

**BELLAHOUSTON HARRIERS**

**SCIO 051051**

**CLUB DISCIPLINARY POLICY &  
PROCEDURES**



**03.04.2023**

## **1. POLICY STATEMENT**

1.1. This policy is based on national guidance from our governing body Scottish Athletics. It provides a framework to deal with any club-related disciplinary action, promptly, fairly and consistently and, where necessary, impose a sanction and provide an appeals process.

## **2. AIMS**

2.1. To provide a clear understanding of the club disciplinary policy and procedures.

2.2. To provide guidance on how the policy and procedures should be followed.

## **3. GUIDING PRINCIPLES**

3.1. Bellahouston Harriers will:

3.1.1. Treat all persons fairly, equally and consistently

3.1.3. Investigate matters promptly and thoroughly to establish the facts;

3.1.4. Where appropriate, hold a disciplinary panel to determine the facts;

3.1.5 Allow the respondent to outline their case, their views and any mitigating circumstances;

3.1.6 Encourage the respondent to be accompanied and supported at any disciplinary meeting;

3.1.6 Provide a written explanation of any disciplinary action, the findings and any sanctions taken;

3.1.7. Provide an opportunity to appeal any formal disciplinary finding or sanction.

## **4. SCOPE**

This policy applies to any club member, including athletes, volunteers, coaches (including independent coaches working with the club) and parents/guardians of members.

## **5. DISCIPLINARY MATTERS**

The following are examples of conduct which may constitute a breach of this Policy:

5.1.1. Any breach of the UK Athletics & Home Country Athletics Federations' 'Codes of Conduct' as adopted by Scottish Athletics;

5.1.2 Failing to comply with club policies, constitution and regulations;

5.1.3 Doing anything which may harm the club or bring it into disrepute;

5.1.4 Making an untrue statement to the club or its representative;

5.1.5 Failing to treat others in the sport with dignity and respect;

- 5.1.6. A breach of Scottish Athletics' Anti-Doping Regulations;
- 5.1.7 A breach of Scottish Athletics' Gambling and Match-Fixing Regulations;
- 5.1.8 Assisting or encouraging another to breach this policy.

## **6. JURISDICTION**

6.1. The club committee has the jurisdiction on this policy, except that:-

6.1.1. Allegations under Scottish Athletics' Anti-Doping Regulations shall be dealt with by the UK National Anti-Doping Panel;

6.1.2. Allegations or concerns of conduct directly or indirectly adversely affecting the welfare/safety of a person under 18 or an adult at risk, and/or places them at risk, shall be dealt with by UK Athletics in conjunction with Scottish Athletics and must be reported in line with the UK Athletics safeguarding policies and procedures.

6.1.3 In the event of immediate and serious concerns about the safety or health of a child, or adult at risk, the police or social services should be contacted immediately.

6.2. Disciplinary action/sanctions herein shall be separate from but may be additional to;

6.2.1. Any sanction imposed by Scottish Athletics or UK Athletics under their disciplinary processes;

6.2.2. Any action or investigation by the police or other statutory authorities, whether or not resulting in a conviction, but any action by the club may be paused until the outcome of any such investigation is concluded, save to the extent that any person may be suspended and/or precluded from participating in club activities pending determination of any such investigation.

## **7. APPLICATION FOR INVESTIGATION**

7.1. A club member or any other person (the 'Applicant') may make written application (all references to written submissions will include electronic submissions), to the club secretary requesting that an alleged disciplinary breach by a club member, as defined in clause 4 (the 'Respondent') be investigated.

7.2. Where the complaint relates to the conduct of the club secretary the written application should be submitted to the club president.

7.3. The written application shall include the Applicant's name and contact details, the identity of the Respondent (if known), the nature and date(s) of the alleged disciplinary matter and names of any known witnesses.

## **8. INTERIM SUSPENSION**

8.1. The club committee may suspend a Respondent from club activities ('interim suspension') on receipt of either of the following: -

8.1.1. A written application as outlined in clause 7.1 and the interim suspension may remain in force until the final conclusion of the disciplinary process;

8.1.2. Notification by the statutory authorities (police/social work services etc.) that a club member is under investigation in relation to an alleged offence under the Sexual Offences Act 2003 or any related or preceding legislation. The interim suspension may remain in force until the legal outcome is known and the club disciplinary process has concluded.

8.2. An interim suspension shall only be imposed if the club committee is satisfied it is necessary in the best interests of the club, its members, and the sport of athletics.

8.3. Interim suspension is a neutral action and does not imply any prejudgment of the investigation.

8.4. Scottish Athletics must be informed of any interim suspension of a club member. Guidance prior to any interim suspension can be provided at [welfare@scottishathletics.org.uk](mailto:welfare@scottishathletics.org.uk)

## **9. INVESTIGATION**

9.1. On receipt of a written complaint as outlined at clause 7.1, the club secretary shall inform the club president. Depending on the circumstances the club may seek an informal resolution to the matter or appoint a member or other person, with no known interest or connection to the case, to investigate, without prejudice to clauses 6.1.1 and 6.1.2 above.

