

Stalybridge Archery Club



Disciplinary Policy

Disciplinary Policy

Date	Modifications	By
16\8\2019	Adapted For Stalybridge Archery Club	CLUB SECRETARY
08/11/2019	Added By Committee	SAC Committee

Table of Contents

Introduction	3
Purpose and Scope	3
Standards	3
Principles	3
Gross Misconduct	4
Informal Resolution	5
Disciplinary Practice	5
Establishing the facts of each case	5
Informing the member of the problem	5
Hold a meeting to discuss the problem	6
Allow the member to be accompanied	6
Decide on the appropriate action	6
Dismissal	7
Provide the opportunity to appeal	7
Additional Information	7
Suspension	7
Criminal Offences	8
Confidentiality	8
Further Disciplinary Action	8
Time Limits and Resignations	8
Note Taking & Records	8
Process Flow Chart	10

Disciplinary Policy

1. Introduction

Where the committee is stated throughout this policy and in all cases of disciplinary action, this refers to the Chairman, Vice Chairman and Secretary of Stalybridge Archery Club. Should the circumstance dictate a separate independent panel of three people will then be chosen to carry out any investigations. Throughout this document they will be referred to as the Panel. All disciplinary proceedings should be undertaken by these three Members only and kept confidential.

This policy and procedure is designed to help the committee deal with disciplinary situations within the club that occur through misconduct

Stalybridge Archery Club recommends that wherever possible, minor discipline issues should be resolved informally. The Committee/Panel should have a quiet word about the improvement in conduct that is required. In some cases, additional training, coaching and advice may be what is needed.

There will be situations where matters are more serious or where an informal approach has been taken and not achieved the required results. In these cases, if informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered too serious to be classed as minor, then the Committee/Panel will consider taking formal action.

If the incident is considered to be of a criminal nature, then it should be referred to the appropriate police force

2. Purpose and Scope

The purpose of this procedure is to ensure consistent and fair treatment of disciplinary situations and to help encourage members to achieve and maintain appropriate standards of conduct.

Fairness and transparency are ensured by using the rules and procedures that are set down within this policy. The Committee/Panel and Members should ensure their understanding of the rules and procedures.

This policy applies to all Members of Stalybridge Archery Club and the Committee/Panel.

Stalybridge Archery Club may at its discretion appoint external parties to conduct investigations and disciplinary/appeal hearings. This may be because of conflicts of interest, availability of resources, complexity, or specialist knowledge of the issues. Stalybridge Archery Club's discretion is not limited by these examples.

3. Standards

Stalybridge Archery Club has clear standards of conduct, which are reflected in Stalybridge Archery Club's Values. They are explained to Members when they join Stalybridge Archery Club and are available for reading in the Clubhouse. The rules cover such areas as:

- The requirement for being responsible and accountable for your conduct.
- Behaviour towards other members.
- Health and Safety.
- The appropriate use of club facilities (property, email and communication, etc).
- Claiming expenses.

Members are responsible for representing Stalybridge Archery Club - this includes, for example, maintaining high standards of behaviour, both internally and at away events, not exhibiting behaviour that may bring the club or other members into disrepute.

Disciplinary Policy

4. Principles

The principles governing the policy and its application are:

- We will be consistent and fair, with all members treated with respect and dignity.
- Individuals' rights and responsibilities are respected.
- We will be open and transparent.
- Minor instances of misconduct will initially be addressed by means of informal counselling, guidance and instruction. However, if problems continue or Stalybridge Archery Club regards matters to be sufficiently serious, the disciplinary procedure shall apply.
- No member will be dismissed for a first breach of discipline except in the case of gross misconduct when members may be dismissed without any notice.

In order to ensure that matters are dealt with fairly the following shall apply:

- Both the committee/panel and members should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Committee/panel should carry out any necessary investigations, to establish the facts of the case.
- Committee/panel should inform members of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- Committee/panel should allow members to be accompanied at any formal disciplinary meeting.
- Members have the right to appeal against any formal action taken against them under this procedure.

It is recommended that for any serious disciplinary issues that arise and/or disciplinary appeals, consideration should be given as to whether or not the investigation is conducted by an independent investigator, to prevent any potential conflict of interest. This would be request of Archery GB.

