

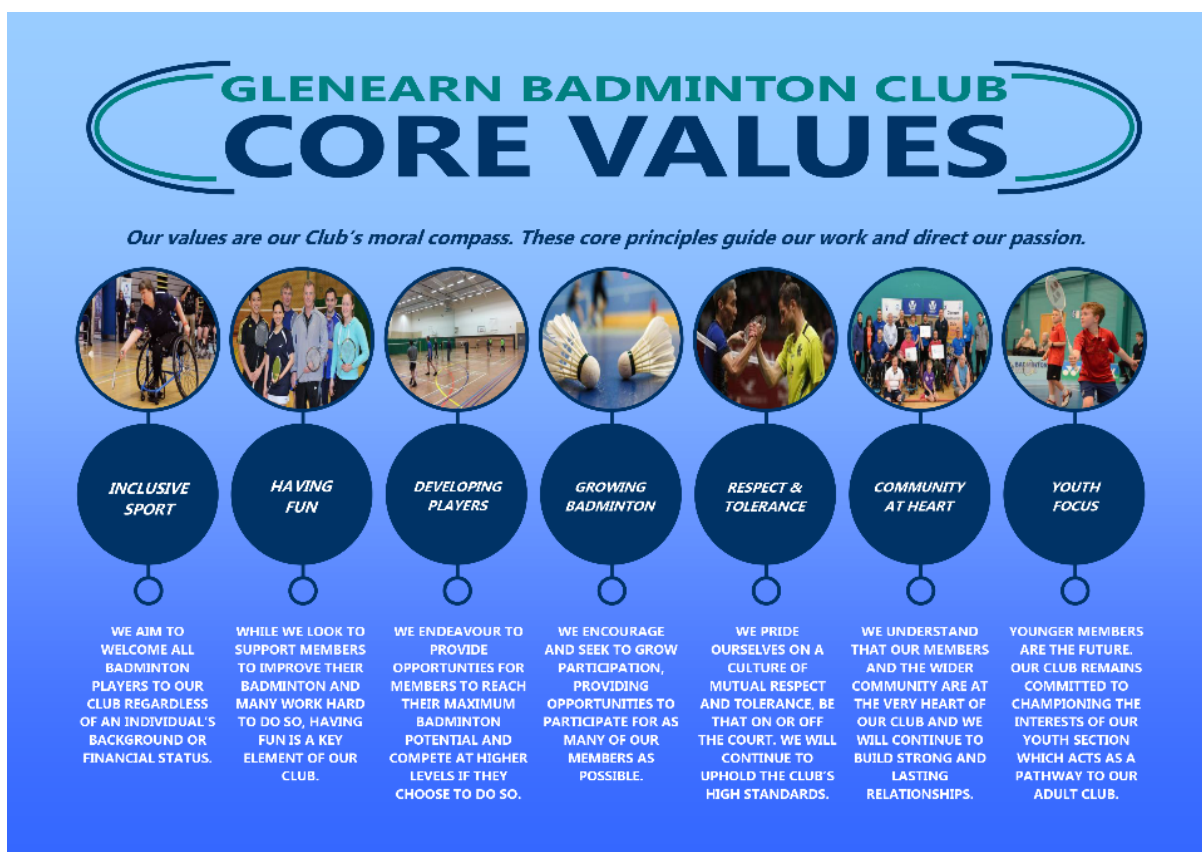
DISCIPLINARY POLICY

Date that this document was last reviewed and updated if appropriate:

3 November 2024

Introduction

1. Glenearn Badminton Club (“the Club”) has adopted this disciplinary policy.
2. This policy provides a framework and process for any Club related disciplinary action, should it be required. It is a tool to promptly, fairly and consistently address unacceptable conduct or behaviour. On occasion, it may be necessary to impose a sanction if the conduct or behaviour is unacceptable.
3. This document aims to:
 - To provide a clear understanding of the Club disciplinary policy.
 - To provide guidance on how the procedure should be followed.
4. The Club will take account of its values (see below) in assessing the need for, and in taking, any disciplinary action.



