

HASSRA

Code of Conduct & Disciplinary Procedures

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HASSRA Code of Conduct & Disciplinary Procedures

1. Members should always remember that in participating in HASSRA events and activities they are representing the Association and their employing departments. All members are expected to adhere to the HASSRA Code of Conduct, HASSRA Diversity and Inclusion Statement, and Drugs & Alcohol policies.
2. The Code of Conduct encompasses 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. which is deemed to be inconsistent with the spirit or letter any of HASSRA's aims, policies, rules or regulations, including the diversity statement, regardless of whether it took place in connection with HASSRA membership or HASSRA activities. (*Examples of this type of misconduct include but are not limited to: convictions for dishonesty, violence, hate*

crimes or sexual offences; any activities carried out on behalf of or for the benefit of another organisation which are detrimental to HASSRA's own interests.)

e. The details of any members suffering abuse, or believed to have suffered abuse, of any kind must be reported in order for the following proceedings to be invoked. Cases of alleged abuse will be potentially highly sensitive and must be treated with the greatest care and respect.

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

4. Any allegations of misconduct connected to HASSRA, which are investigated formally by the members employing department will on 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 authority will be the Regional Association Chairperson in combination with any regional disciplinary structure in place. All other

cases, including those where a member has been excluded from an event and those without a complainant, the decision-making authority will be vested in the National HASSRA Discipline & Complaints Committee and/or the National Board of Management. Wherever possible, outcomes should be delivered by somebody at a level senior to that of the alleged perpetrator.

Definition of Misconduct

6. Misconduct is defined as conduct which contravenes any of the provisions of the HASSRA Code of Conduct, HASSRA Diversity and Inclusion Statement and HASSRA Drugs and Alcohol Policy. Misconduct may also arise where any of the provisions of a member's employer's own code of conduct is contravened. Examples of misconduct include but are not limited to:

Minor Misconduct

- a. abusive language and/or rudeness affecting members, volunteers, officials, contractors or members of the public

Serious Misconduct

- b. repeated instances of minor misconduct
- c. violence, sexual harassment or assault, bullying, victimisation, discrimination of any

kind or other improper conduct affecting members, volunteers, officials, contractors or members of the public

- d. drug or alcohol abuse
- e. cheating
- f. misappropriation of funds, including the reselling of discounted HASSRA products for personal gain or any other purpose
- g. dismissal from a qualifying employer
- h. any other behaviour likely to discredit HASSRA or members' employers, or which is inconsistent with the spirit or letter any of HASSRA's aims, policies, rules or regulations. This includes criminal convictions for offences of the kind described in paragraph 2(d).

Role of the Decision Maker In All Other Cases

7. 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. S/he should make the decision impartially, based only on the available evidence. The Decision Maker's responsibilities are to:

- a. examine all evidence available and decide if there has been a breach in HASSRA Code of Conduct
 - b. decide whether a sanction is appropriate
 - c. inform the individual of their decision
 - d. notify the individual's line manager via the HR Business Partner (in departmental cases).
8. In cases of misconduct considered by the National HASSRA Discipline & Complaints Committee, the responsibility to *examine* and *decide* will be discharged by the entire committee. The responsibility to *inform* and *notify* the outcome will be discharged by a member of the HASSRA Senior Management Team, usually the Operations Director.

HASSRA Sanctions

9. Any or all of the following of sanctions may be applied to a member where a complaint of misconduct has been upheld. These examples are not exhaustive and may be used in combination to exclude a member from any or all of HASSRA's programme. In addition, the National HASSRA Discipline & Complaints Committee may apply varying time limits to the imposition of sanctions depending on the nature and seriousness of the misconduct. Sanctions include but are not limited to:

- a. withdrawal of membership
- b. exclusion from HASSRA national teams, championships and events
- c. exclusion from the HASSRA Lottery
- d. exclusion from holding office at national, regional or local levels
- e. exclusion from regional and/or local events
- f. exclusion from representing members region in representative teams
- g. withdrawal of access to national and/or regional membership offers, discounts, benefits and competitions, whether paid-for or free.

