

# **Connaught Club Members Complaints and Disciplinary Policy**

**November 2021**

## **1. Introduction**

This Policy is further to Club Rule 13 Suspension and/or Expulsion (of Members), Club Bye-Law 19.1 Members Complaints and Disciplinary Policy and the Connaught Club Code of Conduct.

It sets out the Club's Policies and procedures for reporting and managing Member disputes, complaints, allegations of misconduct and rule breaches.

Under Rule 6.2, when Members pay their membership and subscription fees, they agree to comply with the Club's Rules and Bye-Laws.

This Policy is issued in conjunction with and forms part of the Club's Rules and Bye-Laws.

References to "Club Rules" in this Policy mean the Club Rules, Bye-Laws, Code of Conduct, Club Policies, Club Section Rules, Regulations or Playing Etiquettes issued pursuant to them.

## **2. Policy Statement**

- 2.1. The Connaught Club (the Club) is committed to providing a safe environment and equal opportunities for all Members, coaches, staff and visitors. The Club values the safety and wellbeing of its Members, visitors, coaches and staff and will not tolerate any abuse towards them.
- 2.2. All Members of the Club and their visitors are required, whether present on the Club's premises or representing the Club elsewhere, to conduct themselves at all times in accordance with the accepted standards of behaviour established by the Club in its Rules, Bye-Laws, Code of Conduct, Policies, Section Rules, Regulations and playing etiquettes ("Club Rules").
- 2.3. At all times, the Club will seek to deal with any disputes, complaints, allegations of misconduct and rule breaches fairly, respectfully, confidentially and with due regard to data protection requirements and the interests of all parties involved.
- 2.4. This Policy does not cover staff complaints and disciplinary procedures which are dealt with under the Staff Handbook.

## **3. Overview**

- 3.1. Section 4 Sports Matters and Disputes sets out the types of complaints and matters that are to be reported to and managed by Sports Captains and Section Committees.
- 3.2. All other Member complaints and disputes, including any Member conduct or behaviour complaints, or potential or actual breaches of Club Rules, are to be reported to and managed by the Connaught Management Committee (CMC) in accordance with this Policy and the Complaints and Disciplinary Procedures set out in Sections 5-14.
- 3.3. In addition to the reporting and escalation procedures described in this Policy, events or incidents that involve any of the following must be reported without delay. This is to manage the risk of personal injury or harm and to comply with external

laws and regulations, including the rules of the national sporting bodies to which the Club is affiliated, and associated reporting obligations.

- a) To the Club Welfare Officer, or in their absence to the Club President, if there is a safeguarding concern or safeguarding incident involving a child (under 18 years) or vulnerable adult at risk. The Club's Safeguarding Policy and Whistleblowing Policy and Procedure apply. External reports may also need to be submitted e.g., to the Police.
- b) To the Club Welfare Officer, or in their absence to the Club Manager, if there is a discrimination or harassment concern or incident. The Club's Equality and Diversity Policy applies.
- c) To the Club Manager, or in their absence to a Club Senior Officer or member of staff, if a complaint or incident involves health and safety issues e.g.:
  - Accident or injury on Club premises.
  - Buildings or facilities maintenance issue, or breach of fire and smoke procedures, which could result in harm to an individual, loss or damages to Club premises and facilities and/or breach of health and safety regulations.
  - Loss or potential loss of personal data, or other potential breach of Data Protection laws.

#### **4. Sports Matters and Disputes**

- 4.1. Members should approach their Sports Captain or the appropriate Section Committee Representative if they spot issues with or have any grievances about sports domestic matters such as the condition of the playing surfaces or facilities, booking system issues, allocation of courts or rinks, league / match fixtures, competition schedules and selections, match fees, green fees for bowls, and refreshment costs.
- 4.2. It is expected that most disputes and issues that arise between Members relating to playing the game or competing in a match will be of a minor nature and will be resolved by the Members involved informally without the need to instigate the Members Complaints and Disciplinary Procedure starting in Section 5.
- 4.3. Members may approach their Sports Captain or in their absence the Vice-Captain for assistance in resolving a dispute or difference of opinion. If the matter cannot be resolved informally between the Members, or by the Sports Captain (or Vice-Captain), the following types of Sports disputes are to be referred to the relevant Section Committee:
  - a) Questions of fact and interpretation about Club or national sports governing body playing rules, competition rules and playing etiquettes. The Sports Captain (or Vice-Captain) should contact the relevant national sports governing body for clarification and guidance as necessary.
  - b) Member dissatisfaction with their selections for Club matches and tournaments.
  - c) The relevant Section Committee shall use all reasonable endeavours to decide upon any matter brought to it under the provisions stated above and to communicate the outcome to the relevant Member(s) within 30 days of the incident.

d) The decision of the Section Committee shall be notified to the Club Honorary Secretary immediately after the meeting and recorded in the minutes of the relevant meeting.

