



DISCIPLINARY PROCEDURES

Disciplinary Team

1. Any disciplinary proceeding shall be conducted by the Disciplinary Team, comprising:
 - 1.1 the Club's Disciplinary Officer, as named on the Club's website; or, in the event that the Disciplinary Officer is unavailable, or is himself/herself the subject of the proceeding, or if it would not otherwise be appropriate for him/her to carry out the proceeding, a substitute appointed by the Club Chair to act in place of the Disciplinary Officer for the purpose of the proceeding. In these procedures, a reference to "Disciplinary Officer" includes such substitute; and
 - 1.2 up to two deputies whom the Disciplinary Officer may appoint for the purpose of that proceeding, although the Disciplinary Officer is not obliged to appoint any.

Fairness and modifications to these procedures

2. The overriding principle is that the disciplinary procedures should be carried out fairly. With a view to achieving fairness, the Disciplinary Team or the Appeal Team may make any reasonable modifications to the procedures, including but not limited to:
 - 2.1 extending any time limits (including for an appeal);

2.2 adjourning any meeting to permit further investigations, advice or consideration; and/or

2.3 convening any additional meeting for further consideration.

Covid or analogous adjustments

3. Any procedures specified in this document may be modified where necessary to ensure that they can be carried out safely in compliance with any Covid-19 related or analogous guidance. For instance, meetings may be held remotely, such as by Zoom, rather than in person.

Conduct leading to disciplinary proceedings

4. Conduct of members of the Club may be subject to disciplinary sanction by the Club if it is conduct which, if established to have taken place, amounted to Misconduct or Gross Misconduct and took place at a Relevant Event.

5. Conduct at a Relevant Event means conduct:

5.1 at a Club Event; or

5.2 whilst the member was representing the Club at a formal meeting; or

5.3 in a post or communication on social media which could reasonably be associated with the Club or which was directed at/addressed to the Club or member(s) of the Club; or

5.4 in a message sent to, or a conversation with, a member, parent/carer of a member, coach or Club official.

6. Conduct at a Club Event means conduct at:

- 6.1 a Club training session, including time spent by the member at the venue for the training session before its start time or after its finish time;
 - 6.2 a Club match, including time spent by the member at the venue for the match before its start time or after its finish time;
 - 6.3 a scheduled social event organised or arranged by the Club, but for the avoidance of doubt excluding informal drinks; or
 - 6.4 a Committee or similar meeting organised or arranged by the Club.
7. Conduct amounting to Misconduct includes but is not limited to:
- 7.1 failing to comply with the Club's Code of Conduct;
 - 7.2 discourteous, crude or offensive behaviour;
 - 7.3 threatening or abusive behaviour;
 - 7.4 bullying, harassment or intimidation;
 - 7.5 making a defamatory statement (written or oral);
 - 7.6 unwanted physical contact;
 - 7.7 unsafe behaviour;
 - 7.8 negligent or reckless damage to property belonging to the Club or others;
 - 7.9 failing to follow an instruction given by a Club coach or official in relation to Covid-19 safety precautions, or attending a Club Event at a time when required to quarantine or self-isolate by guidelines or instructions in relation to Covid 19;
 - 7.10 undermining, belittling or criticising coaches, officials or Club committee members; or

- 7.11 any other conduct which, if it were publicly known, may bring the Club or the sport of hockey into disrepute.
8. Conduct amounting to Gross Misconduct is conduct which is of a more serious nature than Misconduct and includes but is not limited to:
- 8.1 physical violence;
 - 8.2 sexual assault;
 - 8.3 deliberate damage to property belonging to the Club or others;
 - 8.4 theft of property belonging to the Club or others.

Instigating disciplinary proceedings

9. Disciplinary proceedings will be commenced where the Disciplinary officer receives a report of conduct by a member or parent/carer (“the Subject”) at a Relevant Event which, if, the facts as alleged were established, would be capable, in the opinion of the Disciplinary Officer, of amounting:
- 9.1 in the case of a member, to Misconduct or Gross Misconduct;
 - 9.2 in the case of a parent/carer, to a breach of the relevant part of the Club’s Code of Conduct.
10. No particular format is specified for the report. An Incident Report Form may be used, but is not required. If a report is made orally, the Disciplinary Officer may request that it be put into writing within 7 days.
11. The Disciplinary Officer may, if he/she considers it to be in the best interests of the Club and/or the Subject, suspend the Subject from attending Club Events until the conclusion of the disciplinary proceedings.

