



HASSRA

Discipline & Complaints

Policy and Procedures

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HASSRA Discipline & Complaints Policy

1. Whilst participating in HASSRA events and activities members should have due regard that they are representing the Association and their employing Department, Executive Agencies or Business Partners. All members are expected to adhere to the HASSRA Code of Conduct, HASSRA Equality & Diversity, and Drugs & Alcohol policies.

2. The scope of this policy shall include the conduct of members: -

- (a) At any event or activity organised by or for HASSRA
- (b) Involved in any HASSRA team or composite team involving HASSRA participation, whether or not the team is taking part in a HASSRA competition
- (c) Who have received sponsorship to attend an event or competition, even if the event or competition is unconnected with HASSRA
- (d) In any other circumstance where the incident in question can be materially linked to the Association and its programme.

3. If a member's conduct falls below the required standard whilst participating in HASSRA events or activities and a sanction is imposed by either their Regional HASSRA Association or National HASSRA Discipline & Complaints Committee, a report will also be forwarded to the member's line manager to consider disciplinary action following their Departmental disciplinary procedures.

4. Any allegations of misconduct connected to HASSRA, which are investigated formally by the members employing Department, Executive Agency or Business Partner, will on their conclusion, be submitted to the National HASSRA Discipline & Complaints committee to consider whether or not a HASSRA sanction is appropriate.

Decision Making Authorities

5. In some cases of minor misconduct the decision making role will be undertaken by the Regional Association Chairperson, in combination with any regional disciplinary structure that may be in place. All other cases, such considerations will be undertaken by the HASSRA Discipline & Complaints Committee.

Definition of Misconduct

6. Misconduct occurs when the HASSRA Code of Conduct, HASSRA Equality & Diversity and HASSRA Drugs and Alcohol policies are breached, these are the overarching principles which underpin our employing Departments Standards of Behaviour and other management guides.

Examples of misconduct (these lists are not exhaustive)

7. Minor Misconduct
- Using abusive language
 - Being rude to colleagues
 - Behaviour causing offence to others

8. Serious Misconduct

- Repeated minor offences
- Behaviour likely to discredit the Association and the Departments or Executive agencies they represent
- Misappropriation of funds
- Being under the influence of alcohol or illegal drugs (see HASSRA Alcohol & Drugs Policy)
- Behaving improperly to a member of the public whilst at HASSRA organised events/competitions
- Harassment, bullying, victimisation or discriminatory behaviour towards colleagues of members of the public (see HASSRA Equality & Diversity Policy)
- Assaulting a member of the public, a colleague or other person with whom the member came into contact with whilst participating in HASSRA organised event/competition

Role of the Decision Maker

9. The Decision Maker must deal with any cases referred to them as quickly as possible. They are responsible for deciding on the **balance of probability** if the allegation of misconduct is proven and whether a sanction is appropriate. They should make the decision impartially, based only on the facts available. As the Decision Maker their key responsibilities are to:

- **Examine** all evidence available and decide if there has been a breach in HASSRA Code of Conduct and it's associated policies
- **Decide** whether a sanction is appropriate
- **Inform** the individual of their decision
- **Notify** the individuals line manager via the HR Business Partner

10. In the context of complaints or allegations referred for consideration to the HASSRA Discipline & Complaints Committee, the above responsibilities of **examining** and **deciding** will be discharged by the entire Committee. The responsibilities in relation to **informing** and **notifying** will be discharged by a member of the HASSRA Senior Management Team, normally the Operations Director.

HASSRA Sanctions

11. The following list of sanctions may be applied to a member(s) to whom a complaint or submission has been received, investigated and upheld. These examples are not exhaustive and may be used in combination to provide exclusion from certain parts of the programme offered to members of HASSRA. In addition, the Discipline and Complaints Committee may apply varying time limits to the application of these sanctions dependant on the seriousness of the incident and the action/actions of those involved.

