



SPBA Grievance & Disciplinary Procedure – September 2020

Rationale

This policy set outs how Stonehouse Pool Boatowners Association (SPBA) will deal with a member's conduct which falls below the expected standard as set out in our Code of Conduct. It is SPBA's aim to use the policy as a means of encouraging members to improve standards of conduct wherever possible.

The policy sets out how to raise a grievance, examples of misconduct and the disciplinary sanctions which might be imposed. It also sets out the procedures which apply when disciplinary action becomes necessary. They are designed to ensure fair and consistent treatment of members.

- This policy applies equally to all members of Stonehouse Pool Boatowners Association.
- This policy applies to cases of misconduct.
- SPBA may change this procedure from time to time and may depart from it depending on the circumstances of any case.

Aims

Our aim is to ensure consistent and fair treatment for all members.

Implementation

Grievance Procedure

A complaint may relate to a personal grievance, a collective grievance or an alleged breach of the SPBA Code of Conduct (including bullying) or other serious matter.

Raising an issue informally

It is anticipated that most issues can be resolved at local level between the parties involved, ie between members themselves. The sooner an issue is raised informally the better as it can often be resolved quickly and in a low key manner. This is the case also when a person feels they are being subject to repeated behaviour that is an affront to their dignity (ie bullying behaviour).

However, where this is not possible/appropriate or where such an approach fails to address the matter satisfactorily, the formal complaints procedure should be followed.

Formal Grievances

A formal complaint should be sent to the Club Secretary in writing setting out the issue and the relevant details. The complaint should identify any efforts (if appropriate) that were made to try and resolve the matter. Complaints relating to another member that allege a breach of the SPBA code of conduct or other serious matter that could potentially lead to disciplinary action will be dealt with under the disciplinary procedure.

Any other formal complaint will be considered by the Club Secretary or another member of the committee, who will seek to resolve the matter with the relevant parties. Having done so a response will be sent to the complainant informing them of the outcome and reasons in as timely a fashion as possible (preferably within 21 days) .

The complainant may appeal this decision in writing to the Club Secretary requesting the matter be reconsidered. At this stage the Club Chairman will appoint two other members of the committee to review the complaint and the outcome. A written response outlining the decision will be sent to the complainant in as timely a fashion possible (preferably within 21 days). This decision shall be final and binding.



Stonehouse Pool Boatowners Association

Examples of Misconduct & Gross Misconduct

Examples of misconduct that may lead SPBA to take disciplinary action include, but are not limited, to:

- wilful or negligent failure to comply with SPBA's policies or practices, including SPBA's Code of Conduct (see separate document);
- refusing to carry out reasonable instructions of an Association officer;
- intransigent or unreasonably negative attitude to fellow members, or other disruptive behaviour;
- any act or attempt to commit any act which may endanger persons or property or which breaches the law or any safety rule;
- inappropriate use of foul or abusive language on the premises, either on or off the water;
- lying or wilful deception.

Examples of gross misconduct include, but are not limited, to:

- any act that brings or is likely to bring SPBA's reputation and public standing into disrepute;
- any form of abuse, bullying or harassment on grounds of a person's sex, race, age, nationality, national or ethnic origins, sexual orientation, sexuality, religion, religious belief or disability;
- failing to co-operate with, or providing dishonest, misleading or untrue statements or answers during any internal proceedings;
- gross negligence;
- wilful disregard of health and safety rules;
- theft or any attempted theft of property belonging to SPBA or any member or any third party;
- forgery, falsification of records or expense claims or other acts of dishonesty;
- unauthorised possession or attempted unauthorised possession of, copying, alteration, wilful damage to or retention of SPBA's property;
- using or attempting to use SPBA's property or any other property on SPBA's premises, for any purpose other than that for which it was intended and for which you have authorisation;
- actions constituting a criminal offence whether at or outside SPBA which make it inappropriate for you to remain a member;
- conviction of a criminal offence or behaviour (e.g. theft) which makes you unsuitable for membership or unacceptable to other members;
- the use, handling or possession of illegal drugs on or off SPBA's premises;
- falsification of documents, contracts, records, expenses or defrauding or attempting to defraud SPBA;
- improper use of your official position for private gain or the private gain of some other person, including soliciting and accepting gifts or gratuities that may be considered to be bribes;
- conducting private business on SPBA's premises, unless official permission is obtained from the Committee beforehand;
- retrieval, transmission or storing of offensive or pornographic material using SPBA's property or whilst at SPBA's premises.

Please note that any act of misconduct may amount to 'gross' misconduct if sufficiently serious. The circumstances and severity of the misconduct will be taken into account.

Disciplinary sanctions

SPBA will not normally impose disciplinary sanctions without first going through the formal disciplinary procedures.

