

COMPLAINTS AND DISCIPLINARY POLICY

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Glossary of terms

In this policy the following terms have the meanings set out below:

Adult at Risk

An individual aged 18 years or over 'who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation'.

Appeal

An application by a respondent or complainant to have an Appeal Panel consider the processes, deliberations and/or Decisions of the Sports Conduct Panel.

Appeal Panel

A body of three individuals who hear an appeal.

Appellant

The relevant individual appealing the decision of the disciplinary action.

Appropriate Authority

The level at which a complaint will be considered and administered. This could be Boccia England, a club, or boccia organisation that has been delegated the power to consider and administer a complaint and disciplinary action.

Boccia England (BE)

Boccia England, the National Governing Body for the sport of boccia in England

Chair

An individual approved by Boccia England to act in that role for the Sports Conduct Panel or Appeals Panel

Codes of Conduct

The set of behavioural standards which Boccia England establishes as the expected minimum to be observed by all involved in the sport



Club

A collection of individuals that come together from time to time in the form of a boccia club through which some or all of those individuals become affiliated to Boccia England.

Complaint

A formal expression of dissatisfaction with the actions or behaviour of a boccia member or boccia participant or with claims of unfair practice in connection with the boccia, whether made directly or indirectly to an Appropriate Authority.

Complainant

A person who submits a written Complaint to an Appropriate Authority.

Connected Participant

Any person, entity or collection of persons, whether a member or non-member, who from time to time participates in boccia in any capacity whether directly or indirectly.

Conflict of Interest

A situation in which an individual has competing interests or loyalties or there may be a perception of, or actual bias.

Decision

The result of a Panel's deliberations arrived at by a majority.

Hearing

A consideration of evidence submitted by the parties to a complaint by the Sports Conduct Panel or an Appeal Panel.

Hearing and Disciplinary Procedure

Any action taken in respect of a complaint made under the disciplinary regulations and processed in accordance with them.

Independent Person

A person with expert knowledge and understanding of a particular field who is called on to provide information to assist in making a decision.



Interim sanctions

A suspension, restriction or condition placed on any person pending the conclusion of the investigation and until a disciplinary hearing and decision by the Sports Conduct Panel.

Investigation Officer

A person assigned to investigate the complaint.

Panel

A Sports Conduct Panel or an Appeals Panel.

Recorder

A person appointed to record the proceedings at a Hearing.

Respondent

Any member or connected participant against whom a complaint has been made.

Sanction

A penalty, restriction or condition imposed on a respondent by the Sports Conduct or Appeals Panel.

Sports Conduct Panel

A body of three individuals to consider and determine a disciplinary charge.

Suspension

Removal of membership status: suspension of membership constitutes restriction from all recognised boccia activity and membership benefits.

Working Day

A day not being a Saturday, Sunday or public holiday in England.



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1. Principles

- 1.1 These guidelines form the framework to ensure the maintenance of the ethical philosophy under which the sport operates as detailed in the codes of conduct.
- 1.2 The Disciplinary guidelines are made pursuant to the powers of Boccia England to act as the governing body protecting and promoting the game of boccia in England as set out in its Articles of Association.
- 1.3 The guidelines aim to ensure good practice is applied and any complaint or other disciplinary matter is dealt with at an appropriate level and in a fair and timely manner. When dealing with a complaint or disciplinary matter, the principles of natural justice will be applied.
- 1.4 This policy applies in respect of any events or other activities administered by Boccia England and any other matters over which Boccia England has jurisdiction or authority pursuant to its Articles of Association. All individuals who participate in such events and activities shall be bound by this policy, provided that any complaints or disciplinary matters relating to the staff of Boccia England shall be governed by the Staff Handbook (unless otherwise stated therein).
- 1.5 These principles do not replace existing policies or procedures and any investigation will take into account whether it is covered by other policies such as safeguarding children and young people, safeguarding and protecting adults at risk, and selection rules.
- 1.6 Throughout any disciplinary procedure, Boccia England shall endeavor to keep all those involved and affected, reasonably informed about the process, timescales and possible outcomes of that disciplinary procedure. Confidentiality will be of upmost importance and information will be treated on a need-to-know basis only. When individuals under the age of 18 are involved either by raising a complaint or are subject to a complaint the parents or legal guardians must be informed.



2. What constitutes a disciplinary matter?

2.1 Any behaviour or conduct that is unsporting and has the potential to bring the sport of boccia and other persons involved with the sport into disrepute, irrespective of whether such behavior or conduct is the subject of a complaint.

