



## THE SPENCER CLUB

### DISCIPLINARY PROCEDURE FOR MEMBERS

#### 1. PURPOSE AND SCOPE

- 1.1 This Disciplinary Procedure is designed to help and encourage all Members to achieve and maintain standards of conduct and is applicable to Adult and Junior Members. The aim is to ensure consistent and fair treatment for all in the Club.
- 1.2 This Disciplinary Procedure applies in respect of any matter in which a Member engages in any conduct which is inappropriate, unlawful or in which a Member behaves in a manner which is unacceptable or opposed to the general interests of the Club or which brings the Club into disrepute.
- 1.3 A Member who is also a volunteer within the Club may alternatively or additionally be subject to the Disciplinary Procedure for Volunteers, depending on the circumstances.

#### 2. PRINCIPLES

- 2.1 Where the matter relates to one of the individual sport sections of the Club, it is hoped that this will be dealt with within that section. However, issues may arise relating to general behaviour and conduct in and around the Club.
- 2.2 Any disciplinary matter relating to a safeguarding incident, particularly relating to a child or young person, will be dealt with urgently by the relevant Club official and any relevant external body or organisation before being passed, if necessary, to this procedure.
- 2.3 Informal action will be considered, where appropriate, to resolve problems. If this is not possible, a formal procedure will be adopted.
- 2.4 No disciplinary action will be taken against a Member until the matter has been fully investigated.
- 2.5 At all stages of the procedure the Member will have the right to be accompanied by a 'companion' at a Disciplinary Hearing, who should either be another member or a friend, but should not be anyone who may prejudice the case or have a conflict of interest. Where the

Member is a Junior Member, this 'companion' must be a parent or legal guardian of the Junior Member, and the Junior Member and his or her parent or guardian, as appropriate, will be advised of this in advance any Hearing. The 'companion' may be the same or different at any Appeal Hearing.

- 2.6 At all stages of the procedure, meetings may be held by video conference, or otherwise remotely, provided all parties agree to this, or if the circumstances require.
- 2.7 A Member will have the right to appeal against any disciplinary decision.

### 3. FORMAL PROCEDURE

- 3.1 A disciplinary complaint should be filed with Chairman of the Club or, if the complaint relates to the Chairman, with the Secretary of the Club. This person shall be known as the Disciplinary Controller.
- 3.2 The complaint shall be made in writing as soon as practicable, and normally within 10 working days of the alleged incident, or knowledge of the alleged incident by the complainant, and shall set out full details of the complaint including details of why the matter is considered to be a disciplinary matter. Unless there is good reason, a complaint filed after that time shall be considered out of time and will not be investigated.
- 3.3 The Member, or in the case of a Junior Member his or her parent/guardian, will be advised of the nature of the complaint against him or her, and forwarded any written complaint and supporting evidence, and will be given the opportunity to respond in writing within a period of 10 working days.
- 3.4 The Disciplinary Controller, or an intermediary appointed by him or her, shall undertake any further investigation deemed appropriate to establish facts or to seek advice so as to ascertain the best course of action to resolve the complaint, while maintaining confidentiality.
- 3.5 The complaint will be decided at a Disciplinary Hearing before a Disciplinary Committee, within 10 working days of receipt of the Member's response, unless agreed otherwise by mutual agreement. The Disciplinary Committee will comprise the Club Chairman, the Club Secretary and one other member of the Club Management Committee not representing the section in which the Member is involved. If the complaint relates to the Club Chairman or Club Secretary, he or she will be replaced by another member of the Club Management Committee. In the case of a Junior Member, the Welfare Officer of the Member's sport section, or if unavailable another Welfare Officer, will attend the Disciplinary Hearing in an advisory capacity, to ensure that welfare and safeguarding are fully and properly considered, but the Welfare Officer will not form part of the Disciplinary Committee.
- 3.6 The decision of the Disciplinary Committee will preferably be a unanimous decision, but if unanimity cannot be achieved the matter will be decided on a simple majority of the Disciplinary Committee.

3.7 The role of the 'companion' at a Disciplinary Hearing is to support and confer with the Member and provide advice thereto but they cannot answer questions on their behalf, other than in the case of a Junior Member where his or her parent or legal guardian may do so.

## 4. THE DECISION AND AVAILABLE SANCTIONS

4.1 The Disciplinary Committee shall normally communicate its decision to the Member at the end of the meeting or notify the decision in writing, normally within 5 working days. The decision will also be communicated to the complainant in the same time frame.

