



O.N.A.K.A.I.

Official National Amateur Karate Association of Ireland

National Governing Body for Karate in Ireland

COMPLAINTS, GRIEVANCES AND DISCIPLINE POLICY AND PROCEDURE

O.N.A.K.A.I. recognises that the effective handling of disputes is a basic principle of good governance. This Policy and Procedures have been produced to enable the fair and transparent mechanism for resolving disputes in line with our Constitution, Code of Conduct and associated policies.

This Policy applies to all members of the Executive, associated sub-committees, appointed coaches, athletes, membership, volunteers to parents.

Disputes arise due to misunderstandings, misinformation and miscommunications and we therefore encourage discussion with the aim of resolving disputes quickly and informal matter where possible.

These procedures will operate in accordance with the principles of natural justice, equity and fairness. Respect must be afforded to all parties and any complaints considered to be malicious or vexatious or where false information is knowingly submitted will be dismissed.

All complaints relating to Safeguarding of children, young and vulnerable persons must in the first instance be forwarded to the National Children's officer (NCO)

Complaints relating to children, the misuse of drugs, sexual misconduct or any other matter(s) considered to be of a serious nature will be reported to the appropriate authorities as necessary.

Any other matters of complaint, grievance or discipline should be forwarded to the President.

Conflict of interest

Where NCO/President has any actual, perceived, or potential conflict of interest, he/she shall stand aside from dealing with the matter and the Executive shall appoint another Member to deal with the complaint.

O.N.A.K.A.I. has a 4 level system to ensure internal grievances and disputes and disciplinary procedures are managed:

- 1. Informal Complaint**
- 2. Formal Complaint or a Grievance**
- 3. Disciplinary Procedure**



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4. SDSI – Sport Dispute Solution

1. Informal Complaint Procedures

In the event the matter is not resolved informally the complainant should approach O.N.A.K.A.I. NCO/President and discuss their concerns. The President will normally seek to resolve the issue by discussion with both parties, offering to act as a mediator. If a mutually acceptable outcome is achieved as a result of this discussion or mediation, a brief written record, signed by both parties, may be prepared. A copy of this record may be kept on file by O.N.A.K.A.I.

All references to the President are to be taken to refer to the Chairperson where the President is the respondent.

2. Formal Grievance and Disciplinary Procedures to the Welfare Committee

The formal complaints procedures will normally only be invoked when the informal procedures have been exhausted. In certain exceptional cases, the President may direct that matters proceed directly to the formal stage, such as on request from a Member Club or Association whereby the informal and formal procedures within a club/association have been resourced.

Except for serious/gross, misconduct, dismissal should only arise when all efforts to improve performance/conduct have been exhausted. The Welfare sub-committee must, when dealing with complaint, be always conscious for the need for natural justice and fair procedure in their dealings with respondents.

Welfare Committee (WCO)

Welfare Committee shall be constituted for the purposes of dealing with the Formal Complaint/Grievance and disciplinary matters. It shall consist of three persons nominated by the President.

Procedure:

1. Complaint must be in writing, clearly identifying the Individual complained off, setting out chronology of events and details of the complaint with any supporting documentation, as available. The statement must be signed and dated.



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2. On receipt of a Formal complaint NCO/President will inform the Welfare Committee (WCO) and copy the information contained in the Formal Complaint to the Welfare Committee and to the person complained of (the respondent) and invite their response.
3. The Welfare Committee will use all appropriate means to determine the facts behind the complaint and will make a judgement on the alleged breaches with reference to the O.N.A.K.A.I. Code of Conduct and associated Policies and Procedures.
4. In the course of the investigation, the WCO may interview both parties to the dispute and any third party who may be in a position to assist in the investigation. At any such interview, the parties may be accompanied. On completion of the investigation, the WCO will prepare a written report. This report should determine all essential detail and include recommendations on measures to be taken to resolve the complaint. The WCO shall forward a copy of the report to the parties and shall determine whether both parties accept the report and its recommendations as a fair outcome of the proceedings. If either party is dissatisfied with the report of the WCO or with the remedial actions taken arising from the report, they may appeal to the Executive.
5. WCO may in their decision decide to impose one of the following sanctions:
 - a) Verbal Warning/Training
 - b) Formal Verbal Warning/Training
 - c) First Written Warning/ Training
 - d) Final Written Warning/Suspension
 - e) Dismissal/ Expulsion

Any decision as to expulsion of a Individual /Club or Association Member will be referred to the Executive who may decide to suspend the member pending decision of the full Membership vote at the AGM. The Executive will make such measures as necessary to protect the students of any club/Association recommended for suspension/expulsion.

6. The WCO may, make recommendations to the Executive where it considers its decisions have implications for the development of relevant procedures, processes or operations within O.N.A.K.A.I.

3. Appeal to the Executive Procedures

1. Respondent will within 7 days of receiving decision from the WCO submit written appeal to the Secretary setting out the grounds for the appeal:
 - a) That the WCO erred on fact



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- b) That the WCO erred as to the application of Policy/Procedure
2. On receipt of the Appeal the Secretary shall inform the Executive and Convene Appeal meeting.
 3. No member of the Executive may have had any interest in the matters under dispute or close relationship with any of the parties.
 4. The Executive members will be supplied with copies of all the documents which have been prepared in the course of the procedures to date.
 5. The Executive shall make such investigation as it deems necessary and, if it considers it necessary, may invite oral submissions or further written submissions. Its decisions shall be copied to all parties to the dispute under consideration.
 6. The Executive may make grant or disallow the Appeal, making such further recommendations as it decides necessary.
 7. The Secretary will write to the Appellant informing them of the result of the Appeal and informing them of their rights of Appeal to SDSI.

4. SDSI – Sport Dispute Solutions

Sport Dispute Solutions Ireland (“SDSI”) is a not-for-profit dispute resolution service for Irish Sport offering mediation and arbitration, in the case of sporting disputes. Sporting disputes are those based around the Constitution and the internal policies and procedures. SDSI provides a timelier and cost-effective independent dispute resolution facility for Irish Sport than the courts service. Arbitral awards handed down by SDSI are final, binding and enforceable in favour of and/or against the parties.



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