GLENEARN BADMINTON CLUB
CORE VALUES

Our values are our Club's moral compass. These core principles guide our work and direct our passion.

INCLUSIVE SPORT	HAVING FUN	DEVELOPING PLAYERS	GROWING BADMINTON	RESPECT & TOLERANCE	COMMUNITY AT HEART	YOUTH FOCUS
WE AIM TO WELCOME ALL BADMINTON PLAYERS TO OUR CLUB REGARDLESS OF AN INDIVIDUAL'S BACKGROUND OR FINANCIAL STATUS.	WHILE WE LOOK TO SUPPORT MEMBERS TO IMPROVE THEIR BADMINTON AND MANY WORK HARD TO DO SO, HAVING FUN IS A KEY ELEMENT OF OUR CLUB.	WE ENDEAVOUR TO PROVIDE OPPORTUNITIES FOR MEMBERS TO REACH THEIR MAXIMUM BADMINTON POTENTIAL AND COMPETE AT HIGHER LEVELS IF THEY CHOOSE TO DO SO.	WE ENCOURAGE AND SEEK TO GROW PARTICIPATION, PROVIDING OPPORTUNITIES TO PARTICIPATE FOR AS MANY OF OUR MEMBERS AS POSSIBLE.	WE PRIDE OURSELVES ON A CULTURE OF MUTUAL RESPECT AND TOLERANCE. BE THAT ON OR OFF THE COURT. WE WILL CONTINUE TO UPHOLD THE CLUB'S HIGH STANDARDS.	WE UNDERSTAND THAT OUR MEMBERS AND THE WIDER COMMUNITY ARE AT THE VERY HEART OF OUR CLUB AND WE WILL CONTINUE TO BUILD STRONG AND LASTING RELATIONSHIPS.	YOUNGER MEMBERS ARE THE FUTURE. OUR CLUB REMAINS COMMITTED TO CHAMPIONING THE INTERESTS OF OUR YOUTH SECTION WHICH ACTS AS A PATHWAY TO OUR ADULT CLUB.

5. In the context of those values, the Club will:
 - Treat individuals fairly, equally and consistently.
 - Establish the basic facts of any disciplinary issue and identify whether it is proven and amounts to misconduct or gross misconduct, and then follow the relevant process.
 - Investigate promptly and thoroughly, establishing the facts as clearly as possible.
 - Allow each relevant individual to put forward their case.
 - Listen to each relevant individual's views and any mitigating circumstances.
6. Where an individual is subject to disciplinary action, the Club will:
 - Give that individual a full written explanation of the action taken.
 - Give that individual an opportunity to appeal any formal disciplinary action.
 - Encourage the individual to be accompanied at disciplinary meetings.

Scope

7. This policy applies to any person who is a member of the Club or works under the auspices of the Club, including players, volunteers, coaches (whether Club members or independent), parents and carers.

Disciplinary matters

8. Anyone coming under the scope of this policy by virtue of paragraph 7 may be subject to disciplinary action in accordance with this policy if their conduct or behaviour is alleged to breach the Club's values and/or codes of conduct, be inappropriate, incorrect, improper, unlawful or unsporting.
9. The following non-exhaustive list contains examples of conduct which may constitute a breach of this policy:
 - Failing to comply with any of the Club's policies, constitution and regulations.
 - Doing anything which has the potential to harm the Club or bring it into disrepute.
 - Failing to comply with a written agreement with, or a written undertaking given to, the Club as part of a disciplinary process.
 - Making an untrue written statement to the Club or a person acting on behalf of Club.
 - Committing a breach of a Club code of conduct.
 - Committing a breach of the Club's online safety and social media policy.
 - Committing a breach of the Club's photography and filming policy.
 - Failing to treat others in the sport with dignity and respect.
 - Intentionally causing injury or harm to any Club member, Club committee member, Club volunteer or Club coach.
 - While participating in Club activities (including any session hosted by the Club, representing the Club in any competition, representing the Club in any other situation), intentionally causing injury or harm to any individual.
 - Committing a breach of Badminton Scotland's Anti-Doping Rules.
 - Assisting or encouraging any person to breach this policy.

