

The Royal Life Saving Society UK (RLSS UK)

Disciplinary Policy and Procedure

Volunteers, Members and Participants

Review Date: July 2017

Definitions and key concepts

RLSS UK: The Royal Life Saving Society UK and also known as 'The Society'.

IQL UK: is the awarding body of RLSS UK delivering regulated and non-regulated vocational training programmes.

Appeal: an appeal is defined as a request for the reconsideration of a decision made by the Hearing Officer.

Appeals Officer: the officer who will conduct appeal hearings for appeals against decisions issued by a Hearing Officer. The Appeal Officer will normally be the Chief Executive Officer or Chief Operating Officer.

Appellant: means a member or volunteer against whom disciplinary action has been brought who submits an appeal.

AOs: Awarding Organisations.

ATC/Ps: Approved Training Centres and Approved Training Providers.

Case Owner: is the member of staff responsible for managing the disciplinary case file.

CDPCs: Community Drowning Prevention Co-ordinators.

CEMs: Customer Engagement Managers.

Coach/instructor/trainer/assessor: refers to anyone providing activity, qualifications, awards and training in the name of the RLSS UK.

Code of Conduct: it sets out what behaviour is acceptable and unacceptable. The organisation requires the highest standards of conduct from everyone involved in RLSS UK activity to ensure their behaviour and actions are exemplary and follow good practice, procedures and standards at all times.

Code of Practice: organisational standards, guidance notes and policy statements which establish professional behaviours and practices for those in RLSS UK membership.

Complaint: A complaint is a written or oral expression of dissatisfaction which has had an impact on an individual which requires an investigation and usually a formal response.

Conflict of interest: means a situation in which an individual has competing interests or loyalties and this includes potential or perceived conflict of interest.

Decision: means the result of a Panel's deliberations, arrived at by a simple majority.

Disciplinary Panel: the disciplinary panel appointed to hear a disciplinary case, make a decision and communicate the decision to the volunteer or member at the centre of the allegation.

Hearing Officer: is the member of the leadership team who will conduct formal disciplinary hearings relating to serious disciplinary matters.

Individual: for the purposes of clarity, throughout this policy and its related procedure the use of individual means ‘members and volunteers’.

Investigating Officer(s): the investigating officer (s) appointed by the organisation on a case by case basis or generally to conduct an investigation to establish the facts surrounding the alleged case.

Leadership Team (RLSS UK): consists of Directors and senior managers of the organisation. Those in post at the time of publication of this Policy and Procedure are: Chief Executive Officer, Chief Operating Officer, Director of IQL and Water Safety Director of Communications and Public Affairs, Deputy Director of Education and Research, Technical Director and Head of Volunteering.

The above list is not exhaustive nor exclusive and may be subject to change.

Maladministration: is essentially any activity or practice which results in non-compliance with administrative regulations and requirements, and includes the application of persistent mistakes or poor administration within an ATC/P (e.g. inappropriate learner records) by an instructor or vocational TA.

Malpractice: is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the organisation’s internal or external assessment process and/or the validity of certificates. Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificate

Member: a member is any person who has a current membership and makes an annual contribution of a membership fee to obtain a package of benefits and support at RLSS UK. This includes those who hold honorary life memberships.

Misconduct: is inappropriate and unacceptable behaviour that is in breach of the Society’s Code of Practice, Code of Conduct, guidelines, standards and policies and procedures. It also includes conduct which otherwise damages the reputation of the organisation.

Natural Justice means the basic principles of justice which are considered so fundamental in a fair disciplinary process. The principles of justice include:

- Ensuring that the person is given a fair hearing and they are provided with and have the right to respond to any information presented or considered in reaching a decision;
- Ensuring that the person is provided with an explanation of the reasoning behind a decision; and
- Ensuring that the decision made is impartial.

Following these principles will assist in ensuring that any decisions made are thorough, fair and reasonable.

Participant: any person who attends RLSS UK activity as a participant.

TA: means Trainer Assessor.

Volunteer: anyone who willingly undertakes regular, ongoing and/ or occasional or one-off unpaid activity by giving their free time, energy, experience and skills to help perform an activity or task on behalf of RLSS UK without any monetary compensation or expectation of compensation. Volunteers are not paid a salary or wage but shall be reimbursed for approved out of pocket expenses.

Policy

1. Introduction

1.1 The Disciplinary Policy and Procedure is the formal framework that is provided to members and volunteers to assist the organisation to deal with unacceptable behaviour, misconduct, poor performance, malpractice and maladministration or any consequent disciplinary action which may arise in the conduct of RLSS UK business. This includes activities, programmes, practices, trainings, qualifications, awards, competitions and events organised, controlled or sanctioned by RLSS UK or its members and/ or volunteers. It also deals with any conduct which may be detrimental to the harmonious running of the Society's business or to its reputation.

2. Policy Statement

2.1 RLSS UK is committed to provide an easy to use, fair, confidential and consistent disciplinary process concerning a possible breach of organisational policies, procedures, guidelines, and standards, codes of conduct or code of practice, awards and IQL Guidance and Syllabus for any regulated and non-regulated qualification and any other RLSS UK training programmes. Therefore, the organisation has set out a process for investigating possible breach and determining, by way of hearing or otherwise, whether or not such a breach occurred and an appropriate appeal process underpinned by the principles of natural justice.