Criminal proceedings

12. Nothing in these procedures overrides the rights or duties of any person to report matters of suspected criminal activity to the police or other appropriate authorities.
13. Disciplinary proceedings will be suspended where it comes to the attention of the Disciplinary Team that the conduct which is the subject of the proceedings is also the subject of a criminal investigation or prosecution. Disciplinary proceedings may be commenced or resumed once a decision not to commence a prosecution has been taken or where a prosecution has been completed.
14. The Subject may be suspended by the Disciplinary Team from attending Club Events until the conclusion of the criminal investigation and any prosecution. The suspension will be confirmed in writing.
15. A criminal conviction or caution will be treated for the purposes of these procedures as conclusive evidence of the conduct which forms the subject of the conviction/caution.

Informal resolution in the case of minor misconduct

16. Where a report is made of conduct which, in the opinion of the Disciplinary Officer, would, if established, amount to a minor instance of Misconduct, the Disciplinary Officer may, instead of conducting formal disciplinary proceedings:
 - 16.1 invite the Subject to provide to the complainant/person affected by the conduct an apology and, if applicable, reparation to make good any loss; and
 - 16.2 invite the complainant/person affected to indicate whether he/she would accept such apology and any reparation without formal disciplinary proceedings being required.

17. If the Subject and the complainant/person affected both agree to such course as in 16.1 and 16.2 above, and once the apology and any reparation has been provided, no further disciplinary proceedings will be taken. The Club's committee will be notified by the Disciplinary Officer of the informal resolution of the matter.
18. In the event that either or both of the Subject and the complainant/person affected do not agree to such course as in 16.1 and 16.2 above within 7 days of being asked, the formal procedures set out in the remainder of this document will instead be adopted.

Standard of proof

19. In any disciplinary proceedings, the standard of proof shall be the civil standard, meaning that any matter must be established on the balance of probabilities.

Investigation

20. Unless resolved by the informal resolution procedure, where disciplinary proceedings have been commenced, the Disciplinary Team will investigate relevant matters.
21. In the course of investigations, the Disciplinary Team:
 - 21.1 may invite the maker of the report to agree a summary list of issues raised by the report;
 - 21.2 will provide a copy of any written report, or a summary of any oral report, to the Subject;
 - 21.3 will give the Subject an opportunity to respond to the report within 7 days, unless the Disciplinary Team considers a different timescale to be appropriate; and

- 21.4 will take reasonable steps to seek relevant information/evidence;
- 21.5 if it concludes that the Subject has no case to answer, may terminate the proceeding.

Disciplinary meeting

- 22. Unless, after investigation, the Disciplinary Team has concluded that the Subject has no case to answer (in which case the disciplinary proceedings will be terminated and the Subject notified), the Subject will be invited to a disciplinary meeting with the Disciplinary Team.
- 23. In respect of the disciplinary meeting:
 - 23.1 the Subject has the right to be accompanied by friend or family member. A Subject who is under 18 must be accompanied by a parent/carer;
 - 23.2 a note of the meeting will be taken and signed at the meeting by the Subject;
 - 23.3 the Disciplinary Team may proceed in the absence of the Subject if satisfied that he/she was given reasonable notice of the meeting and a reasonable opportunity to attend. In those circumstances, a note of the meeting will be taken, but will not be signed by the Subject.

Decision on the outcome of the disciplinary proceedings

- 24. After the disciplinary meeting, the Disciplinary Team will determine:
 - 24.1 whether or not Misconduct or Gross Misconduct by the Subject at a Relevant Event has been established to the required standard; and
 - 24.2 if so, what disciplinary sanction, if any, should be imposed.

25. The Disciplinary Team will provide written notification of the decision to the Subject. The notification should be provided within a reasonable time of the disciplinary meeting, which will normally be within 14 days.
26. The Disciplinary Team will provide to the Club's Committee a copy of the written notification of the decision. A copy of the decision will be kept on file by the Committee for a period of at least 6 years.

Disciplinary sanctions

27. The sanctions which may be imposed are:
 - 27.1 a requirement that the Subject provide a written apology, which may be backed by a suspension from attending Club Events until a satisfactory apology is provided;
 - 27.2 a requirement that the Subject provide reparation in respect of any loss caused by the Subject, which may be backed by a suspension from Club Events until the reparation is provided;
 - 27.3 a "verbal warning" ie a warning given orally;
 - 27.4 a written warning;
 - 27.5 suspension from attending Club Events; or
 - 27.6 in the case of Gross Misconduct or repeated instances of Misconduct, expulsion from the Club. For the avoidance of doubt, no refund of subscription fees will be provided in the event of expulsion. Expulsion will normally be the appropriate sanction in the case of Gross Misconduct.

