

## Disciplinary Procedures for NLDURRS

As part of the Rugby Football Union, NLDURRS encourages high standards of behaviour and action will be considered when members of the Executive or its sub Committees breach the agreed code of conduct or governance standards.

Disciplinary Procedures will be considered in line with this document.

All Sports organisations should encourage high standards of behaviour and action should be taken when members breach the code of conduct. A disciplinary procedure allows inappropriate behaviour to be addressed fairly and consistently. Additionally, (where it applies), Child protection within an organisation is greatly enhanced by having a good disciplinary procedure.

### PRINCIPLES

- a. This procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently
- b. No disciplinary action will be taken until a matter has been fully investigated
- c. An individual involved may be suspended from their role while an investigation is carried out. Suspension is not a form of disciplinary action. A decision to suspend will be made by the Executive. Notification of the suspension and the reasons will be conveyed in writing to the individual by the Chairman NLDURRS.
- d. At every stage of the formal disciplinary procedure an individual will have the opportunity to state his/her case at a disciplinary hearing. If so wished he/she will have the opportunity to be represented or accompanied at the hearings by a third party e.g. a friend or colleague.
- e. An individual has the right to appeal against any disciplinary action.
- f. The disciplinary procedure may be implemented at Stage 1, 2 or 3 (see below) if the individuals alleged misconduct warrants such action.

### THE PROCEDURE

#### 1. Initial Assessment Stage

The purpose of the initial assessment is to clarify the nature and context of the concern. It will involve asking some basic questions of appropriate individuals with the sole purpose of clarifying the basic facts.

An independent disciplinary panel will be convened to investigate the alleged misconduct.

The possible outcomes of the initial assessment are:

1. No further action (facts do not substantiate complaint)
2. Situation is dealt with under formal disciplinary procedures
3. Referral for Criminal investigation (by the police)
4. Referral to the RFU Discipline or Safeguarding teams for further consideration

Where a member of the Executive fails to meet the required standard of behaviour and the shortfall is of a minor nature, the Disciplinary Panel may decide to speak to the individual on an informal basis to avoid the need for formal disciplinary action. The Disciplinary Panel will also advise the individual of the need to achieve and maintain the standards required.

The Disciplinary Panel may inform the individual that failure to achieve the required standards will result in a formal disciplinary hearing, which may result in disciplinary action.

Facts of the conversation should be noted and confirmed in writing to the individual so there is clarity about what must be achieved.

Following the initial assessment, a period of precautionary suspension may be helpful or necessary while a concern is being further investigated.

## **2. Precautionary Suspension**

Precautionary suspension may be considered in the following circumstances:

- if the allegation made against the individual was ultimately to be proved, then there would be a significant concern about the conduct of that person continuing in their role during the initial assessment.
- if the attendance or involvement in NLDURRS activity could compromise the investigation

Precautionary Suspension is not a form of disciplinary action and does not involve pre-judgment. It should only be considered in the above circumstances. There is no right of appeal to a Provisional Suspension. Provisional Suspension will remain in place for a set period of time (120 days) after which time it must be reviewed.

## **3. Formal Disciplinary Procedure**

Outcomes may include:

### **Stage 1 – First warning**

If, as a consequence of a properly convened investigation, conduct is deemed to be unsatisfactory, the individual will be given a written warning. Such warnings will be recorded. The warning will expire after 6 months of satisfactory conduct.

A final written warning may be considered if there is no sustained satisfactory improvement or change.

### **Stage 2 – Final written warning**

If, as a consequence of a properly convened investigation, the offence is deemed as serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given. The written warning will expire after 12 months of satisfactory conduct.

Action at Stage 3 will be initiated if there is no sustained satisfactory improvement or change.

### **Stage 3 – Dismissal**

If, as a consequence of a properly convened investigation, the offence is deemed as very serious, or that after the periods of time indicated at Stage 2 and 3, performance has failed to improve or there have been further offences of a similar kind, dismissal of the individual from their appointment should be recommended.

## Gross misconduct

If, as a consequence of a properly convened investigation, it is confirmed that an individual has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be immediate dismissal without notice or without having to progress through Stages 1 – 3.

- theft,
- damage to property,
- fraud,
- incapacity for role due to being under the influence of alcohol or illegal drugs,
- physical violence,
- bullying or harassment,
- abuse of a child or vulnerable adult
- gross insubordination.

