

NORTHERN COUNTIES ARCHERY SOCIETY

Discipline

The primary purposes of this document are to introduce a Procedure for disciplinary matters and to explain features of that Procedure. Secondary purposes are

- a) to offer a model that might be used by other Regional Societies, so that disciplinary action is operated in a broadly comparable way and with common understandings where responsibilities lie, and
- b) to offer a model that would encourage clubs and county associations within the Northern Region to act on disciplinary matters using procedures that would be sound.

Features of the Procedure

A "Summary Procedure" is available so that a quick resolution of problems is constitutionally possible. This would be used when the facts of an issue were not contested. A clear advantage of this facility is that it can be conducted with minimal formality and expenditure of officer time. A less clear advantage is that because few people are involved and the problem does not hang in the air there is little opportunity for rumour and for taking sides. This is felt to be particularly important at club level where the social nature of the organisation is so important to maintaining a good atmosphere. It is important at this stage that the smallest possible number of people know that an alleged offence is the subject of a procedure.

The procedure for hearings before a "Panel" has been designed to conform to principles of natural justice. In particular: an allegation of misconduct must specify which rule has been broken (see below); those hearing an allegation should be accepted as independent by the person against whom the allegation has been made (the Respondent); the Respondent should be allowed to know all the evidence brought against them and to be able to question any witnesses; the Respondent should be allowed to present evidence to support their position; the procedure is to be used within a short time frame.

The procedure allows for the rare instance of allegations so serious that officers have to suspend members before any investigation can be conducted. The procedure reminds all members that allegations of abusive behaviour towards junior members MUST be reported to Archery GB and to the appropriate Child Protection Officers.

For a list of the rules which Archery GB recognises for protection by its Disciplinary Procedure, see the AGB website/Documents/Governance/Policies/P-03-02. NCAS and its affiliates have additional rules that could result in the application of its Procedure.

John Davnall

Disciplinary Procedure

1. AUTHORITY

1.1 The Northern Counties Archery Society (NCAS) will act as the disciplinary authority in the following circumstances:

- i) when a complaint is received alleging a breach of AGB's and/or its own rules by a Member or a Member's supporter at an event organised by NCAS or on its behalf by an affiliated club or county association;
- ii) when a party to a complaint previously heard within a constituent county association wishes to appeal against the outcome of that association's deliberations;
- iii) when a Member alleges that the executive committee of his county association has acted in breach of rules or procedures of that association, NCAS or Archery GB (AGB);
- iv) when a Member or Member's supporter is alleged to have been in breach of rules of archery organisations at events outside the Northern Counties;
- v) when directed to act by the Case Management Panel (CMP) of AGB.

1.2 Where allegations are of actions which include inappropriate behaviour towards children, young adults and adults at risk, NCAS will direct that complaints be made in the formally correct manner to the AGB Protection Officer. When such cases have been determined by AGB, NCAS may review the allegations to ensure that aspects falling outside protection issues have been addressed.

1.3 Where allegations are of actions which have been referred to the police, action by NCAS will be limited to suspension of membership until the conclusion of the consequent investigation and court proceedings if any.

1.4 In pursuing disciplinary matters, NCAS follows AGB in requiring the full co-operation of its members. This requirement is set out at para 45 of the AGB Disciplinary Policy.

2. TERMINOLOGY

APPELLANT: the person making an appeal against a county association's disciplinary decision (see 1.ii above)

CHAIR: a Member taking the chair at meetings of a Disciplinary Panel.

CHAIRMAN: the Chairman of NCAS

COMPLAINT: a statement setting out allegations of misconduct.

COMPLAINANT: the person making a Complaint.

EVENT: any archery related activity including but not limited to: tournaments, meetings, coaching, social activities and circulation of newsletters.

RESPONDENT: the person against whom a Complaint is lodged.

RULES: statements governing the conduct of Member's and Member's supporters including but not limited to: Rules of Shooting, Codes of Conduct, constitutions and articles of association of clubs and other archery organisations. For a list of the rules which Archery GB recognises for protection by its Disciplinary Procedure, see the AGB website/Documents/Governance/Policies/P-03-02 (Part 1 and paras 22 &23). NCAS and its affiliates have additional rules that could result in the application of its Procedure.

3. PROCEDURE

3.1 At all times, any complaint and ensuing proceedings must be treated as confidential except as required below until proceedings are complete. If the complaint is referred on to Archery GB, whether on appeal or for other reasons, confidentiality should continue to be maintained.

3.2 Throughout this procedure the civil standard of proof will be applied and any matter will be determined on a balance of probabilities.

