



# **Managing Disciplinaryes & Disagreements in Sport**

## **Table Tennis Wales Disciplinary Policy**

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## 1 Introduction

This policy and procedure are designed to help athletes or members, Performance Directors (PDs) and coaches deal with any disciplinary situations that may occur whilst the athlete is a member of or affiliated to Table Tennis Wales (the Organisation).

Wherever possible, minor discipline issues should be resolved informally. PDs/coaches, where appropriate, should talk about the improvement in conduct or performance that is required. In some cases, additional training, coaching or advice may be needed. These informal discussions should be noted in the athlete's record.

There may be situations where matters are more serious or where an informal approach has been taken and not achieved the required results. In these cases, or if the misconduct is considered too serious to be classed as minor, then PDs/coaches should consider taking formal action.

### **Important**

- **If the member is under 18, a vulnerable adult, or an adult at risk, the designated safeguarding lead must be informed from the outset of any problem or concern even if it is dealt with informally.**
- **For matters that might be criminal, legal and/or safeguarding advice must be taken and the matter referred to the statutory authorities before proceeding further with this policy. The matter should be escalated within the organisation without delay.**

Members under the age of 18 or classified as a vulnerable or at-risk adult should be supported by a parent or legal guardian, who should act on their behalf. This will apply to both the informal and formal processes.

The wellbeing of the member during this process is paramount and they must be supported by a member of staff who is not involved in the process, especially during any period of suspension.

## 2 Purpose and Scope

The purpose of this policy is to ensure consistent and fair treatment of members in disagreements and disciplinary situations, and to encourage members to maintain appropriate standards of conduct. PDs/coaches and managers should ensure that members have a good understanding of these procedures.

This policy does not confer contractual rights on individuals or the Organisation and will be reviewed in line with any legislative changes. The policy may be changed or amended at the Organisation's discretion.

The Organisation may, at its discretion, appoint external parties to conduct investigations and disciplinary hearings. This may be because of conflicts of interest, availability of resources, complexity, or specialist knowledge of the issues, or in the interests of fairness.

### **3 Standards**

The Organisation has clear standards and expectations of conduct. They are explained to members when they join and are reinforced through regular updates. These cover such areas as:

- Being responsible and accountable for your conduct
- Obedience of national and international game rules
- Behaviour towards staff and fellow members, including respecting professional boundaries and the proper use of social media
- Health and Safety regulations
- The inappropriate use of facilities (vehicles, property, internet, email, and other equipment)
- Claiming expenses
- Personal appearance and dress codes

Members are responsible for representing the Organisation – this includes maintaining high standards of behaviour and presentation of appropriate branded clothing where applicable.

### **4 Principles**

The principles governing the policy and its application are:

- Consistency and fairness, with all members treated with respect and dignity
- Respect for individuals' rights and responsibilities
- Openness and transparency
- The use of informal counselling, guidance, or instruction for minor matters
- Not de-selecting from a performance programme for a first breach of discipline except in the case of gross misconduct

To ensure that matters are dealt with fairly the following shall apply:

- PDs/coaches and members should raise and deal with issues promptly and should not unreasonably delay meetings, decisions, or communication of those decisions
- PDs/coaches should ensure that any necessary investigations are conducted, to establish the facts of the case
- PDs/coaches should inform members of the basis of the problem and give them an opportunity to put their case in response before any decisions are made
- PDs/coaches should allow members to be accompanied at any disciplinary meeting whether formal or informal
- Members have the right to appeal any action taken against them under these procedures

It is recommended that for any serious disciplinary issues or disciplinary appeals, consideration should be given to having the investigation conducted by an independent investigator, and where appropriate for a formal hearing to be undertaken by an independent panel, to prevent any potential conflict of interest.

All warning letters issued under this policy are to be approved by the Organisation's HR officer to ensure consistency and to ensure that appropriate records are maintained.

## 5 Gross Misconduct

Gross Misconduct which may result in an immediate suspension from membership, or a program includes (but is not limited to):

- Actual or attempted theft, fraud, or dishonesty
- Sports betting, corrupt conduct, or match fixing
- Fighting, physical or sexual assault, violence, threatening behaviour or deliberate and serious damage to people or property
- Anti-doping regulation violations
- Incapacity for training owing to self-inflicted injury, or the use of alcohol or illegal drugs
- Deliberate actions or failures to act that bring the Organisation into disrepute
- Conviction of a serious criminal offence
- Gross negligence or incompetence which causes serious loss, damage or injury
- Serious breaches of rules relating to Health & Safety or hygiene
- Bullying or harassment on the grounds of sex, race, disability, age, sexual orientation, religion or belief or any other protected characteristic of another member, employee, visitor or any other third party
- Indecent, offensive, or immoral behaviour
- Offensive use of social media, including unauthorised use or hacking of another person's account
- Disclosure of confidential information of the Organisation
- Violation of the rules outlined in any relevant Code of Conduct

## 6 Informal Resolution

Where conduct or behaviour fall short of the standards expected by the Organisation, PDs/coaches should meet with the member to find out if there are any problems, reiterate the required standards and/or improvements with timescales, and provide any help and support that may be needed. This will take the form of informal counselling, guidance and instruction and is not part of the formal procedure.

