

Disciplinary & Appeal Policy

V1 – 10th November 2023

General

Disciplinary matters, applying to all matters of Flitwick & Ampthill Lawn Tennis Club (further referred to as the Club), will be dealt with by the Elected Officers of the Club and the Welfare Officer in the first instance and if appointed a Disciplinary Committee. All members of the Club agree to fully comply with the LTA Code of Conduct.

Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of Club's rules. However it is recognised and accepted that every member:-

- Has the right to expect fair and consistent treatment
- Has the right to adequate notice from the Club
- Has the right to appeal against the decision in all disciplinary matters.
- Has the right to representation
- No member will be expelled for the first breach of the Club's rules except in cases of "gross misconduct". However all disciplinary actions taken by the Club will be duly recorded and placed on file for reference at a future date.
- No member who has had any involvement in the incident(s) leading to the disciplinary procedure being invoked will be involved in the disciplinary process relating to the issue(s) in question.

1. Offences Leading to Disciplinary Action

The actions by members may be interpreted by the Committee to fall within this Code. However the lists are not to be considered as fully inclusive or covering all possible offences.

"Misconduct" is the carrying out of an offence considered to be of a minor nature (unless frequently repeated) will normally incur a written warning from the Elected Officers together with a demand for full and appropriate action. Examples of offences that may be considered misconduct include: –

- Discourteous, crude or offensive behaviour at games, training session or organised Club event.
- Conduct of an unsafe nature
- Offensive disregard for equipment or property

-Any other actions of similar gravity to the above, at the discretion of the Elected Officers.

Repetition of the above offences or failure to comply with any demands made in writing by the Elected Officers may result in further action by the Elected Officers involving a disciplinary hearing.

“*Serious Misconduct*” is the carrying out of an offence of such gravity that in the opinion of the Elected Officers it warrants a Club disciplinary hearing. Examples of offences, which may be considered as serious misconduct include: –

-Misconduct offences above if specially grave or repeated

-Deliberate or consistent breaches of Club rules

-Any attempt to achieve gains or advantage over others by unfair or unscrupulous means

-Theft or misappropriation

-Use of threatening or abusive behaviour

-Participating in the sport whilst under the influence of drugs or alcohol

-Malicious interference with equipment or property

-Disregard for one’s own or other people’s safety

-Any other action, which in the opinion of the Club Officers may bring the sport or the Club into disrepute, or which left unpunished, may result in the detriment of the Club or its members.

“*Gross Misconduct*” is action of such seriousness that the Elected Officers will require the immediate expulsion of the offender from the Club. The Elected Officers may by means of an executive decision summarily expel such an offender without invoking a disciplinary hearing.

The expelled member will have the right to a disciplinary hearing as soon as this can be arranged but will remain expelled until and unless such a hearing overturns the executive decision.

Examples of gross misconduct are:-

-Physical violence or assault towards other persons at a Club event or related activity, including serious threatening, intimidating or forceful behaviour

-Reckless disregard of safety and basic safety rules

-Being convicted of criminal offences involving physical violence, abuse or a safeguarding issue

-Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party.

2. Disciplinary Procedure

On receipt of a written complaint the Elected Officers with advice if they so wish, will decide whether the complaint falls within the scope of this disciplinary policy. If in their opinion it does, then the Elected Officers will decide as to the type of offence as per (section 1) above.

If the offence is considered to be one of simple misconduct, the Club Secretary will write to the offender with a formal written warning including the demand for an apology or other corrective action the Elected Officers may deem appropriate.

A disciplinary file will be opened by the Elected Officers in which will be placed copies and records of the original complaint, together with the written warning and any other correspondence.

The action outlined above will normally finalise the process unless any of the parties involved object strongly to the Elected Officers decision in which case they may appeal directly to the committee for a final decision.

Should the complaint be considered by the Elected Officers as one of serious or gross misconduct, then the following procedure will be implemented: –

- The Elected Officers will research evidence presented and, if possible, will obtain further written evidence, witness statements, etc which will be extensively noted.

- Contact the member subject of the complaint to advise of the official complaint and request the member to submit a signed written statement of events

- In cases of disputes of a personal nature, the Elected Officers will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned

- If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible

- Contact the Club's Legal Advisor if required and supply copies of all evidence

- Notify all parties as to the hearing date and ensure the parties have all relevant copies of paperwork in good time prior to the hearing, copies to be sent by 1st class recorded delivery

3. Disciplinary Hearing

- A disciplinary committee will be appointed by the Elected Officers, which will consist of: –

1. the Club Chair person

2. two members of the Committee

-All written evidence to be reviewed at the hearing.

-No statements can be introduced at the hearing without prior notice and copies of all written evidence produced for consideration prior to the hearing, to be available in advance to the parties.

-The subject of the complaint is entitled to be accompanied to the hearing by a friend not acting in a legal capacity but in a supportive role.

-The Disciplinary Committee may adjourn the hearing to allow further evidence to be gathered.

-After the Disciplinary Committee has reached a decision, the subject of the complaint is to be notified in writing of such a decision and informed of any penalties within 7 days of the decision.

4. Penalties

Following the hearing, the Disciplinary Committee will apply such penalties as the Disciplinary Committee consider appropriate, including temporary or permanent expulsion of the offender from the club, such penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with Section 5 .

5. Appeals

If an appeal of the decision or penalty is to be made then written notice of appeal to the Club Secretary must be given by the subject of the decision, within 14 days of being notified of the decision. The subject of the decision must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this. An appeal together with full and recorded argument may be considered relative to: –

-the decision

-the penalty

-other

An appeal hearing will be convened as soon as practicable and will consist of an Appeal Committee of 3 members of the committee who did not take part in the first hearing and who will elect their own Chairperson (who will have the casting vote).

The appellant is entitled to be accompanied to the appeal by a friend not acting in a legal capacity but in a supportive role.

The Appeal Committee shall have power to amend or revoke any decision made at the previous disciplinary hearing.

The decision of the Appeal Committee is final and binding on the parties and not subject to further appeal.