2.2 Within this policy and associated procedures, confidentiality will be maintained at all times.

3. Scope and application

3.1 This policy applies where there has been failure to meet the required standards and practice as well as to behaviour occurring both within and outside of RLSS UK's business, when behaviour involves **members and volunteers hereinafter referred to as 'individual(s)'** and negatively affects relationships with RLSS UK/IQL activity.

3.2 This policy applies to the following individuals to the fullest extent possible whether they are in paid, unpaid, self-employed or volunteer capacity:

- Members- (Youth under 18 and Adults 18 and over)
- Honorary life members
- Instructors(previously TA lifesaving)
- Vocational TA (previously TA lifeguarding)
- Coach/trainer/instructor/assessor
- All categories of volunteers
- Participants

The above list is neither exhaustive nor exclusive.

4. Principles of the Disciplinary Process

4.1 The process will be a fair and consistent approach and the hearing will be conducted in private.

4.2 The process will only be used when all other measures or options to resolve the matter have been pursued and exhausted or are considered inappropriate.

- 4.3 The process will be based on a full investigation of the facts and collation of evidence and information presented and the seriousness of the breach.
- 4.4 No person should participate in decision-making in more than one stage of the process of any particular case.
- 4.5 Those involved in assessing and adjudicating the case will have been appropriately trained for the purpose.
- 4.6 The process will be determined according to the relevant organisational policies and procedures and training programmes including IQL Guidance and Syllabus for any regulated and non-regulated qualification, standards, practices and codes governing members and volunteers or any person subject to this policy.
- 4.7 Whilst RLSS UK is the owner of the process, it may delegate authority for any part of the process to an appropriate third party.
- 4.8 The process will be underpinned by the principle of natural justice.
- 4.9 It is good practice to agree a mutually convenient date for the meeting or hearing with the individual in order to ensure that the meeting or hearing does not have to be delayed or rescheduled.
- 4.10 The process will ensure that the individual at every stage of the formal disciplinary process have the opportunity to state their case at a disciplinary hearing. If so wished the individual will have the opportunity to be represented or accompanied at the hearings by a representative of their choice. The request to be represented or accompanied should not be unreasonable. It is unreasonable to bring a representative who has a conflict of interest (i.e. a witness) or someone who may be prejudicial to the meeting or hearing or an individual who is the subject of the present disciplinary proceedings.
- 4.11 In all cases, the individual has the right to appeal against an imposed disciplinary sanction (s).

5. Policy exclusions

- 5.1 ATP/Cs may follow the intent of this policy in dealing with their staff or complaints from its learners about the services they provide but need to deal internally with their own disciplinary issues without involvement of RLSS UK.

6. Reading the policy

- 6.1 This policy will be made available on the organisation's website and every individual bound by this policy must read and agree to adhere to it.

7. Previous disciplinary policy and procedures

- 7.1 Any and all policies and procedures previously made by the Society concerning members' and volunteers' disciplinary process are expressly withdrawn and replaced by this new Disciplinary Policy and Procedure.

8. Related documents

- 8.1 **Code of Practice:** every individual bound by this Code must be aware and comply with the Code of Practice. It sets out the standards of professional practice and conduct by which members should abide. The Code of Practice is available to download from RLSS Direct website.
- 8.2 **Codes of Conduct:** every individual bound by these Codes must be aware and comply with the Codes of Conduct. It sets out the parameters of expected behaviour of the people participating in any RLSS UK activity and to which they all agree to be bound. The Codes of Conduct are available to download on RLSS Direct website.
- 8.3 **Safeguarding Policy:** every person bound by this policy have the duty of care to safeguard the welfare of children and adults at risk above all other considerations in line with RLSS UK Safeguarding Policy and national legislation. This policy is available to download on RLSS Direct website.

9. Breach of this policy

9.1 The organisation may take disciplinary action against an individual found to have breached:

- a) RLSS UK policies and procedures
- b) IQL policies and procedures
- c) Volunteer Handbook
- d) Volunteer Policy Manual
- e) Code of Conduct
- f) Code of Practice
- g) Guidance and Syllabus for any regulated and non-regulated qualification
- h) RLSS UK training programmes
- i) Malpractice and Maladministration Policy
- j) Safeguarding Policy

This list is not exclusive or exhaustive.

9.2 Any circumstances that may be breach will be the subject of this Disciplinary Policy and Procedure.

10. Notice

10.1 Any notice required to be given under this policy and procedure shall be deemed to be properly served on the third day following the same being sent by first-class post addressed to the individual at his last known address. For the avoidance of doubt the day of posting shall be the first day.

11. Disclosure of disciplinary records

11.1 Copies of any disciplinary hearing records and notes will normally be given to the individual however, in certain circumstances (for example to protect a witness, a child or adult at risk) we might withhold some information.

12. Management of records

12.1 Records of the disciplinary hearing including details of all investigations, correspondences, statements, interview records, data collated by the panel, meeting notes and any other information related to the case will be maintained for a minimum period of 6 years from the

conclusion of the process and kept in a confidential and secure manner. When the records are kept for more than the 6-year period, files need to be clearly marked and the reason for the extension identified.

