

English Subbuteo Association – Disciplinary Procedure

1. Introduction

This procedure applies to disciplinary allegations made against any member or guest member of the English Subbuteo Association (ESA).

2. Disciplinary offences

Disciplinary offences include (but are not limited to):

- Behaviour in breach of the ESA Values and Behaviours.
- Behaviour in breach of the ESA Code of Conduct.
- Breach of the requirements of ESA Policies.
- Failure to make a proper accounting of funds from ESA events or activities.
- Any other conduct likely to bring the ESA into disrepute.

3. Disciplinary sanctions

Appropriate actions or sanctions will apply to breaches of the above codes and policies as follows:

- Written warning
- Final written warning
- Removal of ESA membership or guest membership (temporary or permanent)
- Bans from ESA events (temporary or permanent)
- Bans from ESA social media forums (temporary or permanent)

For some breaches, the provision of training can also accompany a written warning. For example, where an ESA member or guest member breaches a code or policy due to lack of awareness of the relevant code or policy.

4. Ejections from Events

Organisers of ESA events are permitted to eject participants if the behaviour of the participant breaches the ESA Code of Conduct. Acts or threats of violence will lead to immediate ejection. Persistent minor breaches will lead to ejection if not rectified after no less than two warnings.

Any ESA member or guest member who is ejected from any ESA event will be referred to the ESA Board for investigation under this procedure.

5. Disciplinary referrals

ESA members and guest members may also be referred to the ESA Board for disciplinary action in other circumstances (for example, inappropriate behaviour in the preparation of an event, or following an event – either in person or via social media). Only ESA members can refer an ESA member, however a member of the public can issue a complaint and the complaint assessor may decide to refer the respondent as part of the outcome of their

review. ESA events' organisers are also encouraged to refer participants whose poor behaviour at an event triggered warnings even if that person was not ejected from the event.

6. How to refer an alleged wrongful behaviour

Disciplinary allegations must be submitted by email to the ESA Chair or the ESA Welfare Officer, on englishsubbuteoassociation@gmail.com. The email must provide the contact details of the referring member together with full details of the issue and the member that is allegedly responsible for it. Allegations cannot be submitted anonymously, and the referring member must be willing to assist with the disciplinary review.

7. Disciplinary procedure step by step

- i. The Chair will be notified of the nature of the issue and will appoint an assessor who will be a member of the ESA Board or other suitably qualified person appointed by the Board.
- ii. To prevent abuse of the disciplinary referral, if the referral appears to be evidently unfounded, the assessor may request the Chair to proceed with a response to the referring member that outlines the reasons why the referral is rejected. The referring member can appeal within 15 days of the day the response is sent, but only to challenge breaches to the procedure or to bring up new evidence, not to request a second review on the matter already assessed.
- iii. The assessor appointed for a disciplinary procedure will take written evidence from the referring member and any other witnesses identified within the referral. The assessor will provide a copy of the allegation and evidence to the respondent. The assessor will contact the respondent to give them an opportunity to have their say and written evidence and/or a statement. The assessor will allow reasonable time for all involved parties to have their say but also consider the impact of delaying the issuing of an outcome. If the respondent does not make themselves available, the investigation report will be completed without their statement.
- iv. Once all evidence has been taken, the assessor will make a judgement on the situation, based on the balance or probability, which is the standard of proof used in civil law.
- v. The assessor will inform the ESA Chair and the ESA Welfare Officer of the outcome. The ESA Board will be updated, in a way that adheres to confidentiality. The assessor will then communicate the decision to the respondent, who will be offered the opportunity to appeal the decision at a hearing. The purpose of the appeal is to consider all the evidence impartially at the hearing and reach a conclusion.
- vi. If the respondent wishes to appeal, the ESA Chair will appoint an appeal Chair to lead the appeal's hearing. This individual will be a member of the ESA Board (or suitable external party) who has taken no part in the initial investigation. The appeal Chair will liaise with the relevant parties to arrange this.

- vii. If a hearing if required, that must occur at the earliest convenience with 5 working days' notice for the involved parties to prepare. If the respondent does not make themselves available, the hearing will go ahead.
- viii. If the respondent requests an extension of time for the hearing, they should submit this request to the appeal chair, and this will be considered. Reasonable adjustments will be made for valid extenuating circumstances.
 - i. Depending on the nature of the matter and personal circumstances, the hearing may be conducted at a physical location or virtually (for example: by Teams, Zoom or similar). At the hearing the initial review assessor will present the investigation evidence. The appeal chair may ask questions to the assessor, the complainant, the respondent and any relevant witnesses to reach a decision on the allegation.
 - ii. The appeal chair will conduct the hearing in an investigative manner designed to elicit the truth. The appeal hearing chair may postpone the hearing if matters come to light that require further investigation. Where conflicts relate to different versions of events, the appeal chair will ask questions to the assessor, both parties and the witnesses to ascertain facts.
 - iii. The appeal hearing chair will reach a decision on the balance of probability – based on all available elements - which is the standard of proof used in civil law.
 - iv. On conclusion of the hearing the appeal hearing chair will produce a written decision that summarises the evidence and justifies the conclusion and, where appropriate, the sanctions. The decision will be communicated to relevant parties in a way that adheres to confidentiality. The learning from the procedure will be shared anonymously with the ESA Board, to inspire continuous improvement.

8. Conflict of Interest

In any disciplinary case, neither the assessor, the individuals appointed to the appeals hearing will have any significant conflict of interest in the outcome, and these roles will be allocated on this basis. If an individual cannot be found to fulfil one of these roles, then the ESA will appoint a suitable external party.

9. Confidentiality

If in the judgement of the ESA Chair the issue raised presents a significant risk to the reputation of the ESA, then the ESA Chair can notify the ESA Board of the issue in a way that adheres to confidentiality and does not compromise the review of the allegations. All communication about the issue will be undertaken in a way that adheres to confidentiality.

10. Incident to be reported to the Police or Safeguarding authority

If at any time - upon receiving a disciplinary referral or during a disciplinary procedure - an incident must be reported to the Police or Safeguarding authority, that takes priority and must not be delayed. The ESA disciplinary procedure may have to be paused until the outcome of the police or safeguarding investigation. The assessor may inform

relevant parties that the procedure is paused , unless the Police or the Safeguarding Authority advises otherwise.

11. Associated policies

1. ESA Code of Conduct
2. ESA Values and Behaviours
3. ESA Complaint Procedure
4. Safeguarding Policy

13/05/2024