

## **Lions Ski Club**

### **Disciplinary Policy and Procedures**

**Date of Committee Ratification: 18<sup>th</sup> April 2016**

Lions Ski Club recognises our responsibility to provide a safe, happy environment for everyone to participate in snowsport activities, whether this is as a child or adult learning the sport, a coach, instructor, committee member, parent, or anyone else involved in our club.

All members of the Club agree to fully comply with the Club Codes of Conduct, SSE Coaches Code of Conduct (applicable to coaches and instructors), SnowSafe (child safeguarding policy for Snowsport England and all affiliated clubs and members) and all other codes of conduct for their role and be bound by the terms of these documents.

Lions Ski Club wants everyone participating in club activities to do so in an enjoyable and safe environment. Lions Ski Club has a moral and legal obligation to ensure that, when given responsibility for children and adults - coaches, instructors and all volunteers provide them with the highest possible standard of care.

At all times, and in all decisions, the welfare of the child is paramount.

Lions Ski Club is committed to equality and diversity and will not discriminate on the grounds of gender, gender identity, marital status, sexual orientation, race, colour, nationality, religion, age, disability, caring responsibilities or any other grounds.

#### **Allegations**

- All allegations or incidents of alleged inappropriate behaviour should be reported to the Club Chairman, or in the case of a safeguarding concern or child protection issue, the Club Welfare Officer in writing and where possible via the club complaint form, or the incident report form.
- The Club Chairman, or Club Welfare Officer will decide upon appropriate action. This will usually be in consultation with at least 1 other Club Committee member, or where a referral is made to the Club Welfare Officer, he/she may consult with the Safeguarding Lead of Snowsport England.
- For minor breaches of Codes of Conduct or inappropriate behaviour the appropriate action may be informal support and guidance, mentoring by another member of the club or other appropriate action
- Where possible cases of minor misconduct will try to be resolved informally
- Where the behaviour is deemed to be more serious, or gross misconduct, the Club Disciplinary Procedure should be followed
- Interim suspension may be invoked whilst the investigation is carried out.

## **Grounds for Disciplinary Action**

The following are examples that amount to grounds for investigation under these regulations:

- Any act, statement, conduct or other matter which brings the Club into disrepute, or breaches any of the Club's Codes of Conduct, Constitution and agreed regulations, or failure to comply with [SnowSafe](#)
- Any act of theft, fraud or damage to club property
- Any act of physical violence or bullying
- Any act concerning the inappropriate use of social media
- Any act of unlawful discrimination or harassment
- Any breach of health and safety
- Any breach of confidentiality
- Any act that raises concerns about the suitability of someone to work with children or adults at risk (where appropriate)
- Where the Club receives a written complaint, or a concern/complaint otherwise comes to the attention of the Club, which cannot be dealt with or resolved informally in a sensitive manner
- Notification by Snowsport England, or other NGB, or where the Club becomes aware of a complaint, allegation or matter including:
  - Notification that an individual has been charged with a criminal offence which causes the Club reasonably to believe that an individual poses or may pose a risk of harm to a child, children or participants of the sport, members or indicates the person may not be suitable for their role or
  - Notification that an individual is the subject of an investigation by the Police, Social Services or any other public or other investigatory authority relating to an offence; or
  - Any other information which causes the Club reasonably to believe that an individual poses or may pose a risk of harm to a child or children, or members; or
  - where a DBS Disclosure reveals information which causes the Club reasonably to believe that an individual poses or may pose a risk of harm to a child or children or reveals the person is included on a statutory list barring, or restricting their working with children or young people or adults at risk

This is not an exhaustive list and other matters may be referred for Disciplinary action.

## **Internal Investigation**

- Where necessary the Club Welfare Officer, Club Chairman or other designated person will conduct an investigation to establish the facts of the case. This will be concluded as quickly as possible.