13. General

- 13.1 An individual shall only be permitted to carry out the activities of the particular office they hold for as long as they remain in membership of the Society, is between the ages of 16 and 75, pays such fees or subscriptions and attends such course or courses of training, refreshers or updates as the Society may from time to time require and shall not have by or on behalf of the organisation had such permission withdrawn.
- 13.2 An individual, as a condition of their appointment to and continuation in office, agrees to be bound by the terms of this policy and procedure, such further rules, directions and procedures as may from time to time be issued by or on behalf of the Society and the terms of any Code of Practice and Code of Conduct for the time being currently in operation.
- 13.3 An individual is required to notify the Society forthwith in writing of any criminal conviction or bankruptcy order made against them or composition with creditors made by him/her. Additionally, they must notify the Society of all convictions including 'spent' convictions. The provision shall not apply to parking, speeding or other offences which may be reasonably regarded as being of a minor nature.
- 13.4 Upon receiving notification about the breach or allegation against them or otherwise ceasing to be permitted to carry out the activities of the particular office they hold, the individual shall immediately return to the Society any books, records, forms, equipment, money, document or other goods which are the property of the Society in a complete and undamaged condition.
- 13.5 An individual shall at all times indemnify and keep indemnified the Society against all actions, claims, demands or proceedings which may arise as a result of the individual's activities save that this provision shall in no way affect the right of the individual's to seek indemnity in respect of any such action, claim, demand or proceeding made against him from the policy of insurance maintained by or on behalf of the Society.

14. What is a breach of this Policy?

- 14.1 Examples of a breach of this policy include misconduct, poor performance, malpractice, maladministration or any consequent disciplinary action for example:
- Justified complaint by a candidate.
 - Failure to respond to telephone messages, correspondence or verbal requests at all or within a time that, having regard to all of the circumstances, may be reasonable.
 - Discourtesy towards a candidate, representative, employee or other member of the Society.
 - Infringement of IQL Guidance and Syllabus for any regulated and non-regulated qualification.
 - Failure to carry out the Society's activities in a conscientious manner or to apply the Society's training, policy and award criteria.
 - Failure to pre-register candidates and forward monies to the Society prior to the commencement of a course where such is required.

- g) Reaching a conclusion with regard to the assessing of a candidate for reasons other than those based on objective appraisal and judgement in strict accordance with current assessment criteria published by the Society.
- h) Disclosure of confidential information to persons not entitled to receive it or infringement of Data Protection legislation.
- i) Rude, offensive, or unacceptable behaviour towards members, participants, staff, volunteers or others.
- j) Bullying, harassment or offensive behaviour of a physical, verbal or psychological nature.
- k) Assaulting or verbally abusing another person during the course of or in any way associated with the individual's Society related activities otherwise than in self-defence.
- l) Competing with the Society's business on the individual's own behalf or on behalf of any other person or organisation.
- m) Soliciting the Society's candidates or organisations who have introduced candidates to the Society for the individual's own or any other competing business or organisation.
- n) Making or copying a list of the Society's candidates, members, participants or officers or deliberately memorising or utilizing such a list, with the intention or effect of canvassing them on behalf of the individual's own or any other competing business.
- o) Deliberately or negligently placing candidates and others at unnecessary risk.
- p) Falsifying any record or document in connection with the activities of the Society.
- q) Being an accessory to a disciplinary breach or offence.
- r) Incapacity or unacceptable behaviour due to substance abuse.
- s) Breach of the Safeguarding Policy and its Code of Conduct.
- t) Breach of the Code of Practice.
- u) Acting in any manner which is not in the best interests of the Society or is or may be detrimental or prejudicial to it or its reputation.

This above list of examples is not exclusive or exhaustive.

15. Appointment of Case Owner

- 15.1 The Case Owner is the member of staff assigned with the responsibility for managing disciplinary matters that occur within RLSS UK.
- 15.2 The Case Owner has the power to consider any minor case at the informal stage of the disciplinary process which has been referred to him or her in accordance with this Disciplinary Policy and Procedure. At any point where the issues look more serious than they first appeared, the Case Owner must adjourn the informal process and consider a formal disciplinary process. He/she shall refer the case to the formal stage of the disciplinary process as soon as possible to assess and discuss the appropriate action to be take in serious cases.
- 15.3 The Case Owner shall provide administrative support throughout the informal and formal disciplinary and appeals process.

