

## **Introduction**

Knowle & Dorridge Racquets Club does not tolerate inappropriate behaviour towards staff, members, Committee members or visitors or damage to property and possessions. The Club will always seek to enforce the standards set out in the Code of Conduct, as published at the AGM in 2019. There may well be occasions where people either inadvertently or deliberately breach the Code.

The procedure needs to embed the following key principles: confidentiality, rigour, impartiality, fairness, transparency and timeliness.

This procedure deals with alleged breaches of the Club's Code of Conduct that do NOT involve children or vulnerable adults. There is a separate process to follow in the event that there is a safeguarding issue involving children or vulnerable adults where the issue will go directly to the Welfare Officer who will liaise with Warwickshire LTA. The Warwickshire LTA may pass cases involving children or vulnerable adults back to the Club and those cases will be considered under this procedure.

Invoking this procedure should be viewed as the final step when alternative solutions have been explored but have not produced a satisfactory outcome or when the incident is sufficiently serious to move directly to the formal procedure.

This document sets out that procedure and defines the various roles in the process.

## **Roles and definitions**

<b>Role</b>	<b>Definition and / or duties</b>
Complainant	A Complainant is a member of the club, coach, volunteer or any visitor to the Club or who has interaction with the Club. The Complainant must raise the alleged breach of the Code on their own behalf or with the agreement of the party(ies) against whom the action that generated the alleged breach was perpetrated.
Complaine	The person (member, coach, volunteer, employee or other person) who is alleged to have breached the Club's Code of Conduct
Committee Member ("CM")	A current member of Main Committee (or Tennis or Squash & Racquetball Sub-committees) who will receive details of the alleged breach and will identify 2 other CMs to form a Review Panel. If it does not prove possible to identify an available CM, club members who have served on Club Committees in the past may be called to join the RP.
Review Panel (RP)	The Review Panel comprises the CM's who will review the alleged breach to determine whether to take it forward to Investigation Panel and, if the alleged breach is upheld by the

**Procedure to report alleged breaches of KDRC's Code of Conduct**

	<p>Investigation Panel, the RP will determine the appropriate sanction.</p> <p>The RP will not involve the President and the Secretary as they need to be independent (or the WO if that person is also a CM).</p>
Welfare Officer ("WO")	<p>The Welfare Officer(s) will oversee the process once an alleged breach has been notified to ensure that it is followed in a thorough and timely way, in accordance with the rules. The WO will provide advice to any party regarding the process and, if requested by any party, sit on any Investigation Panel to ensure due process. The WO will keep a log of what happened and when. The WO will hold case conferences with the Secretary to ensure consistency.</p>
Main Committee member responsible for Welfare ("Secretary")	<p>The Secretary will deputise for the Welfare Officer(s) when unavailable and hold case conferences with the Welfare Officer(s) to ensure consistency.</p>
President	<p>The President will not be involved in investigating alleged breaches of the Code but will be the person who hears any appeal. The President will be independent of any decision taken by the RP. On any appeal, the President has the authority to convene a new Investigation Panel, uphold the original decision or call for a 3<sup>rd</sup> party review.</p>
The Investigation Panel ("IP")	<p>The Investigation Panel will be appointed by the RP that decided to investigate the alleged breach as described in Stage 3 of the procedure. The IP will have a minimum of 3 members, 1 from one of the Committees (Main, Tennis or Squash &amp; Racquetball) and 2 other members of the Club. The member of the IP must declare their impartiality and neither Complainant nor Complainee can challenge the IP's composition. The IP will be advised by the WO or Secretary and will work within the terms of reference as set by the RP. A member of the RP cannot be a member of the IP.</p>
Witness	<p>The Complainant or the Complainee has the right to identify a number of witnesses to the Investigation Panel. The Investigation Panel can call any witnesses if not identified by the Complainant or the Complainee (e.g. if a member volunteers that they saw the incident).</p>
The Supporter	<p>Both the Complainant and the Complainee can ask for a supporter to accompany them to an interview with the Investigation Panel. The Supporter can only be another club member but cannot be a judge, solicitor or barrister (practising or retired). The role of the supporter is to ensure a fair process is undertaken, that all parties have a fair opportunity to respond and to provide moral support.</p>

**Procedure**

**Stage 1** – A breach of the Code of Conduct is alleged

The Complainant emails the WO(s) or, in their absence, the Secretary providing sufficient information about the alleged breach that could include:

- The time and date of the alleged breach
- The nature of the breach
- Those section(s) of the Code that are alleged to have been breached
- Details of the parties involved and any witnesses
- Any supporting evidence

It is the responsibility of the Complainant to ensure that the WO(s) is available. If not available, the Complainant must contact the Secretary or, if not available, a CM who is available.

