

## ESC GRIEVANCE PROCEDURE

### Scope

The process outlined below is designed to provide a formal framework which can be used to provide a means of resolving disputes within ESC's remit as the Home Nation Governing Body for skiing. It is open to use by individuals and organisations registered with ESC.

It is not a disciplinary procedure and in the case of the grievance arising from an appeal against a qualification or squad selection the grievance procedure may only be invoked after the disciplinary or appeal procedures have been completed.

The decision of the arbitration panel will be binding upon all parties and the Board of ESC.

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### 1 Process

- 1.1 All reasonable steps must be taken by the parties involved to resolve the dispute before the procedure is invoked.
- 1.2 The person with the grievance must formally give notice to the other parties to the dispute in writing within 15 working days of the breakdown of attempts to resolve the dispute of their intention to invoke the ESC Grievance Procedure.
- 1.3 The person with the grievance must submit a formal request for access to the ESC Grievance procedure in writing to the Chief Executive within 15 working days of the failure to resolve the dispute becoming apparent.
- 1.4 This request must be accompanied by a brief statement giving:
  - a the nature of the grievance
  - b the names and addresses of all of the parties
  - c the nature of the outcome sought

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- 2.1 ESC Office will respond with a formal reply within 5 working days acknowledging receipt of the communication and stating the action which is being taken to process the request.
  - 2.2 The Chief Executive will advise the Chair of ESC of the request as soon as is practicable and the matter will be formally tabled for attention at the next Board meeting.
  - 2.3 The Board will appoint a panel of 3 appropriate but independent persons to adjudicate the grievance. The Board will also appoint a non-voting Chair for the panel (who may be the Chief Executive).
  - 2.4 The Chief Executive (or some other person appointed by the Chief Executive or the Board) will be charged with contacting the appointed panel and arranging a convenient time and place for the hearing. This should normally be within 40 working days of the date of formal request for invoking the Grievance Procedure.

- 2.5 All parties to the grievance will be contacted as soon as is practicable and not less than 20 working days before the date of the hearing to give details of the date, time and venue for the hearing.
- 2.6 The parties to the hearing must submit FOUR copies of any written material which they wish to be considered as part of the hearing to the ESC Office not less than 10 working days before the date of the hearing and further copies must also be sent to the other parties.

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### The Hearing

- 3.1 The proceedings shall be formally minuted.
- 3.2 The parties to the dispute may be accompanied at their own expense by a "friend" who may be legally qualified. The name and status of the "friend" must be made known to all other parties and the panel not less than 10 working days before the date of the hearing.
- 3.3 Parties wishing to produce witnesses may do so at their own expense. Witnesses may be questioned by the chair, the panel and the other parties to the hearing. Parties wishing to bring witnesses to the hearing must formally advise all the other parties and the panel of their intention to do so not less than 10 working days before the date of the hearing.
- 3.4 The person invoking the Grievance Procedure will present their case first and may be asked questions by the chair, the panel and the other parties to the hearing.
- 3.5 The other parties to the hearing will in turn present their case(s) and may be asked questioned by the chair, the panel and the other parties to the hearing.
- 3.6 Each party to the Grievance may in their turn present a summing up with the party bringing the grievance doing so last.

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- 4.1 The panel will retire to consider the submissions in private and will give a ruling on the day if possible, based on the evidence produced, the principles of natural justice and any appropriate policies of ESC.
  - 4.2 The panel may, at their absolute discretion, invite the non-voting chair to provide advice and to minute the outcome.
  - 4.3 The ruling will be communicated verbally to the parties present, and will be formally confirmed in writing to all the parties by the Chief Executive.
  - 4.4 The panel's decision is binding upon all parties and the Board of ESC. There shall be no appeal.
  - 4.5 The Board will be formally notified at the next Board meeting of the outcome of the hearing. The Board will formally ratify the findings of the hearing and formally minute the outcome.