

PEMBROKESHIRE COUNTY SWIMMING
Disciplinary and Complaints Procedures

This document is designed to be used alongside the disciplinary section of the club's constitution and relevant policies (club/governing body/sport) to assist the club and its members in handling discipline and complaints. In all cases, please refer to the club's codes of conduct and if deemed necessary, make use of advice from the governing body or relevant authorities.

Should any concerns arise, members should communicate with the club at the earliest opportunity via the coach, a volunteer/committee member or the Welfare Officer.

The club shall ensure that all members, parents/guardians, coaches, volunteers and officials have access to relevant codes of conduct and are asked to read and sign as appropriate. These may be referred to during any club disciplinary/complaint matters.

Discipline

When a disciplinary matter arises or is brought to the club's attention:

1. If the matter is not deemed serious, the coach/club representative should make every effort to deal with it fairly and swiftly without entering a formal process. For example, a discussion may take place to explore the problem and potential solutions with the member.
2. If the informal resolution route is unsuccessful or the situation is deemed more serious, the coach/club representative may use a sanction related to the seriousness of the situation such as a warning and/or a temporary exclusion from a training session/the spectator area or an appropriate suspension from club activity/a relevant aspect of club activity. Such actions are used to uphold the club's expectations as set out in the codes of conduct. *Where a sanction has been used, the coach or club representative should report the incident to the club committee with details of the matter, those involved, and the sanction given. The member should be made aware that the club's disciplinary process has been invoked and be made aware of the location of the policy.
3. Involve the club Welfare Officer at the earliest opportunity if any club member suspects a welfare/safeguarding concern or it may develop into one. The Welfare Officer should record the matter and any developments on MyConcern or its replacement/s. If there is any uncertainty, please report to the Welfare Officer.

4. Where there are any serious or further breaches of the code of conduct, the coach/club representative should notify the chairperson/committee and progress the matter to point 5. If it is/potentially is a criminal or safeguarding matter, the Welfare Officer will be involved and will notify the appropriate statutory authority without delay. *All referrals to a statutory agencies must be reported to Swim Wales. The club may choose to place their action on hold until the statutory agency's investigations have concluded. The Welfare Officer should inform the member's parent/guardian (if not implicated) of the process being followed, or inform the member themselves if they are 18/over. The Welfare Officer should follow up with the statutory authority within 14 days if they do not receive an update. Once updated, the Welfare Officer will contact the guardian/member involved. If it is deemed necessary to protect the member involved or other members, the Welfare Officer may recommend that the club takes action to suspend the member until the investigation process has concluded.
5. If a member is reported to the chairperson/committee for a serious/repeated breach of the code of conduct, the chairperson/committee will appoint at least one impartial Appointed Complaints Officer to investigate the matter (for safeguarding concerns, the ACO is usually the Welfare Officer). The investigation should take place within 14 days. As part of the investigation, the ACO will engage with the member's parent/guardian (or the member themselves if they are 18/over) and relevant parties such as the coach/Welfare Officer to hear all sides of the matter. The ACO will decide (ideally with regard to the preferences of those involved) how to gather the information/evidence; they may discuss with those involved, take written statements, invite parties to a meeting/hearing (with at least 7 day's notice). A 'disciplinary hearing' may seem intimidating and effort should be made to avoid this scenario, especially when dealing with under 18s. Please see Swim Wales' guidance on Disciplinary hearings at the end of this document or in their complaints procedure document. The ACO's findings/recommendation must be sent to the committee (minus any members whom cannot remain impartial) for their decision. They may suggest enforcing an appropriate sanction/endorsing a resolution such as a longer-term suspension and/or a behaviour contract for example (with an agreed timescale for review). The committee may escalate the matter to the highest level, point 7, (including expulsion) if they deem there to be an act of gross misconduct. The ACO may be ready to make a recommendation to the committee at the meeting/hearing or afterwards. Once the committee receive the recommendation and has decided on the course of action, they should send notification of their decision, with reasons, within 7 days. If it is deemed necessary (to protect the member involved or other members), the ACO may recommend that the club takes action to suspend the member until the investigation has concluded.
6. If after point 5/upon review the matter is not resolved, the ACO will notify the committee of the unsuccessful progress, engaging further with the guardian/member and relevant parties to seek a resolution. The committee and ACO may consider enforcing a sanction and/or endorsing another chance to resolve the situation. There must be a chance for the committee to discuss the matter. At this stage, the club may be forced to consider sanctions as serious as expulsion if the matter is not resolved after a further review.