3.3 Referral

a) Complaints are to be submitted to the Chairman. Should this appear to give rise to a conflict of interest, or in the event of the Chairman's unavailability, an appropriate alternate from among the membership of the NCAS Committee will receive the complaint. In the following paragraphs the term "Chairman" should be taken as including any appropriate alternate.

b) Cases must be submitted in writing. Cases will require presentation in ways which differ in accordance with the circumstances (see above) as follows:

circumstance i) The Complainant must state which rules are alleged to have been breached and provide his own statement of the actions giving rise to the allegations. Witness statements, and other evidence, should be provided in support of the allegations at this stage;

circumstance ii) The Appellant should state the way(s) in which, it is alleged, the county association's deliberations were conducted inappropriately and/or the sanctions determined were disproportionate to the breach of rules deemed proved by the association. Witness statements, and other evidence, about the conduct of proceedings should be provided at this stage. The county association will provide a statement of the breaches found proved and of the sanctions determined. NCAS will not rehear evidence presented to the county association unless, having found that the association's proceedings had been conducted inappropriately, it determines that there is no prospect that the association could conduct a fresh hearing, of the particular case, appropriately;

circumstance iii) The Complainant must state which rules are alleged to have been breached and provide his own statement of the actions giving rise to those allegations. Witness statements, and other evidence, should be provided at this stage. Relevant minutes of meetings (whether approved or not) should be provided at the earliest opportunity;

circumstance iv) The Complainant must state which rules are alleged to have been breached and, to his knowledge, whether or not the matter has been referred to other bodies within archery and, if so, provide details. The Complainant must provide his own statement of the actions giving rise to the allegations and witness statements, and other evidence, should be provided at this time. Such statements and evidence must be entirely consistent with any provided to other bodies;

circumstance v) The Complainant will be advised of the receipt of the CMP instruction and must confirm that he wishes the case to proceed. He must immediately state whether or not he wishes to change any part of the particulars of his statements and must provide any additional witness statements or other evidence at this stage.

c) In all circumstances, the Complainant must provide, separately, a list showing contact details of witnesses. Statements should show clearly the name of the writer but not show contact details.

3.4 Initial Assessment of Complaint

The Chairman will review the Complaint and evidence and will decide whether the Complaint falls within the Society's competence. If he decides it does not, he will notify the Complainant; he may advise the Complainant of the alternative procedure for the Complaint. Otherwise the procedure below will be initiated.

3.5 Serious Allegations

a) Where the alleged behaviour is serious (see AGB Disciplinary Policy for guidance) the Chairman may with immediate effect suspend the Respondent from any or all archery activities in the Northern Counties. Such suspension will be notified to the Respondent, the NCAS Committee, the Chief Executive of Archery GB, the Secretaries of the other regional societies, the Secretary of the Respondent's county association, the Secretary of the Respondent's club and, where appropriate, the Archery GB Protection Officer.

b) Suspension under these circumstances is to be regarded as precautionary and not as a declaration of guilt. Such suspension may be lifted before the resolution of the complaint.

3.6 The Chairman will write to the Respondent notifying him of the Complaint that has been received, by whom the Complaint was made and whether or not the Complaint was submitted with evidence additional to the Complainant's statement. Notice of any suspension should normally be given at this time. In circumstances (ii) and (iii) the county association's Secretary will be the recipient of such notice, but the county association itself will decide who will act for it as Respondent and advise the Chairman accordingly.

3.7 Within 14 days of deemed receipt of the Chairman's notification the Respondent must inform the Chairman whether or not he wishes to dispute the Complaint or, if more than one, Complaints.

4. SUMMARY PROCEDURE

4.1 Where the Respondent does not contest the Complaint(s), he may at this stage provide a statement of mitigation. The Chairman will decide what penalty or penalties should be applied and will, as soon as practicable, notify the Respondent, the Complainant and other appropriate parties.

4.2 Where the Respondent wishes to contest the Complaint(s), he will be provided with the statement and evidence provided by the Complainant. Within seven days he should provide a written statement giving his grounds for contesting the Complaint(s) and should provide any evidence in his support. Where evidence is provided by other parties, the parties must be identified by name; the Respondent must provide, separately, a list of the parties showing contact details.

4.3 The Chairman and the Respondent may agree that the matter be resolved using the statements and evidence supplied and the responses to enquiries the Chairman may make. Following such agreement, the Complainant will be notified. The Chairman will decide whether or not to uphold the Complaint(s). If the Complaint is not upheld, the Respondent, Complainant and other relevant parties will, as soon as practicable, be notified. If the Complaint is upheld, the Respondent will be notified and will be invited to provide within seven days a statement of mitigation. The Chairman will decide what penalty or penalties are appropriate and will notify the Respondent, the Complainant and any relevant parties.

5. DISCIPLINARY PANEL

5.1 Where either the Chairman or the Respondent so wish the Complaint will be referred to a Disciplinary Panel of three Members of NCAS. The Panel members will be sought by the Chairman and should not be members of either the Complainant's or the Respondent's clubs and county associations. The Respondent will be notified of the

Members chosen for the panel and will be allowed to make a reasoned objection to any Member, in which case a replacement will be sought. The Chairman will appoint one member of the Panel to act as its Chair.

