3 National Council Complaint

Should a complaint arise against a member of National Council or an advisor to National Council, (where the complaint arises out of their fulfilment of their National Advisor role), then the complaint should be notified to the National Vice Chair in the first instance. The National Vice Chair will attempt to resolve the issue between the individuals. Where the National Vice Chair is a party to a complaint, then the National Chair should attempt to resolve, but if both individuals are involved, then National Council should appoint another NCM to investigate and try to resolve.

If the Complaint cannot be resolved informally, then the Area Chair/NCM should move to the next process – “3 Mediate (Part One)”

Where National Council raises a complaint of its own volition, the above process should still be followed.

2.1.4 Central Office Staff Complaint

Where an issue arises between a member of the RNA and a Central Office Staff member, then this should in the first instance be addressed to the General Secretary, who will try to resolve. If the complaint relates to the General Secretary, then the issue should, in the first instance, be raised with the National Chairman.

Where complaints against Central Office staff cannot be resolved informally, then a separate procedure will be invoked, as per the Central Office Employee Handbook and is outside of the scope of this policy.

2.1.5 Exempt Complaints

Complaints which contain allegations of fraud (for amounts greater than GBP250), safeguarding issues, Equality Diversity and Inclusion (as articulated in the document) or criminal activity should be referred straight to the 'Mediate Part Two' phase of this policy.

3 Mediate (Part One)

3.1.1 Branch Complaint

Where the Branch or Area Chair is unable to resolve a complaint informally, then the next step is to 'Mediate.' In this step, the Branch or Area Chair (as in the 'Negotiate' phase), should formally sit down with both parties, listen to their version of events and try to broker a resolution between the parties. The complainant should place their complaint formally in writing. In this phase, the Chair may want to also speak to other witnesses, if there are any, and review any evidence the parties want to produce. This phase does not involve any formal hearing but is an opportunity to formally investigate the matter and see if the parties can see reason to come to a resolution. Written details of the investigation should be completed, along with the Chair's decision.

Where the Chair is able to come to a satisfactory resolution between the parties, then this should be documented and the matter closed.

In the instance that the parties are not able to reach an agreement, then the Chair should progress matters to 'Mediate (Part Two)', as defined in this policy.

3.1.2 Area Complaint

As with the Branch Complaint above, the process for a complaint within the Area should follow the same format, with the Area Chair or other officer used in the 'Negotiate' phase leading this matter.

In the instance that the parties are not able to reach an agreement, then the Area Chair should progress matters to 'Mediate (Part Two)', as defined in this policy.

3.1.3 National Council Compliant

National Council Complaints unable to be resolved at the 'Negotiate' phase, should skip this phase and move directly to the 'Mediate Part Two phase'.

4 Mediate (Part Two)

4.1.1 Branch Complaint

Where it has not been possible to resolve the complaint either at the "Negotiate" or "Mediate" phases, then the investigating Chair needs to refer the matter to the General Secretary at Central Office. The General Secretary, under advisement from the National Chairman and Head of Governance, will appoint a **Commission of Inquiry (Col)**, to review the matter on behalf of the National Council. The Col may be made up of one, two or three members, depending on the severity of the complaint raised. The members for the Col may be appointed from either National Council Members or Area Chairs, from Areas other than those involved in the dispute.

The Col will be tasked to review all of the information gathered at the "Mediate (Part One)" phase and to see whether a solution can be found or whether, in its opinion, the matter needs to progress to the more formal 'Arbitration' phase. Where possible, the Col should normally meet with the parties within 28 days of the matter being escalated to Central Office and shall furnish their findings, with their recommendation, to the National Council. The recommendation should normally be made to National Council within 42 days of the complaint being escalated to Central Office. National Council should then meet within 14 days (online if necessary) to determine the next steps, based on the recommendations made by the Col.

For the duration of the investigation, the General Secretary, acting on behalf of the National Council may direct that the individual against whom the complaint has been raised, should be temporarily suspended from either their office or from active involvement in the Association, if National Council believes this to be appropriate.

4.1.2 Area Complaint

The format for Area Complaints shall be as per the process for Branch Complaints.

4.1.3 National Council Complaint

Where a complaint by or against a National Council Member cannot be resolved, a Col shall be established, as per the process for Branch Complaints, but in this instance, the Col should be made up of either the Deputy National President and/or external independent parties or Area Chairs, who have no direct relationship or specific knowledge of the individuals involved.

Where a complaint involves the National Chair or National Vice Chair, the General Secretary shall consult with the Deputy National President and Head of Governance. Where a complaint is raised against the Head of Governance, then the General Secretary shall consult the Deputy National President and National Chair. Where any of the parties mentioned are not available, then the General Secretary shall consult National Council.

