



# Disciplinary Policy & Procedure

## Disciplinary Policy

This policy and procedure aims to help and encourage members to achieve and maintain standards of conduct and a happy, inclusive club atmosphere.

In cases of misconduct where the offence is so severe as to warrant a disciplinary sanction or termination of membership, this procedure enables both the Management Committee (MC) and members to understand how this process should be carried out consistently and fairly.

The Disciplinary Procedure should not be viewed primarily as a means of imposing sanctions. Wherever possible, minor misconduct will be the subject of action outside this formal policy and procedure, e.g. a simple, frank discussion prior to any formal disciplinary action

## Disciplinary Procedure

The disciplinary procedure aims to provide a framework within which the Club can work with Members to maintain satisfactory standards of conduct. The standards of conduct expected are set out in the Club's Code of Conduct. This is available on the Club website under "Policies".

*N.B. See the list of definitions at the end.*

- 1) This procedure applies to any disciplinary matters which include, without limitation, the following:
  - Alleged breaches of the Club Rules, Policies and Code of Conduct.
  - Any conduct in which a member engages that is inappropriate, unlawful, unsporting or behaves in a manner that is unacceptable, disrespectful, or opposed to the general interests of the Club, its members and the game of tennis.
  - Any matter or conduct which brings the Club into disrepute.
- 2) The Procedure applies to all members and playing visitors of the Club.
- 3) Playing visitors are subject to disciplinary proceedings to have jurisdiction to sanction individuals who may breach Club Rules. Visitors would not be expected to attend or engage in a disciplinary process.
- 4) To avoid doubt, where an issue constitutes a safeguarding matter, this procedure will only be applied following the conclusion of any statutory and/or LTA investigation.
- 5) The Club may amend the Procedure at any time and at its sole discretion. Such amendments shall be effective from the date stated.
- 6) The Club shall not be liable to any person, including without limitation, any member, for any loss, howsoever caused, whether direct, indirect, financial or consequential, arising out of or in connection with any action taken under the Procedure.
- 7) Disciplinary proceedings shall be commenced against a member in accordance with the Procedure where the Admin Officer receives a Notice of Complaint or becomes aware of a disciplinary matter referred to above.

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- 8) If the Chair, Admin Officer, or a member of the Committee is involved in a disciplinary matter, either as Complainant or Respondent, then they shall not be involved in any part of the disciplinary process relating to the matter.

### **Notice of complaint**

- 1) A Notice of Complaint may be lodged with the Admin Officer by any person or body, including another Member, an employee/officer/volunteer of the Club, the Committee, or a member of the public, concerning an alleged breach of the Code of Conduct. If the Complaint concerns the Admin Officer, the Complainant may submit it to the Club Manager instead.
- 2) The Notice of Complaint shall be made in writing no later than 28 days following the alleged incident (or knowledge of the incident by the Complainant). It shall set out details of the Complaint, including, where applicable, the nature of the alleged breach.
- 3) On receipt of the Notice of Complaint or the Admin Officer becoming aware of an alleged disciplinary matter regarding a Member, the Admin Officer shall, within seven days, inform the Club Manager or Chair about it.

### **Investigation**

- 1) Once the Club Manager or Chair are aware of the complaint one of them or a trusted committee member will investigate.
- 2) The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary complaint before deciding whether there is a case to answer. The scope and extent of the investigation will vary depending on the nature of the complaint and from case to case.
- 3) Members are expected to cooperate fully and promptly with any investigation.

### **Subsequent Action**

- 1) Upon completion of the investigation, and within 28 days, one of the following steps will be taken:
  - Decide that no further action is required. In this case, the Admin Officer shall notify the Respondent and the Complainant in writing, explaining why the Complaint has been dismissed. This might be because there is insufficient evidence to justify disciplinary action or that the Complaint is considered vexatious and/or malicious. In the latter case, the Complainant's actions may be referred to the Committee to determine whether a disciplinary procedure should be commenced concerning such actions.
  - Deal with the matter by way of advice, information, training and/ or mediation between the respective parties or
  - If the matter is considered serious, a Disciplinary Committee will be convened – see below.
- 2) The Admin Officer shall inform the Complainant and the Respondent of the course of action to be taken within fourteen days of the initial investigation concluding.
- 3) If a Disciplinary Committee is to be formed, the Respondent will be informed of a hearing date and the likely range of consequences if the Complaint is upheld.

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- 4) The Respondent will also be provided with a summary of the information gathered during the investigation (including copies of any relevant documentation, e.g. Code of Conduct).

