

Norfolk Tennis Disciplinary Procedure

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TENNIS
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Our Aim

Norfolk Tennis is committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve is by listening and responding to the views of our volunteers, players, and competitors and by responding positively to complaints. When dealing with a disciplinary matter, whether it is an alleged breach of County Rules, Policies, our Code of Conduct or unacceptable conduct, it is our aim to ensure that a fair process is followed. This document outlines Norfolk Tennis' Disciplinary Procedure ("the Procedure") for the Disciplinary Committee (the "Disciplinary Committee") and Appeal Committee (the "Appeal Committee") when dealing with an individual ("the Individual"). For Safeguarding processes, please see Norfolk Tennis' Safeguarding Policy.

Complaints should be made to Norfolk Tennis' Secretary (secretary@norfolktennis.org) or Chairperson (chair@norfolktennis.org)

Upon Receiving a Complaint

Upon receiving a complaint, the Chair of Norfolk Tennis will decide whether an informal resolution can resolve the complaint. The Chair of Norfolk Tennis or other appointed person will consider:

- holding a confidential, private meeting with the Individual to highlight the problem
- establishing why the problem has arisen
- agreeing what action is needed
- keeping an informal record of the conversation

If an informal approach is followed, any informal warning will be verbal but confirmed in writing. The written confirmation will make clear that the warning is "informal" and set out what is expected in terms of future conduct. It may be noted that formal action may be required if there is repetition of the unsatisfactory behaviour.

If an informal approach, is however, unsuccessful as the individual continues with their unacceptable behaviour, or if an informal approach is considered to be inappropriate given the nature/seriousness of the issue then a formal and thorough investigation will be carried out which could in turn lead to formal disciplinary proceedings being instigated.

Formal Complaints Procedure

Investigations

If an individual admits the alleged misconduct, breach or inappropriate behaviour, it may be reasonable for Norfolk Tennis to take this at face value without undertaking further investigation. However, if there is any doubt as to the individuals' motives or the truthfulness of the confession, or if their confession implicates others, or if the individual concerned may be particularly vulnerable, for example, by reason of disability, or if there are any extenuating circumstances, these will be investigated.

Norfolk Tennis will:

- designate an individual as Investigations Officer, who has the requisite skills and the time to undertake the task, to gather the relevant information and evidence,
- investigate sufficiently to ensure that the detail of the allegations made against an individual is clear, in order that the allegations can be put to that individual in sufficient detail to enable a meaningful response from them
- conduct the investigation as quickly as is reasonably possible, without unreasonable delay
- speak to witnesses and take notes of their recollection of events before memories fade
- interview witnesses privately and emphasise the need for confidentiality

- make notes of the statement or of the information provided by the witness and where possible the witness will be asked to sign the statement, confirming that the version of events taken down by the interviewer are correct
- consider witness requests for anonymity, the reason for the request, and the motive explored. Norfolk Tennis will try to avoid anonymising witness statements whenever possible and will only agree to anonymise in exceptional circumstances where a witness has a genuine fear of reprisals
- on agreement that the circumstances do warrant anonymity, will then consider what, if any, points need to be omitted or redacted to prevent identification
- consider whether any physical evidence is required

Convening a hearing

Once the investigation is complete, if Norfolk Tennis decides that a disciplinary hearing is required, it will write to the individual to confirm the outcome of the investigation and invite them to a disciplinary hearing. The letter will set out sufficient information about the allegations and their possible consequences to enable the Individual to prepare for the disciplinary hearing.

A disciplinary hearing will never be an ambush. The Individual must know, in advance, the nature of the concerns and all evidence in support of those concerns and the Individual will be sent a copy of the Procedure and members of the Disciplinary Committee, so that the Individual understands the process. Norfolk Tennis will also inform the Individual in writing of the right to bring a companion.

