

# Procedure for Complaints, Disciplinary Issues, Suspension & Expulsions



Founded 4<sup>th</sup> October 1948

## **Background**

Bury & District Ladies' Rounders League takes seriously its responsibilities towards members and visitors in ensuring that it provides a safe and equitable environment for all. It adopts transparent policies and welcomes constructive interaction with members and others. Notwithstanding this, it recognises that on occasions individuals may wish to register a complaint or grievance and, in such cases, it will follow this procedure.

## **Policy**

It is league policy that this procedure will be adopted in a manner so as to make those wishing to register a complaint or grievance to feel they may do so safe in the knowledge it will be dealt with fairly and that they should feel free to raise their concerns without fear of victimisation or reprisal.

It is further considered to be appropriate that wherever possible such matters should be dealt with amicably within the team, preferably bilaterally between the aggrieved party and the person believed by them to be the cause of the issue or concern. It accepts that in some circumstances this may be considered to be inappropriate in which case the matter may be referred to another party within the league.

## **Confidentiality**

It is imperative that confidentiality must be maintained throughout any enquiry or investigation in order to protect individuals involved and maintain the credibility of the league's name and reputation.

## **Procedure**

Rather than allowing an issue or concern to fester, it is strongly advised that any person suffering a grievance should raise it promptly as soon as the issue manifests itself. It is anticipated that the following stages be followed in sequence, although it is understood that in some circumstances the first stage may be omitted where the aggrieved party considers it to be inappropriate or potentially inflammatory.

### ***Stage 1 – Informal Review***

As soon as an aggrieved party is clear about their concerns they ought, wherever reasonably possible, to approach the team member they believe to be the principle source of the grievance for an informal discussion. Such discussions must not be held in an open forum or during match times if there is any reason to consider that a discussion might become prolonged or disruptive.

All team officials are charged with making themselves available to listen to such concerns objectively and, where the concerns are legitimate and appear to be in breach of the Code of Conduct, to remedy the issue as soon as is reasonably practicable. Should the concern not be considered legitimate for good reason and such reasons are clearly stated to the aggrieved party who accepts the explanation, then no further action is required.

In the event the parties are unable to reach such an agreement, the procedure will proceed to Stage 2.

## **Stage 2 – Formal Review**

Any formal grievance must be submitted in writing within seven days of the alleged incident to the Management Committee for the attention of either the:

- Welfare Officer – where it relates to a child (or vulnerable person) welfare issue, or
- League Secretary – where it relates to any other issue.

Such complaints will be registered by the League Secretary/Welfare Officer and become a matter of record (subject to appropriate confidentiality being maintained). The written complaint should be clear and concise and explain:

- The nature of the complaint
- Which rule has been broken/breached
- When the alleged incident happened (date and time)
- Names and addresses of who was directly involved in the alleged incident
- Where the alleged incident happened (venue)
- Names and addresses of any witnesses to the alleged incident.

Upon receipt of a written grievance the League Secretary will:

- Acknowledge receipt of the grievance within seven days of its receipt
- Consider the significance of the grievance (with the Chair and League Welfare Officer) in order to determine an appropriate course of action. Should the grievance be considered serious it may be referred directly to a higher designated authority or body being either:
  - The Police
  - Bury Social Care Services Department

Complaints or allegations of a serious/criminal nature may warrant a member to be suspended from the League's activities until the matter has been fully investigated. A suspension may be for a defined period or for an indefinite period. In any case where a member is suspended for a period, which extends beyond the season, disciplinary action may be taken against the member and any disciplinary process may be commenced or continued in respect of the member concerned. The suspension shall remain in place unless overturned on appeal.

Where a decision is made to progress the complaint within the league structure, the League Secretary will:

- Inform the person(s) against whom the complaint is made and provide details of the allegations or complaint.
- Inform the person(s) against whom the complaint is made of any suspension from league activities whilst an investigation is being undertaken.
- Ask for a written response to the complaint, within seven days, which should be clear and concise and provide names and addresses of witnesses that can be called upon to support his/her version of events.

Upon receipt of the accused person(s) statement, the League Secretary may request written statements from other relevant persons/witnesses (including referees) to obtain corroborative evidence. Upon receipt of all statements the League Secretary will photocopy all correspondence and hand it over to the Chair of the Complaints' Panel for consideration.

