



PROCEDURE FOR COMPLAINTS, DISCIPLINARY ISSUES AND MEMBERSHIP SUSPENSION AND EXPULSIONS

COMPLAINTS PROCEDURE

1. INTRODUCTION

The BBTSA is committed to providing a quality service to its members and affiliated bodies and the complaints procedure will ensure a fair and consistent solution to complaints or allegations.

These procedures should be read in conjunction with the BBTSA grievance procedures, disciplinary procedures, procedures for Membership Suspension and Expulsions and Appeals procedures.

2. PRINCIPLES

The complaints procedure will be implemented in relation to complaints or allegations against a coach, official or member.

The procedures will be implemented when dealing with issues relating to:

- **Criminal Offences:** such as Sexual Assault or abuse; physical abuse; fraud, theft; criminal damage, drug abuse and possession of obscene or inappropriate photographic materials or electronic images of children.
- Misuse of position of power or influence in a relationship of trust.
- Breach of the BBTSA Codes of Conduct and Code of Ethics.
- Breach of best practice in coaching or judging as conveyed through the BBTSA coach/judge education program.
- Breach of the BBTSA Constitution or byelaws, Breach of Confidentiality
- Misrepresentation.

When a complaint may relate to allegations or suspicions of abuse against a child or vulnerable adult the guidelines contained in the Child Protection Policy should be followed.

3. PROCEDURE

When an individual chooses to make a complaint, the issue must be detailed in writing and forwarded to the Sport Development Officer (Designated person), who if the complaint is not in connection with the Child Protection Policy will forward the complaint to the person or persons designated to deal with that type of complaint.

ACTION TO BE TAKEN

- i) A letter acknowledging receipt of the complaint will be sent by the person designated to receive the complaint within 5 days of receipt of the complaint.
- ii) The designated person in consultation with a second senior official will appraise the significance of the complaint before determining an appropriate course of action.

If the complaint or allegations are considered to be of a serious or significant nature the complaint must be forwarded to the Sport Development Officer and marked "private & confidential".

Complaints against the Sport Development Officer should be sent to the Chairman of the Association and marked 'Private and Confidential'.

- iii) The designated person will inform the person/s against whom the complaint is made and provide detail of the allegations or complaint. The accused person will be invited to provide a signed written statement in response to the allegations.

- iv) Upon receipt of the accused person/s statement the designated person may request written statements from other relevant persons/witnesses to obtain corroborative evidence.
- v) Depending on the nature or significance of the complaint the designated person may:
 - a) Attempt to resolve the situation by implementing an action which is fair, reasonable and proportional to the complaint or
 - b) If the matter cannot be resolved it should be passed to the next higher designated authority or body.
- vi) Once an action has been determined the accused person will be notified in writing of the course of action to be taken and the person making the complaint will be informed about the outcome of the enquiry.
- vii) The accused person/s has the right to appeal within two weeks of receipt of the letter describing the course of action and the BBTSA appeals procedure will be implemented. (Section 7)

4. MATTERS REFERRED TO THE BBTSA

Where a matter has been considered by a BBTSA Affiliated Association or technical committee and is then to be referred to The BBTSA the following procedures will be adopted:

(a) MATTERS REFERRED FROM AN AFFILIATED ASSOCIATION

(i) In cases where a verdict has been reached:

Immediately after the verdict has been reached the Affiliated Association shall forward a copy of it to the Chairman together with details of the matter giving rise to the disciplinary action and of any action taken or to be taken by the Affiliated Association in connection with the verdict and of all papers, documents or other information relating to the matter which are in the possession of the Affiliated Association.

The Chairman shall, within 10 days after receipt of that information notify the member concerned, extending in (so far as is applicable) the sanction imposed by the Affiliated Associations verdict to that member's membership of The BBTSA and setting out details of the right of appeal and the appeals procedure.

(ii) In cases where the verdict has not been reached:

The Affiliated Association shall immediately refer the matter to Chairman and forward to the Chairman all papers, documents and other information relating to the matter which are in possession of the Affiliated Association.

