



Disciplinary Policy

Disciplinary Statement

The Pentland Canoe Club is committed to ensuring that Club members, volunteers or employees maintain the standards set out in the Club's Code of Conduct. Any failure to meet these standards will be dealt with promptly, decisively and fairly through appropriate action.

Disciplinary Policy

This policy applies to all Pentland Canoe Club members, volunteers or employees.

When an issue of misconduct is raised, the Pentland Canoe Club will:

- inform individuals concerned promptly of the basis of any problem and give them an opportunity to put their case in response before any decisions are made;
- expedite any formal disciplinary process within a timescale that is reasonable;
- carry out any necessary investigations to establish the facts of each case;
- allow individuals to be accompanied at any formal disciplinary meeting;
- act fairly, reasonably and consistently.
- ensure that any disciplinary matters are managed confidentially, sensitively and promptly.

In dealing with misconduct matters the Pentland Canoe Club will follow a procedure recommended by Paddle Scotland (Appendix 1).



In managing disciplinary matters, the Club will not discriminate on the grounds of including but not limited to disability, age, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation, gender identity, political beliefs, trade union activity, socio-economic background, or other relevant factors.

Name: Gary Youngson

Signature: *Gary Youngson*

Designation: Chair

Date: 24 November 2024

Revision History

The formal review date for this document is **November 2027**

Issue	Date	Summary of Revision
Draft 1	October 2024	Draft for Comment (Pentland Canoe Club)
Issue 1	November 2024	Initial Issue following removal of process from Constitution and adopting the Paddle Scotland template

**Original Signed and Filed with
the Club Secretary**



Appendix 1: Disciplinary Procedure

1. Introduction

- 1.1. This Procedure outlines the process that will be followed whenever there is a complaint of indiscipline or misconduct about a Club member, volunteer or employee and what will happen as a consequence.
- 1.2. The Club has a responsibility to ensure that all its members, volunteers and employees follow and adhere to the rules and values of the Club, as well as adhering to all relevant and applicable Paddle Scotland policies and procedures, to ensure the Club offers a safe, welcoming and inclusive environment for all.
- 1.3. This Procedure sets out the basis on which the Club will consider complaints that are raised within the Club relating to any on or off water Club activity, including paddling, coaching or competing.
- 1.4. Whilst the Club will do its best to ensure this Procedure is followed, it should be noted that the majority of people within the Club provide their time voluntarily without payment, and have other commitments outside of the Club. This Procedure should not be considered as exhaustive. A failure to follow strictly every step outlined below shall not automatically render any disciplinary decision unfair. This Procedure will instead act as a framework to enable disputes to be resolved in a fair and proportionate manner. The Procedure is subject to review and amendment (upon appropriate notice) from time to time.
- 1.5. If an incident of misconduct may amount to a criminal offence the Club may refer the matter to the police before pursuing its own disciplinary process. All allegations involving safeguarding shall be managed in line with Paddle Scotland's Safeguarding Policies and Procedures including where appropriate referring to Paddle Scotland for triage, guidance, and where it is deemed necessary, investigation.
- 1.6. This Procedure applies to all people involved in Club activities who, by participating in that activity, agree to be bound by this Procedure.

2. Definitions

- 2.1. In this Procedure certain terms are used frequently. Whenever they appear these terms shall have the following meanings:
 - **Club:** our club, [The Pentland Canoe Club].
 - **Complaint:** a complaint of Misconduct that is raised following this Procedure.



- **Complainant:** refers to the person(s) who raises the Complaint.
- **Individual:** any member, volunteer, employee or other person who participates in, or assists with, Club activity and about whom a Complaint has been raised.
- **Misconduct:** any behaviour or incident which is contrary to the Club rules, codes of conduct or any other offence or behaviour carried out during or in association with Club activities that might reasonably be considered as bringing or having the potential to bring the Club into disrepute. Examples of the type of behaviour that may amount to Misconduct are given further below.
- **Procedure:** this disciplinary and appeals procedure including the steps outlined below.
- **Writing:** references throughout this Procedure to “in writing” or “write” shall include correspondence being sent via email.

3. Disciplinary Procedure

Whenever there is an issue of Misconduct the following steps shall be followed:

Stage 1 – Raising a Complaint:

- 3.1. If any person wishes to raise a Complaint it should be reported in writing to the Club Secretary. Where the matter relates to the Club Secretary, the Complaint should be submitted to the Club Safeguarding Officer or Club Chair (who shall then fulfil the role of Club Secretary throughout the rest of this process). When reporting a Complaint, specific details and evidence about the Misconduct must be included. Examples of Misconduct might include:
 - a. any behaviour, conduct, statement or practice that is discriminatory, abusive, threatening, intimidating, harassing or deliberately provocative or intended to offend, insult, humiliate, ridicule or cause harm or fear; or
 - b. an act of dishonesty, including cheating or misrepresentation of qualifications and their status; or
 - c. a failure to comply with the Club code of conduct; any policy or operating procedure (whether in person or online).
- 3.2. If the Club Board becomes aware of Misconduct it may raise a Complaint itself and conduct any necessary investigation into the case of Misconduct.