The Col will be tasked to review all of the information gathered at the "Mediate (Part One)" phase and to see whether a solution can be found or whether, in its opinion, the matter needs to progress to the more formal "Arbitration" phase. Where possible, the Col should normally meet with the parties within 28 days of the matter being escalated to Central Office and shall furnish their findings, with their recommendation, to the National Council. The recommendation should normally be made to National Council within 42 days of the complaint being escalated to Central Office. National Council should then meet within 14 days to determine the next steps, based on the recommendations made by the Col.

For the duration of the investigation, National Council may direct that the individual against whom the complaint has been raised, should be temporarily suspended from either their office or from active involvement in the Association, if National Council believes this to be appropriate. Where a National

Council member is not suspended, they should not be physically or electronically present at any meeting where the findings of the Col are presented or discussed.

4.1.4 Findings of the Col

The Col may come to the following conclusions, which they will make to National Council as recommendations:

- The matter is trivial and no further action should be taken
- The matter is relatively serious, but in the opinion of the Col no further action should be taken
- The matter is (relatively) serious, but if the parties agree, a censure should be issued to the party or parties against whom the complaint has been raised.
- Further issues have arisen, which National Council should investigate. This may require an additional Col being established
- The matter cannot be resolved and should progress to a tribunal 'Arbitrate' phase.

Throughout this whole process, the standard burden of proof applied to Civil cases of “the balance of probabilities” should be applied.

5 Arbitrate

Once all previous steps have been exhausted and a Col has recommended that the only option left to resolve the complaint, is by way of a Tribunal, the National Council through the General Secretary shall establish and convene a Tribunal Panel.

5.1.1 The Tribunal Panel

The Tribunal Panel shall consist of three members. A chair and two panel members. The Chair and panel members should normally be senior members of the Association, either sitting as a National or Deputy National Council member or an Area Officer. Alternatively, one or two of the panel members may be brought in from outside of the Association, to act as impartial and independent Tribunal Panel members. Those appointed should not be members of, or connected with the area, from which either the complainant or respondent are members of. The Panel members should not have any contact with the complainant, respondent or any witnesses, from the moment of appointment to the Tribunal Panel, until the Tribunal Hearing and thereafter until they have delivered their decision and this has been accepted or any appeal has been completed.

Either the Complainant or Respondent may object to any panel member, providing their grounds for objecting, to the Chair of the Governance Committee. The objection shall be considered by the Governance Committee and if upheld, a new panel member shall be appointed. Where a member of the Governance Committee is a party to the complaint, this function shall be taken up by the General Secretary and National President.

5.1.2 Tribunal Secretariat

A secretariat shall be appointed to the tribunal, to issue and receive all correspondence and who shall act in an impartial manner. The Secretariat may advise the Tribunal Panel or any of the parties on procedure, but may not become involved in or discuss the content of the Tribunal. The Secretariat shall be appointed from either the Governance Committee or Central Office staff. The Secretariat shall usually consist of one Shipmate, but for practical reasons, a different person could handle the administration prior to the tribunal, than the person attending and advising the tribunal panel. The Secretariat shall also arrange the venue for the hearing and on the day, ensure that the room is laid out correctly and ensure witnesses are brought into the room at the appropriate time.

5.1.3 Notice of Hearing

Notice of the proposed hearing date must be provided to all parties no less than 42 days before the proposed date. Notification may be sent by email or registered post, whichever is the more appropriate.

5.1.4 Burden of proof

The standard burden of proof applied to Civil cases of “the balance of probabilities” should be applied.

5.1.5 Prior to the hearing

Prior to the hearing, the complainant shall provide details of their complaint, including witness statements from themselves and any witnesses they intend to call on their behalf, as well as any other documents or evidence which they seek to rely upon. These must be provided 28 days before the hearing. The Respondent shall provide a rebuttal statement along with statements from any witnesses and other documents/evidence which they wish to rely upon, in no less than 14 days before the hearing. Evidence not disclosed in advance of the hearing, including witnesses, shall not be admitted as evidence, without permission of the Tribunal Panel.

5.1.6 The Tribunal Hearing

The Complainant will present their complaint to the Tribunal Panel and the Respondent will be given an opportunity to challenge any evidence given and present their own version of events. Witnesses may also be called for either party, provided such statements are provided in advance of the hearing, or with leave of the Tribunal Panel. After hearing both sides of the matter, the Tribunal shall retire in private to consider their decision. No decision is given on the day. The Tribunal Secretariat shall notify the parties, in writing, of the Panel's decision, after the hearing has concluded. The parties may also bring along a friend to the hearing, for moral support, but such friend shall not be permitted to take any part in proceedings.

5.1.7 Tribunal Decision

The Tribunal Panel may reach on of the following decisions:

1. Dismiss the Complaint;
2. Uphold the Complaint and
 - a. Make no sanction due to the trivial nature of the offence
 - b. Reprimand the Respondent
 - c. Reprimand/Suspend the Respondent for a defined period and limit their ability to hold office for a defined period
 - d. Expel the Respondent from the Association

The decision of the Tribunal Panel must be sent to all parties simultaneously, no less than 7 days after the hearing.

