

WEST PARK UNITED

DISCIPLINARY & GRIEVANCE POLICY AND PROCEDURES FOR CLUB REPRESENTATIVES



1 PURPOSE

- 1.1 West Park United Football Club (hereafter referred to as "The Club") aims to ensure there will be a fair and consistent approach to the enforcement of standards of conduct affecting all at The Club, its Club representatives (hereafter referred to as "Club Representatives") within The Club.
- 1.2 The Club has drawn up a Code of Practice that sets out standards of conduct performance expected of Club representatives.
- 1.4 The Club Management Committee have a duty to help and encourage all Club representatives to achieve and maintain these standards.
- 1.5 Where failure to meet the standards required as a result of lack of skill or competence, The Club and volunteers will be offered training and guidance to improve their performance.
- 1.6 Refusal to accept training or wilful/negligent avoidance of opportunities to assist in their capacity to fulfil their duties (such as Disclosure Checks) will be treated as misconduct and handled through the disciplinary procedure.

2 PROCEDURES

- 2.1 The Club Grievance Procedure provides a process by which Club representatives can make complaints about any aspect of The Club and can have their complaints investigated and, if appropriate, redressed.
- 2.2 The Club Disciplinary Procedure provides a means of encouraging Club representatives whose standard of work or conduct is unsatisfactory, to improve.
- 2.3 Every effort will be made to resolve problems before formal procedures are invoked.
- 2.4 These Procedures aim to lay down:
 - A process for Club representatives to make complaints about any aspect of their duties.
 - A fair method of dealing with unsatisfactory behaviour or conduct
 - A method for Club representatives to appeal against disciplinary action
- 2.5 These Procedures apply to all Club representatives within The Club.

3 PRINCIPLES

- 3.1 The Club encourages all its Club representatives to attempt to sort out Club-related problems informally where possible.
- 3.2 The Club will ensure any complaint or alleged misconduct is investigated fully and promptly. Prompt investigation will enable The Club to decide how best to resolve the matter or whether to invoke the disciplinary procedure.

- 3.3 The Club will ensure no disciplinary action is taken against a Club representative before there has been a full investigation.
- 3.4 The Club will ensure that a Club representative is advised of the nature of any complaint against them and is given the opportunity to give their point of view, before any disciplinary action is taken.
- 3.5 The Club will ensure a Club representative is given a full explanation of the reasons for disciplinary action and a right of appeal against any decision to discipline.
- 3.6 The Club will ensure all Club representatives have the right to be accompanied by a representative at all stages of the Club disciplinary and grievance procedures.
- 3.7 The Club will ensure no Club representative is dismissed for a first breach of discipline, except in the case of gross misconduct.

4 GRIEVANCE PROCEDURE

- 4.1 A Club representative of The Club with a grievance relating to their duties has a right to express it.
- 4.2 Any Club representative with a grievance must be able to show they have raised the matter with an elected official of The Club and/or The Club Management Committee before the formal process can be invoked, unless it can be shown the nature of the grievance runs counter to this.
- 4.3 The grievance procedure exists to ensure any problem a Club representative might wish to raise is dealt with as quickly and as effectively as possible.
- 4.4 Officials, office bearers or volunteers should not use the grievance procedure over matters which are not related to their duties.

5 FORMAL PROCEDURE

Stage 1 - The matter should be raised initially with the Club Secretary who should reply orally to the grievance. If the matter is not resolved within ten working days, it should be referred to stage 2.

Stage 2 - If an Club representative continues to be aggrieved, they should put the matter in writing to the Club Secretary who will discuss the problem/complaint with the staff member or volunteer. If the matter is not resolved within ten working days it should be referred to stage 3.

Stage 3 - Within ten working days of a failure to agree under stage 2, a meeting will be held with the Club Management Committee, comprising a minimum of three impartial committee members (or with no vested interest in the outcome). Any decision made at the meeting will be confirmed to the official, office bearer/volunteer in writing within ten working days.

If the Club representative is still dissatisfied, the complaint will then be considered by another panel, consisting of the Club President and two other impartial committee members (or with no vested interest in the outcome) of the Club Management Committee. The official, office bearer/volunteer will also be invited to attend, with a representative or friend if s/he so chooses.

The Club Management Committee in which The Club President sits has the power of final decision.

- 5.1 Grievances of a general nature affecting more than one Club representative or where the problem is with the Club Secretary should be initiated at Stage 2.
- 5.2 At all stages of the Grievance Procedure an Club representative may be represented by a representative or a friend.

5.3 At all stages the time limits specified may be altered by mutual agreement e.g. to arrange meetings at mutually convenient times or to allow matters to be investigated fully.

