



**DISCIPLINARY PROCEDURE**

**April 2016**

**Review Date 2018**

## **1. INTRODUCTION**

In order to provide a fair and effective method of dealing with disciplinary matters the following procedure will be applied in all instances where disciplinary action is regarded as warranted. An informal reprimand may be given for a relatively minor first act of misconduct. This is designed to reflect the proportionality of the misconduct and the individual's response to it i.e. their acceptance of the reprimand.

## **2. SUSPENSION**

Where a matter arises which it is believed could be in contravention of the disciplinary rules, or may otherwise be a disciplinary matter, the issue of whether the person is to remain in work during the investigation will need to be considered. Suspension from duties will not be automatic, but is more likely if the matter concerned is potentially gross misconduct, or where the person remaining in the capacity could prejudice a thorough investigation. Suspension in these circumstances is not disciplinary action, and should be regarded as a neutral act.

### **Lifting Suspension**

There may be situations during or on completion of the investigation that the Investigating Officer should recommend that the suspension be lifted. However, there may still be a case to answer of either gross misconduct or misconduct and in such cases people will be advised of this, and any conditions placed on the conclusion of investigation or disciplinary.

## **3. INVESTIGATION**

### **Timescales**

The primary focus of all involved must be to minimise delays in the process for the benefit of all concerned. Therefore the committee will allocate a member to begin the investigations within three working days of a notification.

### **Involvement of Other Agencies**

Where other agencies are investigating the matter e.g. the Police. in the interest of natural justice the internal investigation may need to be held in abeyance pending the notification from such other investigating agencies that Blackbrook Royals JRFLC investigation will not detriment that of the other party. If the third party investigation does not hamper the disciplinary investigation then the investigation will continue and be brought to a conclusion.

### **Use of Recording Devices**

The use of any form of recording device is not permitted during meetings convened as part of the investigation. If unauthorised recording is discovered, this may constitute a disciplinary issue in its own right.

### **Witness Statements**

It may be necessary to interview witnesses as part of the committee investigation. Similarly the person may wish to approach witnesses to support them, subject to having received permission to do so. All witnesses will be required to sign a record of the interview or a statement to indicate their agreement and witnesses' statements must be made available to all parties prior to the hearing and in accordance with the timescales set out in the policy.

### **Anonymous Information**

Occasionally Blackbrook Royals JRLFC may receive anonymous information which requires further consideration. The committee will consider any such information; however, care will be taken to safeguard the rights of the person to the allegations.

## **4. DISCIPLINARY HEARING**

If on completion of the investigation the Investigating Officer(s) feels that on the balance of probabilities there is a case to answer, then the Investigating Officer(s) will arrange a disciplinary hearing to be chaired by an appropriate committee member(s) who has had no substantial involvement in the matter under investigation. Where this is a significant safeguarding breach the officer conducting the hearing will be the chairman, vice chairman, secretary or treasurer.

### **Notification / Documentation**

The Investigating Officer(s) will ensure that the person is notified by letter of the hearing, together with time, date and venue. The person will be supplied with a copy of the Investigating Officer's report, plus any supporting documentation, no later than 3 working days in advance of the hearing. The allegation(s) will be clearly stated in writing to the individual.

A copy of the documentation will also be supplied in advance to the Hearing Officer to avoid delays at the commencement of the hearing.

The person may also wish to submit documentation. This should be provided to the Investigating Officer(s) no later than 1 working day before the hearing and submitted to the Hearing Officer prior to the hearing. It will be for the Hearing Officer to decide whether any documentation (from either side) provided later than this or on the day of the hearing will be accepted. If so time, as decided by the Hearing Officer, must be provided for the receiving side to consider the documentation.

### **Use of Recording Devices**

The use of any form of recording device is not permitted during meetings convened as part of the investigation. If unauthorised recording is discovered, this may constitute a disciplinary issue in its own right.

## **5. REPRESENTATION AT FORMAL DISCIPLINARY HEARINGS**

The person has the right to be represented at a formal disciplinary hearing. The representative will be from Blackbrook Royals JRLFC, such as a parent, coach or assistant coach. However, they cannot be part of the investigation process or witness. They are not permitted to speak within the hearing.

