

G Complaints Procedure

IY(UK) Complaints Procedure

If you wish to make a Formal Complaint about a member of IY(UK) (teacher or non-teacher):

- You need not name the person you are complaining against when you first contact IY(UK).
- Often the first contact will be to establish the grounds of the complaint, and this will become clearer after discussion between the complainant and IY(UK) committee dealing with your complaint.
- You will be informed at an early stage whether you do have grounds for complaint.
- The person being complained about will not be informed of the complaint without your permission.
- Complaints can be made regardless of the seniority or status of the person complained against.
- The person making the complaint is in control of the process and will not be pushed into proceedings they are not happy with.
- IY(UK) will seek to conduct the investigation as speedily as possible and will regularly update all participants.

If you wish to make a Formal Complaint please contact one, or more, of the following people:

- Chair of the Ethics and Appeals Committee (Toni Elliott - ethics@iyengaryoga.org.uk)
- Chair of the Equity Committee (Tina Freeland – equity@iyengaryoga.org.uk)
- Chair of Iyengar Yoga (UK) (Hannah Lovegrove – chair@iyengaryoga.org.uk).

You must be aware that the information you provide may be shared with other Committee members unless you request it not to be. As membership of the Committees changes from time to time it is possible that future members may come to know about your complaint due to the existence of written records.

If your complaint involves a possible criminal offence we strongly recommend that you contact the police and seek legal advice. IY(UK) and its officers are not qualified to provide you with that advice. You should notify us if, at any stage during the proceedings, you decide to contact the police. Please note that even if you do not wish the police to be involved the IY(UK) may still take the decision to report the matter to the police if it is felt there is a potential risk to its members or other members of the general public. You will be kept informed by IY(UK) at all times.

A) Complaints about the behaviour of a member of IY (UK)

1 Grounds for Disciplinary Action against a member of IY(UK):

- 1.1 It shall be a ground for disciplinary action if a member of IY(UK) is considered to have acted in an inappropriate manner. This may be defined as a member having:
- acted in a manner that conflicts with the Aims and Objectives of IY(UK);
 - been responsible for any act or conduct which might bring discredit on the teaching method of B.K.S. Iyengar, IY(UK) or its members;

- engaged in inappropriate or abusive behaviour in the context of IY(UK) activities.
- 1.2 It shall be a ground for disciplinary action if a teacher member is considered to have acted in an unprofessional manner, for example:
- taught in a dangerous manner;
 - exceeded the teaching syllabus for which they have been certified;
 - used a Yoga teaching syllabus other than that of IY(UK);
 - mixed the Iyengar Yoga teaching syllabus with other methods and/or subjects;
 - engaged in inappropriate or abusive behaviour towards a student;
 - shown disregard for the IY(UK) Ethical Guidelines
 - breached any guideline which may, from time to time, have been issued by the RIMYI in Pune and be in force.

2 Complaints:

- 2.1 Any individual may make a complaint concerning the conduct of any member of IY(UK) (teacher or non-teacher).
- 2.2 On receipt of a complaint, if it is appropriate, the complainant will be supported in raising the complaint with the member concerned.
- 2.3 If the complainant is unwilling to do this, or is not satisfied with the outcome, then a member of the EAC shall contact both parties to the complaint to attempt to resolve the complaint informally.
- 2.4 If the complainant is not satisfied with the outcome of this informal contact, s/he can request that the EAC sets up an Investigations Panel to resolve the complaint.
- 2.5 In cases in which informal resolution is deemed inappropriate by the complainant and/or the EAC, or in which the Formal Report process had failed to lead to a resolution, then the process shall move directly to the Investigations Panel stage.

3 Appointment of the Investigations Panel:

- 3.1 Upon receipt of a complaint accompanied by a request to set up an Investigations Panel, the EAC shall set up an Investigations Panel which shall normally consist of one member of the EAC, one member of the EC and one member of the Board. Where relevant (for example where the complaint relates to a specific teaching issue) an Assessor will also be asked to join the IP.
- 3.2 In cases in which an internally appointed Investigations Panel is deemed inappropriate by the complainant, the EC and the EAC shall appoint an external adviser to join the Investigation Panel, or appoint an independent professional investigator.

4 Powers of the Investigations Panel/Independent Investigator:

- 4.1 The Investigations Panel/Independent Investigator shall cause enquiries to be made to establish the facts and circumstances of the matter by whatever means it considers appropriate, usually including raising questions directly with the member being complained about. The member shall be informed that such questions are asked in connection with possible disciplinary proceedings.
- 4.2 The identity of the complainant shall be made known to the member being complained about unless the Investigations Panel/Independent Investigator determines that there are compelling reasons why the complainant should not be identified, for example the safety of the complainant.
- 4.3 All enquiries to a third party (ie not the member being investigated or the complainant) will be completed in the strictest confidentiality.
- 4.4 The aim of the Investigations Panel/Independent Investigator will be to investigate the complaint and decide whether to reject or accept the complaint and, if accepted, to impose appropriate disciplinary action on the person against whom the complaint is being made.
- 4.5 If, having undertaken appropriate initial inquiries, the Investigations Panel/Independent Investigator decides that there is no case to answer and therefore no need for any further investigation, the complainant and the member against whom the complaint was made will be informed in writing of the decision.
- 4.6 If, having undertaken appropriate initial enquiries, the Investigations Panel/Independent Investigator decides that further investigation is necessary it will carry out such investigation.
- 4.7 If the Investigations Panel/Independent determines that there is sufficient evidence to substantiate the allegations of inappropriate or (for teacher members) unprofessional behaviour it will propose a course of disciplinary action.