6 GROSS MISCONDUCT

6.1 Gross misconduct is of such a serious nature that The Club is justified in no longer tolerating the presence of a Club representative who has behaved in such a way as to destroy the relationship of trust and confidence between The Club and the Club representative.

6.2 Examples of gross misconduct include the following but this list is not exhaustive:

- Theft/fraud/misappropriation of Club Funds
- Theft/fraud/misappropriation of Club Property
- Acts of discrimination – based on racial, disability, gender, sexuality or religious grounds
- Behaviour likely to bring the Club into disrepute
- Threats or damage to the person or property of a Club representative
- Threats or damage to the person or property of any person attending a Club event
- Placing in jeopardy the safety of any person whom they are responsible for
- Placing in jeopardy the purpose, reputation or property of The Club
- Disclosing information known to be confidential to The Club
- Removing, mutilating or destroying documents in the custody of The Club
- Failing to account for money received in the course of duty
- Deliberate falsification of records

6.3 All Club representatives are reminded that acceptance of The Club's constitution is a condition of their appointment.

6.4 Criminal activity on the part of a Club representative, unrelated to The Club's work or premises, does not in itself constitute gross misconduct and is not in itself grounds for dismissal either when alleged or proved in court, unless it is of a nature that could affect the safety of our players, parents/carers, Club representatives within The Club.

7 GROSS MISCONDUCT - PROCEDURE

7.1 Any allegation of gross misconduct must be made to The Club Management Committee who will institute a full and objective investigation of the alleged misconduct and convene a meeting of a Disciplinary Panel (comprising a minimum of 3 committee members).

7.2 For offences of suspected or alleged gross misconduct there will be immediate suspension, pending full investigation. Only the Club Secretary or President will have full authority to suspend a Club representative.

7.3 Within ten working days the Disciplinary Panel will meet to consider the allegation. The Club representative against whom the allegation is made will be invited to attend to put their case. The Club representative has the right to be accompanied by their chosen representative.

7.4 Where very serious misconduct, but not amounting to gross misconduct, is proved a Club representative may be given a first and final warning that any further acts of misconduct will result in dismissal.

7.5 The Club representative will have a right of appeal against the dismissal. Any such appeal must be put in writing to the Disciplinary Panel within five working days of receiving the notice of dismissal.

7.6 The Disciplinary Appeal Panel will meet within ten working days of the appeal being lodged. The Club representative has the right to be present at this meeting and to be accompanied by a representative or friend. The findings of the Disciplinary Panel will be binding.

8 OTHER MISCONDUCT

The majority of actions constituting misconduct will be insufficiently serious to be classified as gross misconduct. They will usually relate to unsatisfactory conduct.

8.1 Any allegations of misconduct made by staff, Management Committee members, volunteers, user organisations or members of the public against any Club representative should be directed in the first instance to the Club Secretary. A complaint about the Club Secretary should be directed to The Club President.

8.2 The Club Secretary (or The Club President in the case of an allegation against the Club Secretary) will call a meeting with the Club representative against whom the allegation is made to discuss the matter, determine whether misconduct has taken place and examine ways of dealing with any problems occurring.

8.3 Formal Disciplinary Action will be taken where an official, office bearer or volunteer's work, conduct or action warrants it.

8.4 Examples of misconduct include the following but this list is not exhaustive. Misconduct or poor performance which is likely to lead to formal disciplinary action may include :

- Negligent in the performance of duties
- Harassment
- Breach of Child Protection rules
- Breach of confidentiality on matters relating to The Club
- Victimisation of any volunteer, official, office bearer or committee member who has provided information about an act of discrimination

8.5 The following three-stage procedure will normally apply:

Stage 1 - In the case of minor offences a formal verbal warning will be given.

Stage 2 - More serious offences or an accumulation of minor offences will result in a formal written warning. (3 verbal warnings for the same offence will result in a written warning being given.)

Stage 3 - Where misconduct is sufficiently serious to warrant only one written warning, or an Club representative has a previous warning and further misconduct occurs, a final written warning will be given which will indicate that any further misconduct will lead to dismissal.

8.6 The Procedure may be implemented at any stage if the official, office bearer's or volunteer's alleged misconduct warrants such action.

8.7 The Club Secretary has authority to investigate misconduct in relation to other officials, office bearers or volunteers, and to give a formal verbal warning. This will be done after consultation with the Club Office bearers and The Club Management Committee.

8.8 Formal written warnings will be given by The Club Management Committee involving a minimum of three Committee members, the Club Secretary and The Club President following a disciplinary interview.