2.2 While it is not possible to set out a definitive list of conduct that may constitute a disciplinary matter, the following types of behaviour, without limitation, are examples:

- Any breach, failure, refusal or neglect to comply with BE's Codes of Conduct (including any BE sanctioned rule, regulation or guidance).
- Verbal or physical abuse of any kind
- Fixing or in any way influencing the result or progress of a person participating in an event.
- Carrying out any acts and/or making any statements that are discriminatory by reasons of age, disability, gender, race, ethnic origin, cultural or social background, sexual orientation, religious belief, political affiliation or any other personal characteristic/feature.
- Abusing trust or authority of any individual involved in any Boccia England sanctioned event or activity in any way.
- Failing to act with respect any other individual involved in any Boccia England sanctioned event or activity; for example engaging in bullying or harassment.
- Any breach of BE's Equality Policy and guidelines.
- Failing to comply with BE's safeguarding children and young people and safeguarding and protecting adults at risk policies.
- Any breach of or non-compliance with the disciplinary regulations including sanctions and interim suspensions.

3. How to make a complaint

3.1 All verbal Complaints will be taken seriously but must be recorded and signed by the Complainant or by the relevant BE staff member using Appendix A, Complaint Record Form.



- 3.2 A complaint should reach BE within 10 working days of the alleged incident. Complaints relating to an incident outside that timescale may not be considered unless the severity of the complaint is such that it is considered to be in the best interests of promoting and protecting the sport of boccia in England to take it forward. This would include a safeguarding related complaint. An investigation panel appointed by Boccia England will decide whether it is in the best interests of the sport for a complaint to proceed where received outside the 10 day period.
- 3.3 Boccia England strongly recommends that as much detail as possible is given with any complaint including, but not limited to, why the complainant feels the incident was a disciplinary matter, witnesses, times, dates and location of the incident. This should be recorded by using Appendix A, complaint record form. If the complainant feels unable to reveal their identity while making the complaint, they should refer their complaint through BE's Whistleblowing Policy.
www.bocciaengland.org.uk/organisation/documents/

4. On receipt of a complaint

- 4.1 Complaints will be acknowledged within [10] Working Days of receipt and dealt with as quickly as reasonably possible.
- 4.2 On receiving a complaint, the CEO shall first determine whether;
- there is, prima facie, a disciplinary matter which Boccia England has the jurisdiction to deal with it under this policy;
 - reject the complaint because it is invalid within BE disciplinary procedures;
 - Follow the relevant policy / process. For example for consideration under BE's safeguarding children and young people and safeguarding and protecting adults at risk policies;
 - be dealt with by another Appropriate Authority (including but not limited to the NSPCC, for child welfare, or the police for criminal offences).
 - An interim sanction needs to be imposed, provided that the procedure taken in Section 5 of this policy are followed.



5. Interim Sanctions

- 5.1 Before imposing any interim sanction, the CEO shall consult with Boccia England's legal and compliance advisors and ensure that such interim sanction is appropriate and limited to situations where the relevant disciplinary matter or complaint:
- 5.1.1 Concerns and affects the safety or welfare of individuals;
 - 5.1.2 Involves allegations of gross misconduct or a material breach of Boccia England rules or codes of conduct;
 - 5.1.3 Presents a risk to the reputation of Boccia England were the interim sanction not taken; or
 - 5.1.4 Where a failure to take the relevant interim action would impede any investigation into the relevant disciplinary matter.

6. Investigation Officer Appointed

- 6.1 In the event that Boccia England shall endeavour to appoint an investigation officer in respect of each complaint or disciplinary matter, and where possible shall endeavour to appoint with the relevant 'expert' knowledge. Wherever practical they should have no conflicts of interest. The investigation officer is likely to be a member of the BE staff team. The appointment will be made within 5 working days of the acknowledgment of receipt of the complaint.

7. Sports Conduct Panel formed

- 7.1 The CEO (or such other Boccia England official delegated by the CEO, provided that such delegate is not an interested party in such disciplinary matter) shall appoint a panel in accordance with this Section 7. At a minimum the panel should comprise a chair and two other members one of whom may have relevant 'expert' knowledge, the other is the investigation officer. Wherever practical, the panel members should have no conflicts of interest but in the event that this is not possible any panel members with a conflict must declare it to all parties to the proceedings.



