CLWB GOLFF PORTHMADOG GOLF CLUB
Club Disciplinary Procedure

Definitions

In these procedures and regulations, the words outlined below shall have the following meanings and interpretations:

"Adult at Risk of Harm" An individual aged 18 or over who is;

- Experiencing or is at risk of abuse or neglect, and;
- Has caring or supportive needs, and;
- A result of those needs, they are unable to protect themselves against abuse or neglect or the risk of it

"Appeal Panel"	The group of individuals appointed by the Chairperson to manage the appeals process in accordance with these outlined procedure and regulations
"Appellant"	A person or group or organisation who appeals the decisions of a disciplinary panel
"Chairperson"	The Chairman of the Club's Executive Committee
"Chair"	The individual appointed by the disciplinary panel or a relevant committee to chair the disciplinary or appeal hearing.
"Club"	Clwb Golf Porthmadog Golf Club, Morfa Bychan, Porthmadog, Gwynedd LL49 9UU
"Club Rules"	The rules can include the Club's constitution, articles of association, bye-laws, code of conduct and any other relevant rules in which Club members are bound to in accordance with their membership regulations
"Complaint"	A complaint or a matter of misconduct or concern
"Complainant"	The person or group or organization from which a complaint has been raised and has been received by the disciplinary panel
"Day"	A calendar day.
"Disciplinary Panel" or "Panel"	The individual or group of individuals that are appointed by the Chairperson to manage the disciplinary matters, following theses outlined procedures and regulations
"Law"	The Law of England and Wales
"Parties"	The Complainant and Respondent in any Complaint procedure.
"Young Person"	A Person under the age of 18 years old
"Respondent"	The person who is the subject of the Complaint or disciplinary action brought under the Regulations

General Statement

CLWB GOLFF PORTHMADOG GOLF CLUB (the Club) is responsible for setting and maintaining the standards of service and delivery to the members, stakeholders and the wider public. The Club is committed to dealing with any Complaint in a timely and comprehensive manner.

Dealing with a complaint

The emphasis of the Club's complaints procedure will be to ensure a fair and early resolution of the matter or issue with a minimum disruption to its members.

Therefore the club will aim to:

- Ensure an open and transparent environment in which complaints are presented to the Club
- Make the Complaint process as simple as possible and subject to review from time to time
- Deal with all Complaints impartially, fairly, sympathetically and honestly
- Ensure a detailed and full response to Complaints wherever possible
- If the Club, it's volunteers, members or usual processes and procedures are found to be at fault, this will be acknowledged and the appropriate communication will be provided to all necessary

individuals and groups, outlining future action, if any, that will be taken to prevent similar problems occurring again

Who does this procedure apply to?

This procedure applies to all Club members, players, participants, volunteers, visitors, staff and contractors to the club.

Authority of disciplinary matters

This procedure and regulations will be enforced and applied to any of the following:

- Any alleged breaches of the Club rules, regulations and codes of conduct
- Any alleged breaches of the Rules of Golf, handicapping violations and any other breach of the Club's competition rules
- Any situation in which an individual displays any form of inappropriate, unlawful or unsporting conduct and behaviour that brings the club or sport into disrepute
- An expression of dissatisfaction regarding an action or situation which the Club has made, including any volunteers, members or others from the Club.
- Any safeguarding incidents which in this situation must be reported to the Club's Lead Safeguarding Officer or the Wales Golf Lead Safeguarding Officer before any disciplinary action is taken.

Complaints Procedure

- A Complaint can initially be raised verbally to the Club Manager.
- The Complainant will be asked to follow up this verbal complaint in writing.
- The Club will wherever appropriate take any reasonable steps to manage any Complaints.

Upon receipt by the Club Manager of a formal Complaint or any matter considered to be misconduct, the Club will investigate the Complaint as expeditiously as possible, gathering information and evidence as appropriate.

The Club's Chairperson or General Manager or any other delegated appropriate individual, including an external independent 3rd party may investigate the Complaint.