### **Disciplinary Committee**

- 1) A Disciplinary Committee will be convened on a case-by-case basis. It will consist of 3 members and be established and appointed by the Chair.
- 2) The person carrying out the investigation may report to the Disciplinary Committee but not be part of it for reasons of impartiality.
- 3) The Disciplinary Committee shall decide the Disciplinary Officer (from within the committee) who will conduct the hearing and have jurisdiction to impose sanctions upon the Respondent(s).
- 4) Each member of the Disciplinary Committee must have no personal interest in the outcome of the proceedings (other than to see that the decision is fair) and have no previous knowledge or involvement with the matter under consideration.
- 5) If a matter is referred to the Disciplinary Committee and a member of the Disciplinary Committee either declares an interest or is deemed to have an interest by another Committee member, then such person shall be replaced on the Disciplinary Committee.

### **Disciplinary Hearings**

- 1) One member of the Disciplinary Committee will conduct the hearing. The Admin Officer or other appointed person will attend the hearing to make notes.
- 2) The Admin Officer shall make such arrangements for the hearing to be held within a reasonable time and shall provide the Respondent with the hearing details.
- 3) If the Respondent cannot attend a scheduled hearing, the Respondent should immediately inform the Admin Officer, who will arrange an alternative time.
- 4) If the Respondent fails to attend a hearing without notice or good reason, the Disciplinary Officer can decide in the Respondent's absence based on the available evidence.
- 5) No electronic recordings are permitted to be made of the hearing by the Respondent or otherwise.
- 6) The Respondent may be accompanied by another individual who may attend the hearing in a support capacity. The identity of the companion must be confirmed to the Disciplinary Committee in advance of the hearing.
- 7) The Disciplinary Committee may object to the companion's attendance if, at its sole discretion, there are reasonable grounds to do so. The Respondent can choose an alternative companion, subject to the same conditions.
- 8) The companion shall not be permitted to make submissions to the Disciplinary Officer on behalf of the Respondent nor to answer any questions on the Respondent's behalf.
- 9) The Disciplinary Officer will outline how the hearing will proceed and will ensure that details of the Complaint are put to the Respondent and that the Respondent is allowed to respond.

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- 10) After the hearing, the Disciplinary Officer, using the advice and support of the other Sub-committee members, will decide on the level of sanction for the Respondent based on all the evidence.
- 11) The Respondent shall be informed of the outcome within, at the most, 72 hours, and preferably sooner, out of courtesy. A formal letter will follow (see below).
- 12) All disciplinary and appeal hearings shall take place in private.

### **Decision and Available Sanctions**

- 1) The standard of proof in all cases is the balance of probabilities.
- 2) The Disciplinary Officer shall communicate the decision to the parties in writing as soon as reasonably practicable, usually via the Admin Officer.
- 3) The Disciplinary Officer may dismiss the Complaint against the Respondent or, where a Complaint is upheld, impose such sanction upon the Respondent as it thinks fit, including, without limitation:
  - Issue a written warning or reprimand regarding the misconduct or rule breach committed. Such warning will set out the nature of misconduct/breach, the behaviour change required, the duration of the warning and the likely consequence of further misconduct/breach in that period.
  - Suspend or exclude from certain Club activities, including competitions, matches, training, meetings or otherwise.
  - Suspend or exclude from undertaking specific roles within the Club for a specified or indefinite period.
  - Suspend the Respondent's membership of the Club for a specified period.
  - Terminate the Respondent's membership of the Club.
  - A combination of any of the above or any other disciplinary sanction as considered appropriate in consultation with the Disciplinary Committee
- 4) The decision taken concerning the sanction to be imposed must be reasonable and proportionate in all circumstances, and consideration may be given to the Respondent's previous disciplinary record.

### **Disciplinary matters involving children or vulnerable adults**

- 1) Where a disciplinary matter involves a Child or Vulnerable Adult, the Club, the Disciplinary Committee and/or Appeal Officer must be mindful of the needs of the person in question and take these into account when deciding:
  - The format of proceedings, including whether special measures are required or adjustments need to be made to the Procedure.
  - Any action to be taken against such a person.
  - The experience, knowledge, and training of the members of the Disciplinary Committee.

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- The club's Welfare Officer will also have initial involvement with any disciplinary matter involving a child or vulnerable adult, and this may continue throughout.
- 2) Written permission should be obtained from any parent/carer of a Child or Vulnerable Adult who is asked to attend a hearing.
  - 3) Where a Child or Vulnerable Adult is asked to attend a hearing, they shall be allowed to do so accompanied by their parent/carer or an appropriate adult. The Disciplinary Officer shall take steps to satisfy itself that the Child or Vulnerable Adult fully understands the purpose and potential outcomes of the Procedure.
  - 4) To avoid doubt, the refusal of a Child, their parent/ carer or an Adult at Risk to cooperate shall not preclude the Club from taking disciplinary action.