Jurisdiction and power

10. The Club's Committee retains jurisdiction to act in relation to any disciplinary matter, including the power to impose appropriate sanctions in accordance this policy, subject to:
 - Allegations or concerns that a person has engaged in conduct which directly or indirectly adversely affects the welfare or safety of a person under the age of 18, or a Protected Adult (as defined by the Protection of Vulnerable Groups (Scotland) Act 2007), and/or places them at risk, shall be subject to the Club's "Making a Referral (to Disclosure Scotland)" policy.
 - The police may be contacted in the event of an emergency and/or if a child is at immediate risk of harm.
11. Disciplinary action and any resulting sanction under this policy shall be separate from and may be additional to:
 - any sanction imposed by Badminton Scotland under separate disciplinary processes.
 - Action or investigation by the police or statutory authorities in accordance with criminal law or other statutory regulations, whether resulting in a conviction or not.
12. Any action under this policy may be paused until the outcome of any criminal or external investigation is concluded, although any person may be suspended and/or precluded from participating in Club activities pending determination of any criminal or external investigation.

Application for investigation / making a complaint

13. A Club member or any other person (the "Applicant") may make a written application to the Club Secretary that an alleged disciplinary matter involving an individual who is subject to this policy by virtue of paragraph 7 above (the "Respondent") be investigated.
14. Where the complaint relates to the conduct of the Club Secretary, the written complaint should be submitted to the Club President.
15. The written application shall include the name and contact details of the Applicant, the identity of the Respondent, the nature and date(s) of the alleged disciplinary matter and the names of any known witnesses.

Interim suspension

16. The Club Committee may suspend a Respondent from Club activities ("Interim Suspension") on receipt of either of the following:
 - A written application for investigation of an alleged disciplinary matter, where such interim suspension may remain in force until not later than the conclusion of the disciplinary action.
 - Notification by the statutory authorities (police/social work services etc.) that a Club member is under investigation in relation to an alleged offence under the Sexual Offences (Scotland) Act 2009 or any related or preceding legislation, where such interim suspension may remain in force until the legal outcome becomes known and the Club disciplinary process has concluded.

17. An interim suspension shall only be imposed if the Club Committee is satisfied it is necessary in the interests of the Club and/or its members.
18. An interim suspension shall be a neutral action and shall not imply any prejudgment of the circumstances under investigation.
19. The Club may inform Badminton Scotland of any interim suspension relating to the Club.

Investigation

20. On receipt of a written complaint for an alleged disciplinary matter, the Club Secretary shall inform the Club President. Depending on the circumstances, the Club may seek an informal resolution to the disciplinary matter or appoint an "Investigator" to investigate it.
21. The Club may appoint any club member that does not have an interest in the case to be an Investigator. The Club President and members of any subsequent Disciplinary Panel are excluded from conducting investigations.
22. Where the disciplinary matter relates to conduct towards a person under 18 years of age, or towards a Protected Adult, the Club must follow appropriate safeguarding procedures.
23. When an Investigator is appointed, he or she will inform the Applicant in writing that they are dealing with the matter and inform the Applicant that the details of the application will be disclosed to the Respondent.
24. The Investigator will inform the Respondent in writing that they are the subject of a complaint, provide an outline of the allegation, identify who made the complaint (but only when the identification of such person is not confidential for safeguarding reasons), and seek a brief response to the complaint. Such a reply should include a short factual response to the allegation.
25. The Investigator will then conduct an investigation that is thorough, proportionate, relevant and fair to all parties. Contact with the Applicant, the Respondent and all witnesses can be face to face or via telephone or email. The Applicant, the Respondent and any witnesses shall give the Investigator all reasonable assistance, including promptly supplying statements if necessary, making themselves available for interview, answering any questions and supplying documentary or other information.
26. The Investigator shall make a written report which shall include the documentary evidence and a recommendation as to whether the Respondent has a case to answer.
27. The Investigator's report shall be submitted to the Club Committee in strictest confidence. The Committee shall either confirm the recommendation or arrange for further investigation by the same or a different Investigator. The report must not be circulated further.
28. If the Committee confirms a recommendation that there is no case to answer, the Club President shall inform the Applicant and the Respondent accordingly in writing.