4.4. Note that under Club Rule 13.1 a Section Captain may exercise their right to bar a Member from the Club for up to 7 days for breaches of conduct or Club Rules and Bye-Laws. See further Section 7 and 7.4 below.

4.5. Note that under Club Bye-Law 19.1 any Member may exercise their right to submit a formal complaint in writing to the Honorary Secretary who shall present it to the CMC.

## **5. Complaints and Disciplinary Procedures**

Any complaint or allegation about Member misconduct and/or a breach of the Club's Rules that is not expressly covered by Section 4 Sports Matters and Disputes must be reported and managed in accordance with the Club's Members Complaints and Disciplinary procedures set out below.

Such complaints or allegations may be brought by any of the following: Club Manager, Club Senior Officer, CMC or Section Committee Member, Section Captain, Club Member, Club visitor, playing opposition, officials and authorities including the police or a member of the public.

Coaches and staff members who wish to complain about a Club member should refer their complaint to the Club Manager.

## **6. What is a Disciplinary Matter?**

Under Club Rule 13.1 a Club Member shall be liable to disciplinary action for acts that are injurious to the character or interests of the Club, or for any wilful infringement or breach of the Club's Rules.

This includes any conduct that in the reasonable opinion of the CMC warrants disciplinary action including if they:

- a) Fail to uphold the traditions and etiquette of the Club or may otherwise bring the Club into disrepute.
- b) Display conduct which is likely to injure or discredit the reputation of the Connaught Club or any of its Members or violates or disregards the Club's Rules and any Regulations or Policies issued pursuant to them.
- c) Use foul, abusive or inappropriate language.
- d) Verbally or physically abuse a Member, visitor or member of staff.
- e) Conduct themselves in a violent, abusive, bullying, harassing or intimidating manner, including using foul, abusive and/or discriminatory language for any reason.
- f) Are under the influence of drugs or using drugs while visiting the Club.
- g) Are acting in an inappropriate manner in or around the Club.
- h) Wilfully breach a Club Rule, Bye-law, Code of Conduct, Policy, Section Rule or playing etiquette.
- i) Wilfully cause the Club to breach any external laws and regulations, including but not limited to safeguarding, equality, health and safety and data protection.
- j) Have failed to comply with a reasonable request from the Club Manager, Section Captain/Vice Captain, Club Senior Officer, or Club CMC Member.

## **7. Reporting of Complaints and Disciplinary Matters**

- 7.1. Once they become aware of any complaint or any conduct likely to injure, damage or discredit the Club, or a potential rule breach, Members must report the matter verbally and in writing as soon as possible to the Honorary Secretary and to the Section Captain (or in their absence the Vice-Captain).
- 7.2. If the complaint or incident relates to a child or adult at risk safeguarding issue, or an equality or diversity issue the matter must also be reported without delay to the Club Welfare Officer, or in their absence to the Club President (safeguarding issue) or to the Club Manager (equality or diversity issue). The Club Welfare Officer shall advise the CMC and the Club Safeguarding Policy and/or the Club Equality and Diversity Policy apply as applicable.
- 7.3. The Honorary Secretary shall use all reasonable endeavours to report the incident to the Club's Senior Officers and to the CMC within 24 hours.
- 7.4. The Club Manager, CMC Chair, President or appropriate Section Captain may exercise their right under Rule 13.1 to bar the relevant Member(s) from the Club for a period not exceeding 7 days.
- 7.5. The Honorary Secretary shall convene a special meeting of the CMC as soon as possible at which the Member(s) complained of shall be given the opportunity to explain their conduct.