Procedural steps leading to hearing

The following steps will be carried out before a disciplinary hearing:

- the Chair of Norfolk Tennis will organise a Disciplinary Committee and advise the Individual who will be taking part in the hearing
- the disciplinary invitation letter will also set out the arrangements for the disciplinary hearing and will be convened at a reasonable time and place
- copies of any documents or evidence on which Norfolk Tennis intends to rely at the hearing will be provided
- an Individual will be given sufficient time to consider the allegations and to read any witness statements and other investigation materials before the hearing
- the Individual will also be asked if there are any documents or other evidence, they wish to rely on that have not already been disclosed
- the Individual will have the right to be accompanied by a third party
- if the Individual suffers from a disability, any reasonable adjustments will be made to the hearing arrangements, such as location, timing or facilities
- the Individual will inform Norfolk Tennis of the name of their companion if they intend to bring one to the hearing

The Hearing

Norfolk Tennis will adhere to the following steps:

- at the start of the hearing, the Chair of the Disciplinary Committee will introduce those present and, if the Individual is unaccompanied, remind the Individual again of their right to be accompanied
- the chair will ensure that the Individual is comfortable, has read the Procedure and has received copies of any documentation that may have been sent to them. Any minute or note-taking arrangements should be discussed and confirmed, and made clear that covert recordings of the hearing are not permitted
- a final check should be made as to whether any reasonable adjustments need to be made if the Individual is disabled, although this should ideally have been addressed at the time Norfolk Tennis first contemplated arranging a hearing
- the Chair should lead the hearing and clearly set out the detail of the allegations that have been made against the Individual. Any evidence supporting the allegations should be presented.

- the Individual should be invited to ask questions as necessary
- the Individual should then be given a reasonable opportunity to respond to the allegations, present their version of events and produce any evidence in support
- once the Individual has presented their case, the Chair should summarise the information put forward by both parties and any clarification from the Individual should be requested at this point

What must the Disciplinary Committee do

The Disciplinary Committee will be mindful throughout the process to remain polite and calm. The Individual, who will inevitably be under stress, may react in a way not anticipated by the Disciplinary Committee and be bad tempered, angry, abusive or visibly distressed. The Disciplinary Committee should be sensitive to this and, if necessary, make sensible use of adjournments for time out and allow Individuals to regain their composure before continuing.

Once both sides of the case have been presented and there are no further questions, the hearing will ideally be concluded. The Disciplinary Committee will decide whether any follow up action is required. Issues that have been raised by the Individual that may require further investigation and witnesses may need to be re-interviewed. If new information subsequently comes to light, then this will be given to the Individual in writing, together with an opportunity to respond to it.

Norfolk Tennis will avoid communicating an outcome at the end of the hearing, the meeting will be brought to a close and the Individual advised that the decision will be communicated in writing once the Disciplinary Committee has had the opportunity to consider all of the evidence and form a decision. This ensures that proper consideration is given to what has been discussed at the hearing and that the Individual can see that they have been treated fairly and reasonably. Announcing the decision immediately after the Individual has finished speaking may suggest that the outcome was predetermined.

Appeals

An Individual may appeal the decision of The Disciplinary Committee within one week of receiving the initial outcome letter. Details of the reason for the appeal should be sent to the Chair of the Appeals Committee.

The appeal under the Procedure should take the form of a “review” of the original decision, rather than a full re-hearing. In practice, this means that the Appeal Committee will review the original decision of the Disciplinary Committee and all of the evidence that the Disciplinary looked at in reaching its decision. The Appeal Committee may comprise of different members of Norfolk Tennis Management Committee who were not members of the Disciplinary Committee or members from other County and Island Associations’ Management Committees.

The Appeal Committee will consider whether it was reasonable for the Disciplinary Committee to have reached the decision that it made. In doing so, it will consider whether there were reasonable grounds for the decision made by the Disciplinary Committee based on the evidence available to them at that time, whether the procedure was followed correctly and whether the penalty imposed was too harsh or disproportionate.

Records of Disciplinary and Appeals Committees

Records to be kept should include:

- details of the allegation(s) and the sanction imposed
- details of the investigation that was carried out and the evidence which came to light as a result
- copies of correspondence sent to the Individual with enclosures
- notes from the disciplinary hearing and any appeal hearing
- so far as possible, the rationale for decisions taken at various stages (including for example why it was decided that there was a case to answer in formal disciplinary setting, why the decision was

made to issue the Individual with a warning and not uphold his/her appeal and why the Individual's chosen companion was not allowed to attend)

Norfolk Tennis may seek advice on specific queries regarding the conduct of a disciplinary process.

