



DISCIPLINARY POLICY

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1. Policy Statement

- 1.1. Hampshire & IOW Tennis (HIOWT)¹ is committed to working with its stakeholders, which include Member Organisations, coaches and players within the county, to maintain satisfactory standards of conduct, which are set out in the various published HIOWT Rules, Policies and Code(s) of Practice.
- 1.2. This policy sets out the approach of HIOWT to dealing with any incidents where these standards are broken by Stakeholders. The major elements are essentially sequential in nature.

2. Definitions

- 2.1. The following definitions are used throughout this Disciplinary Policy document.
- 2.2. **Appeal Committee.** The Appeal Committee of HIOWT as appointed in accordance with these Procedures.
- 2.3. **Appeal Secretary.** The person who is nominated as the Appeal Secretary by HIOWT.
- 2.4. **Appellant.** The person or body who appeals a Decision of the Disciplinary Committee.
- 2.5. **Charge.** The charge which is brought against the Respondent in respect of the disciplinary matter.
- 2.6. **Adult at Risk.** A person aged 18 years or over who has needs for care and support (whether or not the local authority is meeting any of those needs) and is experiencing, or is at risk of, abuse or neglect and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.
- 2.7. **Balance of probabilities.** When making their decision, the Disciplinary Committee or Appeal Committee need to be satisfied, based on the evidence available, that the alleged misconduct, breach of rules, etc was more likely than not to have occurred. In other words, there was more than a 50% chance that the alleged act or omission occurred.
- 2.8. **Child.** Anyone under the age of 18.
- 2.9. **Complaint.** A complaint of misconduct, or notification of a concern, regarding particular circumstances and/or conduct of a Member as referred to in these Procedures.
- 2.10. **Complainant.** The person or body from whom a Complaint has been received by the Disciplinary Committee.
- 2.11. **Disciplinary Committee.** The Disciplinary Committee of HIOWT as appointed in accordance with these Procedures.

¹ CIO status has been granted, but the organisation at 1 Jan 24 also exists as the Hampshire & IOW LTA while its status undergoes managed transfer. All aspects of this policy statement apply which ever status applies to this organisation.



- 2.12. **Disciplinary Secretary.** The person who is nominated as the Disciplinary Secretary by HIOWT.
- 2.13. **HIOWT.** Hampshire & Isle of Wight Tennis is a Charitable Incorporated Organisation that promotes community participation in healthy recreation, through the development, promotion and support of tennis and padel in Hampshire and Isle of Wight (HIOW).
- 2.14. **Member Organisation.** An LTA-registered venue which is currently opted in to membership of HIOWT.
- 2.15. **Notice of Complaint.** The Notice of the Complaint received by HIOWT from the Complainant.
- 2.16. **Respondent.** The person who is the subject of the Complaint.
- 2.17. **Safeguarding Case.** A matter which is deemed by the LTA to raise concerns about a child, young person or adult at risk, or an individual who has contact with any of those groups.
- 2.18. **Stakeholders.** ISO 26000 defines a stakeholder as an "individual or group that has an interest in any decision or activity of an organization". Equally, a stakeholder could be considered as an individual or group without whose support the organisation would cease to exist. Without being exhaustive, stakeholders could include: member organisations, players, coaches, officials, sponsors, spectators, full-time, part-time paid staff or volunteers with roles running HIOWT.
- 2.19. **Trustees.** The body of volunteers that is running HIOWT.

3. Introduction

- 3.1. HIOWT is committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve is by listening and responding to the views of our stakeholders. This includes actively and promptly responding to complaints. Where a complaint is considered a disciplinary matter, whether it is an alleged breach of County Rules, Policies, our Code of Conduct or unacceptable conduct, our aim is to ensure that an open and fair process is followed.

4. Purpose

- 4.1. The purpose of this document is to describe the procedures to be followed in relation to any disciplinary matter which includes, without limitation, the following:
- 4.1.1. Alleged breaches of HIOWT Rules;
 - 4.1.2. Alleged breaches of HIOWT Policies;
 - 4.1.3. Alleged breaches of HIOWT Code(s) of Conduct;
 - 4.1.4. Any matter in which a Stakeholder engages in any conduct which is any of:



- 4.1.4.1. Inappropriate, unlawful, or unsporting.
- 4.1.4.2. Behaves in a manner which is unacceptable or opposed to the general interests of HIOWT.
- 4.1.4.3. Which brings HIOWT into disrepute.

