



VEXATIOUS COMPLAINTS
AND UNACCEPTABLE
BEHAVIOUR POLICY

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About this policy

- 1.1 This policy outlines how The British Judo Association (**BJA**) will manage vexatious complaints and unacceptable behaviour, at all times ensuring that individuals and complaints are dealt with fairly and consistently. This policy describes how BJA identifies vexatious complainants and unacceptable behaviour and the actions BJA will take to deal with such matters.
- 1.2 BJA is committed to dealing with all complaints in a fair, comprehensive and timely manner. However, there are a minority of instances where an individual complains in a way that is considered vexatious or behaves in a manner that is inappropriate or unacceptable, which in turn places undue strain on BJA time and resources.
- 1.3 BJA expects its staff, officers, Board members, athletes and volunteers to deal with individuals respectfully and in a professional manner, following appropriate procedures. However, there may be times when nothing more can reasonably be done to address a real or perceived issue or concern. BJA does not expect its staff, officers, Board members, athletes and volunteers to tolerate inappropriate and unacceptable behaviour and will take reasonable steps to protect them from this.
- 1.4 This policy is intended for use as a last resort and after reasonable measures have been taken to try to resolve a complaint or to address unacceptable behaviour, either informally or through the usual and appropriate procedures.
- 1.4 This policy applies to all BJA licence holders, member clubs, employees, officers, volunteers, any person who engages in the sport of Judo under the auspices of BJA and any person who engages with BJA regarding its operations and dealings whether by means of a formal complaint or otherwise.

2. Who is responsible for this policy?

- 2.1 BJA Board has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the Chief Executive.
- 2.2 Questions about this policy should be directed to the Chief Executive.
- 2.3 This policy will be reviewed every three years by the Board and may be amended as directed by the Board from time to time.

3. Definitions

- 3.1 BJA defines vexatious complainants as those individuals who:
 - (a) directly or indirectly raise a complaint without grounds and with little merit or substance and with the intention or effect of causing annoyance or disruption; or
 - (b) directly or indirectly is pursuing a complaint to an unreasonable degree or after appropriate procedures have been followed and exhausted.

- 3.2 BJA non-exhaustively defines unreasonable behaviour as any behaviour (which may involve actions, omissions, words or communications) which cause or may cause distress or discomfort to another person. This may include, (without limitation), behaviour which is abusive, threatening or humiliating. Any behaviour which is based upon a person's gender, age, disability, gender reassignment, race, religion or belief, sexual orientation, marriage or civil partnership, will always be considered unreasonable.
- 3.3 Examples of a vexatious complainant and/or unreasonable behaviour include the following and may result from a combination of some or all of these features (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be identified as vexatious or unreasonable):
- (a) Persisting in the pursuit of a complaint after BJA's appropriate procedures have been fully and properly implemented and exhausted.
 - (b) Failing to clearly identify the precise grounds of a complaint, despite offers of assistance.
 - (c) Complaining repeatedly about the same issue, despite the complaint not being upheld following previous investigations.
 - (d) Making excessive demands on time and resources. For example, continual or repeated contact with employees, officers, Board members and volunteers during the investigation process and expecting immediate responses.
 - (e) Using abusive behaviour or language, either verbally or in writing (including emails or social media).
 - (f) Spreading information about the BJA, its staff, officers, Board members, athletes and/or volunteers that the person knows or should reasonably be aware is false or misleading.
 - (g) Changing the substance of a complaint or introducing new issues without good cause or supporting evidence.
 - (h) Making further associated complaints or including further information which amounts to minor variations to an earlier complaint that has already been determined.
 - (i) Introducing trivial or irrelevant information which the complainant expects to be taken into account and responded to or raising a large number of detailed but unimportant questions, insisting that they are fully answered.
 - (j) Adopting a scattergun approach pursuing a complaint with BJA and at the same time, with Sport England, the Government, a member of Parliament, their local council, the police, solicitors and/or any other body
 - (k) Refusing to accept the outcome of a complaint after its conclusion in accordance with the BJAs procedures for dealing with such a complaint and attempting to escalate it.
 - (l) Any behaviour which the Chief Executive reasonably concludes to be vexatious or unreasonable.