## **8. CMC Procedure for Complaints and Disciplinary Hearings and Decisions**

- 8.1. The CMC manages complaints and disciplinary matters by applying a two-stage process enabling Members to have the right to appeal against a decision: Stage 1 Hearing and Decision and Stage 2 Appeal.
- 8.2. So that appeals can be heard independently of the original decision, when a complaint or disciplinary matter arises, at the meeting of the CMC called by the Honorary Secretary to escalate the complaint, the CMC shall form two sub-committees (Club Rule 7.6 Sub-Committees refers): The CMC Disciplinary Sub-Committee and the CMC Disciplinary Appeals Sub-Committee (the CMC Disciplinary Appeals Panel). No Member may sit on the Sub-Committees if they have a conflict of interest. See further paragraph 12 Conflicts of Interest.
- 8.3. Each Sub-Committee shall consist of an odd number of voting Members to avoid an equality of votes.
  - a) The CMC Disciplinary Sub-Committee (5 Members + Honorary Secretary who has no vote):
    - CMC Chair (Chairs the Disciplinary Sub-Committee)
    - Club Manager
    - Relevant Sports Captain (or Vice-Captain)
    - 2 other CMC Members, one each representing the other 2 Sports Sections
    - Honorary Secretary (no vote).
  - b) The CMC Appeals Panel (5 Members + Honorary Secretary who has no vote):
    - Club President (Chairs the CMC Appeals Panel)

- 3 CMC Members – one each representing the Sports Sections but none to have participated in the first stage Disciplinary Sub-Committee
  - A Director of Barn Hoppett Limited, or the Club Treasurer, or other Club Member with appropriate skills.
  - Honorary Secretary (no vote).
- 8.4. The Honorary Secretary's role in attending the CMC Disciplinary Sub-Committee / CMC Appeals Panel meetings is to generally act as Secretary to the hearing and disciplinary process, to monitor adherence to this Policy and the given timeframes, and to maintain records of complaints and disciplinary matters notified and heard under this Policy.
- 8.5. The Club Welfare Officer may be invited to attend CMC Disciplinary Sub-Committee and CMC Appeals Panel meetings to advise on safeguarding, equality and/or diversity matters and outcomes as appropriate. They shall not have a vote.

## **9. Stage 1 – Hearing and Decision by CMC Disciplinary Sub-Committee**

- 9.1. The CMC Honorary Secretary will use their reasonable endeavours to acknowledge receipt of the complaint or allegation in writing within 7 days, and to conclude the investigation and a decision outcome within 2 (two) months of the complaint being submitted formally in writing.
- 9.2. All parties involved must be given an opportunity to give evidence and/or information in writing and in person. The wishes of the complainant to attend in person are to be taken into consideration. For example, a complainant may not wish to be in the same room as, and/or to remain anonymous to the person that they are complaining about. Anonymity might not always be possible, and the identity of the complainant should always be known to the CMC.
- 9.3. In the event that the CMC Disciplinary Sub-Committee needs to meet with the parties involved then a minimum of 7 days' notice must be given and a mutual date agreed by all parties. All parties of the complaint may be accompanied by one other person, whose name shall be provided in advance of the hearing.
- 9.4. The Honorary Secretary will write up the summary details of the alleged offence and collate such written evidence and witness statements as are available, together with a list of witnesses who may be called to give evidence in the matter. All evidence shall be provided to the CMC Disciplinary Sub-Committee Members and to each complaint party.
- 9.5. The CMC Disciplinary Sub-Committee will invite each complaint party to make written representations in response to the written details of the alleged offence, all within a reasonable timescale.
- 9.6. The CMC Disciplinary Sub-Committee will consider all the written and oral evidence and the merits of the complaint. If the complaint or disciplinary matter is upheld, the CMC shall decide the disciplinary outcome referring to the disciplinary options below.
- 9.7. CMC Disciplinary Sub-Committee decisions are made by a majority vote of those Sub-Committee Members present.
- 9.8. The outcome must be recorded in writing and all reasonable endeavours used to communicate the outcome to the relevant Member(s) within the two-month time limit.

9.9. The decision of the CMC Disciplinary Sub-Committee is final. In the event that any of the complaint parties are not satisfied with the outcome then Stage 2 should be followed – the Appeals Process.

## **10. Stage 2 – Appeals Process**

10.1. Where a complaint has been made and heard at a CMC Disciplinary Sub-Committee meeting and a party wishes to appeal the outcome, then the Appeal may be made to a specially convened CMC Appeals Panel.

10.2. The CMC Appeals Panel will listen to the appeal and decide whether the previous outcome is appropriate.

10.3. The CMC Appeals Panel will use all reasonable endeavours to conclude the Appeals Process within a 21-day period.

10.4. In the event that the CMC Appeals Panel needs to meet with the parties involved then a minimum of 7 days' notice must be given and a mutual date agreed by all parties. All parties of the complaint may be accompanied by one other person, whose name shall be provided in advance, and each party shall have a separate opportunity to present their case to the appeals hearing and respond to any questions.

