

CLUB DISCIPLINE & MISCONDUCT PROCEDURE

This document has been produced to assist Lakeland Canoe Club in implementing a clear and fair process for dealing with misconduct complaints within the Club environment. It is to be used to support section 7. Of the Constitution: 'EXPULSION AND DISCIPLINARY ACTION'

Step 1 – Registering a Complaint

All complaints relating to the misconduct of club members should be submitted in writing to the Welfare Officer. The contents of a complaint should include specific details and evidence in relation to the infringement of the LCC Code of Conduct.

Misconduct Behaviour - generally deemed unreasonable or inappropriate - the list is not exhaustive – also see the LCC Code of Conduct:

- Abusive or aggressive language or behaviour
- Deliberate damage or misuse of property or equipment
- Negligence

Gross Misconduct - More serious behaviour such as:

- Theft, fraud etc.
- Physical violence
- Bullying, harassment or discrimination
- Serious, deliberate or neglectful damage to equipment or property
- Use of illegal substances
- Serious negligence that may put others at risk
- Infringement of H&S rules or policies, which may put others at risk

Step 2 – Initial Action on Receipt of Complaint

The Welfare Officer should normally consult or make recommendations to the Safety Officer and Secretary to determine the next actions. If it is felt there is a case to be heard, based on the evidence / statements provided, the Welfare Officer should write to the Member or Members concerned within 7 days. The correspondence should inform them of the complaint and invite them to comment in writing within 14 days. Trivial complaints may be dismissed at this stage. A formal reply should be given as to the reason for dismissing a trivial complaint.

Step 3 – Following a Response (or no Response After 14 Days)

The Welfare Officer should consult or make recommendations to the Safety Officer and Club Secretary, or in case of unavailability, further members of the Committee, to agree a way forward based on the evidence so far.

If there is sufficient evidence, the Discipline process should be pursued. The Welfare Officer should appoint 3 club members to sit on the Disciplinary Panel, none of whom have had any direct interest or involvement in the matter.

Step 4 – Disciplinary Panel

The disciplinary panel should consider the evidence so far.

Suspension - The panel will have the power to suspend any Member temporarily from membership who is accused of misconduct, pending further investigations or enquiries. This suspension will only be to facilitate the investigation where it is prudent to temporarily remove the member from club activities, and is without prejudice to the outcome of the investigation.

Further Enquiries - The Disciplinary Panel may make further enquiries as it thinks fit. It should offer reasonable opportunities to any Member concerned, who may be accompanied by a supporter if so desired, to meet with the Panel and answer the allegations. The Panel may hear any witnesses.

The Panel should make relevant procedural provisions to facilitate the just and efficient progression of the case.

Sanctions - If the Panel is satisfied that an offence of misconduct has been committed by a Member, then it may impose one or more of the following actions:

- i. Make a note of the offence or misconduct but take no further action.
- ii. Formally warn the Member in writing of the findings and expectations of future conduct.
- iii. Suspend or disqualify the member from club activities / use of equipment for some definite or indefinite period.
- iv. Report to British Canoeing with significant concerns: potential breach of BC interests, or for the safety and well-being of those engaged in none LCC kayaking activities.
- v. Terminate the membership.
- vi. Inform the police of suspected criminal breaches.

Step 5 – The Decision

All parties concerned should be provided with the Panel's formal written outcome. Notification within seven days of the decision.

Step 6 – Appeal Process

The letter notifying the decision of the Disciplinary Panel should also set out the right to Appeal.

The accused and/or the complainant may appeal against the decision by writing to the Welfare Officer within seven calendar days of receiving the written decision. The Notice of Appeal must state the grounds on which the verdict of the Disciplinary Panel is challenged.

The Welfare Officer should acknowledge the notice of appeal within seven calendar days of its receipt and should make a decision in consultation with the Safety Officer and Club Secretary in regards to the grounds on which the verdict is challenged. If there are sufficient grounds / evidence provided to support the challenge, the Appeal Panel process will commence (Step 6.1.), if there are insufficient grounds, the appeal should be dismissed.

Step 6.1 – Convening an Appeal Panel. The Welfare Officer should appoint an Appeal Panel of three members who have not been involved directly, either in the events giving rise to the Hearing, or in the initial Disciplinary Hearing itself.

The Welfare Officer will inform the parties concerned of the composition of the Appeal Panel. Either party may object to the composition of the Appeal Panel by notifying the Welfare Officer of the Objection and setting out the reasons for such an Objection no later than seven calendar days from the date of being informed of the composition of the Panel.

The Welfare Officer, within fourteen calendar days from the date of receipt of an Objection, should notify the parties in writing of one of the two options below:

- a. The composition of the Panel has changed, in which case the Welfare Officer will provide details of the new Appeal Panel. Or
- b. The composition of the Panel has not changed, in which case the Welfare Officer will give reasons why it has not accepted the Objection.

Within fourteen calendar days from the date of the response above, the Welfare Officer should give such directions to all parties that include:

- The date and place at which the Appeal Panel will meet to determine the appeal.
- Whether the appeal will proceed by way of written submissions or an oral hearing.
- Whether the parties should be required to submit statements of their evidence and / or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

Step 6.2 Powers of the Appeal Panel

The Appeal Panel will meet, and may:

- Quash the original decision;
- Confirm the original findings
- Request the case be reheard

- Increase or reduce the original sanction

The Appeal Panel should inform all parties of its decision within fourteen calendar days, together with written reasons for its decision. The decision of the Appeal Panel will be final, The Appeal Panel will decide on any issue by majority.

Step 6.3 Records of Hearings and Appeals

Final decisions should be recorded and retained in confidential records for a period of five years by the Club. Supporting documentation should also be retained in the same fashion, and with due regard to the Data Protection Act.

Supplementary Notes:

- If the complaint is deemed malicious, the Panel have the right to suspend or disqualify the complainant from the Club.
- Due regard must be given to the nine 'protected characteristics' under the Equalities Act 2010, and to the LCC Health and Safety and Safeguarding Policies.
- 'Supporters' may accompany the 'accused' throughout the process. Their role is to support, and not to speak on behalf of or directly answer questions.
- The procedures described above assume that all parties will co-operate in the interest of resolving the issue in question. In the absence of such co-operation, the Club may proceed with a hearing or an appeal based on the available evidence and obtainable information.
- The nominated Club representative (s) will be entitled to take action as recommended from a legal practitioner.
- The burden of proof is 'on balance of probabilities'.
- Confidentiality must be observed as far as is practicable.
- Mediation should be considered as an option for resolution.

21st December 2023

FOR INFORMATION:

Existing Procedures in the LCC Constitution

7. EXPULSION AND DISCIPLINARY ACTION

7.1. All complaints regarding the behaviour of members should be submitted in writing to

the Welfare Officer.

7.2. Any member violating any of the Codes of Conduct of the Club may, by resolution of

the General Committee, be suspended or expelled.

7.3. The General Committee may temporarily suspend or exclude a member from particular activities where it is deemed in the best interests of the Club.

7.4. Any member who is temporarily excluded or suspended or has had his/her membership terminated will have the right to appeal against such decision to an appeal panel which will comprise of no less than 3 members.