7. If the matter is not resolved after point 6/upon the second review, the ACO may consider recommending the club to enforce its most serious sanctions in order to uphold the expectations stated in the code of conduct. The club committee must have discussed the matter and endorsed the ACO's recommendation before a sanction can be awarded.
8. If the member/guardian would like to appeal a club sanction, they must appeal in writing to the club chairperson/committee within 14 days of the sanction being communicated. The grounds for appeal are: the club representative/s misdirected themselves in their conduct or conclusion; the club representative/s reached a conclusion that no person having heard the evidence could have reached in the circumstances; a procedure error was fundamental to the decision reached by the club representative/s. Upon receipt of the appeal, the club will appoint 2 impartial representatives (not previously involved in the situation) to form an appeals panel to review the case and decide whether the member has been treated fairly and in accordance with the disciplinary procedure. They will aim to make a decision within 14 days.
9. The member/guardian may appeal to Swim Wales within 14 days of the appeals panel's decision. The grounds for appeal are: the club representative/s misdirected themselves in their conduct or conclusion; the club representative/s reached a conclusion that no person having heard the evidence could have reached in the circumstances; a procedure error was fundamental to the decision reached by the club representative/s.

Complaint, concern or dispute raised by a member/parent/guardian

1. Before a complaint/concern/dispute is raised more formally, the complainant (member/parent/guardian/official) should have made every effort to discuss and resolve any concerns politely and informally with a club representative. The first point of contact is usually a coach but if this is not appropriate due to the nature of the situation, it should be raised with the chairperson/Welfare Officer/a committee member as appropriate. Your development club's representative on the PCS Committee may be able to help and put your view to the committee for you. Any complaint should be raised within 7 days of the incident or series of incidents to which the complaint refers. After this time, the club may dismiss the complaint unless the complainant can demonstrate why it could not have been brought within the 7-day period.
2. The matter should be raised with the coach/chairperson/Welfare Officer/committee member, with the complainant giving as much detail as they can and a desired outcome/s. The club representative will confirm receipt of the complaint. If the matter is not deemed serious, the coach/club representative should make every effort to deal with it fairly and swiftly without entering a formal process. For example, a discussion may take place to explore the problem and potential solutions with the complainant.

3. Involve the club Welfare Officer at the earliest opportunity if you suspect this is a welfare/safeguarding concern or it may develop into one. The Welfare Officer should record the matter and any developments on MyConcern.
4. If the informal resolution route is unsuccessful or the situation is deemed more serious, the club Chairperson will be notified and they/the committee will appoint at least one impartial Appointed Complaints Officer to investigate the complaint and communicate their recommendation to the committee, ideally within 14 days (for safeguarding concerns, the ACO is usually the Welfare Officer). The ACO will engage with the complainant and relevant parties such as the coach/Welfare Officer/any member central to the complaint to hear all sides of the matter to produce their findings/recommendation. The ACO may be ready to make their recommendation at the discussion/meeting/hearing or afterwards. Upon receipt of the ACO's recommendation, the committee (minus any members whom cannot remain impartial) should make a decision and inform relevant parties, with reasons, within 7 days. The ACO/committee may, for example, choose to invoke the club's Disciplinary policy. If it is deemed necessary (to protect the member involved or other members), the ACO may recommend that the club takes action to suspend membership until the investigation has concluded. If it is/potentially is a criminal or safeguarding matter, the Welfare Officer will be involved and will notify the appropriate statutory authority without delay. *All referrals to a statutory agencies must be reported to Swim Wales. The club may choose to place their action on hold until the statutory agency's investigations have concluded. In these cases Welfare Officer should inform the member's parent/guardian (if not implicated) of the process being followed, or inform the member themselves if they are 18/over. The Welfare Officer should follow up with the statutory authority within 14 days if they do not receive an update. Once informed/updated, the Welfare Officer will contact the guardian/member involved.
5. Once the complainant has received the committee's decision (after recommendation by the ACO), they can appeal if they wish. If the member/guardian would like to appeal the decision, they must appeal in writing to the club chairperson/committee within 14 days of the decision being communicated. The grounds for appeal are: the club representative/s misdirected themselves in their conduct or conclusion; the club representative/s reached a conclusion that no person having heard the evidence could have reached in the circumstances; a procedure error was fundamental to the decision reached by the club representative/s. Upon receipt of the appeal, the club will appoint 2 impartial representatives (not previously involved in the situation) to form an appeals panel to review the case and decide whether the complaint has been investigated fairly and in accordance with the complaints procedure. They will aim to make a decision within 14 days and report to the committee and the complainant.
6. The member/guardian may appeal to Swim Wales within 14 days of the appeals panel's decision. The grounds for appeal are: the club representative/s misdirected themselves in their conduct or conclusion; the club representative/s reached a conclusion that no person having heard the evidence could have reached in the circumstances; a procedure error was fundamental to the decision reached by the club representative/s.

