

# Brancepeth Castle Golf Club

## Code of Conduct Policy and Disciplinary Procedure

### 1. Scope

1.1 The Club expects members and guests to show respect to other users and to club premises at all times. Adherence to club regulations and protection of the reputation of the club are explicit conditions of membership. On the course, players are expected to show respect for the course and fellow players, and practice accepted standards of golf etiquette such as fair play and pace of play.

1.2 This policy defines “unacceptable behaviour” and outlines the process by which reports of unacceptable behaviour will be managed.

1.3 The policy does **not** cover the following:

- Complaints regarding the condition of the course: these should be referred to the chair of the greens subcommittee directly or via the office manager
- Complaints regarding the condition of the clubhouse or facilities: these should be referred to the chair of the house subcommittee or bar/catering committee directly or via the office manager
- Complaints regarding general club management: these should be referred to the office manager who will pass it to the office subcommittee.
- Complaints regarding the behaviour of a staff member should be referred to that staff member’s line manager. The office manager will advise who the line manager is.

### 2. Definitions of unacceptable behaviours

2.1 For the purpose of this document ‘unacceptable behaviour’ includes, but is not exclusively:

- Any act, or failure to act, that threatens or compromises the integrity or reputation of the Club. This may include events occurring on or off the club premises.
- Abusive or aggressive language or behaviour directed at any member of staff, member or guest while on club premises, including the golf course.
- Bullying, harassment and discriminatory behaviour (see appendix one) on club premises.
- Smoking in the clubhouse.
- Serious misuse of alcohol or drugs on club premises.
- Theft or fraud relating to the club.
- Cheating (i.e. knowingly breaking the rules of golf to gain advantage) in a golf competition hosted by the club or club professional.
- Wilful and/or repeated breach of current club regulations including, but not restricted to, restrictions imposed by external regulatory bodies (see appendix 2).

2.2 Unacceptable behaviour may be physical, verbal or in relation to electronic communication e.g. email, social media etc.

### **3. Procedure**

3.1 Alleged unacceptable behaviour should be reported to the club captain, vice-captain or another management committee member. The captain (or vice - captain in his/her absence) will decide the seriousness of the incident as quickly as possible, ideally within a few days. This assessment may require an interview with the person who reported the incident(s) (the complainant), the person who is the subject of the complaint (the respondent) and any other person involved. He/she may wish to take advice from others in confidence.

3.2 If there is concern regarding the welfare of a person as result of unacceptable behaviour, the captain/vice-captain will pass the report to the club welfare officer to deal with according to the club's "Safeguarding Adults" and/or "Safeguarding Children and Young Adults" policies. In these circumstances, the captain or vice-captain, in agreement with the welfare officer, are authorised to suspend the respondent's membership and/or ban the respondent from visiting the club if they believe this is necessary to protect staff or club member. The respondent may still be subject to the disciplinary procedure outlined in this policy, whether or not action is taken by another authority or body.

3.3 Following initial enquires there are 4 options:

1. The matter is resolved and closed with no further action
2. The matter is dealt with by a verbal or written warning from the captain/vice-captain to a member or guest.
3. The matter is referred to the disciplinary committee. If this option is taken, the respondent should, other than in exceptional circumstances, be informed in writing that a complaint has been made against them which has been referred on to the disciplinary committee. This will include a brief description of the complaint, an assurance that he/she will be interviewed by the disciplinary committee to defend any allegation of misconduct, and inform them that they have a right to appeal any decision made.
4. The matter is referred to the police.

3.2 As a safeguard, regardless of which of these options is taken, **all** reports of unacceptable behaviour received by the captain/vice-captain will be logged and presented to the management committee at the next committee meeting. The action taken can at that stage be either approved or changed.

### **4. Disciplinary committee**

#### Membership

- 4.1 Members of the disciplinary committee will include the captain or vice-captain who dealt with the initial assessment. The captain/vice - captain will appoint one other member of the management committee to chair the disciplinary committee, and one other club member, who may or not be on the management committee. These three must have no direct involvement, or have a conflict of interest in, the matter under investigation. If this is the case, the management committee will appoint the disciplinary committee.

## Process

4.2 The disciplinary committee will investigate the claim in detail. The primary purpose is to establish as far as possible the facts of the case. The committee may decide how this can be done most effectively, and by whom, but must be able to justify their approach in their report.

