

Spalding Town Tennis Club



COMPLAINTS AND DISCIPLINARY PROCEDURES

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Definitions

Appeal Committee	the Appeal Committee of the Club as appointed in accordance with these Procedures.
Appellant	the person or body who appeals a decision of the Disciplinary 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 the local authority is meeting any of those needs) and is experiencing, or is at risk of, abuse or neglect, and because 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.
Venue	Spalding Town Tennis Club, Holyrood Walk, Spalding PE11 2RY
Venue Rules	the rules of the Venue 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 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 running the Club.
Disciplinary Committee	the Disciplinary Committee of the 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 brought by the Disciplinary Committee under the Procedures.
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.

Our Aim

Spalding Town Tennis Club (the Club) 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 Club Rules, Policies, our Code of Conduct, or unacceptable conduct, it is our aim to ensure that a fair process is followed. This document outlines the Club's 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 the Club Safeguarding Policy. The standards of conduct expected of all Members are set out in the Club Rules, Policies and Code(s) of Practice. Copies of these documents can be located on the Club website.

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

Therefore, we aim to ensure that:

- making a compliment or complaint is as easy as possible
- we welcome compliments, feedback, and suggestions
- we treat a complaint as a clear expression of dissatisfaction with our service which calls for a timely response
- we deal with it promptly, politely and, when appropriate, confidentially
- we respond in the right way - for example, with an explanation, or an apology where we have got things wrong or information on any action taken etc.
- we learn from complaints, use them to improve our service, and review annually our complaints policy and procedures

We recognise that many concerns will be raised informally and dealt with quickly. We aim to resolve these informal concerns quickly and keep matters private. This policy ensures that we welcome compliments and provide guidelines for dealing with complaints from members of the public about our services, facilities, staff, and volunteers.

Values and Principles

A complaint is defined as any expression of dissatisfaction however it is expressed. This would include complaints expressed face to face, via a phone call, in writing, via email, via instant messaging or any other method.

You have the right to complain, we take complaints seriously. You should not be harassed, bullied, or put at a disadvantage because of making a complaint.

Equality: You should receive a proper response to your complaint, regardless of your age, gender, disability, race, religion, nationality, social status, sexual orientation, or political persuasion.

Fairness: We believe that complaints should be dealt with fairly and openly. Unless it would put other people at risk, those affected by a complaint should have a chance to contribute and respond to any investigation.

Safety and Welfare: We will always give priority to concerns that affect safety and welfare. Issues affecting children will be treated very seriously.

Confidentiality

Except in exceptional circumstances, we treat complaints as confidentially as possible. However, the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality (with each complaint judged on its facts). Should this be the case, the situation will be explained to the complainant.

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

- alleged breaches of the Club Rules.
- alleged breaches of the Club Policies.
- alleged breaches of the Club 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 Venue or which brings the Club into disrepute.

The Procedures apply to all Members 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, howsoever 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 the Chair of Tennis receives a Notice of Complaint or becomes aware of a disciplinary matter referred to above.

Disciplinary Procedures

Disciplinary matters, applying to all members the Club, will be handled initially by the Committee and subsequently by the appointed Disciplinary Committee. All members of the Club agree to fully comply with this code of conduct and specific codes of conduct for any club role they may hold and be bound by its terms as under noted.

Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of club 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 of the Disciplinary Committee in all disciplinary matters
- Has the right to representation
- Will not be automatically suspended or expelled for a first breach of Club rules except in cases of serious or gross misconduct

However, all disciplinary action taken by the Club will be duly recorded and placed on file for a period of 12 months.

Offences Leading to Disciplinary Action

The actions below are examples of what may be interpreted by the Committee to fall within this Code but are not exhaustive

Misconduct

An offence considered to be of a minor nature (unless frequently repeated which would then constitute serious misconduct) and which would normally incur a written warning from the Committee together with a demand for full and appropriate corrective action. Examples of offences that may be considered misconduct include:

- Breaches of the Club Code of Conduct or serious breaches of the Club Etiquette policy
- Discourteous, crude or offensive behaviour during matches or at organised Club events
- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Refusal to carry out reasonable instructions issued by event officials or organisers
- Failure to comply with or adhere to the relevant code of conduct for their position within the club
- Any other actions of similar gravity to the above, at the discretion of the Committee.

