

## Club Disciplinary and Appeals Policy

**Club Name: Lower Wharfe Canoe Club**

### 1. Introduction

- i. This Policy outlines the process that will be followed whenever there is a complaint of indiscipline or misconduct about a Club member, volunteer or employee and what will happen as a consequence.
- ii. The Club has a responsibility to ensure that all its members, volunteers and employees follow and adhere to the rules and values of the Club, as well as adhering to all relevant and applicable Paddle UK policies and procedures, to ensure the Club offers a safe, welcoming and inclusive environment for all.
- iii. This Policy sets out the basis on which the Club will consider complaints that are raised within the Club relating to any on or off water Club activity, including paddling, coaching or competing.
- iv. Whilst the Club will do its best to ensure this Policy is followed, it should be noted that the majority of people within the Club provide their time voluntarily without payment, and have other commitments outside of the Club. This Policy should not be considered as exhaustive. A failure to follow strictly every step outlined below shall not automatically render any disciplinary decision unfair. This Policy will instead act as a framework to enable disputes to be resolved in a fair and proportionate manner. The Policy is subject to review and amendment (upon appropriate notice) from time to time.
- v. If an incident of misconduct may amount to a criminal offence the Club may refer the matter to the police before pursuing its own disciplinary process. All allegations involving safeguarding shall be managed in line with Paddle UK's Safeguarding Policies and Procedures including where appropriate referring to Paddle UK for triage, guidance, and where it is deemed necessary, investigation.
- vi. This Policy applies to all people involved in Club activities who, by participating in that activity, agree to be bound by this Policy.

### 2. Key Terms

- In this Policy certain terms are used frequently. Whenever they appear these terms shall have the following meanings:

**Club:** our club, Lower Wharfe Canoe Club.

**Complaint:** a complaint of Misconduct that is raised following this Policy.

**Complainant:** the term shall refer to the person(s) who raises the Complaint.

**Individual:** any member, volunteer, employee or other person who participates in, or assists with, Club activity and about whom a Complaint has been raised.

**Misconduct:** any behaviour or incident which is contrary to the Club rules, codes of conduct or any other offence or behaviour carried out during or in association with Club activities that might reasonably be considered as bringing or having the potential to bring the Club into disrepute. Examples of the type of behaviour that may amount to Misconduct are given further below.

**Policy:** this disciplinary and appeals policy including the steps outlined below.

**Writing:** references throughout this Policy to “in writing” or “write” shall include correspondence being sent via email.

### **3. Disciplinary Process**

Whenever there is an issue of Misconduct the following steps shall be followed:

#### **Step 1 – Raising a Complaint:**

- i. If any person wishes to raise a Complaint it should be reported in writing to the Club Secretary. Where the matter relates to the Club Secretary, the Complaint should be submitted to the Club Welfare Officer or Club Chair (who shall then fulfil the role of Club Secretary throughout the rest of this process). When reporting a Complaint, specific details and evidence about the Misconduct must be included. Examples of Misconduct might include:
  - A. any behaviour, conduct, statement or practice that is discriminatory, abusive, threatening, intimidating, harassing or deliberately provocative or intended to offend, insult, humiliate, ridicule or cause harm or fear; or
  - B. an act of dishonesty, including cheating or misrepresentation of qualifications and their status; or
  - C. a failure to comply with any Club rule or policy (whether in person or online).
- ii. If the Club becomes aware of Misconduct it may raise a Complaint itself or conduct any necessary investigation into the case of Misconduct.

#### **Step 2 - Communicating the Complaint:**

- iii. On receipt of the Complaint the Club Secretary shall write to the Individual or Individuals concerned to inform them of the Complaint and to invite them to comment on the allegations in writing within fourteen days. The Club Secretary may also choose to meet with the Individual(s) to obtain their comments. The Club Secretary shall also be entitled to take such advice or conduct any initial investigation as they consider is prudent in the circumstances to enable them to review the Complaint.

