Vale of Llangollen Golf Club Ltd

Club Disciplinary Procedure

Definitions

In these procedures and regulations, the words outlined below shall have the following meanings and interpretations:

"Adult at Risk of Harm" An individual aged 18 or over who is;

- Experiencing or is at risk of abuse or neglect, and;
- Has caring or supportive needs, and;
- A result of those needs, they are unable to protect themselves against abuse or neglect or the risk of it

"Appeal Panel" The group of individuals appointed to manage the appeals process in accordance with these outlined procedure and regulations
"Appellant" A person or group or organization who appeals the decisions of a disciplinary panel
"Chairperson" The individual appointed by the disciplinary panel or a relevant committee to chair the disciplinary or appeal hearing.
"Club" Vale of Llangollen Golf Club Ltd
"Club Rules" The rules can include the Club's constitution, articles of association, bye-laws, code of conduct and any other relevant rules in which Club members are bound to in accordance with their membership regulations
"Complaint" A complaint of misconduct or raising a concern as referred to in 'Raising a complaint'
"Complainant" The person or group or organization from which a complaint has been raised and has been received by the disciplinary panel
"Disciplinary Panel" The group of individuals that are appointed by the club to manage the disciplinary matters, following theses outlined procedures and regulations
"Equitably" A way in which everyone is treated fairly and in the same manner
"Notice of Charge" A written notice sent to the respondent in all matters in which they are notified of the complaint(s) and charge(s) made and raised against them
"Young Person" A Person under the age of 18 years old
"Respondent" The person who is the subject of the Complaint or disciplinary action brought under the Regulations

General Statement

Vale of Llangollen Golf Club is responsible for setting and maintaining the standards of service and delivery to the members, stakeholders and the wider public. **Vale of Llangollen Golf Club** are committed to dealing with any complaint equitably and in a timely and comprehensive manner.

Dealing with a complaint

The emphasis of the Club's complaints procedure will be to ensure a fair and early resolution of the matter or problem with a minimum disruption to its members.
Therefore the club will aim to:

- Ensure an open and transparent environment in which complaints and feedbacks are welcomed by the Club
- Make a complaint process as simple as possible and therefore this procedure will be reviewed from time to time
- Deal with all complaints fairly, sympathetically and honestly
- Ensure a detailed and full response to complaints where ever possible
- If **Vale of Llangollen Golf Club Ltd,** it's volunteers, members or usual processes and procedures are found to be at fault, this will be acknowledged and the appropriate communication will be provided to all necessary individuals and groups, outlining future action, if any, that will be taken to prevent similar problems occurring again

Who do this procedure and regulations apply to?

This procedure and regulations apply to all of **Vale of Llangollen Golf Club Ltd** members, players, participants, volunteers, visitors, staff and contractors to the club.

Authority of disciplinary matters

This procedure and regulations will be enforced and applied to any of the following;

- Any alleged breaches of the club rules, regulations, codes of conducts and values of behaviour statement (strategic values)
- Any alleged breaches of the Rules of Golf, handicapping violations and any other breach of the Clubs competition rules
- Any situation in which an individual displays any form of inappropriate, unlawful or unsporting conduct and behaviours that brings the club or sport into disrepute
- An expression of dissatisfaction regarding an action or situation in which **Vale of Llangollen Golf Club Ltd** made, including any volunteers, members or others from the club.
- Any safeguarding incidents which in this situation must be reported to the Clubs Lead Safeguarding Officer or Wales Golf Lead Safeguarding Officer before any disciplinary action is taken

Complaints Procedure

- A complaint can initially be raised verbally to **Vale of Llangollen Golf Club Ltd** within the club. The complainant will be asked to follow up this verbal complaint in writing (letter or email).
- The Club will also make any reasonable adjustments to manage any complaints that are made in alternative ways wherever appropriate.

Upon the Club receiving a formal complaint or a matter considered to be misconduct has come to light, the Club will investigate the complaint as expeditiously as possible, gathering information and evidence.

The Club General Manager/Chair/Lead Safeguarding or Welfare Officer/any other appropriate individual, including an external independent 3rd party (delete or add as necessary) may investigate the complaint.