All warning letters issued under this procedure will be approved by the committee/panel to ensure consistency and to ensure that appropriate records are maintained.

5. Gross Misconduct

The following are examples of gross misconduct which would normally result in dismissal without notice:

- Actual or attempted theft, fraud or dishonesty.
- Betting, Corrupt Conduct, Inside Information and Match Fixing.
- Falsification of records.
- Fighting, physical or sexual assault, violence, threatening behaviour or damage to people or property.
- Gross insubordination, including failure to comply with reasonable committee requests/instructions.
- Repeated rudeness or rudeness that results in a complaint from a member or athlete.
- Consumption and/or possession of alcohol or non-prescribed drugs on site.
- Serious breaches of Stalybridge Archery Club values, trust and/or confidence.
- Refusing a reasonable, lawful and safe club committee instruction.
- Actions or omissions that bring Stalybridge Archery Club's name into serious disrepute.
- Willful/deliberate damage or misuse of Stalybridge Archery Club property or the property of other

Disciplinary Policy

members.

- Gross negligence or incompetence which causes or might cause unacceptable loss, damage or injury.
- Serious breaches of Stalybridge Archery Club rules relating to Health & Safety.
- Bullying or harassment on the grounds of sex, race, disability, age, sexual orientation, religion or belief or any other protected characteristic of another employee, agency or contract worker, customer, visitor or any other third party to whom Stalybridge Archery Club has a duty to prevent such discrimination.
- Indecent, offensive or immoral behaviour.
- Disclosure of confidential information pertaining to Stalybridge Archery Club.
- Telephone, computer and email misuse, including personal usage, hacking and/or the access, downloading or transmission of any pornographic or discriminatory or otherwise offensive material.
- Violation of the rules outlined in the Standards.
- Encouraging or supporting a Paralympic athlete to intentionally mis-represent themselves to a classification panel.

The above list is **NOT** exhaustive but simply illustrates the type of transgression that will normally result in summary dismissal.

6. Informal Resolution

Where conduct and behaviour falls short of the standards expected by Stalybridge Archery Club, Committee/panel should conduct an interview with the member, find out if there are any problems, reiterate the required standards/improvements with timescales (usually immediate and sustained) and provide any help and support that may be needed. This will take the form of informal counselling, guidance and instruction and is NOT part of the formal procedure.

Committee/panel should take notes of any such discussions and these will be retained by the Secretary for 12 months.

In some cases, the problem may be more serious at the outset, or the counselling, guidance and instruction has not led to acceptable standards. If this is the case, the formal disciplinary procedure will apply. Likewise, in cases of serious or gross misconduct it is unlikely that the process will be preceded by informal action.

7. Disciplinary Practice

Establishing the facts of each case

It is important to carry out an investigation without unreasonable delay to establish the facts of the case. In some cases, the investigation will require holding a meeting (fact finding) with the member before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the investigator for use at any disciplinary hearing.

Investigations will be carried out in confidence by and impartial Senior Member chosen by the committee/panel. The investigator must have had no previous involvement in the allegation.

An investigation or investigatory meeting will not always result in a disciplinary hearing or disciplinary action being taken. It may be concluded following investigation that no further action is required.

There is no legal obligation for a member to be accompanied at a formal investigatory meeting (unless for example Stalybridge Archery Club is making an adjustment in respect of a disabled member in order to comply with its obligations under the Equality Act 2010). However the investigator may allow a member to

Disciplinary Policy

bring a companion if it helps them to overcome any disability, or any difficulty in understanding English. It should not be a reason to delay an investigation.

Where the investigation reveals allegations of criminal conduct, the investigation will be handed over to the police and will stay until the conclusion of any such process. The Stalybridge Archery Club discipline case would only normally be restarted if the police declines to investigate the case.

Informing the member of the problem

If it is decided there is a disciplinary case to answer, the member should be notified of this in writing. All the information about the alleged misconduct and its possible consequences should be provided to the member, to allow them to answer the case at a meeting: this includes providing them with copies of any written evidence, such as witness statements. The member must be informed of the possible outcomes of the meeting.

