



SHUSTOKE SAILING CLUB



Shustoke Reservoir, Reservoir Drive, Shustoke, Coleshill, B46 2BE

Disciplinary Procedure



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Nov 2017	Committee	First release	2017

This policy is for guidance only. It has been in operation since March 2016 and was last updated in November 2017.

L C Dooley
Secretary
November 2017



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Disciplinary Procedure

1. Introduction

This policy set outs how Shustoke Sailing Club (SSC) will deal with a member's conduct which falls below the expected standard. It is SSC's aim to use the policy as a means of encouraging members to improve standards of conduct wherever possible.

The policy sets out examples of misconduct and the disciplinary sanctions which might be imposed. It also sets out the procedures which apply when disciplinary action becomes necessary. They are designed to ensure fair and consistent treatment of members.

The policy has been developed with regard to the statutory *ACAS Code of Practice for Disciplinary and Grievance Procedures, April 2009*. SSC intends to follow the Code, wherever appropriate.

2. Scope

- This policy applies equally to all members of Shustoke Sailing Club.
- This policy applies to cases of misconduct.
- SSC may change this procedure from time to time and may depart from it depending on the circumstances of any case.

3. Examples of Misconduct & Gross Misconduct

Examples of misconduct that may lead SSC to take disciplinary action include, but are not limited, to:

- wilful or negligent failure to comply with SSC's policies or practices, including SSC's Code of Conduct (see separate document);
- negligence or irresponsibility in carrying out duties;
- abuse of status or responsibilities;
- refusing a reasonable request to vary responsibilities in line with SSC's needs;
- refusing to carry out reasonable instructions;
- intransigent or unreasonably negative attitude to fellow members, or other disruptive behaviour;
- any act or attempt to commit any act which may endanger persons or property or which breaches the law or any safety rule;
- inappropriate use of foul or abusive language on the premises, either on or off the water;
- lying or wilful deception.



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Examples of gross misconduct include, but are not limited, to:

- any act that irreparably breaks the mutual trust and confidence between SSC and any member;
- any act that brings or is likely to bring SSC's reputation and public standing into disrepute;
- any form of abuse, bullying or harassment on grounds of a person's sex, race, age, nationality, national or ethnic origins, sexual orientation, sexuality, religion, religious belief or disability as described in the **Harassment Policy**;
- failing to co-operate with, or providing dishonest, misleading or untrue statements or answers during any internal proceedings;
- gross negligence;
- wilful disregard of health and safety rules;
- theft or any attempted theft of property belonging to SSC or any member or any third party;
- forgery, falsification of records or expense claims or other acts of dishonesty;
- unauthorised possession or attempted unauthorised possession of, copying, alteration, wilful damage to or retention of SSC's property;
- using or attempting to use SSC's property or any other property on SSC's premises, for any purpose other than that for which it was intended and for which you have authorisation;
- actions constituting a criminal offence whether at or outside SSC which make it inappropriate for you to remain a member;
- conviction of a criminal offence or behaviour (e.g. theft) which makes you unsuitable for membership or unacceptable to other members;
- breach of SSC's **Equality and Diversity Policy**;
- the use, handling or possession of illegal drugs on or off SSC's premises;
- falsification of documents, contracts, records, expenses or defrauding or attempting to defraud SSC;
- improper use of your official position for private gain or the private gain of some other person, including soliciting and accepting gifts or gratuities that may be considered to be bribes;
- conducting private business on SSC's premises or in paid time, unless official permission is obtained from the appropriate Flag Officer or Committee Member beforehand;
- wilful breach of SSC's financial regulations or standing orders;
- retrieval, transmission or storing of offensive or pornographic material using SSC's property or whilst at SSC's premises.

Please note that any act of misconduct may amount to 'gross' misconduct if sufficiently serious. The circumstances and severity of the misconduct will be taken into account.



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4. Disciplinary sanctions

SSC will not normally impose disciplinary sanctions without first going through the formal disciplinary procedures as set out in section 5.

If an act of misconduct is found to have been committed, you may be given:

- a first written warning;
- a final written warning;
- notice of expulsion; or
- some other sanction short of expulsion e.g. suspension of membership, fine or other penalty.

The decision to impose a sanction will take into account your disciplinary and general record; length of membership of, and service to, SSC; actions taken in any previous similar cases; your representations and whether the intended disciplinary sanction is reasonable in all the circumstances. SSC aims to act consistently in dealing with similar incidents of misconduct but each case will ultimately be assessed on its own merits.

