**Angus Disability Sport**

**Complaints/Disciplinary Procedure**

**General**

Disciplinary matters, applying to all matters of Angus Disability Sport (ADS), will be dealt with by the Board (Disciplinary Committee). All members of ADS agree to fully comply with this code of conduct and specific codes of conduct for their role and be bound by its terms as under noted.

Disciplinary action against those involved with ADS (hereinafter referred to as members), including expulsion without notice, may be taken for offences of misconduct or breach of the organisation’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 ADS
* has the right to appeal against the Disciplinary Committee’s decision in all disciplinary matters.
* has the right to representation
* all disciplinary actions taken by ADS will be duly recorded and placed on file for reference at a future date.

**Complaints**

A complaint concerning a member of ADS may be made by any member of the general public including but not limited to a performer, a representative of a club or sports organisation, a coach, a parent or any representative/member of ADS.

Complaints should be directed to the Chair of ADS. If the complaint is concerning the ADS Chair, the complaint should be directed to Chief Executive Officer of Scottish Disability Sport (SDS).

A complaint concerning the conduct of a member of ADS shall:

* Be made in writing (or an alternative formal means of communication)
* Identify the ADS member against whom the complaint is being lodged
* Set out the nature of the complaint
* Identify the name and address of the complainant
* Be signed by the complainant

*If the person raising the concern is unable to put this in writing, it is permitted that the concern is written on behalf of this individual. It must, however, be identified who is making the complaint and who has written the complaint.*

Upon receiving the complaint in the required format, the ADS Chair/SDS Chief Executive Officer must then determine whether the complaint comes within the scope of this policy.

If, in the sole discretion of the ADS Chair/SDS Chief Executive Officer, the complaint does not fall within the scope of this policy after investigating the facts, the ADS Chair/SDS Chief Executive Officer will inform the complainant in writing, after which time the matter shall be considered closed.

If it is decided that the complaint falls within the scope of this policy following investigation, the ADS Chair will either deal with the complaint or forward the complaint to the ADS Disciplinary Committee.

Details of the matter, the investigation and the outcome will be kept on file and stored confidentially for five years. It after this time no further matters concerning this individual have arisen, the files may be destroyed.

All members of ADS will be made aware of the contact details of the designated person/s who will deal with complaints that arise.

**Offences Leading to Disciplinary Action**

The under noted actions by members may be interpreted by the Disciplinary Committee to fall within this Code. However the lists are not 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 may result in a written warning from the Board 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 session or organised ADS 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 attend or participate in events or meetings organised by ADS
* Failure to comply with or adhere to the relevant code of conduct for their position within the organisation
* Any other actions of similar gravity to the above, at the discretion of the Board

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

*“Serious Misconduct”* is the carrying out of an offence of such gravity that in the opinion of the Board it warrants a ADSdisciplinary hearing. Examples of offences, which may be considered as serious misconduct include:

* Misconduct offences above if specially grave or repeated
* Deliberate or consistent breaches of ADS rules
* Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
* Theft or misappropriation
* Use of threatening or abusive behaviour
* Participating in the sport whilst under the influence of drugs or alcohol
* 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 Board may bring the sport or ADSinto disrepute, or which left unpunished, may result in the detriment of ADS or its members.

*“Gross Misconduct”* is action of such seriousness that the Board will require the immediate expulsion of the offender from the association. The Board 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 ADS 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 perpetuated against ADS, its members or any other party.

*Child Protection – if the matter relates to a child protection issue follow the child protection procedures for dealing with a complaint then follow disciplinary procedure after outcome has been reached. If in doubt contact the local social services duty team for advice on how to deal with the complaint and the offender.*

**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 Board, with advice from a Legal Advisor should they so wish, will decide whether the complaint falls within the scope of this disciplinary code. If in their opinion it does, then the Board will decide as to the type of offence as per (section 1) above.

If the offence is considered to be one of simple misconduct, the ADS Secretary will write to the offender with a formal written warning including the demand for an apology or other corrective action the Board may deem appropriate. The Board will also attempt to obtain approval for their action from the complainant.

A disciplinary file will be opened by the Board in which will be placed copies and records of the original complaint, together with the written warning and any other correspondence.

The action outlined above will normally finalise the process unless any of the parties involved object strongly to the Board decision in which case they may appeal directly to the Disciplinary Committee for a final decision.

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

* The Board 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/instances a sworn declaration must be submitted to the Disciplinary Committee
* Contact the member 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 Board 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
* Contact the ADS Legal Advisor if required and supply copies of all evidence
* 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, copies to be sent by 1st class recorded delivery

**Disciplinary Hearing**

* The ADS 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 chair person
	+ two members of the Board
* ADS 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.

**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 ADS, such penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with the under noted. Offences of cheating or 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 ADS and will preclude the offender from taking part in any ADS organised activity in an official capacity. ADS will in all cases comply with the requirements of Scottish Disability Sport and ADS child protection policies including immediate notification of the police where required.

**Delegation**

The ADS Chair may delegate their responsibility as they deem appropriate, in the event that they are absent, or have a conflict of interest.

**Appeals**

If an appeal of the decision or penalty is to be made then written notice of appeal by way of 1st class recorded delivery to the ADS 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 Board who did not take part in the first hearing and who will elect their own Chairperson (who will have the casting vote).

New evidence cannot be presented at the appeal hearing. 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.