**Stage 2** – Receipt of alleged breach

- The WO should acknowledge receipt of the email to the Complainant alleging a breach of the Code and passes this to a CM who will be available (i.e. not scheduled to be away) within 1 working day. The WO advises the Complainant to which CM the alleged breach has been passed and that details will be passed to the Complainee. If the alleged breach is referred to another party (not the WO), that party should forward it to the WO without taking any action apart from advising that it has been passed to the WO
- The CM receiving the email will form an RP
- The WO and / or Secretary will open a case file to log the alleged breach, outcome of each stage of the process and when that outcome occurred
- The RP reviews the alleged breach to understand whether it would be more appropriate to explore alternative solutions with the parties before deciding to pursue a more formal route. If so, this should be agreed with both parties (and recorded by the WO). If not, the RP will notify the Complainee of the allegations within 1 working day
- The Complainee has the right to reply and must do this within 3 working days of receipt of the notification including any evidence
- The RP reviews the alleged breach (within 2 working days from receipt of a reply from the Complainee or at the expiry of the Complainee's time window to reply) to identify whether the alleged breach should be referred to an IP. This review can be done in person, by email or by phone
- The RP will communicate to the Complainant and the Complainee whether the alleged breach is being referred to an IP and the reasons for that decision
- The RP will advise the WO and the Secretary to document the outcome of this stage of the process

**Stage 3** – Investigation and decision

- The RP will appoint an Investigation Panel (IP), having received confirmation that no potential member of the IP has a conflict of interest or could be deemed to be partial. This should happen within 1 working day of the decision to refer the alleged breach to an IP
- The RP passes the details of the Complainant's alleged breach to the IP
- The RP will advise the Complainee and the Complainant of the membership of the IP and issue a formal request to meet the IP

- The IP will interview the Complainant, Complainee and any witnesses in person and review any evidence provided. In exceptional cases agreed by the WO, interviews may take place by phone or by email. The Complainant or Complainee has the right to be accompanied by their Supporter.
- The IP will keep a formal record of the meetings and will keep the WO and / or Secretary informed of progress at each stage and will seek guidance on process where required
- The IP will endeavour to interview all relevant parties including witnesses within 7 working days but will advise the Complainant and the Complainee if this timescale will not be met and the reasons (e.g. Complainee is on holiday)
- The IP will come to a majority decision of whether the Club's Code of Conduct has been breached and advise the RP accordingly in a report setting out the reasons behind the decision with 2 working days of all parties having been interviewed. The IP will also update the WO and / or Secretary with a copy of their report

**Stage 4** – outcome

- The RP will refer to the WO and / or Secretary if they are concerned that due process has not been followed. If it is decided that due process has not been followed, the RP will ask the IP to go back to where due process was not followed and the timings will start from that point (and the RP should advise the Complainant and Complainee accordingly)
- The RP will provide the details of the outcome to the Complainant and Complainee by email with 2 working days of receipt of the report by the IP
- The report from the IP should remain confidential to avoid situations where witnesses feel compromised if they believe that their evidence will be shared
- If upheld, the RP will advise the Complainee within 3 working days of communicating the outcome of the appropriate sanction. This could range from advising the Complainee about their future conduct through to suspending or removing membership
- The RP will decide whether to make the details of the sanction public
- The WO / Secretary will close the case and hold all relevant paperwork

**Stage 5** – Appeal

- If either the Complainant or the Complainee is not happy with the decision of the IP, they have the right to appeal to the President within 3 working days of the decision being communicated
- If the Complainee disputes the sanction imposed by the RP, they have the right to appeal to the President within 5 working days of the decision being communicated
- The President asks the WO to reopen case
- The President can decide to start Stage 2 again if he or she considers there is reasonable doubt or dismiss the appeal
- In this case, the President will be responsible for communicating in the way that the RP did in the first hearing of the alleged breach and for keeping the WO up to speed

**Stage 6** – Calling a General Meeting of members

Under Section 4 of the Club's rules, a member or visitor who is suspended or is excluded may request a General Meeting is convened to appeal to members against their suspension or exclusion.

