



## COMPLAINTS and DISCIPLINARY PROCEDURE

### 1. Introductory comments

1.1 Waterloo 1882 Ltd known as Firwood Waterloo Rugby Club (hereinafter called 'our club') strives to create a friendly environment for staff, players, coaches, health care teams, members and guests to play rugby union and enjoy club facilities. Through the demonstration by all of the Rugby Football Union's core values of Trust, Respect, Enjoyment, Discipline and Sportsmanship (TREDS) in which everyone's contribution and engagement is valued and appreciated, it is envisaged that many disciplinary issues will be prevented.

1.2 Our club, however, does recognise that circumstances may arise when disciplinary procedures are needed to resolve issues and uphold the TREDS values. Our club will take a fair, equitable, consistent, reasonable and proportionate approach to resolve such issues. This procedure should be read in conjunction with the RFU document Discipline Guide for RFU Clubs which can be found at [http://www.englandrugby.com/mm/document/general/general/01/31/91/71/rfudisciplin eguidancenoteforclubs\\_english.pdf](http://www.englandrugby.com/mm/document/general/general/01/31/91/71/rfudisciplin eguidancenoteforclubs_english.pdf)

1.3 Our club will not tolerate any behaviour that contravenes these values including, but not limited to, behaviour that:

- puts others at risk
- is inconsiderate, threatening or abusive
- is likely to bring our club into disrepute
- discriminates against any person on grounds of age, disability, gender/gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, or sexual orientation
- constitutes bullying, harassment or victimisation of any individual

Such behaviours are contradictory to our aspirations for a supportive and inclusive club environment. Any allegations of such behaviour will be investigated, and ultimately disciplined, in accordance with our club's Disciplinary Procedure below.

Our club will attempt to avoid such issues arising through strong leadership, good management practice and monitoring the behaviour of members and guests. Where appropriate, our club will offer day-to-day advice and guidance to resolve issues.

1.4 If the practice of sound management does not lead to an acceptable solution, our club reserves the right to investigate the matter under these procedures. The purpose of the panel is to establish all the relevant facts and make recommendations as to any future action. Depending on the circumstances, this may lead directly to a disciplinary process (see below).

- 1.5 If you wish to report an incident you should do this **in writing** and send it as soon after the incident as practicable to either of the following

Peter Edwards  
Joint House Chairman  
07811 393335

[peteredwards1@hotmail.co.uk](mailto:peteredwards1@hotmail.co.uk)

Paul McManus  
Joint House Chairman  
07971 832460

[sales@waterloorugby.com](mailto:sales@waterloorugby.com)

If your complaint is about either of these directors, please address your written complaint to our Club Chair, George Moore.

- 1.6 The purpose of this procedure is to ensure that complaints are dealt with reasonably, fairly, equitably, consistently and confidentially; in line with specific, clear and transparent guidance.
- 1.7 The procedure also aims to facilitate the highest standards of conduct, and to help and encourage improvement where appropriate, whilst ensuring that cases of alleged misconduct are dealt with in a non-discriminatory way, within a reasonable timescale, and where possible at an early stage.
- 1.8 All complaints should be seen by our club as an opportunity to identify where improvements in systems and processes may be needed.
- 1.9 This procedure is summarised in appendix 1.
- 1.10 The procedure applies to all who use club facilities; staff, players, coaches, health care teams, members and guests (hereinafter called 'person or persons').**
- 1.11 This disciplinary procedure is not contractual and our club reserves the right to update and / or amend it at any time.

## **2. Step One - Investigation into a complaint**

- 2.1 The purpose of an investigation is to gather relevant information to establish the facts of a case.
- 2.2 It is important to carry out any investigation without unreasonable delay. This will normally be within seven days of an incident being reported. In most cases this will require the holding of an investigation meeting with the person or persons concerned, and will involve the collation of evidence.
- 2.3 To ensure impartiality, the Chair of the Board will ask an elected Director to chair an investigation. (S)he may be supported by two other directors.
- 2.4 At all investigation meeting(s) the person or persons will have the right to be accompanied under the terms of principle 3.4 below.
- 2.5 At an investigation meeting, the chair should remind the person or persons that the meeting itself is not of a disciplinary nature. They should point out however, that a disciplinary hearing may be convened as a result of it.

