Club Standards: Grievance and Disciplinary Policy

Confidentiality, diligence, fairness, impartiality, natural justice are key features of these Grievance and Disciplinary Procedures and will be applied at all times

Complaints and Disputes

1. All concerns, allegations or reports of malpractice or abuse relating to the welfare of children or vulnerable adults will be recorded and responded to swiftly and appropriately in accordance with the Club's and England Athletics' safeguarding policy and procedures. The Welfare Officer shall be the lead Officer for all Members in the event of any safeguarding concerns.
2. Any complaints of misconduct (improper or unprofessional conduct) regarding the behaviour of Members or Officers shall be dealt with by the Club in accordance with its discipline and appeals process and must be presented in writing to the Secretary (and where the matter relates to the Secretary, the complaint must be submitted to the Welfare Officer). Unless exceptional circumstances apply, the Secretary will hear complaints within fourteen days of receiving a complaint. If the complaint is sufficiently evidenced, the Secretary will appoint 3 (three) Club Members (who have no direct or indirect interest/involvement in the matter) to sit on a disciplinary panel. Subject to rule 3 below, a decision of the disciplinary panel shall be final and conclusive.
3. Any appeals must be received by the Secretary within 7 (seven) days of receiving the written decision and, if appropriate, the appeals process will be followed.
4. Any complaints of serious misconduct (including, without limitation, theft, doping violations, fraud, physical violence, safeguarding policy breaches, serious breach of applicable health and safety, gambling and/or ticketing regulations or any act or omission of the Member or Officer which in the opinion of England Athletics, acting reasonably, brings or is likely to bring the sport of athletics into disrepute) regarding the behaviour of Members or Officers shall be reported to and dealt with by UKA in accordance with its Disciplinary Procedures.
5. If a dispute arises between any Members or Officers of the Club about the validity or propriety of anything done by any Member or Officer under these Rules and the dispute

cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation

Disciplinary process

1. All complaints regarding the misconduct of club members should be submitted in writing to the Club Secretary. Where the matter relates to the Club Secretary, submit the complaint to the Club Welfare Officer. The content of a complaint will include specific details and evidence in relation to the infringement of Club Rules or any other offence or misconduct carried out during or in association with athletics activities which might reasonably be considered as bringing or having the potential to bring the Club into disrepute.
2. Upon receipt of a formal complaint, the Club Secretary shall, having taken, and subject to, such advice as he or she considers it prudent to take in the circumstances, write to the Member or Members concerned to inform them of the complaint and to invite them to comment in writing within fourteen days upon the relevant allegations.
3. On completion of step 2, the Club Secretary will determine if the complaint has sufficient grounds and is capable of being pursued based on the evidence/statements provided and will dismiss any frivolous complaints at this stage. If the matter is sufficiently evidenced a process will be pursued. The Club Secretary will appoint 3 club members to sit on the Disciplinary Panel, none of whom have had any direct interest or involvement in the matter.
4. The Club Disciplinary Panel or Hearing will consider the matter on receipt of the initial complaint and formal responses from the member(s) involved. The Club Disciplinary Panel will have the power to suspend temporarily from membership any Member accused of an offence or misconduct, pending further investigations or enquiries. This suspension shall be to facilitate the investigation and be without prejudice to the outcome of the investigation.
5. The Disciplinary Panel/Hearing will make such further enquiries as it thinks fit and will offer a reasonable opportunity to any Member concerned, who may be accompanied by a supporter, if so desired, to meet with it and answer the allegations and the Disciplinary Panel/Hearing will hear such witnesses as are reasonably produced. The Disciplinary Panel/ Hearing will make such procedural provisions as necessary for the just and efficient disposal of the case.
6. If the Disciplinary Panel/Hearing is satisfied that an offence of misconduct has been committed by a member, then it may impose one or more of the following actions:
    i. Note the offence or misconduct but take no further action.
    ii. Formally warn the Member concerned as to future conduct.
    iii. Suspend or disqualify the Member from club athletic competition, club coaching and/or administration and/or use of the Club's premises for some definite or indefinite period.
    iv. Recommend to the relevant governing body that the Member be disqualified from any involvement in athletics for some definite or indefinite period and/or

v. Terminate the membership or such other penalty as the Disciplinary Panel considers appropriate.

