



## **DISCIPLINARY AND GRIEVANCE POLICY AND PROCEDURES – MEMBERS AND VOLUNTEERS**

### **Policy Statement / Purpose of Policy**

This Policy is designed to outline the practices and procedures Balcarrick Golf Club will operate in respect of disciplinary matters and grievances which may arise within our Club. It sets out how we will handle such matters, what procedures are in place, the process we follow and how members can raise concerns within the organisation.

We are committed to ensuring our processes and procedures are fair and afford all parties the right to be heard and the right to appeal.

### **Objectives of Policy**

This policy and our procedures are designed to help and encourage everyone to achieve and maintain standards of conduct, ethics and performance. The policy provides a clear mechanism to raise and deal with disciplinary matters, grievances and complaints in accordance with fairness and due process at all times.

### **Scope of Policy**

This policy applies to all our Members and to our Volunteers who are engaged in our Club activities including our Management Committee and all Sub Committee members.

A separate Disciplinary and Grievance Policy applies to our employees.

### **Disciplinary Policy – General Principles**

- Disciplinary investigations and hearings may arise from a breach of our Constitution, Rules, Policies, Procedures, and Codes, etc. or may arise from a complaint made to the Club.
- Disciplinary matters may also arise from behaviour or conduct which may reasonably be considered to bring the Club into disrepute and may arise from a complaint made to us.
- Disciplinary matters shall be fully investigated and if necessary a hearing convened to adjudicate on the matter of concern.
- The Honorary Secretary of the Joint Club is the initial point of contact to



handle any disciplinary matters relating to this disciplinary policy which may arise from time to time. The Honorary Secretary may personally take on the role of Designated Officer ('DO') or appoint another person as DO to oversee the disciplinary matter. This individual will have the necessary skills to carry out this role. The role of the DO is to take responsibility for processing the case prior to a hearing being set up, to determine if there are sufficient grounds to proceed with a disciplinary hearing in the first instance, to conduct any preliminary investigations such as seeking evidence or submissions from parties, and to set up a disciplinary hearing. The DO does not adjudicate on the case merits but rather determines that the complaint merits a hearing being opened.

### **Disciplinary Procedure – Investigation**

- a) Complaints for a breach of any policies, codes, directions or procedures or of any kind may be made by any person to Honorary Secretary. Such complaints must be in writing and must include all evidence as to the breach alleged.
- b) The appointed DO will then review the complaint and if necessary delegate responsibility to another appropriate person including a person with specific expertise outside of the membership of Golf Ireland if this is needed in the circumstances.
- c) If the DO considers the complaint is a legitimate complaint (as against a spurious one) the DO shall set up a case file, set out the process, inform all parties involved in writing of the complaint and allow all parties an opportunity to respond by a specified date. An example of legitimate grounds could include but is not limited to:
  - preliminary evidence provided of any kind which in the opinion of the DO may mean a rule, policy or code may have been breached;
  - a complaint which the DO considers is reasonably grounded on genuine or serious concerns and merits an initial investigation;
  - information provided that in the opinion of the DO could result in potential risk to any individuals or to the organisation as a whole and merits opening an initial investigation.



- d) In all cases the DO will make an initial assessment and determine whether a complaint merits opening an initial investigation. If the DO considers a matter is clearly spurious, or has no grounds, or there is no initial evidence and there is no risk to any individuals or to the organisation from not proceeding with an initial investigation then the DO has the authority to deem the complaint insufficient to proceed. The DO may also determine that the matter is a grievance and more suitable for the grievance procedure. Examples of grievances are outlined under the grievance section below.
- e) The initial determination by the DO to proceed with a case is not reflective of the final outcome of a matter or indicative of any guilt by any party which will be at the sole discretion of the Disciplinary Committee hearing the case. A complaint may be resubmitted to the DO at any time.
- f) The DO may issue initial time frames to the parties for all responses but shall ensure the initial complaint is examined and responded to within 14 days unless there are sufficient grounds to delay procedures. The DO can conduct any necessary preliminary investigations and seek expert opinion and/or reports and an inspection of documents or files may be necessary. The DO may conduct any initial enquiry deemed necessary in order to fully investigate the complaint so that a full file is ready for the Disciplinary Committee hearing.
- g) On completing an initial investigation the DO shall decide if a Disciplinary Committee hearing is required and if any charge for breach of policy, code, direction or such other disciplinary offence needs to be issued against anyone. In the event such a charge is brought, the case will be submitted for consideration to a Disciplinary Committee hearing.
- h) The DO shall not discuss the merits of any case with the Committee or the Board prior to the hearing and shall be there to provide details on the procedure to date, the file prepared and any background to the initial complaint.
- i) The DO may determine that a matter is a grievance rather than a disciplinary matter and may instead instigate the grievance procedures.