The process of the investigation;

- Determine the procedure and timetable for dealing with the Complaint
- Contact the Respondent and any other relevant party for a response to the raised Complaint.
- The Respondent will have 14 Days to respond to the Complaint. No response within the time period may result in suspension of the Respondent's involvement in the Club until any requested response is received.
- Carry out an initial investigation of the Complaint to collect evidence or information Actively seek advice and guidance from any other appropriate individuals or organisations
- Record all the relevant facts and reasoning for determining the issues raised
- Keep the Complainant informed of progress with regard to their Complaint,

Following the investigation, the Chairperson will outline the appropriate next steps, which can include;

- ✓ Dismiss the Complaint with no further action required
- ✓ Deal with the Complaint and resolve it informally wherever possible
- ✓ Refer to the Complaint to a Disciplinary Panel

Formal procedure for managing a Complaint when it is referred to the Disciplinary Panel: Establishing a Disciplinary Panel

- If it is determined that the raised Complaint needs to be formally dealt with, then an independent and impartial Disciplinary Panel will be established by the Chairperson to manage and determine the matter
- The Disciplinary Panel will comprise of 3 individuals all of which will be impartial and independent of the Complaint.
- One of the Disciplinary Panel members will be appointed as Chair.
- If at any point, a member of the Disciplinary Panel declares an interest or is perceived not to be impartial or have an actual or potential interest by another panel member, they will be replaced by another independent and impartial individual.

Formal procedure for managing a Complaint when it is referred to the Disciplinary Panel: Issue a Procedural Notice

Following the establishment of a Disciplinary Panel, the Parties will be notified of the formal procedure that will be followed.

- The Complaint may be dealt with by a documents only procedure or by a hearing of the parties.
- Should a hearing be necessary then the Disciplinary Panel will set the date of the Hearing following the Respondent's reply to the Complaint
- Not less than 7 Days before the hearing date, the Panel will share with the Parties the details of the Complaint and/or alleged misconduct including any evidence gathered that will be presented at the hearing with the Parties
- The Panel will provide the Parties an opportunity to share details of any witnesses and/or other evidence
- At any hearing the Parties will be afforded an equitable opportunity to make representations in support and defence of the allegations;

Formal procedure for managing a Complaint when it is referred to the Disciplinary Panel: Subject of Complaint – Response and entitlement

In the instance that the Respondent does not share the requested details within the procedural timeframe, the hearing may be adjourned or may proceed in the Respondents absence by drawing any adverse inferences which may be deemed appropriate. This determination is made at the discretion of the Disciplinary Panel.

The Respondent will be given the opportunity to be accompanied by any other member of the Club to speak on their behalf during the hearing.

In cases where the subject of the complaint Respondent is under the age of 14, all correspondence shall be addressed only to the Member's parent or guardian.

In cases where the subject of the complaint Respondent is between the age of 14 and 18, all correspondence shall be addressed to the Member's parent or guardian and the Member.

In cases where the subject of the complaint Respondent is under the age of 18, the Member's parent or guardian can attend the hearing meeting and speak on the Members behalf.

In cases where the subject of the complaint Respondent is a young person or a vulnerable adult, there will be a consideration to include a representative on the Panel who has undertaken Safeguarding training.

Formal procedure for managing a Complaint when it is referred to the Disciplinary Panel: Disciplinary Hearing

The proceedings of all hearing meetings before the Panel shall be held in private and will be confidential.

The Panel will consider all of the evidence that has been presented.

Each Party will be entitled to present its case and provide a response to the Panel, including presenting any evidence, calling witnesses and cross examining witness during the hearing meeting.

Factors to consider for Oral Disciplinary Hearings:

- Either party to the Complaint may be represented by a third party at an oral Hearing
- The representative can be a member of the Club or be independent of the club.
- Each party will be afforded a fair opportunity to outline its case and provide a response relating to the subject of the Complaint, including the provision of evidence and witness statements.

