



PENRITH GOLF CLUB

Complaint and Disciplinary Policy Code and Procedure for Club Members

1. COMPLAINT PROCEDURE

- 1.1. All complaints will be fully considered and should, in the first instance, be addressed to the Club Chair (email chair@penrithgolfclub.co.uk) within 3 days of any incident leading to the complaint occurring. The Club Chair will ensure that a record of all complaints is kept on file for future reference.

It is anticipated that the majority of complaints received by the Council will be resolved satisfactorily, either by the full Council or the appropriate Committee, without the need to invoke the Full Disciplinary Procedure as given in 5 below.

However, a complaint which cannot be satisfactorily resolved by the Council, or a committee will be escalated by passing the complaint to an Investigating Officer (IO) for further investigation.

An Investigating Officer (IO) will be appointed by the Council in the first instance and, thereafter, whenever the position becomes vacant. The IO will be appointed from amongst the Club voting membership of at least three years standing, and not a current member of the Council.

In such matters, the Council shall exercise its powers under this Code in the manner set out below and shall:

- 1.1.1. Delegate its power to decide disciplinary matters to a Disciplinary Panel (DP) in accordance with paragraph 3.
- 1.1.2. Delegate its power to decide upon any appeal against a decision of the panel to an Appeals Committee (AC) which shall comprise 3 members of the Council in accordance with paragraphs 4 and 7.
- 1.2. The Council shall have jurisdiction to:
 - 1.2.1. Consider any complaint of misconduct (as defined in paragraph 2) and any other matter which the Council may consider misconduct.
 - 1.2.2. Appoint a person or persons ('Investigating Officer'), who will not sit on any disciplinary panel, to investigate any matter which it considers does or may amount to Misconduct.

2. MISCONDUCT

- 2.1. Misconduct is: -
- 2.1.1. A breach of the any of the Club's Rules, Policies and/or Byelaws.

2.1.2. A breach of any of the Club's published policies, byelaws and procedures applicable to members, including but not limited to:

- 2.1.2.1. Course
- 2.1.2.2. Equality
- 2.1.2.3. Social Media
- 2.1.2.4. Buggy Use
- 2.1.2.5. Safeguarding Children and Young People
- 2.1.2.6. Code of Conduct
- 2.1.2.7. Juniors

2.1.3. A breach of competition rules.

2.1.4. Unlawful conduct taking place on Club premises and/or affecting, concerning or relating to the Club, its employees, members, visitors or other persons or organisations connected with the Club.

2.1.5. Any conduct which is detrimental to the interests of the Club, its members or any section of the Club's membership.

3. DISCIPLINARY PANEL (DP)

- 3.1. The Council shall appoint a disciplinary panel (DP), and any necessary replacement, from amongst Club Voting members of at least three years standing. Current members of the Council are ineligible for appointment to any DP. The DP shall comprise not less than 3 persons, one of whom shall be appointed by the Council as its Disciplinary Chair.
- 3.2. The Council will appoint a pool of members, up to a total of seven, from which it can select the above-mentioned DP.
- 3.3. The DP shall hear and adjudicate upon disciplinary matters referred to it.
- 3.4. The Disciplinary Chair may at their discretion appoint any legal or other expert to advise (but not sit on) the DP in respect of any matter referred to it.
- 3.5. Save as the Disciplinary Chair may determine, no DP member shall sit on the Panel in relation to a matter in respect of which he/she has, or may reasonably be thought to have had, any previous involvement or personal interest. It is the responsibility of each DP member to advise the Chair as soon as is reasonably practicable of any such previous involvement or personal interest and the Disciplinary Chair shall determine whether the nature and circumstances thereof are such that the DP member concerned should not sit on the DP in relation to the matter in question.

4. APPEALS COMMITTEE (AC)

- 4.1. The Appeals Committee (AC) shall comprise 3 members of the Council, one of whom must be the Club Chair, which shall hear and adjudicate upon appeals resulting from the decisions of the DP. The members of the AC shall be different to the members of the DP.
- 4.2. The Club Chair, or failing him/her, any other Council member, shall chair the meeting. The chair of the meeting constituted as the AC may at their discretion appoint any legal or other expert (not having been appointed to advise the DP under paragraph 3.4 in respect of the matter the subject of the appeal) to advise, but not sit on, the AC.
- 4.3. The Appellant (see 7.1.) shall be entitled to object to the appointment of a person to chair the AC by notice in writing given to the Council within 5 days of the Appellant having been given written notice of the identity of the proposed chair of the AC pursuant to paragraph 4.2 and setting out the reasons for his/her objection. The Council shall, within 5 days of having received it, notify the Appellant in writing and provide details of why any changes in the composition of the AC may or may not have been made.