Disciplinary Procedure

16. Informal Process

- 16.1 In considering whether it is appropriate to apply this policy and procedure, the Case Owner should first consider whether it would be more appropriate to deal with the issue informally. He or she must also notify the CEMs and/or CDPCs as soon as they become aware of the issue(s).
- 16.2 At this stage of the process, the individual has no right to be accompanied by a representative or companion to an informal chat or an initial fact finding or investigatory meeting.
- 16.3 However, if the individual has a disability or special needs and they want to be accompanied, the organisation will make reasonable adjustment to accommodate the individual's needs. For example:- it may be a reasonable adjustment to allow someone else such as a guardian/parent/ carer or support worker to accompany the individual.
- 16.4 Minor cases are best dealt with informally. This may involve encouraging the individual concerned to implement specific improvements to achieve the required standards of practice or conduct for example:-
- a) Specific recommendations and corrective action.
 - b) Setting clearly defined objectives and/or standards.
 - c) Monitoring them over a reasonable time period.
 - d) Providing training, advice and encouragement.
 - e) Any other forms of support.
- 16.5 Where informal measures of this kind are decided upon, the Case Owner, will send up a follow up correspondence by letter and/or email or by phone to the individual specifying the standards required, how they will be monitored, and the review period during which improvements should be achieved and sustained. The individual will be told when this will be reviewed and over what period.
- 16.6 The correspondence will explain that the informal process is not a disciplinary action but that if the individual fails to uphold the standards or correct their behaviour, they will be subject to a formal disciplinary procedure.
- 16.7 Such measures are not part of the formal disciplinary process. At this stage the individual will be made fully aware of what steps need to be taken to address the issues related to their case. Notes of the discussion should be taken and retained in case of need and for record keeping.
- 16.8 If the required standards of behaviour or practice are met and consistently sustained no further action will be needed. Records of the informal process will be kept on the individual's record for future reference.
- 16.9 Individuals will be told of what action will be taken if they fail to improve their conduct and/or sustain the standards of practice required. The Case Owner may extend the review period or proceed to instigate formal disciplinary action where no improvement in conduct, standard or behaviour occurs.
- 16.10 If during an informal meeting it becomes clear that the matter is more serious than first thought, the meeting can be adjourned by the Case Owner and a decision made as to whether

formal action should be taken. The individual should be kept informed of any decisions and advised of any timescales.

17. Suspension

17.1 Suspension may be considered at any stage of the disciplinary process and during investigations. Suspension should not be automatic and is not considered as a default option or without careful thought. It is a neutral, not a disciplinary act but merely a measure to enable the investigation to take place unhindered.

17.2 In certain circumstances, suspension will be considered necessary where there is an allegation of a very serious nature for example;-

- a) Serious suspected or actual misconduct, poor performance, malpractice or maladministration.
- b) Serious abuse including bullying, harassment, grooming or discrimination.
- c) Relationships have broken down.
- d) Risk to property.
- e) The individual has been arrested, bailed or having a pending court appearance.
- f) Risk of harm or abuse to others such a child, adults at risk, staff, colleagues etc.
- g) The allegation warrants investigation by statutory agencies for example;- Local Authority, Social Services or the Police.
- h) Where the allegations are potentially sufficiently serious to terminate volunteer from volunteering.
- i) Where the allegations are potentially sufficiently serious to withdraw the individual's membership.
- j) The individual would potentially impede or prevent a full and proper investigation.
- k) Where necessary, for the good and efficient conduct of the investigation.

The above list is not exhaustive and is illustrative of the examples of cases which may be dealt in accordance with this disciplinary policy and procedure.

17.3 The Case Owner shall consult the relevant department, club or organisation before suspending the individual. The Society may immediately suspend the individual without prior discussion. All suspensions will take effect immediately. The individual will be suspended from carrying out the duties of the office held by them as a member or volunteer pending the investigation of the allegations.

17.4 Suspension should not be protracted and will be reviewed as new information becomes available during investigation. If suspension is used, notification of the suspension and the reasons will be conveyed within 1 to 3 working days to the individual including the next steps in the disciplinary process. The decision to suspend an individual should be recorded.

17.5 Where membership is a requirement to deliver a qualification or award or hold office in a club or branch, suspension would represent a suspension of that certification or holding of office or a volunteer role and/or delivery of qualification or awards. This does not constitute a formal disciplinary action.

- 17.6 As an alternative to suspension, RLSS UK reserves the right to insist that the individual is accompanied whilst performing their duties, or to temporarily redeploy the individual to alternative activities, tasks, club or department.
- 17.7 Support and advice during any suspension period will be offered if available and appropriate. The individual can also obtain on their own accord external advice from specialists' organisations or professional providing emotional and counselling.

18. Formal Disciplinary Process

- 18.1 Where a breach occurs, or an allegation is made against an individual, or there has been failure to improve during the informal process in 17 above, then the Case Owner should refer the case to an officer designated to deal with disciplinary matters i.e. the Investigating Officer and follow the procedure given below.
- 18.2 The Case Owner should ensure that all the relevant people including clubs, branches, external agencies, regulatory bodies and other awarding organisations as well as RLSS UK internal departments and the CEMs and/or CDPCs are notified of the initiation of the disciplinary process against the individual.

19. Investigation

- 19.1 It is very important that any cases against individuals including potential misconduct, poor performance, malpractice, maladministration or any other consequent breach arising out of the Society's policies and procedures including but not limited to practices, and codes, syllabus and guidance for regulated and non-regulated qualifications are investigated before any decision is made to take formal disciplinary action.
- 19.2 Investigations should be carried out as swiftly and impartially within the timescales set out within the relevant policies and procedures.
- 19.3 Investigating Officers will be selected from the organisation's leadership team and senior managers with no previous involvement in the issues being investigated. They will carry out the investigation with autonomy from the department in which the case is based. There will however be exceptional circumstances where it may be necessary to appoint an external investigating officer.
- 19.4 All Officers involved in the disciplinary process i.e. Case Owner, Investigating and Hearing Officers will undergo suitable training in the operation of the Disciplinary Procedure.
- 19.5 In some cases, it may not be necessary to conduct an investigation and the case can proceed directly to a disciplinary hearing. For example;- where a person admits to committing the breach such as acts of misconduct or malpractice.
- 19.6 Where an External Agency (e.g. by another awarding body, Police or Social Services) investigation is commenced, the Case Owner may at any stage decide to cease or postpone the investigation pending consideration of the case.

