

ANNEX 1-(23/05/23)

MEMBERS CODE OF CONDUCT, DISCIPLINARY & APPEALS PROCEDURE

DISCIPLINARY PROCEDURE.

THIS PROCEDURE APPLIES TO THE SOCIAL CLUB ONLY AND DOES NOT REQUIRE AUTHORISATION OR ACCEPTANCE FROM ANY OTHER PARTY.

Status of this policy

The Social Club reserves the right to review, revise, amend or replace the contents of this procedure at any time although notification will be given of any changes.

1) PURPOSE & PRINCIPLES

The aim of this Procedure is to help and encourage all members to achieve and maintain acceptable standards of conduct. To ensure that the Social Club abides by relevant legislation, guide lines and codes of practice and presents a fair, reasonable, consistent and prompt approach to dealing with disciplinary issues.

All members have a statutory right to be accompanied by a companion at any formal disciplinary interview that could result in:

- A formal warning being issued; or
- The taking of some other disciplinary action; or
- The confirmation of a warning or some other disciplinary action (to include exclusion from the club)

The companion may be a fellow member of the club.

The companion should be allowed to address the hearing to put and sum up the members case, respond on behalf of the member to any views expressed at the hearing and confer with the member during the hearing.

The companion does not, however, have the right to answer questions on the members behalf, address the hearing if the member does not wish it or prevent the Social Club from explaining their case.

Note: It would not normally be reasonable for a member to insist on being accompanied by a person whose presence would prejudice the hearing, nor would it be reasonable for a member to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available.

Where an member feels that disciplinary action taken against them is wrong, unjust or procedurally incorrect, the member has a statutory right to appeal. The appeal must be submitted in writing, clearly stating the grounds for the appeal

Appeals should be heard without unreasonable delay and wherever possible, by a committee member who has not been previously involved in the case.

2) NOTIFICATION

Members should be informed in advance, and in writing, of any disciplinary hearing. The notification should include the allegations that are being made against them together with any supporting evidence and/or statements taken. They will be informed of the possible consequences if the allegations are founded and be given the opportunity of challenging the allegations and evidence before decisions are reached. The member will also be informed of their right to be accompanied.

No disciplinary action will be taken against an member until the case has been fully investigated.

The procedure may be implemented at any stage if the members alleged misconduct warrants such action.

3) SCOPE

This procedure applies to all members of the social club without exception, with the aim of ensuring consistent and fair treatment for all.

4) ADMINISTRATION

Where, at the conclusion of a disciplinary hearing, the committee member decides to issue a warning, the Social Club will provide the member with details of the complaint made against them and will warn of the consequences of not implementing the required action or of further misconduct and will also advise on the right to appeal.

A Copy of this warning will be retained in the members file but will be disregarded for disciplinary purposes after the specified period subject to sustained satisfactory conduct and performance. The member will be supplied with a copy of the social club notes for agreement and for record.

5) PROOF IN Suspension

The Social club does not have to prove a members 'guilty beyond all reasonable doubt' as in a court of law. The Social club, however, be able to show that they have acted reasonably. The burden of proof is then discharged if the Social Club believes:

- a) that the member committed the offence
- b) that it had reasonable grounds for this belief

c) That when it formed this belief, it had undertaken as much investigation as was reasonable in the circumstances.

6) REASONABLE IMPARTIALITY

The Social Club will demonstrate this by ensuring that, where ever reasonably practicable, there is no conflict between the committee member conducting the hearing and the member. This will be by the selection of an impartial committee member to conduct the hearing.

7) PROCEDURE

Minor problems will normally be dealt with informally and outside of this procedure by 'one to ones' between a member and a committee member. However, if the problems are persistent or considered sufficiently serious, the following formal procedure will be used

If it is deemed necessary to instigate the disciplinary procedure a member of the committee will be appointed to lead the investigation. The nominated committee member will investigate the allegation and will interview all parties involved

Note 1) In cases where a period of suspension is considered necessary, for example where the members continued presence may jeopardise an investigation, or may be considered to constitute a danger to themselves or another member or may expose the social club to an unacceptable risk, this period should be as brief as possible, should be kept under review and it should be made clear that this suspension is not considered as disciplinary action.

Note 2) At the hearing, investigating committee member should present the complaint against the member to the hearing committee and go through the evidence that has been gathered. The member should be allowed to set out their case and answer any allegations that have been raised. The member should be given reasonable opportunity to ask questions, present evidence and call relevant witnesses. They should also be given an opportunity to raise points about any information provided by witnesses.

