

GUIDELINES FOR A COMPLAINTS AND DISCIPLINARY PROCEDURE

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Introduction

The object of these guidelines is to ensure good practice with regard to any member of PPCA who may have a complaint or feel that they have been unfairly treated by another member or by the club, so that that complaint is dealt with at the appropriate level in a fair and timely manner.

They are intended to supplement and assist in the application of PPCA's Operating Policy, including the constitution and club rules.

The guidelines should be used at the level appropriate to the complaint. Their use in resolving complaints may or may not include disciplinary actions.

At the start of the process, the parties should be informed that the club's complaints and disciplinary procedure will be followed, and where on the club website they can find it. The parties should be kept informed about the process as it develops, including next steps and the expected timescales. Information will be treated confidentially and shared only on a need to know basis, unless there is an agreement between the parties to do otherwise.

Where an individual who is raising a complaint or is the subject of a disciplinary case is under the age of 18 years it is obligatory that their parents or legal guardians are informed and that the individual is accompanied during any hearing or appeal. In such cases, or where other aspects of potential vulnerability arise, the club's Welfare Officer will also be involved in the procedure.

Complaints and Disciplinary Procedure

An individual with a complaint about treatment by another member or by the club should set out their grievance, in writing, in the first instance to the Chair or Secretary of the Committee. The Chair, Secretary and Club Leader will identify a Dispute Sub-Committee of three club members, including at least one Committee member, within 14 days of the complaint being received. The Dispute Sub-Committee will appoint a chair from among its members.

If the complaint involves a Committee member, the Committee will refer it to the President and Trustees, who will take on the roles assigned to Committee members in the paragraph above.

The Chair of the Sub-Committee will inform the Respondent(s) of the contents of the complaint. The Respondent(s) will then be given the opportunity to submit their account of the complaint either verbally or in writing to the Sub-Committee within 14 days of being informed of the complaint.

Informal discussions

As a matter of principle, all complaints should be resolved through informal discussions if possible. The Chair of the Dispute Sub-Committee will therefore ask the Complainant and the Respondent about whether they wish to see if the matter can be resolved in this way, or whether they would prefer to go straight to a formal hearing. These informal discussions may provide an opportunity for both the parties to clarify any misunderstandings or help identify the issues in the dispute.

The Sub-Committee will advise the parties about the procedure, for example who may attend and how the meeting will be conducted.

The Sub-Committee will arrange for discussions with both the parties together or, if the parties prefer, individually.

The Complainant and the Respondent have the right to be accompanied at any stage of these enquiries or appeals.

In preparation, the Sub-Committee may seek information from others who know about the incident which is the subject of the complaint. Such information will be treated in confidence.

If the parties are able to come to an agreement at this stage, their agreement is binding. If they are not able to come to an agreement or if they wish to proceed to a formal hearing, the notes of the discussions may be referred to in the hearing or appeal.

These discussions will be well recorded and shared with the parties within 7 days. The parties should confirm, if possible, that the notes are a fair and correct record of the discussion. This is not an opportunity for the parties to add to the content of the discussion; additional information can be provided at the hearing if one is requested.

Hearing

If either of the parties is not satisfied with the outcome of the informal discussions, or if they wish to proceed with a formal hearing, the request should be sent to the Chair of the Sub-Committee within 14 days of the receipt of the notes of the informal discussions having been finalised. The Sub-Committee will inform the other party that a hearing is to be held and will invite both parties to submit their account or further accounts of the incident to the sub-Committee, in writing, within 14 days of this invitation.

It is important that both parties agree to the membership of the Sub-Committee. If agreement on membership cannot be reached, the decision of the Committee Chair will be final.

The Sub-Committee may wish to take advice from anyone with relevant expert knowledge if needed. Any such person must be independent of the dispute.

The members of the Sub-Committee should be aware of the possible outcomes of the hearing in line with all aspects of the Club's Operating Policy.

The Sub-Committee may meet both parties together or, if the parties or Sub-Committee members prefer, individually. The Sub-Committee must give a fair and independent hearing to both sides within an appropriate and agreed timescale, preferably within 14 days of written accounts having been received from the Complainant and Respondent. However, it is recognised that it can take time to identify and convene Sub-Committee members and any investigations that may be deemed necessary.

All discussions will be well recorded.

If either party chooses not to attend the hearing, the Sub-Committee has the right to proceed with the hearing based on written submissions.

The outcome of the hearing may or may not include recommendations for disciplinary action, as considered appropriate by the Sub-Committee.

The Sub-Committee will report its findings and recommendations back to the Club Committee within 14 days of the last hearing, along with enough explanation to make sure the findings and recommendations are clear. The Committee will consider the Sub-Committee's findings and recommendations and will decide whether to accept or amend them. The Committee will then communicate its decisions to both parties in writing within 7 days of the Committee meeting.

If the outcome of the hearing is unacceptable to either party they have the right of appeal.

Appeal procedure

If either party wishes to appeal against the outcome of the hearing they should set out the grounds on which they wish to appeal in writing. This letter should be sent to the Chair and Secretary of the Committee (or the President if the complaint involved a Committee member) within 14 days of the outcome of the hearing being known. An appeal should be granted where there is a "strong arguable case" that:

- ☐ Relevant information was ignored or not considered by the Sub-Committee; or
- ☐ The disciplinary process was tainted by unreasonable bias or conflict of interests;
- or
- ☐ The provisions of the complaints and disciplinary procedure were not adhered to;
- or
- ☐ The original panel exceeded its jurisdiction; or
- ☐ The findings of the original panel were irrational or in contravention of club rules or Paddle UK guidance.

In the event that an appeal is thought justified, the Committee will appoint an independent appeal panel to consider the appeal, none of the members of which will have had any prior involvement in the matter. The appeal panel should be constituted along the same principles as the hearings Sub-Committee outlined above.

The chairman of the appeals panel should convene a hearing of the appeals panel in a timely manner and, in consultation with the other panel members, will decide the conduct of the proceedings. If appropriate s/he may request written submissions and the appeals panel

may or may not require the parties to attend.

All discussions should be well recorded.

The outcome and sufficient reason to explain the outcome of the appeal panel will be communicated to Club Committee within 14 days of the appeal panel hearing and both parties will be informed of the final outcome as soon as possible after this.

The outcome of the appeal will be final

Powers of a Disciplinary Committee

The Committee may impose such sanctions as it thinks fit including the following:

- (a) Rejecting the Complaint in which case no sanctions shall be imposed on the Member
- (b) Warning or Reprimanding the Member
- (c) Suspending the Member from the Club for a specific period of time
- (d) Expelling the Member from the Club
- (e) Imposing such lesser sanctions as it deems appropriate.

Updated March 2018.