20. Appointment of Investigating Officer

- 20.1 If this formal disciplinary procedure is considered appropriate, a member of the leadership team will be appointed to act as an Investigating Officer to carry out an investigation into the facts of the case.
- 20.2 Depending on the scale or complexity of the issue under investigation, there may be times when the Investigating Officer needs to enlist the help of a colleague for support during the investigation or interviews. In these circumstances, they should speak to the Case Owner to arrange to make a suitable appointment ensuring that any colleague appointment has no involvement in the case under investigation and that there is no potential conflict of interest.
- 20.3 The Investigating Officer will promptly carry out a full and thorough investigation into the issues in as timely a manner as the circumstances will allow. Normally investigations will be completed within 28 calendar days other than for a complex case and in exceptional circumstances the investigation should be thorough, comprehensive and unbiased.
- 20.4 At the start of the investigation, the individual will receive a letter setting out the details of the allegations or issues that are to be investigated. This letter will advise them of the name and, where appropriate, the contact details of the Investigating Officer.

21. Purpose of Investigation

- 21.1 The purpose of the investigation is to establish the facts and collate evidence and, where appropriate, interview and obtain statements from relevant available witnesses and from any other sources that he/she believes are necessary and appropriate.
- 21.2 Statements given at investigatory interviews will be confidential during the course of the investigation but can be disclosed to appropriate parties if the matter proceeds to a disciplinary hearing.
- 21.3 During investigatory interviews, the individual can choose to be accompanied by a representative or colleague in accordance with **4.9** provided it does not delay the investigation unduly.
- 21.4 The investigation may require staff, volunteers, members, participants or witnesses to be interviewed to establish facts. Sufficient notice should be given to anyone involved in the investigation meetings or interviews and this must be not less than 7 working days in advance.
- 21.5 Under this investigation process, the individual will be given an opportunity to submit a written statement in response to the allegations within 10 working days of being notified of the investigation. The statement should be signed and dated, and the individual should attach any other supporting documents on which they wish to rely at any subsequent disciplinary hearing. The statement will form part of the Investigating Officer's report.
- 21.6 Despite all the reasonable endeavours of the Investigating Officer, should the individual not respond to communications or refuse to engage with the investigation process, they will be deemed to have nothing to add to the investigation.

22. After an Investigation

- 22.1 At the conclusion of the investigation normally within 10 working days, the Investigating Officer will inform the Case Owner and the individual and their representative as well as interested parties as appropriate that one or more of the following actions listed below will be taken.
- Take no further action (to be confirmed in writing)
 - Take the appropriate action to address the issue
 - To convene a disciplinary hearing
 - Further recommendations regarding other forms of action that may be considered.

23. External Agency investigation

- 23.1 Where an individual has been charged with a criminal offence or is the subject of an external agency investigation by the Police, Social Services or any other public or other investigatory authority including other awarding organisations in respect of conduct which is or may be grounds for disciplinary action under the Society's codes, policies and procedures, the Case Owner shall seek advice from the relevant agency as to whether or not RLSS UK shall postpone consideration of the matter under this policy pending the outcome of any such proceedings/investigation, and as to whether or not in the meantime, an interim suspension should be imposed.

24. Anonymous complaints

- 24.1 Where an anonymous allegation or complaint is made against an individual an investigation must be carried out to determine whether there are any grounds to instigate a disciplinary hearing.

25. Disciplinary Hearings

- 25.1 It is the responsibility of the Hearing Officer to convene a hearing as soon is reasonably practicable.

26. Notification of the Hearing

- 26.1 The Hearing Officer will notify the individual verbally and in writing of the disciplinary hearing 10 working days in advance and the allegations to which he or she must respond.
- 26.2 The Hearing Officer will determine the format of the hearing, which may be held in person, by teleconference, video link or through written submissions or a combination of these methods.
- 26.3 The individual will be given reasonable notice of the format and the specific details of the hearing including the alleged act, day, time and place of hearing and will receive a copy of the investigation report if an investigation was carried out; may be accompanied by a representative in accordance with 4.9; and will have the right to present evidence before the Hearing Officer if deemed necessary.

27. The Hearing

- 27.1 The hearing will commence within 10 working days of the conclusion of the investigation, allowing the individual against whom the allegation is made, a reasonable period of time to prepare for the hearing having firstly received copies of the Investigating Officer's report to be considered by the Hearing Officer and a copy of the Disciplinary Policy and Procedure.