2.6 If upon the completion of an investigation, there is an apparent case to answer, a disciplinary hearing should be convened. Alternatively upon the completion of an investigation the matter can be dropped if there is no case to answer and the person or persons will be advised of this in writing.

### **3. Principles**

3.1 Issues that fall to be dealt with under disciplinary procedures shall be raised and dealt with promptly and without unreasonable delay.

3.2 No disciplinary hearing will take place until a case has been fully investigated.

3.3 If allegations are made against a person or persons, they will be advised of the nature of such allegations in writing before a disciplinary hearing takes place. They will be given the opportunity to state their case at the disciplinary hearing.

3.4 At all investigation meetings and disciplinary/appeal hearings the person or persons against whom allegations are made will have the right to be accompanied by a friend, advocate, union representative, or in the case of a staff member a work colleague.

3.5 Our club will also ensure that all reasonable adjustments are in place should any individual have a disability and if an interpreter is required, this will be arranged.

3.6 In addressing disciplinary matters with members of staff, where required appropriate relevant support will be available, which may include the use of a Counselling or Conciliation Service.

3.7 A person or persons will have the right of appeal against the outcome of a disciplinary hearing.

### **4. Confidentiality**

4.1 All statements, letters and other communications are confidential to those involved in the disciplinary process and their advisers.

### **5. Step Two - The Disciplinary Procedure**

5.1 Use of this Disciplinary Procedure may be appropriate if:

- attempts to resolve an issue have not succeeded; or
- If the person or persons has previously received a formal warning which is still current at the time of the misconduct concerned; or
- If an instance of misconduct is sufficiently serious to warrant the Disciplinary Procedure being invoked

5.2 Definition of misconduct

5.2.1 If anyone believes that a person or persons may have committed an act of misconduct, advice from the Chair of the Board should be sought immediately.

5.2.2 Among the examples of acts of misconduct which may be the subject of the Disciplinary Procedure are:

**For staff**

- Acts of misconduct which causes deliberate disruption to the work of others
- Unsatisfactory attendance at work, e.g. unauthorised absence, lateness, leaving work without permission, overstaying authorised breaks
- Failure to observe our club's procedures and agreed local procedures (required to meet the specific needs of the business and or for health and safety/legislative requirements), for the recording of working time and attendance, time off work and the reporting of sickness; which in the latter case may result in the withholding of sickness pay, and in the case of unauthorised absence may result in the withholding of pay
- Failure to comply with established working practices and established working arrangements
- Refusal or failure to carry out a reasonable management instruction
- Deliberate misuse of the internet, email and other club facilities
- Failure to take reasonable care of club property
- Using club property, equipment or transport without authorisation
- Deliberate disclosure of confidential information without authorisation
- Failure to comply with our club's policies and procedures
- Failure to comply with the persons contract of employment
- Malpractice under professional codes (e.g. physiotherapists)
- Falsification of qualifications for employment purposes
- Breaches of health and safety regulations
- Working for another employer whilst on paid sick leave
- Making malicious allegations
- Failure to disclose a criminal offence
- Acts of discrimination

### **For staff and other persons**

- Inappropriate behaviour or abuse of person or persons
- Damage to club property or facilities

5.2.3 The above examples are not exclusive or exhaustive and misconduct of a similar nature will be dealt with accordingly. Any misconduct of a sufficiently serious nature, or persistent offences of misconduct, may be deemed as gross misconduct and dealt with accordingly.

