

THE LANSDOWN TENNIS, SQUASH AND CROQUET CLUB

DISCIPLINARY PROCEDURES

1. DEFINITIONS

Adult at Risk	A person aged 18 years or over who has needs for care and support (whether or not the local authority is meeting any of those needs) and is experiencing, or is at risk of, abuse or neglect and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect
Appellant	The person or body who appeals a decision of the Disciplinary Sub-Committee
Appeal Sub-Committee	The sub-committee established by the Committee from time to time to hear an appeal against a decision of the Disciplinary Sub-Committee
Charge	The charge which is brought against the Respondent in respect of the disciplinary matter
Child	Anyone under the age of 18
Club	The Lansdown Tennis, Squash and Croquet Club
Committee	The committee elected by the Members to manage the Club on their behalf
Complainant	The person or body which has submitted a complaint to the Membership Sub-Committee
Complaint	A complaint of misconduct or notification of a concern regarding particular circumstances and/or conduct of a Member
Disciplinary Sub-Committee	The sub-committee established by the Committee from time to time to consider a complaint, following an initial investigation carried out by the Disciplinary Case Officer
Disciplinary Case Officer	The person appointed by the Membership Sub-Committee from time to time to carry out an initial investigation of a
Member	A Member of the Club
Membership Sub-Committee	The sub-committee established by the Committee to handle membership matters
Notice of Complaint	The notice of the complaint received by the Membership Sub-Committee from the Complainant
Respondent	The person who is the subject of the complaint or disciplinary action brought by the Disciplinary Case Officer under the disciplinary procedures
Rules	The rules made by the Committee for the proper conduct and management of the Club, including the regulation of the conduct of Members

Safeguarding Case	A matter which is deemed by the LTA to raise concerns about a child, young person or adult at risk, or an individual who has contact with those groups
Sub-Committee	A standing or ad hoc sub-committee established by the Committee to assist with the management of the Club in accordance with their Terms of Reference

2. JURISDICTION AND DISCIPLINARY MATTERS

2.1 The aim of these Disciplinary Procedures (“the Procedures”) is to provide a framework within which the Club can work with Members to maintain satisfactory standards of conduct. The standards of conduct expected of all Members are set out in the Club’s Articles of Association, Rules, Policies and Codes of Conduct.

2.2 The Procedures have been established by the Committee in order to deal with any disciplinary matters which include, without limitation, the following:

- alleged breaches of the Articles of Association;
- alleged breaches of the Rules;
- alleged breaches of the Policies;
- alleged breaches of the Codes of Conduct;
- allegations of any other inappropriate, unlawful or unsporting conduct or behaviour which is contrary to the general interests of the Club or which brings the Club into disrepute.

2.3 The Procedures apply in relation to all Members.

2.4 For the avoidance of doubt, where an issue constitutes a safeguarding matter, the Procedures will only be applied following the conclusion of any statutory and/or LTA investigation.

2.5 The Procedures may be amended by the Committee at any time and at its sole discretion and such amendments shall be effective from the date stated. No amendment shall apply retrospectively.

2.6 The Club shall not be liable to any person, including, without limitation, any Member, for any loss, howsoever caused, whether direct, indirect, financial or consequential arising out of or in connection with any action taken under the Procedures.

2.7 Disciplinary proceedings shall be commenced against a Member in accordance with the Procedures where the Membership Sub-Committee receives a Notice of Complaint or becomes aware of a disciplinary matter.

2.8 In the event that any member of the Committee (or any Sub-Committee) is involved in a disciplinary matter, either as Complainant or Respondent, that person shall not be involved in any part of the disciplinary process relating to the matter.

3. NOTICE OF COMPLAINT

3.1 A Notice of Complaint may be lodged with the Membership Sub-Committee by any person or body, which shall include, without limitation, any Member or Employee of the Club or any Visitor to the Club, in relation to an alleged disciplinary matter.

3.2 The Notice of Complaint must be made in writing no later than 28 days following the alleged incident (or knowledge of the incident by the Complainant) and must set out details of the Complaint, including, where applicable, the nature of the alleged breach.