5.1.8 Appeal

Either of the parties may appeal the decision of the Tribunal, in the following instances only:

- Where the Tribunal Procedure has not been followed, to the extent that one party is prejudiced
- Where a matter of law has been incorrectly applied

Matters of fact from the Tribunal, shall not be appealable. An intent to lodge an appeal, must be sent to the General Secretary no later than 14 days after the publication of the decision of the tribunal panel.

5.1.9 Appeal Panel

The Appeal Panel shall be made up of the National or Deputy National President, an Area Officer from an unconnected Area (and shall not be from the same Area as any panel members sitting on the original Tribunal) and an independent member, from outside of the Association (this person may be an Association member if the parties agree).

5.1.10 Secretariat

As with the Tribunal, a Secretariat shall be appointed in the same manner and may be the same person from the original Tribunal, unless the actions of the Secretariat form part of the Appeal complaint.

5.1.11 Appeal Decision

The Appeal Decision, which shall be delivered after the hearing in writing, shall be one of the following:

- Dismiss the Appeal and uphold the original decision
- Uphold the Appeal and offer a lesser sanction
- Uphold the Appeal and order a new Tribunal Hearing

In no instance, may the Appeal Panel offer a more serious sanction than was offered by the Tribunal Panel at the first instance. In such circumstances, the Appeal Panel should direct a new Tribunal Hearing to take place. The decision of the Appeal Panel must be sent to all parties simultaneously, no less than 7 days after the hearing.

Where a new Tribunal Hearing is ordered, a new Tribunal Panel shall be selected to hear the complaint.

5.1.12 Recording the Decision

Once the Tribunal and any Appeals process has been completed, the outcome shall be reported to the next available National Council meeting.

6 Core Behaviours

6.0 The Association shall be neutral in terms of politics and religion, and diverse and inclusive (in accordance with the Equality Act 2010) in terms of its membership. Its Motto shall be “Unity, Loyalty, Patriotism and Comradeship”. The core values are centred on the Seven Cs of Comradeship and are;

- Community
- Connection
- Commemoration
- Care
- Compassion
- Companionship
- Celebration

6.0.1 Core behaviours ensure that each person can understand what behaviours are expected of them; what to do (positive) and what not to do (negative). Core behaviours also facilitate a respectful environment for all Shipmates, their families and friends.

6.0.2 Core behaviours enable inclusive environment, which gives individuals a sense of belonging, allows them to be authentic and ensures they have a voice within the Association.

6.0.3 Everyone has a moral obligation to challenge unacceptable behaviours. It is important for the long term sustainability of the Association that diversity is embraced at all times and challenge where you believe behaviours are unacceptable.

Definitions

6.1. Everyone has the right to be treated fairly with dignity and respect. There is a range of relevant legislation in place to protect individuals . The primary domestic legislation is now the Equality Act 2010 which was introduced to provide a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination.

6.1.1 Protected characteristics are specific aspects of a person’s identity defined by the Equality Act 2010. The ‘protection’ relates to protection from discrimination and harassment. The nine protected characteristics listed in the Equality Act 2010 are:

- a. age
- b. disability
- c. gender reassignment
- d. marriage and civil partnership.
- e. pregnancy and maternity.
- f. race.
- g. religion or belief.
- h. sex.
- i. sexual orientation.

6.1.2 The Equality Act 2010 prohibits unlawful direct discrimination, unlawful indirect discrimination, harassment and victimisation. Below is a summary of the kind of behaviours that do not treat a Shipmate(s) fairly with dignity and respect.

6.2 Discrimination

6.2.1 Generally speaking, unlawful direct discrimination occurs where someone is treated less favourably than another person because of a protected characteristic. Often it will be an individual themselves who possesses the protected characteristic in question but direct discrimination can occur when someone is treated less favourably because someone associated with them (for example a relative) possesses the protected characteristic. It may also occur if someone is treated less favourably because of a mistaken belief that they have that characteristic, e.g. a belief someone has a particular sexual orientation.

6.3 Harassment

6.3.1 Harassment is defined in the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

6.3.2 The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for someone to say they object to the conduct for it to be unwanted. Unwanted conduct could include, but is not limited to:

- a. spoken or written abuse.
- b. offensive emails.
- c. tweets or posts on websites and social media.
- d. images and graffiti.
- e. physical gestures.
- f. facial expressions or mimicry.
- g. unwanted banter (i.e. teasing or joking talk that is not amusing or friendly) or being given / experiencing continued use of a nickname that is offensive to them or others.
- h. offensive fancy dress, dressing as infamous historical characters or portraying other cultures which is likely to cause objective offence, either to those in the direct vicinity or to others who hear of the matter.
- i. aggression and physical behaviour towards a person or their property.

6.3.3 Harassment may be persistent or an isolated incident. The unwanted conduct does not have to be targeted at, or directed to, a particular person. It can consist of a general culture or atmosphere which is, for example, hostile to women or people from minority groups.