### **Confidentiality**

The Club will deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All Members and playing visitors must treat as confidential any information communicated to them concerning an investigation or disciplinary matter.

### **Appeal**

- 1) An appeal may only be permitted if there is a termination of the membership (regarding a member) or dismissal if it is an employee.
- 2) The Chair will nominate a committee member or other suitably qualified person who has not been associated with or had any previous involvement in the disciplinary matter to run the Appeal (the Appeals Officer).
- 3) Should the Respondent wish to appeal a decision of the Disciplinary Officer, the Respondent must submit a notice of appeal to the Appeals Officer in writing and within 14 days of the decision being issued to them.
- 4) The notice of appeal must set out the grounds upon which it is submitted, for example, that the Disciplinary Officer reached an erroneous decision, and provide details of any new evidence upon which the Appellant seeks to rely.

### **Appeal Hearings**

- 1) The Appeals Officer shall have jurisdiction to conduct appeal hearings and have the power to:
  - Dismiss the appeal and therefore confirm the Disciplinary Officer's decision.
  - Overturn any finding and any sanction imposed by the Disciplinary Officer
  - Substitute an alternative finding.
  - Reduce or increase the original sanction and/or increase.
  - Make such further orders considered appropriate.
- 2) The standard of proof in all cases before the Appeals Officer is the balance of probabilities.
- 3) The Admin Officer or other trusted appointee shall make written notes of the Appeal hearing.
- 4) No electronic recordings are permitted to be made of the hearing by the Appellant or otherwise.

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- 5) The Appellant may be accompanied by another individual who may attend the hearing in a support capacity. The identity of the companion must be confirmed to the Appeals Officer in advance of the hearing. The Appeals Officer may object to the companion's attendance if, in its sole discretion, there are reasonable grounds to do so.
- 6) The Appellant can choose an alternative companion subject to the same conditions. The companion shall not be permitted to submit to the Appeals Officer on behalf of the Appellant nor to answer any questions on the Appellant's behalf.
- 7) The procedure for an appeal hearing shall be flexible. It shall be at the discretion of the Appeals Officer, which may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness.
- 8) The Appeals Officer will outline the way the Appeal hearing will proceed and will ensure that the Appellant is allowed to set out the grounds of the Appeal.
- 9) The Appeals Officer shall communicate the decision to the Appellant in writing no later than seven days from the hearing date.
- 10) This is the end of the Procedure. The decision of the Appeals Officer is final, and there is no further right of appeal.

Date: 15<sup>th</sup> Oct 2023

Review date: 15<sup>th</sup> Oct 2025

## DEFINITIONS

Member	Any member of the Club
Complaint	A complaint of misconduct or notification of a concern regarding circumstances and/or conduct of a Member
Complainant	The person or body from whom the Club has received a Complaint
Notice of Complaint	The notice of the Complaint received from the Complainant
Respondent	The person who is the subject of the Complaint or disciplinary action
Sanction	The sanction which is brought against the Respondent in respect of the disciplinary matter
Disciplinary Officer	The person appointed by the Disciplinary Committee to conduct the disciplinary hearing
Appeals Officer	The person appointed by the Chair in accordance with this Procedure
Appellant	The person or body who appeals a Decision of the Disciplinary Committee
Vulnerable Adult	A person aged 18 years or over who has needs for care and support (whether or not the local authority is meeting any of those needs) and is experiencing, or is at risk of, abuse or neglect as a result of those care and support needs is unable to protect themselves from either the risk of or the experience of, abuse or neglect.
Child	Anyone under the age of 18
Club	Pavilion & Avenue TC, 19 The Droveaway, Hove, BN3 6LF
Venue Rules	The rules of the Club, which may include its constitution, terms of membership, code of conduct and any other rules by which the Members are bound under their membership of the Club.
Chair	Voluntary position chair of the management committee.
Management Committee	The body that is running the Club, consisting of volunteers.
Disciplinary Committee	The Disciplinary Committee of the Club, as appointed by the Chair, under this Procedure.
Administration/Admin Officer	A paid employee of the Pavilion & Avenue Tennis Club.
Safeguarding matter	A matter which is deemed by the LTA to raise concerns about a child, young person or adult at risk, or an individual who has contact with those groups.