4. INITIAL INVESTIGATION

4.1 The purpose of an investigation under the Procedures is to establish a fair and balanced view of the facts relating to any disciplinary complaint before deciding whether there is a case to answer. The scope and extent of the investigation will vary depending upon the nature of the complaint.

4.2 On receipt of the Notice of Complaint or the Membership Sub-Committee otherwise becoming aware of an alleged disciplinary matter regarding a Member, the Membership Sub-Committee shall within 7 days appoint an individual to investigate the complaint (the Disciplinary Case Officer). This individual shall within 28 days:

- commence an initial investigation into the matter in order to gather information and evidence;
- forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent, together with any supporting evidence;
- undertake any further investigation deemed appropriate to assist in determining the best course of action to take.

4.3 Members (and/or employees) are expected to co-operate fully and promptly with any investigation.

4.4 Upon completion of these steps, the Disciplinary Case Officer may take any of the following steps:

- decide that no further action is required, in which case the Disciplinary Case Officer shall notify the Respondent and the Complainant in writing, explaining the reasons why the Complaint has been dismissed; for example:
 - there is not enough evidence to justify disciplinary action being taken; or
 - the Complaint is considered to be vexatious and/or malicious (in which case the Complainant's actions may be referred to the Membership Sub-Committee to determine whether the Complainant should be subject to disciplinary proceedings in relation to such actions);
- deal with the matter by way of advice, information, training and/ or mediation between the respective parties; or
- refer the matter for consideration by the Disciplinary Sub-Committee.

4.5 The Disciplinary Case Officer shall inform the Complainant and the Respondent of the decision made/course of action taken or to be taken within 7 days of the initial investigation concluding. If the Disciplinary Case Officer considers that the matter should be referred to a Disciplinary Sub-Committee, the Respondent shall be informed of the Charge being brought, the basis for the Charge and the likely range of consequences if the Disciplinary Sub-Committee upholds the Complaint. The Respondent will also be provided with a summary of the relevant information gathered during the investigation (including copies of any relevant documentation). The Respondent shall be granted the opportunity to either accept or deny the Charge.

4.6 If the Respondent accepts the Charge then the matter shall be considered by the

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Disciplinary Sub-Committee at a hearing to determine the sanction only and the Respondent shall only be granted leave to appeal on the ground that the sanction imposed was disproportionate to

the circumstances of the case.

4.7 If the Respondent denies the Charge then the matter shall be determined at a full hearing dealt with by the Disciplinary Sub-Committee.

5. CONFIDENTIALITY

The Club will deal with disciplinary matters sensitively and with due respect for the privacy of all individuals involved. All Members must treat as confidential any information communicated to them in connection with a disciplinary matter.

6. DISCIPLINARY SUB-COMMITTEE

6.1 Where the Disciplinary Case Officer decides that the matter should be referred to a Disciplinary Sub-Committee, the Committee shall establish such a sub-committee consisting of 3 members. The Disciplinary Sub-Committee shall elect one of its members to act as Chairperson.

6.2 The Disciplinary Sub-Committee shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are the subject of a Charge. The Disciplinary Sub-Committee shall make its decisions by way of a majority vote.

6.3 Members of the Disciplinary Sub-Committee must have no personal interest in the outcome of the proceedings (other than to see that the decision is fair) and have no previous knowledge of or involvement with the disciplinary matter under consideration.

6.4 In the event that a matter is referred to the Disciplinary Sub-Committee and a member of the sub-committee either declares a personal interest or is deemed by the Committee to have such an interest, the Committee shall appoint another person to replace that person.

6.5 The Committee, in assessing whether a member of the Disciplinary Sub-Committee has a personal interest, shall give due consideration to any objections raised by the Complainant and Respondent.