4.2. The Procedures apply to all Stakeholders of HIOWT.

4.3. For the avoidance of doubt, where an issue constitutes a safeguarding matter, these Procedures will only be applied following the conclusion of any statutory and/or LTA investigation.

5. Confidentiality

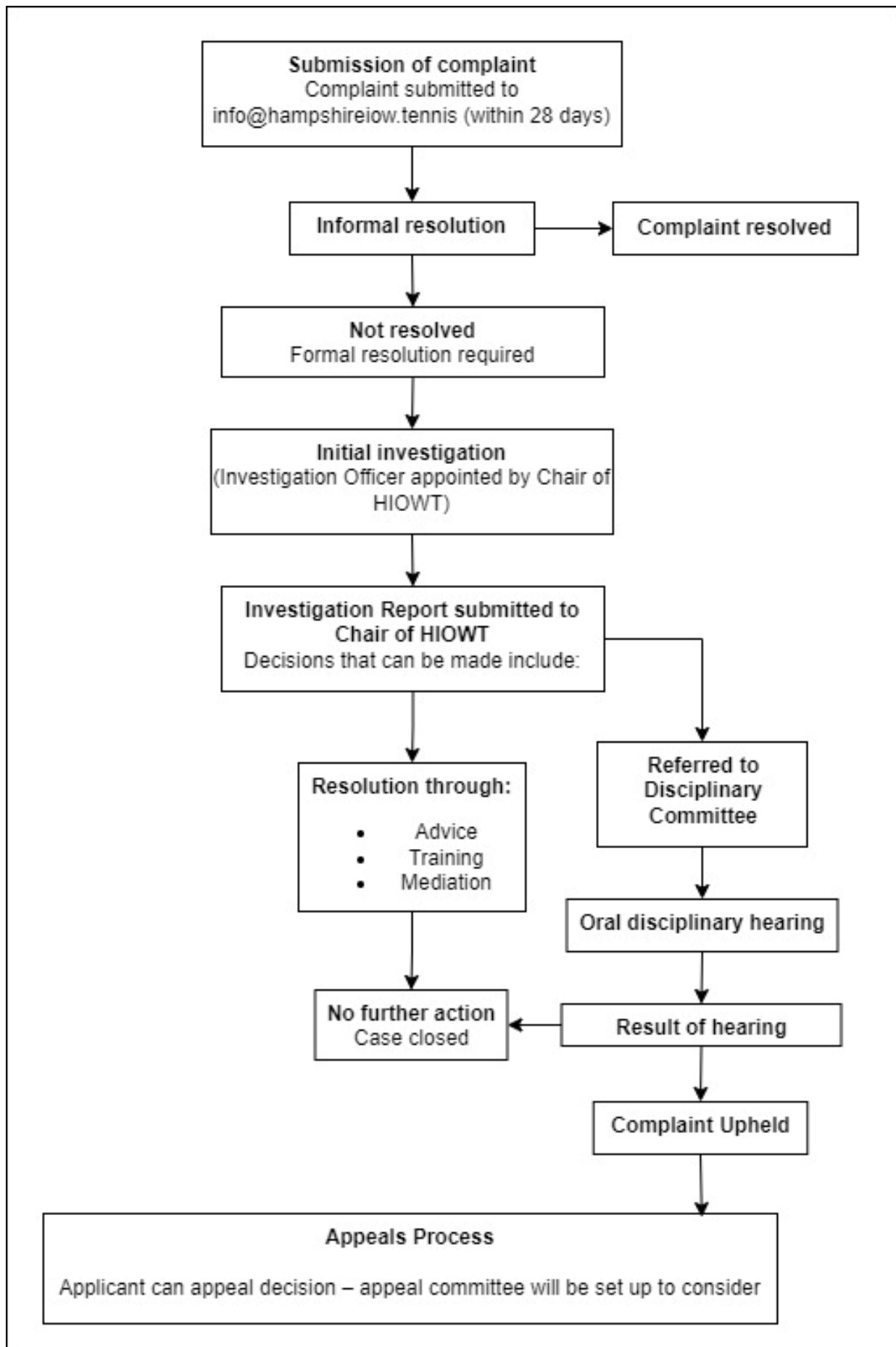
5.1. HIOWT will deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All Stakeholders must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

6. Legal Issues

6.1. HIOWT may seek advice on specific queries regarding the conduct of a disciplinary process from a suitable legal representative, e.g. the LTA's approved legal partner.

