



BURTON

Tennis & Squash Club

Disciplinary Policy for Members

1. Roles and Responsibilities

A. Members

All members (referred to forthwith as 'the/a Member(s)' of Burton Tennis and Squash Club (referred to forthwith as 'the Club'), are expected to conduct themselves and represent the Club in accordance with the Club Rules (refer to Appendix 1) and the expectations of them as laid out in the Club Code of Conduct for Members (refer to Appendix 2). On any occasion where they fail to do this it may be necessary for the matter to be dealt with under the Disciplinary Policy (referred to forthwith as 'the/or this Policy'). This Policy also applies to the conduct of members when playing.

B. The Committee

Should the Committee deem it to be appropriate for a matter relating to the conduct of a Member (or Members) to be dealt with under this Policy, it will always be dealt with by the Club Committee (referred to forthwith as 'the Committee') in accordance with this Policy. The Committee (it is at the discretion of the Chair whether this is a member of the Committee, a panel of the Committee or all Members of the Committee), having fully taken into account the context, nature and seriousness of any allegation against a Member (or Members), may decide that the matter may be dealt with by:

- An individual Member of the Committee appointed by the Committee or the Chair of the Committee – the informal disciplinary process;
- A disciplinary panel of three members of the Committee appointed by the Committee or the Chair of the Committee – the formal disciplinary process;
- Suspension for a fixed period without notice;
- Expulsion without notice; or
- Taking the decision that there is no case to answer and that no further action is required.

NB1** Notes of all meetings held under this Policy will be taken, the Member(s) will be given the opportunity to comment on them for accuracy and a copy will then be provided to the Member(s).

NB2** All letters sent under this policy will be sent by recorded delivery or by email, in which case a relevant member of the Committee will check with the Member(s) that they have received it by, for example, making a follow up phone call or sending a text.

NB3** The decision to instigate any investigation under any stage of this Policy does not imply any guilt or wrongdoing and will be conducted without prejudice.

NB4** At the discretion of the Committee, any meeting held under this Policy may take place at the Club or an alternative venue.

NB5 The Committee may decide at any stage to make the wider membership aware that a process in accordance with this Policy is ongoing; this will, however, observe the need for the appropriate level of confidentiality to be observed at all times.**

NB6 All reasonable efforts will be made by the Committee to ensure that any process under this Policy is concluded as quickly as possible; however, this will not be at the expense of the requirement**

to carry out a rigorous and fair process.

NB7** In all cases of a decision to suspend or expel the Member(s) from the Club under this Policy, be it with or without notice, the Member(s) who are the subject to any such decision will be informed that their ability to access the Club will be removed for the relevant period of time; they will also be reminded that they should not make any attempt to come onto the Club premises or use its facilities at any point during the same period of time and that to do so may itself lead to action being taken against them under this Policy.

NB8** In all cases dealt with under the Policy the Committee reserves the right to contact the Police or other relevant external authorities or bodies accordingly where they deem this to be appropriate.

2. Disciplinary Process

The disciplinary process may be invoked against a Member (or Members), including suspension of membership for a fixed period or expulsion without notice, in respect of any act of misconduct which may be deemed by the Committee to constitute a breach of the Club Rules or the Code of Conduct for Members. This may be as a result of an isolated incident, a series or accumulation of incidents over time.

Any Member(s) who, is/are suspended for a fixed period without notice or expelled without notice will still be subject to the formal disciplinary process outlined in this Policy, subsequent to the suspension for a fixed period or expulsion. Any such decision will be considered by the Committee within five working days and all members of the Committee will be given every reasonable opportunity to cast a vote on any such decision, whether or not they are able to attend the Meeting. In the implementation of all stages of this Policy, no member of the Committee will be permitted to abstain from casting a vote, should they be available to cast a vote.

All members of the Committee members will be provided with all of the evidence considered in advance of the Meeting and thus before casting a vote.

The Committee recognises that any Member(s) who may be subject to this Policy will have:

- The right to be subject to natural justice;
- The right to expect fair and consistent treatment;
- Received at least seven working days' notice from the Club of any action taken or meetings held under this Policy;
- The right to be accompanied at any meeting held under this Policy by a member of the Club or a companion (this does not include legal representation);
- The right to appeal against any decision taken under this Policy; and
- Access to a copy of the recording of any meeting held under this Policy.