8. Investigation

- 8.1 The investigation officer shall be entitled to undertake any investigations they consider, in their reasonable opinion, necessary taking into account the relevant facts of the disciplinary matter. Every person will be obliged to cooperate with those investigations. Failure to cooperate with any investigation may itself constitute misconduct.
- 8.2 The investigation officer will inform the respondent that an investigation is being carried out and provide sufficient details of the complaint or the disciplinary matter in respect of which they are being investigated in order to enable the respondent to provide a meaningful response, and shall require the respondent to submit any information that they wish to be considered in the disciplinary matter to the investigation officer within 10 Working Days.
- 8.3 The investigation officer shall keep confidential the findings and all related information.

9. Investigation officer presents findings and panel discussion

- 9.1 The investigation officer shall report their findings to the Sports Conduct Panel. The panel will then discuss the findings.

10. Panel decides next course of action

- 10.1 On conclusion of the investigation, the Sports Conduct Panel shall decide whether the complaint should;
- proceed to hearing and disciplinary procedures in accordance with Section 11 below; or
 - be dealt with outside of hearing and disciplinary procedures in accordance with Section 15 below.

11. Hearing and Disciplinary

- 11.1 The chair of the Sports Conduct Panel will set a suitable date, time and place for the hearing which will be within 25 working days of the decision to proceed to



formal hearing and disciplinary procedures. The venue will primarily be decided on operational need at Boccia England's discretion, though reasonable account of the needs of all parties will be considered, where possible.

12. Notice of hearing

- 12.1 The respondent will be given 10 working days' notice of the date and time of the hearing.
- 12.2 The respondent will be given 5 working days from receipt of the hearing notice to object to any panel members in writing to the panel chairperson stating the grounds for objection.
- 12.3 The chairperson will consider any objection but it should be clearly understood that all appointed members of the Sports Conduct Panel are deemed to be unbiased and fully conversant with the principles of natural justice.
- 12.4 If in the opinion of the chair of the panel the ground for objection is unfounded the objection will be rejected. If the chair is in agreement with the objection they are authorised to make an alternative appointment straight away. The chair's decision is final.
- 12.5 If the objection is against the chair, another member of the panel must assess the objection.
- 12.6 If the respondent admits the allegation or accepts they have committed the disciplinary charge and requests that the matter is dealt with in their absence, they may provide to the panel a written statement of mitigation.
- 12.7 The respondent shall advise the panel chair, at least 5 working days before the disciplinary hearing, if they will be using the services of any representative (legal, technical or any other circumstances in which they need an aid) to present their case or advise them. The name and status of any representative must be provided to the chair at the time of notification. The person who represents the respondent may not also be a witness.



13. Hearing adjournment

- 13.1 The complainant or the respondent may request in writing an adjournment of the hearing within 5 working days of the date of the notice of the hearing. A detailed statement of the reasons for the request must be supplied. The request must be sent to the chair. The chair will consider the request and make a decision that they, in their absolute discretion, shall consider fair and reasonable. (Although if any adjournment is ordered this should, normally, not exceed 10 working days from the date of the originally scheduled hearing).
- 13.2 The chair of the Sports Conduct Panel will determine the date, time and place of any adjourned hearing and notify the complainant and respondent informing them of the adjourned hearing date. If the respondent does not attend, or is not represented at any adjourned hearing the panel will consider the case in their absence.

14. Hearing and Disciplinary Procedure

- 14.1 All hearings shall be conducted in a fair and orderly manner, with each party having a reasonable opportunity to give and call evidence, address the Sports Conduct Panel and present their case.
- 14.2 The hearing will take place in private.
- 14.3 A recorder will be appointed to record panel proceedings.
- 14.4 The panel shall decide any issue by majority.
- 14.5 The standard of proof in disciplinary cases is the balance of probability.
- 14.6 The procedure for the hearing will take place in accordance with that procedure set out at Section 14.11 below, unless otherwise decided, at the discretion of the chair of the panel, who may take decisions as necessary to amend the default procedure to ensure the hearing is as effective as possible. In the event that the chair proposes to amend the default procedure, both parties shall be provided



with the proposed procedure for the hearing upon being notified of the time and date of the hearing.