6.4 Sexual Harassment

6.4.1 Sexual harassment is a specific type of harassment. Sexual harassment occurs when a person is subjected to unwanted conduct of a sexual nature and that conduct has the purpose or effect of violating their dignity, or creating an intimidating, hostile,

degrading, humiliating or offensive environment for them. The conduct does not need to be sexually motivated and it does not have to be related to a protected characteristic. Sexual harassment can be a one-off incident and does not need to be repeated for a complaint to be made.

6.4.2 Examples of behaviour 'of a sexual nature' can cover verbal, non-verbal or physical conduct. Examples of sexualised behaviour could include those listed below, but these are not exhaustive:

a. Verbal.

- (1) sexual jokes
- (2) unwelcome sexual comments or suggestive remarks.
- (3) sexually explicit swearing in the company of someone who is uncomfortable with it, whether the person swearing is aware another person present is uncomfortable with it or not.
- (4) describing people's physical appearance in a sexual manner.
- (5) terms of endearment (e.g. 'babe', 'dear', 'stud').
- (6) pressuring someone for a date after they have made it clear they are not interested or making unsolicited requests for sexual favours.
- (7) asking someone about their sex life
- (8) spreading rumours of a sexual nature about someone.
- (9) discussing sexual experiences in front of someone who is uncomfortable listening to them, whether or not they are aware they feel uncomfortable.
- (10) wolf-whistling.

b. Non-verbal.

- (1) displaying pornographic photos or drawings, including nude/semi-clad pin-ups.
- (2) sending emails, texts or social media posts with material of a sexual nature.
- (3) sending photos or film of someone or dirty jokes that can be seen by or are about an individual known to the recipients.
- (4) downloading, watching or reading pornographic images, films or magazines in a communal area.
- (5) sexual or obscene gestures such as winking, licking the lips suggestively, overtly staring or leering.
- (6) inappropriate or unwanted gifts.
- (7) indecent exposure, voyeurism or stalking.

c. Physical contact.

- (1) unwelcome touching such as hugging, kissing, patting, pinching, grabbing, fondling, massaging or groping.
- (2) cornering or blocking access for people in specific areas.
- (3) attempted or actual sexual assault and rape.

6.4.3 Sexual harassment and harassment on the grounds of sex are different and are not to be confused. Sexual harassment must always involve conduct of a sexual nature. Harassment on the grounds of sex is conduct directed at someone because of their sex (e.g. unwanted banter which implies a female is too weak to do a job well).

6.4.4 Another type of harassment occurs when someone is treated less favourably for rejecting or submitting to unwanted conduct of a sexual nature. The conduct must have the purpose or effect of violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment and be related to sex or gender reassignment. This might include, for example, a superior giving a bad performance appraisal because someone refused their advances, or the advances of another person in their team. It may be the same person who is responsible for the initial unwanted conduct and the subsequent less favourable treatment, or it may be two (or more) different people.

6.5 Bullying

6.5.1 There is no legal definition of bullying. The Advisory Conciliation and Arbitration Service (ACAS) guidance states that it can be described as unwanted behaviour from a person or group that is either: offensive, intimidating, malicious or insulting; or an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone. Bullying may take many forms (e.g. obvious or subtle; a 'one-off' or sustained behaviour; face to face or through calls, social media or emails).

6.5.2 Bullying can have a very serious impact on an individual. Some examples of bullying may include, but are not limited to:

- a. forced initiation ceremonies and other traditions/practices which might cause harm to individuals or compromise their dignity.
- b. spreading malicious rumours.
- c. insulting someone by words or behaviour (for example, deliberately copying emails/documents that are objectively unfair or unreasonably critical of someone to others who do not need to know).
- d. ridiculing or demeaning someone, picking on them (for example, because of their accent or hair colour) or setting them up to fail.
- e. socially excluding someone from team events or in online groups (such as Facebook or WhatsApp).
- f. overbearing supervision or other misuse of power or position.
- g. making threats or comments about job security without foundation.
- h. deliberately undermining individuals by overloading and constant criticism.
- i. preventing individuals progressing by unreasonably or unfairly intentionally blocking promotion or training opportunities
- j. publicly undermining someone's authority.
- k. labelling someone who has made a complaint of bullying or harassment as a 'troublemaker' or retaliating against them.
- L pressurising someone into not making a complaint.

6.6 Victimisation

6.6.1 Under the Equality Act 2010, victimisation means treating an individual badly (subjecting them to a detriment) because they have done a 'protected act' (see below). Victimisation also means subjecting a person to a detriment because it is believed they have done or are going to do a protected act; the person does not actually need to have done the protected act.

6.6.2 Each of the following is a protected act:

- a. bringing proceedings under the Equality Act 2010, for example, bringing a claim for harassment or discrimination before an employment tribunal.
- b. giving evidence or information in connection with proceedings brought under the Equality Act 2010, for example, giving evidence as a witness in someone else's employment tribunal claim alleging discrimination or harassment.
- c. doing anything else related to or connected with the Equality Act 2010, for example, submitting a complaint (about discrimination or harassment etc) or being a witness or a respondent.
- d. alleging someone has done something which is unlawful under the Equality Act 2010.