9.2. The club president and secretary are excluded from conducting investigations, and when appointing the investigator, due cognisance should be taken of the potential need to resource a disciplinary panel and appeal panel;

9.4. The Investigator will inform the Applicant in writing that they have been appointed to investigate, that details will be disclosed to the Respondent, and determine from the Applicant that they are prepared to progress on that basis.

9.5. The investigator will inform the Respondent in writing that they are the subject of a complaint, provide an outline of the allegation, identify the Applicant (but only when the identification of such person is not confidential for safeguarding reasons), and request a brief response to the complaint.

9.6. The Investigator will conduct an investigation that is thorough, proportionate, relevant and fair to all parties. Contact with the Applicant, the Respondent and all witnesses can be face to face or via telephone or email. The Applicant, the Respondent and any witnesses shall give the Investigator all reasonable assistance, including promptly supplying statements if necessary, making themselves available for interview, answering any questions and supplying documentary or other information.

9.7. The Investigator shall make a written report which shall include all available evidence and a recommendation as to whether the Respondent has a case to answer.

9.8. The Investigator's report shall be submitted to the club secretary in strictest confidence. The club secretary shall either confirm the recommendation or arrange for further investigation by the same or a different Investigator. The report must not be circulated further.

9.9. If the club secretary confirms a recommendation that there is no case to answer the club president shall inform the Applicant and the Respondent in writing. There shall be no appeal against a decision that there is no case to answer but a case may be re-examined if further evidence is later forthcoming.

9.10. If the club secretary confirms a recommendation that there is a case for the Respondent to answer, they shall inform the Applicant and the Respondent accordingly. The club secretary should determine first, particularly in matters not of a serious nature, whether there is scope for a less formal resolution through conciliation or explanation; otherwise they should establish a disciplinary panel.

## **10. DISCIPLINARY PANEL**

10.1. The club secretary shall appoint no fewer than three members to constitute a disciplinary panel, designating one of those as chairperson.

10.2. The disciplinary panel members will be independent to the Applicant, Respondent and the allegations; if at any point in the process a panel member becomes aware they have an interest in the case, they must declare that interest immediately and cease their involvement. In such circumstances, the club secretary will appoint another member to the panel.

10.4 The club president should not sit on a disciplinary panel as they will constitute any future appeals process.

## **11. DISCIPLINARY PROCEEDINGS**

11.1. Once the club secretary establishes a disciplinary panel, they shall advise the Respondent of this in writing, together with the Investigator's report and the opportunity to attend a personal hearing. The Respondent will be asked to provide the panel chair, within 14 days thereof, a written response with any signed witness statements or any other evidence.

11.2. If the Respondent does not request a personal hearing as detailed at clause 11.1, the disciplinary panel shall adjudicate the matter, taking into consideration the report of the Investigator, the evidence provided by the Applicant, Respondent, witnesses and any other evidence it considers appropriate. The disciplinary panel may in certain cases decide to adjudicate a case by correspondence only but must be able to justify that this is a fair and equitable approach.

11.3. Proceedings, findings or decisions of the disciplinary panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless it raises a material doubt as to the reliability of the proceedings, findings or decisions.

## **12. PERSONAL HEARING**

12.1. If the Respondent requests a personal hearing, the Disciplinary Panel shall give the Respondent at least 14 days' notice of the date, place and time of the hearing, which shall be held as soon as practicable and where possible within 42 days of receipt of the original request for a personal hearing.

12.2. The Respondent may be accompanied by one other person of their choice, who shall not be a witness. Moreover, any Respondent under 18 or an Adult at Risk may also be accompanied by a parent or carer.

12.3 Failure of any person to attend the hearing, or to answer any question, or to produce any necessary papers, shall not prevent the disciplinary panel from proceeding to a decision.

12.4 The disciplinary panel shall consider its findings in private. Any decision on findings will be determined by a simple majority of the panel on the balance of probabilities and the Respondent and Applicant will be informed of the panel's decision.

12.5 If the allegation is admitted, or if the panel finds the allegation proved, the Respondent may present a plea in mitigation before the disciplinary panel decides on any sanction and will do so in private, again on the basis of a simple majority.

12.6 The disciplinary panel chair person solely will determine the procedures that will be adopted at any personal hearing.

## **13. SANCTIONS**

13.1. Where an allegation is admitted or found proved by the panel, any one or more of the following sanctions may be imposed:

13.1.1 An admonishment

13.1.2 A verbal warning valid for a determinate period;

13.1.3 A written warning valid for a determinate period;

13.1.4 Monitoring or mentoring for a determinate period by a club coach or other relevant person;

13.1.5 Requirement to attend a training course.

13.1.6 Suspension for a determinate period from some or all of the club activities;

13.1.7 Requirement to resign from the club, as an alternative to dismissal;

13.1.8. Dismissal from the club.

13.1.9 Requirement to give an undertaking in such terms as the disciplinary panel may decide (such as future conduct, apology, agreement to adhere to decision of the panel); failure to give the undertaking within 14 days or a breach of it within two years shall be deemed a breach of this policy and upon such breach, the offender shall be liable to a sanction in addition to the sanction for the original disciplinary matter.