7. Procedure Overview

7.1. The following flowchart provides an overview of the procedure with further detail of the steps in the paragraphs following.



8. Submission of Complaint

- 8.1. A Complaint should be made to the HIOWT's Administrator (info@hampshireiow.tennis) in writing no later than 28 days following the alleged incident (or knowledge of the incident by the Complainant). It shall set out the details of the Complaint including, where applicable, the nature of the alleged breach.
- 8.2. If the Complaint concerns the HIOWT's Administrator, then the Complaint should be submitted to the Chair of HIOWT.

9. Upon Receiving a Complaint

- 9.1. The HIOWT Administrator will:
- 9.1.1. Start the record for the Complaint and continue it until closure; eg filing.
 - 9.1.2. Inform the HIOWT Chair of the Complaint, and the details.
 - 9.1.3. Acknowledge Complaint within 5 working days if possible.
- 9.2. The Chair will either progress the Complaint to closure, or appoint another Trustee to do so.

10. Informal Resolution Considered

- 10.1. The Chair, or other appointee, will decide whether an informal resolution could resolve the Complaint. If they consider an informal resolution is worth consideration, they would need to understand the problem by:
- 10.1.1. Holding separate informal, confidential and private meetings with the individuals.
 - 10.1.2. Establishing why the problem has arisen.
 - 10.1.3. Identifying what further action(s) is/are needed: primarily formal or informal.
- 10.2. An informal record is to be kept.

11. Informal Approach

- 11.1. If an informal approach is followed, any informal advice or warning will be verbal, but will be confirmed in writing. The written confirmation will make clear that the advice or warning is "informal", and will set out what is expected in terms of future conduct. It may be noted that formal action may be required if there is repetition of the unsatisfactory behaviour.
- 11.2. A record is to be retained of actions taken.
- 11.3. An informal approach should be complete within 1 calendar month, whatever the outcome.

12. Formal Approach

- 12.1. If an informal approach is unsuccessful, such as the individual continuing with their unacceptable behaviour, or if either party rejects the informal approach, or if an informal approach is considered to be inappropriate given the nature or seriousness of the issue, then a formal and thorough investigation will be carried out which could in turn lead to formal disciplinary proceedings being instigated.
- 12.2. The remaining content of this policy documents the process for the formal complaint procedure.

13. Initial Investigation

- 13.1. If an individual admits the alleged misconduct, breach or inappropriate behaviour, it may be reasonable for HIOWT to take this at face value without undertaking further investigation. However, if there is any doubt as to the individual's motives or the truthfulness of the confession, or if their confession implicates others, or if the individual concerned may be particularly vulnerable, for example, by reason of a protected characteristic, or if there are any extenuating circumstances, these will be investigated.
- 13.2. The purpose of an investigation under these Procedures is to establish a fair and balanced view of the facts relating to any disciplinary complaint before deciding whether there is a case to answer. The scope and extent of the investigation will vary depending on the nature of the Complaint and will vary from case to case.
- 13.3. On receipt of the Notice of Complaint by HIOWT Administrator, the Chair shall within 28 days:
- 13.3.1. Designate an individual to be the Investigation Officer. This person must have the requisite skills and the time to undertake the task, to gather the relevant information and evidence, and document it in a report.
- 13.3.2. Forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent, together with any supporting evidence;
- 13.4. The Investigation Officer shall:
- 13.4.1. Commence an initial investigation into the matter in order to gather information and evidence;
- 13.4.2. Investigate sufficiently to ensure that the detail of the allegations made against an individual is clear, in order that the allegations can be put to that individual in sufficient detail to enable a meaningful response from them
- 13.4.3. Conduct the investigation as quickly as is reasonably possible, without unreasonable delay.
- 13.4.4. Speak to witnesses and take notes of their recollection of events before memories fade.
- 13.4.5. Interview witnesses privately and emphasise the need for confidentiality.

- 13.4.6. Make notes of the statement or of the information provided by the witness and where possible the witness will be asked to sign the statement, confirming that the version of events taken down by the interviewer are correct.
- 13.4.7. Consider witness requests for anonymity, the reason for the request, and the motive explored. HIOWT will try to avoid anonymising witness statements whenever possible and will only agree to anonymise in exceptional circumstances where a witness has a genuine fear of reprisals.
- 13.4.8. On agreement that the circumstances do warrant anonymity, will then consider what, if any, points need to be omitted or redacted to prevent identification.
- 13.4.9. Consider whether any physical evidence is required.
- 13.4.10. Undertake any further investigation deemed appropriate to determine the best course of action to resolve the Complaint or commence disciplinary action.
- 13.4.11. Provide a report and copies of any relevant documentation to the Chair. These will be filed by the HIOWT Administrator. The Investigation Officer can include any recommendations for further action.