Please note that verbal warnings are not considered to be a formal disciplinary sanction.

In limited circumstances and only in cases of gross misconduct, SSC may expel a member summarily for a first offence i.e. without having issued prior written warnings and without a notice period. However, before taking any such action, SSC will investigate, as necessary, to establish the facts of the case (during which time you may be suspended) and, wherever possible and reasonable, will hold a meeting with you. You will receive confirmation in writing of a decision to summarily expel or suspend you and you may appeal this decision. If you do appeal, you will not be permitted to resume presence at SSC's premises until the matter has been decided.

4.1 First written warning

On the first occasion where you are found to have committed misconduct, you will normally be given a first written warning setting out the nature of the misconduct, the improvements required within a specified timescale, and the consequences of a failure to improve to acceptable standards.

First written warnings will remain on your file for 6 months from the date of issue.



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4.2 Final written warning

Final written warnings may be issued where:

- after a first written warning, there is a failure to improve by the timescale specified in the warning;
- there are further acts of misconduct after a first written warning; or
- it is your first occasion and the misconduct has or could have a serious or harmful impact on SSC or one of its members (but falls short of gross misconduct)

The final written warning will set out the nature of the misconduct, the improvements required within a short specified timescale, and the consequences of failure to improve to acceptable standards.

Final written warnings will remain on your file for 12 months from the date of issue.

4.3 Expulsion or other sanction

Expulsion with notice or some other sanction short of expulsion may be imposed if:

- conduct remains unsatisfactory after a final written warning;
- if there are further acts of misconduct after a final written warning; or
- if the act was one of gross misconduct.

The decision to expel may only be approved by the Commodore and a majority vote of SSC's General Committee.

Where you are subject to a sanction other than expulsion, such as suspension, a record of this will remain on your file for 12 months from the date of issue.

Disciplinary Procedures

5.1 Informal Procedure

Wherever appropriate, SSC will seek to resolve minor misconduct issues informally via a Club official. The Club official will explain the change in behaviour that is required and the timescale within which the improvement must be made. You may be issued with a verbal warning. Verbal warnings are not considered to be formal disciplinary sanctions. If your behaviour has not improved by the end of the timescale, you may be given further verbal warnings. The number of verbal warnings is a matter for SSC's discretion. Alternatively, SSC may invoke the formal procedure set out below.



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5.2 Formal Procedure

Where informal resolution has not achieved the desired outcome or if the alleged misconduct warrants more serious action, the formal procedure will be invoked. The procedure is broadly divided into these four stages:

1. Investigation;
2. Written statement;
3. Disciplinary meeting and decision; and
4. Appeal and decision.

5.3 Investigation

An investigation may be carried out to determine whether there is sufficient evidence of the alleged misconduct. Where this is necessary, it will take place without unreasonable delay.

SSC's General Committee will select an investigating Club official and will direct the overall nature and extent of the investigation. The investigating Club official will be a member of appropriate seniority with no prior involvement in the matter. You and other members involved are expected to co-operate fully with the investigation and will be asked to maintain the confidentiality of any discussions held.

The investigating Club official is responsible for the thorough investigation of the matter. This may involve interviewing witnesses and collating documentary, electronic, video or audio evidence. It is likely that you will be asked to attend an investigatory meeting. Please note that you have no right to be accompanied at an investigatory meeting but SSC may, at its discretion, permit you to be accompanied by another member or other companion.

Suspension During Investigation

It may be found necessary to suspend you from presence at the Club premises during the conduct of the investigation and subsequent disciplinary procedures.

Suspension is a neutral act in this context and does not imply wrongdoing. It is not a disciplinary sanction.

The period of suspension will last for the minimum period that SSC considers reasonable in the circumstances taking into account the length of time required to investigate properly. During any period of suspension you will be kept informed of its likely duration.

If, following the investigation, disciplinary action is considered unnecessary, no further steps will be taken. A note that the allegations were unfounded will be recorded on your file.



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If, however, further explanation is required from you and SSC determines that expulsion or some other disciplinary action may be necessary, then the formal procedure will continue.

5.4 Written statement

You will receive a written statement from SSC detailing the alleged misconduct and the possible outcomes.

The statement will also invite you to a disciplinary meeting to discuss the situation. It will be set to take place without unreasonable delay but with enough time for you to prepare a response to the allegations. You will be advised of the date, time and place of the meeting.

