



# Diciplinary Protocol

Mersham Sports Club, Flood Street,  
Mersham, Ashford, Kent, TN25 6NX  
[www.mershamsportsclub.com](http://www.mershamsportsclub.com)



## Contents

1. PURPOSE.....	2
2. SCOPE.....	2
3. DISCIPLINE PROCEDURE.....	2
4. FACT FINDING.....	2
5. FORMAL DISCIPLINARY PROCEDURE.....	3
6. FAILURE TO ATTEND A DISCIPLINARY HEARING.....	4
7. DISCIPLINARY PENALTIES.....	4
8. CONSISTENCY IN IMPOSING DISCIPLINARY PENALTIES.....	4
9. SUSPENSION.....	4
10. APPEAL.....	5
11. WITNESSES.....	5
12. RESPONSIBILITY.....	5



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## 1. PURPOSE

To establish a clear procedure, in compliance with current legislation and ACAS Codes of Practice, that will ensure fair and consistent treatment of members when formal action, which is reasonable in all the circumstances, becomes necessary.

## 2. SCOPE

All members of Mersham Sports Club.

## 3. DISCIPLINE STANDARD

The club's Codes of Conduct contains a number of rules and provisions that are an indication of the standards of behaviour that the Club expects of its members. Members are required to observe the rules and provisions set out in the Code of Conduct, and anyone who fails to observe these may be liable to disciplinary action.

## 4. FACT FINDING

Prior to a disciplinary hearing being held, a fact finding investigation into the circumstances of the incident and/or allegation(s) should be conducted by a member or members of the Mersham Sports Club committee or member or members appointed by the Mersham Sports Club committee.

The purpose of the fact finding will be to establish all of the facts surrounding the incident and/or allegation.

All witnesses to the facts of the case should be interviewed and notes taken. They must be informed that any signed statement they make may be provided to the member accused of the offence if disciplinary action is taken.

The member concerned should also be interviewed in order that the facts, from their point of view, can be considered. They should be informed that the purpose of the meeting is to gather the facts and then make a decision as to whether any action is necessary. Any member who refuses to co-operate, will be informed that the Club has no other option than to proceed with the fact finding and, if necessary, any disciplinary action, having taken a decision based on such facts that are available to the Sports club committee.

The investigators will collect all of the facts based on the witness statements/interviews, the member's statement/interview and any supporting documentary evidence and then will decide how to proceed. The investigators decision at this point is concerned solely with whether or not there is a case to answer which is sufficient in seriousness to warrant a disciplinary hearing to be held.

Where a disciplinary hearing is considered necessary the investigators must decide whether the offence committed is one of gross misconduct or misconduct and follow the Formal Disciplinary Procedure detailed below.

The investigators should notify the Mersham Sports Club Committee, who will appoint three committee members to adjudicate the formal disciplinary hearing.



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## 5. FORMAL DISCIPLINARY PROCEDURE

The member will be instructed to attend a disciplinary hearing arranged by the fact finding investigators. The instruction to attend the hearing will be confirmed in writing. (Appendix A may be utilised for this purpose). Whenever practicable at least 7 calendar days' notice of the hearing will be given. When organising the hearing every effort should be made to arrange a date and time that is suitable for all those concerned.

Full details of the alleged offence or issue which is the subject of the hearing and any witness statements being relied upon should, where possible, be sent to the member with the instruction to attend the hearing. Any documentation not sent should follow at least 48 hours in advance of the hearing.

Copies of any statements or evidence, which will be used by the member, should be sent to the hearing committee, at least 24 hours prior to the hearing taking place.

At the hearing the procedure will be as follows:

☐ the committee member chairing the hearing will open the hearing by explaining the reasons why the hearing has been arranged and detailing the incident, allegation or alleged failure to meet the required standards;

- the member will then be given the opportunity to respond to the allegations;
- the detail of the member(s) response will then be discussed, the hearing committee will ask questions to ensure that they have a full understanding of the member's case or until the full content of their response has been clarified;
- where the witness statement(s) are challenged to an extent which requires further questioning of the witness, the committee member chairing the hearing may adjourn the hearing to enable further clarification to be obtained. The member will be informed of the period of any adjournment and if further information is gathered, the member will be given a reasonable period of time to consider the new information prior to reconvening the hearing;
- once all the evidence has been heard the hearing will then be adjourned for a time whilst the committee members consider the evidence and decides what action is appropriate, there should be no undue delay;
- the hearing will be reconvened and the member will be informed as to what action as detailed in Section 7, if any, is being taken and the appeals procedure will be explained;

The outcome of the hearing will be confirmed to the member in writing using the Written Confirmation of Hearing Form (see Appendix C). This will normally be completed by the chairman during the adjournment and handed to the employee at the hearing. A written warning will be disregarded after a period of time as detailed in Section 7.



## 6. Failure to Attend a Disciplinary Hearing

Where the member is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. Confirmation of the rearranged hearing will be sent in writing, which should also state that a decision may be made in their absence if they do not attend.

## 7. DISCIPLINARY PENALTIES

The hearing committee may impose one or more of the following penalties; however, the cancelling of membership should be regarded as a last resort:

- Written Warning – in place for 12 months
- Final Written Warning – in place for 24 months
- Suspension of membership for such period as the hearing committee thinks fit in the circumstances subject to a maximum of 12 weeks
- Summary cancellation of membership

The hearing committee may consider that the above penalties are not suitable and that an informal discussion will be more appropriate.