## **6. Convening a disciplinary hearing**

- 6.1 Where a disciplinary hearing is to take place, the person or persons shall be requested in writing to attend a hearing and will be advised of the allegations against them. The notification should contain all relevant information about the alleged misconduct, to enable the person or persons to prepare their case for the disciplinary hearing. The person or persons will also receive copies of written documents relating to the allegations to which reference will be made at the disciplinary hearing, which may if appropriate include any witness statements, and will also receive a copy of our club's Disciplinary Procedure. As the notification will contain all relevant information, the appearance of witnesses may be unnecessary. However if witnesses are to be called to appear at the disciplinary hearing, reference to this should be clearly made in the notification. Witness(es) contribution(s) to this process is voluntary and their attendance is not legally binding.
- 6.2 The hearing should be held without unreasonable delay. Reasonable notice of the disciplinary hearing will be given to the person or persons, unless otherwise agreed with them. This will allow adequate time for the person or persons to consult someone, if appropriate, and to prepare their case.
- 6.3 At least three working days in advance of the disciplinary hearing, the person or persons should notify the Chair of any witnesses they wish to appear at the hearing as well as providing any documentary evidence they wish to submit. The person or persons should also confirm if appropriate, the name of the person who is accompanying them to the hearing, as well as the name of any companion. The use of companions will be in accordance with section 7 below.
- 6.4 Hearings will be chaired by an elected club Director normally supported by another Director.
- 6.5 Where there is an allegation of misconduct which may result in dismissal, the panel will be composed of three elected directors.
- 6.6 Our club reserves the right to co-opt suitably qualified and experienced professionals to assist with this procedure.

## **7. The right to be accompanied at a disciplinary hearing and other related matters**

- 7.1 All persons have the right at a hearing under the Disciplinary Procedure to be accompanied by an individual as detailed in section 3.4 above. The person or persons must make all such arrangements for the accompanying individual to attend the hearing.
- 7.2 Person or persons should always be allowed adequate time to arrange to be accompanied. If an accompanying individual is unavailable to attend the hearing, the hearing should be re-arranged on a suitable alternative date within a reasonable timescale, normally within five working days after the date initially proposed.
- 7.3 The accompanying individual accompanying the person or persons is not entitled to answer a question on behalf of a complainant and is entitled to put the person or person's case; to ask questions, to respond on the person or person's behalf to any view expressed at the hearing; to confer with the person or persons during the hearing, and to sum up the person or person's case. The accompanying individual may also request adjournments in order to give advice to the person or persons.

## **8. Guidance on conducting a disciplinary hearing**

8.1 The purpose of the hearing is:

- To present the person or persons with the allegations and to go through the evidence (referring to witnesses as necessary) put forward during the investigation
- To allow the person or persons or their accompanying individual, the opportunity to present their case, to offer an explanation, to ask questions and raise any points and to call any witnesses as appropriate. Please refer to the appearance of witnesses in section 6.3 above
- To allow the disciplinary panel to question relevant parties

## **9. Guidance on dealing with overlapping disciplinary and grievance cases**

9.1 Where a person or persons raises a grievance during the disciplinary process, both issues can be dealt with concurrently. In exceptional circumstances the disciplinary process may be temporarily suspended in order to deal with the grievance.

## **10. Disciplinary sanctions available under the Disciplinary Procedure**

10.1 Where there is a reasonably held belief that an act of misconduct has occurred, a decision needs to be made as to what disciplinary sanction and or other action, is reasonable and justified, depending on all the circumstances of the case. The sanctions which may be applied are as follows:

### **For staff**

- Oral warning where appropriate
- First written warning
- Final written warning

- Demotion and or transfer, as appropriate (restriction of duties, training or retraining)
- Dismissal

**For other persons**

- A formal warning as to their future conduct
- Exclusion from our club for an appropriate period decided by the disciplinary panel
- Exclusion from team selection for an appropriate period decided by the disciplinary panel
- Permanent exclusion from our club

10.2 The level of sanction to be applied should be determined according to the seriousness of the misconduct, taking into account all the circumstances of the case and any sanctions currently in force and any mitigation presented. In line with a proportionate response, where appropriate, a staged approach should be taken to the application of sanctions, i.e. where a first written warning has been issued and is live, a further act of misconduct would normally result in a final written warning.