7. All parties concerned will be provided with the Disciplinary Panel's/Hearing formal written outcome within seven days of the decision.

8. **Appendix 1** provides guidance for the conduct of a disciplinary or appeal process

Appeal Process

1. The letter notifying the decision of the Disciplinary Panel shall also set out the right to Appeal. The accused and/or the Complainant, may appeal against the decision of the Disciplinary Panel/Hearing, by serving a Notice of Appeal on the Club Secretary within seven calendar days of receiving the written decision. The Notice of Appeal must state the grounds on which the verdict of the Disciplinary Panel is challenged.

2. The Club Secretary shall acknowledge a Notice of Appeal within seven calendar days of its receipt and will cast a decision in regard to 'the grounds on which the verdict is challenged', if there are sufficient grounds/evidence provided to support the challenge, the Appeal Panel process will commence, if there are insufficient grounds, the appeal will be dismissed.

3. The Club Secretary shall appoint an Appeal Panel of three members who have not been involved directly, either in the events giving rise to the Hearing, or in the initial Disciplinary Hearing itself.

4. The Club Secretary shall inform all parties concerned of the composition of the Appeal Panel. Either party may object to the composition of the Appeal Panel by notifying the Club Secretary of the Objection and setting out the reasons for such an Objection no later than seven calendar days from the date of being informed of the composition of the Panel.

5. The Club Secretary, within fourteen calendar days from the date of receipt of an Objection, will notify in writing the parties that either:

   - The composition of the Panel has changed, in which case the Club Secretary shall provide details of the new Appeal Panel; or
   - The composition of the Panel has not changed, in which case the Club Secretary shall give reasons why it has not accepted the Objection.

6. Within fourteen calendar days from the date the Club Secretary responds to the Objection above (as appropriate), the Club Secretary shall give such directions to all parties that include:

   - The date and place at which the Appeal Panel will meet to determine the Appeal.
   - Whether the appeal will proceed by way of written submissions or an oral hearing; and

- Whether the parties should be required to submit statements of their evidence and/ or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

Powers of the Appeal Panel

1. The Appeal Panel shall meet on the date fixed by the Club Secretary. The Appeal Panel may at its sole discretion disregard any failure by a party to adhere to this appeal procedure and may give such further directions as may be appropriate.
2. Any such hearings shall be in private unless all parties agree otherwise, or unless the Appeal Panel directs. The Appeal Panel shall have power to make a decision on the facts as it thinks fit and may:
    - Quash the original decision
    - Confirm the original findings
    - Request that the case be reheard (re-trial)
    - Increase the original sanction
    - Abate the original sanction
3. The Appeal Panel shall inform all parties of its decision within fourteen calendar days together with written reasons for its decision. The decision of the Appeal Panel shall be final. The Appeal Panel shall decide on any issue by majority.
4. A supporter can be a legal representative, who must be named, and may accompany the Complainant/Accused throughout the appeal process.

Records of Hearings and Appeals

1. The decision of a Disciplinary Panel/Hearing, including Appeal Panel/Hearing, shall be recorded and retained in confidential records for a period of six years by the Club. Supporting documentation shall also be retained in the same fashion.

Notification to UK Athletics (UKA) and England Athletics (EA)

2. Where appropriate the Panel Chair, once the Appeal notice has expired, will inform EA/ UKA;
    - **Disciplinary Hearing** – details of a decision, including sanctions imposed, will be communicated to EA and/or UKA if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. EA/ UKA may determine to publish details on their websites.
    - **Appeal Panel** – details of a decision, including sanctions imposed, will be communicated to EA and/or UKA if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. EA/UKA may determine to publish details on their websites

Co-operation of All Parties

1. The procedures described in these Discipline Procedures assume that all parties will co-operate in the interest of resolving the issue in question. In the absence of such co-operation, or if it is withdrawn at any stage, the Club reserves the right to proceed with a Hearing or an Appeal based on such evidence and information as it is able to obtain.
2. When dealing with a complaint, the Club Secretary or nominated Club representative shall be entitled to take, or omit to take, such action as is recommended pursuant to legal advice received from a legal practitioner whom the Club Secretary reasonably believes is competent to provide such advice and/or EA's legal representative service for affiliated