6.6.3 Protection will apply to anyone making a claim or allegation that the Equality Act 2010 has been breached or assisting someone (such as a colleague) in doing so. It is irrelevant whether the Act was breached or not, as long as the person doing the protected act genuinely believes the information or evidence they are giving is true.

6.7 Safeguarding

6.7.1 Where an allegation has been made of unacceptable behaviour towards an adult(s) with care and or support needs, personnel will need to refer to the RNA's safeguarding policy, which can be found on the RNA Website.

6.8 Online Behaviour

6.8.1 Shipmates should be aware that standards of behaviour online and in any communications, whether through email, Facebook, WhatsApp, SnapChat, TikTok, direct messaging within apps, text message or any other form of online or electronic communication should meet the standards expected by the Royal Naval Association at all times. Individuals are responsible for anything they post online, including sharing content posted by others which could result in a perception that they hold views expressed in those posts. This may result in a complaint being raised against the individual who shared the content. Please "Think before you press send"

7.0 The Complaint

Name of Complainant.....

Branch.....Date of Complaint.....

Who is the Complaint Against?

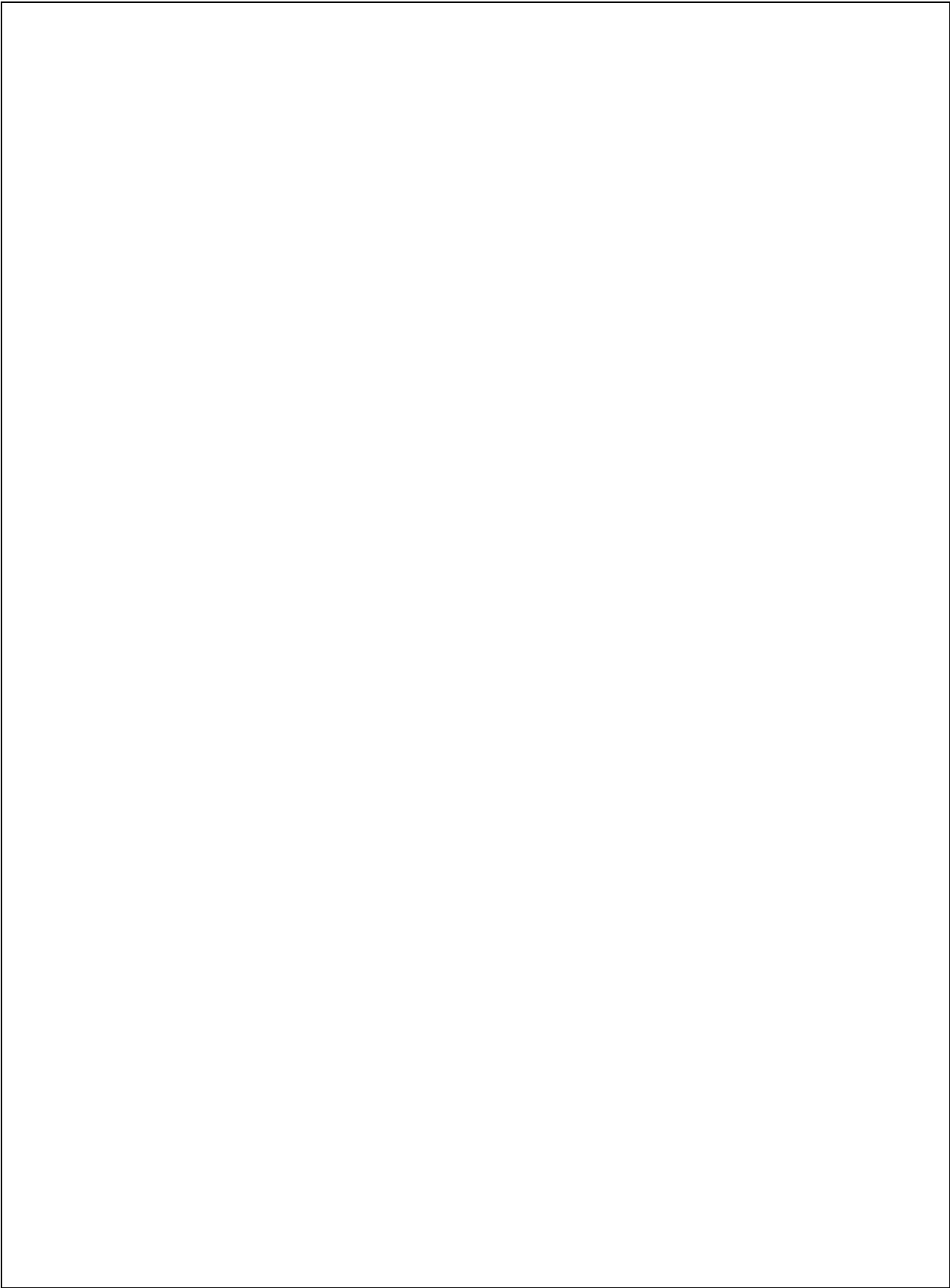
Where did the incident take place?.....