13.5. Stakeholders are expected to co-operate fully and promptly with any investigation.

14. Consideration of the Investigation Report

- 14.1. Upon receipt of the Report, the Chair may request the views of some of the other Trustees when making a decision as to the subsequent action which can be any of the following:
 - 14.1.1. Decide that no further action is required, with the reasons why the Complaint has been dismissed, for example:
 - 14.1.1.1. There is not enough evidence to justify disciplinary action being taken; or
 - 14.1.1.2. The Complaint is considered to be vexatious and/or malicious and in which case the Complainant's actions may be referred to the Trustees to determine whether a disciplinary procedure should be commenced in relation to such actions;
 - 14.1.2. Deal with the matter by way of advice, information, training and/or mediation between the respective parties.
 - 14.1.3. Refer the matter for consideration by a Disciplinary Committee.

15. Communicating the Result of the Investigation and Responses

- 15.1. The Chair shall inform the Complainant and the Respondent of the course of action taken within 5 working days of the initial investigation concluding.
- 15.2. If the decision is that the Complaint has been dismissed, the Chair will notify the Respondent and the Complainant in writing explaining the reasons why the Complaint has been dismissed.
- 15.3. If the decision is that the matter should be referred to a Disciplinary Committee, the Respondent shall be informed of the Charge being brought, the basis for the Charge and the likely range of consequences if the Disciplinary Committee upholds the Complaint. The

Respondent will also be provided with a summary of the relevant information gathered during the investigation (including copies of any relevant documentation). The Respondent shall be granted the opportunity to either accept or deny the Charge. The Complainant will also be informed that the matter has been referred to a Disciplinary Committee.

15.4. If the Respondent accepts the Charge, then the matter shall be considered by the Disciplinary Committee at a hearing to determine the sanction only and the Respondent shall only be granted leave to appeal on the ground that the sanction imposed was disproportionate to the circumstances of the case.

15.5. If the Respondent denies the Charge then the matter shall be determined at a full hearing dealt with by the Disciplinary Committee.

16. Disciplinary Committee

16.1. The Disciplinary Committee will be convened on a case-by-case basis, rather than there being a standing Disciplinary Committee.

16.2. A Disciplinary Committee consisting of 3 Trustees, including the Chair, shall be established and appointed by the Trustees. The Chair, Vice Chair or President of HIOWT shall Chair the Disciplinary Committee.

16.3. A Disciplinary Committee Secretary must be appointed. This person will normally be the HIOWT Administrator, but the Chair can appoint an alternative person.

16.4. Each member of the Disciplinary Committee must have no previous knowledge or involvement with the matter under consideration, nor have no personal interest the outcome of the proceedings. Their only interest is to see that the decision is fair.

16.5. The Committee in assessing whether a member of the Disciplinary Committee has an interest in the outcome of proceedings shall give due consideration to any objections raised by the Complainant and Respondent.

16.6. In the event that a matter is referred to the Disciplinary Committee and a member of it either declares an interest or is deemed to have an interest by the Trustees or Disciplinary Committee, then such person shall be replaced on the Disciplinary Committee.

16.7. The Disciplinary Committee shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are the subject of a Charge. The Disciplinary Committee shall make its decisions by majority vote.

17. Setting Up the Hearing

17.1. The presumption is that a disciplinary matter will be decided by way of a face-to-face in person oral disciplinary hearing. However, an oral hearing could be conducted by video link, but this is not a preferred method. Alternatively, the disciplinary matter could be considered by the Disciplinary Committee on the basis of written submissions from all the



parties as appropriate. The Respondent can insist on a face-to-face in person oral hearing, and the Committee must respect that wish.