The member must be given the details of the time and venue for the meeting and be advised of the right to be accompanied. Stalybridge Archery Club will seek to ensure that the time, place and location of any disciplinary hearing are reasonable. The meeting will take place as soon as is reasonably practicable.

Where the member is persistently unable or unwilling to attend a disciplinary meeting without good cause, the committee/panel will make a decision in the member's absence on the basis of the evidence available. Refusal to attend a disciplinary meeting without good reason will be treated as a disciplinary offence of itself.

Hold a meeting to discuss the problem

The meeting should be held without unreasonable delay whilst allowing the member reasonable time to prepare their case. (What is judged to be reasonable will depend on the complexity of the case but will not be less than 5 days). Where the member and their companion have been invited to attend a disciplinary hearing or an appeal they must take all reasonable steps to attend. Failure to attend or reasonable response to questions may be misconduct itself.

At the meeting, the committee/panel will explain the role of all those attending and the allegation(s) against the member, and then will go through the evidence that has been gathered.

The member should be allowed to set out their case and answer any allegations that have been made. They should also be given a reasonable opportunity to:

- Ask questions,
- Present evidence,
- Call relevant witnesses, and
- Raise points about any information provided by witnesses.

Where Stalybridge Archery Club or the member intend to call relevant witnesses they should give advance notice that they intend to do this. Any written statements of case, witness statements or other documentary evidence should be exchanged at least 5 days in advance of the meeting.

The main points of the discussion will be summarised and the member will be asked if they have anything further to say.

Allow the member to be accompanied

Members have the right to be accompanied by another member, union representative or a relative where the disciplinary meeting could result in a disciplinary action, which includes a formal warning.

Members must make a reasonable request to be accompanied, and what is reasonable will depend on the circumstances of each individual case. Members may not request a companion whose presence would

Disciplinary Policy

prejudice the hearing, or a companion from a remote geographical location if there was someone suitable either on site or close by.

If the chosen companion cannot attend the original date, an alternative date will be offered within the following five working days.

The companion may address the hearing to put and sum up the member's case, respond on their behalf to any views expressed at the meeting and confer with them during the hearing. They do not have the right to answer questions on the member's behalf, address the hearing if they do not want them to or prevent anyone, including the member, from explaining their case.

The committee/panel conducting the disciplinary hearing will consist of the Chairman, Vice Chairman and Secretary.

Decide on the appropriate action

The meeting will ordinarily be adjourned before a decision is taken.

Stalybridge Archery Club must decide whether or not disciplinary action (or any other action) is justified and proportionate, and inform the member accordingly in writing.

Where misconduct is confirmed it is usual to give a **written warning** and a further act of misconduct within a given period would normally result in a **final written warning**.

However, if the misconduct is sufficiently serious, it may be appropriate to give a **final written warning or termination of membership with notice**. This might occur where the member's actions have had, or are liable to have, a serious or harmful impact on the organisation.

A first or final written warning should set out:

- The nature of the misconduct and the change in behaviour required (with timescale),
- How long the warning will remain current, and
- The consequences of further misconduct within the set period (that it may result in dismissal or some other contractual penalty such as demotion or loss of seniority).

A record of the warning will be kept by the Secretary.

Where the member is persistently unable or unwilling to attend a disciplinary meeting without good cause Stalybridge Archery Club may decide the case in their absence based on the evidence available.

Dismissal

Some acts termed gross misconduct are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. However, the disciplinary process should still be followed.

The member should be informed as soon as possible of the reasons for the dismissal, the date on which the membership will end, the appropriate period of notice and their right of appeal.

Provide the opportunity to appeal

Where the member feels that the disciplinary action taken against them is wrong or unjust they should appeal against the decision. Appeals should be heard without unreasonable delay and ideally at an agreed time and place. The member should let the committee/panel know in writing the basis for the appeal: this should be sent to the Secretary within five working days of receiving written confirmation of the disciplinary warning or dismissal. An appeal hearing will then be arranged as quickly as possible.

The appeal should be dealt with by a committee/panel representative who has not previously been involved in the case.

Disciplinary Policy

It is recommended that for appeals against serious disciplinary sanctions, consideration should be given to including an independent member on the panel, to prevent any potential conflict of interest.

