

Chesil Sailability Disciplinary Procedure

1. Introduction

Chesil Sailability's disciplinary procedure applies to all members of the sailing charity, and aims to ensure that all members are treated fairly and consistently in regard to their conduct. The procedure may be reviewed and amended by the Board of Trustees from time to time to meet any change in requirements.

2. Principles

- 2.1 No disciplinary action will be taken until an investigation has been undertaken by a person/persons, appointed by the Board of Trustees, who will not be involved in any subsequent disciplinary decision.
- 2.2 Disciplinary matters will be concluded without undue delay.
- 2.3 Disciplinary matters will be treated confidentially and only those directly involved in the procedure will be informed.
- 2.4 Disciplinary matters will normally be heard by the Board of Trustees.
- 2.5 The Board of Trustees may appoint a smaller panel to conduct the hearing, with a right of appeal to a further panel of Board of Trustees members who have not been involved in the original hearing.
- 2.6 A member who is the subject of disciplinary action will be advised in writing of the nature of the complaint against him/her, will be allowed sufficient time to prepare for a disciplinary hearing, and will be given the opportunity to state his/her case.
- 2.7 The member will have the right to be accompanied by a fellow member, or by another representative (but not a legal representative) at the discretion of the Board of Trustees/panel.
- 2.8 The member will have the right to appeal against any sanction or penalty imposed, and for that appeal to be heard by a panel of Board of Trustees members not involved in the original disciplinary hearing.
- 2.9 A proper record will be kept of any disciplinary decision, taking into account the need for confidentiality.
- 2.10 A complainant will be informed when the matter is concluded, but does not have the right to be informed of the nature of any sanction or penalty imposed.

Examples of misconduct offences include but are not limited to the following:

- Failure to comply with the charity's rules, byelaws, regulations, policies or codes of conduct, including health and safety and safeguarding policies
- Failure to pay membership subscriptions, session fees or other monies owed to the charity within a reasonable time.
- Theft or misappropriation.
- Deliberate damage to the property of the charity, or of a member.
- Assault on or deliberate injury to a member or guest.
- Foul, abusive or discriminatory language or behaviour or harassment.

- Harming or placing at risk of harm a child or young person aged under 18 or a vulnerable person.
- Conduct, whether within or outside the charity, which might bring it into disrepute by association.
- Any of the above which involve other people or property at the Weymouth & Portland National Sailing Academy, particularly when the action breaches Academy standards.

3 Procedure

3.1 A disciplinary issue arises

3.1.1 A disciplinary issue arises, or a complaint which raises a disciplinary issue is received by the Charity, and passed to the Chair of Trustees and acknowledged.

3.1.2 The Chair of Trustees informs the Board of Trustees that a disciplinary issue has arisen, or a complaint which raises a disciplinary issue has been received, and appoints a member to investigate it.

3.1.3 If the presence at the Charity of the member who is the subject of the complaint may put others at risk, his/her membership and/or attendance may be temporarily suspended pending the investigation and the outcome of any subsequent disciplinary hearing.

3.2 Investigation

3.2.1 The matter is investigated; this may include speaking to the complainant and gathering statements from any witnesses. In the case of failure to make a payment, it may involve checking the charity's financial records.

3.2.2 If, during the course of the investigation, it appears that the member may have committed a criminal offence, this may be reported to the Police and the internal disciplinary procedure will be put on hold until any Police investigation and subsequent prosecution has been concluded.

3.3 Hearing

3.3.1 If appropriate the Chair of Trustees appoints 3 Board of Trustees members to make up a Disciplinary Board of Trustees, (the member who conducted the investigation may be asked to present the case on behalf of the Charity), excluding any member who is related to either the complainant or the member who is the subject of the complaint, and any member who has been involved in a previous disciplinary action involving the same member.

3.3.2. The date, time and venue for the disciplinary hearing are decided, allowing sufficient time for the member to prepare his/her case.

3.3.3 The member is informed in writing of the nature of the complaint, is asked to attend the disciplinary hearing, informed of his/her right to be accompanied and provided with copies of this procedure, any relevant documents and witness statements.

3.3.4 If the member is unable, for good reason, to attend on the appointed date, the Disciplinary Board of Trustees should endeavour to agree a suitable alternative date. If the member is unable to agree a mutually acceptable date within a reasonable period, the hearing may take place in his/her absence.

3.3.5 The disciplinary hearing takes place.

3.3.6 No witnesses or statements should be introduced at the hearing without prior notice and copies of all written evidence must be produced for consideration prior to the hearing, to be available in advance to the parties.

3.3.7 The Disciplinary Board of Trustees may adjourn the hearing to allow further evidence to be referred to if the Disciplinary Board of Trustees considers it fair to do so.

3.4 Decision

3.4.1 The Disciplinary Board of Trustees decides whether misconduct has taken place, and if so decides on an appropriate and proportionate sanction or penalty.

3.4.2 After the Disciplinary Board of Trustees has reached a decision, the subject of the complaint will be notified in writing of such decision and informed of any penalties within 7 days of the decision being reached, penalties will be effective from the date of the decision.

3.4.3 A record is made of the disciplinary decision.

3.4.4 There is no appeal process.

V	Date	Author	Reason
1	1/4/2019	Hdel	Agreed by Board of Trustees