Stage I – Verbal Warning

If the conduct or performance of a member does not meet acceptable standards, they will normally be given a stage I Verbal Warning. The member will be advised of the reason for the warning, the improvement expected and the timescale, their right to appeal and that this is the first stage of the formal procedure. A copy of the warning will be retained in the members file, but will be disregarded for

disciplinary purposes after the specified period (normally six months) subject to sustained satisfactory conduct. If there is insufficient improvement or further misconduct or within the specified period, the warning will be escalated.

Stage II – Written Warning

The Social club may issue a stage II Written Warning if:

The required improvement is not achieved within the timescale stated in the stage I warning; or

Further misconduct takes place during the currency of the stage I warning, whether or not involving a repetition of the conduct which was the subject of the stage I warning; or

The seriousness of the misconduct merits it regardless of whether a stage I warning has already been issued.

Following the hearing, the member will be issued with written details of the complaint, the improvements required and the timescale. It will warn of the consequences of non-compliance to the requirements and will advise on the right to appeal. A Copy of this warning will be retained in the members file, but will be disregarded for disciplinary purposes after the specified period (normally twelve months), subject to sustained satisfactory conduct.

Stage III – Final Written Warning

The Social club may issue a stage III Final Written Warning if:

The required improvement is not achieved within the timescale stated in the stage II warning; or

Further misconduct takes place during the currency of the stage II warning, whether or not involving a repetition of the conduct which was the subject of the stage II warning; or

The seriousness of the misconduct merits it regardless of whether a stage I OR II warning has already been issued

Following the hearing, the employee will be informed of the reason for the final warning: the action or improvement required issued with written details of the complaint, the improvement (if any) that is required and the timescale. The fact that this is a final warning and that the next stage of the procedure will be exclusion from the club. The member will also be advised on their right to appeal. A Copy of this warning will be retained in the member's file, but will be disregarded for disciplinary purposes after the specified period normally twelve

months (but a longer period may be stated in exceptional cases), subject to sustained satisfactory conduct and performance.

Stage IV – Membership Withdrawal

The membership may be cancelled where:

The required improvement is not achieved within the timescale stated in the stage III warning; or

Further misconduct takes place during the currency of the stage III warning, whether or not involving a repetition of the conduct which was the subject of the stage III warning; or

It is reasonably believed that the member has committed an act of Gross Misconduct.

Following the hearing and as soon as is reasonably practicable, the member will be issued with written details of the reasons for membership withdrawal and will be advised on the right to appeal.

8) GROSS MISCONDUCT

If a member is accused of gross misconduct, he/she may be suspended from the the social club for as shorter time as possible while an investigation is carried out into the allegation.

N.B this suspension should not be considered a disciplinary action.

If on completion of the investigation and the full disciplinary procedure, the Social club committee is satisfied that an act of Gross Misconduct has taken place, the result will normally be summary exclusion from the club without notice.

A list of offences that constitute Gross Misconduct is shown in Appendix (1). It should be noted that this list is not exhaustive.

9) APPEALS

All members have the right to appeal against any formal disciplinary action taken against them. The appeal is to be made in writing within five days of the hearing and is to be addressed to the Chairman of the social club. The letter should include detailed grounds for the appeal against either:

- a) The Facts
- b) The Decision

c) The Procedure

The grounds for the appeal will be examined by the designated committee member along with the case notes. A committee member identified will hear the appeal.

It should be noted that the decision of the appeal hearing is final.

10) MITIGATING CIRCUMSTANCES

The investigation may uncover circumstances that surround the incidents that act in mitigation. These may be so compelling that the investigation does not take place.

Appendix (1)

Examples of offences normally regarded as Gross Misconduct & if found guilty will normally result in summary exclusion from the club:

- a) Theft, fraud, accepting or offering a bribe, deliberate falsification of records or any dishonesty involving the Social club, it's members, customers or authorised visitors, or attempts to commit such offences
- b) Physical violence
- c) Bullying or harassment
- d) Deliberate damage to property
- e) Aggravated Incapability through alcohol or being under the influence of illegal drugs or other substances
- f) Serious negligence which causes or might cause unacceptable loss, damage or injury
- g) Serious act of Verbal abuse
- h) Misuse of Social club property or of the Social club name.
- i) Serious infringement of the Health & Safety rules
- j) Serious breach of confidence or of the European Union General Data Protection Regulation (GDPR) 2018 and Data Protection Act 1998 (subject to the Public Interest Disclosure Act 1998)
- k) Bringing the Social club in to disrepute

l) Act of discrimination in breach of Equal Opportunities Act

m) Deliberately accessing internet sites containing pornographic, offensive or obscene material, or the storage or distribution, by any method, of the same

The above list is not exhaustive. It illustrates the type of conduct that will normally merit dismissal for a first offence.

Following investigation and a disciplinary hearing, if the Hearing committee is satisfied that an act of gross misconduct has been committed, Hearing Committee Chair will be entitled to dismiss immediately.