4.2 The decision will normally be one of the following:

4.2.1 Dismissal of the case where the complaint is not proven

4.2.2 A Written Warning for misconduct

4.2.3 A Temporary Suspension of Membership

4.2.4 A Permanent Exclusion from Membership

## 5. WRITTEN WARNING

5.1 A Written Warning will be given to the Member if the offence is sufficiently serious. This will set out:

- the nature of the misconduct
- the change in behaviour required and the timescale
- a warning that failure to improve may lead to temporary suspension or permanent exclusion from membership; and
- the right of appeal.

5.2 A record of this Written Warning will be kept but will be normally disregarded for disciplinary purposes after 24 months subject to the Member achieving and sustaining satisfactory conduct or performance, as judged by the Disciplinary Committee.

## 6. SUSPENSION OF MEMBERSHIP OR PERMANENT EXCLUSION FROM MEMBERSHIP

6.1 If the matter is sufficiently serious, or if there is still further misconduct or failure to improve performance and/or behaviour after issuance of a Written Warning, the final step in the procedure may be suspension of membership for a short period of time or a permanent ban from membership. In the event of suspension or exclusion, no membership fees will be refunded.

6.2 The Member will be provided in writing with:

- reasons for the suspension or permanent ban
- the length of the suspension; and
- the right of appeal.

## 7. GROSS MISCONDUCT

- 7.1 If a Member is accused of an act of gross misconduct, they may be suspended from membership immediately, normally for no more than 5 working days, while the alleged offence is investigated. The Club Chairman or Club Secretary will make any decision relating to said temporary suspension. If, on completion of the investigation and the full disciplinary procedure, the Club is satisfied that gross misconduct has occurred, the result will normally be an immediate permanent exclusion from membership and permanent ban from the Club and all premises thereof.
- 7.2 The following list provides some examples of offences which are normally regarded as gross misconduct, and which may result in an immediate and permanent exclusion from membership:
- Theft or fraud.
  - Physical or verbal abuse or bullying of other members, volunteers, visitors, officials, or employees.
  - Deliberate and serious damage to Club property.
  - Serious misuse of the Club's property or name.
  - Deliberately accessing internet sites containing pornographic, offensive, or obscene material using the Club's facilities.
  - Discrimination on the grounds of ability, age, ethnicity, gender, race, religious belief, sexuality, social/economic status or any other protected characteristic described in Law.
  - Harassment.
  - Breach of the Club's child safeguarding policy.
  - Bringing the Club into disrepute.
  - Use or distribution of illegal substances on club premises.
  - Inappropriate use of Club electronic equipment, or Club communication and Social Media channels.
  - Breach of data protection rules or disclosure of confidential information.

## 8. APPEALS

- 8.1 If the Member disagrees with the decision of the Disciplinary Committee, they should submit a written appeal to the Club Secretary within 10 working days of the date of the decision.
- 8.2 Upon receipt of the written appeal the Club Secretary will organise an Appeal Meeting before an Appeal Panel, normally within 10 working days of receipt. The Appeal Panel will comprise 3 members from the Management Committee not involved in the original disciplinary decision and who have no conflict of interest relating to the disciplinary matter in question. Alternatively, depending on the circumstances and on approval by the Management Committee, the Appeal Panel may comprise one or more members of the Club that are not on the Management

Committee, provided that the Appeal Panel comprises members from different sections of the Club, in the interests of cross-sectional representation. In the case of a Junior Member, a Welfare Officer who did not attend the Disciplinary Hearing will attend the Appeal Meeting, in an advisory capacity, to ensure that welfare and safeguarding are fully and properly considered, but will not form part of the Appeal Panel.

- 8.3 A note will be taken of the Appeal Meeting, to ensure that decisions taken, and any actions are understood and agreed by both parties as a true reflection of the meeting.
- 8.4 The Appeal Meeting may be adjourned to a later date, normally no later than a further 15 working days, if it is deemed necessary to investigate the case to establish any facts or to take advice. The meeting should be reconvened as soon as practically possible after the investigation is completed, or advice obtained.
- 8.5 The decision of the Appeal Meeting will preferably be unanimous, but if unanimity cannot be achieved the matter will be decided on a simple majority of the Appeal Panel.
- 8.6 After the conclusion of the Appeal Meeting, and normally within 5 working days thereafter, the Appeal Panel will issue its decision in writing. The decision of the Appeal Meeting will be final.

## 9. CONFIDENTIALITY & KEEPING OF RECORDS

- 9.1 All matters relating to the Disciplinary Procedure will be kept confidential between the parties, excepting where the parties need to take advice.
- 9.2 Records will be kept of the outcome of the procedure, and any appeal, in accordance with Data Protection legislation.