- 17.2. All disciplinary hearings shall take place in private. The public and the press shall have no right of access.
- 17.3. The disciplinary hearing and will be convened at a reasonable time and place. Considerations could be work and travel arrangements, and any disabilities.
- 17.4. Hearings will be conducted in person and face-to-face for all involved, unless this is not absolutely possible.
- 17.5. If the matter is of a particularly sensitive or confidential nature, it may be advisable for the meeting to be conducted away from the HIOWT's premises, or even any tennis venue, and at a neutral venue.
- 17.6. The Resoondent will be given sufficient time to consider the allegations and to read any witness statements and other investigation materials before the hearing. This will be a consideration for the agreed date and time of the hearing.
- 17.7. All correspondence setting up the hearing should be in writing (preferably standalone documents rather than emails) so that a auditable record can be kept.
- 17.8. Once the investigation is complete, if HIOWT decides that a disciplinary hearing is required, it will correspond as follows:
 - 17.8.1. To the Respondent and Complainant confirming the outcome of the investigation (see paras 13 - 14)
 - 17.8.2. The Respondent will be invited to a disciplinary hearing.
 - 17.8.3. The Respondent informed of their right to bring a Companion.
 - 17.8.4. The Respondent informed that the Companion shall not be permitted to make submissions to the Disciplinary Committee on behalf of the Respondent, nor to answer any questions on the Respondent's behalf.
 - 17.8.5. Committee and Respondent's agreement for the date, time, location and any other arrangements.
 - 17.8.6. The Respondent will be provided with sufficient information about the allegations and their possible consequences to enable the Respondent to prepare for the disciplinary hearing. The Respondent must confirm receipt of each item of information. The information provided will be:
 - 17.8.6.1. The nature of the concerns and all the evidence in support of those concerns.
 - 17.8.6.2. A copy of this Policy document, so that the Respondent understands the process.
 - 17.8.7. The Respondent will also be invited to submit any documents or other evidence that they wish to rely on which has not already been disclosed.
- 17.9. The Respondent will inform HIOWT of the name of their Companion if they intend to bring one to the hearing. The Disciplinary Committee may object to the attendance of the companion if, in its sole discretion, there are reasonable grounds to do so. This might occur, for example, due to their connection with the investigation, any witnesses or

involvement in the allegations made. The Committee may have concerns regarding the Companion's potentially disruptive behaviour or concerns regarding confidentiality or even for their own safety; for example if they fear the companion may become threatening, aggressive or violent. The Committee may also want to prohibit a legally qualified person, such as a barrister, solicitor or legal executive, from attending as a Companion. When the Committee has objected to a Companion, the Respondent will be invited to choose an alternative Companion.

- 17.10. If the Respondent does not understand anything communicated to them, it is their responsibility to request clarification from HIOWT prior to the Disciplinary Hearing. If HIOWT refuses to provide clarification, in part or in whole, because it believes that it impinges on the Charge to be answered, then a reason must be given.

18. Respondent Unable to Attend

- 18.1. If the Respondent knows in advance that they cannot attend a scheduled Hearing, the Respondent should immediately inform the Disciplinary Committee Secretary with the reason. An alternative time will be arranged.

- 18.2. If the Respondent fails to attend a Hearing without notice or good reason, the Disciplinary Committee is permitted to reach a decision in the Respondent's absence, based upon the available evidence. This should be a last resort. When considering whether to proceed or not, HIOWT may want to consider the seriousness of the disciplinary issue under consideration, the possible sanctions/outcome, and how similar cases in the past have been dealt with before taking that step. It would be sensible to try to contact the Respondent to find out the reason for absence.

- 18.3. If the Respondent cannot attend a Disciplinary Hearing due to ill-health, they may genuinely not be well enough to attend but, alternatively, it may be in order to stall the procedure or to try and avoid attending a Disciplinary Hearing. Similarly, there may be employment issues, which are genuine or a reason to stall.

- 18.3.1. HIOWT will consider the nature of the reason, the likely extent of the delay, and whether the Hearing can reasonably be postponed until the Respondent is well enough or able to attend.

- 18.3.2. HIOWT may decide that it needs to proceed with the Disciplinary Hearing using an alternative means, such as by telephone or video call, at a neutral location, or by inviting a written submission and holding a hearing in their absence.

- 18.3.3. HIOWT may decide that the matter can wait until the Respondent is well enough, or able, to attend the Hearing, but matters should not be allowed to drag on.

- 18.3.4. Everyone should bear in mind that the Respondent may not be the only individual with an interest in the matter being resolved. Alternatively, HIOWT may decide that it needs to proceed with the Disciplinary Hearing, but by way of alternative means, such as by telephone or video call, at a neutral location, or inviting the Individual to submit written submissions and holding a Hearing in their absence.