The Chairman shall, within 10 days after the receipt of the information, inform the member concerned that a matter has arisen which could give rise to disciplinary action and shall put in motion the disciplinary procedures.

(b) MATTERS REFERRED FROM A TECHNICAL COMMITTEE

(i) In cases where a verdict has been reached:

Immediately after the verdict has been reached the Technical Committee shall forward a copy of it to the Chairman together with details of any action taken or to be taken by the Technical committee in connection with the verdict and of all papers, documents or other information relating to the matter which are in the possession of the Technical Committee.

The Chairman shall, within 10 days of receipt of the above, inform the member concerned of the verdict and of the right of appeal and the appeals procedure.

(ii) In cases where a verdict has not been reached:

The Technical Committee shall immediately refer the matter to the Chairman and forward to the Chairman all papers, documents or other information relating to the matter that are in the possession of the Technical Committee. The Chairman shall, within 10 days after the receipt of the information, inform the member concerned that a matter has arisen which could give rise to disciplinary action and shall put in motion the disciplinary procedures.

(c) Matters not falling within (a) or (b) above:

The Chairman shall within 10 days of his becoming aware of the matter which could give rise to disciplinary action inform the member concerned of that matter and shall put in motion the disciplinary procedure.

5. COMPLAINTS OR ALLEGATIONS OF A SERIOUS NATURE

(a) Complaints or allegations of a serious nature should be forwarded immediately to the Sports Development Officer of the BBTSA who, if the complaint is not in regard to the Child Protection Policy will pass the complaint onto the Chairman who may delegate the matter to the appropriate designated person or body for action.

(b) If any of the circumstances giving rise to the complaint or allegations are considered to be serious the hearing will be taken by a Disciplinary Panel of The BBTSA. Where a matter has been referred by an Affiliated Association of The BBTSA or a Technical Committee, the decision to suspend or expel the member concerned will be made by a BBTSA Discretionary Panel. In all cases, notification of a suspension or expulsion will be issued by the Chairman.

(c) A suspension may be for a defined period or for an indefinite period. In any case where a member is suspended for a period which extends beyond the annual renewal date for membership of The BBTSA, that member's membership will lapse, and thereafter the effect of the suspension will be to postpone the consideration of an application to renew membership until the end of the period of suspension. Notwithstanding any such lapse of membership, any disciplinary action may be taken against, and any disciplinary process may be commenced or continued in respect of, the member concerned if the NEC Board in its absolute discretion so decides and any disciplinary action or decision taken or made in respect of that member on or before the date on which membership lapsed will continue to apply unless overturned on appeal. Following such lapse of membership the member may, if he or she so elects, lodge an appeal or continue any appeal he or she may have lodged under the appeals process.

6. EXPENSES

At no time during the disciplinary or appeals process will The BBTSA be liable for any travel, subsistence or accommodation costs of the member concerned or of his or her representative or for any fees which may be payable to any such representative.

The BBTSA shall, however, meet reasonable travel costs of any witnesses who may be required by The BBTSA to attend any hearing in the disciplinary or appeal process.

7. BREACHES OF CONDUCT AND ETIQUETTE BY INDIVIDUAL MEMBERS

These rules are made under the provisions of the Powers of the Board as defined in the Constitution currently in force. They apply to all members of The BBTSA.

If the complaint is of a criminal nature, the Chairman and Sport Development Officer will confer and will:

- (i) Inform the appropriate police or Social Services Department and agree a course of action or investigation and may:-
- (ii) Suspend the membership of the accused person while the matter is being investigated. The BBTSA will cooperate fully with the investigating authorities.
- (c) The Chairman or any person authorised by him shall at his discretion investigate the alleged breach(es) gathering statements from, or interviewing, so far as is reasonably practicable all relevant witnesses.
- (d) The Chairman in conjunction with the Sport Development Officer will determine the course of action to be taken and all parties will be notified in writing.
- (e) If disciplinary procedures are to be implemented, the BBTSA Disciplinary Procedures and Appeals Procedures will be applied.