Key Contacts

- **Club Secretary:** committee@chippenhamharriers.co.uk
- **Welfare Officer:** welfare@chippenhamharriers.co.uk

APPENDIX 1

Discipline and appeals hearing process guidance

Process of the Hearing

1. Chair of Panel introduces fellow Panel members and confirms identity and status of all other persons present.
2. Chair reminds all parties of the confidentiality of the Hearing and that it will be held in private.
3. Chair informs all parties that a Hearing conducted under these procedures is not a judicial Hearing and so evidence given will not be delivered under oath. The Panel adjudicating the Hearing will, however, apply the rules of Natural Justice. For example, the duty to give a fair hearing to everyone with a concern in the case, the duty to explain the reasoning behind any decision and the obligation for any decision makers to be impartial.
4. Chair informs the parties that the Panel will make its decisions on whether the accused is guilty of misconduct, based on a balance of probabilities. This means that it must be demonstrated that it is "more probable than not" that the accused is guilty of misconduct. The panel will consider whether or not on the balance of probabilities the allegations are substantiated by the facts of the case.
5. Chair confirms that all parties and Panel members have previously received copies of all relevant documentation. In the event that documents have not been exchanged as required, the Chair may consider an adjournment.
6. The Panel must consider any written and or oral submission made by the accused and any written and or oral evidence provided by witnesses called on his or her behalf.
7. The Panel will then consider their decision in private. The Panel shall decide any matter based on a simple majority and may reject the complaint or may partially or fully uphold the complaint.
8. If the Panel upholds the complaint they must then consider the most appropriate manner to resolve the case and in so doing may take account of all relevant information disclosed during the Hearing, including any submission made by or on behalf of the Accused.

9. In consideration of what sanction to impose the Panel should consider the following criteria:
    a. the nature and seriousness of the misconduct including whether the misconduct involved dishonesty, culpable or reckless neglect;
    b. the accused conduct record and, in particular, whether any misconduct of a similar kind has occurred before and the period of time which has elapsed since any previous misconduct.
    c. where relevant, the length of time over which the misconduct occurred;
    d. the number of breaches;
    e. any steps taken by the accused to avoid a recurrence of the misconduct;
    f. whether any admission, and regret is expressed by the accused;
    g. the extent to which the accused has derived benefit, or stood to derive benefit, from the misconduct;
    h. any steps taken by the accused to compensate or provide restitution to the Complainant;
    i. the degree of co-operation with the Investigation;
    j. any penalties previously imposed by the Club in similar cases;
    k. the need to deter the accused and other Members from future misconduct;
    l. the need to demonstrate to the athletics community and society in general, that England Athletics (EA) takes firm action intended to promote the standards of conduct and behaviour required of all athletes and volunteers and others engaged in athletics.
10. The powers of the Panel are to issue:
    i. a warning in respect of the misconduct committed;
    ii. to terminate his or her membership or remove him or her from any official position within the club;
    iii. a requirement to complete education or training;
    iv. in the case of an accused who is a registered EA athlete, a recommendation to EA that the athlete is suspended from competition (or official participation within athletics) or from taking part in any event organized or run under the UKA Rules for Competition for a specified period;
    v. In the case of an accused who is a UKA Licensed coach or technical official, a recommendation to UKA that the Accused license to coach or officiate be suspended for a period of time;

vi. any combination of the above.

11. The Chair of the Panel may vary this procedure in his or her absolute discretion if, after discussion with the other parties he or she is of the opinion that such change would assist the Hearing process in a fair and impartial way.

12. Where appropriate and in the absolute discretion of the Chair of a Disciplinary Panel, details of a decision, including sanctions imposed, may be communicated to UK Athletics, a National Association, county association, club or other body where it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity.

13. A record of the proceedings and decisions of Disciplinary/Appeal Panels, including any sanctions imposed, shall be confidentially held on file by the Club for a period of six years and confidentially shredded/deleted after six years