- Withdrawal of Membership
- Participation ban from HASSRA National Championships
- Participation ban from HASSRA Special Event
- Participation ban from National HASSRA Teams
- Participation ban from the HASSRA Lottery
- Preclusion from holding office at national, regional and/or local levels.
- Participation ban for regional and/or local events (either all events, or a selection from competitions, trips, social events or any other sub-category as determined by the Committee)
- Ban on representing relevant regional association in representative teams.
- Preclusion from the purchase of membership offers in respect of a specific service or attraction or a range of services or attractions available either from national or regional HASSRA.

Appeal

12. Where, following the determination of a complaint or submission, the Decision Maker (either Regional Chairperson or Discipline and Complaints Committee) determines that a sanction should be imposed, the member has the right to appeal against a sanction. The appeal procedure is a **one-stage** process. In the case of appeals against sanctions determined by Regional Chairpersons, the matter shall be carried out reasonably by the Disciplinary and Complaints Committee. In the case of appeals against sanctions determined by the Disciplinary and Complaints Committee itself, the matter shall be carried out reasonably by the HASSRA Board of Management. The time limit for the appeal shall be one calendar month from the date of the notification of sanction.

The following principles must be upheld when considering an appeal:

- Individuals only have the right of appeal against a sanction after it has been imposed
- Appeals must be made in writing
- Appeals will only be considered by members of the Disciplinary and Complaints Committee or members of the Board of Management who were not involved in the original determination
- Individuals have the right to submit relevant additional information but will need to explain why it was not submitted earlier
- The original decision will stand until after the appeal has been considered

HASSRA Discipline & Complaints Procedures

Regional/Local Matters.

13. Not every complaint or submission received by HASSRA needs to be submitted to the National Discipline & Complaints Committee for consideration. Some incidents concerning minor misconduct can be handled by regional associations.

14. Whilst regional associations are able to apply a wide range of local sanctions, it is important that they recognise that some sanctions can only be applied by National HASSRA. In particular, only National HASSRA can withdraw membership from a member and more generally, only national HASSRA can ban a member from taking part in a national team, the HASSRA Lottery or any other service or benefit organised purely on or on behalf of the national Association. In any cases of doubt, regional associations should consult the HASSRA Operations Director for advice.

Deciding on Whether to Refer a Complaint to the Committee

15. Most complaints or reports of inappropriate conduct are normally received at local or regional level. As such, regional association officers, particularly the Chairperson and the Regional Manager, have an important role in assessing the nature and seriousness of the complaint and what action is taken at the initial stage.

16. Complaints or submissions which specifically relate to issues concerning HASSRA's Equality & Diversity policy should be referred to the Operations Director and will be considered by the Committee in all cases, though the active investigation of such complaints should always be handled by the relevant HR Investigation Service team of the appropriate business area in close liaison with the Discipline & Complaints Committee.

17. Instances involving other areas of conduct and discipline will vary widely and it will be for associations to judge the extent to which the actions of the member or members were either sufficiently serious or had an impact on members or other organisations out with the boundaries of the relevant HASSRA region.

18. There can be no definitive list of instances that should or should not be referred to the Committee for consideration. If a regional association is in any doubt as to the appropriateness of such a referral, they should contact the HASSRA Operations Director for advice or submit the complaint or report to the Committee for preliminary consideration.

19. However, the following guidelines should aid colleagues as to whether or not referral to the Committee may be appropriate: -

Submit in all cases

- ❖ Complaints or submissions concerning HASSRA's Equality & Diversity Policy
- ❖ Complaints or allegations surrounding eligibility to participate in, and conduct at, National HASSRA Events or Teams, e.g. National Championships, Special Event, National HASSRA Teams.

- ❖ Complaints or submissions involving allegations of misappropriation of funds or unacceptable/inappropriate conduct as a club or regional official
- ❖ Complaints or submissions where the complaint stems from a member, club or regional association about a member or club from a different regional association, or where one association has submitted a complaint in respect of another.