Stage 2 - Initial Consideration of Complaint:

3.3 The Club Secretary (or other competent person handling the complaint if the complaint is about the Club Secretary) will conduct an initial assessment of the complaint and will consider:

- Is the complaint about a member or employee of the club or someone outside of the club
- Is the complaint part of a series of similar complaints about individuals, either from the same person or from different people?
- Is the complaint overall considered to be competent to be processed using the procedure set out in this document
 - If it is not considered to be a competent complaint for any of the reasons stated above, the complainant should be informed of this and the reasons for the decision being taken. Then stage 2 onwards do not apply. In such circumstances a file note should be written and stored which contains the rationale for the decision that has been taken together with the supporting information.

Stage 3 - Communicating the Complaint:

3.4. After the decision has been taken that the complaint is competent the Club Secretary shall write to the Individual or Individuals concerned to inform them of the Complaint and to invite them to comment on the allegations in writing within fourteen days. The Club Secretary may also choose to meet with the Individual(s) to obtain their comments. The Club Secretary shall also be entitled to take such advice or conduct any initial investigation as they consider is prudent in the circumstances to enable them to review the Complaint.

Stage 4 – Investigating and Reviewing the Complaint

3.5. Once the Club Secretary has received any applicable comments from the Individual(s) involved, and completed any investigation, they will determine if the Complaint has sufficient grounds and is capable of being pursued further based on the evidence and statements provided.

3.6. If a complaint is determined to be frivolous or vexatious at this stage it may also be dismissed at this stage. If the Complaint is of a nature that can reasonably be dealt with by informal methods, including an informal warning, the Club Secretary may do so and inform the Complainant(s) and the Individual(s) accordingly.

3.7. If it appears there is a case to answer, the Club Secretary will ask 3 members of the Club Board with appropriate skills or experience to form a disciplinary panel. No Board



member should be asked to join a disciplinary panel if they have a direct interest or involvement in the matter giving rise to the Complaint or are directly related/connected to any of the persons involved with the Complaint. Knowing the person(s) involved in the Complaint or having some knowledge of the circumstances of the Complaint shall not preclude a Board member from sitting on a disciplinary panel. Where there are insufficient non conflicted members of the Board to form the disciplinary panel, the Club may seek suitable external independent individuals. The Club also reserves the right to appoint an independent person or Panel to hear the matter.

- 3.8. The Club Secretary shall have the power to suspend any Individual accused of Misconduct from Club activity on a temporary basis. This temporary suspension shall last only as long as the Club takes to complete this disciplinary process. The purpose of this suspension shall be to facilitate the investigation, protect the Individual and the Complainant and should not be considered punitive in nature and shall not prejudice or influence the outcome of the investigation. Any temporary suspension shall be kept under review to ensure it remains reasonable and proportionate.

Stage 5 – Disciplinary Hearing:

- 3.9. The disciplinary panel shall consider the matter based on any evidence gathered by the Club Secretary and the formal statements submitted by the Complainant and the Individual.
- 3.10. The disciplinary panel shall also have the right to speak with anyone else involved who may have witnessed the Misconduct and to make such further enquiries as it thinks fit.
- 3.11. The disciplinary panel shall be entitled to reach a conclusion based on the statements submitted and any other evidence it has gathered (as outlined above). Alternatively, the disciplinary panel may decide to call a meeting to discuss the Complaint, in which case it shall give both the Complainant and the Individual(s) sufficient advance notice of the meeting date. Wherever possible the meeting shall be held within 14 days of the disciplinary panel calling the meeting.
- 3.12. The disciplinary panel shall ensure the case is handled justly and without undue delay. All hearings must be conducted fairly, by an objective panel, with the Individual(s) given a full opportunity to answer the allegations and produce any evidence or witnesses in support of their case. The Individual shall be entitled to be assisted or represented by a person of their choice.

Stage 6 – Reaching an Outcome and Sanctions

- 3.13. The disciplinary panel may uphold the Complaint, dismiss it, or partially uphold the Complaint, and will provide written reasons for its decision. If the disciplinary panel is



satisfied that an offence of Misconduct has been committed, then it may impose one or more of the following actions:

- a. note the Misconduct but take no further formal action. The panel may ask the Individual(s) to issue an apology if appropriate;
- b. formally warn the Individual concerned as to future conduct;
- c. suspend or disqualify the Individual from Club activity, coaching and/or administration and/or use of the Club's premises for a defined period up to a maximum of 12 months;
- d. cancel the Individual's membership of the Club (with no requirement to refund the membership fee) and refuse future membership; or
- e. a combination of the above or such other penalty as the Disciplinary Panel considers appropriate, which could include more specific restrictions on activities and club premises/locations, depending on the set up of the club and the specific outcome of the disciplinary hearing.