6. CONFIDENTIALITY

Confidentiality must be maintained throughout the enquiry or investigation in accordance with the BBTSA Code of Conduct and Ethics.

MEMBERSHIP SUSPENSIONS & EXPULSIONS

1. SUSPENSION AND EXPULSION

(a) The circumstances which may give rise to the suspension or expulsion of a member are set out, in the section - Breaches of conduct and etiquette. The procedure to be followed is set out below and will be operated regardless of the reason for the suspension or expulsion.

(b) The NEC or the Chairman or any Technical Committee or Disciplinary Panel may suspend a member pending an investigation into or a disciplinary hearing or appeal regarding any alleged breach of BBTSA rules relating to conduct or etiquette. These rules will apply with effect from 1st June 2003 in relation to any breach of conduct or etiquette occurring, or alleged to have occurred, on or at any time before or after that date. They will not apply, however, to any breach or alleged breach which has been finally determined by the BBTSA, or to any disciplinary action taken or decision made by the BBTSA (including suspension or expulsion from membership), on or before that date.

1. MEMBERSHIP

Membership of the BBTSA is deemed to be a privilege and, while open to all members of society, is not automatic. The BBTSA reserves the right to refuse membership to any person applying to the BBTSA and also reserves the right to suspend or cancel the membership of any member who, in the opinion of the BBTSA, has not conducted him/herself in a manner deemed appropriate for a member of the BBTSA. Any person who has been refused membership or renewal of his or her membership, or who has had their membership either suspended or cancelled, has a right of appeal against that decision as set out in paragraph 4 (c) of this section.

The BBTSA will publish via its national or regional minutes, the names and addresses (and where appropriate the name and addresses of the club to which they are attached) of those members suspended or expelled, but will not make public the reason for the decision.

2. CONDUCT WHICH MAY LEAD TO DISCIPLINARY ACTION

In addition to the above disciplinary action may be taken:

(i) Conduct unbecoming a member of the BBTSA, the penalty for which is suspension or expulsion from the BBTSA. This falls into two classes:

(a) Breach of duty or prohibition imposed by the WBTF, CETB, BBTSA or any of its Affiliated Associations.

(b) Conduct which a Disciplinary Panel of the BBTSA has held to be conduct unbecoming a member of the BBTSA.

The BBTSA considers that conviction of any criminal offence (other than minor road traffic offences) may, depending on the seriousness of the offence and its circumstances, be incompatible with membership of the BBTSA. The BBTSA views the following criminal offences as extremely serious and an allegation that a member has committed any of them may lead to suspension pending a disciplinary hearing, and if the allegation is proved at the hearing, expulsion:

a) Sexual Abuse

b) Physical Abuse

c) Fraud

d) Theft

e) Criminal Damage

f) Abuse of Drugs

g) Emotional Abuse

h) Possession of pornographic or inappropriate materials of children or vulnerable adults.

(ii) Improper conduct, being conduct which a Disciplinary Panel has found does not come within paragraph 2 (i) above but should nevertheless be subject to some form of penalty or censure.

Examples of improper conduct include; misrepresentation, breach of confidentiality, and a breach of coaching best practice.

(iii) Breach of etiquette, being a breach of good manners or behaviour not in conformity with the accepted traditions of Baton Twirling (The penalty for this is within the discretion of the Technical Committee). The Technical Committee may from time to time publish additional rules provided that they do not conflict or are not inconsistent with these rules.

SECTION SIX: BREACHES OF CONDITIONS ETC. BY CLUBS

Any allegation that a club registered with the BBTSA has breached any of the conditions of registration or any of the provisions of the Constitution, bye-laws or rules and regulations of the BBTSA will be investigated by the Chairman at his discretion. The Chairman may suspend the club, which will automatically suspend the club's insurance benefits through the BBTSA during the investigation.

The club will be informed of the allegation(s) made against it, and be given the opportunity to state its case at a hearing, to call any witnesses it thinks appropriate and to question any witnesses called to support the allegation(s). The club may be represented by an officer or advisor. Refer to the Disciplinary Procedures, section eight.