Appeal

10. Where a sanction is imposed, the member has the right to appeal that sanction. Please refer to para. 28 et seq for details of this process.

Regional/Local Matters.

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

12. Whilst regional associations can apply a wide range of local sanctions, it is important to note that some sanctions can only be applied by National HASSRA. In particular, only National HASSRA can withdraw membership from a member or exclude a member from any element of the national programme. Where there is any doubt as to which sanctions can be applied, regional associations can consult the HASSRA Operations Director for advice.

Deciding on Whether to Refer a Complaint to the Committee

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

14. All complaints of misconduct relating to HASSRA's [Diversity and Inclusion Statement](#) should be passed to the Operations Director for referral to the relevant sponsor employer's own investigation team who will conduct an investigation close liaison with the National HASSRA Discipline & Complaints Committee.

15. Cases involving other kinds of misconduct will be reviewed by regional associations and only referred to the National HASSRA Discipline & Complaints Committee where they are judged to be sufficiently serious or where they impact members

or third parties outside the boundaries of the relevant HASSRA region.

16. Where a regional association is in any doubt as to the appropriateness of a referral to the National HASSRA Discipline & Complaints Committee, the National HASSRA Operations Director should be consulted or a report made directly to the National Discipline & Complaints Committee for preliminary consideration.

17. The following additional guidelines may be helpful in deciding whether to make a referral to the National HASSRA Discipline & Complaints Committee:

Submit in all cases

- Notice of a criminal conviction
- complaints concerning HASSRA's Diversity and Inclusion Statement
- complaints affecting eligibility to participate in National events and teams
- complaints involving allegations of misappropriation of funds or unacceptable conduct as a club or regional official
- complaints that impact or concern a member or club or regional committee in another region.

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

18. 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, the matter will either be referred to the National HASSRA Discipline & Complaints Committee or to the relevant region for local action and the complainant notified accordingly.

Formal Investigations

19. Formal Investigations (FI's) carried out by sponsor employers may be referred to the National HASSRA Discipline & Complaints Committee. FI's can be instigated for a variety of reasons, some of which may not necessarily be brought to the attention of the Association at the initial stage. It is, however, normal practice for the outcome of FI's to be reported to regional chairpersons and/or National HASSRA where follow-up action may be required. This could be *lessons-learned* action or further disciplinary action for the National HASSRA Discipline & Complaints Committee.

Inter-Action with Host Departments/Employers

20. Subject to the nature and subject matter of referrals, the National HASSRA Discipline & Complaints Committee should liaise closely with sponsor employers to establish whether they would want to instigate investigations, either jointly with or separately from HASSRA. When the host business area elects to instigate its own investigation, the National HASSRA Discipline & Complaints Committee will usually 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, will be taken into account in any subsequent deliberations made by the Committee.

Suspension of Programme Access

22. Following receipt of a complaint of misconduct, the National HASSRA Discipline & Complaints Committee will decide whether it is necessary to suspend the member(s) concerned from all or part of the Association's programme. For example, where a complaint concerns the conduct of a member taking part in one of HASSRA's National teams, it may be appropriate to suspend the member(s) from participation in any National HASSRA Team whilst the complaint is being investigated. Where any form of suspension is agreed, the member(s) concerned should be

provided with written confirmation of the suspension and this should clearly state the areas of HASSRA's programme from which they are excluded. This confirmation should 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 Misconduct

23. 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.

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

25. 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:-

- a. describe the alleged misconduct

- b. inform the member they have the right to state their case
- c. tell the member they have two weeks from receipt of the letter to submit their written response
- d. make it clear that if they do not respond within the timescale given, a decision will be made on the available evidence.

