



## Disciplinary Procedure

This disciplinary procedure applies to all members, parents, volunteers and representatives of Solihull Canoe Club (the “Club”) and aims to ensure that everyone is treated fairly and consistently as regards their conduct.

The procedure will be reviewed and amended by the Club’s Committee regularly to meet any change in requirements.

Members should be aware that Paddle UK is not able to adjudicate on internal disputes or disciplinary actions that are not safeguarding or safety related.

Members should note that failure to pay their annual subscription within three months of it falling due results in their membership being automatically terminated in accordance with Clause E (8) (c) of the Club’s Constitution and is therefore not within this disciplinary procedure.

**Safeguarding issues will be managed through the Club’s safeguarding policy and should be notified to the Club’s Welfare Officer.**

### Key Principles

- All disciplinary matters will be managed in accordance with the Club’s constitution.
- No disciplinary action will be taken before an investigation has been completed by a Committee appointee, who 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 be heard by the Committee.
- 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.
- 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 3 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 monies owed to the club within a reasonable time. Although, failure to pay the annual subscription within three months of it falling due results in membership being automatically terminated in accordance with the Club's constitution and is not within this procedure.
- Theft or misappropriation.
- Deliberate damage to the property of the Club or another member.
- Assault on or deliberate injury to a member, guest, coach or other volunteer of the Club or employee of Paddle UK.
- Abusive, discriminatory or foul language, behaviour or harassment.
- Conduct, whether within or outside the Club, which might bring it into disrepute by association.

## **Procedure**

### ***Receipt of complaint***

1. A complaint is received by the Club Secretary and acknowledged in writing. Note that safeguarding issues should be notified to the Club's Welfare Officer and will be dealt with pursuant to the Club's safeguarding policy.
2. The Club Secretary informs the Committee that a complaint has been received and the Committee appoints a member to investigate it.
3. If the presence at the Club of the member who is the subject of the complaint may put others at risk, their membership and/or attendance may be temporarily suspended in accordance with clause E (6) of the Club's Constitution pending the investigation and the outcome of any subsequent disciplinary hearing.

### ***Investigation***

4. The matter is investigated; this may include speaking to the complainant and gathering statements from any witnesses.
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. The Committee will hold a disciplinary hearing to consider the complaint excluding any Committee member who is, or is related to, either the complainant or the member who is the subject of the complaint.
7. The date, time and venue for the disciplinary hearing are decided, allowing sufficient time for the member to prepare their case.
8. The member is informed in writing of the nature of the complaint, is 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 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. The disciplinary hearing takes place.

11. 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, to be available in advance to the parties.

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

### ***Decision***

13. The Committee decides whether misconduct has taken place, and if so decides on an appropriate and proportionate sanction or penalty.

14. Any decision by the Committee to expel a member needs to be approved by a two thirds majority of the Committee in accordance with Clause J(4) of the Club's Constitution. However, if the Member has failed to pay their annual subscription within three months of it falling due, their membership is automatically terminated in accordance with Clause E (8) (c) of the Club's Constitution.

15. After the 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.

16. A record is made of the disciplinary decision.

### ***Appeal***

17. A member who is temporarily excluded or suspended or has their membership terminated (other than in accordance with Clause E (8) (c) of the Club's Constitution as a result of non-payment of their annual subscription) has the right to appeal the decision by notifying the Secretary in writing within 28 days of being notified of the Committee's 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.

18. An appeal hearing will be convened as soon as practicable and will consist of an Appeal Committee 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.

19. The Appeal Committee shall have power to uphold the original decision, reverse it, or reduce the penalty but may not increase it.

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

### ***Conclusion***

21. The complainant is informed that the matter has been concluded but does not have the right to be informed of the nature of any sanction or penalty imposed.