Examples of outcomes:

- Warning as to future conduct
- Temporary suspension/exclusion
- Behaviour contract
- Ordered to undertake appropriate training i.e. Recognised Safeguarding Awareness Training or attend a sport related coaching course/CPD/First Aid.
- If the disciplinary process has been followed without success then the club may, in exceptional circumstances, consider an expulsion.

Sanctions could potentially cause financial losses to members/those involved. The club will not be held responsible for such losses if the loss has been incurred because the member has breached the code of conduct.

Further guidance:

- Disciplinary/complaints procedures should be made available to all parties as early as possible. The club should be considerate of appropriate methods of communication to support the needs of others.
- If no response is received after club disciplinary communication to a member involved in disciplinary proceedings, a suspension may be placed on the individual/s from all activities until a response has been received (if this has not already been actioned).
- Speak to the person/s the concerns relate to. Understand their side of the story and highlight expected behaviours that support upholding codes of conduct/policies.
- Behaviour contracts can be considered for a specified time period. Behaviour contracts should include agreed behaviours/actions and be signed by relevant parties. The contract should be reviewed by the ACO who may invite comment from other relevant parties e.g. the coach.

Misconduct/gross misconduct

Any breach of the club's code/s of conduct or policies may be considered misconduct by the committee and could result in the most serious club sanctions. Any serious breach may be considered gross misconduct.

Examples of gross misconduct:

- Bullying or abuse of any type (directly or indirectly)
- Refusing to follow club rules

- Disrespect or undermining staff/volunteers/those involved in the sport
- Unsafe/dangerous/violent behaviour/Causing damage to property
- Theft/fraud/criminal acts
- Smoking or vaping
- Inappropriate image capturing
- Under the influence of drugs/hungover
- Harassment/discrimination of any kind

Disciplinary hearings/meetings

- If any party does not attend a particular meeting or cooperate with the ACO/s, a decision may be reached based on the evidence that has been submitted. Witness statements may be considered by the ACO if deemed necessary to make a decision. Once all statements and evidence has been collated (if in written form), all parties should have the opportunity to see and review it.
- In order to ensure a fair and consistent approach to concerns and complaints management a Case Management Panel (CMP) can be convened to consider a matter as an independent group. The powers of a Case Management Panel must be made clear to all parties.
- Files and any other information relating to a case should be provided to any CMP/appeals panel and must be marked confidential. Additionally, consideration when convening a panel should be given to their knowledge and expertise in the case to be heard. The panel should agree a chair amongst themselves alternatively a chair can be selected by the club.
- Any disciplinary meeting/hearing shall be conducted in private and be kept as informal as possible, with no access to the public or press. The ACO/panel will request the attendance of relevant parties. A member may appoint a representative to speak on their behalf. If the charge relates to a person under 18 then all communications and representation will be sent to the parents/guardians, who have full responsibility for appraising the child of the details. Wherever possible, disciplinary proceedings against a person under 18 should be avoided. Guidance shall be sought from the Welfare Officer in such cases. Great care will be taken where an attendee (witness, alleged victim/offender) is under the age of 18 years, or is an Adult at Risk (as defined in the Social Services and Well-being Act (Wales) 2014). All proceedings must pay due consideration to safeguarding the welfare of the individual with no part of the process being oppressive or intimidating for them. Where an Adult at Risk or child is attending, the panel/ACO should consider appointing an individual to support them as 'Welfare Chaperone', ideally this is likely to be a qualified sports Welfare Officer. This appointment is to be discussed and agreed in consultation with the Adult at Risk or the child's parents. The Welfare Chaperone should have no other role in the process - their involvement is purely in regard to the welfare of the child. The Welfare Chaperone should liaise with the

