



Disciplinary Procedure

Introduction

Cherwell canoe Club's disciplinary procedure applies to all members, parents, staff, volunteers and representatives of the club and aims to ensure that all the above are treated fairly and consistently in regard to their conduct. The procedure will be reviewed and amended by the Trustees annually to meet any change in requirements.

It is also worth bearing in mind that British Canoeing is not able to adjudicate on internal disputes or disciplinary actions which are not Safeguarding or Safety related.

Key Principles

All Disciplinary matters will be managed in accordance with Cherwell Canoe Club's constitution.

No disciplinary action will be taken before an investigation has been completed by an Investigating Officer appointed by the Trustees. The Investigating Officer will then not be involved in any subsequent disciplinary decision.

All Disciplinary matters will be finished without undue delay. Disciplinary matters will be treated confidentially and only those directly involved in the procedure will be informed.

Disciplinary matters will normally be heard by a small panel with a right of appeal to a further panel who have not been involved in the original hearing.

Any person who is the subject of disciplinary action will be advised in writing of the nature of the complaint against them, be allowed sufficient time to prepare for a disciplinary hearing, and will be given the opportunity to state their case. The member will have the right to be accompanied by a fellow member, or by another peer representative at the discretion of the committee/panel. The member will have the right to appeal against any sanction or penalty imposed, and for that appeal to be heard by a panel of members not involved in the original disciplinary hearing.

A proper record will be kept of any disciplinary decision, taking into account the need for confidentiality and maintained for at least six years.

The complainant will be informed when the matter is concluded, but does not have the right to be informed of the nature of any sanction or penalty imposed.

Examples of misconduct offences include but are not limited to the following:

Failure to comply with club rules, policies or codes of conduct, including health and safety and safeguarding policies.

Failure to pay membership subscriptions, fees or other monies owed to the club within a reasonable time.

Theft or misappropriation.

Deliberate damage to the property in the care of the club or a member.

Assault on or deliberate injury to a member, guest or employee of the club or British Canoeing.

Abusive, discriminatory or foul language, behaviour or harassment.

Harming or placing at risk of harm a child or young person aged under 18 or a vulnerable person. This would be managed through the club and British Canoeing's disciplinary policy.

Conduct, whether within or outside the club, which might bring it into disrepute by association.

Disciplinary Procedure

Receipt of complaint

1. A complaint received by Cherwell Canoe Club should be passed to the Club Secretary and acknowledged in writing.
2. The Club Secretary should inform the trustees that a complaint has been received. The trustees should appoint an Investigating Officer. That officer may be one of the trustees, may be a member with appropriate skills, or if appropriate, may be an external expert. The complainant may object to the choice of Investigating Officer before investigation starts and an alternative will be found.

3. If the presence at Cherwell Canoe Club of the member who is the subject of the complaint may put others at risk, their attendance may be supervised or temporarily suspended pending the investigation and the outcome of any subsequent disciplinary hearing.

Investigation

4. The matter should be investigated by the Investigating Officer who will be tasked with an initial response within 2 weeks that includes:

1. Any proposed changes to the initial suspension or supervision put in place
2. Any concerns around co-operation with the enquiry of the parties involved
3. A clear timeline for coming to a final report and recommendation

5. If, during the course of the investigation, it appears that the member may have committed a criminal offence, this may be reported to the Police and the internal disciplinary procedure will be put on hold until any Police investigation and subsequent prosecution has been concluded.

Hearing

6. If appropriate the Trustees will appoint a Disciplinary Committee of three members, excluding any member who is related to either the complainant or the member who is the subject of the complaint, and any member who has been involved in a previous disciplinary action involving the same member. The Investigating Officer may be asked to present the case on behalf of the club.

7. The date, time and venue for the disciplinary hearing will be decided, allowing sufficient time for the member to prepare their case.

8. The member must be informed in writing of the nature of the complaint, asked to attend the disciplinary hearing, informed of their right to be accompanied and provided with copies of this procedure, any relevant documents and witness statements.

9. If the member is unable, for good reason, to attend on the appointed date, the Disciplinary Committee should endeavour to agree a suitable alternative date. If the member is unable to agree a mutually acceptable date within a reasonable period, the hearing may take place in their absence.

10. No witnesses or statements should be introduced at the hearing without prior notice and copies of all written evidence must be produced for consideration prior to the hearing and be available in advance to the parties.

11. The Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the Disciplinary Committee considers it fair to do so.

Decision

12. The Disciplinary Committee must decide whether misconduct has taken place, and if so decide on an appropriate and proportionate sanction or penalty.

13. After the Disciplinary Committee has reached a decision, the subject of the complaint will be notified in writing of the decision and informed of any penalties within 7 days of the decision being reached. Penalties will be effective from the date of the decision. If relevant, the member should be informed of their right of appeal and the timescales involved.

14. A record must be made of the disciplinary decision.

Appeal

15. An appeal may be made on the following grounds:

The club has failed to follow the process as outlined; and/or the member feels that the sanction is disproportionate to the offence.

16. If an appeal is to be made then written notice of appeal by email to the Secretary must be given by the member, within 28 days of being notified of the decision. No appeal will be valid or considered after that period has elapsed. The member must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this.

17. An appeal hearing should be convened as soon as practicable and will consist of an Appeal Committee, appointed by the Trustees, of 3 members who did not take part in the first hearing and who will elect their own Chairperson (who will have the casting vote). New evidence cannot be presented at the appeal hearing. The Appeal Committee shall have power to uphold the original decision, reverse it, or reduce the penalty but may not increase it.

18. The decision of the Appeal Committee is final and binding on the parties.

Conclusion

18. The complainant should be informed that the matter has been concluded.