3.14. All parties concerned will be provided with the disciplinary panel's written reasons outlining the decision made.

4. Appeal Process

Should the Individual(s) or the Complainant wish to challenge the decision of the disciplinary panel and/or the sanction imposed, the following steps shall be followed:

Step 1 – Challenging the Decision of the Disciplinary Panel (an Appeal):

- 4.1. The Individual(s) or the Complainant may appeal the decision of the disciplinary panel and/or the sanction imposed by serving a Notice of Appeal on the Club Secretary within seven days of the Club Secretary communicating the disciplinary panel's decision to them. The letter notifying the Individual and the Complainant of the decision of the disciplinary panel shall also set out the right to appeal.
- 4.2. The Notice of Appeal must clearly state the grounds on which the Individual or the Complainant is appealing the decision and not just repeat the original complaint or the response to the original Complaint (dependent on who is bringing the appeal). The grounds on which a decision can be appealed are as follows:
 - a. the decision (including as to sanctions) was based on error of fact or could not have



been reasonably reached by the disciplinary panel when faced with the evidence before it;

b. serious procedural or other irregularity by the disciplinary panel. As an example, the panel did not speak to a reasonable cross-section of people who witnessed the Misconduct. If this is found to be the case, the Appeal Panel shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed; or

c. significant and relevant new evidence has become available which was not available at the time the disciplinary panel made its decision but, had it been available, may have caused the disciplinary panel to reach a materially difference decision.

4.3. It is important that the Complainant or the Individual recognise that the appeal is not an opportunity to repeat the original disciplinary hearing. The same arguments and evidence as were submitted to the disciplinary panel must not be submitted in isolation to the Appeals Panel. The appeal must identify one of the above three grounds only and explain why they are met. Otherwise, the appeal will be dismissed.

4.4. The Club Secretary shall acknowledge the Notice of Appeal within seven days of its receipt and, if necessary, ask for any further evidence or reasons why the appeal is being submitted.

Step 2 – setting up the Appeal Panel

4.5. The Club Secretary shall appoint either an individual (such as the Club Chair) to review the Appeal or three new **Board** members (or other individuals with appropriate and relevant experience) who have not been involved directly with the Complaint, either in the events giving rise to the Complaint or in the initial disciplinary panel itself.

4.6. The Club Secretary shall inform the Individual and the Complainant of who is reviewing the appeal (“the Appeal Panel”). If the Individual or the Complainant has any objections to the Appeal Panel these must be raised promptly, providing reasons for the objection (and no later than 5 days of being informed) to the Club Secretary who shall review the objection and decide in their reasonable discretion whether it is appropriate to alter the composition of the Appeal Panel.

Step 3 - what the Appeal Panel can do

4.7. The Appeal Panel shall determine the appeal and may either invite the Complainant and the Individual(s) to provide any further statements or set up a meeting. The Appeal Panel may at its sole discretion disregard any failure by a party to adhere to this appeal procedure and may give such further directions as may be appropriate.



- 4.8. Where the Appeal Panel is formed of three individuals, the Appeal Panel shall decide any issue by majority.
- 4.9. The Appeal Panel shall have power to make a decision on the facts as it thinks fit and may:
- a. uphold the original decision and sanction;
 - b. overturn the original decision and remove any sanction imposed by the original Disciplinary Panel;
 - c. overturn the original decision and impose a new sanction;
 - d. confirm the original decision but increase the sanction;
 - e. confirm the original decision but reduce the sanction;
 - f. make such further orders as it considers appropriate.
- 4.10. The Appeal Panel shall inform all parties of its decision together with written reasons. The decision of the Appeal Panel shall be final with no further right of Appeal.

5. Records of Hearings and Appeals

The decision of a disciplinary panel and the Appeal Panel shall be in writing and retained as confidential records for a period of six years by the Club. Supporting documents shall also be retained for the same period of time alongside the decision.

6. Notification to Paddle Scotland

- 6.1. The Club Secretary, once the Appeal notice period has expired and any appeal has concluded, should inform Paddle Scotland of the outcome of the disciplinary process. This is particularly important for:
- a. compliance with a sanction, especially where the Individual has been suspended from competing or participating in any canoeing activity; or
 - b. for the welfare and safety of those engaged in canoeing or paddlesport activity.

7. Co-operation

- 7.1. This Procedure assumes that all parties will cooperate in the interest of resolving the issue in question. In the absence of such cooperation, or if it is withdrawn at any stage, the Club reserves the right to proceed with a disciplinary panel or an Appeal based on such evidence and information as it is able to obtain.
- 7.2. When dealing with a Complaint, the Club Secretary or nominated Club representative



shall be entitled to take, or omit to take, such action as is recommended pursuant to legal advice received from a legal practitioner whom the Club Secretary reasonably believes is competent to provide such advice.