Mitigating and aggravating factors

28. In determining what disciplinary sanction to impose, the Disciplinary Team will take into account the gravity of the Misconduct or Gross Misconduct together with any mitigating or aggravating factors.
29. Mitigating factors may include but are not limited to:
 - 29.1 young age of the Subject;
 - 29.2 previous good disciplinary record;
 - 29.3 cooperation with the disciplinary investigation;
 - 29.4 any admissions made;
 - 29.5 genuine remorse;
 - 29.6 any penalties imposed for the same matters by other persons/entities, such as England Hockey or the Subject's school; and/or
 - 29.7 contribution to the success or running of the Club.
30. Aggravating factors may include but are not limited to:
 - 30.1 older age and/or experience of the Subject;
 - 30.2 previous disciplinary sanctions;
 - 30.3 lack of cooperation with the disciplinary investigation;
 - 30.4 lack of remorse;
 - 30.5 any detrimental impact on others of the Misconduct or Gross Misconduct; and/or
 - 30.6 any adverse publicity received by the Club as a result of the Misconduct or Gross Misconduct.

Appeals

31. The Subject has the right of appeal against the decision on the outcome of the disciplinary proceedings. To exercise the right of appeal, the Subject must provide a written request by email to the Club Chair by the end of the 14th day after receipt of the written notification of the decision.
32. Where a request for an appeal is received in time, an appeal will be conducted by the Appeal team, comprising:
 - 32.1 the Club Chair (or in the event that the Club Chair is unavailable, or is himself/herself the subject of the proceeding, or that the Club Chair considers it inappropriate that he/she should be involved in the appeal, a replacement nominated by the Club Chair); and
 - 32.2 two members of the Club Committee (excluding any member of the Disciplinary Team).
33. Any suspension imposed by the Disciplinary Team will remain in force unless revoked by the Disciplinary Team or the Appeal Team. It may be revoked prior to the appeal hearing.
34. The Appeal Team will invite the Subject to attend an appeal hearing. In respect of the appeal hearing:
 - 34.1 the Subject has the right to be accompanied by friend or family member. A Subject who is under 18 must be accompanied by a parent/carer;
 - 34.2 the Appeal Team may proceed in the absence of the Subject if satisfied that he/she was given reasonable notice of the appeal meeting and a reasonable opportunity to attend;

- 34.3 the appeal shall be conducted as a re-hearing rather than a review, meaning that the Appeal Team will consider the matter afresh;
- 34.4 the Appeal Team may consider any evidence/information not previously made available to the Disciplinary Team; and
- 34.5 the Appeal Team may decide to impose no disciplinary sanction, or may impose a less or more severe sanction than that imposed by the Disciplinary Team.
35. The Appeal Team will provide written notification to the Subject of the decision on the appeal. The notification should be provided within a reasonable time of the appeal meeting, which will normally be within 14 days
36. The Appeal Team will provide to the Club's Committee a copy of the written notification of the decision. A copy of the decision will be kept on file by the Committee for a period of at least 6 years.

Parents and carers

37. Parents and carers are subject to the relevant section of the Club's Code of Conduct.
38. Conduct of parents/carers may be subject to disciplinary sanction by the Club if it is conduct which, if established to have taken place, amounted to a breach of the relevant section of the Club's Code of Conduct and took place at a Relevant Event.
39. The disciplinary proceedings will be conducted in accordance with the procedures set out above, save that:
- 39.1 where necessary, references to "Misconduct" or Gross Misconduct" are to be read as references to a breach or breaches of the relevant section of the Club's Code of Conduct;

39.2 the available sanctions are set out below.

40. The disciplinary sanctions which may be imposed on parents/carers are:

40.1 a requirement that the parent/carer provide a written apology, backed by a suspension from attending Club Events until the apology is provided;

40.2 a “verbal warning” ie a warning given orally;

40.3 a written warning;

40.4 suspension from attending Club Events; or

40.5 permanent exclusion from attending Club Events.

Flowchart

41. A flowchart is provided to assist in understanding the procedures, but is necessarily a summary only, and may not contain relevant timescales/deadlines. In case of any inconsistency between the flowchart and this procedure document, this procedure document prevails.

Application

42. These disciplinary procedures only apply to any conduct which took place after the date on which this procedure document was adopted by the Club.

Adopted 18 May 2021