Appendix 1 – draft letter

Decision Maker

26. The Decision Maker will decide on the balance of probability whether the complaint of misconduct is proven. If it is, a sanction or range of sanctions should be applied. The member should then be advised of the outcome in writing, and informed that a report of the misconduct will be forwarded to their line manager via their HR Business Partner.

Appendix 2 – draft letter

27. If the Decision Maker considers that the complaint of misconduct is not proven the member should be informed in writing.

Appendix 3 - draft letter

Appeal

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

29. The following principles must be upheld when considering an appeal:

- a. individuals only have the right of appeal against a sanction after it has been imposed
- b. appeals must be made in writing
- c. appeals will only be considered by members of the National HASSRA Discipline & Complaints Committee or members of the Board of Management who were not involved in the original determination
- d. individuals have the right to submit relevant additional information but will need to explain why it was not submitted earlier
- e. the original decision will stand until after the appeal has been considered.

Special Cases To be dealt with Outside Normal Disciplinary Procedures

30. There are two categories of disciplinary action which stand outside the routine procedures described above. These are:

- a. exclusion from events without prior disciplinary action
- b. allegations of serious misconduct where there is no complainant.

31. Because of the potentially sensitive and contentious nature of these cases, it is essential that the special procedures described below must be strictly followed. It is also especially important that decision-makers adhere strictly to the principles of natural justice: that the person accused of misconduct:

- must be informed of the allegations against them and be given the opportunity to respond to those allegations
- is entitled to have his/her case heard by an unbiased and impartial tribunal.

Exclusion from Events Without Prior Disciplinary Action

32. HASSRA reserves the right to decide who may attend its events. In doing so it will consider:

- a. the wellbeing, comfort, safety and enjoyment of any and all members present at those events, including the member to be excluded.
- b. any relevant HASSRA policies, rules and regulations, or directives from the Council (AGM) or National Board of Management.

33. Such exclusions shall be considered where the excluding officer (usually an officer of the Association and/or the event organiser) has reasonable grounds for believing that:

- a. a member's past conduct, regardless of whether formal disciplinary action was taken, was prejudicial to the wellbeing, comfort, safety and enjoyment of any or all members present at a HASSRA event; and
- b. that past conduct might be repeated at the event in question; and/or
- c. their presence at the event in question may continue to compromise the wellbeing, comfort, safety and enjoyment of any or all members present.

34. In all cases, the excluding officer should seek advice from his/her Regional Chairperson or National Operations Director before making the exclusion. Where it is agreed a member will be excluded from an event, the excluding officer will explain the reason(s) for the exclusion to the member. That decision will be final and have

immediate effect. The excluding officer will then as soon as practicable after the exclusion write to:

- a. the member excluded confirming the reasons for exclusion and informing the member that s/he has the right to discuss the exclusion with either this/her Regional Chairperson or the National Operations Director
- b. his/her Regional Chairperson or National Operations Director, setting out the details of the exclusion and attaching a copy of the letter sent to the excluded member.

35. A member excluded in this way will have the right to an informal discussion of the exclusion with his/her Regional Chairperson or National Operations Director as soon as practicable after the exclusion. The discussion will aim to reach an agreed understanding of the reason(s) for the present exclusion, and whether a further exclusion may be required or could be avoided by modification of behaviour or other action.

36. If agreement cannot be reached, the member shall have a right to ask the National HASSRA Discipline & Complaints Committee if the decision to make the exclusion, and any further exclusions, should be upheld. The National HASSRA Discipline & Complaints Committee's adjudication of that question will be final.

37. At each stage of the process, the excluding officer, Regional Chairperson or National

Operations Director and the National HASSRA Discipline & Complaints Committee will:

- a. take into account any evidence, including witness testimony, which on the balance of probability is credible and which in all the circumstance provides reasonable grounds for excluding a member from an event.
- b. disregard any evidence, including witness testimony, which on the balance of probability lacks credibility or gives rise to a reasonable concern that it is mischievous or vexatious or otherwise improperly motivated
- c. provide a written report of the decision and reasons for deciding, in accordance with paragraphs 34–36 above.