Possibly Submit

- ❖ Conduct relating to participation at a local or regional event, competition or trip
- ❖ Complaint from a member(s) or club about the conduct of a member(s) or club(s) within the same regional association or from the same club

20. There will also be instances where the complaint is received by the Operations Director or by National HASSRA in the first instance. In these circumstances, the relevant regional association(s) will be notified and, dependant on the nature of the complaint/submission, the matter will either be referred to the HASSRA Discipline & Complaints Committee or referred to the relevant region for local action and the complainant notified accordingly.

Formal Investigations

21. One potential source of submissions for consideration by the Discipline & Complaints Committee will stem from Formal Investigations (FI's). FI's may be instigated under a variety of different circumstances, some of which may not necessarily be brought to the attention of the Association at the initial stages. However, it is normal practice for FI's to be brought to the attention of regional association Chairpersons and, regardless of whether or not the Discipline & Complaints Committee are required to play an active role in the deliberations, the circumstances of all HASSRA related FI's should be referred to them. This should either be for active consideration or merely for information purposes.

Inter-Action with Host Departments/Employers

22. Subject to the nature and subject matter of referrals, the Discipline & Complaints Committee shall liaise closely with official business areas to establish whether host departments and employers wish to instigate investigations of their own, either jointly with or separately from HASSRA. When the host business area elects to instigate its own investigation, the Discipline & Complaints Committee shall, normally, await the outcome of this investigation before finalising its own considerations. In such circumstances, the evidence and conclusions reached by the host business area, including the extent to which official penalties may be applied to the member(s) concerned, shall be taken into account in any subsequent deliberations made by the Committee.

Suspension of Programme Access

23. Following receipt of a complaint or submission, the Discipline & Complaints Committee shall decide whether or not it is necessary to suspend the member(s)

concerned from all or part of the Association's programme. For example, where a complaint is received concerning the conduct of a member taking part in one of HASSRA's National teams, the Discipline & Complaints Committee may consider it appropriate to suspend the member(s) from participation in any National HASSRA Team whilst the complaint is being investigated and considered. Where any form of suspension is agreed, the member(s) concerned shall be provided with written confirmation of the suspension and this should clearly state the areas of HASSRA's programme for which they may not participate or avail themselves of. Such confirmation will also confirm the position in respect of voluntary deductions from salary, which cannot be stopped, suspended or cancelled without the authority of the member.

Dealing with the Misconduct

24. Isolated minor breaches of conduct (i.e. general bad manners or ill temper) can often be dealt with satisfactorily by the organiser or HASSRA official at an event or competition. In such circumstances the member should be asked to moderate their behaviour/language and reminded of the HASSRA Code of Conduct.

25. On receipt of complaint or submission the Decision Maker (regional Chairperson or National Discipline & Complaints Committee) will look at all available evidence and consider whether they are satisfied that a HASSRA sanction is appropriate. If they think that the submission does not cover all points they can ask for further enquiries to be made.

26. If they consider further action is appropriate the Decision Maker should write to the member setting out the precise nature of the alleged misconduct with documentary evidence attached and ask for their written comments. The letter should:-

- Detail the alleged misconduct
- Inform the member they have the right to state their case
- Tell the member they have two weeks from receipt of the letter to submit their written response
- Make it clear that if they do not respond within the timescale given, a decision will be made on the evidence available to them

Appendix 1 – draft letter

Decision Maker

27. The Decision Maker will decide on the balance of probability whether or not the complaint/misconduct is proven. If it is decided that the offence/s is/are considered proven the Decision Maker should impose a HASSRA sanction or range of sanctions as appropriate. The member should be advised of the outcome and any sanctions imposed in writing, they should also be advised that a report of the misconduct will be forwarded to their line manager via their HR Business Partner.

Appendix 2 – draft letter

28. If the Decision Maker considers that the complaint/misconduct is not proven the member/s should be informed in writing.

Appeal

29. Where, following the determination of a complaint or submission, the Decision Maker (either Regional Chairperson or Discipline and Complaints Committee) determines that a sanction should be imposed, the member/s have the right to appeal. The appeal procedure is one-stage and will be carried out fairly and reasonably by either the Discipline and Complaints Committee or the HASSRA Board of Management (see paragraph 12). The appeal should be submitted in writing within one calendar month from the date of notification of sanction.

