

The Rules of Natural Justice

It is important that clubs adhere to the Rules of Natural Justice whenever they deal with any allegations of misconduct.

There are some obvious reasons why this is so.

1. IVCs should seek to be quality organisations and so should seek to treat people to a high standard
2. If it is perceived that unfairness has happened it can seriously damage your clubs reputation and cause people want to distance themselves from it.
3. The Club (which normally means the clubs officers) can become the subject of legal action by members aggrieved by what they see as unfairness towards them.

These Rules derive from Roman law and form part of English Common Law as well as being incorporated in Article 6 of the European Convention on Human Rights.

How complicated are these Rules of Natural Justice and how hard are they to apply?

The good news is that they are really rather simple and are no more than we would want for ourselves.

First of all anyone accused of something must be given a fair chance to defend themselves. This means they must know the allegation or allegations and they must know all the evidence against them and be given a fair opportunity to challenge or refute it. This means no anonymous evidence. This right to defend yourself is not unlimited. If someone is genuinely given a fair chance to defend themselves but they do not do so then that is their decision.

Secondly, any hearing must be without bias. That means that no-one who has been previously involved in the issue can act as a judge in the matter. This also bars anyone who is known to be a friend or to have some animosity towards any of the involved parties. As unbiased as possible is not good enough. This means that in an IVC you may have to use external people to decide matters.

Any decisions should be based on the evidence available and must fall within the bounds of reasonableness. That is not to say that everyone agrees with it. You should be able to give written reasons for your decision so that those reasons and hence the decision can be challenged.

These principles were taken into account in the drafting of the AIVC Dispute Guidance which can be found on the National Web Site here <http://www.ivc.org.uk/members/dispute-guidance.html>

The 2005 AIVC Conference did pass overwhelmingly a motion advising all clubs to adopt this Dispute Guidance as well as the Model Code of Conduct. Despite this not all clubs have.

Some clubs still have a very dangerous clause in their constitutions that says that a member may be 'invited to resign' from the club and if they do not do so they may ask the committee to review that decision. This is dangerous as it contravenes the Rules of Natural Justice and so is legally invalid but by the existence of such a rule a Committee may be encouraged to act on it to get rid of what may be seen as pesky or nuisance members. This is a trap for the unwary. I would strongly advise all clubs to review their constitutions and make sure they do not have such a clause.

More information can be found in this Wikipedia article.

http://en.wikipedia.org/wiki/Natural_justice