FAQs

What happens if the Individual is unable/fails to attend a disciplinary hearing?

Individuals should make every effort to attend a disciplinary hearing. However, Individuals may seek to postpone their disciplinary hearing, either through their desire to have more time to consider their position or as a result of illness or non-availability of themselves or their chosen companion.

If the Individual is unable to attend a hearing with good reason, it would be reasonable to suggest an alternative time that is convenient for the Disciplinary Committee and the Individual. If an Individual, however, fails to attend the disciplinary hearing without notice or good cause, the Procedure states that the Disciplinary Committee is permitted to proceed and make a decision in the Individual's absence, on the evidence available. This will be a last resort. When considering whether to proceed in the Individual's absence, Norfolk Tennis may want to consider the seriousness of the disciplinary issue under consideration and the possible sanctions/outcome and how similar cases in the past have been dealt with before taking that step.

The same points above would apply to attendance at appeal hearings.

What happens if the Individual is unable to attend a disciplinary hearing due to ill-health?

An Individual who, on being told to attend a disciplinary hearing, may absent themselves by reason of ill-health, in order to stall the procedure or to try and avoid attending a disciplinary hearing. Alternatively, an Individual may genuinely not be well enough to attend a hearing.

Norfolk Tennis will consider the nature of the Individual's illness and the likely extent of the delay and whether the hearing can reasonably be postponed until the Individual is well enough to attend. Norfolk Tennis may decide that the matter can wait until the Individual is well enough to attend the hearing but should ensure that matters are not allowed to drag on, bearing in mind that the Individual may not be the only individual with an interest in the matter being resolved. Alternatively, Norfolk Tennis may decide that it needs to proceed with the disciplinary hearing, but by way of alternative means, such as by telephone or video call, at a neutral location, or inviting the Individual to submit written submissions and holding a hearing in their absence.

What happens if an Individual's chosen companion is unable to attend a disciplinary hearing?

Where an Individual's chosen companion is unavailable for a good reason, Norfolk Tennis will aim to rearrange the hearing to an alternative date. Where the Individual's chosen companion is not available for the rearranged hearing, Norfolk Tennis will either consider rearranging the hearing for a later time when the companion is available or insist that the hearing proceeds and invite the Individual to either attend alone or bring an alternative companion.

The same points above would apply to attendance at appeal hearings.

Who can the Individual bring as a companion to the disciplinary hearing and any appeal hearing?

Under the Procedure, the Individual has the right to bring a companion to a disciplinary or appeal hearing (but not to an investigation meeting). The Procedure does not impose any criteria or limitations on the choice of companion and therefore, the Individual is at liberty to choose who they wish to accompany them, within reason. The Procedure does reserve the right for the relevant committee to object to a chosen companion, if there are reasonable grounds for doing so (see below).

When would it be reasonable for the Disciplinary or Appeal Committee to object to a chosen companion?

An objection may arise where the Disciplinary Committee believes that the presence of the chosen companion may prejudice the hearing. This might occur, for example, due to their connection with the investigation, any witnesses or involvement in the allegations made. The Committee may have concerns regarding the companion's potentially disruptive behaviour or concerns regarding confidentiality or even for their own safety (e.g. if they fear the companion may become threatening, aggressive or violent). Norfolk Tennis may also want to prohibit a legally qualified person (such as a barrister, solicitor or legal executive) from attending as a companion.

In any event, Norfolk Tennis will adopt a consistent and fair approach as to who is allowed to attend as a companion and also be mindful of any disabilities which the Individual may have.

What is meant by the 'on balance of probabilities' when determining the outcome of the disciplinary?

The "balance of probabilities" essentially means that when making their decision, the Disciplinary Committee need to be satisfied, based on the evidence that the alleged misconduct, breach of rules etc. was more likely than not to have occurred. In other words, there was more than a 50% chance that the alleged act or omission occurred.