PDs/coaches should take notes of any such discussions and a copy of these notes will be provided to the member. These notes will be retained in the member's record for 12 months.

**Note the requirement to report as per section 1 if the member is under 18 or vulnerable, or the matter might amount to a criminal issue.**

In some cases, the problem may be more serious at the outset, or the counselling, guidance and instruction has not worked. If this is the case, the formal disciplinary procedure may apply.

## 7 Formal Disciplinary Process

### 7.1 Establishing the facts

It is important to carry out an investigation without unreasonable delay to establish a fair and balanced view of the allegations against the member, before deciding whether to proceed with a disciplinary hearing. The investigator must not subsequently be a member of the disciplinary hearing or appeal panel for the matter. A direct manager of the investigator must not be part of any subsequent hearing or appeal panel.

The Organisation should consider the use of an external investigator and record its decision accordingly.

Where the investigation reveals allegations of criminal conduct, the investigation will be handed over to the police and the disciplinary process will be stayed until the conclusion of any resulting criminal proceedings. **On no account must any potential criminal matter be put on hold or reserved.**

## 7.2 Informing the member of the problem

If, at the end of the investigation, it is decided there is a disciplinary case to answer, the member should be notified of this in writing. All the information about the alleged misconduct and its possible consequences should be provided to the member, to allow them to answer the case at a disciplinary hearing. This includes providing them with copies of any written evidence such as witness statements along with a copy of any investigation report. The member must be informed of the possible outcomes of the hearing.

The member must be given the details of the time and venue for the hearing and be advised of the right to be accompanied. The Organisation will ensure that the time, place, location, and nature of any disciplinary hearing are reasonable and accessible. Specific reasonable adjustment must be made to ensure compliance with equality legislation. Any hearing must take place as soon as is reasonably practicable.

## 7.3 Holding a disciplinary hearing

If the matter may result in de-selection or expulsion, it will be heard by a panel of at least three people, otherwise a panel may be a single senior manager or director of the Organisation except for the chief executive, or anyone involved in the matter. Members of the panel may be part of the Organisation or independent. The names of the panel member(s) should be provided to all parties at least 10 days before any hearing. Parties may reasonably object to any member of the panel, giving grounds for their objection. Any objection shall be considered by the chief executive of the Organisation who will ultimately decide the members of the panel.

The Organisation should hold the hearing without unreasonable delay whilst allowing the member reasonable time to prepare their case. What is judged to be reasonable will depend on the complexity of the case but will not be less than 14 days from the date the letter communicating the date and time of the hearing is sent. The member and their companion must take all reasonable steps to attend. Where the member persistently fails to attend a disciplinary hearing without good cause, the Organisation may make a decision in the member's absence on the basis of the evidence available.

At the hearing, the chair of the panel will explain the role of all those attending and the allegation(s) against the member. They will then go through the evidence that has been gathered. The member will be allowed to set out their case and answer any allegations that have been made. The member will also be given a reasonable opportunity to:

- ask questions
- present evidence
- call relevant witnesses; and
- raise points about any information provided by witnesses

Where the Organisation or the member wishes to call upon relevant witnesses, they should give advance written notice that they intend to do this. Any written statements, witness statements or other documentary evidence should be exchanged at least 10 days in advance of the hearing.

The main points of discussions during the hearing will be summarised. The member will be asked if they have anything further to add after the proceedings have been concluded.

## 7.4 Member's companion

Members may be accompanied by a companion at any formal disciplinary, investigative or appeal hearing or meeting. The companion may be another member, a member of the coaching/support staff, a parent or guardian or another person who can provide them with support. The name of the companion and their role or relationship to the member must be given at least 10 days before any formal hearing or investigation meeting. Members may not choose a companion whose presence would prejudice the outcome of the investigation or any hearing. If the chosen companion cannot attend the original date, an alternative date will be offered within the following 14 days of any scheduled meeting or hearing where possible.