3. Misconduct and Gross Misconduct

For the purposes of clarity, misconduct under this Policy may occur if a Member (or Members) fail(s) to conduct themselves and/or to represent the Club in accordance with the Club Rules and the expectations of them as laid out in the Club Code of Conduct for Members; however, these do not provide an exhaustive list of reasons for which the Committee may deem it appropriate to invoke this Policy; there may be other reasons why the Committee decides, after having fully taken into account the context, nature and seriousness of any allegation against a Member, to invoke the Policy. Examples of such reasons may include:

- Bullying, harassment or intimidation.
- Issuing threats.
- Violent behaviour towards others.
- The use of inappropriate language.
- Conduct of a discriminatory nature.

- Conduct that gives rise to safeguarding and child protection concerns. NB** The relevant procedures for dealing with an allegation will be followed in the first instance and this Policy invoked following their conclusion. The Club Welfare Officer should be contacted for advice and guidance in all such instances.
- Sexual harassment.
- Endangering the health and safety of others.
- Theft of Club property or that of another individual.
- Abuse or misuse of club finances, including for personal gain.
- Mis-use or unauthorized appropriation of club property to elicit personal gain.
- Damage to Club property or that of another individual.

All Members must be clear that the Committee reserves the absolute right under the Policy to decide to expel them from membership of the Club in any of the above circumstances, be it with or without notice, and should also be aware that the list is not exhaustive.

Whilst there is no strict legal definition for gross misconduct the Government defines it as "theft, physical violence, gross negligence, or serious insubordination". In an employment setting it can also refer to staff behaviour that destroys the relationship between the employer and the employee; for the purposes of the application of this Policy these definitions will be used when considering any case of misconduct brought before the Committee and which is very likely to lead to a decision to expel the Member(s) concerned.

For the purposes of clarity, the list above is also not intended to be exhaustive. The Committee make decide to invoke the Policy as a result of the conduct of any Member (or Members) which, in the opinion of the Committee, may bring the relevant sport or the Club into disrepute or which, if left unpunished, may result in detriment to the Club or members.

4. The Disciplinary Process

A. The Allegation

- Any allegation brought to the attention of the Committee will be considered initially by the Committee; it is at the discretion of the Chair whether this is by a member of the Committee, a panel of the Committee or all members of the Committee. Any outcome determined under this Policy will take into account the context, nature and seriousness of the allegation.

The outcome of this will be any of the following, where deemed appropriate by the Committee:

- The informal disciplinary process will be invoked;
- The formal disciplinary process will be invoked;
- Suspension for a fixed period without notice, in which case, the formal disciplinary process will be invoked;
- Expulsion without notice, in which case, the formal disciplinary process will be invoked; or
- There is no case to answer and that no further action is required and this will be confirmed in writing to the Member(s) and the individual who made the allegation.

Under all stages of the Policy, where suspension of membership is deemed to be appropriate the length any suspension will range from a minimum of one month to a maximum of 12 months; the length of the suspension will be given due consideration in light of the available evidence and circumstances of the individual case.

B. Informal Disciplinary Process

- The Committee will appoint an individual member of the Committee who will serve as the Nominated Disciplinary Officer to consider the allegation and any accompanying evidence.
- At their discretion, the Nominated Disciplinary Officer may decide to gather further information

from the Member(s) who is/are the subject of the allegation, the individual(s) who made the allegation, any witnesses and any other relevant or appropriate sources.

- At their discretion, the Nominated Disciplinary Officer may gather the further information by contacting the relevant parties by telephone, email, letter, arranging face-to-face meetings or a combination of all of these. Where appropriate, a witness statement may be recorded on the Witness Statement Proforma (refer to Appendix 3).
- Once the Nominated Disciplinary Officer has gathered all of the information required, they will consider it accordingly and produce a summary disciplinary report along with all of the evidence.

The summary disciplinary report will include a recommendation of any of the following, where deemed appropriate them, for consideration by the Committee:

- There is a case to answer and the informal disciplinary process will be invoked;
- There is a case to answer and the formal disciplinary process will be invoked;
- The Committee may need to consider suspending the Member(s) for a fixed period, in which case the Committee will meet within five working days, from the date they receive the summary disciplinary report, to consider the summary disciplinary report before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the decision, whether or not they are able to attend the Meeting;
- The Committee may need to consider expelling the Member(s), in which case the Committee will meet within five working days to consider the summary disciplinary report before there is any further communication with the member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the decision, whether or not they are able to attend the Meeting; or
- There is no case to answer and that no further action is required.

Where the disciplinary summary report recommends that the Committee may need to consider suspension for a fixed period or expulsion, all members of the Committee will be provided with all the summary disciplinary report in advance of the Meeting and thus before casting a vote.