13.1.10 Any combination of the above.

## **14. RECORDS AND CONFIDENTIALITY**

14.1. A decision made by the disciplinary panel on whether or not a case is found proved and the sanction imposed shall not be regarded as confidential except where the Respondent is under 18 or is an Adult at Risk.

14.2. The disciplinary panel chairperson, as soon as is reasonably practicable and in any event within 30 days of the decision, shall notify it in writing to the Respondent, the Applicant and any other participant involved.

14.3. In a case of suspension from the club's activities, the disciplinary panel chairperson shall notify this to those likely to be affected and to Scottish Athletics.

14.4. The chair of the disciplinary panel shall collate the minutes of each hearing and a record of the proceedings, including reasons for any findings, any sanction and the factors taken into account therein.

14.5. All such records shall be considered 'confidential' and kept securely, in line with the club data protection policy, for two years after the completion of the investigation, proceedings, and the completion of the sanction imposed.

## **15. APPEALS**

15.1. If the disciplinary panel finds an allegation proved, the Respondent may appeal against the finding or the sanction imposed, or both.

15.2. Any appeal must be made within 10 working days in writing to the panel chairperson.

15.3. The notification of appeal must contain the grounds for the appeal. The only grounds for an appeal are:-

15.3.1. That there was a material error, either factual or procedural in the original proceedings;

15.3.2. That there is material new evidence that, had it been known at the time of the original proceedings, would have affected the decision of the panel.

15.4. Any Appeal that does not meet one of the criteria in 15.3 above may be refused.

15.5. The Appeal shall be heard by an appeal panel that shall usually consist of two club members who were not involved in the original proceedings along with the club president, who will act as chairperson. In circumstances where the club president is the Respondent, or otherwise connected to the case and cannot fulfil the impartial role of chairing the appeals process, the club secretary will appoint another club committee member or, in exceptional circumstances, request the president of another Scottish Athletics affiliated club to undertake the role.

15.6. An appeal is not a re-hearing of the original proceedings and whilst it will be necessary for the appeal panel to review the evidence by reading the statements and any reports, it will not involve the calling of new witnesses unless the appeal is based upon the ground specified in 15.3.2 above only.

15.7. The appeal Chair shall determine the manner in which the appeal is dealt with, including inviting representations either in writing or in person from the Applicant and/or the Respondent. Once the appeal chair is satisfied that the panel has sufficient information on which to decide the appeal, they will consider whether the appeal is upheld or dismissed.

15.8. The appeal panel shall have the following powers:-

15.8.1. To dismiss the appeal;

15.8.2. To alter or vary the original decision;

15.8.3. To quash any sanction and/or substitute it for any other penalty; or

15.8.4. To make any such other order or determination as it may think right or just.

15.9. The decision of the appeal panel will be communicated to the Respondent and the Applicant by the appeal chair in writing within seven days of the appeal decision.

15.10. The decision of the appeal panel will be final and binding.

15.11 All documents related to the appeal will be stored as detailed at clause 14.5



## **APPENDIX A**

### **GUIDANCE ON PEOPLE UNDER 18 YEARS**

If an Applicant or Respondent is under 18 years at the date of the alleged disciplinary matter:-

- The disciplinary panel shall consult the Club welfare officer to ensure their interests are protected and that UKA safeguarding protocols are correctly followed;
- Any right or obligation under these procedures may be exercised on their behalf by their parent or carer;
- Any written communication with them under these procedures shall be copied to their parent or carer.

If an Applicant, Respondent or witness is under 18 years at the date of the alleged disciplinary matter they may be accompanied by a parent or carer at any meeting or proceedings.

When considering any sanction, the disciplinary panel shall take into account the age of a Respondent who is under 18 years at the date the disciplinary matter is alleged to have occurred.

Child means any person under 18 years of age.

### **GUIDANCE ON ADULTS AT RISK**

If an Applicant or Respondent is An Adult at Risk:-

- The disciplinary panel shall consult the Club welfare officer to ensure their interests are protected and that UKA safeguarding protocols are correctly followed;
- Any right or obligation under these regulations may be exercised on their behalf by their carer or a nominated appropriate adult;
- Any written communication with them under these procedures may be copied to their carer or nominated appropriate adult.

If an Applicant, Respondent or witness is an Adult at Risk they may be accompanied by a carer or nominated appropriate adult at any meeting or proceedings.

When considering any sanction, the disciplinary panel shall take into account the fact that a Respondent is an Adult at Risk.

‘Adult at risk’ means anyone over 16 years who is unable to safeguard their own interests and are at risk of harm because they are affected by: disability, mental disorder, illness, or physical or mental infirmity, as defined under the Adult Support and Protection (Scotland) Act 2007.

