

# Northern Freestyle Karate Association



## Complaints procedures

Revised Feb 2017

## **Introduction**

1.1 This guidance applies to instructors, volunteers and members in the Northern Freestyle Karate Association.

1.2 The NFKA is committed to the principle that instructors will have equality of opportunity in employment and advancement on the basis of their ability to do the job and regardless of political affiliations or memberships, martial arts discipline or physical ability. This guidance is aimed at assisting those involved in complaints of racial and sexual harassment and discrimination. The guidance can also be used to deal with similar concerns relating to disability and sexual orientation.

1.3 Any grievance may ultimately result in an appeal to the committee of the NFKA and the procedures relating to harassment complaints are no different. However, the NFKA recognises that many of the issues involved in harassment cases are particularly sensitive and so additional guidance has been provided.

## **Rights and Legislation**

2.1 All have the right to a working environment free from discrimination and harassment. They also have the right to complain about discrimination or harassment and to have any complaint dealt with fairly, thoroughly, sensitively and quickly. Any complaint must be treated seriously and complainant will be protected against victimisation for making or being involved in a complaint.

2.2 As well as the internal machinery for dealing with complaints, members also have the right to make a complaint to an industrial tribunal (IT) within 3 months of the act complained of under the Sex Discrimination Act 1975 or the Race Relations Act 1976 as appropriate. They can also seek the assistance of the Equal Opportunities Commission or the Commission for Racial Equality if they pursue a complaint through the internal procedures after making a complaint to an IT. (The IT will generally agree to postpone hearings to enable this to happen).

## **Personal Accountability**

3.1 Individual members are responsible in law if, in the course of training, they:

- commit an act of unlawful discrimination
- induce or attempt to induce another person to commit an act of unlawful discrimination
- Help someone else to commit an act of unlawful discrimination. (There is a defence if the help was given following assurances - that the act was not unlawful)
- victimise a person for asserting or seeking to assert their rights under the Race Relations Act or the Sex Discrimination Act

## **What Constitutes Harassment?**

4.1 Racial or sexual harassment includes a range of unsolicited behaviour which, whether intentionally or not, creates feelings of unease, humiliation, intimidation or discomfort, causes offence or threatens, or appears to threaten, job security.

4.2 Examples of Sexual Harassment:

- Verbal or physical acts or abuse, including sexually derogatory or stereotyped remarks.
- Innuendo, mockery, lewd jokes or remarks
- Touching, grabbing or brushing up against others
- The display or circulation of sexually offensive material e.g. pinups.
- Unwarranted, intrusive or persistent questioning about a person's marital status, sexual interests or orientation.
- Suggestions that sexual favours may further a person's career, or that not offering them may adversely affect their career.

4.3 Examples of Racial Harassment:

- Verbal or physical threats or abuse, including racially derogatory or stereotyped remarks and statements.
- Innuendo, mockery or racist jokes or remarks.
- The display or circulation of racially offensive material
- An offensive manner of communication which is not used with other colleagues.
- Unwarranted, intrusive or persistent questioning about a person's racial or ethnic origin, including their culture or religion.

## **Making a Complaint**

5.1 In many cases allegations and incidents of harassment or discrimination can be most effectively resolved if they are raised at an early stage and dealt with fairly and promptly at a local level. However, it is appreciated that making complaints of this kind can be difficult and sensitive. Procedures are therefore sufficiently flexible to take account of this.

5.2 It is up to the individual to decide whether they wish to deal with their complaint on an informal or formal basis. If they are uncertain on how best to proceed then they can seek advice from an instructor or independent instructor if the complaint is about the NFKA, advice should be sought from the AMA headquarters staff.

5.3 The individual may prefer to make a direct approach to the person they consider has discriminated against or harassed them. This can be in writing or face to face. Obviously this method is quite informal and is not always appropriate; it very much depends on the individual concerned and the nature of the harassment. If a direct approach does not work then the individual may want to pursue the matter informally through their most immediate instructors or officer not involved in the complaint. The instructors will then speak to the alleged offender. The complaint will have been dealt with informally if the matter is then resolved at a local level, to everyone's satisfaction, with no formal follow up action or sanctions.

5.4 Instructors have a responsibility to ensure that a similar incident or situation does not happen again. If after having dealt with an incident informally, if that member repeats the action the instructors will then take formal steps.

5.5 If instructors feel that an alleged incident is too serious to be treated informally, they may decide to treat it as a formal complaint from the outset.

5.6 If the individual wants to make a formal complaint then they can do so at any time by raising the matter with either:-

- (i) Their most immediate senior instructor not involved in the complaint; or
- (ii) The AMA

In both cases the complaint will be reported to the appropriate investigating officer who will generally be a trained instructor.

5.7 Full details of the complaint should be put in writing by the complainant and where necessary the investigating officer will assist in the recording of the statement. The statement will be verified by the interviewee as an accurate record of events. The investigating officer will report the complaint to the AMA.

5.8 Any party to a complaint has the right to seek advice from and be represented by “a friend”, who could be another student or advocate..

### **What Happens Once a Complaint is made?**

6.1 The allegations made should be quickly, thoroughly and fairly investigated, with each party having a full opportunity to make their case and have it heard. Each party to a complaint will be advised of the account of the other party and have an opportunity to comment on it. Everyone should recognise the sensitive nature of the enquiries into complaints of discrimination or harassment, and every care should be taken to ensure that no unnecessary distress is caused to anyone involved. All parties to a complaint will be expected to treat the matter as confidential.

### **Contact Officers**

7.1 Within each Division of the NFKA, an instructor will act as a contact officer for those subjected to sexual and racial harassment and discrimination who require guidance or counselling. Contact officers are not there to try to resolve the problem but are available to counsel and to help the victim decide upon any action they might take. Any approach will be treated in the strictest confidence.

### **What Happens after the Investigation?**

10.1 If an investigation finds that a person has been discriminated against or harassed, disciplinary action may be taken against the offender. If, however, it finds that the complaint was a deliberate fabrication, thus disciplinary proceedings could be taken against the complainant.

10.2 Any action taken will depend upon the nature of the harassment or discrimination. All proposed action will be properly considered, taking advice as necessary from any other relevant authority. The main focus of any action will be to correct the injustice and the circumstances that led to the complaint, and to the behaviour of the offender

10.3 The complainant will be told in confidence the outcome of the case and wherever possible the action taken.