If the hearing finds that the allegation(s) is or are proved sanctions which are reasonable and in proportion may be imposed as follows:

PENALTIES

1. Exclusion of the club and/or its members from competitions for a specified period.
2. Withholding of new coaching qualifications for a specified period.
3. Withdrawal of insurance benefits through the BBTSA for a specified period.
4. Suspension of a club official(s) for a specified period.
5. Suspension of Club for a specified period.
6. Expulsion of official(s).
7. Expulsion of Club.

Clubs will not be entitled to a refund of any fees paid to the BBTSA for the duration of the penalty or as a result of any expulsion.

Any club may appeal against the decision and/or the penalty imposed by sending a written notice of appeal to the Chairman, setting out the grounds of appeal to the Chairman, within one month of the notification of the decision to the club. Any decision made and penalty imposed will be effective unless and until overturned on appeal. Refer to the appeals procedures section seven.

SECTION SEVEN: DISCIPLINARY AND APPEALS PROCEDURE

These procedures will apply with effect from 1st June 2003 in relation to any breach by any club, official, member or technical member of any provision of the BBTSA Constitution or any Bye-Laws made by the NEC pursuant to the Constitution (including any rules made regarding the conduct of etiquette of members) or any rule or direction made under them, which has occurred or is alleged to have occurred on or at any time before or after that date.

These procedures will not apply, however, to any such breach or alleged breach which has been finally determined by the BBTSA, or to any disciplinary action taken or decision made by the BBTSA (including suspension or expulsion from membership), on or before that date nor to any disciplinary case outstanding on that date where any other disciplinary and/or appeals procedure has been agreed in writing between the BBTSA and the club, official or member concerned.

The main Convention provision of the Human Rights Act (2nd October 2000) requires that any hearing should be free from any kind of prejudice and that there should be no appearance of any bias.

The individual has the Right to a Public Hearing and the Right to a Fair Hearing within a reasonable time. The BBTSA Disciplinary and Appeals procedure encompasses these rights but the person/or club being disciplined may waive the right to have the proceedings heard in public. The BBTSA may prescribe that a closed hearing is necessary in the interests of justice, morality, or for the protection of children or vulnerable adults, or the private life of the parties concerned. An Arbitration Clause may be implemented which removes the right to a public hearing but this must be stated and agreed by all parties.

The BBTSA Procedure for dealing with complaints section three should be implemented in conjunction with the disciplinary procedure.

A: DISCIPLINARY PROCEDURE

1. The Chairman or any person authorised by him shall inform the member concerned in writing of the allegation(s) made against him/her.
2. The Chairman shall consider whether the member should be suspended while the allegations are being investigated. If he decides that the member should be suspended, he shall advise the member of the suspension and its duration.
3. The Chairman, or any person(s) authorised by him, shall in his discretion investigate the alleged breach(s), interviewing, so far as is reasonably practicable, all witnesses whom the Chairman or that authorised person consider may be relevant to the investigation.

If any of the circumstances giving rise to the alleged breach(es) are or become the subject of any criminal investigation or charge or any civil claim or proceedings, the Chairman's investigation may, at the NEC's discretion, be restricted or suspended, and/or the disciplinary procedure may be suspended and any disciplinary hearing or appeal may be postponed, pending the outcome, of any such criminal investigation or charge or any civil claim or proceedings.

4. In consultation with the Vice Chair the Chairman shall form a Disciplinary Panel of one independent Chairman to ensure impartiality and two persons drawn from a list approved by the Board ensuring, in so far as it is possible to do so, that none of the individuals selected is known to the member concerned or has been involved in the gathering of evidence or direct involvement in the case.

5. In conjunction with the disciplinary Panel Chairman and taking into account the likely time needed to set up the proceedings, the Chairman shall set a date, time and place for the hearing, within a reasonable time of receiving the evidence of a breach. In so far as it is practical to do so the hearing will normally be held at a time and place convenient to the member concerned.

