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CORPORATE POLICY 005: ORGANISATIONAL DISCIPLINARY POLICY

1. Applicability

- 1.1. This Policy applies to all volunteers, officials and members of Great Britain Wheelchair Rugby Ltd (GBWR).
- 1.2. This policy does not apply to infringements by players of the technical regulations of Wheelchair Rugby, which are dealt with under the International Rules for the Sport of Wheelchair Rugby, published by the International Wheelchair Rugby Federation.
- 1.3. This policy does not apply to staff on employment or service contracts with GBWR Ltd; for whom the GBWR Staff Disciplinary Policy should be followed.

2. Introduction

- 2.1. GBWR strives to operate effectively and to provide the best possible service to the sport of Wheelchair Rugby in the United Kingdom. This is in line with standards of performance and conduct expected of all officials, volunteers and members. Disciplinary rules and procedures are necessary to promote fairness, order and consistency in the treatment of individuals in employee, member, trustee, contractor, partner*, volunteer and public roles.
- 2.2. This Policy sets out the procedures to be followed where a volunteer, official or member has failed to uphold the standards of behaviour expected of them (for example: in cases of misconduct). Formal disciplinary action should only be taken as a last resort, and only if absolutely necessary. The procedures aim to treat all individuals fairly and consistently.
- 2.3. (* 'Partners' are defined as other bodies – e.g. charities or commercial service providers – with which GBWR may be collaborating in the delivery of its events, activities or support operations.)

3. Key principles

- 3.1. The following key principles underpin this Organisational Disciplinary Policy and its associated procedures:
 - 3.1.1. consistent, appropriate and prompt approach to discipline issues.
 - 3.1.2. respect for confidentiality and natural justice.
 - 3.1.3. all parties to act in good faith.
 - 3.1.4. individuals to be informed of allegations that have been made and given an opportunity to respond before decisions are reached.
 - 3.1.5. informal discussion and remedial action to be used where appropriate.
 - 3.1.6. no formal disciplinary action to be taken until a matter has been fully investigated by an appropriate officer of GBWR.



- 3.1.7. adequate notice and information relating to any Disciplinary Hearing to be given. Individuals have the right to be accompanied to any Hearing by a colleague or friend.
- 3.1.8. disciplinary Hearings to operate in a way that is proportionate to the:
 - 3.1.8.1. importance of the case both to GBWR and to sport in general;
 - 3.1.8.2. complexity of the issues; and the
 - 3.1.8.3. financial and people resources of each party.
- 3.1.9. individuals have the right of appeal.

4. Disciplinary rules and definitions

- 4.1. It is important to distinguish between those issues which arise because of misconduct and those which arise relating to an individual's capability (for example: where an official's inadequate performance is considered to arise either from a lack of adequate skills and/or experience or as a result of ill health).
- 4.2. To assist in distinguishing between such issues, the following definitions are provided as a guide as to which procedure should be followed. Cases can arise where it is difficult to distinguish between misconduct and capability. In such circumstances officers of GBWR should endeavour to ensure that any action taken is fair to the individual concerned, having regard to all the circumstances.
- 4.3. Misconduct
 - 4.3.1. Misconduct can be of varying degrees of seriousness culminating in gross misconduct, a definition of which is given below.
 - 4.3.2. A volunteer, official or member who wilfully refuses to perform his or her duties, or to behave, to a satisfactory standard is committing an act of misconduct. This includes any breach of GBWR's Policies or some other act which, although not necessarily specified in policy, may be regarded as misconduct. Breaches of discipline which constitute unacceptable behaviour or wilful failure to perform duties, may lead to a Written Warning.
- 4.4. Gross Misconduct
 - 4.4.1. Gross misconduct is a serious breach of discipline which is considered so grave that, subject to any mitigating circumstances, it constitutes grounds for removal from a position of responsibility within GBWR and/or termination of GBWR membership. Therefore in the case of gross misconduct, GBWR reserves the right of such removal or termination.
 - 4.4.2. The decision on whether conduct can be construed as gross misconduct will be dependant on full consideration of all the facts and circumstances.
 - 4.4.3. Examples of gross misconduct include (but are not limited to):
 - 4.4.3.1. a criminal offence that is likely to adversely affect the performance of an individual or their relationship with GBWR as the National Governing Body for the sport
 - 4.4.3.2. fighting or physical assault while on any GBWR programme or at any GBWR event
 - 4.4.3.3. drunkenness and/or drug-taking while on any GBWR programme or at any GBWR event
 - 4.4.3.4. theft, fraud or dishonesty
 - 4.4.3.5. bringing GBWR into disrepute
 - 4.4.3.6. a breach of professional ethics
 - 4.4.3.7. offensiveness to partners, employees, contractors, volunteers, members, trustees or the public
 - 4.4.3.8. racial, sexual, homophobic or disability-centred harassment
 - 4.4.3.9. a breach of GBWR's Equality Policy; Anti-Doping Policy; GBWR's Safe and Sound Safeguarding Policy; and/or of GBWR's Confidentiality Policy