There shall be no appeal against a decision that there is no case to answer but a case may be re-examined if further evidence is later forthcoming.

29. If the Committee confirms a recommendation that there is a case for the Respondent to answer, the Club President shall inform the Applicant and the Respondent accordingly and establish a disciplinary panel.

Disciplinary panel

30. The Club Committee shall appoint no fewer than three individuals to constitute a disciplinary panel, designating one of those as the disciplinary panel chairperson.
31. The disciplinary panel members will be independent to the alleged circumstances and those involved.
32. A disciplinary panel member having an interest in a matter to be considered must declare that interest as soon as he or she is aware of it and must have no further involvement in that case.
33. The Club President should not sit on a disciplinary panel.

Disciplinary proceedings

34. Once the Committee confirms a recommendation that there is a case to answer and establishes a disciplinary panel, they shall give the Respondent written notice of the decision together with the Investigator's report. Not later than 14 days after the sending of the notice, the Respondent shall send to the disciplinary panel chairperson a written response, together if desired with signed statements from any witnesses. At the same time the Respondent may be invited to, or request, a personal hearing.
35. If the Respondent is not invited to or does not request a personal hearing within the prescribed time outlined in the notice, the disciplinary panel shall adjudicate the matter, taking into consideration the report of the Investigator, the written statements of the Applicant, Respondent and witnesses and any other evidence it thinks appropriate. The disciplinary panel may in certain cases decide to adjudicate a case by correspondence only.
36. Proceedings, findings or decisions of the disciplinary panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless it raises a material doubt as to the reliability of the proceedings, findings or decisions.

Personal hearing

37. If the Respondent requests a personal hearing, the disciplinary panel shall give the Respondent at least 14 days' notice of the date, place and time of the hearing, which shall be held as soon as practicable and where possible within 42 days of receipt of the original request for a personal hearing.
38. The Respondent may be accompanied at a personal hearing by one other person of the Respondent's choice, who shall not be a witness. This right shall be in addition to the right of a Respondent who is under 18 or a Protected Adult to be accompanied by a parent or carer.

39. The disciplinary panel chairperson shall be responsible for managing the hearing's proceedings.
40. Failure of any person to attend the hearing, or to answer any question, or to produce any necessary papers, shall not prevent the disciplinary panel from proceeding to a decision.
41. The disciplinary panel shall consider its decision in private. If the allegation is contested the disciplinary panel shall first decide whether it is proven on the balance of probabilities and inform the Respondent accordingly.
42. If the allegation is admitted, or if the disciplinary panel finds the allegation proven, the Respondent may present a plea in mitigation before the disciplinary panel decides on any sanction to impose.
43. The disciplinary panel is entitled absolutely to determine the procedures that will be adopted at any personal hearing.

Sanctions

44. If the Respondent admits an allegation or if the disciplinary panel finds an allegation proven, the disciplinary panel may impose any one or more of the following sanctions on the Respondent:
 - A verbal warning valid for a defined period from the date the sanction is imposed.
 - A written warning valid for a defined period from the date the sanction is imposed.
 - Monitoring by a Club coach or any other person deemed relevant.
 - Requiring the Respondent to attend a relevant training course.
 - Suspension by the Club from some or all of the Club activities for a stated period.
 - Dismissal from the Club.
 - Requiring an undertaking in such terms as the disciplinary panel may decide and failure to give the undertaking within 14 days, or a breach of it within two years, shall be deemed a breach of this policy and upon such breach the offender shall be liable to a sanction in addition to the sanction for the original disciplinary matter.
 - Any combination of the above.