On What Date did it take place?

What is the nature of your complaint? (See 6.0 – 6.8.1 above)

As the Complainant what outcome are you looking for? Options include Verbal Apology, Written Apology, other. If Other please stipulate your aspiration below;

The standard burden of proof applied to Civil cases of “on the balance of probability ” will be applied by the individual(s) reviewing the complaint. To support them please provide dates, times, places & those who were present.



7.1 Notice of Complaint

Name of Branch.....Ref number.....

Dear (Title)

Date

NOTICE OF A COMPLAINT

A complaint about your conduct has been lodged in accordance with the Rules. It has thus far not been possible to resolve the complaint informally and we will now move to the more formal "Mediate (Part One)" of the Association's Complaint's Policy. A copy of the complaint is attached and discussions will now take place with you and the complainant, to see whether this matter can be resolved.

The nature of the complaint requires the Committee to exclude you from all Branch and Club activities until the complaint is resolved / or a determination is made. (Delete if not applicable)

Yours sincerely

..... Branch Secretary

7.2 Notice of settlement of a complaint

Name of Branch..... Ref number.....

Dear (Title)

Date

NOTICE OF A DECISION NOT TO UPHOLD A COMPLAINT

Following on from recent discussions with the complainant and the respondent by _____, I am pleased to note that the complaint has been resolved.

This matter is now closed and no further action relating to the complaint will be considered.

Full membership rights from which you were excluded are restored with immediate effect.
(delete if necessary)

Yours sincerely

..... Branch Secretary

7.3 Notice of failure to settle complaint

Name of Branch..... Ref number.....

Dear (Title)

Date

NOTICE OF A FAILURE TO SETTLE A COMPLAINT

Following on from recent discussions with the complainant and the respondent by _____, it has not been possible to resolve this complaint.

This matter will now be referred to the Association’s General Secretary, who has powers from the National Council, under section four of the Association’s Complaints policy, to appoint a Commission of Inquiry to investigate this matter further.

The Complainant and Respondent will be contacted directly by the General Secretary in due course.

The nature of the complaint requires the Committee to exclude you from all Branch and Club activities until the complaint is resolved or a determination is made. (Delete if not applicable)

Yours sincerely

..... Branch Secretary

7.4 Referral of a Complaint to the General Secretary

Name of Branch..... Ref number.....

Captain W. Olifant RN
General Secretary
Royal Naval Association

Date

REFERRAL OF A COMPLAINT

Following receipt of the attached complaint, the matter has been investigated both informally and subsequently formally at Branch level and has not been resolved.

Attached you will find the following documents:

- 1. Notice of Complaint
- 2. Details of Complaint
- 3. Details of Complainant and Respondent
- 4. Notice of Failure to Settle a Complaint
- 5. Written details of the Investigation

I would now ask that you establish a Commission of Inquiry under Section four of the Association’s Complaint’s Policy and notify the parties directly.

The complainant has/has not been excluded from all Branch and Club activities until the complaint is resolved or a determination is made. (Delete if not applicable)

Yours sincerely

..... Branch Secretary

7.5 Establishment of a Commission of Inquiry

Name of Branch.....Ref number.....

Date:

Establishment of a Commission of Inquiry

Following receipt of the attached complaint, the matter has been investigated both informally and subsequently formally at Branch level and has not been resolved. Accordingly, under powers granted by the National Council under Section Four of the Association's Complaints Policy and after consultation with the National Chairman and Head of Governance, I formally establish a Commission of Inquiry, to investigate this matter further.

The Commission will be made up of the following Shipmate(s):

1. Shipmate
2. Shipmate
3. Shipmate

Attached you will find the following documents:

1. Notice of Complaint
2. Details of Complaint
3. Details of Complainant and Respondent
4. Notice of Failure to Settle a Complaint
5. Written details of the Investigation

The Commission is tasked to review the above documents and to meet with the Claimant and Respondent and any other relevant parties, within 28 days of the date of this notice. The Commission is tasked to provide its recommendations based on the above, to the General Secretary, on behalf of the National Council, within 42 days of the date of this notice.

Upon presentation of its findings to the National Council, the Commission of Inquiry is disbanded, unless further required by the National Council.

W. Oliphant
General Secretary

7.6 Notice of a Decision not to Uphold a Complaint

Name of Branch..... Ref number.....

Dear (Title)

Date

NOTICE OF A DECISION NOT TO UPHOLD A COMPLAINT

I can now advise you, that following the appointment of a Commission of Inquiry, by the National Council, the Commission has decided not to uphold the complaint made against you.

(state the complaint)

This matter is now closed and no further action relating to the complaint will be considered.

