



## **Bearwood Lakes Golf Club**

### **DISCIPLINARY REGULATIONS.**

#### **Who is bound by these regulations**

These Regulations apply to all Members in any Membership category, Employees, Volunteers and Visitors to the Club.

Alleged breaches by Bearwood Lakes Golf Club employees will be subject to the disciplinary regulations and procedure as detailed in the Employee Handbook.

#### **Jurisdiction over disciplinary matters**

These Regulations will apply to:

- ❖ Alleged breaches of the Club Rules, Regulations, Policies and Procedures.
- ❖ Alleged breaches of the Rules of Golf, handicap infringements, disqualifications and any breach of Club Competition Rules.
- ❖ Any conduct which is detrimental to the general interests of the Club or which brings the Club or sport of golf into disrepute.

#### **Raising of complaints**

Any person or body may raise a complaint to be considered under these Regulations. Complaints should be made in writing to Ian Jackson Managing Director at [I.Jackson@bearwoodlakes.co.uk](mailto:I.Jackson@bearwoodlakes.co.uk) or to any other member of the management committee. The Club will make reasonable adjustments to deal with Complaints made in other ways where appropriate.

Within 14 days of the Club receiving a formal Complaint, the Disciplinary Secretary, who shall be independent of the matter, will investigate it and decide how to proceed.

#### **Next steps**

The Disciplinary Secretary shall decide upon the most appropriate course of action:

- ❖ Conclude that no further action is required
- ❖ To deal with the matter informally
- ❖ Refer the matter to the Disciplinary Panel

#### **Referral: constituting a disciplinary panel**

If the Disciplinary Secretary decides that the matter should be dealt with formally, a Disciplinary Panel will be set up to deal with the matter.

The Disciplinary Panel will be made up of 3 individuals, who will all be independent of the complaint of incident giving rise to the matter. One member of the panel will be appointed as Chair.



### **Issuing a notice of charge**

Once a Disciplinary Panel has been formed the Disciplinary Secretary will notify the Complainant of the decision to deal with the matter under these Regulations and send a summary of the alleged Misconduct with a brief factual summary of the supporting evidence.

Instructions on what the Respondent must do to either admit or deny the Charge and the deadline for indicating their response.

### **Admitting or denying the charge**

The Respondent shall have at least 14 days from the date of the Notice of Charge to respond and either: Admit the Charge or Deny the Charge in which case the matter will be dealt with by a full disciplinary hearing.

If the Respondent admits the Charge, the Disciplinary Panel may deal with it as under Decisions and Sanctions. The Respondent may make written representations in mitigation within 7 days from accepting the Charge or having been deemed to accept the Charge.

If the Respondent does not accept the Charge, the Disciplinary Panel will call a Disciplinary Hearing.

If the Respondent does not respond to the Notice of Charge within the time period outlined above, the Disciplinary Panel may call a Disciplinary Hearing, and may treat the Respondent as having admitted the Charge.

### **Notice for disciplinary hearings**

The Disciplinary Panel will give reasonable notice of any hearing or deadline for written submissions and should consider at least one re-scheduling to take into account prior commitments.

### **Decisions and sanctions**

The Disciplinary Panel may reach such decision and/or impose such sanctions as it sees fit, including without limitation, to:

- ❖ Dismiss the Charge as unproven.
- ❖ Issue a warning or reprimand in respect of the misconduct or rule breach committed.
- ❖ Suspend or exclude the Respondent from the Club and/or Club Competitions, Tournaments, Teams, meetings or other activities.
- ❖ Suspend the Respondent's Membership of the Club, and/or their ability or authority to attend the Club and exercise playing rights at the Club for a defined period.
- ❖ Permanently expel the Respondent from the Club; and/or
- ❖ A combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Panel as appropriate.

In the event of Membership Suspension there is no right to compensation for the period of suspension. Termination of membership will entitle the member to a subscription refund from the month following termination until the end of the paid subscription period. If they are a Debenture holder their Debenture will be forfeited.

The decision taken by the Disciplinary Panel in relation to sanctions must be reasonable and proportionate in all the circumstances. The Disciplinary Panel will give reasons for its decision.



If a right of appeal exists from the decision, the written decision must set out how that right can be exercised.

### **Matters involving young persons or adults at risk**

Where a disciplinary matter involves a Young Person and/or Adult at Risk of Harm, the Club, and the Disciplinary Panel must be mindful of the needs of the person in question and take these into account when deciding:

- ❖ The format of proceedings.
- ❖ Whether any action is taken against such a Young Person or an Adult at Risk of Harm;
- ❖ Whether any provisions in these Regulations should be varied.

The Disciplinary Panel should inform the Club Welfare Officer or, in their absence, the County Welfare Officer or the England Golf Safeguarding team of the circumstances surrounding the Young Person and/or the Adult at Risk of Harm before taking any action under these Regulations.

Written permission should be obtained from any parent / carer of a Young Person or Adult at Risk of Harm where such person is asked to provide evidence and / or attend a hearing. Where a Young Person or Adult at Risk of Harm is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by any parent / carer and the Disciplinary Panel shall make sure that the Young Person or Adult at Risk of Harm fully understands the process taking place.

For the avoidance of doubt, the refusal of the parent, Young Person or Adult at Risk of Harm to co-operate shall not preclude Club from taking disciplinary action against the Young Person or Adult at Risk of Harm.

### **Appeals – England golf framework**

Decisions which relate to the Rules of Golf or to handicapping infringements fall within the England Golf Disciplinary Framework and are subject to a right of appeal as set out below.

<b>Matter arising at</b>	<b>Disciplinary body at first instance</b>	<b>Appeal level</b>
Club	Club	County
County	County	England Golf
National	England Golf	England Golf Appeals Panel

There will no further right of appeal.