## 8. Consistency in Imposing Disciplinary Penalties

Consistency in dealing with disciplinary matters and imposing disciplinary penalties is an important element of the fair and effective handling of discipline. However, consistency does not require the disciplinary hearing committee to automatically impose the same disciplinary penalty every time a particular rule is broken. Even if the type of misconduct is the same, there may be distinguishing features between one member's actions and another's. Features that might make it reasonable to impose different disciplinary penalties include:

- the length of membership and general record of the member;
- any mitigating factors;
- the degree of accountability for the negligent act in question;
- how the member responded to the allegations and interviews, for example whether they admitted the offence and apologised, or tried to deny or conceal it.

## 9. SUSPENSION

A member may be suspended where gross misconduct/negligence is alleged, whilst the fact finding takes place to establish whether any action is to be taken.

Suspension may be authorised by the sports club chairman and should be for the shortest practicable time, in order for the investigation to be completed. The period of suspension should be kept under review and the member informed of progress. A member's suspension will always be confirmed in writing by the chairman.

If during the fact finding it becomes apparent that the alleged incident is not as serious as it was first reported it may be appropriate for the suspension to be withdrawn prior to disciplinary action, if any, being taken.



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Where a member was not suspended initially and the fact finding leads the chairman to believe that the incident was more serious than first alleged, the member may be suspended at any time whilst the fact finding is in progress.

## 10. APPEAL

Any member who is dissatisfied with the outcome at any Formal Disciplinary Hearing may appeal to the Mersham Sports Club Committee.

The appeal must be made in writing within seven calendar days of the decision being communicated in writing to the member and should clearly state the basis on which the appeal is to be made.

The member will be asked to attend a hearing to consider the appeal. This invitation will be confirmed in writing (Appendix B).

The appeal meeting will be chaired by the Mersham Sports Club Chairman or Mersham Sports Club Committee appointed person.

The outcome of the appeal hearing will be confirmed to the member in writing using the Written Confirmation of Appeal Hearing Form (Appendix D). This will normally be completed by the chairperson during the adjournment and handed to the member at the hearing.

The decision will be final.

## 11. WITNESSES

Where witness statements are to be used, copies must be provided to the other party, as detailed in Section 5.

The member may call a witness where they can demonstrate to the hearing committee's satisfaction, that the witness can contribute to establishing the material facts of the case that are not already contained within the statements obtained. Character witnesses are not permitted.

## 12. RESPONSIBILITY

All those persons referred to within the Scope of this policy are required to:

- carry out their duties in a professional manner at all times, acting honestly and in good faith
- be familiar with the terms of this policy, their conditions of membership and the club's code of conduct.
- fully cooperate with investigations and disciplinary proceedings when necessary.



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## APPENDIX A INSTRUCTION TO ATTEND A FORMAL DISCIPLINARY HEARING

**NOTE:** This letter must be sent/given to the individual so that they receive it, whenever practicable, at least seven calendar days ahead of the hearing. Witness statements should be sent with this letter, or follow at least 48 hours prior to the hearing.

Dear <Members Name >,

### Formal Disciplinary Hearing

Further to our conversation I confirm that you are required to attend a formal disciplinary hearing, regarding:

< give full details of the alleged offence >.

This has been arranged to take place in < Location > at < time > hours on < date >.

< Name of chairperson > will chair the hearing.

Copies of your evidence or witness statements that you will be using during the hearing should be sent to me 24 hours prior to the hearing.

If you have any queries regarding the above arrangements, please contact me immediately. Full details of the Disciplinary Policy and Procedure are available on request.

Yours sincerely,



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## APENDIX B INSTRUCTION TO ATTEND AN APPEAL HEARING

**NOTE:** This letter must be sent/given to the individual so that they receive it, at least seven calendar days ahead of the hearing.

Dear <Members Name >,

### Appeal Hearing

Further to your letter of appeal of <date of appeal letter> I am writing to invite you to attend an appeal hearing.

This has been arranged to take place in < Location > at < time > hours on < date >.

< Name of chairperson > will chair the hearing.

Copies of your evidence or additional witness statements that you will be using during the hearing should be sent to me 24 hours prior to the hearing.

If you have any queries regarding the above arrangements, please contact me immediately.

Yours sincerely,



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## APPENDIX C WRITTEN CONFIRMATION OF HEARING FORM

Member Name;

Date of Hearing;

Those Present at Hearing;

Reason for Hearing;

Summary; (reasons for decision, points taken into account)

Decision; (include any action(s) that the member should take to rectify conduct, if appropriate, how long any warning will remain in place and what will happen if there is a further instance)

Chairpersons Signature;

Date;

### Details of Appeal

I wish / do not wish to appeal against the decision

The appeal should go to the chairperson of the disciplinary hearing

Reason for the appeal;

The appeal must be submitted within seven days from the date of the hearing.

Members signature;

Date;



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## APPENDIX D WRITTEN CONFIRMATION OF APPEAL HEARING FORM

Member Name;

Date of Hearing;

Those Present at Hearing;

Reason for Appeal;

Outcome of Appeal;

Chairpersons Signature;

Date;