- 27.2 A hearing under this policy and procedure is not a judicial hearing and so evidence given will not be delivered under oath. The Hearing Officer adjudicating the hearing will endeavour to apply the rules of natural justice and the hearing will be held in private.
- 27.3 Any person under the age of 18 invited to the hearing, in support of the case or who is subject to the disciplinary hearing must be accompanied by an adult.
- 27.4 The Hearing Officer may, at any stage of the hearing, call for the production of documents or of such other evidence as it finds necessary.
- 27.5 The Hearing Officer may refuse to admit evidence which it considers irrelevant and limit evidence if it considers sufficient evidence has been adduced.
- 27.6 The Society will not be responsible for the discharge of any costs or expenses of whatsoever nature incurred by the individual during the disciplinary process.
- 27.7 The Hearing Officer may proceed in the absence of the individual subject to the disciplinary case unless they have notified the Case Owner in writing or phone by the individual of a reasonable excuse for their non-attendance.
- 27.8 The Hearing Officer may, at any stage of the hearing, for any matter, adjourn the meeting to a date to be fixed.

28. Uncontested facts

- 28.1 Where the facts are acknowledged and not contested by the individual, he or she may waive their opportunity to attend the hearing in which case the Hearing Officer may resolve the issue by relying upon a written report and/or oral submission by the Investigating Officer.

29. Contested facts

- 29.1 Where the facts in the case are contested by the individual, the Hearing Officer may resolve the matter by considering the Investigating Officer's Report including oral submission by the Investigation Officer. It may also call upon any person whose evidence or statements seem likely to assist the hearing and may adjourn the hearing for that or any other purpose.

30. Outcomes of the Hearing

- 30.1 At the conclusion of the hearing, the Hearing Officer will announce its decision verbally and will in any event deliver it in writing within 10 working days for onward transmission to the parties concerned.
- 30.2 If the case has not been proved the Hearing Officer will dismiss it.
- 30.3 If the case has been proved the decision of the Hearing Officer shall include:
- a) A summary of the case.
 - b) The Hearing Officer's decision in relation to the case and its reasons.
 - c) The appropriate sanction (if any) to be imposed on the individual.
 - d) Details of the necessary action to remedy the situation.

- 30.4 Any suspension, disqualification or expulsion shall normally run with immediate effect from the date of the disciplinary hearing. The Hearing Officer may take into account any period of suspension served prior to the hearing date.
- 30.5 Where the matter being adjudicated under this policy is of a sensitive nature, everyone involved including the Case Owner, the Investigating and Hearing Officers will keep all proceedings confidential, except where the publication is ordered as part of the sanction, is required by law or is in the best interest of the public.
- 30.6 In cases of serious acts or omissions, the Case Owner must inform the relevant external agencies e.g. OFQUAL, regulatory organisations, other awarding bodies, Police, Social Services and update Stratum and inform all parties involved of the outcome.
- 30.7 In fulfilling its duties, the Hearing Officer may obtain independent advice to determine the case.

31. Disciplinary Sanctions

- 31.1 The Hearing Officer may reject the case, or where the case is upheld impose such sanctions upon the individual as it thinks fit including without limitation. Depending on the nature or degree of the act or omission complained of sanctions can include:
- a) An informal verbal warning;
 - b) A formal written warning;
 - c) Require a verbal or written apology from the individual;
 - d) A requirement to complete education or training;
 - e) Support the individual through advice, counselling or further interaction as necessary;
 - f) Withdrawal of permission to carry out the activities of the office held by the individual either permanently or for such period as may then be considered appropriate;
 - g) In the case where the individual is a participant in a competition or sport, suspension from taking part in any event organised or run by or on behalf of the RLSS UK for a specified period;
 - h) Suspension for a specified period or removal from any office held with RLSS UK;
 - i) Exclusion from holding office within RLSS UK for a specified period of time;
 - j) Termination of individual's volunteering role and to cease all volunteer activity;
 - k) Termination of the individual's membership or removal from any official position within the club either permanently or for such period as may be considered appropriate; and
 - l) Any combination of the above.

The above list is not exhaustive and is illustrative of the sanctions that may be imposed by the Hearing Officer under this policy and procedure.

- 31.2 In the event the individual fails or refuses to comply in whole or in part with the sanctions imposed by the panel, the Hearing Officer may reconvene at its own discretion and treat the failure as a fresh disciplinary case and deal with the matter and impose any sanction in accordance with these procedures.

32. Other considerations

- 32.1 If the Hearing Officer determines that the allegations are false, retaliatory or frivolous, they may apply disciplinary action against the individual who instigated it.

Appeals Procedure

33. Appeals

- 33.1 The individual shall be entitled to appeal against any disciplinary action by written notice to the Chief Executive Officer provided such notice is given within 10 working days of that action being taken.
- 33.2 The notice must outline the grounds on which the appeal is being made plus any new evidence the individual wish to present.

34. Determination of the appeal

- 34.1 The appeal shall be determined by the Chief Executive Officer. However, the Chief Executive Officer reserves the right to appoint a suitably qualified and experienced Appeals Officer from the leadership team i.e. the Chief Operating Officer to hear the appeal.
- 34.2 The Appeal should not be heard by a person involved in the case previously or any conflict of interest which might create biasness in determining the appeal.
- 34.3 If deemed appropriate a professional adviser may be co-opted to assist with the appeal. This would normally only be used where there are a number of professional, safeguarding or equality issues involved in the case and the person hearing the appeal professional advice is required to assist the Appeal in reviewing the case.
- 34.4 The professional adviser would not have the right to determine the case and the decision would remain with the person appointed to hear the case.