Adult at Risk or child and family throughout, making sure the Adult at Risk or child is kept fully informed. The chaperone can act for more than one child at the same hearing if this is thought appropriate. No child or Adult at Risk should be compelled to attend. However, it is permitted to ask if a written statement could be made available for the disciplinary panel. If, when attending the hearing, the child or Adult at Risk is to be questioned regarding their behaviour or what they have witnessed, all involved should bear in mind the age and potential vulnerability in such a setting. Questioning should be conducted in a considerate manner, and must not be oppressive, persistent, lengthy or demeaning. The Welfare Chaperone should ask the ACO/Chair of the panel to suspend proceedings immediately if they have any concerns about the manner or duration of questioning. Where a child is found to have committed a disciplinary offence requiring potential sanction, consideration should be given to the child's age and understanding, as well as their experience of life and of the sport, before any sanctions are issued. A Child-centred approach must be considered at all times. Where it is necessary for a report to be circulated following the hearing (within the organisation or even to the press), any individual under 18 years of age or anyone considered to be an Adult at Risk must not have their details published. There should be no conflicts of interest involved in the decision making at any stage. Any conflicts of interest must be declared.

- The standard of proof shall be the civil standard, i.e.; the balance of probability. Witnesses may be cross-examined (except children under 18 and Adults at Risk). The ACO may make concluding remarks relating to their findings. The accused shall also be offered the opportunity to make concluding remarks. The ACO/panel may retire to consider their verdict in private. If the ACO/Disciplinary Panel find the charge is proved they will return to hear from the accused any matters in support of mitigation before retiring again to consider any sanction. If the panel/ACO decides the charge has not been proved it will return to announce the decision and will within 7 days provide a short, written statement setting out the reasons for its decision. The decision of the panel/ACO must be by majority and no minority decision will be included in the written statement. If the panel decides the case is proven they will return to announce the decision and will within 7 days provide a written statement of its decision to all parties. This will include detailed reasons and findings. The ACO/Disciplinary Panel shall have the powers to regulate its own procedures and also have the power to: Adjourn proceedings to consider further evidence for submission - To ask questions directly of any party or witness to any proceeding before the panel - To admit or exclude any evidence which they do not consider relevant or appropriate.
- Where at any time it is considered that during the course of disciplinary proceedings there has been a breach of procedures or failure to follow directions this shall not invalidate the hearing unless the breaches are considered too serious and immediately prejudice the position of any party.
- The Disciplinary Panel shall not be obliged to follow any strict rules of evidence and may admit evidence as it sees appropriate and may accord such evidence weight as it sees fit. Where the allegation has been the subject of the findings of guilt in previous criminal proceedings or any other judicial proceeding the results of these proceedings and the facts and matters shall be presumed correct and true. This will

also be deemed correct if the respondent has been placed on the statutory barring list or restriction in place for working with children and young persons

- Where a suspension is imposed, the commencement date shall be from the date the decision was made. Any interim suspension already served will be taken into consideration. Details of any sanctions imposed will be notified in the decision outcome letter which will be sent to the accused within 7 days of the hearing.
- Members/parents/guardians have the right to attend disciplinary/complaint meetings with a chosen 'friend' providing this person has no prior involvement with the case and there is no conflict of interest. The friend is not to provide evidence at the meeting/s.