Allegations of Serious Misconduct Where There is No Complainant

38. There may be occasions where serious misconduct, such as violence, sexual harassment or assault, bullying, victimisation, discrimination, or other improper conduct, has been witnessed or led to a criminal conviction but the victim chooses not to or is not eligible (because they are not a HASSRA member) to make a complaint to HASSRA.

39. While the absence of a complainant might ordinarily preclude formal disciplinary action, the conduct might be of such serious nature and so contrary to HASSRA's aims, policies and

regulations that the National Disciplinary & Complaints Committee will wish to investigate the alleged misconduct in order to determine the facts and make a decision. In doing so, the National Disciplinary & Complaints Committee will:

- a. gather evidence, including witness statements
- b. write to the alleged perpetrator, setting out the allegation and supporting evidence, and inviting a response
- c. review the evidence in light of the alleged perpetrator's response, and decide whether on the balance of probabilities there is a case to answer

40. The National Disciplinary Committee will then decide whether on the balance of probabilities there is sufficient grounds for a finding of serious misconduct and what, if any, action should be taken. This may include:

- a. the imposition of a sanction consistent with misconduct dealt with through the normal disciplinary procedures
- b. consideration of a report to the employer.

41. The perpetrator has the right of appeal which will be heard by the HASSRA Board of Management. The time limit for the appeal is

one calendar month from the date of the notification of sanction.

42. At each stage of the process, the National HASSRA Discipline & Complaints Committee and the National Board of Management must:

- d. observe the rules of natural justice
- e. take into account any evidence, including witness testimony, which on the balance of probability is credible and which in all the circumstance provides reasonable grounds for a finding of serious misconduct event.
- f. disregard any evidence, including witness testimony, which on the balance of probability lacks credibility or gives rise to reasonable concern that it is mischievous, vexatious or otherwise improperly motivated
- g. provide a written report of the decision and reasons for deciding, in accordance with paragraphs 39 – 40 above.

Document Retention

43. On completion of disciplinary action in all categories, all relevant documents should be passed to the National HASSRA Business Support Team for retention in accordance with the HASSRA Document Retention Schedule

Appendix 4 – Document Retention Schedule

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 Diversity and Inclusion Statement].

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

I acknowledge receipt of this letter.

Signature: _____

Name: _____

Date: _____

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 [National HASSRA Discipline & Complaints Committee or HASSRA Board of Management – as appropriate]. If you choose to appeal, you must put your reasons in writing and send these to the National HASSRA Business Support Team within one 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]
[National HASSRA Discipline & Complaints
Committee/HASSRA Regional Chairperson]
Decision Maker

I acknowledge receipt of this letter.

Signature: _____

Name: _____

Date: _____

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]
[National HASSRA Discipline & Complaints
Committee/HASSRA Regional Chairperson]
Decision Maker

* *Delete as appropriate*

APPENDIX 4

HASSRA Document Retention Policy Document

Complaint Not upheld	In case of Appeal	Three months	Hard copy	National HASSRA Business Support Team
Complaint Upheld No sanction imposed but advised that behaviour will be monitored for specified period)	In case of further misconduct	To be retained for length of monitoring period	Hard Copy	National HASSRA Business Support Team
Misconduct proven Sanction imposed	In case of further misconduct i.e linking	To be retained for period of sanction	Hard copy	National HASSRA Business Support Team
Misconduct not proven	In case of Appeal	To be retained for three months	Hard copy	National HASSRA Business Support Team
All cases considered by National HASSRA D&CC which have been investigated formally	In line with Retention Policy for formal investigations undertaken by DWP, DHSC and FSA	To be retained for three years after conclusion of investigation	Hard copy	National HASSRA Business Support Team
Appeal Papers		To be retained for three years from end of appeal process	Hard Copy	National HASSRA Business Support Team