Full membership rights from which you were excluded are restored with immediate effect. The record of the Inquiry will be kept on file.

Yours sincerely

W. Oliphant
General Secretary

7.7 Notice of a Decision to Issue a Censure

Name of Branch.....Ref number.....

Dear (Title)

Date

NOTICE OF A DECISION TO ISSUE A CENSURE

Following the appointment of a Commission of Inquiry by the National Council to respond to a complaint that had been made against you and that the Commission after having considered the matters put to it and your response, with the agreement of the parties has recommended to the National Council that the complaint of:

(state the complaint)

is of a relatively serious matter but that the parties agree, that a censure should be issued against you. The National Council has accepted the recommendation and hereby censures you for the above complaint.

The National Council wishes to place on record that should there be a similar complaint within a period of one year from today's date, it will take this decision into account when making its determination in any future complaint hearing.

Full membership rights from which you were excluded are restored with immediate effect.
(Delete if appropriate)

Yours sincerely

W. Oliphant
General Secretary

7.8 Notice of a Decision to Refer a Complaint to a Tribunal

Name of Branch.....Ref number.....

Dear (Title)

Date

NOTICE OF A DECISION TO REFER COMPLAINT TO A TRIBUNAL

Following the appointment of a Commission of Inquiry by the National Council to respond to a complaint that had been made against you and that the Commission after having considered the matters put to it and your response, has recommended to the National Council that the complaint of:

(state the complaint)

is of a sufficiently serious matter that this should be referred to a formal Tribunal Hearing. The National Council has agreed with the recommendation and has asked me to convene a tribunal panel, which I shall do and will notify you once this is complete. I will revert to you shortly to advise you as to who will be on the panel. You will be given an opportunity to object to any panel members, if you feel that any individual may have a conflict of interest. You will be given a minimum of forty-two day’s notice of the hearing date.

The nature of the complaint requires the National Council, to exclude you from all Branch and Club activities until the complaint is resolved or a determination is made. (Delete if not applicable)

Yours sincerely

W. Oliphant
General Secretary

7.9 Notice of a Complaint Hearing

Name of Branch..... Ref number.....

Dear (Title)

Date

NOTICE OF A COMPLAINT HEARING

A complaint about your conduct has been lodged in accordance with the rules. Details of the complaint are: Date..... Time..... and place.....

Following review by a Commission of Inquiry, the National Council has decided that you should answer the complaint at a Tribunal of your peers.

You are hereby given a minimum of 42 day's notice in writing (as required by the rules) to attend a Hearing. A Tribunal to hear the complaint has been arranged for (day)..... (date)..... (time)..... at (place).....

You are required to attend to answer the complaint. Dress is RNA number one rig. If you are unable to attend the above Hearing it may be rearranged to another date no later than 28 days from the date specified above. The Tribunal Membership shall be as follows:

1. Shipmate
2. Shipmate
3. Shipmate

The Secretariat to the Tribunal shall be:

Please advise me in writing within the next seven days, if you object to any of the above Tribunal Members or the Secretariat, including the reasons for your objection. You should not attempt to, or have any contact with any Tribunal Members from receipt of this notice, until after the decision has been published.

Within 28 days of the hearing date, you will be provided with witness statements and details of any witnesses being called against you, from the claimant. You must provide your rebuttal statement/witness statements, to the Secretariat within 14 days of the date of the hearing. Failure to provide the statements within the 14 day period, may result in the Tribunal not accepting the evidence.

You are excluded from the benefits of RNA membership or entry into any RNA Club until the complaint against you is heard and decided upon. (Delete if appropriate)

Yours sincerely

W Oliphant
General Secretary

7.10 Acceptance by the Respondent that the Hearing was conducted fairly

Name of Branch..... Ref number.....

ACCEPTANCE BY THE RESPONDENT THAT THE HEARING WAS CONDUCTED FAIRLY

A Hearing concerning a complaint against me was heard by a Tribunal of my peers
on..... in the
(place).....

I..... the undersigned state that I was given opportunity
to
contest the evidence presented against me and to present my response and confirm that I
have received a fair and proper Hearing.

Signed..... Date.....

This form does not prejudice your rights to appeal or any other matter now or in the future

7.11 Acceptance by the Claimant that the Hearing was conducted fairly

Name of Branch.....Ref number.....

ACCEPTANCE BY THE COMPLAINANT THAT THE HEARING WAS CONDUCTED FAIRLY

A Hearing concerning a complaint made by me was heard by a Tribunal of my peers
on..... in the
.....

I, the undersigned state that I was given time to
present my complaint and to contest the evidence given against it. I confirm that I have
received a fair and proper Hearing.

Signed..... Date.....

This form does not prejudice your rights to appeal or any other matter now or in the future

7.12 Notice of a decision not to uphold a complaint

Name of Branch..... Ref number.....

Dear (Title)

Date

NOTICE OF A DECISION NOT TO UPHOLD A COMPLAINT

I can now advise you, that at the Hearing on (date)..... at (time)..... at (place)..... the Tribunal decided not to uphold the complaint made against you.

