



## **Newry Tennis Club**

# **Complaints and Disciplinary Policy**

### **COMPLAINTS & DISCIPLINARY POLICY STATEMENT**

Newry Tennis Club (NTC) is strongly committed to encouraging its members and visitors to take part in sport and social activities, promoting participation of the whole community in the sport of Tennis. Whilst every effort is made to ensure the experience is always positive, if a concern or complaint is raised, this Policy sets out the procedure that will be followed to assess and deal with any concerns or complaints and, when required, the Disciplinary Procedure that will be followed.

### **THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT**

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’. It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint’s procedure. NTC takes concerns seriously and will make every effort to resolve the matter as quickly as possible. For the purposes of this policy all concerns will follow the same procedure as a complaint.

### **HOW TO MAKE A COMPLAINT**

Any person, including members of the public, may make a complaint to NTC about any provision of facilities or services that we provide. We will ensure that any complaints are listened to carefully, and that individuals are treated with respect, fairness and confidentiality when making a complaint. The following procedure should be followed:

Complaints should be made in writing to the Club Chairperson by email at [newrytennisclub@gmail.com](mailto:newrytennisclub@gmail.com). It will then be reviewed in confidence by the Club Chairperson and the Club Secretary in the first instance. If either of those individuals are the subject of the complaint, then two other Committee members will review the complaint. We will endeavour to address all complaints within 14 days. All complaints and their outcomes will be reported to the committee but will not be recorded in any minutes which are made public to the wider membership.

## **APPEAL PROCEDURE**

If you are unhappy with the response from the review, then you should appeal in writing to [newrytennisclub@gmail.com](mailto:newrytennisclub@gmail.com).

NTC will then appoint an 'Appeals Officer' to conduct the appeal, who will be selected from Club Committee members who have not previously been involved in the review. The Appeals Officer will review the complaint, the procedure followed, the information available or may seek further information if they feel it necessary. The Appeals Officer will determine the outcome of the appeal and will endeavour to complete this within 14 days.

## **DISCIPLINARY PROCEDURE**

In the first instance, disciplinary matters, applying to all matters of NTC, will be dealt with by the Chairperson, Secretary & Treasurer of the Club and any other Committee member the Chairperson chooses to include ('Elected Officers') and, if necessary, subsequently by the full committee. Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of club's rules. However, it is recognised and accepted that every member

- Has the right to expect fair and consistent treatment
- Has the right to adequate notice from the Club
- Has the right to appeal against the disciplinary committee's decision in all disciplinary matters
- Has the right to representation
- No member will be expelled for the first breach of the Club's rules except in cases of 'gross misconduct'. However, all disciplinary actions taken by Newry Tennis Club will be duly recorded and placed on file for reference at a future date.

### **1. Offences Leading to Disciplinary Action**

The under-noted actions by members may be interpreted by the committee to be offences that are subject to disciplinary action. However, the lists are not exhaustive and are to be considered as fully inclusive or covering all possible offences. "Misconduct" is the carrying out of an offence considered to be of a minor nature (unless frequently repeated) and will normally result in a verbal warning from NTC together with a demand for full and appropriate corrective action. Examples of offences that may be considered misconduct include: -

- Discourteous, crude or offensive behaviour at games, training sessions or an organised Club event
- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Refusal to carry out reasonable instructions issued by event officials or organisers
- Failure to comply with or adhere to the relevant code of conduct for their position within the club

- Any other actions of similar gravity to the above, at the discretion of the committee.

Repetition of the above offences or failure to comply with any demands made in writing by NTC may result in further action involving a disciplinary hearing.

‘Serious Misconduct’ is the carrying out of an offence of such gravity that in the opinion of the committee/subcommittee it warrants a disciplinary hearing and will normally result in a written warning from NTC together with a demand for full and appropriate corrective action.

Examples of offences, which may be considered as serious misconduct include: -

- Misconduct offences above if especially grave or repeated
- Deliberate or consistent breaches of club rules
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Theft or misappropriation
- Use of threatening or abusive behaviour
- Malicious interference with equipment or property
- Disregard for one’s own or other people’s safety

Any other action, which in the opinion of the Club Officers may bring the sport or NTC into disrepute, or which left unpunished, may result in the detriment of the Club or its members.