If an act of misconduct is found to have been committed, you may be given:

- a first written warning;
- a final written warning;
- notice of expulsion; or
- some other sanction short of expulsion e.g. suspension of membership or other penalty.

The decision to impose a sanction will take into account your disciplinary and general record; length of membership of, and service to, SPBA; actions taken in any previous similar cases; your representations and whether the intended disciplinary sanction is reasonable in all the circumstances. SPBA aims to act consistently in dealing with similar incidents of misconduct but each case will ultimately be assessed on its own merits.

Please note that verbal warnings are not considered to be a formal disciplinary sanction.

In limited circumstances and only in cases of gross misconduct, SPBA may expel a member summarily for a first offence i.e. without having issued prior written warnings and without a notice period. However, before taking any such action, SPBA will investigate, as necessary, to establish the facts of the case (during which time you may be suspended) and, wherever possible and reasonable, will hold a meeting with you. You will receive confirmation in writing of a decision to summarily expel or suspend you and you may appeal this decision. If you do appeal, you will not be permitted to resume presence at SPBA's premises until the matter has been decided.

First written warning

On the first occasion where you are found to have committed misconduct, you will normally be given a first written warning setting out the nature of the misconduct, the improvements required within a specified timescale, and the consequences of a failure to improve to acceptable standards.

First written warnings will remain on your file for 6 months from the date of issue.

Final written warning

Final written warnings may be issued where:

- after a first written warning, there is a failure to improve by the timescale specified in the warning;
- there are further acts of misconduct after a first written warning; or
- it is your first occasion and the misconduct has or could have a serious or harmful impact on SPBA or one of its members (but falls short of gross misconduct)

The final written warning will set out the nature of the misconduct, the improvements required within a short specified timescale and the consequences of failure to improve to acceptable standards.

Final written warnings will remain on your file for 12 months from the date of issue.

Expulsion or other sanction

Expulsion with notice or some other sanction short of expulsion may be imposed if:

- conduct remains unsatisfactory after a final written warning;
- if there are further acts of misconduct after a final written warning; or
- if the act was one of gross misconduct.

Where you are subject to a sanction other than expulsion, such as suspension, a record of this will remain on your file for 12 months from the date of issue.



Disciplinary Procedures

Informal Procedure

Wherever appropriate, SPBA will seek to resolve minor misconduct issues informally via a Committee Member. The Committee Member will explain the change in behaviour that is required and the timescale within which the improvement must be made. You may be issued with a verbal warning. Verbal warnings are not considered to be formal disciplinary sanctions. If your behaviour has not improved by the end of the timescale, you may be given further verbal warnings. The number of verbal warnings is a matter for SPBA's discretion. Alternatively, SPBA may invoke the formal procedure set out below.

Formal Procedure

Where informal resolution has not achieved the desired outcome or if the alleged misconduct warrants more serious action, the formal procedure will be invoked. The procedure is broadly divided into these four stages:

1. Investigation;
2. Written statement;
3. Disciplinary meeting and decision; and
4. Appeal and decision.

1. Investigation

An investigation may be carried out to determine whether there is sufficient evidence of the alleged misconduct. Where this is necessary, it will take place without unreasonable delay.

SPBA's Committee will select an investigating officer and will direct the overall nature and extent of the investigation. The investigating officer will be a member of appropriate seniority with no prior involvement in the matter. You and other members involved are expected to co-operate fully with the investigation and will be asked to maintain the confidentiality of any discussions held.

The investigating officer is responsible for the thorough investigation of the matter. This may involve interviewing witnesses and collating documentary, electronic, video or audio evidence. It is likely that you will be asked to attend an investigatory meeting. Please note that you have no right to be accompanied at an investigatory meeting but SPBA may, at its discretion, permit you to be accompanied by another member or other companion.

Suspension During Investigation

It may be found necessary to suspend you from presence at the Club premises during the conduct of the investigation and subsequent disciplinary procedures. Suspension is a neutral act in this context and does not imply wrongdoing. It is not a disciplinary sanction. The period of suspension will last for the minimum period that SPBA considers reasonable in the circumstances taking into account the length of time required to investigate properly. During any period of suspension you will be kept informed of its likely duration.

If, following the investigation, disciplinary action is considered unnecessary, no further steps will be taken. A note that the allegations were unfounded will be recorded on your file.

If, however, further explanation is required from you and SPBA determines that expulsion or some other disciplinary action may be necessary, then the formal procedure will continue.

2. Written statement

You will receive a written statement from SPBA detailing the alleged misconduct and the possible outcomes. The statement will also invite you to a disciplinary meeting to discuss the situation. It will be set to take place without unreasonable delay but with enough time for you to prepare a response to the allegations. You will be advised of the date, time and place of the meeting.



