



# ALLEXTION & NEW PARKS FOOTBALL CLUB



**CHARTER STANDARD  
COMMUNITY CLUB**

## **Disciplinary Policy**

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**Endorsed by Trustee's on the 16<sup>th</sup> May 2022**

**To be revised: 16<sup>th</sup> May 2023**

## **Objective**

The policy is designed to help, support and encourage all individuals associated with Allexton & New Parks J.F.C. Supporters Association incorporating Allexton & New Parks Football Club (the "Club") to achieve and maintain the standards of behaviour expected under the Club's rules, policies and/or codes of conduct.

The emphasis of this Disciplinary Policy is, in the first instance, is to encourage improvement of the individual's, group or team's behaviour by working collaboratively with those concerned, and where relevant their parent/guardian, rather than simply imposing sanctions.

The Club will, consider all options available to them to resolve any conduct related scenarios, but will initially consider if an informal approach may be appropriate. However, where this is not appropriate, the club will inform all parties in writing, of the decision to commence a formal investigation into the accusations made.

## **The Process.**

The club will follow a fair and equitable process when dealing with any issues relating to either an individual's, group or teams conduct and will complete the following steps:

- Take receipt of any evidence relating to a breach of conduct and consider its merit
- Decisions to proceed, consider if this can be resolved Informally
- Inform those concerned of the decision to start Formal disciplinary action
- Carry out an Investigation
- Suspensions
- Conduct the formal hearing
- Appeals

### **1. Receipt of Evidence.**

On receipt of any accusation concerning a member or player of the club, the club has a duty to investigate it to evidence that they are meeting the expected standards of due diligence relating to safeguarding those attending the club in any capacity. Evidence is a vital part of any internal investigation and without it, the club will not be able to prove any burden of guilt by those being accused, therefore anyone connected to the club provided with evidence of wrongdoing will:

- Secure the evidence and report the matter as soon as possible to a Trustee.
- The selected Trustee will contact the person levying the accusation to gather all other evidence and submit this to a senior Trustee for their consideration.

## **2. Decisions to Proceed Informally.**

When reaching the decision to consider Informal Resolution Process, the club will have considered if this would be the most pragmatic way of dealing with the matter and will achieve the clubs desired outcome.

Informal resolution Meeting, will include:

- privately talking with the accused and any other staff involved, listening to their point(s) of view, and then providing clarity on club policies and or procedures.
- agreeing improvements to be made, how and when they should be made, and
- setting up a training or development plan, if available or required.

if it's an Educational or performance issue, the club will consider how it could support change in the individual, group, or team, as this may be all that is required to agree a way forward and to point out that improvements are needed to meet the club`s expectations. This will also evidence the club`s commitment to its members.

If the club initially considered resolving the issue informally, but now feel they need to start formal disciplinary procedures, they must tell the accused straight away that an investigation will be started.

**This should be done in writing and should include:**

- a) sufficient information about the alleged misconduct or poor performance
- b) possible consequences should this be proven, for example a written warning.

The individual, group or team should have this information in time to prepare for a disciplinary meeting.

The club must make sure they follow a full and fair procedure throughout. This is for the protection of the accused and the club

Prior to starting any formal disciplinary actions, the club will take into consideration any capability issues, and will consider if there is a need for additional:

- Support
- Training, and or
- Encouragement to improve

Where the club deals with the issue under a capability or disciplinary procedure, it will do so fairly considering the personal circumstances relating to the accused such as:

- Educational capacity
- Diagnosed conditions
- Recognised disabilities and or

other circumstances not listed above that may be used to mitigate against the outcome of the capability or disciplinary process.

### **3. Investigation**

To protect everyone involved in a disciplinary or grievance case, the club must make sure they follow a fair procedure. The investigation is an important part of this.

If the club does not carry out a reasonable investigation, any decisions they make in the disciplinary hearing are likely to be unfair.

The club should appoint an Investigating Officer where he/she should be considered to be of a neutral position in the club, have no personal interest with the accused and would not be able to be accused of having a conflict of interest.

The club will also be mindful of the level of discipline being considered at the Investigation and or hearing stage whereas any appeal being requested would be able to be accommodated appropriately by the appointed / elected representatives of the club without a need to request external assistance from the LRCFA.

In a disciplinary and or grievance investigation, the person investigating should do their best to:

- be fair and objective
- follow any policies or guidelines your workplace might have
- get as much information on the case as is reasonable
- not try to prove guilt, but get balanced evidence from both sides
- keep the case confidential

In a disciplinary procedure, the person investigating should be finding out if there is an issue that needs to be addressed, not trying to prove guilt.

Physical evidence may include:

- emails
- paperwork
- receipts
- computer records
- phone records
- cctv recordings
- statements.

The investigation should decide if:

- there is a case to answer
- make sure everyone is treated fairly
- gather evidence from all sides
- help the club to see what should happen next

At any stage the club can still look at whether:

- the formal procedure needs to carry on, or
- the issue can be resolved informally instead.

At the end of the Investigation, **the only outcome can be:**

- No case to answer, Insufficient evidence to proceed
- Inform the accused that there is sufficient evidence to proceed to a formal hearing.

### **Informing the Accused**

The Investigating Officer should tell the accused with the disciplinary or grievance issue as soon as they decide to open an investigation.

This is unless the club thinks there is a risk that the accused might tamper with evidence or influence witnesses. In this case, the club should wait until there is less risk of this.