4.3 The complainant will be told who is on the disciplinary committee, and asked to submit, as soon as possible, details of the complaint in writing to the chairperson. This should include details of the alleged behaviour, dates and times, names of persons involved, including witnesses, and any supporting evidence that may be available.

4.4 The respondent will be told who is on the disciplinary committee and, with very few exceptions, will be interviewed by one or more of the disciplinary committee. They may bring another person to the interview if they wish, provided they inform the committee in advance. At the interview, as a minimum, all the allegations made in the complaint must be given to the respondent in order that they may respond. However, the respondent does not have an automatic right to read the written complaint, nor do they have a right to know who made the complaint. This information may be given at the discretion of the disciplinary committee. The respondent may choose to give their response in full at the interview, or to submit a response in writing within 72 hours of the interview.

4.5 The process will usually involve interviews with the complainant, and witnesses to relevant events. This may be done by telephone, electronically or in person. Regardless of the mechanism used, all information given can, at the request of the interviewee, be given anonymously, unless doing so puts someone at risk or impedes a legal investigation.

4.6 Other evidence may be obtained from emails, posts on social media or any other verifiable sources.

4.7 The disciplinary committee will take all reasonable steps to prevent, mitigate and correct any adverse effect that may arise as a result of the offence, to maintain the integrity of the club and protect members, staff and guests. This can include, at any time during the investigation, suspension of an individual's membership of the club if, and only if, it is clear that the member represents a risk of harm to staff other users of the club while the investigation proceeds. A guest can be banned from the club premises under the same conditions.

## Report and recommendation

4.8 The disciplinary committee will submit a report to the management committee within 15 days of their appointment. The report will include:

- Confirmation of the members of the disciplinary committee
- A copy of the written complaint
- A copy of any written response(s) from the respondent
- Details of procedure
- Details of the facts determined by the investigation, and any limitations to the authenticity of the facts presented. They must ensure that anonymity requested by witnesses is respected.
- Either:

- A recommendation that the case be dismissed, or
- A recommendation that the complaint is upheld, and the sanction(s) to be imposed on a member or members based on the information reported.

4.9 The committee will, by majority vote, decide to:

- accept the recommendations of the report, or
- increase or decrease the recommend sanction(s) or
- no sanction is required.

4.10 The committee chairperson will write to the respondent, within 72 hours, the informing him or her of:

- outcome of the investigation and the sanction imposed, if any
- his/or her right to appeal according to the appeals procedure, stating the grounds on which an appeal may be based, documented in section 6.

## **5. Possible sanctions**

5.1 Following an investigation, if a case is upheld, the Club may impose sanctions or other penalties on the individual(s) concerned. Any sanctions imposed will reflect the seriousness of the situation that has occurred. Sanctions will usually, but not always, be one or more of the following:

- a) A written warning about future conduct
- b) Temporary ban from the course and/or competitions
- c) Temporary ban from club facilities
- d) Financial penalty
- e) Membership suspended and/or withdrawn, with or without refund of subscription
- f) Access to the course or Clubhouse as a visitor/guests denied
- g) Notification to the Police

## **6. Appeals procedure**

6.1 An appeal against a disciplinary decision can be lodged by informing the Club Chairman in writing within 5 working days of the notification of decision. This must set out the grounds on which the appeal is based, which should be either:

- new evidence that was not considered by the disciplinary committee, or
- evidence that the investigation procedure was flawed.

6.2 The Management Committee will appoint an appeal panel comprising 2 club members who have not been involved with the original investigation, and have no conflict of interest in relation to the complaint. These may or may not be current members of the management committee.

6.3 The appeal panel will be given the letter of appeal from the appellant, the report from the disciplinary committee, and all the evidence assimilated during their investigation (but ensuring that anonymity requested by witnesses is respected).

6.4 The appellant will be invited to meet with the appeal panel within 2 weeks of the appeal being lodged. The appellant will be informed who is on the panel. Both the appeal panel and the appellant have the right to be accompanied by one other named person at this meeting, and must declare this in advance.

6.5 At the meeting, the appellant will be given the opportunity to state in detail the grounds for appeal, verbally or in writing. The appeals committee may ask questions to clarify the appellant's statement.