## **Club Disciplinary Procedure**

Once the individual concerned has been informed of a complaint against them and received a letter from the Club explaining the disciplinary proceedings in line with club policy:

- The Club Chairman shall appoint a Disciplinary Panel to hear the case as soon as possible and usually within 28 days of the Club Disciplinary Procedure being invoked
- Where the matter is being investigated by Snowsport England, Statutory Services or another organisation, the Club may choose to postpone the Disciplinary procedure until the other organisation has concluded their investigation
- The Disciplinary Panel will usually comprise of 3, 4 or 5 people
- The Disciplinary Panel will usually comprise of Committee members, but membership may be drawn from other people with appropriate expertise or experience from within or outside the Club
- Where the allegation is a child protection or safeguarding concern, the Club Welfare Officer may be a member of the Disciplinary Panel if they have not been involved in the investigation, or may instead attend the Disciplinary Meeting to provide information
- The person against whom the allegation has been made will be informed in writing of the allegation or alleged offence and be given the time, date and venue of the Disciplinary Hearing. He/she will be given the opportunity to be accompanied by a friend, colleague or other representative (but not legal representative) at his/her own expense or send in a written submission. He/she must inform the disciplinary panel who will be accompanying them at least 48 hours prior to the hearing, otherwise attendance may be refused
- Where possible all information provided to the Disciplinary Panel will be made known to the person against whom the allegation has been made unless in the opinion of the Disciplinary Panel, this is not in the best interests of the complainant or witness. Names may be redacted and reports anonymised and written reports and investigation findings will be circulated to all
- At least 14 days' notice of the hearing will be given (unless agreed by all parties to be less)
- The person raising the concern will be given the opportunity to attend the Disciplinary Hearing or provide a written report 7 days before the hearing
- Witnesses may be called, or statements submitted
- If the person against whom the allegation has been made is unable to attend the Disciplinary Hearing, or their companion is unable to attend, they must let the Club know as soon as possible. The Club will postpone the hearing to a time proposed by the person, provided it is reasonable and within five working days of the original date proposed
- Failure to attend the Disciplinary without good reason could result in the meeting being held, and a decision being taken, in their absence. However, if they fail to attend through circumstances completely outside their control, or which are unforeseeable, the Club will arrange another meeting following the original procedures and timelines highlighted above. Thereafter, if they fail to attend for a second time, the meeting will be held, and a decision will be taken in their absence

- The Disciplinary Chairman will communicate the Panel's decision to the person against whom the allegation has been made as soon as possible and within 14 days of the meeting.

**Possible Sanctions Include, but are not limited to:**

- No sanctions – case dismissed
- First formal action
- First Written Warning
- Fine not exceeding £100
- An order requiring an individual to issue an apology, and behave appropriately in future
- An order requiring an individual to be monitored or mentored
- An order specifying certain training be undertaken
- A suspension for a period, not usually exceeding 28 days
- Exclusion from specific Club activities
- Dismissal
- Dismissal without notice
- Termination of Club membership
- Permanent exclusion from all Club activities

**First Formal Action - Unsatisfactory Performance** - This would usually be for unsatisfactory performance or time keeping, or a minor breach of the Code of Conduct and the person will be given guidance on how to improve, the improvements required, a timescale for achieving the improvement, any support or training required and a review date. This will be kept on file for 6 months.

**First Formal Action – Misconduct** – A written warning will be given and the nature of the misconduct and the change in behaviour required will be given. This will be kept on file for 6 months.

**Final Written Warning** – where the person has received a verbal or written warning and displays further misconduct or unsatisfactory performance, or where the first offence is more serious, a final written warning may be given. This will remain on file for 12 months and the person will be informed that further misconduct or unsatisfactory performance may lead to dismissal.

**Dismissal** – If the person has received a final written warning, and displays further misconduct or unsatisfactory performance they may be dismissed.

**Dismissal without notice** – This may occur for serious offences, or offences that are a child protection issue or gross misconduct. The person may be dismissed without going through any previous procedures.

Examples of gross misconduct include, but are not limited to:

- Theft
- Fraud
- Physical Violence or bullying
- Personal threats to any club member or other club members at events and competitions
- Bringing the club into serious disrepute
- Serious concerns concerning the inappropriate use of social media
- Deliberate and serious damage to property
- A serious breach of the Code of Conduct
- Unlawful discrimination or harassment
- A serious breach of health and safety
- A serious breach of confidentiality
- Serious concerns about the suitability of someone to work with children or adults at risk (where appropriate)

### **Appeals Procedure**

- The person against whom the allegation has been made may Appeal the decision of the Disciplinary Panel within 14 days of being informed of the decision. They must write to the Chairman of the Disciplinary Panel giving their reasons for appealing.