If the informal disciplinary process is invoked the Nominated Disciplinary Officer will write to the Member(s) who is/are the subject of the allegation and invite them to a face-to-face informal disciplinary meeting. The letter or email will include:

- The reasons why there is a case to answer;
- The summary disciplinary report (this may be in the form of attachments to an email);
- Details of any witnesses they will be calling to the meeting;
- The opportunity for the Member(s) to submit any further evidence to the Nominated Disciplinary Officer and provide details of any witnesses they will be calling to the meeting at least three days before the meeting; and
- Notice that the meeting may result in them being issued with an informal warning or the formal disciplinary process being invoked.

C. Informal Disciplinary Meeting

At the meeting:

- The Nominated Disciplinary Officer will explain the reasons why there is a case to answer;
- The Member(s) will have the opportunity to present their case, ask the Nominated Disciplinary Officer questions and to refer to any further evidence they have submitted for the meeting;
- The Nominated Disciplinary Officer will have the opportunity to ask the Member(s) questions;
- The Nominated Disciplinary Officer will call their witnesses, ask them questions and the Member(s) will also have the opportunity to ask them questions;
- The member(s) will call their witnesses, ask them questions and the Nominated Disciplinary

Officer will also have the opportunity to ask them questions;

- Both parties will have the opportunity to sum up their case, beginning with the Nominated Disciplinary Officer; or
- The Nominated Disciplinary Officer may decide that they wish to take more time to consider the position or gather further information and thus adjourn the meeting. In this case, the meeting may be reconvened within 21 working days;

NB** The Nominated Disciplinary Officer will be accompanied by another member of the Committee to serve as a witness, but they will take no part in the meeting.

A decision to adjourn the meeting may also result in the Nominated Disciplinary Officer deciding that:

- The formal disciplinary process will be invoked;
- The Committee may need to consider suspending the Member(s) for a fixed period, in which case the Committee will meet within five working days to consider the summary disciplinary report before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the decision, whether or not they are able to attend the Meeting;
- The Committee may need to consider expelling the Member(s), in which case the Committee will meet within five working days to consider the summary disciplinary report before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the decision, whether or not they are able to attend the Meeting; or
- There is no case to answer and that no further action is required.

Where the Nominated Disciplinary Officer recommends that the Committee may need to consider suspending the Member(s) for a fixed period or expelling them, all members of the Committee members will be provided with all of the additional evidence considered by them in addition to the summary disciplinary report, in advance of the Meeting and thus before casting a vote.

In all of the above instances, the Nominated Disciplinary Officer will write to the Member(s) within 21 working days of the adjournment to inform them of the date when the meeting will be reconvened or of any decision that has been made.

After the conclusion of the process, the Nominated Disciplinary Officer may decide that:

- The formal disciplinary process will be invoked;
- The Member(s) will be issued with an informal warning, which will remain active for a minimum of six months; or
- There is no case to answer and that no further action is required.
- *The Member(s) will be issued with a formal warning, which will remain active for a minimum of six months;*
- *The Member(s) will be issued with a final formal warning, which will remain active for a minimum of twelve months;*
- *The Member(s) will be suspended for a fixed period, in which case the Committee will meet within five working days to consider this before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the decision, whether or not they are able to attend the Meeting;*
- *The Member(s) will be expelled, in which case the Committee will meet within five working days to consider this before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the decision, whether or not they are able to attend the Meeting; or*
- *There is no case to answer and that no further action is required.*

Where the Nominated Disciplinary Officer recommends that the Committee may need to consider suspension for a fixed period or expulsion, all members of the Committee members will be provided with all of the additional evidence considered by them in addition to the summary disciplinary report, in advance of the Meeting and thus before casting a vote.

Any decision will be confirmed in writing to the Member(s) within seven working days. Where the Member(s) has/have been issued with a warning, the letter may also include:

- The steps that the Member(s) need(s) to take to avoid repeating the misconduct, for example being supported by the Committee to help them to adhere to the Club Rules;
- Details of any other steps that the Member(s) may need to take to resolve the situation – e.g. making an apology to the victim(s), making good any losses suffered etc.