Following advice from the police or appropriate authority, cases that also involve a criminal investigation will not preclude disciplinary action being taken. This is provided sufficient information is available to enable the investigation to provide the Executive with sufficient evidence in order to make a decision and that to do so does not jeopardize a criminal investigation. Any decision to dismiss will be taken by the Executive on the advice and findings of the Disciplinary Panel only after full investigation.

## APPEALS

An individual who wishes to appeal against any disciplinary decision must do so in writing to the Secretary of the Executive within seven working days of the disciplinary decision being sent to them.

The individual should provide a written statement of the appeal, indicating the grounds for the appeal together with such accompanying documents as they feel appropriate.

The appeal will be heard by the Executive Committee Members and a decision on the case made as impartially as possible.

The Executive Committee will notify the individual of their decision in writing as expeditiously as possible. The decision of the Executive is final and there is no right of appeal.

## NOTICE OF PRECAUTIONARY SUSPENSION - TEMPLATE

Date

Dear

I am writing to tell you that you that following..... you will now be suspended initially for a period of up to 120 days or until the outcome of the investigation is determined. After 120 days your suspension, if still in force must be reviewed but may possibly be extended by a further 120 days.

This is in response to

You will next be informed of any disciplinary action that will follow the investigation period.

Yours

Signed

[Role Title]

# Complaints Policy for NLDURRS

This policy tells you how to make a complaint to the NLDURRS Executive.

This is the policy that we will follow if your complaint is about someone's conduct or behaviour. This could be because you think that someone has behaved in a way that is unsafe, unprofessional, discriminatory, offensive or intimidating. It could be because someone has broken important rules or policies.

## Values and principles

Members of NLDURRS have agreed to abide by the Governance Principles and Code of Conduct 2018

You have the right to complain: we take complaints seriously. You should not be harassed, bullied or put at a disadvantage because of making a complaint.

**Equality:** you should receive a proper response to your complaint, regardless of your age, gender, disability, race, religion, nationality, social status, sexual orientation or political persuasion.

**Fairness:** we believe that complaints should be dealt with fairly and openly. Unless it would put other people at risk, those affected by a complaint should have a chance to contribute and respond to any investigation.

**Safety and welfare take priority:** we will always give priority to concerns that affect safety and welfare. Issues affecting children will be treated very seriously.

**Confidentiality:** we treat complaints as confidentially as possible.

Sometimes we may have to discuss complaints with other organisations. If we are worried about a risk to a person or to the public, we might need to pass on our concerns to the right authorities. If necessary, we will get advice from other organisations such as the Police, Social Services or the wider RFU.

## How to make a complaint

If you have a complaint, it is often best to start by having a conversation with someone on the Executive, it is advised that this is the Secretary (unless the complaint is in relation to that person) or a member not concerned with the complaint. They may be able to help to resolve your problem. You could also make a written complaint; this should be addressed to the Secretary of the Executive unless the complaint is directly made against that post holder.

If your complaint is not received in writing but opinion is that it needs to be considered further, you will normally be asked to put your complaint in writing.

We would accept anonymous complaints, but it is often very difficult to investigate these properly. It would be easier for us to handle your complaint if you provide as much detail as possible.

## What will we do to investigate?

We will give an initial acknowledgement of your complaint within five working days. If the matter is urgent, we will respond more quickly.

We will investigate your complaint fairly. This means that we convene an Investigation Team that will not include the individual against whom the complaint is made. We will discuss the complaint with all of the relevant people. We will try to gather all information that may be relevant to handling your complaint.

Sometimes we will ask to show copies of information from the investigation to other people to allow them to respond. This is because we believe in fairness and openness. We will not share information if we think that this will endanger someone's safety or welfare.

## **How will I know what is happening?**

You will be given the details of a person who will be your point of contact. That person will make sure that you understand the process, and will help to answer any questions or concerns that you have.

You will be given an update on the progress of your complaint every two weeks. If there are delays in handling your complaint for any reason, we will keep you informed.

If your complaint leads to formal disciplinary action against someone, we will usually inform you about the outcome. We will not tell you the outcome if we believe that telling you would create a risk to other people. In this situation, we will still try to tell you about how you are affected by the action that we have taken.