The following principles must be upheld when considering an appeal:

- Individuals only have the right of appeal against a sanction after it has been imposed
- Appeals must be made in writing
- Appeals will only be considered by members of the Discipline and Complaints Committee or members of the Board of Management who were not involved in the original determination
- Individuals have the right to submit relevant additional information but will need to explain why it was not submitted earlier
- The original decision will stand until after the appeal has been considered

APPENDIX 1

PERSONAL

[Name and location of member]

[Date]

Dear [Name]

[I/We have received a report [following a Formal Investigation/from name of source] concerning [brief description of misconduct including dates if available]. Having examined the details of the report it appears you may have breached the [HASSRA Code of Conduct/HASSRA alcohol and Drugs Policy/HASSRA Equality and Diversity Policy].

Details of the specific allegations against you and the supporting evidence are detailed below:

Allegation of Misconduct

It is reported that [Give full details of what the individual has actually done, including dates and how and when the misconduct occurred]

Supporting Evidence

[Give details of supporting documentary evidence and witnesses (include a copy of any witness or complainant statements unless this is inappropriate)]

[I/We] have to consider the appropriateness of your participation in future HASSRA events and activities. Before [I/we] make a decision on this matter you have the right to explain your conduct to [me/us]. You may do this by making a written statement you may also submit further evidence which you consider relevant.

Any written statement and further evidence you wish to submit must be sent to [me/us] within **10 working days** of receiving this letter.

[I/We] will consider your comments and the other details of the case and send you [my/our] decision in writing.

Before you decide how to respond to this letter I recommend that you read the HASSRA Conduct and Discipline Policy and Procedures. A copy of which is enclosed.

[I/We] would like to remind you that this is your final opportunity to state your case before [I/we] make a decision. If [I/we] have not heard from you by [date] [I/we] will assume that you have nothing further to add and will decide on the appropriateness of your participation in future HASSRA events/activities based on the evidence already available to [me/us]

Please acknowledge receipt of this letter by signing the copy and returning it to me in the envelope provided.

[*Name/s*]
[HASSRA Discipline & Complaints Committee/Regional Chairperson]
Decision Maker/s

I acknowledge receipt of this letter.

Signature: _____

Name: _____

Date: _____

APPENDIX 2

PERSONAL

[Name and location of member]

[Date]

Dear [Name]

I have now considered all the facts of the case and regard your action as inappropriate conduct. The following HASSRA sanction will be imposed:

[State sanction, duration and the effective date and duration eg:

- A participation ban from for 1 year fromto.....

In making [my/our] decision [I/we] have considered all the facts available to me including [List all documentary evidence]. I have also taken into account what you said in your written statement. That [summarise any denial, admittance, explanation and additional facts presented by the member] I have also considered your previous [good] conduct.

Based on the above evidence I am satisfied that you did [detail the misconduct, when and where it occurred].

If you are dissatisfied with my decision you have the right to appeal to the HASSRA [Disciplinary Committee or HASSRA Board of Management – as appropriate]. If you choose to appeal, you must put your reasons in writing and send these c/o HASSRA Central Support, Room 551, New Court, Carey Street, London, WC2A 2LS, within on calendar month from the date of this letter.

Please acknowledge receipt of this letter by signing the copy and returning it to me in the envelope provided.

[Name]

[HASSRA Discipline & Complaints Committee/HASSRA Regional Chairperson]

Decision Maker

I acknowledge receipt of this letter.

Signature: _____

Name: _____

Date: _____

APPENDIX 3

PERSONAL

[Name and location of member]

[Date]

Dear [Name]

*I/We have now considered all the facts of your case and have decided that the [*allegation/complaint] is not proven [give reasons why] No further action will be taken.

Thank you for your co-operation in this matter.

[Name]

[HASSRA Discipline & Complaints Committee/HASSRA Regional Chairperson]

Decision Maker

* Delete as appropriate