7. DISCIPLINARY HEARINGS

7.1 The Disciplinary Sub-Committee may hear a disciplinary matter by way of oral hearing or consider the matter on the basis of written submissions from the parties; whichever they consider to be more appropriate. In the event that an oral hearing shall be held, the Disciplinary Case Officer shall make such arrangements for the hearing to be held within a reasonable time and shall provide the Respondent with details of the hearing. If the Respondent cannot attend a scheduled hearing, the Respondent should immediately inform the Disciplinary Case Officer, who will arrange an alternative time. If the Respondent fails to attend a hearing without notice or good reason, the Disciplinary Sub-Committee may reach a decision in the Respondent's absence, based on the available evidence.

7.2 Written notes of the hearing shall be made by a person appointed by the Disciplinary Sub-Committee. No electronic audio or visual recordings are permitted to be made of the hearing, by



the Respondent or otherwise.

7.3 The Respondent may be accompanied by another individual who may attend the hearing in a support capacity. The identity of the companion must be confirmed to the Disciplinary Sub-Committee in advance of the hearing. The Disciplinary Sub-Committee may prohibit the attendance of the companion if, in its sole discretion, there are reasonable grounds to do so. The Respondent will be afforded an opportunity to choose an alternative companion. The companion shall not be permitted to make submissions to the Disciplinary Sub-Committee on behalf of the Respondent nor to answer any questions on the Respondent's behalf.

7.4 The procedure for an oral hearing shall be flexible and shall be at the discretion of the Chairperson of the Disciplinary Sub-Committee, who may make such decisions as deemed necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chairperson of the Disciplinary Sub-Committee will outline the manner in which the hearing will proceed and will ensure that details of the Complaint are put to the Respondent and that the Respondent is afforded an opportunity to respond.

7.5 All disciplinary hearings shall take place in private and the public and the press shall have no right of access.

8. DECISION AND AVAILABLE SANCTIONS

8.1 The standard of proof in all cases before the Disciplinary Sub-Committee is the balance of probabilities.

8.2 The Disciplinary Sub-Committee shall communicate its decision to the parties in writing as soon as reasonably practicable.

8.3 The Disciplinary Sub-Committee may dismiss the Complaint against the Respondent or where a Complaint is upheld, impose such sanction upon the Respondent as it thinks fit including, without limitation:

- issue the Respondent with a written warning or reprimand in respect of the misconduct or breach committed. Such warning will set out the nature of the misconduct/breach, the change in behaviour required, the duration of the warning and the likely consequence of further misconduct/ breach in that period;
- suspend or exclude the Respondent from the Club or Club activities, including competitions, matches, training, meetings or otherwise;
- suspend or exclude the Respondent from undertaking certain roles within the Club for a specified or indefinite period of time;
- suspend the Respondent's membership of the Club for a specified period;
- subject to Article 30 of the Articles of Association (Termination and Resignation of Membership) terminate the Respondent's membership of the Club;
- a combination of any of the above or any other disciplinary sanction considered appropriate by the Disciplinary Sub-Committee.

8.4 The decision taken by the Disciplinary Sub-Committee in relation to the sanction to be



imposed must be reasonable and proportionate in all circumstances and consideration may be given to the Respondent's previous disciplinary record.

9. DISCIPLINARY MATTERS INVOLVING CHILDREN OR ADULTS AT RISK

9.1.1 Where a disciplinary matter involves a Child or an Adult at Risk, the Committee, the Disciplinary Sub-Committee and, if there is an Appeal, the Appeal Sub-Committee must be mindful of the needs of the person in question and take these into account when making any decisions.

9.1.2 In particular -

- the Committee must take these needs into account when determining who should sit on the Disciplinary Sub-Committee and, if there is an appeal, the Appeal Sub-Committee, having regard to their experience, knowledge and training; and
- the Disciplinary Sub-Committee and, if there is an appeal, the Appeal Sub-Committee must take these needs into account when deciding:
 - o the format of proceedings, including whether special measures are required or adjustments need to be made to the Procedures;
 - o any action to be taken against such a person.

9.2 Written permission must be sought and should be obtained from any parent/carer of a Child or Adult at Risk who is asked to attend a hearing.