5.2 If the Respondent wants to question any witnesses, he must immediately specify which witnesses to the Chair.

6 DISCIPLINARY HEARING

6.1 The Panel will receive the statements and evidence. The Panel will agree which, if any, witnesses they will wish to question. At a time agreed with the Respondent and as soon as practicable, the Panel will meet to consider the Complaint and the evidence provided and to allow the Complainant, Respondent and witnesses to answer questions put by the Panel. The Respondent may be present throughout this process. The Respondent may question the Complainant and witnesses but such questioning shall be conducted through the Chair of the Panel. Should Complainant, Respondent or witnesses not be present the Panel will proceed on the basis of the evidence to hand.

6.2 The Respondent may be accompanied by a friend. Should the Respondent exercise this privilege, only one of the two shall speak during the meeting.

6.3 The Chair will direct when the presentation and questioning of evidence has ended. The Respondent will be invited to give an oral summary of his position.

6.4 The Panel will meet in private to reach a decision on each Complaint. The meeting will be closed and decisions will be notified as soon as practicable to the Complainant and the Respondent.

6.5 Where a Complaint is found proven, the Chair will invite the Respondent to submit to the Panel within fourteen days a statement of mitigation. The Panel will decide what penalty or penalties should be imposed; this decision will not require a further meeting of the Panel.

6.6 The Respondent and other appropriate parties will be notified of the Panel's decision as to penalty. Such notification to the Respondent will include information about the appropriate action should the Respondent wish to appeal against the decision to Archery GB.

7 PENALTIES

7.1 The following penalties are available to the Chairman and the Panel and may be used in combination with each other except that a CAUTION may be issued only when the Respondent does not dispute the complaint.

7.2 Where the Respondent does not dispute the Complaint, and after he has been allowed to provide a statement of mitigation, the Chairman may issue a written caution to the Respondent regarding his future conduct. Such a caution will be notified to the Complainant and to other appropriate parties. The Chairman may direct that the issuing of the caution be notified more widely by specified parties. The Respondent will be advised that should he be the subject of a further Complaint within 3 years he will not receive another caution and the earlier Complaint may be taken into account in determining any penalty imposed should the second Complaint be proven against him.

7.3 The Respondent may be instructed to write a letter or letters of apology (text to be approved by the Chairman or Chair of the Panel) to appropriate parties. An instruction may be given to appropriate parties that a copy(copies) of the letter(s) should be seen more widely, for example: club notice board, county newsletter etc. Letters must be prepared and sent within a schedule set by the Chairman or Chair of the Panel.

7.4 The Respondent may be instructed to give the Complainant and/or other appropriate party compensation for damage, loss or injury. Where this penalty is to be imposed, the Chairman or Chair of the Panel will review, and if necessary modify, the value of any claim by the Complainant or other party. Compensation must be given within a schedule set by the Chairman or the Chair of the Panel,

7.5 The Respondent may be suspended from all or any archery and archery related activity within the Northern Counties region. Such suspension may be conditional (i.e. until such time as the Respondent has been seen to comply with conditions imposed), or time limited, or indefinite (i.e. until the outcome of other proceedings is known). Such suspension may be notified to Archery GB and to other regional societies.

7.6 The respondent may be excluded from all or any archery and archery related activities within the Northern Counties region. Such exclusion will be notified to Archery GB.

7.7 The Chairman or the Panel may recommend to the Board of Archery GB that the respondent be excluded from membership of Archery GB.

7.8 When a complaint has been found proven, the Chairman or Panel may direct that some or all of the costs of any proceedings are to be met by the Respondent. Such a ruling will state the date by which payment will be due. Failure to comply with this ruling will result in immediate suspension by the Chairman of the Respondent's membership of NCAS until payment has been received. Any suspension imposed prior to the resolution of a Complaint will not be lifted until payment has been received.

7.9 Failure on the Respondent's part to comply fully with any penalty imposed will in itself constitute a disciplinary offence subject to further proceedings which may include reference to the Case Management Panel of Archery GB.

8. RECORD KEEPING

8.1 The Chairman or Chair as appropriate will prepare a summary of the proceedings and of the decisions reached. This summary, together with copies of the original Complaint, statements and notes taken by the Chairman and/or Panel members, will be kept by the Secretary of NCAS until such time as any penalties have run their course.

8.2 All records kept under 8.1 should be regarded as confidential except under 8.4 below or where required by Archery GB and other appropriate bodies.

8.3 An anonymised form of the summary will be presented to the next available meeting of the NCAS Committee and appended to the minutes of the meeting.

8.4 Subsequent Chairmen and Panel members may review records to facilitate the achieving of parity of outcomes.

9. COSTS

NCAS will reimburse the Chairman, Committee and Panel Members for expenses they may incur in their activities in resolving Complaints.