When the club tells the accused they are opening an investigation, it's a good idea for them to explain:

- why they're carrying out an investigation
- who will be carrying it out
- what they're going to do
- that they'll need to talk to any witnesses
- how long it could take
- what will happen next, for example a meeting
- that everything will be kept confidential

### **4. Suspensions**

The club should only consider suspension during an investigation if they believe it's needed to protect any of the following:

- the investigation
- the club
- other members and / or players
- the accused under investigation

If suspension is necessary, the club should:

- explain to the accused the reason for their suspension
- make clear it does not mean they believe they are guilty
- keep the suspension confidential wherever possible
- keep the suspension under close review
- make sure it only lasts for as long as necessary

- explain what the accused responsibilities are during their suspension, for example to not contact – colleagues
- name a person, such as their point of contact, the accused can contact if they have any concerns
- keep regular contact with the accused throughout.

Throughout the process the club will take account of the potential stress and anxiety of those being investigated and will appoint a neutral person to act if required as a welfare officer to maintain contact and support the accused for as long as required.

## **5. Preparing for the hearing**

The hearing should be held as soon as possible after the investigation, while giving reasonable time for the accused to prepare.

In good time before the hearing, the club should put in writing to the accused:

- the alleged misconduct or performance issue
- any evidence from the investigation
- any other information they plan to talk about
- the date, time and location of the hearing
- information on the accused's right to be accompanied to the hearing
- the possible outcomes

## **6. Right to be accompanied**

The accused may be accompanied by a companion of their choosing and, similarly, may choose not to have a companion. Should a companion be chosen then the club shall be informed by the accused at least 48 hours before any hearing of who that might be.

## **7. Formal Hearing**

Should the club make the decision to carry out a formal hearing, it will form a Hearing Panel consisting of three (3) persons and should there be grounds for appeal, who will hear the appeal. The Panel hearing the appeal should be completely neutral and have had no previous involvement or knowledge of the case as this may prejudice the accused.

The hearing is the chance for both the club and the accused to state their case. The club, accused and accused's companion should make every effort to attend.

The club should:

- explain the accused's alleged misconduct or performance issue
- go through the evidence
- make sure someone takes notes

The accused should be given the chance to:

- set out their case
- answer any allegations
- ask questions
- show evidence
- call relevant witnesses (with good notice)
- respond to any information given by witnesses
- choose if their companion can speak for them at the hearing

The accused's companion should be allowed to:

- set out the accused's case
- respond for the accused to any comments or points made at the meeting
- talk with the accused during the hearing
- take notes
- sum up the accused's case at the end of the hearing

The club may agree to allow the companion to ask questions on behalf of the accused

## **8. Outcomes**

The Hearing Panel shall act honestly and equitably in assessing the facts of the disciplinary case before it and may impose such sanction as it sees fit, including for example (this list is not exhaustive):

- verbal warning.
- suspension to allow more facts to be gathered, after which time a further meeting of the Hearing Panel shall be held
- written warning.
- Final Written warning
- education.
- mentoring.
- exclusion from a specified number of matches.
- exclusion from a specified number of training sessions;
- removal from the team for the remainder of the current season.
- refusal to register with a team for the next season.
- expulsion from the Club.
- If appropriate, the Hearing Panel may choose to impose no sanction.

The Hearing Panel will not ordinarily expel anyone from the Club for a first breach of a code of conduct, except in cases where there has been gross misconduct. Instead, but without prejudice to the Club's

obligation to adhere to any disciplinary guidance or rules issued by any league or football authority to which it is affiliated, the Hearing Panel will seek to apply a sanction of expulsion only as a last resort for serious breaches or where other lighter measures aimed at improving behaviour have not been effective.

The Hearing Panel will normally regard the following (which is not an exhaustive list) as gross misconduct:

- Assault or threat of assault on another person.
- Fighting
- Deliberate damage to Club property.
- Bringing the Club into disrepute by actions or words.
- Serious negligence or disregard of a Club rule, policy or code of conduct that causes, or could have caused, unacceptable loss, damage, or injury.
- Serious act of insubordination, including the failure to follow or observe reasonable instructions of a team coach/manager or other Club official.
- Any welfare issues
- Theft
- Fraud
- Misappropriation of club equipment and/or resource
- Unfit through drug or alcohol consumption

If the individual concerned fails to either attend or submit their version of events or mitigating circumstances as envisaged above, the Hearing Panel can proceed and make such inferences as it sees fit from such non-attendance or non-submission and the Hearing Panel meeting may proceed in the member's absence.

The individual subject to the disciplinary hearing may appeal against the decision of the Hearing Panel within seven days of being notified of the decision. The appeal must be made to the Secretary of the Charity in writing, unless they are part of the Hearing Officer Cohort and must identify the specific decision being appealed and set out the grounds of appeal and the reasons why it would be substantially unfair not to alter the decision.

The appeal will take place as soon as possible after the individual concerned has requested it, and no later than 28 days following the date of receipt of the request for an appeal hearing.

The Secretary to the Charity will communicate the final decision to the individual, only after the conclusion of the appeal, or when the date for the lodging of an appeal has passed without such appeal being lodged. No member of the Hearing Panel shall make any comment about the proceedings publicly.

No individual, expelled from membership shall be readmitted except by a special resolution of the Club in general meeting.