‘Gross Misconduct’ is action of such seriousness that the Elected Officers will require the immediate expulsion of the offender from the Club and a written communication will subsequently be issued to the member setting out the grounds for the expulsion. The Elected Officers may by means of an executive decision summarily expel such an offender without invoking a disciplinary hearing. The expelled member will have the right to a disciplinary hearing as soon as this can be arranged but will remain expelled until and unless such a hearing overturns the executive decision.

Examples of gross misconduct are:-

- Physical violence of assault towards other persons at a Club event or related activity, including serious threatening, intimidating or forceful behaviour
- Reckless disregard of safety and basic safety rules
- Being convicted of criminal offences involving physical violence or abuse
- Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party.

Child Protection – if the matter relates to a safeguarding issue NTC will follow the child protection procedures for dealing with a complaint and then will follow this disciplinary procedure after an outcome has been reached. If in doubt, contact the Safeguarding Officer for advice on how to deal with the complaint and the alleged offender.

## **2. Disciplinary Procedure**

On receipt of a written complaint from a member, another team within the sport, the governing body, the league/match organisers or any other party, the Elected Officers will decide whether the complaint falls within the scope of this disciplinary policy. If in their opinion it does, then the Elected Officers will decide as to the type of offence as per (section 1) above.

If the offence is one of misconduct or serious misconduct, the Club Secretary will advise the offender with either verbal or formal written warning including the demand for an apology or other corrective action the Elected Officers may deem appropriate. The Elected Officers will also attempt to obtain approval for their action from the complainant.

Should the complaint be considered by the Elected Officers as one of serious misconduct, then the following procedure will be implemented: -

- The Elected Officers will appoint an Investigating Officer who will research evidence presented and, if possible, will obtain further written evidence, witness statements, etc.
- If necessary, the Investigating Officer will consult all relevant witnesses for supportive evidence
- Advise complainant that if a disciplinary hearing is called, then the complainant and all relevant witnesses will be obliged to attend and give evidence. (Non-attendance at a hearing will only be allowed in extenuating circumstances, i.e. Ill-health, threat of violence or intimidation, etc). In such circumstances a sworn declaration must be submitted to the General Committee
- Contact the member who is the subject of the complaint to advise of the official complaint and request the member to submit a written statement of events
- In cases of disputes of a personal nature, the Elected Officers will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned
- If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible
- Notify all parties as to the hearing date and ensure the parties have all relevant copies of paperwork in good time prior to the hearing

## **3. Disciplinary Hearing**

The Club's Secretary shall take charge of the hearing, and all questions will be addressed through the Secretary

- A Disciplinary Committee will be appointed which will consist of the Club Chairperson and two members of the committee, selected by the Chairperson.
- The club will appoint a case presenter, who will normally be the Investigating Officer
- All witnesses to be interviewed and all written evidence to be reviewed at the hearing.
- No witnesses or statements can be introduced at the hearing without prior notice and copies of all written evidence produced for consideration prior to the hearing, to be available in advance to the parties

- The Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the disciplinary committee considers it fair to do so.
- After the Disciplinary Committee has reached a decision, the subject of the complaint to be notified in writing of such decision and informed of any penalties within 7 days of the decision being reached, penalties will be effective from the date of the decision.

#### **4. Penalties**

Following the hearing, the Disciplinary Committee will apply such penalties as the Disciplinary Committee consider appropriate, including temporary or permanent expulsion of the offender from the club, such penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with (Section 5) under noted.

Offences of being under the influence of alcohol or drugs during a club training sessions or match or those involving threats of physical violence, will carry automatic expulsion from the club and will preclude the offender from taking part in any organised activity in an official capacity.

The club will in all cases comply with the requirements of the Governing body and club child protection policies including immediate notification to the police where required.

#### **5. Appeals**

If an appeal of the decision or penalty is to be made then written notice of appeal by email (newrytennisclub@gmail.com) to the Club Secretary must be given by the offender, within 28 days of being notified of the decision.

No appeal will be valid or considered after that period has elapsed.

It will not be sufficient to state "I wish to appeal", the offender must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this. An appeal together with full and recorded argument may be considered relative to: -

- the decision
- the penalty
- other

An appeal hearing will be convened as soon as practicable and will consist of an Appeal Committee of 3 members of the Executive Committee who did not take part in the first hearing and who will elect their own Chairperson (who will have the casting vote).

The Appeal Committee shall have power to amend or revoke any decision made at the previous disciplinary hearing.

**The decision of the Appeal Committee is final and binding on the parties and not subject to further appeal.**