19. Companion Unable to Attend

- 19.1. When a chosen Companion is unavailable, the points made at paragraph 18 are equally valid.
- 19.2. However, HIOWT does have one other option which is to insist that the Hearing proceeds and invite the Respondent to either attend alone or bring an alternative Companion.

20. Conduct of an Oral Disciplinary Hearing

- 20.1. This section is written with face-to-face in person Hearings considered. If a Hearing is held via a video alternative, the Disciplinary Committee must ensure that the conduct of the Hearing aligns with that outlined below, with the Chair having the power to make any necessary changes.
- 20.2. The Disciplinary Committee must consider the Charge on the basis of written submissions from all the parties (see paragraph 17) and previous investigation work.
- 20.3. The Disciplinary Committee must be mindful throughout the process to remain polite and calm. The Respondent will inevitably be under stress. The Respondent may react in a way not anticipated by the Disciplinary Committee and could be argumentative, bad tempered, angry, abusive or visibly distressed, or quiet, introvert or uncommunicative. The Disciplinary Committee should be sensitive to this and, if necessary, make sensible use of adjournments for time out and allow the Respondent to regain their composure before continuing.
- 20.4. When considering whether to proceed in the Respondent's absence, the Committee may want to consider the seriousness of the disciplinary issue under consideration and the possible sanctions and outcome, and how similar cases in the past have been dealt with.
- 20.5. Written notes of the Hearing shall be made by the Disciplinary Committee Secretary.
- 20.6. No electronic recordings are permitted to be made of the Hearing, by anyone present or remotely.
- 20.7. The detailed procedure for an oral Hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the Hearing, subject to the overriding requirement of fairness.
- 20.8. The Chair of the Disciplinary Committee must outline the manner and order in which the Hearing will proceed, and ensure everyone present understands them before the Hearing starts.

- 20.9. The Chair must ensure that the Respondent has received all the information that HIOWT has sent to them. It is the Respondent's responsibility to have previously read and understood that information.
- 20.10. The details of the Complaint must be put to the Respondent, who must confirm that they are understood or who must request and receive clarification. The Respondent will be afforded an opportunity to respond.
- 20.11. If new information comes to light during the Hearing or the Respondent raises pertinent issues, the Chair must decide how to proceed. Options will include a range including: from continuing to adjourning for further investigation and interviews. For the latter, any new information should be communicated to the Respondent who will be given the opportunity to respond. The Chair may decide that the fairest way forward would be to re-convene the Hearing at an agreed date and time.
- 20.12. Once both sides of the case have been presented and there are no further questions, the Hearing will be concluded. The Respondent will be advised that the decision will be communicated in writing once the Disciplinary Committee has had the opportunity to consider all of the evidence and form a decision. This ensures that proper consideration is given to what has been discussed and presented at the Hearing, and that the Respondent can see that they have been treated fairly and reasonably.
- 20.13. The Disciplinary Committee must not communicate, or intimate, an outcome at the end of the Hearing. Announcing the decision immediately after the conclusion of the Hearing may suggest that the outcome was predetermined.

21. Conduct of a Disciplinary Hearing Using Written Submissions

- 21.1. The Disciplinary Committee may consider the Charge on the basis of written submissions from all parties as appropriate. In most cases this is an unsatisfactory method of resolving the complaint, and should only be considered when an oral Hearing cannot be organised.
- 21.2. Even if the Complainant and Respondent agree to the format, it would still be wise to offer an oral Hearing. Oral Hearings allow the Committee members to take account of the Respondent's mannerisms, and therefore provide a sounder basis for the final outcome, especially if there is an appeal.
- 21.3. If written submissions are used for the Hearing, then the Complainant and Respondent must be given every opportunity to see and comment on the investigation finding, and each others submissions. This must be an iterative process, in order to make up for the lack of face-to-face enquiry and discussion.

22. Decisions and Available Sanctions

- 22.1. The standard of proof in all cases before the Disciplinary Committee is the balance of probabilities.

