



## **Boscastle & Crackington Gig Club Complaints and Discipline Policy – revised 2025 V1**

### **Purpose and Scope**

Boscastle & Crackington Gig Club (BCGC) expects a high standard of behaviour and sportsmanship from all its members. It is the duty of all members to exercise their powers in good faith to further the Objects of the CIO and to behave at all times in accordance with the Club Ethos. Additionally, we expect members to conform to the CPGA's Code of Conduct.

A member has the right to complain if they believe the conduct of another member has behaved in a way that is unsafe, unprofessional, discriminatory, offensive or intimidating. This will also include where a member has broken important rules or safety procedures.

### **Policy Principles**

The club is committed to giving help and support to members to overcome any shortcomings in behaviour or conduct. In the majority of cases this can be done without recourse to the disciplinary procedure.

All complaints will be dealt with confidentially, promptly, transparently, fairly and consistently. Where necessary and appropriate a complaint may need to be progressed for consideration for disciplinary action.

## **Issue resolution and Discipline Procedures**

### **1. Introduction**

1.1 Complaints received will be given full impartial consideration by BCGC Trust Board, with a view to achieving a resolution of the issue(s).

1.2 In some cases, alleged behaviour may be resolved through mediation and no further action required.

1.3 The Trust Board will nominate a Trustee, usually Welfare or Safety, to conduct a thorough investigation to establish the facts and then the case will be presented to the Trust Board for consideration.

1.4 Where a disciplinary action does become necessary, the procedure must be fair and consistent with previous actions in similar circumstances

**1.5 Confidentiality and disclosing information** - it is expected that all members/trustees engaged in the complaints or discipline process may need advice and emotional support by talking privately to other members. All parties must, however, respect the confidentiality of others involved in the process and avoid a situation where someone else could feel bullied or victimised by being spoken about, including via social media. Causing someone else reasonably to feel bullied or victimised or disclosing someone else's personal data, could also be considered a discipline offence

## **2. Investigation**

- 2.1 In any situation where there are grounds for suspicion of misconduct, a proper and thorough investigation will be undertaken to establish the facts.
- 2.2 As soon as it becomes clear that there may have been a breach of discipline, if appropriate the member will be advised.
- 2.3 The investigation will usually be led by the Welfare officer, Safety Trustee, Trustee or an impartial member as designated by BCGC Trust Board.
- 2.4 The investigation will be conducted as soon as is practicable after the incident occurs and concluded as quickly as possible. A thorough investigation, however, is more important than speed of resolution and on occasions, it may be necessary to prolong an investigation in order that all relevant facts can be obtained.
- 2.5 Full notes of the investigation will be made and witness statements taken where necessary. Following the investigation the investigating officer(s) will recommend whether to proceed to a formal disciplinary hearing. If a formal hearing is not warranted the club member will be informed.

## **3 Formal Disciplinary Hearing**

- 3.1 The Trust Board will appoint a disciplinary panel. The formal hearing panel will be chaired by a Trust Board member and have a minimum of two Trustees, in some circumstances it may be necessary to appoint an impartial BCGC member to be present
- 3.2 The member (subject of complaint) will be written to, detailing the disciplinary offence and invited to a formal hearing. The meeting will be called giving a minimum of 48hrs notice.
- 3.3 The club member will be given the opportunity to comment on the complaints made against them. The individual will have the right to be accompanied by another club member.

## **4 Outcomes**

- 4.1 Following the hearing the disciplinary panel will decide the outcome based on the evidence presented.

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4.2 If the decision is that no case is proven, the complainant and subject of complaint will be informed.

4.3 If the panel decide that disciplinary action is justified the following penalties could be considered:

- Words of advice, noted but not formally recorded in club records
- Verbal Warning – a formal warning held on club records for a period of six months.
- Written Warning held on club records for a period of twelve months.
- Final Written Warning held on club records for a period of twelve months.
- Dismissal from the club.

4.4 **Warnings** will be confirmed in writing normally within 5 working days. The club member will be clearly informed of the steps they must undertake to improve their conduct, what will happen if they fail to do so or commit any other breach of conduct and the period of time the member of staff has to effect the improvement. A warning can be issued at any level in the procedure.

4.5 **Dismissal from the club**, the member will be notified in writing and have the right to appeal.

## 5 Suspension

5.1 BCGC Trust Board have the right to suspend a club member from participating in club activities in the following circumstances;

- If they are suspected of committing an act of gross misconduct.
- Where the behaviour of the member is such that he or she is a danger to themselves or others.
- Where the club member is under the influence of alcohol or drugs.

5.2 If BCGC Trust Board take the decision to suspend it will be confirmed within 3 days of the action being taken.

## 6 Gross Misconduct

6.1 There are certain offences which are regarded as so serious that the club would not tolerate the continued presence of an individual who commits such an offence. Such offences would be considered to be acts of gross misconduct which would result in dismissal. The following are some examples of offences which may result in dismissal:

- physical violence, actual or threatened
- use of abusive or offensive language
- theft, fraud (or attempted) and deliberate falsification of records
- serious bullying or harassment, including sexual or racial harassment and deliberate discrimination
- deliberate damage to property

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- serious insubordination e.g. failure to carry out a reasonable request or instruction having been warned of the consequences of not doing so
- misuse of the club's property or name
- bringing the club into serious disrepute
- gross indecency or sexual offences
- serious incapability whilst representing the club brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of safety rules.

Please note that this list of examples is not exhaustive.

### **7 Appeals Process**

7.1 A member has the right of appeal at all levels of the disciplinary process if they are unsatisfied with the disciplinary action taken. The appeal must be made in writing, stating the reasons for the appeal within 5 days of receipt of the email/letter confirming the disciplinary action taken.

7.2 The appeal will be held by BCGB Trustees not previously involved on the disciplinary.

7.3 The appeal will be heard as soon as possible, but time will be allowed to investigate the case and give the matter careful consideration.

7.4 The member has the right to explain their case personally to the Trustee hearing the appeal and to be accompanied at the appeal by a fellow club member. The member will be informed of the outcome of the appeal and the reasons for the decision as soon as possible and the decision will be set out in writing. Any decision on the appeal will be final.

### **For reference**

#### **BCGC CIO Constitution – Version 3.0 - February 2024**

##### **9.4 Termination of Membership**

a) Membership of the CIO comes to an end if:

i) the member dies or in the case of an organisation, that organisation ceases to exist

ii) the member sends a notice of resignation to the Trustees

iii) any sum of money owed by the member to the CIO is not paid within 6 months of falling due

iv) the charity trustees and executive committee decide that it is in the best interests of the CIO that the member in question should be removed from membership, and pass a resolution to that effect

**b) Before the charity trustees take any decision to remove someone from membership of the CIO they must:**

- i) inform the member of the reasons why it is proposed to remove him/her/them/it from membership
- ii) give the member at least 21 days clear notice in which to make representation to the charity trustees and Executive Committee why he/she/them/it should not be removed from membership
- iii) at a duly constituted meeting of the charity trustees and executive committee, consider whether or not the member should be removed from membership, taking into account the representations that the member may choose to make
- iv) give the opportunity for the member to make their representations in person to the charity trustees and executive committee, should they choose to do so