10.3 The outcome of the disciplinary hearing and any sanction and or action to be applied, shall be confirmed in writing, without unreasonable delay of the hearing being concluded and shall:

- Clearly state where applied, the reason for the sanction and or action
- Clearly state the period for which a warning, where applied, will last, and (where relevant) details of the expected improvement in conduct and how this will be monitored and reviewed (with a timescale)
- Clearly state the consequence of any further act of misconduct occurring during the periods specified in a warning, where applied, including where a final written warning has been issued, that the consequence of further misconduct may result in dismissal, or demotion and or transfer
- Remind the person or persons of their right of appeal and how this shall be exercised

10.4 Where a written warning is given to staff, it will be placed on the member of staff's file. Once the full period of a written warning has expired, the letter and any correspondence and notes relating to the disciplinary matter will be removed from the file.

**11. Confirmation of dismissal or exclusion**

11.1 A decision to dismiss or exclude shall be confirmed in writing, without unreasonable delay, normally within five working days of the hearing being concluded and shall:

- Clearly state the reason for the dismissal or exclusion
- Clearly state the date on which the sanction operates
- For staff, specify whether the dismissal is with or without notice/pay in lieu of notice
- Remind the person or persons of their right of appeal and how this shall be exercised

## 12. Appeals

- 12.1 A person or persons who believes the outcome of a disciplinary hearing is wrong or unjust shall write stating the grounds of their appeal to the Chair of the Board within ten working days of the date on the letter confirming the outcome of the disciplinary hearing. With regard to the grounds of an appeal, for instance it may be that new evidence has come to light or it may be believed the sanction and or action imposed was unduly severe, or it is believed there is inconsistency with regards to the sanction and or action applied, in comparison to other cases.
- 12.2 The format of the appeal hearing will depend on the grounds of the appeal. An appeal against a written warning, and any sanction and or action, apart from dismissal, will be heard without unreasonable delay of receipt of the appeal.
- 12.3 An appeal against dismissal will be heard by the club Chair.
- 12.4 The Panel members at the original disciplinary hearing may attend the appeal hearing.
- 12.5 A person or persons will be given reasonable written notice of the date of an appeal hearing, and the notification will be in line with the approach outlined in section 8 above.
- 12.6 A person or persons will be entitled to be accompanied at an appeal hearing in line with the approach in section 7 above.
- 12.7 At least three working days in advance of the hearing, the person or persons should notify the panel chair, if appropriate of any witnesses they wish to appear at the hearing as well as providing any documentary evidence they wish to submit. The person or persons should also confirm if appropriate, the name of the person who is accompanying them to the hearing, as well as the name of any companion. The use of companions will be in accordance with section 7 above.
- 12.8 In all cases, the person(s) hearing the appeal shall have the authority to reach any of the following conclusions, which should be confirmed in writing without unreasonable delay of the appeal hearing being concluded:
- That the original decision of the disciplinary hearing be upheld, including as appropriate the sanction and or action applied

- That the grounds for appeal be upheld and that the sanction and or action in question be removed. For staff the details will be removed from the member of staff's record
- That an alternative finding be declared, or that the original decision is upheld, but an alternate sanction and or other action be applied, providing the sanction and or action applied is not over and above that originally decided upon

### **13. Non-attendance at a disciplinary/appeal hearing**

- 13.1 A person or persons is required to attend a disciplinary/appeal hearing. If they do not attend a hearing, normally the hearing will be adjourned to enable contact to be made to ascertain the cause of their absence.
- 13.2 Where a person or persons is unable or unwilling to attend a re-arranged hearing without good cause, or is repeatedly unable or unwilling to attend a hearing, our club may, depending on the circumstances, decide on the case on the evidence available.

### **14. Definition of gross misconduct**

- 14.1 If a Club Director, a member of staff or member believes a person or persons may have committed an act of gross misconduct, this should be referred to our Club Chair immediately in writing.
- 14.2 In relation to acts of serious misconduct, 'gross' relates to situations where the acts in question could reasonably and fairly be considered to have a significant potential or actual impact or consequence e.g. conduct which brings the employer or individual into disrepute, is a potentially criminal act or causes harm to others or to the institution, and could be held to be potentially dismissible
- 14.3 Among the acts of gross misconduct which may result in dismissal are:
- A serious neglect of duty and responsibility
  - Serious negligence resulting in loss, damage or injury
  - Harassment or bullying, or using abusive or threatening language or conduct; or language or conduct of a discriminatory nature in accordance with our club's Dignity at Work and Study Procedure/Diversity and Equality of Opportunity Policy
  - Bringing our club into serious disrepute
  - Serious unauthorised absence or serious failure to observe club procedures and agreed local procedures (required to meet the specific needs of the business and or for health and safety/legislative requirements), for the recording of working time and attendance, time off work and the reporting of sickness
  - Committing a criminal offence which renders the person or persons unsuitable for their type of work