5. Stages of Disciplinary Procedure

- 5.1. The following stages will apply:
- 5.2. Informal Discussions & Remedial Action
 - 5.2.1. Minor and/or limited deficiencies in conduct should be identified and brought to the individual's attention at an early stage and the individual concerned should be given encouragement, assistance and time to improve by the relevant GBWR officer. A written record of any informal discussions will be kept for six months.
 - 5.2.2. In circumstances where a single incident of a serious nature occurs, however, an investigation under the formal procedures is appropriate.
 - 5.2.3. Where alleged misconduct of any form has occurred which suggests a breach of GBWR's Safe and Sound Safeguarding Policy, it will initially be dealt with through the safeguarding route and referred to the GBWR Case Management Group (CMG) who will determine the appropriate process for dealing with the case
- 5.3. Suspension
 - 5.3.1. An individual may be suspended from duties, events, programmes or other activities of GBWR by the Chief Executive (or – in his absence – by the Chairman) in instances where this would facilitate the investigation. This is relevant in situations where, for example the alleged conduct:
 - 5.3.1.1. could adversely affect the reputation of GBWR or has a significant bearing on the delivery of GBWR's programmes, events and/or activities; or
 - 5.3.1.2. could be a danger to others; or
 - 5.3.1.3. the individual's continued involvement in duties, events, programmes or other activities of GBWR could negatively affect the disciplinary investigation.
 - 5.3.2. A suspension is a natural act and should not be regarded as a form of disciplinary action and should be for as short a period as necessary.
- 5.4. Investigation Process
 - 5.4.1. Where an alleged breach of discipline requires action beyond informal discussions, or where informal discussions have failed to bring about the required improvement, a full investigation will be undertaken by the GBWR Chief Executive, or by a GBWR Trustee appointed by the Chairman, as appropriate.
 - 5.4.2. The investigator will interview any witnesses and hold an investigation meeting with the individual (who can be accompanied by a colleague or friend). The purpose of such interviews and investigation meetings is to establish the facts of the case. Interviews and meetings should be noted and the notes signed and dated by the individuals and the investigator.
 - 5.4.3. The investigator may find that:
 - 5.4.3.1. there is no case to answer; or that
 - 5.4.3.2. the matter could be resolved through guidance outside the formal procedure; or that
 - 5.4.3.3. the matter requires a formal Disciplinary Hearing.
 - 5.4.4. The individual concerned will be informed in writing of the outcome of the investigation, whatever the decision may be.
- 5.5. Disciplinary Hearings
 - 5.5.1. If the outcome of the investigation is that the matter requires a formal Disciplinary Hearing, then an appropriate Member of the GBWR Board of Trustees, who has had no detailed contact with the events giving rise to the discipline case, will be appointed by the GBWR Chairman (or, in his absence, by the Chair of the Governance & Finance Sub