6. The Chairman shall formally notify the member concerned of the date, time and place of the hearing. The member must, at the same time, also be advised of his/her rights of the representation and appeal and of the right to a public hearing. The Chairman may at this stage prescribe that a closed hearing is held and must seek the consent of the member. The member will be invited to produce any evidence that he/she wishes to introduce and to supply details of any witnesses he/she may require to give evidence on his/her behalf.

7. The Chairman shall ensure so far as he is able to do so that all documentary evidence to be put before the Disciplinary Panel by the BBTSA is collated prior to the hearing and that the evidence is disclosed to the member. The BBTSA will, so far as reasonably practicable, normally seek to complete the collation of such evidence by no later than 7 days prior to the date of the hearing and allow the member concerned at his request to have a copy of or access to such evidence.

8. The Chairman shall contact all witnesses whose presence is required by the BBTSA at the hearing and ask them to confirm their attendance. In the event that a witness is unable to attend arrangements will be made for written evidence to be substituted. It will be the responsibility of the member concerned to ensure that the attendance at the hearing of any witnesses whom he/she may wish to give evidence and that written evidence from any witness who is unable to attend is available at the hearing.

9. The Chairman shall confirm to the member concerned, normally and so far as is reasonably practicable no later than 7 days prior to the date of the hearing, that the hearing will proceed and, at the same time so far as is reasonably practicable, confirm the documentary evidence and witnesses to be produced or called by the BBTSA.

10. At the hearing, the member concerned will be entitled to be represented or accompanied by a friend, colleague or adviser but no fees or expenses will be paid by The BBTSA to, or in respect of the representative or companion of the member concerned.

11. The hearing will be held in accordance with the following procedure:

(i) Chair of the Disciplinary Panel explains reasons for the hearing and outlines the procedures to be followed.

(ii) Chairman or any person authorised by him adduces evidence in support of the allegation(s).

(iii) Member (or representative) has an opportunity for questions.

(iv) Witnesses called by The BBTSA give evidence.

(v) Member (or representative) has an opportunity to question those witnesses.

(vi) Member (or representative) adduces evidence in defence of the allegation(s).

(vii) Chairman has an opportunity for questions.

(viii) Member (or representative) produces his/her witnesses.

(ix) Chairman has an opportunity to question those witnesses.

(x) Chairman has an opportunity to make a final statement.

(xi) Member (or representative) has an opportunity to make a final statement.

(xii) Disciplinary Panel considers the issues and reaches a conclusion.

12. At any point in the above proceedings any Disciplinary Panel member may put any questions which he/she wishes. The Disciplinary Panel may in the course of proceedings make any ruling concerning the admissibility of evidence or any other matter and may regulate the conduct of the hearing or of any appeal as it thinks fit, provided always that the procedure in paragraph 11 is adhered to. A mitigation plea may be considered.

13. The member concerned will be subsequently notified in writing of the outcome of the hearing.

In the event of disciplinary action being decided the member shall also be notified of the rights of appeal and the appeals procedure.

14. The BBTSA will publish, or cause to be published, in NEC Minutes the names of all members or clubs suspended or expelled, and circulate a list of all such names to the national or regional committees, as appropriate.

