

Winstanley Tennis Club - Disciplinary Procedures

Disciplinary matters, applying to all members of Winstanley Tennis Club (further referred to as the Club), will be dealt with by Elected Officers (Committee) of the Club in the first instance and subsequently by the appointed Disciplinary Committee. All members of the Club agree to fully comply with this code of conduct and specific codes of conduct for any club role they may hold and be bound by its terms as under noted.

Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of club rules. However, it is recognised and accepted that every member:

- Has the right to expect fair and consistent treatment
- Has the right to adequate notice from the Club
- Has the right to appeal against the decision of the Disciplinary Committee in all disciplinary matters.
- Has the right to representation
- No member will be automatically expelled for the first breach of Club's rules except in cases of "gross misconduct".

However, all disciplinary actions taken by the Club will be duly recorded and placed on file for a period of 12 months.

1. Offences Leading to Disciplinary Action

The under noted actions by members may be interpreted by the Committee to fall within this Code.

However, the lists are not to be considered as fully inclusive or covering all possible offences.

"Misconduct" is the carrying out of an offence considered to be of a minor nature (unless frequently repeated and then constitutes serious misconduct) and will normally incur a written warning from the

Committee together with a demand for full and appropriate corrective action. Examples of offences that may be considered misconduct include:

- Discourteous, crude or offensive behaviour during matches or at organised Club events
- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Refusal to carry out reasonable instructions issued by event officials or organisers

- Failure to comply with or adhere to the relevant code of conduct for their position within the
- club
- Any other actions of similar gravity to the above, at the discretion of the Committee.
- Repetition of the above offences or failure to comply with any demands made in writing by
- the Committee may result in further action by the Committee involving a disciplinary
- hearing.

“Serious Misconduct” is the carrying out of an offence of such gravity that in the opinion of the Committee, a Club disciplinary hearing is warranted.

Examples of offences, which may be considered as serious misconduct include:-

- Misconduct offences as listed above if especially grave or repeated
- Deliberate or consistent breaches of club rules
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Theft or misappropriation or misuse of club funds in ways not previously sanctioned by the Committee
- Use of threatening or abusive behaviour
- Participating in the sport whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property
- Disregard for one’s own or other people’s safety
- Any other action, which in the opinion of the Club Officers may bring the sport or Winstanley Tennis Club into disrepute, or which left unpunished, may result in the detriment of the Club or its members.

“Gross Misconduct” is action of such seriousness that the Committee will require the immediate expulsion of the offender from the club. The Committee may by means of an executive decision summarily expel such an offender without invoking a disciplinary hearing. The expelled member will have the right to a disciplinary hearing as soon as this can be arranged but will remain expelled until and unless such a hearing overturns the executive decision.

Examples of gross misconduct are:

- Physical violence of assault towards other persons at a Club event or related activity,
- including serious threatening, intimidating or forceful behaviour
- Reckless disregard of safety and basic safety rules
- Being convicted of criminal offences involving physical violence or abuse

- Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party.
- If the matter relates to a child protection issue, the Committee will follow the child protection procedures as outlined in the club's Safeguarding Policy for dealing with a complaint and then follow the disciplinary procedure after outcome has been reached.

2. Disciplinary Procedure

On receipt of a written complaint from a member, another team within the sport, the LTA, the league/match organisers or any other party, or if it shall appear to the club committee that any irregularity or breach of its constitution, Codes of Conduct or any other matter of concern to it, may have occurred, the Committee with advice from a Legal Advisor should they so wish, will decide whether the complaint or action falls within the scope of this disciplinary code. If in their opinion it does, then the Committee will decide as to the type of offence as per (section 1) above.

If the offence is considered to be one of simple misconduct, the Club Secretary will write to the offender with a formal written warning including the demand for an apology or other corrective action the Committee may deem appropriate. The Committee may also attempt to obtain approval for their action from the complainant.

A disciplinary file will be opened by the Committee in which will be placed copies and records of the original complaint, together with the written warning and any other correspondence. The action outlined above will normally finalise the process unless any of the parties involved object strongly to the Committee decision in which case they may appeal.

Should the complaint be considered by the Committee as one of serious misconduct, then the following procedure will be implemented: -

1. The Committee will appoint an Investigating Officer from within the Committee who will research evidence presented and, if possible, will obtain further written evidence, witness statements, etc.
2. If necessary, the Investigating Officer will consult all relevant witnesses for supportive evidence.
3. Advise the complainant that if a disciplinary hearing is called, then the complainant and all relevant witnesses will be obliged to attend and give evidence. If non attendance at a hearing due to extenuating circumstances, i.e. Ill-health, threat of violence or intimidation etc. occurs then a written declaration must be submitted. If non-attendance occurs without reason, then the disciplinary hearing will be heard in the complainant's absence.
4. Contact the member subject of the complaint to advise of the official complaint and request the member to submit a written statement of events.

5. In cases of disputes of a personal nature, the Committee will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned.
6. If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible
7. Notify all parties as to the hearing date and ensure the parties have all relevant copies of paperwork in good time prior to the hearing, copies to be sent by 1st class recorded delivery.

3. Disciplinary Hearing

The Club Secretary shall take charge of the hearing and all questions will be addressed through the Secretary.

A Disciplinary Committee will be appointed which will consist of:

- the club chairperson (or acting if the club chairperson is the complainant or otherwise involved); and
- at least one member of the Committee plus at least one other club member.

No witnesses or statements can be introduced at the hearing without prior notice and copies of all written evidence produced for consideration prior to the hearing, to be available in advance to the parties.

The Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the disciplinary committee considers it fair to do so.

After the Disciplinary Committee has reached a decision, the subject of the complaint to be notified in writing of such decision and informed of any penalties within 7 days of the decision being reached, penalties will be effective from the date of the decision.

The subject of the complaint may be accompanied by a friend/adviser should s/he wish.

4. Penalties

Following the hearing, the Disciplinary Committee will apply such penalties as the Disciplinary

Committee consider appropriate, including:

- Temporary suspension
- Permanent expulsion of the offender from the club.

Such penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with (Section 5) under noted.

- Offences of cheating or being under the influence of alcohol or drugs during matches or those involving threats of physical violence will carry automatic

expulsion from the club and will preclude the offender from taking part in any Winstanley Tennis Club organised activity.

The club will in all cases comply with the requirements of the LTA and club safeguarding policies including immediate notification of the police where required.

5. Appeals

If an appeal of the decision or penalty is to be made, then written notice of appeal by way of 1st class recorded delivery to the Club Secretary must be given by the offender, within 28 days of being notified of the decision. No appeal will be valid or considered after that period has elapsed. It will not be sufficient to state "I wish to appeal", the offender must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this. An appeal together with full and recorded argument may be considered relative to: -

- the decision
- the penalty
- other

An appeal hearing will be convened as soon as practicable and will consist of an Appeal Committee of three members of the Committee who did not take part in the first hearing and who will elect their own Chairperson (who will have the casting vote).

New evidence cannot be presented at the appeal hearing. The Appeal Committee shall have power to access all documentation on the case and to amend or revoke any decision made at the previous disciplinary hearing.

The decision of the Appeal Committee is final and binding on the parties and not subject to further appeal.

Last Agreed by the Committee November 2024