5. FULL DISCIPLINARY PROCEDURE

- 5.1. Within 5 days of the Club receiving a formal complaint or becoming aware of any matters considered to be Misconduct, the IO shall investigate the matter and gather relevant information and evidence, which must include discussions with the subject of the complaint, hereinafter referred to as the MEMBER.
- 5.2. On completion of the investigation, the IO shall decide upon and immediately inform the Club Chair of the most appropriate course of action which may be:
 - 5.2.1. to dismiss the matter with no further action.
 - 5.2.2. to deal with the matter informally.
 - 5.2.3. to refer the matter to a DP.
- 5.3. The IO has sole discretion in 5.2. above as delegated through the powers of the Council.
- 5.4. Where the matter is referred to a DP, the IO will provide the DP and the MEMBER with all the documentary evidence gathered. The IO will neither express an opinion nor give any recommendation.
- 5.5. The MEMBER has 5 days within which to respond in writing by acknowledging receipt of the documentary evidence concerning the complaint, together with a copy of the notes made during discussions with the IO. Should the MEMBER fail to respond within such period (or such longer period as may have been agreed in writing) then the MEMBER will be liable to suspension from involvement in all activities at the Club until their reply has been received.

- 5.6. After receiving the MEMBER's reply or, failing receipt of a reply, following the expiry of the period for receipt of the same, a date for a hearing will be set and communicated to all parties by the IO, who will then have no further involvement in the proceedings.
- 5.7. If the Member fails to deliver any details required or fails to appear at a hearing, then the DP, in its absolute discretion, may adjourn the hearing or proceed in the Member's absence.
- 5.8. Proceedings of and all hearings before the DP shall be held in private.
- 5.9. The Complainant and the MEMBER are both entitled to attend hearings of the DP and may be accompanied by one other member of the Club who may speak on their behalf.
- 5.10. If the MEMBER was under 14 years of age when the matter the subject of the complaint took place, all correspondence and communication shall be addressed only to the MEMBER's parent or guardian. If the MEMBER is between 14 and 18 years of age, copies of all correspondence will be addressed to his/her parent or guardian as well as to the MEMBER.
- 5.11. At any hearing before the DP of a complaint against a MEMBER under the age of 18 at the date of the hearing, the parent or guardian of the MEMBER shall be entitled to attend the hearing, to speak on behalf of the MEMBER and make such representations to the DP as they think appropriate on the MEMBER's behalf. Where the MEMBER is a young person or vulnerable adult at risk of harm, the Club Welfare Officer is entitled to attend any hearing and, upon request, may represent the Member, though without any voting rights.
- 5.12. At the hearing, the DP will consider the evidence which is placed before it.
- 5.13. The MEMBER shall be entitled to present his/her case to the DP and to call such supporting witnesses as he/she wishes.
- 5.14. The Complainant, the MEMBER and their representatives are entitled to cross examine any person at the hearing.
- 5.15. At the conclusion of the proceedings, the DP shall consider its decision in private, and indicate to the MEMBER that its decision will be communicated as soon as is reasonably practicable and, in any event, within 5 days. In addition to whatever method of communication is employed, the decision will also be confirmed to the MEMBER in writing and placed in the Club records held by the Club Chair.
- 5.16. In reaching its decision the DP must first consider whether to uphold the complaint of Misconduct. When reaching a decision, a majority of the DP in favour of any decision is sufficient.