9.3 Where a Child or Adult at Risk is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by their parent/carer or an appropriate adult. The Disciplinary Sub-Committee/Appeal Sub-Committee shall take steps to satisfy itself that the Child or Adult at Risk fully understands the purpose and potential outcomes of the Procedures.

9.4 For the avoidance of doubt, the refusal of a Child, their parent/carer or an Adult at Risk to co-operate shall not preclude the Club from taking disciplinary action.

10. APPEAL

10.1 Should the Respondent wish to appeal a decision of the Disciplinary Sub-Committee, the Respondent must submit a Notice of Appeal to the Committee in writing within 14 days of the Disciplinary Sub-Committee's decision being issued to them.

10.2 The Notice of Appeal must set out the grounds upon which it is submitted that the Disciplinary Sub-Committee misdirected itself or otherwise reached an erroneous decision and provide details of any new evidence upon which the Appellant seeks to rely.

11. APPEAL SUB-COMMITTEE

11.1 The Committee shall establish an Appeal Sub-Committee consisting of 3 members. The Appeal Sub-Committee shall elect a Chairperson and make its decisions by way of a majority vote.

11.2 Members of the Appeal Sub-Committee must have no personal interest or any previous involvement in the disciplinary matter which is to be considered by the Appeal Sub-Committee nor

be a member of the Disciplinary Sub-Committee. In the event that a decision is appealed to the Appeal Sub-Committee and a member of the Appeal Sub-Committee either declares an interest or is deemed by the Committee to have such an interest, the Committee shall appoint another person to replace that person.

11.3 If the Chairperson of the Appeal Sub-Committee deems it appropriate, bearing in mind all the circumstances surrounding the case, they may, at their discretion, request an independent person to act as adviser to the Appeal Sub-Committee.

12. APPEAL HEARINGS

12.1 The Appeal Sub-Committee shall have jurisdiction to conduct appeal hearings and have the power to:

- dismiss the appeal and therefore confirm the Disciplinary Sub-Committee's decision;
- overturn any finding and any sanction imposed by the Disciplinary Sub-Committee;
- substitute an alternative finding;
- reduce or increase the original sanction; and/or
- make such further order as it considers appropriate.

12.2 The Appeal Sub-Committee may hear an appeal by way of oral hearing or consider the appeal on the basis of written submissions; whichever they consider to be more appropriate.

12.3 The standard of proof in all cases before the Appeal Sub-Committee is the balance of probabilities.

12.4 The Appeal shall take place by way of a review.

12.5 Written notes of the hearing shall be made by a person appointed by the Appeal Sub-Committee. No electronic audio or visual recordings are permitted to be made of the hearing, by the Appellant or otherwise.

12.6 The Appellant may be accompanied by another individual who may attend the hearing in a support capacity. The identity of the companion must be confirmed to the Appeal Sub-Committee in advance of the hearing. The Appeal Sub-Committee may prohibit the attendance of the companion if, in its sole discretion, there are reasonable grounds to do so. The Appellant will be afforded an opportunity to choose an alternative companion. The companion shall not be permitted to make submissions to the Appeal Sub-Committee on behalf of the Appellant nor to answer any questions on the Appellant's behalf.

12.7 The procedure for an appeal hearing shall be flexible and shall be at the discretion of the Chairperson of the Appeal Sub-Committee, which may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chairperson of the Appeal Sub-Committee will outline the manner in which the Appeal hearing will proceed and will ensure that the Appellant is afforded an opportunity to set out clearly the grounds of the Appeal.

12.8 All appeal hearings shall take place in private and the public and the press shall have no right of access.

12.9 The Appeal Sub-Committee shall communicate its decision to the Appellant in writing no later than 7 days from the date of the hearing.

12.10 The decision of the Appeal Sub-Committee is final and there is no further right of appeal.

This policy is reviewed every three years (or earlier if there is a change in national legislation.)

Committee Approved

Date: 15th January 2025

Committee Review Date

Date: 15th January 2028