(state the complaint)

This matter is now closed and no further action relating to the complaint will be considered. Full membership rights from which you were excluded are restored with immediate effect. The record of the Tribunal will be kept on file.

Yours sincerely

W Oliphant
General Secretary

7.13 Notice of a decision to uphold a complaint (censure)

Name of Branch.....Ref number.....

Dear (Title)

Date

NOTICE OF A DECISION TO UPHOLD A COMPLAINT

You attended a Hearing on (date)..... at (time)..... at (place)..... to respond to a complaint that had been made against you.

The Tribunal, having considered the matters put to it and your response, decided to uphold the complaint of:

(state the complaint)

Having considered the evidence presented and the mitigating evidence advanced the Tribunal decided to censure you.

Further, the Tribunal has decided that you should not hold office (not hold specific office) within the Association for a period of (Delete if appropriate)

The Tribunal wish to place on record that should there be a similar complaint within a period of one year it will take this decision into account when making its determination.

In accordance with the Association's Complaints Policy you have 14 days to exercise your right of appeal against this censure. Details of the appeals procedures are enclosed.

Any letter of appeal should arrive with the General Secretary within 14 days of the date of this notice.

Yours sincerely

W. Oliphant
General Secretary

7.14 Notice of a decision to uphold a complaint (Suspension)

Name of Branch.....Ref number.....

Dear(Title)

Date

NOTICE OF A DECISION TO UPHOLD A COMPLAINT

You attended a Hearing on (date) at (time..... at (place) to respond to a complaint that had been made against you.

The Tribunal, having considered the matters put to it and your response, decided to uphold the complaint of:

(details of the complaint Date Time

Having considered the evidence presented and mitigating evidence advanced the Tribunal decided to suspend your Branch membership for.....months, commencing on (date)....., being the primary date of suspension, and terminating on

(date)..... for:

Additionally, the Tribunal decided that upon completion of your suspension, you should not hold office/not hold specific office for a further period of (Delete if applicable)

You are required to return Branch (and Club if applicable) membership cards to the General Secretary for cancellation; they will be returned to you on request if an appeal is upheld, or on completion of the period of suspension. A delay in submitting your membership cards may extend the period of your suspension. During your suspension you will not be permitted to use any of the facilities of the Branch, visit or take part in the affairs of any RNA Club except to renew your subscription.

The Tribunal wish to place on record that should there be a similar complaint against you within a period of 1 year after the suspension completion date, this decision will be taken into account when it is determined.

In accordance with the Complaints Policy, you have 14 days to exercise the right of appeal against this suspension. Details of the appeals procedures are enclosed. The letter of appeal should arrive with the General Secretary within fourteen days of the date of this notice.

Yours sincerely

W. Oliphant
General Secretary

7.15 Notice of a decision to uphold a complaint (Expulsion)

Name of Branch.....Ref number.....

Dear (Title) Address

NOTICE OF A DECISION TO UPHOLD A COMPLAINT

You attended a Hearing on (date)at (time)at (place)

..... to respond to a complaint that had been made against you.

The Tribunal, having considered the matters put to it, and your response, decided to uphold the complaint of:

(details of complaint) Date: Time:

Having considered the evidence and mitigating arguments the Tribunal decided to terminate your membership of the Royal Naval Association, with immediate effect.

In accordance with the Association's Complaints Policy you have 14 days to exercise your right to appeal against the termination of your membership. Details of the appeal procedures are enclosed. The letter of appeal should arrive with the General Secretary by no later than fourteen days from the date of this notice.

You are required to return your Branch (and Club if applicable) Membership cards to the General Secretary. They will be returned to you on request if an appeal is upheld.

Yours sincerely

W. Oliphant
General Secretary

7.16 Report of a Complaint Hearing

Ref number..... Date.....

REPORT OF A COMPLAINT HEARING information Form

This Form and the documents requested by it should be completed at the conclusion of the Complaint Hearing by a Tribunal Member and sent to the General Secretary.

Branch.....

Name of Respondent Membership No.....

Case Ref No..... (Respondent's RNA No/date)

Notice of complaint - complaint lodged (date).....

Complainant(s).....

A letter giving notice of suspension pending a hearing, and notice of a hearing was sent on (The primary suspension date), a précis of the complaint was included. Yes/No (delete one) (Supply a copy). At least 42 days notice of the hearing had been served. Yes/No

The Hearing took place on (date).....

There were Members of the Tribunal present.

The decision was: The Complaint was upheld/not upheld. Delete one

The decision was supported by at least two thirds of the Tribunal Members present. Yes/no.
The Respondent was reprimanded/suspended for months/expelled from the Association

The Respondent was barred from holding office/specific office for

(Delete as necessary) on the decision of votes for, and votes against, this being a majority

Written notice of the decision was served within 7 days of the decision

on..... (Posting date) (Supply a copy)