6.6 The appeal panel will make a decision and inform the appellant, and the chair of the disciplinary committee, in writing within 72 hours of the meeting. The outcome of the appeal will take one of three forms:

- The original decision is upheld, and the disciplinary sanction stands.
- The original decision is substantially confirmed, but a less severe sanction should be imposed.
- The original decision is overruled, and the disciplinary sanction is withdrawn.

6.7 The decision of the appeal panel final, and there is no further right of appeal.

## **7. Miscellaneous provisions**

7.1 The disciplinary committee and the appeal panel are not obliged to follow strict rules of evidence. They may review any evidence as they see fit, and accord it such weight as they think appropriate and reasonable.

7.2 The standard of proof in all cases before the disciplinary committee and the appeal panel is the balance of probabilities.

7.3 The time frames stated are recommendations that should be met in most cases. They may be extended provided there are reasonable and credible extenuating circumstances for doing so.

7.4 If the disciplinary committee or appeal panel deems it appropriate, bearing in mind all the circumstances surrounding the case, they may request an independent person to act as adviser to the committee/panel.

7.5 The Club will not be liable to any person or body for any loss arising out of, or in connection with, any disciplinary action taken under the these procedures.

7.6 Any stipulation in this policy that a communication should be given "in writing" includes correspondence by email, but not by text message or using social media

7.7 A record of all complaints investigated by the disciplinary committee will be kept securely and confidentially at the club. As a minimum, this will comprise the disciplinary committee's report, and

a record of the appeal meeting (if applicable), and all correspondence to and from the club relating to the investigation. The record will be stored for a minimum of 5 years to a maximum of 15 years, and will be accessible at a later date only to members of the incumbent management committee. The record will have external labelling showing the name of the respondent, date on which the case was concluded, and the proposed date for destruction.

## Appendix One

### Definitions of bullying, harassment and discriminatory behaviour

These definitions are not exhaustive but are recognised by the club as valid for the purpose of identifying unacceptable behaviour.

#### Bullying

Bullying is **repeated** behaviour which **takes advantage of perceived or real physical or social imbalance** to:

- **intentionally** cause hurt another individual physically, mentally or emotionally.
- dominate, intimidate or coerce another individual

#### Harassment

Harassment is **unwanted** conduct that has the purpose, **or effect**, of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Note that a single incident can amount to harassment, and that it is the effect on the harassed person that determines the offence, whether or not the conduct was not intended to cause offence.

#### Discriminatory behaviour

In this context, this is harassment specifically related to "protected characteristics", which include age, disability, sex, sexual orientation, gender reassignment, race, nationality or religious beliefs.

There is overlap between these types of misconduct, and all of them may take the form not just of physical or verbal behaviour, but also non-verbal or indirect actions. This can include the use of email, social media etc.

Some examples of unacceptable behaviour relating to these areas:

- use of status in the club (e.g. committee member, longstanding member) to intimidate or coerce more junior person
- jokes or derogatory comments about a particular ethnic group, religion, gender, sexual orientation, gender assignment or disability
- homophobic or xenophobic remarks or behaviour
- unwanted sexual advances, physical contact or suggestive behaviour, whether or not the person making the advance or exhibiting the behaviour perceives the conduct as harmless
- spreading malicious rumours

## Appendix 2:

### Club policies and regulations

The golf club is subject to laws and regulations imposed by government agencies including:

- Companies Act (2006)
- Health and safety at work Act (1974)
- Employment rights act (1996)
- Data protection act 2018 (includes GDPR)
- Equality act (2010)
- Licensing act (2003)
- Occupiers Liability act (1984)
- Human rights act (1998)
- Care act (2014)
- Protection of Freedoms act (2014)

The Management Committee are responsible for ensuring that we act within the law, and have put in place various policies to achieve this. However, as a members' club, it is everyone's duty to ensure that we act responsibly and in keeping with contemporary law. Conduct by a member that compromises the club, or leads to disciplinary or legal action against the club by an external agency, will be subject to the internal disciplinary procedures described in this document.

In addition to legal requirements, the club has local policies and regulations that exist to protect the reputation of the club and maximise the benefits of membership to all members. Adherence to these policies and regulations is an explicit condition of membership, applied to all members equally. These are updated from time to time and current policies are available to all on the club website.

Currently these include:

- Children and Young people safeguarding (approved December 2019)
- Safeguarding adults
- COVID-19 policies
- Code of conduct (this document)
- Dress code