

# **KENWOOD LADIES' POND ASSOCIATION: COMPLAINTS POLICY AND PROCEDURE**

## **1. Policy statement**

- 1.1. The Kenwood Ladies' Pond Association (KLPA) is committed to responding in a constructive and open manner to any complaints it receives about the conduct of any KLPA member, or members. Whether or not a complaint is upheld, the organisation can learn from this experience.
- 1.2. The KLPA aims to be a welcoming organisation, where open debate can be conducted in a respectful manner, amongst members who may have differing views on a variety of issues. We hold social events at or near to Kenwood Ladies' Pond, which are intended to be enjoyable and relaxing occasions for everyone present. Our members swim at Kenwood Ladies' Pond where, usually, many non-members are also present. In all these settings we ask that all KLPA members, including Committee members, conduct themselves in a manner which reflects positively on the Association.
- 1.3. There may be occasions where the conduct of a KLPA member causes concern or even offence to others. We aim to respond in a timely manner to any complaint which is received, and if it is within our authority to do so, we will investigate what has happened. If a complaint is upheld, the Association will consider what is a proportionate action to take with the member (or members) concerned. Where a complaint is not upheld, we shall still aim to learn from the experience and communicate the outcome of our investigation to those concerned in a clear and constructive manner.

## **2. Scope of this policy**

- 2.1. The KLPA Committee has the authority, under the KLPA constitution, to consider if a member has acted against the interests of the Association. This might include for example (not exhaustive):
  - Verbal abuse or threatening behaviour towards another swimmer or an employee at the Ladies' Pond.
  - Using discriminatory language towards another swimmer or an employee at the Ladies' Pond.
  - Putting the safety of employees and other swimmers at risk because of intoxication.
  - Disruptive, discriminatory or otherwise offensive behaviour at a KLPA organised event or meeting.
  - Disruptive, discriminatory or otherwise offensive conduct by a Committee member affecting other Committee members, and the conduct of KLPA Committee business.
  - Attempting to obtain favourable treatment at the Ladies' Pond on the grounds of being a KLPA member or Committee member.

- 2.2. A complaint may be received from another KLPA member, an employee at the Ladies' Pond, another swimmer or member of the public.
- 2.3. The KLPA cannot investigate complaints made by swimmers about employees/contractors at the Ladies' Pond or City of London employees/contractors based on Hampstead Heath. Such matters should be taken up directly with the City of London Corporation which manages Hampstead Heath.
- 2.4. Where the conduct of a KLPA member is being considered, but this has resulted in enforcement action by Heath employees or the police at the Ladies' Pond, that enforcement action will take precedent. When the nature of any enforcement action has been confirmed, the KLPA may still hold its own investigation, to consider the complaint and if the Association has been brought into disrepute.
- 2.5. However, incidents which occur away from the Ladies' Pond and do not relate to a KLPA activities, would not usually be a matter for the KLPA to investigate. For example, if a known KLPA member is alleged to have behaved offensively towards another person, but it occurs away from the Pond environs and is not linked to a KLPA activity, the Association will have no remit to investigate this.

### **3. Procedure to be followed**

- 3.1. A complaint may be received verbally or in writing. Where possible written confirmation of a verbal complaint will be sought. The complaint may arrive via the KLPA mailbox, a letter left for the attention of the KLPA at the Ladies' Pond, via a phone call or email to a Committee member. Complainants contacting us via social media or messaging apps, will be encouraged to submit their complaint by email to the KLPA mailbox, where it can be more safely filed and retrieved.
- 3.2. Once received, a complaint will be drawn to the attention of the KLPA Committee Chair (or Co-Chairs) as soon as practicably possible.
- 3.3. An acknowledgement will then be sent from the KLPA mailbox within 3 working days (or alternative method if the complainant cannot be contacted by email). Social media and messaging apps WILL NOT be used for communicating about a complaint at any stage.
- 3.4. The Chair (or Co-Chairs) will nominate a Committee member to investigate the complaint. This will generally be a Committee Officer (Vice Chair, Secretary or Treasurer) or a Committee member of at least 2 years' standing. Consideration will be given to the nature of the complaint and whether any Committee members are too closely involved in the substance of the complaint to be asked to investigate.

3.5. This “investigating officer” will contact the complainant to get a clear understanding of the issue and to seek the complainant’s consent to share information to conduct the rest of her investigation (e.g. to speak to the person who has been complained about). The investigating officer will then speak to any potential witnesses and the person complained about, as well as considering any other evidence relevant to the complaint.

3.6. The investigating officer will aim to produce a written report of her investigation within 15 working days, with a recommendation for the complaint outcome, and send this to the Committee Chair (or Co-Chairs). The possible outcomes are:

- The complaint is upheld (with or without implications for continued membership)
- The complaint is not upheld
- The complaint is partially upheld
- The complaint should be referred elsewhere e.g. to the City of London Corporation.
- The complaint is vexatious (see below).

3.7. The Committee will be asked to vote on the proposed outcome, with the Chair or Co-Chairs not participating or voting at this stage. Any Committee member directly involved with the complaint will also not participate or vote. If a meeting is needed, this will be convened by the Vice Chair of the KLPA. The complaint outcome will be decided by majority vote of those eligible to vote and communicated to the parties involved. This communication will include details about how to appeal the outcome.

3.8. If either the complainant or the subject of the complaint wishes to appeal, this should be done in writing to the KLPA mailbox, marked for the attention of the Committee Chair or Co-Chairs within 10 working days citing the reason. The Chair (or Co-Chairs) will review this appeal and all the information available, and decide on whether to confirm or change the outcome of the complaint investigation. This decision is final.

#### **4. Withdrawal of Membership**

4.1. Where KLPA membership is to be withdrawn as an outcome of the complaint investigation, this further step must be voted upon separately by the whole committee after the complaint procedure above has been exhausted, and will then be dealt with under the Membership Appeals Procedure if the expelled member wishes to appeal this subsequent withdrawal of membership.

#### **5. Vexatious Complaints**

5.1. It is important to consider all complaints received, without prejudice, but it may from time to time be necessary to deem a complaint vexatious and take no further action. This may include for example:

- Repeated complaints about an issue which has already been dealt with.
- Use of abusive or discriminatory language when making a complaint
- Persistent demands on the time of Committee Officers or Members to raise issues already being investigated by a designated committee member.
- Refusal to accept the outcome of a complaint, following final appeal.
- Repeated complaints about issues which fall outside the authority of the KLPA to investigate despite this having been explained to the complainant.

5.2. A decision to treat a complaint as vexatious will be discussed (at stage 3.2 above) and confirmed by Committee Officers, by majority vote if necessary, and communicated to the complainant. This will include the assurance that any new complaint will be considered on its merits.

5.3. A complaint which is not upheld, but has gone through the complaints process will not automatically be considered vexatious, as this may have been made in good faith. Only complaints which are unfounded or abusive (see Section 5.1 above) will be considered vexatious.

5.4. A persistent vexatious complainant (with 3 or more complaints deemed vexatious) may be considered for withdrawal of membership in accordance with Section 4 above.

## **6. Monitoring and Review**

6.1. The KLPA Committee will receive a report of any complaints received, investigated and appealed at each Committee meeting, as well as complaints deemed vexatious. An anonymised summary of the complaints received in the previous year will be presented as a part of the chair's report at the AGM.

6.2. The Committee will, as a part of its deliberations, consider if there are any wider issues including equalities issues raised by the nature of complaints received, or by how the complaints have been investigated.

6.3. This policy will be reviewed and if necessary updated on a biennial basis.

**Approved:**

**Review Date: April 2026**