35. Appeal Hearing

- 35.1 The Appeal may adopt such format as considered necessary for fairly determining the appeal and shall have the power from time to time to adjourn the hearing of the appeal or to call for further evidence as it may in their absolute discretion consider appropriate.
- 35.2 The appeal will be heard within 20 working days of receipt of letter requesting the appeal. This timescale may be extended by mutual agreement.
- 35.3 At the hearing of an appeal the appellant may be accompanied by a person of their choice.
- 35.4 If the appellant does not attend at the appeal hearing within 30 minutes of its commencement the appeal shall be treated as withdrawn and no further appeal will be permitted.

36. Outcome of the Appeal Hearing

- 36.1 The decision of the Appeals Officer is final and this is the end of the process and the individual has no further right of appeal
- 36.2 The appeal decision cannot increase the sanctions previously given by the original disciplinary panel.
- 36.3 Notice of the decision will verbally be communicated to the parties involved within 24 hours and confirmed in writing, no later than 5 working days after the appeal hearing.

36.4 The possible range of decisions is as follows:

- a) Uphold the appeal.
- b) Vary the decision and/or replace the sanction with a lesser or different sanction.
- c) Revoke the original decision.
- d) If there were breaches of procedure associated with the original disciplinary hearing, then it can order the case to be re-heard by a Disciplinary Panel with no previous involvement with the case.
- e) If the Appeals Panel determines that new evidence is now available that for good reason was unavailable at the time of the original hearing and which may have had some bearing on the outcome, a re-hearing can be ordered. Equally, if relevant evidence was available at the time of the original hearing, but was not considered, a re-hearing can also be ordered.

37. Reinstatement

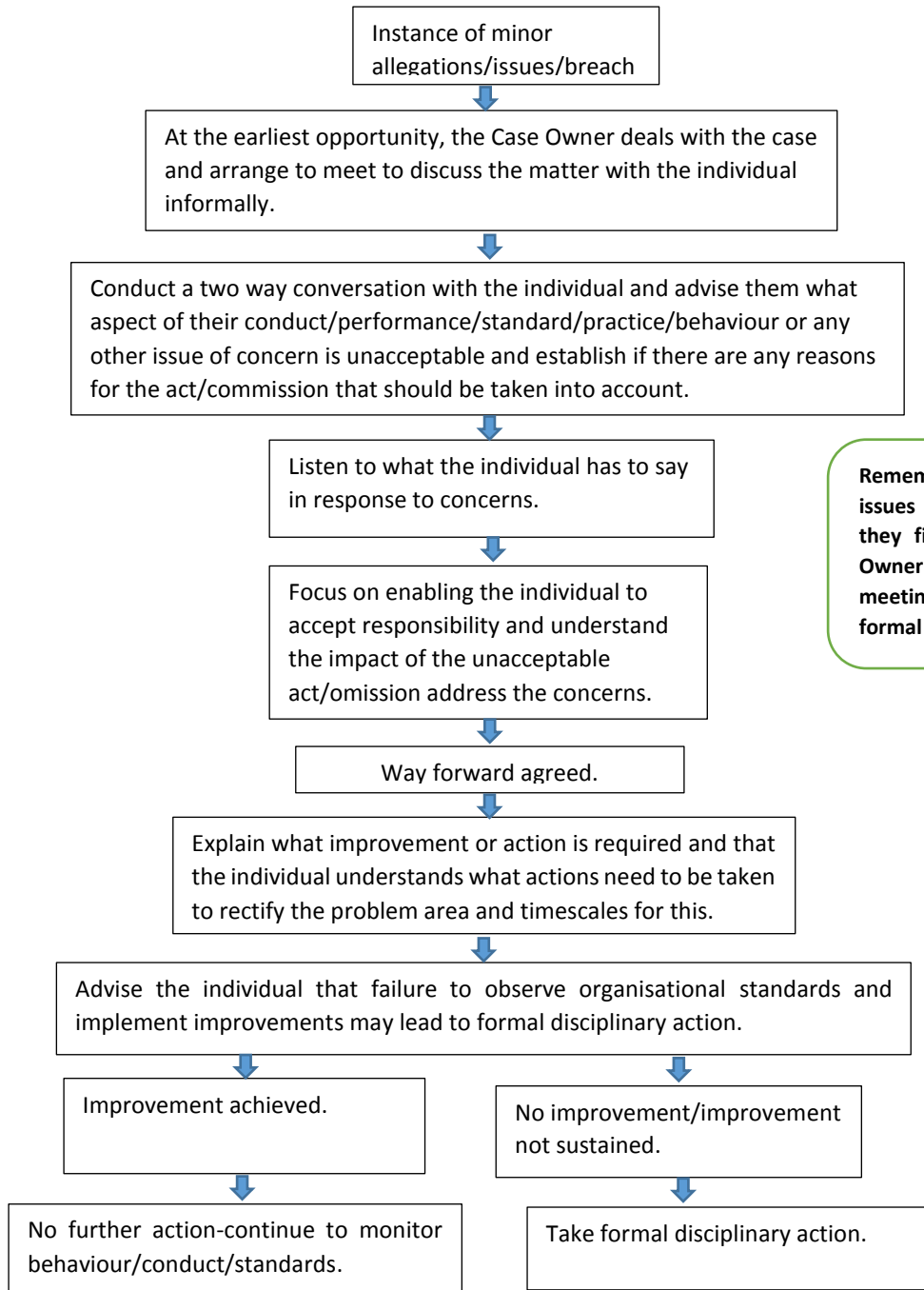
37.1 Any individual in respect of whom permission to carry out the activities of his/her office has been withdrawn, may apply for reinstatement. Such reinstatement will be entirely at the discretion of the Chief Executive Officer.