The Complaints' Panel will be made up of five registered members of the League, who are not Management Committee members, plus the League Welfare Officer. Any member of the Complaints' Panel that has a potential conflict of interest should raise their concerns at the beginning of the investigation and will be replaced accordingly.

### Establishing the Facts

The Complaints' Panel will elect a Chair and will consider the written correspondence that is presented to them, attempting to resolve the situation by implementing an action that is fair, reasonable and proportional to the complaint. Recognising that Rounders is an amateur sport, led by enthusiastic volunteers, and that most of its members work full/part time it may be difficult to gather the Complaints' Panel together to consider the evidence presented and depending upon the nature or significance of the complaint the evidence presented may be sufficient enough for an action to be levied without a meeting having to be held.

If any of the circumstances giving rise to the alleged incident are, or become, the subject of any criminal investigation or charge, or any civil claim or proceedings, the investigation may, at the discretion of the Complaints' Panel, be restricted or suspended, and/or the grievance procedure may be suspended and any hearing or appeal may be postponed, pending the outcome of any such criminal investigation or charge or any civil claim or proceedings.

### Initial Meeting of the Complaints' Panel

However, where a meeting is required to consider the evidence presented the League Secretary, on behalf of the Chair of the Complaints' Panel, will arrange a mutually convenient time and date for the meeting to be held. The main purpose of the meeting should be to try to establish the facts and find a way to resolve the problem. At this stage it is not necessary to call upon the complainant, the accused, nor any of the witnesses to present further information.

### Second Meeting of the Complaints' Panel

If it is not possible to resolve the issue without further information, or the information presented by the complainant, the accused and the witness(es) is conflicting, then it will be necessary for the League Secretary to arrange a meeting to provide all parties with an opportunity to seek clarification.

The complainant, accused and witness(es) may be called upon and may be accompanied by a friend/colleague if required. However it should be noted that the friend/colleague will not be asked to verbally contribute at any time during the meeting and their role is to provide support to the complainant, accused or witness(es). Taking into consideration the number of players per team, it would be reasonable to restrict the number of witnesses attending a meeting to a maximum of 2 per complainant/accused.

To avoid confrontation it may not be appropriate to have all parties in the same room during the meeting and the following framework may be followed as a suggested order for such a meeting where additional information is required to clarify the facts.

1. The meeting room will be set up to accommodate the Complaints' Panel and the complainant, the accused and witnesses will be called in to present their case individually.
2. First to be called will be complainant.
3. The Chair, or any person authorised by him/her, records information throughout the meeting that will remain on file for a period of 3 years.
4. The Chair of the Complaints' Panel explains the reasons for the hearing and outlines the procedures to be followed.
5. The Chair, or any person authorised by him/her, reads the evidence in support of the allegation(s).
6. Members of the Complaints' Panel have an opportunity to ask questions.
7. When the Complaints' Panel are satisfied with the additional information presented, the complainant will be asked to leave.
8. Second to be called will be the witnesses that support the complainant.
9. Steps 4-7 above should be followed.
10. Third to be called will be the accused.
11. Steps 4-7 above should be followed.
12. Fourth to be called will be the witnesses that support the accused.
13. Steps 4-7 above should be followed.
14. The Complaints' Panel, having considered all of the additional information presented, should reach a decision.
15. The complainant and the accused may be brought back into the room and the conclusion communicated through the Chair.

#### Making a Decision

In cases where a verdict has been reached the Chair of the Complaints' Panel shall inform the League Secretary of the outcome of the meeting and advise of any disciplinary action to be taken by the Complaints' Panel in connection with the verdict.

The Chair will also forward a copy of the meeting notes and all associated papers.

The League Secretary will notify the complainant and the accused of the outcome of the meeting, including the sanction imposed by the Complaints' Panel and the right of appeal, within seven days of the meeting.

### **Stage 3 – Appeal**

Appeals will be made in writing, to the Chair of League, within 14 of the disciplinary measures being levied. Such appeals must include the original grievance, the documented response and clear justifications for the basis of the appeal explaining why the outcome was flawed. The appeal must be accompanied by a fee of £25.00 which may be retained by the League.