- j) Failure to reasonably co-operate with an investigation of the DO, may also be referred to a Disciplinary Committee who may sanction accordingly.

### **Disciplinary Procedure - Disciplinary Committee remit and role**

Disciplinary cases shall be heard by the Disciplinary Committee which is ultimately responsible for hearing cases and adjudicating case. The following applies:

- a) The Disciplinary Committee will be made up of a panel of 3 persons to be appointed by the Joint Management Committee – based on availability, independence and knowledge of the issues to be considered. One member of the Disciplinary Committee shall act as Chair of the Committee. The Club will set up a pool of persons with suitable skills on a case by case basis who can be drawn upon for any disciplinary panel cases as they arise. This panel may be drawn from the membership overall, members of committees or members of the Joint Management Committee once no conflicts of interest exist.
- b) The Disciplinary Committee has a general Terms of Reference regarding its overall remit and composition.
- c) The Disciplinary Committee may set out any additional Terms of Reference for specific cases such as requiring evidence, hearing of witnesses, written statements or other such terms as may be required in certain cases.
- d) The Disciplinary Committee may request the attendance of any persons at a hearing. Failure to comply with any reasonable request may in itself result in disciplinary action if deemed appropriate in the circumstances.
- e) The DO takes charge of the administrative work for the Disciplinary Committee and may also delegate a person to assist in minute taking and correspondence.
- f) The Disciplinary Committee make their decisions entirely independently of other parties but can ask the DO for information on the process and the investigation they conducted to date.
- g) The Disciplinary Committee shall decide by simple majority vote.
- h) Members of the Disciplinary Committee shall decline to participate in any hearing concerning a matter where there are serious grounds for questioning their impartiality or where conflicts of interest may arise.



- i) All proceedings and disclosures made in relation to a case remain confidential to the parties, however decisions may be disclosed and made public (subject to the sensitivity and specifics of each individual case).
- j) The decision issued in each case shall be provided to all parties to the procedure.

### **Disciplinary Procedure – Hearing procedures**

- a) The DO must inform all parties to the case of the venue, date and time of the hearing and all parties are entitled to attend the hearing. A party shall not be prejudiced if they do not wish to attend a hearing unless they have specifically been requested to attend by the Disciplinary Committee and fail to do so.
- b) All parties involved in the hearing must confirm to the DO in writing the name and the role within, or relationship to the party, of all persons who will be attending the hearing on their behalf, or at their request within time limits as stated in the notification. The Disciplinary Committee shall have discretion to permit the attendance of any persons not confirmed within the stated deadlines.
- c) The Disciplinary Committee, once appointed, can issue directions to the parties in respect of the hearing prior to proceedings commencing.
- d) All parties shall be notified by the DO within seven days of the conclusion of the investigation, by electronic mail and/or registered post, of the decision of the Disciplinary Committee. In urgent matters an oral decision may be issued.
- e) A hearing can be postponed if the appointed Disciplinary Committee requires additional information prior to proceedings commencing or to allow technical or other issues to be addressed.
- f) The Disciplinary Committee may adjourn or suspend proceedings for further deliberation, or to seek further or additional evidence or expert advice, or where it is otherwise considered necessary to do so, provided an adjournment does not unduly prejudice any party. Following an adjournment the Disciplinary Committee must reconvene within ten days.



- g) The Disciplinary Committee shall consider all evidence that it deems relevant to the case.
- h) The DO and the Disciplinary Committee shall report all matters pertaining to the protection of children or vulnerable adults to the statutory authorities as required under the Child Safeguarding Policy.
- i) Any type of proof may be produced in a hearing unless it does not serve to establish relevant facts. The following are, in particular, admissible: reports, declarations from the parties and witnesses, material evidence, social media extracts, expert opinions and unedited audio or video recordings.
- j) The Disciplinary Committee will have absolute discretion as to what constitutes proof. The Disciplinary Committee shall hear all evidence it considers relevant to the case and shall decide on the basis of the proof before them. The Disciplinary Committee may request a party or any other body to submit information or documentation. Such a request shall be complied with.
- k) The parties may be represented at a hearing by a third party but should appear personally where requested to do so by the Disciplinary Committee.
- l) All parties shall bear their own costs.
- m) The DO shall provide a copy of each decision to all parties to the procedure.
- n) It shall also be a breach offence not to comply with a decision, and any party that fails to respect such a decision may be sanctioned further.

## **Appeals**

- a) An appeal may be lodged against a decision of the Disciplinary Committee.
- b) Appeals must be lodged with the Honorary Secretary of the Joint Club in



writing within 20 calendar days of the date on which the written notification of the decision being appealed against was received by the appellant. For the avoidance of doubt time limits begin from the day after receipt of the notification.