- Committee) to chair a Disciplinary Panel to conduct a hearing into the findings of the investigation.
- 5.5.2. The Disciplinary Panel Chair will select the following additional members of the Panel (none of whom will have been involved with the Disciplinary Investigation to date):
- 5.5.2.1. a club member of the GBWR Domestic Management Group
- 5.5.2.2. an external member (with appropriate experience from another National Governing Body)
- 5.5.3. The individual concerned should receive adequate written notice of a Disciplinary Hearing; normally this will be fifteen working days unless a shorter period is agreed by both parties.
- 5.5.4. The convening notice of the Disciplinary Hearing will state fully the nature of the misconduct as indicated from the Investigation findings and will enclose copies of any papers which are to be produced at the Hearing.
- 5.5.5. The Disciplinary Panel Chair will then ascertain from the individual concerned whether he/she wishes to attend the Disciplinary Hearing in person or whether he/she wishes to proceed by written submission only.
- 5.5.6. The individual should supply, normally at least five working days prior to the Hearing, copies of any and all documents that he or she intends to submit.
- 5.5.7. The Disciplinary Hearing will be structured to enable the investigator to present their case and the individual to present their case. Questions can be asked by the investigator, the individual and the members of the Disciplinary Panel. Any witnesses called by either the investigator or the individual will only be present in the Hearing for so long as they are giving their evidence.
- 5.5.8. The Disciplinary Hearing Panel will retire to consider the evidence (or – in the case of written submissions – to consider the relevant documentation submitted) before reaching a majority or unanimous decision on the balance of probabilities.
- 5.5.9. The Panel will inform the individual of its decision. The Panel will set out:
- 5.5.9.1. the reasons for its decision;
- 5.5.9.2. any mitigating circumstances it has taken into account; and
- 5.5.9.3. any Disciplinary Action that it considers appropriate.
- 5.5.10. In the event that the Panel considers the information provided to a Hearing is insufficient to reach a decision, it may request additional information and adjourn the Hearing for up to fifteen working days.

6. Disciplinary Action

- 6.1. Any disciplinary action should be reasonable in relation to the breach of discipline and all the circumstances surrounding it. Where it is decided that disciplinary action is required, the following staged levels of action are to be considered in line with the nature of the misconduct.

7. Written Warning

- 7.1. If the Panel concludes that misconduct is proven, a formal Written Warning will be given by the Disciplinary Panel. The terms of the Written Warning may vary according to degree of seriousness of the misconduct. Terms may include (but are not limited to);
- 7.1.1. the individual making a commitment not to repeat the misconduct; and/or
- 7.1.2. the individual concerned making a formal apology; and/or
- 7.1.3. the individual concerned agreeing to undertake remedial training; and/or



- 7.1.4. the individual concerned (if a GBWR official) being put under a period of close supervision.
- 7.2. The individual is to be advised that this is the first level of the formal disciplinary procedure and made aware that, if the issue remains unresolved or if the misconduct is repeated, this could lead to the next stage.
- 7.3. A copy of the formal Written Warning will be placed on file for a period of one year after which it will be removed from the file, provided the issue is resolved within that timeframe. The individual must be made aware of this by the Disciplinary Panel.

8. Removal from Office / Termination of Membership

- 8.1. If the Panel concludes that either:
 - 8.1.1. gross misconduct is proven; or
 - 8.1.2. a previous Written Warning has been ignored and/or misconduct has continued;
- 8.2. the final stage will be a decision by the Panel to
 - 8.2.1. remove an individual from any relevant position of responsibility in GBWR; and/or
 - 8.2.2. terminate an individual's of membership of GBWR.
- 8.3. The individual will be informed by the Disciplinary Panel of the reasons for its decision.

9. Appeals within GBWR

- 9.1. If disciplinary action is taken and the individual does not accept the outcome, then he/she has a right to appeal to the Chairman.
- 9.2. The Chairman (or his/her representative, who will be a GBWR Trustee not personally connected with the subject of the disciplinary action) will review the outcome of the disciplinary process and make any further investigations into the matter; and give his/her decision within 14 working days of the appeal being received and will report the decision of the appeal back to the individual.

10. Disputes regarding this Policy and Procedures

- 10.1. If all internal GBWR processes have been exhausted, then individuals and GBWR Ltd agree to submit any further dispute concerning any matter connected with or arising out of this Organisational Disciplinary Policy and its Procedures exclusively to binding arbitration to be conducted by an Arbitrator (or Panel) appointed by Sports Resolutions UK and pursuant to any rules of conduct of the arbitration laid down by SR (UK) or the appointed Arbitrator.
- 10.2. The Parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under this Policy and Procedures in any court of law or any other dispute resolution procedure. The outcome of the SR (UK) arbitration shall be final and binding.