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

Serious Misconduct

An offence of sufficient seriousness that in the opinion of the Committee, a Club disciplinary hearing is warranted and may require by means of an executive decision the suspension from the club of the member without first invoking a disciplinary hearing. In this instance, the suspended member will have the right to a disciplinary hearing as soon as possible but will remain suspended from the Club and all Club activities until and unless such a hearing overturns the executive decision. Examples of such offences, which may be considered as serious misconduct include:

- Misconduct offences as listed above if especially grave or repeated
- Serious, deliberate or repeated breaches of the Club Code of Conduct or Club Rules
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Theft or misappropriation or misuse of club funds in ways not previously sanctioned by the Committee
- 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 Committee 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

An action of such gravity that the immediate expulsion of the member from the club is required without first invoking a disciplinary hearing. The Committee may by means of an executive decision summarily expel such a member who will have the right to a disciplinary hearing as soon as this can be arranged but will remain expelled from the Club and all Club activities until and unless such a hearing overturns the executive decision. Examples of gross misconduct are:

- Physical violence or assault towards any other person at the Club or whilst representing the Club at another location, including serious threatening, intimidating or forceful behaviour
- Reckless disregard of safety and basic safety rules
- Deliberate breach or disregard of any sanction or suspension imposed by the Committee.
- Other acts considered to be of an extremely serious nature perpetuated against the Club, its members or any other party
- If the matter relates to a child protection issue, the Committee will follow child protection procedures as outlined in the Club's Safeguarding Policy for dealing with a complaint and then follow the disciplinary procedure after outcome has been reached

Complaint Process

A Complaint may be lodged with the Club Chair or a Committee member by any person or body which shall include without limitation, another Member, an employee/officer/volunteer of the Club, the Committee, or a member of the public, in relation to an alleged disciplinary matter. If the Complaint concerns the Club Chair, the Complainant may submit it to the Club Secretary instead.

The 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.

A complainant's responsibility is to:

- bring their complaint, in writing, to the attention of the Club Chair and committee no later than 28 days of the issue arising.
- raise concerns promptly and directly
- explain the problem as clearly and as fully as possible, including any action taken to date.
- allow investigators a reasonable time to deal with the matter, and
- recognise that in some circumstances may be beyond the Club's control.

Initial Investigation

The purpose of an investigation under these Procedures is to establish a fair and balanced view of Chair 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.

Upon Receiving a Complaint

Upon receiving a complaint, the Club Chair or other Investigating Officer will decide whether an informal resolution can resolve the complaint. The Club Chair or Investigating Officer will:

- commence an initial investigation into the matter to gather information and evidence.
- establish why the issue has arisen.
- agree what action is needed.
- keep a brief record of conversations.

Upon completion of these steps the Investigation Officer may take any of the following steps:

- decide that no further action is required in which case the Respondent and the Complainant will be notified in writing explaining the reasons why the Complaint has been dismissed, for example:
 - there is not enough evidence to justify disciplinary action being taken; or
 - the Complaint is vexatious and/or malicious and in which case the Complainant's actions may be referred to the Committee to determine whether a disciplinary procedure should be commenced in relation to such actions.
- deal with the matter by way of advice, information, training and/or mediation between the respective parties; or
- refer the matter for consideration to a specifically convened Disciplinary Committee.

The Investigating Officer shall inform the Complainant and the Respondent of the course of action taken within 7 days of the initial investigation concluding. If the Investigating Officer considers that the matter should be referred to a further Disciplinary Committee, the Respondent shall be informed of the Charge being brought, the basis for the Charge and the likely range of consequences if the Disciplinary Committee upholds the Complaint. The Respondent will also be provided with a summary of the relevant information gathered during the investigation (including copies of any relevant documentation). The Respondent shall be granted the opportunity to either accept or deny the Charge.

If the Respondent accepts the Charge, then the matter shall be considered by the Disciplinary Committee at a hearing to determine the sanction only and the Respondent shall only be granted leave to appeal on the ground that the sanction imposed was disproportionate to the circumstances of the case.

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

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

Formal Complain Procedure

If an individual admits the alleged misconduct, breach, or inappropriate behaviour, it may be reasonable for the Club 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.

The Club 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. The Club 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 the Club 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. The Club will also inform the Individual in writing of the right to bring a companion.