- 22.2. The Disciplinary Committee shall communicate its decision to the parties in writing as soon as reasonably practicable.
- 22.3. The Disciplinary Committee may dismiss the Complaint against the Respondent.
- 22.4. Where a Complaint is upheld, the Disciplinary Committee may impose such sanction upon the Respondent as it thinks fit including, and without limitation:
- 22.4.1. Issue a written warning or reprimand in respect of the misconduct or rule breach committed. Such warning will set out the nature of misconduct/breach, the change in behaviour required, the duration of the warning and the likely consequence of further misconduct/breach in that period;
 - 22.4.2. Suspend or exclude from HIOWT activities including competitions, matches, training, meetings or otherwise;
 - 22.4.3. Suspend or exclude from undertaking certain roles within HIOWT for a specified or indefinite period of time;
 - 22.4.4. Suspend the Respondent's membership of HIOWT for a specified period;
 - 22.4.5. Terminate the Respondent's membership of HIOWT;
 - 22.4.6. Suspend the ability of the Respondent to represent a member organisation of HIOWT for a specified period;
 - 22.4.7. Suspend the ability of the Respondent to represent a member organisation of HIOWT;
 - 22.4.8. A combination of any of the above or any other disciplinary sanction as considered appropriate by the Disciplinary Committee.
- 22.5. The decision taken by the Disciplinary Committee in relation to the sanction to be imposed must be reasonable and proportionate in all circumstances, and consideration may be given to the Respondent's previous disciplinary record.

23. Appeals

- 23.1. An Individual, Complainant and/or Respondent, may appeal the decision of The Disciplinary Committee within 10 working days of receiving the initial outcome letter.
- 23.2. The appeal must set out the grounds upon which it is submitted. Typically, the grounds upon which the appeal is made could include:
- 23.2.1. The Disciplinary Committee misdirected itself.
 - 23.2.2. The Disciplinary Committee reached an erroneous decision.
 - 23.2.3. Any new evidence upon which the Appellant seeks to rely.

24. Appeal Committee

- 24.1. The Appeal Committee shall be formed in a similar way, but not exactly, to the formation of the Disciplinary Committee.
- 24.2. The Appeal Committee will be convened on a case-by-case basis, rather than there being a standing Appeal Committee.

- 24.3. An Appeal Committee consisting of 3 Trustees shall be established and appointed by the Trustees. The Chair, Vice Chair or President of HIOWT shall normally be the Chair the Appeal Committee and shall not have already been Chair of the Disciplinary Committee.
- 24.4. An Appeal Committee Secretary must be appointed. This person will normally be the HIOWT Administrator, but the Chair can appoint an alternative person.
- 24.5. If the circumstances of the case deem it appropriate, the Appeal Committee Chair may, at their discretion or after discussion with the other Trustees, appoint an independent person to act as an advisor to the Committee. The independent person may for instance be invited from another County or Island Association, or from a professional dispute resolution organisation.
- 24.6. Each member of the Appeal Committee must have no previous knowledge or involvement with the matter under consideration, and must have no personal interest the outcome of the proceedings. Their only interest is to see that the decision is fair.
- 24.7. The Committee in assessing whether a member of the Appeal Committee has an interest in the outcome of proceedings shall give due consideration to any objections raised by the Complainant and Respondent.
- 24.8. In the event that a matter is referred to the Appeal Committee and a member of it either declares an interest or is deemed to have an interest by the Trustees or Appeal Committee, then such person shall be replaced on the Appeal Committee.
- 24.9. The appeal would normally take the form of a “review” of the original decision, rather than a full re-hearing. In practice, the Appeal Committee would review the original decision of the Disciplinary Committee and all of the evidence that the Disciplinary looked at in reaching its decision, and any subsequent evidence submitted.

25. Conduct of the Appeal Hearing

- 25.1. The appeal would normally take the form of a “review” of the original decision, rather than a full re-hearing. In practice, the Appeal Committee would review the original decision of the Disciplinary Committee and all of the evidence that the Disciplinary looked at in reaching its decision, and any subsequent evidence submitted.
- 25.2. Written notes of the Hearing shall be made by the Appeal Committee Secretary.
- 25.3. The Appeal Hearing may be held face-to-face, or via video alternative.
- 25.4. No electronic recordings are permitted to be made of the Hearing, by anyone present or remotely.
- 25.5. All appeal hearings shall take place in private. The public and the press shall have no right of access.

- 25.6. The detailed procedure for an Appeal Hearing shall be flexible and shall be at the discretion of the Chair of the Appeal Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the Hearing, subject to the overriding requirement of fairness.
- 25.7. The Chair of the Appeal Committee must outline the manner and order in which the Hearing will proceed, and ensure everyone present understands them before the Hearing starts. The Appeal Committee would normally consider all of the evidence first, then consider the Disciplinary Committee's deliberations and then its decision, before forming an Appeal Committee decision. This ensures that proper consideration is given to what has previously been discussed and presented.
- 25.8. The Appeal Committee must not communicate, or intimate, an outcome at the end of the Hearing.
- 25.9. It would be reasonable to expect the Appeal Committee decision within 1 calendar month.