- 14.7 The panel will apply the laws of England and Wales, and take into account the principles of natural justice which must be applied in any hearing and the principles of proportionality when imposing sanctions.
- 14.8 If the respondent does not attend the hearing then provided that the panel is satisfied the notice of hearing was served correctly, the panel may proceed to hear the complaint in the absence of the respondent.
- 14.9 Any person who wilfully misleads the panel will be liable to disciplinary actions, which may involve the notification to another Appropriate Authority.
- 14.10 If the chair of the panel feels it is necessary, bearing in mind all the circumstances surrounding the case, the panel may, at their discretion, request an independent person to act as adviser to the panel.
- 14.11 The chair of the panel will outline the basic procedure of the hearing at the start of the proceedings. This will be, unless otherwise decided by the chair and notified to the respondent in accordance with Section 14.6 above, as follows:-
- the case against the respondent by the complainant;
 - a response from the respondent to admit or deny the disciplinary charge, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the panel;
 - the attendance of further witnesses will be with the prior agreement of the chair;
 - the respondent and complainant may be able to raise questions regarding the evidence submitted by the other party or its witnesses through the chair of the panel; no direct questioning will be permitted;
 - the respondent charged will be allowed to make a closing statement to the panel;
 - the panel will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proved;
 - the hearing will reconvene and the panel chair will pronounce their decision.



15. Sports Conduct Panel decides outcome

- 15.1 On conclusion of the Sports Conduct Panel's discussions or the formal hearing and disciplinary procedure, the panel shall decide the outcome which may include:
- Advice, information or training;
 - Mediation;
 - Sanctions; or
 - Dismissal of the complaint.
- 15.2 The panel will communicate its decision to the respondent within 10 working days.
- 15.3 The panel will maintain a record of all offences and sanctions, all correspondence, documents, witness statements, for a period of 10 years, unless otherwise required by applicable law.
- 15.4 BE will be entitled to publish the decision of the hearing and disciplinary in such a manner as is considered appropriate (and which may include, for the avoidance of doubt, publication on Boccia England's website).

16. Sanctions

- 16.1 The decisions taken especially in relation to the sanction to be imposed must be reasonable and proportionate in all the circumstances. Sanctions may include, but are not limited to;
- caution, reprimand, warning as to future conduct;
 - a verbal and/or written apology is required;
 - forfeit of next match;
 - removal from event or competition;
 - suspension of membership and/or from participation in competitions or squads for a specified period;
- 16.2 Where suspension from Boccia England events or activities are imposed, the wording must state the exact dates of the suspension and be clear and specific.



16.3 Any necessary steps will be undertaken to ensure that the punishment is complied with in every way at all levels of the game without exception.

17. Costs

17.1 Unless expressly awarded by the Sports Conduct Panel, no expense will be payable concerning the attendance of the respondent, complainant and or further witnesses.

18. Appeal procedure against the panel's decision

18.1 If either party wishes to appeal the outcome of the panel's decision they should set out the grounds on which they wish to appeal in writing. This letter should be sent with a fee of £100 (refundable if the appeal is upheld) to the chair of the panel within 10 working days of the panel's decision.

18.2 An appeal should be granted where there is a "strong arguable case" that;

- Materially relevant information was ignored or not considered by the panel; or
- the hearing and disciplinary process was tainted by unreasonable bias or conflict of interests;
- the provisions of the disciplining organisation's hearing and disciplinary procedure were not adhered to or
- the original panel exceeded its jurisdiction or
- the findings of the original panel were irrational or manifestly unreasonable in light of the facts set out before the panel.

18.3 If an appeal is granted, BE will appoint an independent appeal panel to consider the appeal, none of whom have had any prior involvement in the matter.