10.5. The CMC Appeals Panel will consider the merits of the complaint or allegation and the decision of the CMC Disciplinary Sub-Committee. If the original decision is upheld by a majority vote, the CMC Appeals Panel shall confirm whether the original disciplinary option decision stands, or whether alternative disciplinary options and/or actions are to be taken.

10.6. The outcome must be recorded in writing and all reasonable efforts used to communicate the outcome to all parties involved within 7 days of the appeal hearing.

10.7. The decision of the CMC Appeals Panel is final and there shall be no further right of appeal.

## **11. Confidentiality**

11.1. Information about a Member dispute, complaint, allegation of misconduct or rule breach is considered "sensitive data" for the purposes of complying with confidentiality and Data Protection Laws. "Sensitive data" may only be shared with those Members of the Club and staff who "need to know" the information in order to discharge their responsibilities to the Club under this Policy.

11.2. In practice this means that:

a) Details of a dispute, complaint, allegation of misconduct or rule breach may only be shared with the relevant parties to the complaint and the Club Manager, the relevant Sports Captain (or Vice-Captain), and the CMC.

b) Where it is necessary to share information with others to implement the CMC decisions and outcomes, the information disclosed must be limited to that which is necessary to achieve the outcome e.g., that Member X has left the Club or Member Y's membership has been suspended for 7 days.

11.3. Disclosing or seeping information to other individuals or Committees, whether deliberately or accidentally, might open the Club up to accusations that it has failed to sensitively handle a complaint and/or that it has or may have breached Data Protection Laws. Any Member who inappropriately discloses or seeps information may themselves become subject to disciplinary action under this Policy.

- 11.4. On occasions it may be necessary for the Club to share “sensitive data” about a complaint or disciplinary matter with third parties where required. For example, the Club may be obliged to notify its insurers of certain matters such as personal accident claims, to refer certain safeguarding matters to the LTA or other sporting bodies, to report theft or other criminal acts to the Police and to report material data losses or breaches to the Information Commissioner’s Office. If such actions become necessary, all external communications on behalf of the Club will be made by the Club Manager or the CMC Chair, supported by the Honorary Secretary or an appropriate delegate such as the Club’s insurance broker or advisor, as applicable.

## **12. Conflicts of Interest**

Any conflicts of interest should be noted and discussed at the commencement of any complaints or disciplinary investigation or hearing. In the event that the complaint and disciplinary matter relates to a Member of the CMC or the CMC Disciplinary Sub-Committee or CMC Appeals Panel as applicable, then that Member may not be in attendance generally, other than to give evidence/ information as necessary.

## **13. Disciplinary Options**

When deciding upon the appropriate disciplinary options as set out below, the CMC Disciplinary Sub-Committee / CMC Appeals Panel will have regard to the nature, risks and severity of the disciplinary matter including but not limited to:

1. Whether the Member has acted deliberately and wilfully.
2. Whether external laws and regulations have or may have been breached by the individual and/or the Club.
3. The Club’s external reporting obligations e.g., in relation to safeguarding, data protection loss, health and safety or criminal matters.
4. Whether the relevant Member holds a position of authority or trust within the Club e.g., Sports Captain, Section Committee or CMC Member.
5. Whether the Member has been the subject of a previous complaint within the last two years.

The following options should be referred to when deciding upon a disciplinary outcome:

1. Verbal warning given by the Section Captain or CMC Chair (Stage 1) or Club President (Stage 2).
2. Issue a letter of warning to the Member as to what behaviour is expected in the future.
3. Suspension of Committee membership and withdrawal of the right to be nominated or stand for election to a Committee of the Club for an agreed period of time or indefinitely.
4. Suspension of membership to the Club for an agreed period of time with no refund of membership fees.
5. Call upon the Member to resign forthwith.
6. Permanent withdrawal of membership with no refund of membership fee for an agreed period of time.
7. Request restitution where damage is done during or as a result of an act of misconduct.

8. In the event that the complaint is in relation to any of the following incidents then if the complaint is upheld, the CMC Sub-Committees should consider whether the matter merits one of the Membership Suspension or Withdrawal Disciplinary options. (Safeguarding, violence, theft, drugs, bullying, discrimination, harassment).

#### **14. Effective date**

This Policy applies to any dispute, complaint, allegation of misconduct or rule breach occurring on or after 1<sup>st</sup> November 2021. This Policy may not be applied retrospectively to matters occurring or arising before the effective date. However, any Member disputes, complaints, allegations of misconduct and any rule breaches that were upheld prior to the effective date may be taken into account when reaching decisions under this Policy.

**Connaught Management Committee**

**November 2021**