26. Appeal Committee Decisions

- 26.1. The Appeal Committee will consider whether it was reasonable for the Disciplinary Committee to have reached the decision that it made. In doing so, it will consider whether there were reasonable grounds for the decision made by the Disciplinary Committee based on the evidence available to them at that time, whether the procedure was followed correctly, and whether the penalty imposed was reasonable, or too harsh or disproportionate, or too lenient.
- 26.2. The Appeal Committee shall have the power to:
- 26.2.1. Dismiss the appeal and therefore confirm the Disciplinary Committee's decision;
 - 26.2.2. Overturn any finding and any sanction imposed by the Disciplinary Committee;
 - 26.2.3. Substitute an alternative finding;
 - 26.2.4. Reduce or increase the original sanction; and/or
 - 26.2.5. Make such further order as it considers appropriate.
- 26.3. The standard of proof in all cases before the Appeal Committee is the balance of probabilities.
- 26.4. The Appeal Committee shall communicate its decision to the parties in writing as soon as reasonably practicable.

27. Disciplinary Matters Involving Children or Adults at Risk

- 27.1. Where a disciplinary matter involves a Child or an Adult at Risk, HIOWT and either the Disciplinary Committee and/or Appeal Committee must be mindful of the needs of the person in question and take these into account when deciding:

- 27.1.1. The format of proceedings, including whether special measures are required or adjustments need to be made to the Procedure. While an Appeal Hearing is conducted as a review except in exceptional circumstances, these issues may need the Appeal Committee to be more thoughtful about the format.
- 27.1.2. Any specific facilities required.
- 27.1.3. Any action to be taken against such a person.
- 27.1.4. The experience, knowledge and training of the Committee members.

27.2. Written permission should be obtained from any parent/carer of a Child or Adult at Risk who is asked to attend a hearing.

27.3. Where a Child or Adult at Risk is asked to attend a Hearing, they shall be afforded the opportunity to do so accompanied by their parent/carer or an appropriate adult. The relevant Committee shall take steps to satisfy itself that the Child or Adult at Risk fully understands the purpose and potential outcomes of the Procedure.

27.4. For the avoidance of doubt, the refusal of a Child, their parent/carer or an Adult at Risk to co-operate shall not preclude HIOWT from taking disciplinary action.

28. Summary of the Records to be Kept of the Complete Process

28.1. The HIOWT Administrator is responsible for ensuring that records filed and retained for the whole process from the receipt of a complaint to the last action taken. The records may be required in the future as an audit trail for any enquiry by any third party of the Trustees. A list of possible relevant records cannot be exhaustive, but a summary of what should be considered is listed below.

- 28.1.1. Details of the allegation(s).
- 28.1.2. Details of the investigation that was carried out, and the evidence which came to light as a result.
- 28.1.3. Copies of correspondence sent to, or received from, the Complainant(s) and Respondent(s) with enclosures.
- 28.1.4. Copies of correspondence setting up the Committees and their conduct.
- 28.1.5. Notes from the Disciplinary Hearing and any Appeal Hearing.
- 28.1.6. Decisions from Disciplinary and Appeal Committees, to include any sanctions imposed.
- 28.1.7. So far as possible, the rationale for decisions taken at the various stages. For example, why was it decided to:
 - 28.1.7.1.1. Have the form of Disciplinary Hearing used.
 - 28.1.7.1.2. Issue a warning.
 - 28.1.7.1.3. Not uphold his/her appeal.
 - 28.1.7.1.4. Not allow the Respondent's chosen Companion to attend.
- 28.1.8. Be cognisant that relevant records may be in various forms; paper, emails, various messaging forms.



29. Review of the Disciplinary Policy

29.1. The Disciplinary Policy should be reviewed and, if necessary, revised in the light of legislative, codes of practice or organisational changes.

Policy adopted on: 1 February 2024
Policy reviewed on: 10th May 2024 (RC)
Date of next review: 10th May 2027

Name – Lois Nash
Role – Chair
Date – 1 February 2024

Approved Version History

Ser	Version	Date	Chair
1	1.0	01/02/2024	Lois Nash