#### **Step 3 – Reviewing the Complaint**

- iv. Once the Club Secretary has received any applicable comments from the Individual(s) involved, and completed any investigation, they will determine if the Complaint has sufficient grounds and is capable of being pursued based on the evidence and statements provided.
- v. A frivolous or vexatious Complaint may be dismissed at this stage. If the Complaint is of a nature that can reasonably be dealt with by informal methods, including an informal warning, the Club Secretary may do so and inform the Complainant(s) and the Individual(s) accordingly.
- vi. If it appears there is a case to answer, the Club Secretary will ask 3 members of the Club Committee with appropriate skills or experience to form a disciplinary panel. No Committee member should be asked to join a disciplinary panel if they have a direct interest or involvement in the matter giving rise to the Complaint or are directly

related to any of the persons involved with the Complaint. Knowing the person(s) involved in the Complaint or having some knowledge of the circumstances of the Complaint shall not preclude a Committee member from sitting on a disciplinary panel. Where there is insufficient non conflicted members of the Committee to form the disciplinary panel, Paddle UK reserves the right to appoint an independent person or Panel to hear the matter.

- vii. The Club Secretary shall have the power to suspend any Individual accused of Misconduct from Club activity on a temporary basis. This temporary suspension shall last only as long as the Club takes to complete this disciplinary process. The purpose of this suspension shall be to facilitate the investigation, protect the Individual and the Complainant and should not be considered punitive in nature and shall not prejudice or influence the outcome of the investigation. Any temporary suspension shall be kept under review to ensure it remains reasonable and proportionate.

#### **Step 4 – Hearing the Complaint (Disciplinary Hearing):**

- viii. The disciplinary panel shall consider the matter based on any evidence gathered by the Club Secretary and the formal statements submitted by the Complainant and the Individual.
- ix. The disciplinary panel shall also have the right to speak with anyone else involved who may have witnessed the Misconduct and to make such further enquiries as it thinks fit.
- x. The disciplinary panel shall be entitled to reach a conclusion based on the statements submitted and any other evidence it has gathered (as outlined above). Alternatively, the disciplinary panel may decide to call a meeting to discuss the Complaint, in which case it shall give both the Complainant and the Individual(s) sufficient advance notice of the meeting date. Wherever possible the meeting shall be held within 14 days of the disciplinary panel calling the meeting.
- xi. The disciplinary panel shall ensure the case is handled justly and without undue delay. All hearings must be conducted fairly, by an objective panel, with the Individual(s) given a full opportunity to answer the allegations and produce any evidence or witnesses in support of their case. The Individual shall be entitled to be assisted or represented by a person of their choice.

#### **Step 5 – Reaching an Outcome and Sanctions**

- xii. The disciplinary panel may uphold the Complaint, dismiss it, or partially uphold the Complaint, and will provide written reasons for its decision. If the disciplinary panel is satisfied that an offence of Misconduct has been committed, then it may impose one or more of the following actions:
  - a. note the Misconduct but take no further formal action. The panel may ask the Individual(s) to issue an apology if appropriate;
  - b. formally warn the Individual concerned as to future conduct;

- c. suspend or disqualify the Individual from Club activity, coaching and/or administration and/or use of the Club's premises for a defined period up to a maximum of 12 months;
  - d. cancel the Individual's membership of the Club (with no requirement to refund the membership fee) and refuse future membership; or
  - e. a combination of the above or such other penalty as the Disciplinary Panel considers appropriate.
- xiii. All parties concerned will be provided with the disciplinary panel's written reasons outlining the decision made.

#### 4. Appeal Process

Should the Individual(s) or the Complainant wish to challenge the decision of the disciplinary panel and/or the sanction imposed, the following steps shall be followed:

**Step 1 – Challenging the Decision of the Disciplinary Panel (an Appeal):**

- i. The Individual(s) or the Complainant may appeal the decision of the disciplinary panel and/or the sanction imposed by serving a Notice of Appeal on the Club Secretary within seven days of the Club Secretary communicating the disciplinary panel's decision to them. The letter notifying the Individual and the Complainant of the decision of the disciplinary panel shall also set out the right to appeal.
- ii. The Notice of Appeal must clearly state the grounds on which the Individual or the Complainant is appealing the decision and not just repeat the original complaint or the response to the original Complaint (dependent on who is bringing the appeal). The grounds on which a decision can be appealed are as follows:
  - a. the decision (including as to sanctions) was based on error of fact or could not have been reasonably reached by the disciplinary panel when faced with the evidence before it;
  - b. serious procedural or other irregularity by the disciplinary panel. As an example, the panel did not speak to a reasonable cross-section of people who witnessed the Misconduct. If this is found to be the case, the Appeal Panel shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed; or
  - c. significant and relevant new evidence has become available which was not available at the time the disciplinary panel made its decision but, had it been available, may have caused the disciplinary panel to reach a materially difference decision.
- iii. It is important that the Complainant or the Individual recognise that the appeal is not an opportunity to repeat the original disciplinary hearing. The same arguments and evidence as were submitted to the disciplinary panel must not be submitted in isolation to the Appeals Panel. The appeal must identify one of the above three grounds only and explain why they are met. Otherwise, the appeal will be dismissed.
- iv. The Club Secretary shall acknowledge the Notice of Appeal within seven days of its receipt and, if necessary, ask for any further evidence or reasons why the appeal is being submitted.

### Step 2 – setting up the Appeal Panel

- v. The Club Secretary shall appoint either an individual (such as the Club Chair) to review the Appeal or three new Committee members (or other individuals with appropriate and relevant experience) who have not been involved directly with the Complaint, either in the events giving rise to the Complaint or in the initial disciplinary panel itself.
- vi. The Club Secretary shall inform the Individual and the Complainant of who is reviewing the appeal (“the Appeal Panel”). If the Individual or the Complainant has any objections to the Appeal Panel these must be raised promptly (and no later than 5 days of being informed) to the Club Secretary who shall review the objection and decide in their reasonable discretion whether it is appropriate to alter the composition of the Appeal Panel.

### Step 3 - what the Appeal Panel can do

- vii. The Appeal Panel shall determine the appeal and may either invite the Complainant and the Individual(s) to provide any further statements or set up a meeting. The Appeal Panel may at its sole discretion disregard any failure by a party to adhere to this appeal procedure and may give such further directions as may be appropriate.
- viii. Where the Appeal Panel is formed of three individuals, the Appeal Panel shall decide any issue by majority.
- ix. The Appeal Panel shall have power to make a decision on the facts as it thinks fit and may:
  - a. uphold the original decision and sanction;
  - b. overturn the original decision and remove any sanction imposed by the original Disciplinary Panel;
  - c. overturn the original decision and impose a sanction;
  - d. confirm the original decision but increase the sanction;
  - e. confirm the original decision but reduce the sanction;
  - f. make such further order as it considers appropriate.
- x. The Appeal Panel shall inform all parties of its decision together with written reasons. The decision of the Appeal Panel shall be final with no further right of Appeal.

## **5. Records of Hearings and Appeals**

The decision of a disciplinary panel and the Appeal Panel shall be in writing and retained as confidential records for a period of six years by the Club. Supporting documents shall also be retained for the same period of time alongside the decision.

## **6. Notification to Paddle UK**

- i. The Club Secretary, once the Appeal notice period has expired, may inform Paddle UK of the outcome of a disciplinary process if it is considered necessary or a requirement of the policies and procedures of Paddle UK, including, but not limited to, ensuring:
  - a. compliance with a sanction, especially where the Individual has been suspended from competing or participating in any canoeing activity; or
  - b. for the welfare and safety of those engaged in canoeing or paddlesport activity.

- ii. An authorised officer of Paddle UK may at any time ask the Club to share its disciplinary records with Paddle UK in furtherance of its role as National Governing Body of the sport.

#### **7. Co-operation**

- i. This Policy assumes that all parties will co-operate in the interest of resolving the issue in question. In the absence of such co-operation, or if it is withdrawn at any stage, the Club reserves the right to proceed with a disciplinary panel or an Appeal based on such evidence and information as it is able to obtain.
- ii. When dealing with a Complaint, the Club Secretary or nominated Club representative shall be entitled to take, or omit to take, such action as is recommended pursuant to legal advice received from a legal practitioner whom the Club Secretary reasonably believes is competent to provide such advice.