The member has the right to be accompanied at appeal hearings and should be informed in writing of the results of the appeal hearing as soon as possible.

An appeal against a warning or dismissal is final and concludes the procedure.

8. Additional Information

Suspension

Stalybridge Archery Club reserves the right to suspend any member who is suspected of serious misconduct, if it is considered in the interests of the individual and/or Stalybridge Archery Club to do so. Suspension in these circumstances is for the purpose of allowing an unhindered investigation to take place, and does not constitute disciplinary action or sanction. Suspension will be for as short a time as possible..

If serious misconduct is not initially suspected or believed to have occurred, but during the course of an investigation the committee/panel conducting it reasonably forms the opinion that a serious breach of discipline/standards may have occurred, the member who is the subject of the investigation may then be suspended.

Any decision to suspend will be confirmed in writing within five working days and such written confirmation will state that the nature of the suspension is precautionary, not disciplinary, pending the outcome of the investigation and any subsequent disciplinary proceedings.

Criminal Offences

If a member is charged with, or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the member's suitability to membership and their relationship with Stalybridge Archery Club, and other members.

Where allegations are made that may be of a criminal nature Stalybridge Archery Club will co-operate fully with any police investigations. Where these issues are related to the potential conduct of a member whilst overseas, members should note that the legal jurisdiction of England and Wales does not cover overseas training events and competitions therefore will be subject to the legislation and legal proceedings of the country in which the offence occurred.

The criminal convictions listed below are deemed incompatible with membership with Stalybridge Archery Club and will result in dismissal:

- A custodial sentence of more than 6 months.
- Assault occasioning Actual or Grievance Bodily Harm.
- Sexual assault.
- Serious dishonesty, including fraud.
- Drug offences cover everything from possession to possession with an intent to supply
- Enlisted on the Sexual Offenders' Register.

Confidentiality

Members should not discuss any disciplinary matter with members other than the committee/panel involved in the process and the member's own companion. Failure to maintain confidentiality may result in further disciplinary action being taken.

Disciplinary Policy

Further Disciplinary Action

The outcome of a disciplinary hearing will remain confidential between the parties involved.

A member subject to a disciplinary warning for any reason will be liable to further disciplinary action at the next stage of this procedure irrespective of the nature of the subsequent disciplinary offence.

Time Limits and Resignations

In cases where it is not practical to implement the procedure fully and expeditiously, for example in the absence of a key member of the committee/panel, member's will be dealt with as closely as possible in accordance with this procedure.

Under normal circumstances the discipline process should be concluded in no more than 2 months: however, it is recognised that more complex cases could take up to 6 months. When any discipline process takes more than 20 working days, the committee/panel conducting the process is to provide a written update to all parties at the 20 day point, and every 20 working days thereafter until it is concluded.

When a member - who is the subject of a disciplinary process - resigns before the process has been completed, the process will be completed using all the available evidence. The member will be invited to attend any hearings (or appeal hearings) or submit further evidence if they choose, but will not be compelled to do so. A conclusion may be reached in their absence and Stalybridge Archery Club will record the actions that it takes¹. It may also be disclosed to future prospective clubs in the event that a reference request is received.

Note Taking & Records

Stalybridge Archery Club has a standardised methodology for recording all meeting notes, recording and retaining all evidence and actions taken during an investigation in an electronic format. Should an investigation lead to a criminal investigation (or be drawn upon as part of any appeal procedures), all material obtained in the course of an investigation should be considered relevant and be made available.

It is not the policy for Stalybridge Archery Club to make an audio recording of any investigations or meetings. The member is not permitted to record disciplinary interviews, meetings or hearings without prior consent.

Interview and meeting notes will record the details of those present, however they do not need to be a verbatim recording of what had been said although they should ensure the clarity and essence of what was discussed.

The member will be sent a copy of the interview or meeting notes produced, which will constitute the member's record of proceedings.

All records detailing the nature of any sort of misconduct, the member's defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments will be kept confidentially the clubs Secretary. Likewise, the committee/panel may also keep records relating to the ongoing management of the member's behaviour, the implementation of corrective actions and progression of learning.

¹ This can include a ban from Stalybridge Archery Club for a period of time.

9. Process Flow Chart