5 Duties of the Investigations Panel/Independent Investigator:

- 5.1 When conducting an inquiry into any complaint, the EAC will:
 - formally contact the complainant to let her/him know the identity of the Investigation Panel/Independent Investigator and for further information if necessary;
 - formally contact the individual being investigated. The following information should be provided by the EAC to the individual being investigated at this stage:
 - a copy of the written complaint, redacted to keep the identity of the complainant confidential. In some cases it is appropriate to reveal the name of the complainant (e.g. where the complainant is happy for their name to be revealed).
 - the identity of the Investigations Panel/Independent Investigator
 - provide the individual being investigated an opportunity to respond to the complaint in writing;
 - collect further evidence for the investigation if necessary from the complainant, the individuals, potential witnesses and any other relevant source;
 - consider relevant evidence without bias;
 - evaluate any action already taken;

- decide whether further action is required;
- produce a report;
- inform all parties about the outcome of the investigation.

5.2 IY(UK) will do its best to ensure that the Investigations Panel/Independent Investigator involved in any complaint will:

- have a clear brief and understanding of their role;
- have suitable experience, knowledge and skills to conduct an investigation;
- work objectively, honestly and accurately;
- write fair reports based on evidence;
- act responsibly and treat people with courtesy;
- respect the confidentiality and source of any information handled as part of the investigation;
- maintain an auditable record of every action during an investigation to demonstrate that they have acted appropriately;
- log the number of attempts made to contact an individual;
- declare any possible conflicts of interest.

5.3 If the Investigations Panel/Independent Investigator needs to interview anyone formally during an investigation, they will ensure that:

- interviews are carried out by two investigators, with one primarily acting as interviewer and the other as note-taker;
- the notes of the meeting will be recorded in writing and the interviewee asked to confirm that they represent a true record;
- those being interviewed are informed that they may have another individual of their choosing present and that they have a right not to answer a question if they choose.

6 Disciplinary Action:

6.1 The courses of disciplinary action that may be proposed by the Investigations Panel as considered appropriate, having regard to the nature and seriousness of the matter, include the following:

- the member to receive a written warning;
- the member be required to give a written undertaking to refrain from continuing or repeating the conduct in question;
- if a certificated teacher, the member to have their right to use the Certification Mark withdrawn, either for a fixed period or until specified conditions are met by the member, or indefinitely;
- the member be excluded from membership of IY(UK) for a fixed period until specified conditions are met by the member, or permanently (note: periods of exclusion shall always terminate at the end of a membership year).

7 Consequences of the Disciplinary Action:

7.1 As soon as the Investigations Panel has decided on the course of action the member being complained about should be informed in writing of the following:

- the grounds for the complaint in accordance with Paragraph 1;
- the evidence to support the decision for disciplinary action;
- the course of disciplinary action as set out in Paragraph 6;
- the procedure for appealing against a decision of the Investigations Panel/Independent Investigator

7.2 The consequences of exclusion of membership will be as follows:

- There shall be no refund for subscriptions previously paid to IY(UK)
- All benefits of membership shall be withdrawn.
- Any member who has been excluded from basic membership of IY(UK) shall be permitted to re-apply, once the term of exclusion is over. The application should be sent, at the start of a membership year, to the Chair of IY(UK) who shall refer it to the Investigations Panel/Independent Investigator. The Panel/Independent Investigator shall normally approve the application, unless it has clear evidence that a recurrence of the behaviour for which the member was originally excluded is likely to reoccur.
- Any teacher who has been excluded from basic membership of IY(UK) shall automatically and immediately have their Certification Mark Sub-Licence withdrawn. In the event that the teacher successfully re-applies for basic membership, as set out in section 7.2, the teacher can apply for teacher membership according to IY(UK) re-instatement rules. A teacher who has had membership and the CM withdrawn indefinitely may not reapply for membership of IY(UK)
- Teacher members may have to pay an additional fee for reinstatement as well as an administration charge.