Stonehouse Pool Boatowners Association

It will also set out who will be attending the meeting on behalf of SPBA and any witnesses that SPBA intends to call during the meeting. You will be advised of your right to be accompanied (see below under 'Your Right to be Accompanied'). Together with the statement, you will be given a copy of this Discipline Policy and copies of any documents which will be relied upon.

3. Disciplinary meeting and decision

SPBA will select a member of appropriate seniority not previously involved in the matter ('independent Club official') to conduct the meeting. This will normally be the Chairman of SPBA. A SPBA Committee Member (normally the Secretary) will attend to ensure the steps described in this policy are followed and to take a record of the meeting.

You and your companion should make every effort to attend. If you persistently refuse to attend meetings without good excuse, SPBA may go ahead with the meeting and make a decision on the available evidence in your absence.

At the opening of the meeting, the independent Club official will:

- confirm that you have received a copy of this policy and the statement;
- explain the reasons why the meeting has been arranged; and
- outline the role of your companion or note that you do not wish to be accompanied.

The independent Club official will then go through the allegations against you and the evidence gathered in support of those allegations. You will be given a reasonable opportunity to respond and you may raise points about information provided by the witnesses called by SPBA. You may ask questions, present evidence and call your own relevant witnesses.

As soon as possible after the meeting, the independent Club official will consider the evidence and complete any further investigations that are necessary. The independent Club official will then come to a decision.

You will receive a letter informing you of the decision, the reasons for it and other necessary details as soon as possible and usually within 5 working days of the meeting. If this is not possible, you will be told why and when to expect a response.

You will also be notified of your right to appeal.

4. Appeal meeting and decision

You may appeal against any disciplinary sanction taken against you. Please note however that a disciplinary sanction may take effect before you appeal. Your appeal must set out your reasons for submission and must be provided in writing to SPBA's Secretary within 5 working days of the original decision. SPBA may give you more time to lodge an appeal if reasonably necessary.

You will receive a written acknowledgement from SPBA and you will be invited to an appeal meeting set to take place without unreasonable delay. If you raise matters which require further investigation, the meeting may be put back until after this is completed. You will be given reasonable opportunity to consider new information prior to the meeting and you will be given copies of any new evidence which will be relied upon.

Again, you have a right to be accompanied (see below under 'Your Right to be Accompanied'). If you persistently refuse to attend appeal meetings without good reason, SPBA may go ahead with the meeting and make a decision on the available evidence in your absence.

All appeals will be heard by members of the SPBA Committee who were not involved in the original hearing (at least 3 committee members must be attendant). The SPBA Secretary will ensure the steps described in this policy are followed and take a record of the meeting.



Stonehouse Pool Boatowners Association

The meeting may be a complete rehearing of the matter or it may be a review of the fairness of the original decision. This will be at SPBA's discretion depending on the circumstances of your case. A hearing may be adjourned if SPBA needs to gather any further information.

During the appeal meeting, you will be asked to:

- state your grounds of appeal; and
- present any factual evidence in support of this.

Following the appeal hearing SPBA may:

- confirm the original decision;
- revoke the original decision; or
- substitute a different decision and/or sanction.

The Club Secretary will inform you, in writing, of the outcome of your appeal as soon as possible and usually within 5 working days of the date of the meeting. If this is not possible, you shall be told why and when to expect a response. The appeal decision is final and no further appeals may be made to SPBA.

If the original decision was to expel you and your appeal against the decision is successful, you will be reinstated with no loss of continuity of membership or membership fee.

Your Right to be Accompanied

You have a right to be accompanied at a disciplinary meeting or an appeal meeting by a Club colleague or anyone else of your choice (see below).

Your companion is allowed to:

- put forward and summarise your case;
- ask questions of clarification;
- respond to views on your behalf; and
- confer with you.

Your companion does not have the right to answer questions for you or to prevent SPBA from putting forward its case or to address the meeting if you do not wish it.

If you wish to be accompanied you must make a reasonable request to SPBA in advance of the meeting. Please note that your companion has the right to decline to attend.

In some circumstances your choice of companion may not be allowed; for example, if they have a conflict of interest or could prejudice the meeting. In those cases, you may be asked to choose someone else.

SPBA may, at its discretion, allow you to bring a companion who is not a club member (for example, a member of your family or other acquaintance).

It is your responsibility to inform your companion of the date, time and place of the meeting. If your companion is not available at short notice, the meeting may be delayed for a short period. SPBA reserves the right to ask you to choose someone else if the meeting would have to be delayed for over 5 working days because your companion is unavailable.