- 5.17. Any sanction imposed at this juncture is enforceable with immediate effect, regardless of the MEMBER's intent to appeal or not.
- 5.18. The DP shall not be obliged to follow the strict rules of evidence in the course of any proceedings and shall be entitled to admit such evidence and accord it such weight as it thinks fit, giving consideration to the principles of fairness and reasonableness, providing all such evidence has been disclosed to the MEMBER before the DP hearing.
- 5.19. The DP shall have the power to regulate its own procedure including (without limitation) to: -
- 5.19.1. extend or vary any time limit set out in this Code.
 - 5.19.2. adjourn any proceedings at any time.
 - 5.19.3. allow time for the submission of further evidence or for any other reason.
 - 5.19.4. ask questions of any party or witness to any proceedings before it.
 - 5.19.5. admit or exclude any evidence on grounds of relevance or for failure to comply with directions.
 - 5.19.6. give or make directions at any time with regard to proceedings before it or to be held before it.
 - 5.19.7. order that the costs of and incidental to any proceedings before it, be paid, or that a contribution towards such costs, be paid by any party.

Any such variations in procedure and the reasons for them will be recorded in writing.

6. PENALTIES

- 6.1. If the DP or the AC finds a complaint of Misconduct proven, it may impose upon the MEMBER one or more of the following penalties: -
- 6.1.1. a censure, caution, warning or reprimand in respect of his/her conduct.
 - 6.1.2. a suspension or exclusion from competition or other involvement in any capacity in any event organised or sanctioned by the Club.
 - 6.1.3. suspension of all membership rights for a specified period.
 - 6.1.4. suspension or exclusion from holding office within the Club for a specified period of time.
 - 6.1.5. expulsion from membership of the Club.
 - 6.1.6. a combination of any of the above or any other penalty considered appropriate.
- 6.2. All penalties imposed shall, in the opinion of the DP or AC, be fair, reasonable and proportionate to the Misconduct.

- 6.3. All penalties or otherwise shall be reported to the Council for their information after the 14-day period to lodge an appeal has lapsed.

7. APPEALS

- 7.1. Following a disciplinary hearing, the MEMBER wishing to appeal against a decision of, or any penalty imposed, by the DP, will be known as the 'Appellant' and will lodge notice of his/her appeal to the Council in writing within 5 days of the date of the DP's communication of its decision pursuant to paragraph 5.15. The notice of appeal shall include full details of the grounds of appeal.
- 7.2. The Council will give the Appellant written notice of the date, time and place of the appeal hearing.
- 7.3. The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the DP's original decision in the light of the procedure that was followed and any new information that may have come to light.
- 7.4. The AC shall consider all documents and evidence previously submitted by the IO or presented to the DP at the first hearing and shall have the power to request the recall of witnesses heard at that hearing and to admit new evidence. The Appellant shall be entitled to present his/her case to the AC and to call such supporting witnesses as he/she wishes. The AC may be entitled to ask any questions of these witnesses.
- 7.5. The procedure set out in paragraph 5. (Full Disciplinary Procedure) will apply to the appeal hearing where appropriate and applicable.
- 7.6. In reaching its decision the AC shall, giving consideration to the principles of fairness and reasonableness, take such account and give such weight to the evidence presented to it as it thinks appropriate and shall be entitled to make such decision on the facts as it thinks fit and may confirm, cancel, reduce or increase the penalty under appeal or substitute a different form of penalty.
- 7.7. The decision of the AC is final and binding. After reaching its decision the AC shall communicate its decision to the Appellant either at the time of the hearing or in writing within 5 days thereafter and inform the Council of the outcome.
- 7.8. For the avoidance of doubt, there is no right of appeal to any relevant County or other association, or to England Golf, in respect of any proceedings of or any decisions taken under or pursuant to the Club's Complaint and Disciplinary Policy and/or procedures in place at the date of the original complaint.

8. GENERAL

- 8.1. No breach of procedure or failure to follow any directions given in the course of any proceedings under this Policy shall invalidate such proceedings unless

such breach or failure shall have materially and substantially prejudiced the person against whom a complaint has been made.

- 8.2. All complaints will be dealt with under the Complaint and Disciplinary Policy in place at the date of that complaint.
- 8.3. Two or more complaints can run concurrently, provided there is capacity within the Club to appoint a panel.
- 8.4. A Council member who is the subject of a complaint will not be allowed to attend the Council or vote for as long as the issue is under investigation or is subject to the full disciplinary procedure outlined in 5. above.
- 8.5. Any breach of the Club's Code of Conduct Policy should be reported to the Council. Reports will be kept on file and if patterns of poor behaviour are established, the Council will take further action and impose sanctions at its sole discretion.
- 8.6. The construction, validity, and enforceability of this Code shall be governed by the laws of England.

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