

# CAMVALE TENNIS CLUB

## DISCIPLINARY PROCEDURES

### DEFINITIONS

Appeal Committee	the Appeal Committee of Camvale Tennis Club as appointed in accordance with these Procedures
Appellant	the person or body who appeals a Decision of the Management Committee
Charge	the charge which is brought against the Respondent in respect of the disciplinary matter
Adult at Risk	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 and 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	Camvale Tennis Club (Bristol Road, Paulton BS39 7NX)
Club 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 in accordance with their membership of the Club
Complaint	a complaint of misconduct or notification of a concern regarding particular circumstances and/or conduct of a Member as referred to in these Procedures
Complainant	the person or body from whom a Complaint has been received by the Disciplinary Committee
Committee	the body that is managing Camvale Tennis Club
Disciplinary Appeal Committee	the Disciplinary Appeal Committee of Camvale Tennis Club as appointed in accordance with these Procedures
Member	any member of the Club
Notice of Complaint	the notice of the Complaint received by the Disciplinary Committee from the Complainant
Respondent	the person who is the subject of the Complaint or disciplinary action
Safeguarding Case	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

Camvale Tennis Club

Disciplinary Procedures – September 2019

## **JURISDICTION AND DISCIPLINARY MATTERS**

The aim of these disciplinary procedures (the "Procedures") is to provide a framework within which Camvale Tennis Club can work with Members to maintain satisfactory standards of conduct.

The Procedures are made by the Club in relation to any disciplinary matters which include without limitation the following:

- alleged breaches of the Club Constitution;
- alleged breaches of the Club's Policies;
- alleged breaches of the Club's Code(s) of Conduct;
- any matter in which a Member engages in any conduct which is inappropriate, unlawful, unsporting or behaves in a manner which is unacceptable or opposed to the general interests of the Club or which brings the Club into disrepute.

The Procedures apply to all Members and visitors of the Club.

For the avoidance of doubt, where an issue constitutes a safeguarding matter, these Procedures will only be applied following the conclusion of any statutory and/or LTA investigation.

The Procedures may be amended by the Club at any time and at its sole discretion and such amendments shall be effective from the date stated.

The Club shall not be liable to any person, including without limitation, any Member, for any loss, however caused, whether direct, indirect, financial or consequential arising out of or in connection with any action taken under the Procedures.

Disciplinary proceedings shall be commenced against a Member in accordance with the Procedures where a member of the Club's management committee receives a Notice of Complaint or becomes aware of a disciplinary matter referred to above.

In the event that 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 COMPLAINTS**

A Notice of Complaint may be lodged with any member of the management committee by any person or body which shall include without limitation, another Member, an officer/volunteer of the Club, or a member of the public, in relation to an alleged disciplinary matter.

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) and shall set out details of the Complaint including, where applicable, the nature of the alleged breach.

### **INITIAL INVESTIGATION**

The purpose of an investigation under these Procedures 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 will vary from case to case.

On receipt of the Notice of Complaint of an alleged disciplinary matter regarding a Member, the Club's Welfare Officer and the Secretary shall within 28 days:

- commence an initial investigation into the matter in order to gather information and evidence;
- invite a written response from the Respondent, together with any supporting evidence;
- undertake any further investigation deemed appropriate to assist in determining the best course of action to resolve the Complaint or commence disciplinary action.
- summarise the findings of the investigation and recommend to the Management Committee a decision.

Members are expected to co-operate fully and promptly with any investigation.

Based on the information provided the Management Committee may agree on any of the following steps:

- issue a written warning or reprimand in respect of the misconduct or rule breach committed. Such warning will set out the nature of misconduct/breach, the change in behavior required, the duration of the warning and the likely consequence of further misconduct / breach in that period;
- suspend or exclude from the Club's activities including competitions, matches, coaching, meetings or otherwise;
- suspend or exclude from undertaking certain roles within the Club for a specified or indefinite period of time;
- 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 by the Management Committee.

The decision taken by the Management Committee in relation to 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.

The Secretary shall write to the Respondent advising them of the outcome to the investigation.

If the Respondent denies the Charge then the matter shall be determined at a full hearing dealt with by the Disciplinary Appeal Committee.

## **CONFIDENTIALITY**

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

## **DISCIPLINARY APPEAL COMMITTEE**

A Disciplinary Appeal Committee consisting of three members shall be established and appointed by the Management Committee. The Disciplinary Appeal Committee shall elect one of its members to act as Chair.

The Disciplinary Appeal Committee shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are the subject of a Charge. The Disciplinary Appeal Committee shall make its decisions by way of a majority vote.

Each member of the Disciplinary Appeal 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.

In the event that a matter is referred to the Disciplinary Appeal Committee and a member of the Disciplinary Appeal Committee either declares an interest or is deemed to have an interest by the Committee, then such person shall be replaced on the Disciplinary Appeal Committee.

The Committee in assessing whether a member of the Disciplinary Appeal Committee has an interest in the outcome of proceedings shall give due consideration to any objections raised by the Complainant and Respondent.

## **DISCIPLINARY APPEAL HEARINGS**

The Disciplinary Appeal Committee may hear a disciplinary matter by way of oral hearing or consider the Charge on the basis of written submissions from the parties as appropriate. In the event that an oral hearing shall be held, the Secretary shall make such arrangements for the hearing to be held within a reasonable time and shall provide the Respondent with the details of the hearing. If the Respondent cannot attend a scheduled hearing, the Respondent should immediately inform the Secretary who will arrange an alternative time. If the Respondent fails to attend a hearing without notice or good reason, the Disciplinary Appeal Committee is permitted to reach a decision in the Respondent's absence, based on the available evidence.

Written notes of the hearing shall be made by a person appointed by the Disciplinary Appeal Committee. No electronic recordings are permitted to be made of the hearing, by the Respondent or otherwise.

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 Appeal Committee in advance of the hearing. The Disciplinary Appeal Committee may object to the attendance of the companion if, in its sole discretion, there are reasonable grounds to do so. The Respondent will be afforded an opportunity to choose an alternative companion. The companion shall not be permitted to make submissions to the Disciplinary Appeal Committee on behalf of the Respondent nor to answer any questions on the Respondent's behalf.

The procedure for an oral hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Appeal Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Disciplinary Appeal Committee will outline the manner in which the hearing will proceed and will ensure that details of the Complaint are put to the Respondent and that the Respondent is afforded an opportunity to respond.

All disciplinary hearings (disciplinary and appeal) shall take place in private and the public and the press shall have no right of access.

## **DISCIPLINARY MATTERS INVOLVING CHILDREN OR ADULTS AT RISK**

Where a disciplinary matter involves a Child or an Adult at Risk, the Club, the Management Committee and/or Disciplinary Appeal Committee 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 Management Committee and the members of any Disciplinary Appeal Committee.

Written permission should be obtained from any parent/carer of a Child or Adult at Risk who is asked to attend a hearing.

Where a Child or Adult at Risk is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by their parent/carer or an appropriate adult.

For the avoidance of doubt, the refusal of a Child, their parent/ carer or an Adult at Risk to co-operate shall not preclude the Club from taking disciplinary action.

## **APPEAL HEARINGS**

The Disciplinary Appeal Committee shall have jurisdiction to conduct appeal hearings and have the power to:

- dismiss the appeal and therefore confirm the Management Committee's decision;
- overturn any finding and any sanction imposed by the Management Committee;
- substitute an alternative finding;
- reduce or increase the original sanction; and/or
- make such further order as it considers appropriate.

The standard of proof in all cases before the Disciplinary Appeal Committee is the balance of probabilities.

**September 2019**