### **Appeals Panel**

- The Disciplinary Panel Chairman will appoint an Appeals Panel of 3. No member of the Disciplinary Panel may be on the Appeals Panel
- The Appeals Panel will hear the case as soon as possible and usually within 28 days of the Appeal notification
- The Appeals Panel will usually comprise of Committee members, but membership may be drawn from other people with appropriate expertise or experience from within or outside the Club including, but not limited to, Snowsport England
- Where the allegation is a child protection or safeguarding concern, the Club Welfare Officer/other appointed person will attend the Appeals Panel meeting to provide information, but will not be able to be part of the decision making process if they have previously been a member of the Disciplinary Panel for this case
- The person against whom the allegation has been made will be informed in writing of the allegation or alleged offence and be given the time, date and venue of the Appeals Hearing. He/she will be given the opportunity to be accompanied by a friend, colleague or other representative (but not legal representative) at his/her own expense or send in a written submission. He/she must inform the club who will be accompanying them at least 48 hours prior to the hearing, otherwise attendance may be refused
- 14 day's notice of the hearing will be given (unless agreed by all parties to be less)

- The Appeals Panel Chairman will communicate the Panel's decision to the person against whom the allegation has been made as soon as possible and within 14 days of the meeting
- The Appeals Panel verdict shall be final and there shall be no Right of Appeal.

### **Safeguarding Concerns**

- If the Club Welfare Officer or the Club Chairman, considers a complaint or allegation is of sufficient seriousness to warrant the exclusion of an individual or member of the club, an Interim Suspension will be made. This decision will be made in consultation with at least one other committee member
- If the Club Welfare Officer or the Club Chairman does not receive support from another Committee member to make an interim suspension, and believes the complaint or allegation is of sufficient seriousness to warrant the exclusion of an individual or member of the club, he/she should consult with the Safeguarding Lead of SSE, or his/her deputy. If the decision of the Safeguarding Lead of SSE or his/her deputy is for the club to issue an interim suspension, this decision will override the Club's Committee member
- Where the Club has been notified by SSE that an Interim Suspension has been made by them precluding the person from partaking in certain activities within snowsports, the Club must abide by this Suspension
- The Club may decide to issue their own Interim Suspension pending the outcome of the SSE investigation
- Where the Club has issued an Interim Suspension pending the outcome of the SSE investigation, and the SSE investigation is concluded with the Interim Suspension being lifted, the person against whom an allegation or complaint has been made will still remain suspended from the Club until notified otherwise. The Club must come to their own conclusion about whether it is reasonable and necessary to continue with their suspension, or to lift their suspension. They may wish to consult with the SSE Safeguarding Lead.

All disciplinary actions taken by the Club will be duly recorded and placed on file for reference at a future date, and stored in line with the Data Protection Act.

### **Notifying Snowsport England**

Clubs are required to inform Snowsport England of any suspension, in order to safeguard others within the sport.

The Club will notify Snowsport England if someone is dismissed due to concerns about their suitability to work with children. The Club acknowledges they have a **legal duty of care** to refer someone to the DBS if they dismiss or remove a person from regulated activity (or may have done so had the person not left) because they have harmed or posed a risk of harm to a child or vulnerable adult. This will be done in consultation with Snowsport England Safeguarding Lead.

### **Confidentiality**

All members have the right to matters being dealt with in confidence. However, the Club may inform Snowsport England, the Police, Children's Social Care Services, Adult Social Care, the DBS or other statutory bodies of relevant cases where someone's suitability to work with children or adults is in question. Snowsport England has an information sharing policy with the other snowsports NGBs and will consider sharing the information with them and/or other clubs where appropriate in order to safeguard children and adults within our sport. Information may be shared with other sports too where relevant.

Information shared within the Club amongst Club members must only be shared with those who need to know, in order to impose the restrictions, support the club member, or safeguard children. Only relevant information must be shared and adequate information must be shared to achieve its purpose. Information must be accurate (fact, not hearsay) and it should be shared in a timely fashion and securely. A record should be kept of who has been told and if required, a confidentiality clause signed or agreed electronically, to ensure the matters or disciplinary outcomes remain of a private nature.

Throughout and following a disciplinary procedure, individuals (including committee members) directly involved within any disciplinary issue are asked to refrain from public postings about any of the processes, discussions or outcomes and accept all final decisions. If needed, and for the sake of clear communication, only the disciplinary or appeals panel will be permitted to release a statement on behalf of the club, indicating any outcomes in an accurate unbiased manner. This should only be carried out if appropriate and where confidentiality is not still required.