8 Appeal procedure following Disciplinary Action:

- 8.1 A member who is the subject of a decision made by an Investigations Panel/Independent Investigator, or the complainant, has twenty-one days to appeal the decision of the Investigations Panel/Independent Investigator;
- 8.2 The appeal shall be submitted to the Board via the Chair of IY(UK);
- 8.3 The Board shall investigate the original complaint and the findings of the Investigations Panel and shall gather any further information as appropriate. The Board shall then uphold or overturn the decision of the Investigations Panel.
- 8.4 In order to overturn the decision of the Panel or an Investigator the Board will have to show new evidence which was unavailable to the investigators.
- 8.5 The decision of the Board shall be final.

9 Action of the Board following Disciplinary Action:

- 9.1 If disciplinary action is taken against a teacher member of IY(UK) following a complaint, the Board shall consider whether any other members of the public were affected by the actions of the member complained about and shall take appropriate action.

10 Vexatious Complaints:

- 10.1 If the Investigations Panel/Independent Investigator considers that there is sufficient evidence to indicate that any complaint was made for vindictive reasons, it shall consider taking disciplinary action against the complainant.

B) Complaints about the behaviour, performance or decisions of IY(UK)

1 Complaints:

- 1.1 Any member of IY(UK) may make a Formal Complaint concerning the conduct of IY(UK), on the following grounds:

- that IY(UK) has acted outside or exceeded its stated aims and objectives;
- that IY(UK) has not followed correct procedures in arriving at a decision or policy;
- that the consequences of a decision or policy made by IY(UK) are discriminatory.

If you wish to make a Formal Complaint please contact the Chair of the Ethics and Appeals Committee (Toni Elliott - ethics@iyengaryoga.org.uk) and/or the Chair of the Equity Committee (Tina Freeland – equity@iyengaryoga.org.uk) and/or the Chair of Iyengar Yoga (UK) (Hannah Lovegrove – chair@iyengaryoga.org.uk).

- 1.2 All parties involved in any complaint and the ensuing investigation will be treated in a respectful manner and with due confidentiality.
- 1.3 On receipt of a complaint, a member of the Ethics and Appeals Committee, or the Equity Committee, shall contact the complainant personally to attempt to resolve the complaint informally, unless a Formal Report has already been submitted
- 1.4 If the complainant is not satisfied with the outcome, s/he can request that the EAC set up an Investigations Panel to resolve the complaint.

2 Appointment of the Investigations Panel/Independent Investigator:

- 2.1 Upon receipt of a complaint accompanied by a request to set up an Investigations Panel, the EAC shall set up an Investigations Panel which shall normally consist of one member of the EAC, one member of the EC and one member of the Board. Where relevant (for example where the complaint relates to a specific teaching issue) an Assessor will also be asked to join the IP.
- 2.2 In cases in which an internally appointed Investigations Panel is deemed inappropriate by the complainant, the EC and the EAC shall appoint an external adviser to join the Investigation Panel, or appoint an independent professional investigator. This may occur if, for example, the complaint is of a very serious nature, or if there is reason to believe that an Investigations Panel appointed by the EAC would not be able to investigate in a proper and objective manner, or if the complaint suggests there may be a systemic or institutional problem within IY(UK).

3 Duties and Powers of the Investigations Panel/Independent Investigator:

- 3.1 The Investigations Panel shall cause enquiries to be made to establish the facts and circumstances of the matter by whatever means it considers appropriate.
- 3.2 The first aim of the Investigations Panel shall be to attempt to resolve any dispute that led to the complaint being made. If attempts to achieve this fail, the second aim shall be to investigate the complaint and decide whether to reject or accept the complaint and, if accepted, to propose changes to IY(UK) practice or policy and to determine reparations to the complainant if appropriate.
- 3.3 If, having undertaken appropriate initial enquiries, the Investigations Panel/Independent Investigator decides that there is no case to answer and therefore no need for any further investigation, the complainant will be informed in writing of the decision.
- 3.4 If, having undertaken appropriate initial enquiries, the Investigations Panel/Independent Investigator decides that further investigation is necessary it will carry out such investigation.

4 Appeal procedure following a complaint against IY(UK)

- 4.1 A member whose complaint against IY(UK) is the subject of a decision made by an Investigations Panel/Independent Investigator has twenty-one days to appeal the decision;
- 4.2 The appeal shall be submitted to the Board via the Chair of IY(UK);
- 4.3 The Board shall investigate the original complaint and the findings of the Investigations Panel/Independent Investigator and shall gather any further information as appropriate. The Board shall then uphold or overturn the decision of the Investigations Panel/Independent Investigator.
- 4.4 The Board shall be obliged to uphold the decision of the Investigations Panel/Independent Investigator unless new evidence has come to its attention.
- 4.4 The decision of the Board shall be final.

5 Action of the Board following Disciplinary Action

- 5.1 If disciplinary action is taken against a member of IY(UK) following a complaint, the Board shall consider whether any other members were affected by the actions of the member complained about and shall take appropriate action.

6 Vexatious Complaints:

- 6.1 If the Investigations Panel / Independent Investigator considers that there is sufficient evidence to indicate that any complaint was made for vindictive reasons, it shall consider taking disciplinary action against the complainant.