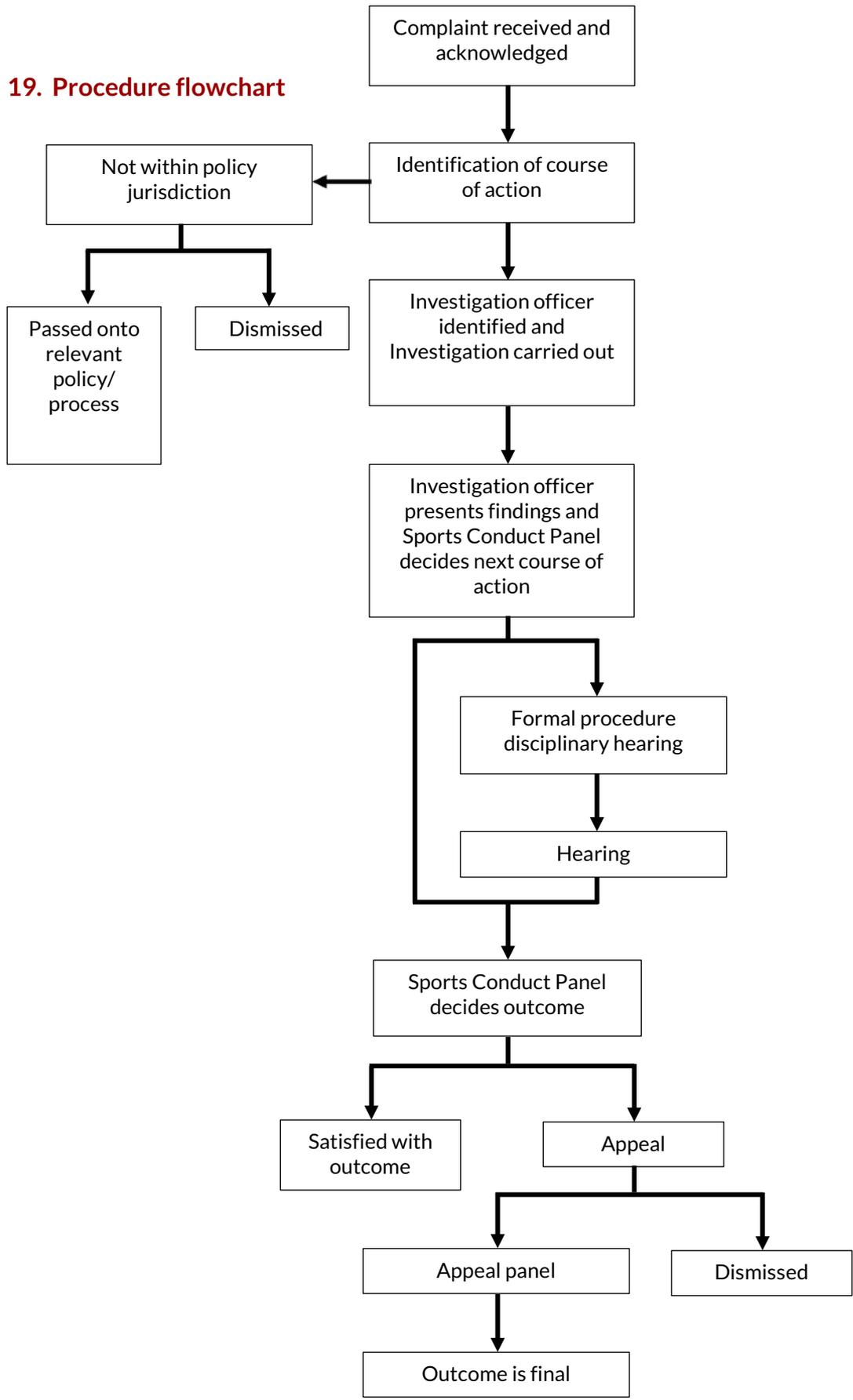
18.4 The appeal panel should be constituted along the same principles as the Sports Conduct Panel outlined above.



- 18.5 The chair of the appeal panel should convene a hearing of the appeal panel and in consultation with the other panel members, will decide the conduct of the proceedings.
- 18.6 Discussions should be recorded in writing.
- 18.7 Decisions of an appeal panel shall be made by a majority; no member of the panel may abstain from voting.
- 18.8 The appeal panel shall have the power to;
- confirm, vary or revoke the decision of the original panel;
 - confirm, increase, reduce or quash any sanction or order made by the original panel;
 - make any other order or determination it considers right or just.
- 18.9 The outcome and sufficient reason to explain the outcome of the appeal panel should be communicated to both parties within 10 working days.
- 18.10 The outcome of the appeal will be final.



19. Procedure flowchart



Appendix A

Complaint record form

Date	
Name of Complainant	
Contact Details:	Phone : Evening: Mobile: Email: Address: Preferred method of contact:
Is complaint on behalf of someone else? If so, who?	Yes No Name:
Where did complaint happen?	
Is there a named individual(s) in the complaint?	Name(s): Club or organisation:
Complaint details:	Date of incident: Time of incident: Location of incident: Nature of the complaint- what happened (this can include observations of the behaviour)
Details of any injuries and if the person received medical attention	
Details of anyone who saw what happened	
Signature:	
Print name:	
Date:	
When Complete, please post this form, marking the envelope "Private and Confidential" to: Boccia England Chief Executive Officer, Boccia England, 8 Heathcoat Building, Nottingham science Park, University Boulevard, Nottingham, NG7 2QJ	