The companion may address the hearing to present and sum up the member's case, respond on their behalf to any views expressed at the hearing and confer privately with them at any stage during a hearing. The companion does not have the right to answer questions on the member's behalf, address the hearing if the member does not want them to, or prevent anyone, including the member, from explaining their case.

Any companion who attends a hearing with a member in connection with this disciplinary policy shall not be penalised in any way. No one shall be obliged to act as a companion if they do not wish to so.

## 7.5 Decide on the appropriate action

The disciplinary hearing panel must decide whether disciplinary action (or any other action) is justified and proportionate and inform the member accordingly in writing giving the reasons for the imposition of any sanction, including any mitigating and/or aggravating factors. Save for cases in which the member persistently fails to attend a disciplinary hearing without good cause, no disciplinary action should be imposed without a hearing.

Where misconduct is confirmed, the possible outcomes include:

- **Written Warning.**  
For a first instance which is not Gross Misconduct, then a Written Warning is appropriate.
- **Final Written Warning.**  
Where the member is already subject to a Written Warning, and the misconduct is not Gross Misconduct, then a Final Written Warning is appropriate.
- **De-selection from a performance programme.**  
Where the misconduct is considered to be Gross Misconduct, or the member is already on their Final Written Warning, then it may be appropriate to de-select the member from the programme. This sanction must not be taken without prior consultation with the chief executive of the Organisation nor taken by any hearing panel of less than three people.
- **Domestic competition exclusion.**  
Where the member is a recreational participant and the misconduct is considered Gross Misconduct or where the member is under a Final Written Warning, they may be excluded from domestic competitions including leagues and ladders. The hearing panel shall decide the duration of any exclusion from competition.
- **Expulsion.**  
There may be circumstances due to serious infractions of rules or standards of behaviour where the member will need to be expelled from the Organisation. This sanction must not be taken without prior consultation with the chief executive of the Organisation. Any hearing panel should consist of at least three people and preferably be independent. It will be mandatory for the panel to decide the length of time that will pass before the member can re-apply for membership. In some extreme cases it may be appropriate for the expulsion to be a lifetime ban.

A Written Warning or Final Written Warning should set out:

- the nature of the misconduct and the change in behaviour required (with timescale)
- how long the warning will remain in force
- the consequences of further misconduct within the set period (that it may result in dismissal or some other penalty such as demotion or loss of seniority)

A record of the warning will be kept on the member's personal file:

- For a Written Warning – 6 months, or as long as the warning remains in force, whichever is the longer
- For a Final Written Warning – 12 months, or as long as the warning remains in force, whichever is the longer

## 7.6 Suspension

Some acts amounting to Gross Misconduct are so serious in themselves or have such serious consequences that they may require the member to be immediately suspended from the Organisation and any performance programme without notice for a first offence. However, the disciplinary process should still be followed through in such circumstances.

A decision to de-select a member at a disciplinary hearing can only be taken in accordance with the Organisation's selection policy if one exists. The member should be informed as soon as possible of the reasons for the de-selection, the date it takes effect and their right of appeal.

## 7.7 Expulsion

In a serious or repeated case of rule infraction or if the misconduct results in a criminal conviction, the hearing panel may, after prior consultation with the chief executive, decide to expel the member. In such cases where expulsion is a consideration, the hearing panel must comprise of at least three people.

Any expulsion must be of a fixed duration that the panel decide is appropriate, after which time the member may re-apply for membership of the Organisation. The exclusion period may be set as a lifetime ban where this is proportionate.

The member should be informed as soon as possible of the reasons for the expulsion, the duration and their right of appeal.

## 7.8 Provide the opportunity to appeal

Where the member believes that the disciplinary action taken against them is wrong or unjust, they may appeal the decision. Appeals should be heard without unreasonable delay. The member should inform the chief executive of the Organisation the grounds for the appeal in writing within 4 weeks of receiving written confirmation of the disciplinary warning or de-selection.

The grounds for an appeal could reasonably be one or more of (but not limited to) the following:

- the correct process was not followed
- the decision maker was biased
- the decision was made without considering all the relevant facts
- the decision was not one a reasonable person could have made

Where the appeal is against:

- **a written warning**



It should be heard by a member of the Organisation's senior management who has not previously been involved in the matter

- **de-selection (Gross Misconduct) or expulsion**

The Organisation will refer the matter to an independent appeal panel

Prior to the appeal panel's consideration of any materials, both parties will sign an agreement that will bind them to take the matter to formal arbitration should the decision of the appeal panel be contested.