- c) The appellant must submit to the Honorary Secretary the appeal documents and all additional documentation, submissions and/or evidence upon which it intends to rely at the Appeal Committee hearing. The Honorary Secretary may personally take on the role of Designated Officer ('DO') (provided he/she was not a member of the original Disciplinary Committee) or may appoint another person as DO to oversee the appeal. The DO shall determine the relevant parties to the appeal and shall copy all parties with all documentation, submissions and/or evidence as soon as possible. The DO shall set all timelines.
- d) All appeal hearings shall commence within 20 calendar days of receipt of the appeal by the DO unless there are exceptional circumstances which require an extension of this time period. The DO shall inform all parties to the appeal of the venue, date and time of the Appeal Committee hearing.
- e) The Appeal Committee shall be constituted as per the Disciplinary Committee and draw from a panel of persons who are not conflicted and have had no role in the initial Disciplinary Committee hearing or investigation. The Appeal Committee, once appointed, can issue directions to the parties in respect of the hearing prior to proceedings commencing.
- f) All parties involved in the appeal must, at least three days before the hearing, confirm in writing, by post or email to the DO the name and the role, or relationship to the party, of all persons who will be attending the hearing on their behalf, or at their request. The Appeal Committee shall have discretion to permit the attendance of any persons not confirmed within the stated deadlines, or to

disallow the involvement of any person not involved in the initial Disciplinary process.



- g) Any party involved in the appeal, which fails to attend an Appeal hearing if requested to do so by the Appeal Committee may be subject to disciplinary action.
- h) In cases of urgency, the Appeal Committee, or if the Appeal Committee has not yet been appointed, the DO, may amend the time limits indicated above, with the exception of the time limit to file an appeal, in order to facilitate an expedited appeals process.
- i) Appeal procedures shall follow the same procedures as set out for Disciplinary Committee procedures above in terms of the hearing, administration, evidence and decision notifications. The Appeals Committee may also set terms of reference if it deems this necessary for specific cases.

## **Grievance Policy**

If you have a grievance you are encouraged to raise your concerns openly and quickly so that they can be dealt with rather than left to develop into grievances. For this reason, raising such concerns should occur at the earlier convenience. You are also encouraged to voice constructive opinions and to suggest and contribute solutions to problems which concern you.

Grievances could include but are not limited to:

- Feeling something was not handled correctly;
- Raising concerns over behaviour of an individual;
- Not believing equity has taken place over a particular matter;
- Raising unfairness of any kind;
- General complaints about issues or individuals.

If may be the case that the grievance you have will later be processed as a disciplinary matter but it will depend on the nature of the issue raised. If for example you raise the behaviour of an individual as a grievance or complaint, and following consideration it appears the individual may have breached a policy, the DO may determine to take a disciplinary investigation against the individual. If, however, the





behaviour related to a particular tone or manner in which you were personally spoken to, this would more like follow the grievance procedure and one suitable for resolution rather than disciplinary action but it will depend on the severity of the situation.

Problems, queries or complaints should be raised orally first as soon as possible. Time should be allowed for the matter to be resolved. If the problem is not satisfactorily resolved the DO may investigate the matter further.

### **Grievance Procedure**

The procedure below should be followed if you have a grievance or concern;

- **Informal Discussion**

The majority of concerns are generally best resolved through informal discussions. If this discussion fails to resolve the matter to your satisfaction, you should refer your grievance in writing to the Honorary Secretary of Balcarrick Golf Club.

- **Letter/Email outlining the grievance**

In the letter/email you give, you must:

- Outline the details of your grievance, stating clearly what the issue is and/or with whom your grievance is against and the reasons for this.
- Confirm that the issue has been raised initially informally or advise the reasons why you were unable to do this.
  
- State what outcome/resolution you are seeking from the grievance hearing.

You will receive an acknowledgement within 7 working days of receiving your grievance.

- **Grievance Meeting/Phone call**

If the DO considers the grievance is a valid matter which requires further consideration a meeting in person or by phone may take place. You must make yourself available. We will determine if an investigation is required. You have the right to be accompanied by another member. If you choose to take advantage of this right, you are asked to notify us of the name of the person prior to the grievance hearing. When the meeting has been held and/or where appropriate, the investigation completed, we will write to you within 10 working days to confirm the outcome.



## **Appealing an outcome of a Grievance**

If you are unhappy with the outcome and decide to appeal you must confirm this in writing to the Honorary Secretary within 5 working days of the outcome decision having been issued by the DO, setting out the reasons why you wish to make an appeal. We will arrange for an appropriate person/persons to re-consider your grievance. When a decision has been made we will confirm the outcome in writing. The decision is final.

Where we believe a grievance has been made with malicious intent, or with a view to cause provocation, we reserve the right to investigate and take disciplinary action where necessary.

Where we believe a matter is more appropriately dealt with under the Disciplinary Policy we will advise you of same.

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