Procedural Steps Leading to a Hearing

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

- the Club Chair 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.
- if the matter is of a particularly sensitive or confidential nature it may be advisable for the meeting to be conducted away from the Club premises, at a neutral venue.
- copies of any documents or evidence on which the Club 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 the Club of the name of their companion if they intend to bring one to the hearing.

The Hearing

The Club 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 the Club 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.

Disciplinary Committee

- A Disciplinary Committee consisting of 3 members shall be established and appointed by the Club Committee. The Disciplinary Committee shall elect one of its members to act as Chair.
- The Disciplinary Committee shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are the subject of a Charge. The Disciplinary Committee shall make its decisions by way of a majority vote.
- Each member of the Disciplinary 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.
- The Committee in assessing whether a member of the Disciplinary Committee has an interest in the outcome of proceedings shall give due consideration to any objections raised by the Complainant and Respondent.

What The Disciplinary Committee Must 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.

The Club will avoid communicating an outcome at the end of the hearing, the meeting will be ended, and the Individual advised that the decision will be communicated in writing once the Disciplinary Committee has had the opportunity to consider all 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.

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

The Disciplinary Committee shall communicate its decision to the parties in writing as soon as reasonably practicable.

Decision and Available Sanctions

The Disciplinary Committee may dismiss the Complaint against the Respondent or where a Complaint is upheld, impose such sanction upon the Respondent as it thinks fit including, without limitation:

- 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 behaviour required, the duration of the warning and the likely consequence of further misconduct/breach in that period.
- suspend or exclude from the Club or Club activities including competitions, matches, training, meetings or otherwise.
- suspend or exclude from undertaking certain roles within the Club for a specified or indefinite period.
- 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 Disciplinary Committee.

The decision taken by the Disciplinary 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.

Disciplinary Matters Involving a Child¹ or Vulnerable Adult²

Where a disciplinary matter involves a Child or an Adult at Risk, the Club, the Disciplinary Committee and/or 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 Disciplinary 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. The Disciplinary Committee shall take steps to satisfy itself that the Child or Adult at Risk fully understands the purpose and potential outcomes of the Procedure.

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.

¹ A child is as anyone under the age of 18 years.

² Vulnerable adult: a person aged eighteen years or over who is, or may be, in need of community care services by reason of disability, age or illness; and is, or may be, unable to take care of, or unable to protect him or herself against abuse or neglect.

Appeals

Should the Respondent wish to appeal a decision of the Disciplinary Committee, the Respondent must submit a notice of appeal to the Club Secretary in writing and within 14 days of the Disciplinary Committee's decision being issued to them.

The basis for any appeal must be clearly stated eg: new evidence. the Disciplinary Committee misdirected itself or otherwise reached an erroneous decision or lack of process.

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 the evidence that the Disciplinary looked at in reaching its decision. The Appeal Committee should comprise of different members of the Tennis Club Committee (or, if necessary, individuals co-opted by the committee) who were not members of the Disciplinary Committee.

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.

Appeal Committee

The Committee shall establish an Appeal Committee consisting of 3 members, of which one will act as the Chair of the Appeal Committee. The Appeal Committee shall make its decisions by way of a majority vote.

No member of the Appeal Committee shall have any interest or any previous involvement in the disciplinary matter which is to be considered by the Appeal Committee nor be a member of the Disciplinary Committee.

If a decision is appealed to the Appeal Committee and a member of the Appeal Committee either declares an interest or is deemed to have an interest by the Disciplinary Committee, then such member shall be replaced on the Appeal Committee.

If the Chair of the Appeal Committee deems it appropriate, bearing in mind all the circumstances surrounding the case, they may, at their discretion, request an independent person to act as adviser to the Appeal Committee.

Appeal Hearings

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

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

The Appeal Committee may hear an appeal by way of oral hearing or consider the appeal based on written submissions as appropriate.

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

The Appeal shall take place by way of a review.

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

The procedure for an appeal hearing shall be flexible and shall be at the discretion of the Chair of the Appeal Committee, which 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 Appeal Committee will outline the way the Appeal hearing will proceed and will ensure that the Appellant is afforded an opportunity to set out clearly the grounds of the Appeal. The Appeal Committee shall communicate its decision to the Appellant in writing no later than 7 days from the date of the hearing.

The decision of the Appeal Committee is final and there is no further right of appeal.