WESTFIELDS TENNIS CLUB

DISCIPLINARY PROCEDURES

DEFINITIONS

Appeal Committee	the Appeal Committee of the Venue 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 or not the local authority is meeting any of those needs) and is experiencing, or is at risk of, abuse or neglect and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglec
Child	Anyone under the age of 18
Venue	Westfields Tennis Club, 21A Eastfield Road, Leicester, LE3 6FE
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 Venue
Complaint	a complaint of misconduct or notification of a concern regarding particular 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 Venue
Disciplinary Committee	the Disciplinary Committee of the Venue as appointed in accordance with these Procedures
Disciplinary Secretary	The person who is nominated as the Disciplinary Secretary by the Committee from time to time
Member	any member of the Venue
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 Secretary 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

JURISDICTION AND DISCIPLINARY MATTERS

The aim of these disciplinary procedures (the "Procedures") is to provide a framework within which the Venue can work with Members to maintain satisfactory standards of conduct. The standards of conduct expected of all Members are set out in the Venue Rules, Policies and Procedures. Copies of these documents can be located on the Westfields Tennis Club website.

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

- alleged breaches of the Venue Rules;
- alleged breaches of the Venue Policies;
- alleged breaches of the Venue 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 Venue into disrepute.

The Procedures apply to all Members and playing visitors of the Venue.

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 Venue at any time and at its sole discretion and such amendments shall be effective from the date stated.

The Venue 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 Disciplinary Secretary or Welfare Officer receives a Notice of Complaint or becomes aware of a disciplinary matter referred to above.

In the event that the Chairperson, Disciplinary Secretary, a member of the Committee or the Welfare Officer is involved in a disciplinary matter, either as Complainant or Respondent, then they shall not be involved in any part of the disciplinary process relating to the matter.

NOTICE OF COMPLAINTS

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

The Notice of 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.

INITIAL INVESTIGATION

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

On receipt of the Notice of Complaint or the Disciplinary Secretary or Welfare Officer otherwise becoming aware of an alleged disciplinary matter regarding a Member, the Disciplinary Secretary or Welfare Officer shall within 7 days appoint an individual to investigate the complaint. This individual shall within 28 days:

- commence an initial investigation into the matter in order to gather information and evidence;

- forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent, together with any supporting evidence;
- undertake any further investigation deemed appropriate to assist the Disciplinary Secretary or Welfare Officer in determining the best course of action to resolve the Complaint or commence disciplinary action.

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

Upon completion of these steps the Disciplinary Secretary or Welfare Officer may take any of the following steps:

- decide that no further action is required in which case the Disciplinary Secretary or Welfare Officer shall notify the Respondent and the Complainant 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 considered to be 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 by a Disciplinary Committee.

The Disciplinary Secretary or Welfare Officer shall inform the Complainant and the Respondent of the course of action taken within 7 days of the initial investigation concluding. If the Disciplinary Secretary or Welfare Officer considers that the matter should be referred to a 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.

CONFIDENTIALITY

The Venue will deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All Members and playing visitors must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

DISCIPLINARY COMMITTEE

A Disciplinary Committee consisting of three members shall be established and appointed by the Committee. Consideration should be given as regards who may comprise the Disciplinary Committee, i.e. Members or non-Members, or a legally qualified independent person. 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.

In the event that a matter is referred to the Disciplinary Committee and a member of the Disciplinary Committee either declares an interest or is deemed to have an interest by the Disciplinary Secretary, the Welfare Officer or the Committee, then such person shall be replaced on the Disciplinary Committee.

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.

DISCIPLINARY HEARINGS

The Disciplinary Committee may hear a disciplinary matter by way of oral hearing or consider the Charge on the basis of written submissions from the parties as appropriate. In the event that an oral hearing shall be held, the Disciplinary Secretary shall make such arrangements for the hearing to be held within a reasonable time and shall provide the Respondent with the details of the hearing. If the Respondent cannot attend a scheduled hearing, the Respondent should immediately inform the Disciplinary Secretary who will arrange an alternative time. If the Respondent fails to attend a hearing without notice or good reason, the Disciplinary Committee is permitted to reach a decision in the Respondent's absence, based on the available evidence.

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

The Respondent may be accompanied by another individual who may attend the hearing in a support capacity. The identity of the companion must be confirmed to the Disciplinary Committee in advance of the hearing. The Disciplinary Committee may object to the attendance of the companion if, in its sole discretion, there are reasonable grounds to do so. The Respondent will be afforded an opportunity to choose an alternative companion. The companion shall not be permitted to make submissions to the Disciplinary Committee on behalf of the Respondent nor to answer any questions on the Respondent's behalf.

The procedure for an oral hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Committee, who 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 Disciplinary Committee will outline the manner in which the hearing will proceed and will ensure that details of the Complaint are put to the Respondent and that the Respondent is afforded an opportunity to respond.

All disciplinary hearings (disciplinary and appeal) shall take place in private and the public and the press shall have no right of access.

DECISION AND AVAILABLE SANCTIONS

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.

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 behavior required,

the duration of the warning and the likely consequence of further misconduct / breach in that period;
- suspend or exclude from the Venue or Venue activities including competitions, matches, training, meetings or otherwise;
- suspend or exclude from undertaking certain roles within the Venue for a specified or indefinite period of time;
- suspend the Respondent's membership of the Venue for a specified period;
- terminate the Respondent's membership of the Venue;
- 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 CHILDREN OR ADULTS AT RISK

Where a disciplinary matter involves a Child or an Adult at Risk, the Venue, 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 Venue from taking disciplinary action.

APPEAL

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

The notice of appeal must set out the grounds upon which it is submitted the Disciplinary Committee misdirected itself or otherwise reached an erroneous decision and provide details of any new evidence upon which the Appellant seeks to rely.

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. In the event that 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 on the basis of 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 Appellant may be accompanied by another individual who may attend the hearing in a support capacity. The identity of the companion must be confirmed to the Appeal Committee in advance of the hearing. The Appeal Committee may object to the attendance of the companion if, in its sole discretion, there are reasonable grounds to do so. The Appellant will be afforded an opportunity to choose an alternative companion. The companion shall not be permitted to make submissions to the Appeal Committee on behalf of the Appellant nor to answer any questions on the Appellant's behalf.

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 manner in which 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].

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