Records and confidentiality

45. A decision made by the disciplinary panel on whether a case is found proven, and the sanction imposed, shall not be regarded as confidential except where the Respondent is under 18 or is a Protected Adult.
46. The disciplinary panel chairperson shall within 30 days of the decision notify it in writing to the Respondent, the Applicant and any other person involved.
47. In a case of suspension, the disciplinary panel chairperson shall notify a suspension to those likely to be affected and to Badminton Scotland.

48. The chair of the disciplinary panel shall collate the minutes of each hearing which shall contain a record of the proceedings. The minutes shall include reasons for any findings made by the disciplinary panel including the sanction, if any, and the factors that were taken into consideration when imposing such sanction.
49. Records relating to a disciplinary matter shall be confidential and kept securely and in line with the Club privacy policy.

Appeals

50. If the disciplinary panel finds an allegation proven, the Respondent may appeal against the finding, or the sanction imposed, or both.
51. Any appeal must be made within 10 working days in writing to the panel chairperson.
52. The notification of appeal must contain the grounds for the appeal. The only grounds for an appeal are:
 - That there was a material error, either factual or procedural, in the original proceedings.
 - That there is material new evidence that, had it been known at the time of the original proceedings, would have affected the decision of the panel.
53. Any appeal that does not meet one of the criteria in paragraph 52 may be refused.
54. The appeal shall be heard by an appeal panel that shall usually consist of two Club members who were not involved in the original proceedings along with the Club President.
55. The President shall act as the appeal chairperson. An appeal is not a re-hearing of the original proceedings and whilst it will be necessary for the appeal panel to review the evidence by reading the statements and any reports, it will not involve the calling of new witnesses unless the appeal is based upon the ground of material new evidence.
56. The appeal chair shall determine the way the appeal is dealt with, including inviting representations either in writing or in person from the Applicant and/or the Respondent. Once the appeal chair is satisfied that the panel has sufficient information on which to decide the appeal, they will consider whether the appeal is upheld or dismissed.
57. The appeal panel shall have the following powers:
 - To dismiss the appeal.
 - To alter or vary the original decision.
 - To quash any sanction and/or substitute it for any other penalty.
 - To make any such other order or determination as it may think right or just.
58. The decision of the appeal panel will be communicated to the Respondent and the Applicant, by the appeal chair, in writing within seven days of the appeal decision.
59. The decision of the appeal panel will be final and binding.

People under 18 years of age

60. If an Applicant or a Respondent is under 18 years of age at the date of the alleged disciplinary matter:

- The disciplinary panel shall consult the Club Child Wellbeing and Protection Officer to ensure the interests of those aged under 18 are protected and that safeguarding protocols are correctly followed.
- Any right or obligation under these procedures may be exercised on their behalf by the under-18 individual's parent or carer.
- Any written communication with the under-18 individual under these procedures shall be copied to their parent or carer.
- If an Applicant, Respondent or witness is under 18 at the date of the alleged disciplinary matter, they may be accompanied by a parent or carer at any meeting or proceedings.
- When considering any sanction, the disciplinary panel shall consider the age of a Respondent who is under 18 at the date the disciplinary matter is alleged to have occurred.

Adults at risk

61. If an Applicant or Respondent is a Protected Adult:

- The disciplinary panel shall consult the Club Safeguarding Officer to ensure the Protected Adult's interests are protected and that safeguarding protocols are correctly followed.
- Any right or obligation under these regulations may be exercised on the Protected Adult's behalf by their carer or a nominated appropriate adult.
- Any written communication with the Protected Adult under these procedures may be copied to their carer or nominated appropriate adult.
- If an Applicant, Respondent or witness is a Protected Adult, they may be accompanied by a carer or nominated appropriate adult at any meeting or proceedings.
- When considering any sanction, the disciplinary panel shall consider the fact that a Respondent is a Protected Adult.

Changes to this document

62. Changes may be made to this document from time to time with the agreement of two or more of the Club President, the Club Secretary and the Club Treasurer.