D. Formal Disciplinary Process

- The Committee will appoint a disciplinary panel consisting of three members of the Committee, one of whom will be nominated as Chair and another as Nominated Disciplinary Officer, to consider the allegation and any accompanying evidence.
- At the discretion of the Chair, the Nominated Disciplinary Officer may be asked to gather further information from the Member(s) who is/are the subject of the allegation, the individual(s) who made the allegation, any witnesses and any other relevant or appropriate sources.
- At the discretion of the Chair, the Nominated Disciplinary Officer may gather the further information by contacting the relevant parties by telephone, email, letter, arranging face-to-face meetings or a combination of all of these. Where appropriate, a witness statement may be recorded on the Witness Statement Proforma (refer to Appendix 3).
- Once the Nominated Disciplinary Officer has gathered all of the further information required, they will produce a summary disciplinary report along with all of the evidence. This will then be considered by the Panel within seven working days of receiving it.

The summary disciplinary report will include a recommendation of any of the following, where deemed appropriate:

- There is a case to answer and the formal disciplinary process will be invoked;
- The Committee may need to consider suspending the Member(s) for a fixed period, in which case, the Committee will meet within five working days to consider the summary disciplinary report before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the recommendation, whether or not they are able to attend the Meeting;
- The Committee may need to consider expelling the Member(s), in which case, the Committee will meet within five working days to consider the summary disciplinary report before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the recommendation, whether or not they are able to attend the Meeting; or
- There is no case to answer and that no further action is required.

Where the summary disciplinary report recommends that the Committee may need to consider suspension for a fixed period or expulsion, all members of the Committee members will be provided with the summary disciplinary report considered by the Panel, in advance of the Meeting and thus before casting a vote.

E. Formal Disciplinary Meeting

If the formal disciplinary process is invoked, the Chair of the Disciplinary Panel will write to the Member(s) who is/are the subject of the allegation and invite them to a face-to-face formal disciplinary

meeting. The letter or email will include:

- The reasons why there is a case to answer;
- The summary disciplinary report (this may be in the form of attachments to an email);
- Details of any witnesses they will be calling to the meeting;
- The opportunity for the Member(s) to submit any further evidence to the Chair and provide details of any witnesses they will be calling to the meeting, at least three days before the meeting; and
- Notice that the meeting may result in them being issued with a formal warning, final formal warning, suspension for a fixed period or expulsion.

At the meeting:

- The Nominated Disciplinary Officer will explain the reasons why there is a case to answer;
- The Member(s) will have the opportunity to present their case, ask the Nominated Disciplinary Officer and other members of the Panel questions and to refer to any further evidence they have submitted for the meeting;
- The Nominated Disciplinary Officer and other members of the panel will have the opportunity to ask the member(s) questions;
- The Panel will call their witnesses, ask them questions and the member(s) will also have the opportunity to ask them questions;
- The member(s) will call their witnesses, ask them questions and the Panel will also have the opportunity to ask them questions;
- Both parties will have the opportunity to sum up their case, beginning with the Chair; or
- The Panel may decide that they wish to take more time to consider the position or gather further information and thus adjourn the meeting. In this case the meeting may be reconvened within 21 working days.

A decision to adjourn the meeting may also result in the Panel deciding that:

- There is a case to answer and the formal disciplinary process will be invoked;
- The Committee may need to consider suspending the Member(s) for a fixed period, in which case, the Committee will meet within five working days to consider the summary disciplinary report before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the recommendation, whether or not they are able to attend the Meeting;
- The Committee may need to consider expelling the Member(s), in which case, the Committee will meet within five working days to consider the summary disciplinary report before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the recommendation, whether or not they are able to attend the Meeting; or
- There is no case to answer and that no further action is required.

Where the Panel recommends that the Committee may need to consider suspension for a fixed period or expulsion, all members of the Committee members will be provided with all of the evidence considered by the Panel in addition to the summary disciplinary report, in advance of the Meeting and thus before casting a vote.

In all of the above instances, the Chair will write to the Member within 21 working days of the adjournment to inform them of the date when the meeting will be reconvened or of any decision that has been made.

After the conclusion of the process, the Panel may decide that:

- The Member(s) will be issued with a formal warning, which will remain active for a minimum of

six months;

- The Member(s) will be issued with a final formal warning, which will remain active for a minimum of twelve months;
- The Member(s) will be suspended for a fixed period, in which case the Committee will meet within five working days to consider this before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the decision, whether or not they are able to attend the Meeting;
- The Member(s) will be expelled, in which case the Committee will meet within five working days to consider this before there is any further communication with the Member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the decision, whether or not they are able to attend the Meeting; or
- There is no case to answer and that no further action is required.

Where the Panel recommends that the Committee may need to consider suspension for a fixed period or expulsion, all members of the Committee members will be provided with all of the evidence considered by the Panel in addition to the summary disciplinary report, in advance of the Meeting and thus before casting a vote.