It will also set out who will be attending the meeting on behalf of SSC and any witnesses that SSC intends to call during the meeting. You will be advised of your right to be accompanied (see below under 'Your Right to be Accompanied'). Together with the statement, you will be given a copy of this Discipline Policy and copies of any documents which will be relied upon.

5.5 Disciplinary meeting and decision

SSC will select a member of appropriate seniority not previously involved in the matter ('independent Club official') to conduct the meeting. A SSC Flag Officer will attend to ensure the steps described in this policy are followed and to take a record of the meeting.

You and your companion should make every effort to attend. If you persistently refuse to attend meetings without good excuse, SSC may go ahead with the meeting and make a decision on the available evidence in your absence.

At the opening of the meeting, the independent Club official will:

- confirm that you have received a copy of this policy and the statement;
- explain the reasons why the meeting has been arranged; and
- outline the role of your companion or note that you do not wish to be accompanied.

The independent Club official will then go through the allegations against you and the evidence gathered in support of those allegations. You will be given a reasonable opportunity to respond and you may raise points about information provided by the witnesses called by SSC. You may ask questions, present evidence and call your own relevant witnesses.



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As soon as possible after the meeting, the independent Club official will consider the evidence and complete any further investigations that are necessary. The independent Club official will then come to a decision. If the decision is to expel, this must be approved by the Commodore and at least two other members of SSC's Flag Officers.

You will receive a letter informing you of the decision, the reasons for it and other necessary details as soon as possible and usually within 5 working days of the meeting. If this is not possible, you will be told why and when to expect a response. You will also be notified of your right to appeal.

5.6 Appeal meeting and decision

You may appeal against any disciplinary sanction taken against you. Please note however that a disciplinary sanction may take effect before you appeal.

Your appeal must set out your reasons for submission and must be provided in writing to SSC's Commodore within 5 working days of the original decision. SSC may give you more time to lodge an appeal if reasonably necessary.

You will receive a written acknowledgement from SSC and you will be invited to an appeal meeting set to take place without unreasonable delay.

If you raise matters which require further investigation, the meeting may be put back until after this is completed. You will be given reasonable opportunity to consider new information prior to the meeting and you will be given copies of any new evidence which will be relied upon.

Again, you have a right to be accompanied (see below under 'Your Right to be Accompanied'). If you persistently refuse to attend appeal meetings without good reason, SSC may go ahead with the meeting and make a decision on the available evidence in your absence.

An independent Club official who is a member of SSC's General Committee and who was not previously involved in the matter will conduct the meeting. A SSC Flag Officer will attend to ensure the steps described in this policy are followed and to take a record of the meeting.

The meeting may be a complete rehearing of the matter or it may be a review of the fairness of the original decision. This will be at SSC's discretion depending on the circumstances of your case. A hearing may be adjourned if SSC needs to gather any further information.

During the appeal meeting, you will be asked to:

- state your grounds of appeal; and
- present any factual evidence in support of this.



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Following the appeal hearing SSC may:

- confirm the original decision;
- revoke the original decision; or
- substitute a different decision and the sanction.

The independent Club official will inform you, in writing, of the outcome of your appeal as soon as possible and usually within 5 working days of the date of the meeting. If this is not possible, you shall be told why and when to expect a response. The appeal decision is final and no further appeals may be made to SSC.

If the original decision was to expel you and your appeal against the decision is successful, you will be reinstated with no loss of continuity of membership or subscription fee.

6.0 Your Right to be Accompanied

You have a right to be accompanied at a disciplinary meeting or an appeal meeting by a Club colleague or anyone else of your choice (see below).

Your companion is allowed to:

- put forward and summarise your case;
- ask questions of clarification;
- respond to views on your behalf; and
- confer with you.

Your companion does not have the right to answer questions for you or to prevent SSC from putting forward its case or to address the meeting if you do not wish it.

If you wish to be accompanied you must make a reasonable request to SSC in advance of the meeting. Please note that your companion has the right to decline to attend.

In some circumstances your choice of companion may not be allowed; for example, if they have a conflict of interest or could prejudice the meeting. In those cases, you may be asked to choose someone else.

SSC may, at its discretion, allow you to bring a companion who is not a club member (for example, a member of your family or other acquaintance).

It is your responsibility to inform your companion of the date, time and place of the meeting. If your companion is not available at short notice, the meeting may be delayed for a short period. SSC reserves the right to ask you to choose someone else if the meeting would have to be delayed for over 5 working days because your companion is unavailable.