The process of the investigation;

- Carry out an initial investigation of the complaint to collect evidence or information
- Contact the respondent for a response on the raised complaint
- Actively seek advice and guidance from any other appropriate individuals or organisations
- An outline of all rationales for determining the outlined next steps will be recorded
- Keep the complainant informed of progress with regard to their complaint, particularly important if there is likely to be a delay in answering the complaint for any reason

Following the investigation, the Club General Manager/Chair/Lead Safeguarding or Welfare Officer/any other appropriate individual / external independent 3rd party (delete or add as necessary) will outline the appropriate next steps, which can include;

- ✓ Dismiss the case with no further action required
- ✓ Deal with the complainant and resolve it informally wherever possible
- ✓ Refer to the complaint to a Disciplinary Panel

The Respondent will have 14 days to respond to the complaint. No response within the time period could result in suspension of the involvement in golf until the reply is received.

Formal procedure for managing a complaint when it is referred to the Disciplinary Panel: Establishing a Disciplinary Panel

- If it is determined that the raised complaint needs to be formally dealt with, a Disciplinary Panel will be established to manage the matter
- The Disciplinary Panel will comprise of 3 individuals all of which will be independent of the complaint, meaning that they were not named in the raised complaint.
- One of the Disciplinary Panel members will be appointed as Chair.
- If at any point, a member of the Disciplinary Panel declares an interest or perceived to have an actual or potential interest by another panel member, they will be replaced by another independent individual

Formal procedure for managing a complaint when it is referred to the Disciplinary Panel: Issue a Notice of Charge

Following the establishment of a Disciplinary Panel, the subject of the complaint Respondent will be notified of the formal procedure that will be followed.

- The Disciplinary Panel will set the date of the Hearing Meeting following the Member replying to the alleged misconduct summary
- No less than 7 days before the hearing meeting date, the panel will share the details of the formal complaint and/or alleged misconduct including any evidence gathered that will be presented at the hearing meeting
- The panel will provide the Member the opportunity to share details of any witnesses and/or other evidence

The Panel will outline the following to the Member ahead of the hearing meeting date;

- Outlining the rights of the respondent under these outline procedures and regulations, having an equitable opportunity to make representations in their defence of the allegations; and

Formal procedure for managing a complaint when it is referred to the Disciplinary Panel: Subject of Complaint – Response and entitlement

In the instance that the subject of the complaint, the Respondent does *not* share the requested details within the agree timeframe, the hearing meeting can be adjourned or will proceed in the respondents absence.

This decision is at the discretion of the Disciplinary Panel.

The Respondent will be given the opportunity to be accompanied by any other member of the Club to speak on their behalf during the hearing meeting. However, the accompanying member may not answer any questions that have been asked directly to the Member by the Panel.

In cases where the subject of the complaint Respondent is under the age of 14, all correspondence shall be addressed only to the Member's parent or guardian.

In cases where the subject of the complaint Respondent is between the age of 14 and 18, all correspondence shall be addressed to the Member's parent or guardian and the Member.

In cases where the subject of the complaint Respondent is under the age of 18, the Member's parent or guardian can attend the hearing meeting and speak on the Members behalf.

In cases where the subject of the complaint Respondent is a young person or a vulnerable adult, there will be a consideration to include a representative on the Panel who has undertaken Safeguarding training.

Formal procedure for managing a complaint when it is referred to the Disciplinary Panel: Disciplinary Hearing

The proceedings of all hearing meetings before the panel shall be held in private.

The Disciplinary panel will consider all of the evidence that has been presented.

The subject of the complaint Respondent will be entitled to present their case to the Panel, including presenting any evidence, calling witnesses and cross examining witness during the hearing meeting.

Factors to consider for Oral Disciplinary Hearings:

- The subject of the complaint Respondent can be represented by a third party at an oral Disciplinary Hearing
- The representative can be a member of the club or a complete independent of the club.
- The subject of the complaint Respondent can be accompanied by a representative for support but this individual cannot make any representations on the Members behalf
- There will be a fair opportunity for the subject of the complaint (Member) to make representations and present evidence in their defence and review and change any evidence in support of the raised complaint.

Formal procedure for managing a complaint when it is referred to the Disciplinary Panel: Disciplinary Decisions

Following the conclusion of the hearing meeting, the Disciplinary Panel will make a decision for next steps and/or impose a sanction(s) as they deem necessary in private.
This can include but not limited to:

- Upholding the complaint and if so, informing the Respondent (in writing)
- A Decision will be communicated by the Panel to the Member either at the hearing meeting date or within 7 days after the date of the hearing.