Any decision will be confirmed in writing to the Member(s) within seven working days. Where the Member(s) has/have been issued with a warning, the letter may also include:

- The steps that the Member(s) need(s) to take to avoid repeating the misconduct, for example being supported by the Committee to help them to adhere to the Club Rules;
- Details of any other steps that the Member(s) may need to take to resolve the situation – e.g. making an apology to the victim(s), making good any losses suffered etc.

F. Suspension or Expulsion Without Notice

The Club reserves the right, under any stage of the Policy, to either suspend a Member (or members) for a fixed period or expel them without notice. Where this occurs, the Committee will meet within five working days to consider this before there is any further communication with the member(s); all members of the Committee will be given every reasonable opportunity to cast a vote on the decision, whether or not they are able to attend the Meeting;

All members of the Committee members will be provided with all of the evidence considered in advance of the Meeting and thus before casting a vote.

The Member(s) will only have the right of appeal against either of these decisions once the relevant disciplinary process has been completed.

G. The Right of Appeal

All Members have the right to appeal against any decision taken under this Policy. An appeal can only be submitted on one or a combination of the following grounds:

- A procedural irregularity;
- New evidence has come to light; or
- The member(s) has/have suffered discrimination.

The Member(s) should submit a letter of appeal in writing within seven working days of any decision made under the Policy, clearly stating their grounds for appeal. This should be addressed to the Nominated Disciplinary Officer, Panel Chair or Club Chair as appropriate to the stage of the Policy that has been invoked. Where appropriate to the grounds of appeal, any new evidence should be provided with the letter of appeal as should the names of any witnesses the Member intends to call.

The appeal will be heard within 21 working days of the date of receipt of the letter of appeal by a panel of three members of the Committee (one of whom will be appointed as Chair) who have had no previous involvement in any part of the process previously as either a Nominated Disciplinary Officer or member of a disciplinary panel. The Chair will write to the Member(s) to invite them to the meeting and also provide the names of any witnesses the Panel intends to call.

At the meeting:

- The Member(s) will have the opportunity to present their case;
- The Panel will have the opportunity to ask the Member(s) questions;
- The Member will call their witnesses, ask them questions, and the Panel will also have the opportunity to ask them questions;
- The Panel will call their witnesses, ask them questions, and the Member will also have the opportunity to ask them questions;
- The Member will have the opportunity to sum up their case; or
- The Panel may decide that they wish to take more time to consider the position or gather further information and thus adjourn the meeting. In this case, the meeting may be reconvened within a further 21 working days. The Chair will write to the Member(s) within 21 working days of the adjournment to inform them of the date when the meeting will be reconvened.

After the conclusion of the process, the Panel may decide that:

- The original decision has been upheld; or
- The original decision has been overturned.

Any decision will be confirmed in writing to the Member(s) within seven working days. There is no further right of appeal.

H. The Right to be Accompanied

All Members have the right to be accompanied at any meeting held under this Policy by a member of the Club or a companion, but this does not include legal representation. They must provide the name of their companion to the Nominated Disciplinary Officer, Panel Chair or Club Chair as appropriate to the stage of the Policy that has been invoked at least two days before any meeting held under the Policy.

For the purposes of clarity, a companion can address the meeting in order to:

- Put the Member's/Members' case;
- Sum up the Member's/members' case;
- Respond on behalf of the Member(s) to any view expressed at the meeting; and
- Ask questions on behalf of the Member(s).

A companion can also confer with the Member(s) during the meeting.

For the purposes of clarity, a companion cannot address the meeting in order to:

- Answer questions on the Member's/Members' behalf;
- Address the meeting if the Member(s) does/do not wish to do so; or
- Prevent the Member(s) from explaining their case.

I. GDPR

The Club will maintain records of all processes which take place under this Policy for a period of up to 12 months or longer where necessary and where there is an applicable lawful basis under the GDPR for extending the retention period. All data and evidence collected is to be shared between all the relevant parties, including any member, where there is an applicable lawful basis under the provisions of the GDPR.

In addition to the above, it is expected that all members of the Committee, members, volunteers, employees and coaches will observe the highest possible levels of confidentiality and personal discretion should they either be involved in a process under this Policy or if they become aware of one in which they may not be involved.

J. Policy Review

The Club will monitor and review the implementation and impact of this Policy every two years. This may occur earlier should there be a change in legislation, statutory guidance or an event or incident in the Club which makes this necessary.

The Committee of Burton Tennis and Squash Club

This Policy was agreed at the Committee Meeting on 6th January 2024.