



# ENGLISH SUBBUTEO ASSOCIATION

## English Subbuteo Association – Disciplinary and Grievance Procedures

### 1. Introduction

This procedure applies to disciplinary allegations made against any member or guest member of the English Subbuteo Association (ESA). It also applies to any grievances raised by members, guest members, or affected third parties. The process for investigating and resolving both cases is similar.

### 2. Disciplinary offences

Disciplinary offences include (but are not limited to):

- Behaviour in breach of the ESA Code of Practice.
- Behaviour in breach of the ESA Code of Conduct.
- Breach of the requirements of ESA Policies (e.g.: Privacy Policy, Conflict of Interest Policy, Safeguarding Policy).
- 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.

In addition, organisers of ESA approved 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 event, where ESA members or guest members are organising and/or participating in them, will be automatically referred to the ESA Board for investigation under this procedure. The reasons for the broad remit, are around the responsibilities of the ESA to protect the wellbeing of its members, and if an individual has been found to behave inappropriately in one event, there is the potential for issues to be compounded at future event.

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).



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## 4. Grievances

A grievance is any treatment that an ESA member or guest member considers they have suffered at the hands of the ESA, its affiliated clubs or any ESA member or guest member that the person perceives to be unfair, unreasonable or directly or indirectly discriminatory. This procedure is designed to provide a route for that person to obtain redress.

## 5. Raising a disciplinary allegation or grievance (referral)

Disciplinary allegations and grievances can be referred by any ESA member, guest member or affected third party. Referrals can be made for any matter that is of concern to the person making the referral (called the complainant). If the matter is a disciplinary allegation, the person against whom the allegation is made is known as the respondent. Organisers who eject a participant from an event are obliged to refer the matter to the ESA even if that participant is a member of another association. Organisers are also encouraged to refer participants whose poor behaviour at an event gave rise to the use of warnings even if that person was not ejected from the event.

Disciplinary allegations and grievances should be submitted by email to the ESA Welfare Officer, on [letstalk@englishsubbuteoassociation.com](mailto:letstalk@englishsubbuteoassociation.com). The email must provide the contact details of the complainant together with full details of the issue. Allegations cannot be submitted anonymously, and the complainant must be willing to assist with an investigation.

## 6. Resolving referrals

The Chairman 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. The assessor will take written evidence from the complainant and any other witnesses identified by the complainant. If the issue is disciplinary, the assessor will provide a copy of the allegation and evidence to the respondent. The assessor will obtain written evidence or a statement of mitigating factors from the respondent.

- i. An assessor will be appointed by the ESA Chairman as a matter of urgency.
- ii. The assessor will contact the relevant parties and take statements in a sensitive manner, allowing reasonable time for all involved parties to have their say but also considering the impact of delaying the issuing of an outcome. Investigations for serious offences should be commence as a matter of priority.
- iii. If the investigated person does not make themselves available, the investigation report will be completed without their statement.
- iv. If the investigated person requests an extension of time to make their statement, they should submit this request to the assessor, and this will be considered. Reasonable adjustments will be made for valid extenuating circumstances.



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- v. 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. The ESA Chairman and the ESA Welfare Officer will be notified of the outcome. The ESA Board will be updated, in a way that adheres to the Member Privacy Notice.
  - vi. The ESA Welfare Officer will then communicate the decision to the investigated person, 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.
  - vii. If the investigated person wishes to appeal, the ESA Chairman will appoint two suitable individuals to conduct the appeals hearing. These individuals will be members of the ESA Board (or suitable external party) who has taken no part in the investigation. One of the two individuals will be appointed chair of the appeal hearing and will liaise with the relevant parties to arrange this.
  - viii. If a hearing is required, that must occur at the earliest convenience with 5 working days' notice for the involved parties to prepare. If the investigated person does not make themselves available, the hearing will go ahead.
  - ix. If the investigated person requests an extension of time for the hearing, they should submit this request to the appeal hearing chair, and this will be considered. Reasonable adjustments will be made for valid extenuating circumstances.
  - x. Depending on the nature of the matter and personal circumstances, the hearing may be conducted at a physical location or virtually (for example: by Skype, Zoom or similar). At the hearing the assessor will present the investigation evidence. The respondent and complainant and any witnesses may also be asked to provide further evidence by the assessor sufficient for the assessor to reach a decision on the allegation or grievance.
  - xi. The appeal hearing 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 assessor must explain if one version is preferred over another.
  - xii. The test for reaching a decision shall be on the balance of probability, based on all the available evidence, which is the standard of proof used in civil law.
  - xiii. 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 (for disciplinary allegations) or remedies (for grievances). The decision will be communicated to relevant parties in a way that adheres to the Member Privacy Notice.
7. Other related policies
- Conflict of Interest Policy  
In any disciplinary or grievance 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.



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- Member Privacy Notice

If in the judgement of the ESA Chairman the issue raised presents a significant risk to the reputation of the ESA, then the ESA Chairman can notify the ESA Board of the issue. If this is done, then an External Assessor will be appointed to investigate the issue. In the event of an appeal, the two suitable individuals to conduct the appeals hearing will be suitable external parties. All communication about the issue will be undertaken in a way that adheres to the Member Privacy Notice.

- Safeguarding Policy

If the issue relates to a safeguarding concern, then the Assessor will be an appropriate person with the required DBS clearance. As the Welfare Officer and the Chairman will be notified of the nature of the issue from the outset, it is a requirement that both these individuals have appropriate DBS clearance.

Associated policies:

1. ESA Code of Conduct
2. ESA Disciplinary and Grievance Procedures
3. Member Privacy Notice
4. Safeguarding Policy
5. Conflicts of Interest Policy