4. Process for declaring a complaint to be vexatious or behaviour to be unreasonable

- 4.1 When a member of staff, officer, Board member, athlete or volunteer of BJA considers a complainant to be vexatious or behaviour to be unreasonable, the matter will be referred to the Chief Executive of BJA. Where the complaint relates to the Chief Executive, the matter shall be referred to the Board, which shall appoint a Board Director to deal with the complaint.

- 4.2 The Chief Executive will write to the person and will seek to remedy the situation informally, advising the person that this policy has been invoked and of the possibility of sanctions being applied.
- 4.3 The Chief Executive, acting reasonably, shall determine in his/her sole discretion whether the person's continued conduct is such that sanctions pursuant to this policy are necessary. In reaching that decision, the Chief Executive shall consider:
- 4.3.1 Seeking support from a BJA Board member whilst finalising the decision;
 - 4.3.2 The nature of the individual's complaint or behaviour;
 - 4.3.3 The history of the matter;
 - 4.3.4 The impact of the complainant's behaviour on the health safety and welfare of BJA employees, officers, volunteers or relevant third parties;
 - 4.3.5 Any other information that the Chief Executive shall consider to be relevant.

5. Potential Sanctions

- 5.1 The Chief Executive may impose such sanctions as he/she considers fit, taking in to account the facts of each individual case, including, without limitation:
- (a) Requiring the person to communicate with BJA via one medium of contact (for example, telephone, letter, email etc.);
 - (b) Requiring the person to communicate only with one designated individual from BJA;
 - (c) Requiring any face-to-face contact to take place in the presence of an appropriate BJA witness;
 - (d) Refusing to process further complaints about the same matter;
 - (e) Refusing to engage with the person for a specified period of time;
 - (f) Suspension of the person's membership with BJA;
 - (g) Refusing admission or renewal of membership;
 - (h) Expulsion from membership of BJA;
 - (i) Exclusion from competition under the auspices of BJA;
 - (j) Referral to statutory agencies including the Police;
 - (k) Any other sanction which the Chief Executive considers to be appropriate in the circumstances.
- 5.2 Any sanction imposed pursuant to this policy shall be proportionate in light of the circumstances of each individual case.

- 5.3 Within 7 days of the Chief Executive's decision, he/she will advise the person in writing of the Chief Executives decision, confirming:
- (a) Why BJA has taken the decision it has;
 - (b) The sanction imposed;
 - (c) The duration of any restrictions or sanctions and the timing of any proposed review;
 - (d) The right of appeal.

6. Appeals

- 6.1 An individual subject to a sanction pursuant to this policy will be entitled to appeal against the sanction. Any such appeal must be submitted in writing to the Chief Executive within 7 calendar days of the date of the letter advising them of the sanction.
- 6.2 An appeal may only be submitted on one or more of the following grounds:
- 6.2.1 information was ignored or not considered by the Chief Executive;
 - 6.2.2 the process was tainted by bias or conflict of interest;
 - 6.2.3 the findings of the Chief Executive were irrational or otherwise exhibited an error of general law.
- 6.3 The appeal will be considered by an independent Board Member by way of a review of the original decision. The appeal will be considered on the papers only.
- 6.4 The appeal officer shall have power to make such directions relating to the provision of information or the conduct of the appeal as he/she considers to be necessary and appropriate ensuring that the respective positions of the appellant and BJA are clear and understood.
- 6.5 The appeal officer shall be entitled to confirm, alter or vary the decision of the Chief Executive as he/she considers appropriate in all of the circumstances.
- 6.6 The decision of the appeal officer will be communicated to the appellant in writing within 7 days of the decision and shall be final and binding.