9 DISCIPLINARY PROCEDURE

9.1 The Club Secretary will notify The Club Management Committee that the formal procedure is being invoked and give an assurance that every effort has been made to resolve the problem informally.

9.2 The Club Secretary (or The Club President in case of misconduct by Club Secretary) will inform the Club representative in writing that the formal procedure is being invoked because a disciplinary offence may have taken place. The Club representative will be given details of the nature of the misconduct and the date of the disciplinary hearing.

9.3 The Club Secretary (or The Club President in case of misconduct by Club Secretary) will arrange a disciplinary interview.

9.4 Records of all meetings will be kept and agreed as accurate by all parties, and copies kept on file.

10 FORMAL PROCEDURE

Team/Age Group Issues – If a Team or Age Group are asked to appear before the Disciplinary Committee to account for actions or behaviour, they will be notified in writing by the Club Secretary. The Club Secretary will explain to the Team/Age Group the reason for being called before the Disciplinary Committee, that it is the first stage of the disciplinary procedure and the right of appeal. The meeting will be recorded and the sanctions being considered will be discussed (such as loss of lets for a stipulated period, loss of kit allocation, further training for Team/Age Group officials) and action confirmed at the meeting. The sanction will be recorded and the Club Secretary will advise the Club Management Committee as to the nature and severity of the sanction made.

The Team/Age Group have the right to appeal the decision as laid out within this procedure. If no appeal is made, the sanction will be deemed to have been served and subsequently expunged upon completion of any penalty applied.

Stage 1 - Verbal Warning. If conduct or performance does not meet acceptable standards the Club representative will normally be given a formal verbal warning by the Club Secretary. The Club Secretary will explain to the Club representative the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal. The warning will be recorded and the Club Secretary will advise The Club Management Committee a verbal warning has been given.

The Club Secretary will discuss plans for making progress/improvement. The discussion and plans will be recorded and the Club Secretary will agree with the Club representative a reasonable time period for the next review. The review period should be within two months.

If progress is satisfactory within this review period, the record of the verbal warning on the official, office bearer's or volunteer's file will be expunged. If progress is unsatisfactory there will be a re-examination of the plan and a further reasonable time for review agreed.

Further misconduct or failure to improve will result in a stage 2 disciplinary interview. All records of a verbal warning will be removed from the file after six months satisfactory service.

Stage 2 - Written Warning. After reference to the record of previous verbal warnings, if further misconduct occurs or the offence is serious, a disciplinary interview will be held and a written warning will be given by The Club Management Committee (Disciplinary Panel) comprising at least two Committee members, the Club Secretary and The Club Chairman. The written warning will detail the misconduct, the action necessary to remedy the situation and the period of review decided on. This period of time will not exceed one month.

The warning will confirm that any further misconduct or failure to improve within the specified timescale will result in a further disciplinary interview when the Club representative will be given a final warning which if unheeded will result in dismissal.

The Club representative will be advised of their right of appeal. A written warning will normally be spent after six months satisfactory conduct and performance.

Stage 3 - Final Written Warning and Dismissal. If progress or improvement is not made by the time of review specified under stage 2, conduct or performance is still unsatisfactory or there is misconduct sufficiently serious to warrant only one written warning, a disciplinary interview will be held and a final written warning will normally be given.

The Club representative will be made fully aware that dismissal will result if there is no satisfactory improvement within the specified timescale.

A final warning will normally be spent after six months subject to satisfactory conduct and performance.

If the Club representative still fails to reach the prescribed standard, notice of dismissal will be given.

11 DISCIPLINARY DECISIONS - APPEAL PROCEDURE

All officials, office bearers or volunteers will be informed of their right to appeal against the decision of any disciplinary hearing.

Stage 1 - The Club representative must apply to The Club Management Committee in writing within five working days of notification of a disciplinary decision.

If the matter is not resolved within five working days it should be referred to stage 2.

Stage 2 - Within ten working days of failure to agree under Stage 1, a meeting will be held with The Club Management Committee (disciplinary panel) comprising at least three Committee members.

The Club Management committee will ensure that members of any panel considering an appeal against disciplinary action were previously uninvolved in the disciplinary hearings in relation to the particular case.

Stage 3 - If there is a failure to agree, the Club representative can appeal to The Club Management Committee which will have power of final decision.

Stage 4 – Should the decision made by the Clubs Management Committee at Stage 3 be unacceptable to Club representative, there is a right of appeal to the SYFA.

At all stages officials, office bearers or volunteers may be represented by a representative or a friend.

At all stages the time limits specified may be altered by mutual agreement.