The appeal panel will consist of a minimum of three members who have not been any part of the process or hearing so far. The appeal panel will set a timetable for submissions to support each party's position. The appeal panel will make an initial assessment of the submissions, along with the original evidence put before the disciplinary hearing and evaluate if the appeal has merit.

If the appeal is without merit, the appeal panel will issue a written dismissal of the appeal along with its reasoning.

If the appeal has merit, the appeal panel will invite any further material that it requires. The appeal panel may decide to invite oral evidence at its discretion. There is no obligation upon the appeal panel to hold a hearing unless they judge it would be in the interests of fairness. If a hearing is conducted, the member has the right to be accompanied at the hearing.

Parties will be informed in writing of the results of the appeal as soon as possible.

An independent appeal concludes the Organisation's procedure.

Should either party contest the appeal panel's decision, it shall be resolved by the agreed arbitration. The arbitrary tribunal shall consider in the first instance, whether the appeal panel's decision was reasonable. If it was found to be reasonable, the matter will be concluded. If it was found to be unreasonable, the tribunal may hear the matter in full according to their arbitration rules. The outcome of the arbitration cannot be contested in the courts.

## **8 Additional Information**

### **8.1 Suspension**

The Organisation reserves the right to suspend any member who is suspected of serious misconduct, if it is considered in the interests of the individual and/or the Organisation to do so. Suspension in these circumstances is to:

- ensure an unhindered investigation to take place
- safeguard other members of the Organisation

Suspension is not disciplinary action or sanction and will be for as short a time as possible.

Any decision to suspend will be confirmed in writing within five working days and such written confirmation will state that the nature of the suspension is precautionary, not disciplinary, pending the outcome of the investigation and any subsequent disciplinary proceedings.

## **8.2 Criminal Offences**

Where allegations are made that may be of a criminal nature the Organisation will co-operate fully with any police investigations. Where these issues are related to the potential conduct of a member whilst overseas, members should note that the legal jurisdiction of England and Wales does not cover overseas training events and competitions and will, therefore, be subject to the legislation and legal proceedings of the country in which the alleged offence occurred.

Under no circumstances will an allegation that may be of a criminal nature be placed on hold or scheduled to be decided or reported after the disciplinary process. This would be fundamentally unfair and will prejudice the integrity and outcome of the disciplinary process. Accordingly, any matter that might be criminal in nature will not be used to coerce or otherwise induce any member to resign from or leave the Organisation.

## **8.3 Confidentiality**

Members should only discuss disciplinary matters with PDs/coaches involved in the process and their companion. Companions must not discuss disciplinary matters with anyone else. Breaching confidentiality may result in further disciplinary action being taken.

The outcome of a disciplinary hearing will remain confidential to the parties involved. Disclosure may be made in accordance with the Organisation's legal, contractual or regulatory obligations. Where the member is part of a funded programme, the Organisation is required to inform the Head of Sport Integrity at the funding body of the outcome of the hearing.

## **8.4 Time limits**

In cases where it is not practical to implement the procedure fully and expeditiously, for example in the absence of the PD/coach, members will be dealt with as closely as possible in accordance with this procedure.

Under normal circumstances the disciplinary process should be concluded in no more than 2 months. However, it is recognised that more complex cases could take up to 6 months. When any discipline process takes more than 4 weeks, the person conducting the process shall provide a written update to all parties at the 4-week point, and every 4 weeks thereafter until the process is concluded. A copy of the update shall be sent to the HR officer. Where the member is part of a funded programme, the Head of Sport Integrity at the funding body shall also be included on the distribution.

## **8.5 Note taking and records**

Should an investigation lead to a criminal investigation, all material obtained in the course of an investigation should be considered relevant and be made available to the police and, where applicable, to the member.

No audio recording will be made of any investigation, interview, meeting, or hearing, by the Organisation or any hearing panel. Members are not permitted to record disciplinary interviews, meetings, or hearings without prior consent. Consent for a member to record any part of the process on the grounds of a reasonable adjustment under the Equality Act 2010 shall not be unreasonably withheld.

The Organisation requires meeting notes to be taken at all meetings to record decisions and outcomes. All interviews must have a written record, signed by the interviewer and the

subject of the interview. The interview record must only contain first party evidence and not hearsay or speculation.

The member will be sent a copy of the interview or meeting notes produced, which will constitute the Organisation's record of proceedings.

<b>Agreed by the Board</b>	<b>08/07/2021</b>
<b>Communicated to all employees etc.</b>	<b>13/07/2021</b>
<b>Version Number</b>	<b>V1</b>
<b>Next review date</b>	<b>12/07/2022</b>