B: APPEALS PROCEDURE

- 1.** If a member or club wishes to appeal against any disciplinary decision made in respect of him/her or a club by any Disciplinary Panel, Technical committee or Affiliated Association or a decision of the BBTSA or any committee or official of the BBTSA to refuse him/her membership, or refuse to renew his/her membership, he/she must appeal in writing to the Chairman within one month of being notified of the decision setting out his/her grounds of appeal. The appeal must be accompanied by a fee of £25.00 which may be retained by the BBTSA.
- 2.** Any decision made or any disciplinary penalty imposed by any Disciplinary Panel will be effective unless and until overturned on appeal.
- 3.** If a member or club wishes to appeal against any decision of the Disciplinary Panel, the member or club may request that the matter is dealt with by a fully independent Appeals Panel. No person who was a member of the disciplinary Panel which made the decision the subject of the appeal shall be selected as a member of the Appeals Committee.
- 4.** In conjunction with the Appeals Committee members, and taking into account the likely time needed to set up the proceedings, the NEC Chairman shall set a date, time and place for the appeal hearing within a reasonable time of receiving the appeal. In so far as it is practical to do so, the appeal hearing will normally be held at a time and place convenient to the member concerned.
- 5.** The NEC Chairman will formally notify the member concerned of the date, time and place of the hearing and of his/her rights of representation.
- 6.** The NEC Chairman shall obtain for the appeal the documents which were adduced in evidence at the hearing from which the appeal arises. Copies of these documents, which are not already available to him, shall be sent to the member normally at least seven days prior to the date of the appeal hearing.
- 7.** The NEC Chairman shall, so far as is reasonably practicable, contact all witnesses whose presence is required by the BBTSA at the appeal hearing and ask them to confirm their attendance. In the event that a witness is unable to attend, so far as is reasonably practicable, arrangements will be made for written evidence to be substituted. It will be the responsibility of the member concerned to ensure the attendance at the hearing of any witnesses whom he/she may wish to give evidence and that written evidence from any witness who is unable to attend is available at the hearing.
- 8.** The NEC Chairman shall confirm to the member concerned, normally and so far as is reasonably practicable no later than seven days prior to the date of the appeal hearing, that the appeal hearing will proceed, and at the same time, so far as is reasonably practicable, confirm the documentary evidence and witnesses to be produced or called by The BBTSA.
- 9.** At the appeal hearing the member will be entitled to be represented or accompanied by a friend, colleague or adviser but no fees or expenses will be paid by The BBTSA to, or in respect of, any representative or companion of the member.
- 10.** The Appeals hearing shall be held in accordance with the following procedure:
 - (i)** Chairs of Appeals Committee explains the reason for the hearing and outlines the procedure.
 - (ii)** NEC Chairman adduces evidence in support of the allegation(s).

- (iii) Club or member has opportunity for questions.
- (iv) Witnesses called by the BBTSA give evidence.
- (v) Club or member has opportunity for questions.
- (vi) Club or member adduces evidence in defence of the allegation(s).
- (vii) Opportunity for questions by the NEC Chairman.
- (viii) Club or member calls for witnesses.
- (ix) The NEC Chairman has opportunity for questions.
- (x) The NEC Chairman has an opportunity to make a final statement.
- (xi) Club or member has an opportunity to make a final statement.
- (xii) Appeals committee considers the issues and reaches a conclusion.

At any point in the above proceedings any Appeals Committee member may put any questions he/she wishes. The Appeals Committee may in the course of proceedings make any ruling concerning the admissibility of evidence or any other matter and may regulate the conduct of the appeal as it thinks fit provided always that the procedure set out above is adhered to.

The hearing will be held in accordance with the procedure set out in paragraphs B10 of the above Appeals Procedure. Any evidence given at the disciplinary hearing may be given at the appeal hearing. The rules set out below must be followed in relation to new evidence.

11. NEW EVIDENCE

It is recognised that there may be instances where new evidence, which was not adduced at the disciplinary hearing comes to light. If any party wishes to adduce any new evidence at the appeal hearing that party must give written notice to the other party at least seven days before the appeal hearing.

If this procedure is complied with, the Appeals Committee will hear the new evidence. If the procedure is not complied with, the Appeals Committee may, in its absolute discretion, after taking into account the representations of the parties concerning the hearing of any new evidence, hear the new evidence, adjourn the appeal hearing to a later date, remit the matter to the NEC Chairman for rehearing or rule that the new evidence or any part of it is not admissible in evidence.

12. The Appeals Committee will have the right to vary any decision made by the Disciplinary Panel which is the subject of the appeal and will have the right to increase the severity of any disciplinary penalty or action imposed by the disciplinary Panel.

13. The BBTSA will publish, or cause to be published in the NEC Minutes the outcome of the appeal, and notify the national or regional committees, as appropriate, of the outcome.