Appeals become a matter of League records (subject to appropriate confidentiality being maintained) and will be acknowledged within seven days of receipt. Such appeals made to the Chair of the League will be submitted on the basis that the outcome will be binding on all parties.

Upon receipt of an appeal the Chair of the League will review the submission and determine whether there is a clear case of error or not. In the event the appeal is considered frivolous or argumentative the appeal may be rejected at this stage without further review. Where the Chair considers the appeal may have merit he/she will appoint another three other league members who may have relevant expertise or perspective to review the appeal in a closed meeting with the Chair of the League (the Appeals' Panel).

Following such meeting, the League Secretary, on behalf of the Appeals' Panel, will arrange a formal review with the appellant, the accused person(s) (should they not be the appellant), any witnesses the Appeals' Panel consider necessary and any person(s) the appellant/accused person(s) may wish to represent or assist them. In the event that a witness is unable to attend, so far as is reasonably practicable, arrangements will be made for written evidence to be substituted. It will be the responsibility of the appellant to ensure the attendance at the hearing of any witnesses whom he/she may wish to give evidence and that written evidence from any witness who is unable to attend is available at the hearing.

The date of such review will not be set so early as to prevent adequate preparation, nor so late as to incur inappropriate delay. Normally such reviews will take place behind closed doors starting one hour before a scheduled Management Committee Meeting. The League Secretary, on behalf of the Appeals' Panel, will formally notify the member concerned of the date, time and place of the meeting.

At the appeal hearing, the appellant will be entitled to be represented or accompanied by a friend, colleague or adviser, but no fees or expenses will be paid by the League or in respect of any representative or companion of the appellant.

The appeals hearing shall be held in accordance with the following procedure:

1. The meeting room will be set up to accommodate the Appeals' Panel. The appellant and witnesses will be called in to present their case individually.
2. The Chair, or any person authorised by him/her, records information throughout the meeting that will remain on file for a period of 3 years.
3. The Chair of the Appeals' Panel explains the reasons for the hearing and outlines the procedures to be followed.
4. The Chair, or any person authorised by him/her, reads the evidence in support of the allegation(s).
5. Members of the Appeals' Panel have an opportunity to ask questions of the appellant to clarify the situation.
6. The appellant produces his/her witnesses to support the evidence read out by the Chair.
7. Members of the Appeals' Panel have an opportunity to ask questions.
8. The Chair, or any person authorised by him/her, reads the evidence in defence of the allegation(s).

9. The Chair asks the appellant any questions to clarify the situation.
10. The Chair calls witnesses to support the evidence read out by the Chair.
11. Members of the Appeals' Panel have an opportunity to ask questions.
12. The Appeals' Panel asks the appellant (plus representatives) to leave the room whilst a decision is reached.
13. The Appeals' Panel considers the issues and reaches a conclusion.
14. The appellant may be brought back into the room and the conclusion communicated through the Chair.

Wherever possible, following such review, the Appeals' Panel will either uphold the original decision or reject it. Exceptionally, they may consider it appropriate to modify the original determination in which case such ruling may itself become subject to appeal.

Any evidence given at the disciplinary hearing may be given at the Appeal hearing. The rules set out below must be followed in relation to new evidence.

### ***New Evidence***

It is recognised that there may be instances where new evidence, which was not heard at the original hearing comes to light. If any party wishes to present new evidence at the appeal hearing that party must give written notice to the other party at least seven days before the appeal hearing. If this procedure is complied with, the Appeals' Panel will hear the new evidence. If the procedure is not complied with, the Appeals' Panel may, in its absolute discretion, after taking into account the representations of the parties concerning the hearing of any new evidence, hear the new evidence, adjourn the appeal hearing to a later date, remit the matter to the League Chair for a rehearing or rule that the new evidence or any part of it is not admissible in evidence.

The Appeal's Panel will have the right to vary any decision made by the Complaints' Panel which is the subject of the appeal and will have the right to increase the severity of any disciplinary penalty or action imposed by the Complaints' Panel.

The League will publish, in the Minutes of the Management Committee, the outcome of the appeal, and notify members, as appropriate, of the outcome.

End.