



ENGLISH SUBBUTEO ASSOCIATION

DISCIPLINARY AND GRIEVANCE PROCEDURES

1. Introduction

This procedure applies to disciplinary allegations made against any member of the English Subbuteo Association (ESA). It also applies to any grievances raised by members. 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 Conduct (ESA2);
- Breach of the requirements of ESA Policies (e.g. 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

Organisers of ESA approved tournaments 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.

Members ejected from tournaments will be automatically referred to the ESA Board for resolution under this procedure. Members may also be referred to the ESA Board for disciplinary action in other circumstances. The ESA Board may apply one or more of the following sanctions:

- fine;
- temporary ban from the ESA;
- lifetime ban from the ESA.

4. Grievances

A grievance is any treatment that an ESA member (or prospective member) has suffered at the hands of the ESA, its affiliated clubs or any ESA 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, prospective 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*.



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Raising a disciplinary allegation or grievance (referral) (contd)

Organisers who eject a participant from a tournament are obliged to refer the matter to the ESA even if that participant is a member of a foreign association. Organisers are also encouraged to refer participants whose poor behaviour at a tournament 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, Tim Bowen on tim.bowen@informationfocus.co.uk. 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 ESA will appoint an *investigator* who will be a member of the ESA Board or other suitably qualified person appointed by the Board. The investigator will take written evidence from the complainant and any other witnesses identified by the complainant. If the issue is disciplinary, the investigator will provide a copy of the allegation and evidence to the respondent. The investigator will obtain written evidence or a statement of mitigating factors from the respondent.

The investigator must conduct the investigation in a sensitive manner and must provide reasonable periods of time for the various parties to provide their evidence. However, investigations for serious offences should be completed quickly.

Once all evidence has been taken, the investigator should arrange a *hearing* and the ESA Board will appoint an *assessor* to conduct the hearing. The assessor will be another member of the ESA Board (or suitable external party) who has taken no part in the investigation. The purpose of the assessor is to consider all the evidence impartially at the hearing and reach a conclusion.

Depending on the nature of the matter and personal circumstances, the hearing may be conducted at a physical location or virtually (by Skype or similar). At the hearing the investigator 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.

The assessor should conduct the hearing in an inquisitorial manner designed to elicit the truth. The assessor 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.

The test for reaching a decision shall be the balance of probability.

On conclusion of the hearing the assessor 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).