If the Respondent wishes to appeal a decision of the Disciplinary Panel, they must lodge the appeal to the Disciplinary Secretary in writing within 14 days of the date of the Disciplinary Panel's original decision being notified to the Respondent.

The Appeal Request must set out one or more of the grounds of appeal below and any further evidence on which the Appellant wishes to rely, together with reasons why the ground of appeal(s) applies. The grounds of appeal are as follows:

- ❖ The decision was based on error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it.
- ❖ Serious procedural or other irregularity in the proceedings before the Disciplinary Panel;



- ❖ Significant and relevant new evidence has become available which was not available before the conclusion of the hearing but, had it been available, may have caused the Disciplinary Panel to reach a materially different decision; and/or
- ❖ The sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

Following receipt of a Notice of Appeal, the Disciplinary Secretary shall consider whether the Notice of Appeal is valid, that is received in time and sets out a valid ground or grounds of appeal (but not whether any grounds of appeal have been made out). If the Disciplinary Secretary considers that the Notice of Appeal is valid, he will forward it to the County Secretary of BB&O Union or Berkshire Association as appropriate. If the Disciplinary Secretary considers that the Notice of Appeal is not valid, he will return it to the Respondent and explain why it is not valid.

The BB&O Union or Berkshire Association Disciplinary Regulations will apply thereafter to any appeal, unless England Golf has determined that it should hear the matter, in which case the England Golf Disciplinary Regulations will.

### **Appeals – internal club matters**

If the Respondent wishes to appeal a decision of the Disciplinary Panel to which Regulation 11 does not apply, they must lodge the appeal to the Disciplinary Secretary in writing within 14 days of the date of the Disciplinary Panel's original decision being notified to the Respondent. The notice of appeal shall include full details of the grounds of appeal.

If the Disciplinary Secretary considers that the Notice of Appeal is not valid, he will return it to the Respondent and explain why it is not valid.

If the Disciplinary Secretary considers that the notice of appeal is valid, in which case the Disciplinary Secretary will appoint an Appeal Panel comprising 3 individuals who have had no prior involvement and have no actual or potential interest in the matter.

The Appeal Panel shall determine whether an appeal of a Disciplinary Panel decision shall be by way of review only or a full re-hearing of all the evidence presented to the Disciplinary Panel, with due consideration being given to any requests made by any relevant party.

An Appeal Hearing may deal with an appeal on the basis of written submissions from the Appellant and the Respondent.

The standard hearing procedure for disciplinary hearings set out at **Appendix 1** may also be followed by the Appeal Panel at their discretion.

The Appeal Panel shall have the power to:

- ❖ Dismiss the appeal.
- ❖ Confirm, cancel, reduce, or increase the original sanction.
- ❖ Substitute a different form of sanction as they consider appropriate.

The decision of the Appeal Panel may be communicated at the Hearing, but must, in any event, be communicated in writing within 7 days of the hearing or deliberation of written submissions taking place.



### **Miscellaneous provisions**

The Disciplinary Panel will make decisions by a simple majority of over 50%. The Disciplinary Panel is not obliged to disclose to the Respondent how individual members of the Disciplinary Panel voted or whether the decision was a majority or a unanimous decision.

The standard of proof in all cases before the Disciplinary Panel and the Appeal Panel is the balance of probabilities.

Any timescales or deadlines set in respect of matters dealt with under these Regulations may be extended by the Chair in the light of all material circumstances of the case and the individuals involved in the case.

The Disciplinary Panel and Appeal Panel are not obliged to follow strict rules of evidence. They may admit such evidence, and attribute such weight to any piece of evidence, as they deem fit in the circumstances.

The Club will not be liable to any person, Member or Participant for any loss, however, caused, whether direct, indirect, financial or consequential arising out of or in connection with any matters taken under these Regulations.

The laws of England & Wales shall apply to these Regulations.



## APPENDIX 1

### **Standard disciplinary hearing procedure**

- ❖ If deemed to be required, prior to any hearing, the Disciplinary Panel will set appropriate deadlines for the submission of any written evidence / representations requested from the Disciplinary Secretary or the Respondent.
- ❖ The hearing will be convened by the Disciplinary Panel at a time suitable to the parties and communicated to the parties by the Disciplinary Secretary.
- ❖ The case against the Respondent will be presented by the Disciplinary Secretary, together with relevant evidence, including witness evidence, if appropriate.
- ❖ The Respondent will be granted the opportunity to present its case, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary Panel. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the discretion of the Chair of the Disciplinary Panel.
- ❖ A Representative representing a Respondent at a hearing may present and sum up their case, but they may not answer questions put to the Respondent.
- ❖ Before being called, witnesses will not be allowed in the room while evidence is being given. This does not apply in relation to the Complainant or Respondent.
- ❖ Questions may be put by the Disciplinary Panel to the Respondent and each witness on conclusion of their evidence.
- ❖ The Respondent will have the opportunity to raise questions in cross-examination.
- ❖ The Disciplinary Panel may limit cross-examination as it deems appropriate.
- ❖ The Respondent and the Disciplinary Secretary will be allowed to make a closing statement to the Disciplinary Panel.
- ❖ The room will be cleared and the Disciplinary Panel will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proven.
- ❖ The hearing will reconvene and the Chair of the Disciplinary Panel shall either communicate its decision to the parties at the end of a hearing or notify the decision in writing at a later date as set by the Disciplinary Panel.
- ❖ Where a charge is proven the Respondent will have the opportunity to present arguments in mitigation.
- ❖ The Disciplinary Panel will review the Respondent's previous disciplinary record, where relevant, to consider sanctions.
- ❖ The room will again be cleared and the Disciplinary Panel will determine the appropriate sanction.
- ❖ A record kept of all disciplinary proceedings and hearings and decisions.