## **What are the possible outcomes or results of my complaint?**

- In many cases, we would hope to resolve problems informally. This might include:
- A change in arrangements for particular activities
- An explanation or apology
- An agreement to communicate or act differently in future

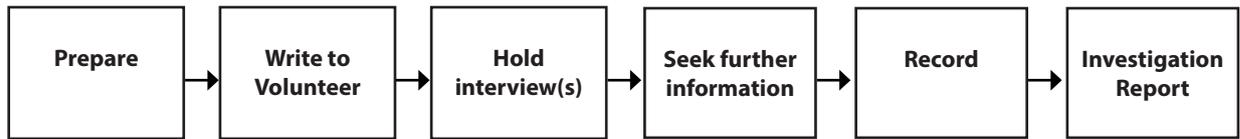
If we cannot achieve an informal resolution or that is not a suitable outcome, then a small investigation team of senior officials will look at the information about the case. We will try to make sure that this committee does not contain anyone directly involved with your complaint.

## **Outcomes**

The Investigation Committee might recommend or decide to take the following action:

- Formal disciplinary action under NLDURS Disciplinary Procedures
- Closure of your complaint without action.

## NLDRURS PROCESS FOR INVESTIGATING COMPLAINTS OR DISCIPLINARY MATTERS



### PREPARE

Clearly define the allegations/issue(s) in need of investigation.

Consider the nature and likely scope of the investigation based on the allegation/issue(s) of concern. In the case of a formal grievance, the scope of the investigation should be discussed with the person who has submitted a formal grievance.

Decide how best to conduct the investigation - In many cases this can be a very simple/quick process, however, this will depend on the specific circumstances of the case e.g. whether the facts are disputed or clear and the seriousness of the matter. An investigation can simply be the gathering of facts looking at existing documentation e.g. relating to the previous in/formal management processes undertaken to address an issue. In other instances, it may require the planned and systematic gathering of data, interviewing of relevant witnesses and analysing relevant documents, records, policies, etc. to determine next steps.

Consider what information you need to gather, from whom and how this will be obtained.

Consider the timescales of the investigation. Taking into consideration, where appropriate, the need to conduct interviews, collate witness statements, gathering information and write and submit the investigation report etc.

Identify if there are any potential barriers to obtaining information and how these can be addressed.

If appropriate, identify any witnesses who could help with investigations, determining whether these should be interviewed or whether a written statement should be sought, (see template letters). Initial contact with a potential witness is often in the form of a telephone conversation to: explain the situation; check their potential relevance; seek their agreement to participate in the process etc.

Consider other resources you may need during the investigations e.g. note taking, specialist advice/guidance.

If appropriate, prepare interview plan(s) and consider the specific issues that need to be explored during these interviews.

Prepare the questions you may wish to ask, ensuring that the questioning (open, closed and probing questions) is appropriate e.g. for obtaining information/facts, exploring feelings or opinions. Avoid using leading questions.

If appropriate, provide regular updates to those involved.

### WRITE TO THE INDIVIDUAL AGAINST WHOM THE COMPLAINT OR DISCIPLINARY ISSUE IS LODGED

Explain that a complaint has been lodged or that disciplinary action is being initiated. Explain that the evidence/information may be used in a subsequent formal hearing/grievance. Check if person has any questions and that they understand the process or has any questions regarding the process.

Seek additional evidence/information that the individual may wish to offer in response. In questioning the employee under investigation, explore possible explanations/special circumstances. Ask them to respond to any allegations and if they are able to produce any evidence/information to support their response.

## **HOLD OTHER INTERVIEWS AS NECESSARY**

Seek any relevant supporting information/evidence to substantiate information provided.

Consider whether other documentation may be helpful for the investigation. For example minutes from meetings, emails, letters etc (permission of the employee may be required for some of these examples).

Should you identify any information that may warrant immediate action please raise this with the investigation Team as a matter of urgency.

After each interview forward the record, as appropriate, for signing, to the interviewee.

If the interviewee disputes the accuracy of the record, asked them to: identify what is in dispute; offer their interpretation/recollections of the discussions by annotating the record provided, before signing and returning the record.

Gain the individual's consent to share this information with other relevant parties.

Maintain a record of all evidence gathered.

## **SEEK FURTHER INFORMATION**

If appropriate request extra information that substantiates any disciplinary issue or allegation.

## **RECORD**

Ensure all documentation associated with the investigation is logged and retained securely and only shared with discretion and confidentially. When making the record of all the evidence, tone and style should be considered as all relevant information will be shared with key parties including the individual under investigation.

## **REPORT**

A summary Investigation Report of the records of evidence should be prepared and presented to the Executive Committee, this should where possible include a recommendation on what action should be taken as a consequence of investigation of the evidence. This will enable discussion and a ratified Executive decision on what Disciplinary Procedures, if any, should be applied.