Disciplinary Decisions

Following the conclusion of the hearing, or the determination of the Complaint made by a documents only procedure, the Disciplinary Panel will convene in private and consider the issues raised and make a final decision to relating to the Complaint and may impose sanctions as they deem necessary. This final decision will include:

- A decision to upholding or reject the Complaint and provide the Parties with reasons in writing confirming the decision and any sanctions to be imposed.
- Any decision will be communicated to the parties by the Panel within 21 Days after the date of the hearing.

The decision of the Panel does not need to be unanimous, a majority in favour of the decision is suitable. Should no decision be agreed between the Panel Members then the Chair will determine the Complaint.

The standard of proof in all cases before the Disciplinary Panel (and any subsequent Appeal Panel) is made on the balance of probabilities by taking into consideration the Law, Club Rules and procedures.

The Panel shall have the authority to determine the procedure including (without limitation);

- Extend or vary any timeframes set out in the procedure
- Adjourn any proceedings at any given time
- Adjust any time for the collection and submission of any evidence
- Be inquisitorial at any time
- Admit or exclude any evidence on the basis of its relevance or failure to comply with directions
- Order that the costs of and incidental to any proceedings before it be paid (or contributed towards) by any party

In the case where the Disciplinary Panel finds a Complaint has been proven, a number of decisions may be imposed to the Member;

- A caution or warning in respect of the Member's conduct
- A suspension or exclusion from Club competition or other involvements at any Club event
- Expulsion from membership of the Club
- Suspension of all membership rights for a period of time, not exceeding 12 months
- Suspension or exclusion from any role within the Club for a period of time, not exceeding 12 months
- A combination of any of the above or any other action deemed appropriate by the Panel.

Appeals Process

If either Party wishes to appeal a decision of the Disciplinary Panel, it must submit an appeal to the Club Manager in writing within 14 days of the date of the Disciplinary Panel's original decision being notified to the Member. Should no appeal be made within 14 Days then the Disciplinary Panel's decision becomes final and binding.

The Appeal must include all details for the grounds of the appeal. These may include the following;

- The decision made was factually incorrect
- Questions or concerns regarding the process, procedure or impartiality of the Panel
- That the disciplinary decision for sanction is deemed unreasonable in consideration of the facts prior to the Disciplinary Panel.

Establishing an Appeals Panel

- If it is determined that the submitted appeal needs to be formally dealt with, an Appeals Panel will be established by the Chairperson.
- The Appeals Panel will comprise of 3 individuals all of which will be impartial and independent of the Complaint, meaning that they were not named in the raised Complaint nor involved in the Disciplinary Panel proceedings
- One of the Appeals Panel members will be appointed as Chair.
- If at any point, a member of the Appeals Panel declares an interest or is perceived to have an actual or potential interest by another panel member or be deemed to not be impartial then they will be replaced by another individual.

The Appeals Panel will provide written notice to the Appellant and Respondent of the procedure to be adopted and the date, time and place of the appeal hearing meeting.

The appeal hearing meeting will include a review of the Disciplinary Panel's decision.

The Appeal Panel will consider all information including;

- ✓ The original panel procedure that was followed
- ✓ All documentation and evidence submitted at the original Disciplinary Panel hearing
- ✓ Recall any relevant witnesses that were heard at the original Disciplinary Panel hearing
- ✓ The Parties will be given the opportunity to present their case to the Appeal Panel and provide any supporting witnesses.
- ✓ The Appeal Panel will be entitled to take an inquisitorial role.

Appeal Panel - Decision

The Appeal Panel will give consideration to the Law and the Club Rules when determining the final decision. The decision of the Appeal Panel is final.

The Appeal Panel will consider the presented evidence and the information provided to make a decision that may confirm, cancel, reduce or increase the original Disciplinary Panel decision.

The reasoned decisions of the Appeal Panel will be communicated to the Parties in writing within 21 days of the hearing meeting date.

General
This procedure may be amended from time to time by the Club's Executive Committee as it deems necessary.

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