The decision of the Panel does not need to be unanimous, a majority in favour of the decision is suitable.

The standard of proof in all cases before the Disciplinary Panel (and the Appeal Panel) is the balance of probabilities.

The Panel shall have the authority to regulate the procedure including (without limitation);

- Extend or vary any timeframes set out in this procedure
- Adjourn any proceedings at any given time
- All time for the collection and submission of any evidence
- Ask questions to any witness(s) before any proceedings

- Admit or exclude any evidence on the basis of its relevance or failure to comply with directions
- Order that the costs of and incidental to any proceedings before it be paid (or contributed towards) by any party

In the case where the Disciplinary Panel finds a complaint has been proven, a number of decisions may be imposed to the Member;

- ❖ A caution or warning in respect of the Members conduct
- ❖ A suspension or exclusion from Club competition or other involvements at a Club event
- ❖ Expulsion from membership of the Club
- ❖ Suspension of all membership rights for a period of time (not exceeding 12 months)
- ❖ Suspension or exclusion from any role within the Club for a period of time
- ❖ A combination of any of the above or any other action deemed appropriate by the Panel.

Appeals Process

If the subject of the complaint (Member) wishes to appeal a decision of the Disciplinary Panel, they must submit an appeal to the Disciplinary Panel in writing within 14 days of the date of the Disciplinary Panel's original decision being notified to the Member.

The Appeal must include all details for the grounds of the appeal. These may include the following;

- The decision made was factually incorrect
- Questions or concerns regarding the process of the disciplinary decisions or any other indiscretions prior to the Disciplinary Panel
- new evidence has become available which is significant and was not available prior to the disciplinary decision. Therefore if this evidence was available prior, this could have resulted in the Disciplinary Panel reaching a different decision
- The disciplinary decision for the sanction was deemed unreasonable with the consideration of the facts prior to the Disciplinary Panel.

Establishing an Appeals Panel

- If it is determined that the submitted appeals needs to be formally dealt with, a Appeals Panel will be established
- The Appeals Panel will comprise of 3 individuals all of which will be independent of the complaint, meaning that they were not named in the raised complaint or involved in the Disciplinary Panel proceedings
- One of the Appeals Panel members will be appointed as Chair.
- If at any point, a member of the Appeals Panel declares an interest or perceived to have an actual or potential interest by another panel member, they will be replaced by another independent individual

The Appeals Panel will provide written notice to the Appellant of the date, time and place of the appeal hearing meeting.

The appeal hearing meeting may be a re-hearing of the original complaint or it may include a review of the Disciplinary Panel original decision.

The Appeal Panel will consider all information including;

- ✓ The original Disciplinary panel procedure that was followed
- ✓ Any new information that has come to light
- ✓ All documentation and evidence submitted at the original Disciplinary Panel hearing

- ✓ Recall any witnesses that were heard at the original Disciplinary Panel hearing to provide any new evidence

The Member will be given the opportunity the present their case to the Appeal Panel and provide any supporting witnesses. The Appeal Panel are entitled to ask any questions of the supporting witnesses.

The Appeal Panel procedure will follow the same Disciplinary Panel Hearing procedure. This includes process, entitlement and timeframes.

Appeal Panel - Decision

The Appeal Panel will give consideration to fairness when concluding the final decision.

The Appeal Panel will consider the presented evidence and the information provided to make a decision that may confirm, cancel, reduce or increase the original Disciplinary Panel decision.

The decision of the Appeal Panel is final.

The decisions of the Appeal Panel will be communicated to the Appellant either at the Appeal hearing meeting or within 7 days after the hearing meeting date. This will be communicated in writing to the Appellant.

General
This procedure can be amended from time to time by the Club's Board/Management Committee as they deem necessary. Any amendments to the procedure will be communicated with the Club's membership.

Further Guidance and Support
Clubs can find further information and support here:

- Code of Conduct template – Safeguarding toolkit - Code of Conduct Templates
- Safeguarding Policies and Procedures – Club template - Safeguarding children and adults policy.docx
- Equity, Diversity and Incsuion Policy - Governance – Policy & Procedure