37.2 In the event that an application for reinstatement is refused then no further application may be made by the individual for a period of 12 months following the date of such refusal.

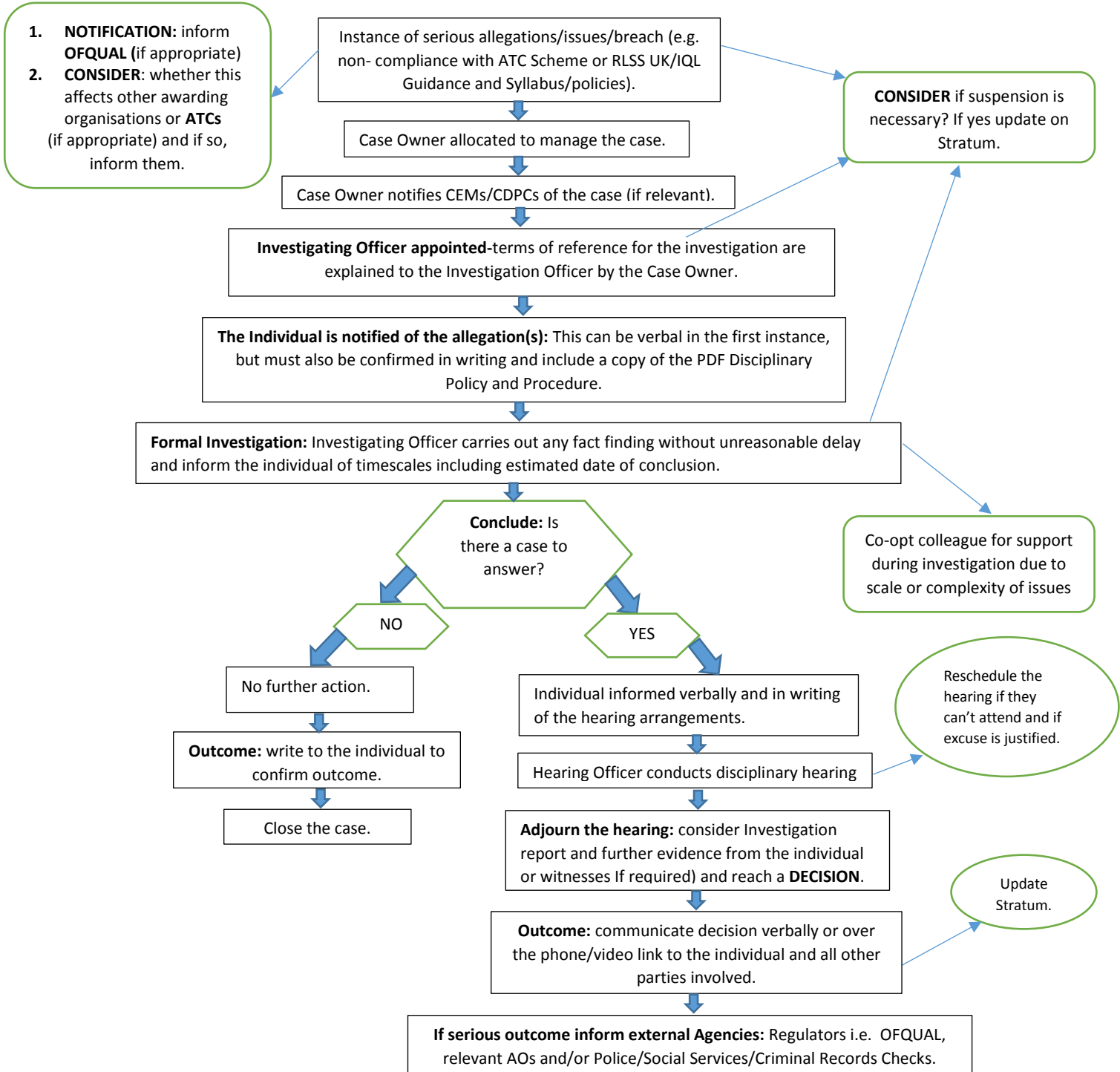
38. Monitoring and review of this Policy

38.1 This policy will be considered to be a living document. As such, it will be periodically reviewed and updated.

Flow Chart 1: Informal Process



Flow Chart 2: Formal Disciplinary Process



Note: Where an individual has been charged with a criminal offence or is the subject of an investigation by the Police, Social Services or any other public, other investigatory authority or awarding organisation, the DCMG and the Case Officer shall seek advice from the relevant agency as to whether or not RLSS UK shall cease or postpone consideration of the matter under this policy pending the outcome of any such proceedings/investigation, and as to whether or not in the meantime, an interim suspension should be imposed.

Flow Chart 3: Appeals

Procedure