### **Postponements / Failure to Attend**

Where the person or representative requests a postponement then the hearing will be re-arranged and must be re arranged within 7 working days.

The committee will only provide for one postponement due to the unavailability of a representative or person.

## **6. DISCIPLINARY ACTION**

All levels of disciplinary action and reasons for the action will be confirmed in writing as soon as reasonably practicable.

The Hearing Officer(s) will feedback a conclusion, after giving due consideration to the Evidence, this will then be fed back to the executive committee within 7 working days.

If a decision is that the allegation(s) is/are proven, the following sanctions may be imposed. These sanctions will take effect from the date the decision is communicated to the individual unless this is otherwise specified.

### **Oral Warning**

For a minor offence the person will be issued with a formal oral warning making it clear why the warning is being issued and that further misconduct will lead to more serious disciplinary action. The warning will normally be current for a period of not more than 6 months.

### **Written Warning**

For a more serious offence or in the case of a lesser offence whilst a formal oral warning remains in existence, then a written warning will be issued. The warning will remain current for a minimum period of 12 months up to a maximum of 24 months from the date of issue and the time period will be specified at the time of issue. It will explain why the warning is being given and that any further incidents of misconduct within that period will lead to further more serious disciplinary action.

### **Final Written Warning**

Where a serious offence of misconduct or in the case of a lesser offence which is committed during the period of a written warning occurs, a final written warning can be issued. The warning will explain the nature of the misconduct and the reasons why the warning has been issued and will explain that further misconduct during the warning period could lead to dismissal.

The warning will be issued for a minimum period of 12 months up to a maximum of 24 months, and will be specified at the time of issue.

## **Dismissal**

Dismissal without notice occurs in cases of gross misconduct regardless of whether any disciplinary action has been taken against the employee previously.

## **7. APPEAL AGAINST DISCIPLINARY ACTION**

Appeals under this policy in respect of warnings or dismissal will take the form of a review. This constitutes as a panel reviewing the disciplinary Hearing Officer's decision based on the evidence before them at the original hearing and whether this fell within a band of reasonable responses open to the club.

## **8. MONITORING DISCIPLINARY ACTION**

Blackbrook Royals JRFLC has an obligation to undertake monitoring in respect of race, gender and disability. Disciplinary actions undertaken are one of the items that must be monitored under this obligation to ensure that they are free from discriminatory bias in respect of their content and handling. Blackbrook Royals JRFLC is required to record and monitor any reported hate incidents.

## **9. REFERRAL TO APPROPRIATE BODIES**

Blackbrook Royals JRLFC will refer cases as required to relevant bodies including the Police, Disclosure and Barring Service, North West Counties, St Helens Council etc...

## **10.**

Appendix attached and this policy is supported by the following documents and training:

- Safeguarding
- Child Protection Policy
- RFL Respect Code of Conduct
- Constitution and Rules of Blackbrook Royals JRLFC
- Blackbrook Royals JRLFC Code of Conduct
- Equal Opportunities policy

**ORDER OF PRESENTATION**

**DISCIPLINARY HEARING**

1. The Chair introduces the participants and outlines the procedure to be used.
2. The Representative(s) present the case.
3. Investigation paperwork will be discussed and presented within the meeting
4. The person presents the case in defence.
5. Representative(s) summarise the Club's case.
6. The Person summarises their case.
7. The Chair of the Hearing requests both parties to withdraw, but may call upon either party, in the presence of the other, for a point of clarification.
8. The case will be presented to the executive committee.
9. The decision will be confirmed in writing to parties as soon as is reasonably practicable.

**DISCIPLINARY APPEALS**

1. The Chair introduces the participants and outlines the procedure to be used.
2. The club present the evidence as per hearing case by way of oral submission with the dismissing officer in attendance.
3. The person presents the case
4. The club summarise the management case
5. The person summarises their case
6. The Chair of the Hearing requests both parties to withdraw, but may call upon either party, in the presence of the other, for a point of clarification.
7. The Chair of the Hearing recalls both parties and conveys the decision orally in the presence of both parties.
8. The decision will be confirmed in writing to both parties as soon as is reasonably practical.