- Theft of club property, theft from club staff, members or guests, or theft whilst engaged on club business
- Fraudulently obtaining money, property, confidential information or material advantage from our club
- Deliberate unauthorised entry to computer records
- Deliberate falsification of official records
- Deliberate falsification of claims for earnings and expenses
- Assault or attempted assault or physical violence
- Serious and deliberate damage to club property
- Serious incapacity to work due to being under the effects of alcohol/misuse of substances
- Serious breach of health and safety rules
- Deliberate misuse of confidential information, including that which might be commercially sensitive
- Use of personal data without written consent
- Fraudulent misuse of our club's property or name
- Deliberate misuse of the internet, email and other club facilities; such that it is of a serious sexual, racial or other serious matter, or is potentially a criminal act; for instance deliberately accessing internet sites containing pornographic, offensive, or obscene material
- Deliberate misuse of social media, involving bullying and harassment, victimisation, social exclusion; relaying confidential information; making derogatory or offensive comments; defamation, or comments that damage the reputation of our club
- Serious breach of confidence
- Discrimination with regards to persons with protected characteristics

14.4 The above examples are not exclusive or exhaustive and gross misconduct of a similar nature will be dealt with accordingly.

14.5 If a person or persons is accused of gross misconduct, the person or persons may be suspended from work (for staff) or excluded from our club, while the alleged offence is investigated.

## **15. Suspension in cases of potential staff gross misconduct**

- 15.1 Where an allegation potentially amounting to gross misconduct has been made against a member of staff, it may be appropriate to suspend the member of staff from duty on full pay. In all cases, suspension may only be carried out on the authority of the Chair of the Board or their nominated Representative, who will keep the member of staff or person or persons informed of developments. The period of suspension will be as brief as possible and will be kept under review. Our club may consider alternatives to suspension, for example temporary re-deployment, additional supervision or the restriction of duties as is deemed appropriate in the circumstances.
- 15.2 It should be emphasised that suspension from duty or exclusion from our club is a precautionary measure, not an assumption of guilt and is not in itself a disciplinary measure, and is carried out without prejudice.
- 15.3 Any conditions relating to the suspension will be notified to the person or persons at the time of the suspension and confirmed in writing normally within three working days. If a person or persons or person or persons is unavailable to attend a meeting to suspend them they will be informed of the decision to suspend in writing. The person or persons has the right to ask for a follow-up meeting to discuss the suspension, within five days of the meeting, and they may be supported by an accompanying individual.
- 15.4 At the time of suspension and in the written confirmation, the person or persons will be advised of the manner in which the investigation is to proceed and informed of any conditions of their suspension, for example, they may not be allowed to enter club premises without the prior approval of the nominated contact, identified in the letter of suspension.
- 15.5 Except for approved leave of absence for staff, the member of staff and person or persons must remain contactable and available during normal working hours in order that they can attend meetings. The membership secretary should be notified immediately of any change of address or telephone number during this period.

## **16. Cases involving criminal offences**

- 16.1 If a person or persons is charged with, or convicted of, a criminal offence, this is not in itself reason for the Disciplinary Procedure to be invoked. If a person or persons is charged with, or convicted of a criminal offence, consideration will be given to whether the offence is one that makes them unsuitable for their type of work; or could seriously impact on the reputation of our club, or their relationship with colleagues, members, and guests.

## **17. Governance**

- 17.1 The Board can expect to review an annual report on
- Numbers and types of cases
  - Outcomes of disciplinaries





## Firwood Waterloo Process summary

