



## GRIEVANCE AND DISCIPLINARY POLICY

### 1. INTRODUCTION

- 1.1 This Grievance and Disciplinary Policy sets out the framework by which Volleyball England (the "Organisation") can directly or through the Regional Associations, County Associations or Clubs enforce the rules, regulations, codes and policies and deal with allegations of breaches and failure to comply with these.
- 1.2 This Policy is made pursuant to the powers of Volleyball England to act as the governing body protecting the sport of volleyball in England as set out in its Articles of Association and Framework Document. The Policy applies to all Volleyball England Members, volunteers, participants and stakeholders.
- 1.3 The Board may make changes, amendments or additions to this Policy at any time and any such changes shall be communicated to members by reporting the updated Policy on the Organisation's website.

### 2. SCOPE OF POLICY

- 2.1 This Grievance and Disciplinary Policy covers:
  - 2.1.1 any Disciplinary Offences (see paragraph 3 below) referred to the Disciplinary Committee by a Volleyball England Sub-Group, Committee, Working Group or Hub team (which may include following a complaint under the Complaints Procedure);
  - 2.1.2 any appeals made from a decision of a Volleyball England Sub-Group, Committee, Working Group or Hub team where the appellant considers due process has not been followed (see paragraph 4 below); and
  - 2.1.3 any other matter which the Board reasonably considers given its nature ought to be dealt with under this framework and process.
- 2.2 The Disciplinary Committee is established by the Board to oversee any issues under this Policy and shall act in accordance with its terms of reference and comply with this Policy.
- 2.3 These disciplinary procedures are not intended to apply to more general dissatisfaction, complaints, grievances and disputes for which they are alternative procedures - see [Complaints Policy](#).
- 2.4 These disciplinary procedures do not apply to persons employed or holding any other form of contract with a separate mechanism of recourse linked to that contract when they are acting under that contract.
- 2.5 Where the Disciplinary Offence or relevant matter relates to activity concerning regional or county associations these issues should be dealt with in accordance with the relevant bodies own disciplinary requirements. The regional or county associations have their own elected committees and processes which provide governance to the local activity.
- 2.6 Where individuals have specific concerns such as conflicts of interest or failure by regional or county associations to follow due process this may be raised with Volleyball England centrally who will consider the same in the context of the Codes of Conduct and this Policy.

2.7 Where competitions have specific rules or obligations (such as the National Volleyball League) those rules shall prevail in respect of the competition (such as match results) and this Policy shall only apply so far as paragraph 2.1 applies.

### 3. **WHAT IS A DISCIPLINARY OFFENCE?**

3.1 A "Disciplinary Offence" shall be committed if an individual's conduct is inappropriate, incorrect, improper, unlawful or unsporting and/or has the potential to bring volleyball (or any of its participants) into disrepute. This may include, but is not limited to:

3.1.1 any failure to comply with:-

- (a) the Code of Conduct;
- (b) Volleyball England's articles of association, framework document or any other policies or procedures issued from time to time;
- (c) any resolution or determination made by the Board of Volleyball England or by any Sub-Group, Working Group or Committee;

3.1.2 any conduct that is disgraceful or opposed to the general interests of Volleyball England or the sport;

3.1.3 behaviour that is otherwise considered unacceptable and contrary to the standards of behaviour or conduct expected;

3.1.4 any inappropriate behaviour such as giving or accepting a bribe gift or reward (including through betting) which may influence the outcome or conduct of any match or competition;

3.1.5 any conduct which is alleged to be fraudulent;

3.1.6 conduct that raises any safeguarding or wellbeing concerns or issues.

3.2 In the main, on-court behaviour is dealt with by the officiating referee during the game or under the rules and regulations of the competition following the game. However, certain on-court offences may also be the subject of action under this Policy where relevant Working Group or Board consider appropriate. Examples include:

3.2.1 where the behaviour is repeated or serious;

3.2.2 the referee or other match official suffers any form of abuse or coercion (including intimidation, threats or violence) from anyone (including but not limited to a player, team official or Club official); this applies to both on- and off-court incidents;

3.2.3 Any act of discrimination through words or actions concerning but not limited to, race, marriage, religion, age, gender, sexual orientation, gender identity or disability; and/or

3.2.4 any other conduct which is prejudicial to the best interests of the Sport or Volleyball England or the Regional or County Associations.

3.3 Where a Disciplinary Offence is committed this may be dealt with in accordance with this disciplinary procedure.

#### 4. **WHEN CAN AN APPEAL BE MADE TO THE DISCIPLINARY COMMITTEE?**

- 4.1 This Policy is not intended to apply to the day-to-day operations of the Volleyball England Sub-Groups, Working Groups, Committees or Hub team work.
- 4.2 Volleyball England recognises from time-to-time members may wish to make an appeal to the Disciplinary Committee regarding a decision of Volleyball England Sub-Group, Committee, Working Group or Hub team.
- 4.3 The Disciplinary Committee will only consider an appeal if it considers (acting reasonably) that one or more of the following grounds has been met:
- 4.3.1 The decision of the relevant body was based on error of fact or could not have reasonably been reached by a relevant body when faced with the evidence before it;
  - 4.3.2 There was injustice because of a serious procedural or other irregularity in the proceedings before or during the relevant body; and/or
  - 4.3.3 The sanction imposed by the relevant body was manifestly unreasonable in the light of the facts presented to the body.
- 4.4 If significant and relevant new evidence has come to light which was not available before the conclusion of the findings from the relevant body but, had it been available, may have caused the relevant body to reach a materially different decision then the matter should first be re-visited by the relevant body before referral to the Disciplinary Committee under this Policy.
- 4.5 Any appeal must be set out in writing within 10 days of the date on which the relevant body issued its decision and set out the reasons for the appeal from those in paragraph 4.3 above.
- 4.6 Where the Disciplinary Committee accepts any appeal lodged in accordance with Paragraph 4.5 the process in this Policy shall be followed.
- 4.7 As set out above, where applicable, the Disciplinary Offence or relevant should be dealt with in accordance with the relevant bodies own disciplinary requirements, such as the relevant regional or county association.

#### 5. **ESTABLISHMENT AND POWER OF DISCIPLINARY COMMITTEE**

- 5.1 The Board has established the Disciplinary Committee to oversee and implement this Policy. The Disciplinary Committee has the full power and jurisdiction to act in relation to any matter referred to it under paragraphs 2 to 4 above including the power to hold investigations and impose sanctions and take such action as it sees fit in accordance with this Policy.
- 5.2 Upon referral of a matter to the Disciplinary Committee in accordance with paragraphs 2 to 4 above, the Disciplinary Committee shall:
- 5.2.1 promptly meet in accordance with its terms of reference in order to:
    - (a) determine whether the matter referred to it falls within the remit of paragraphs 2 to 4 above and is appropriate for consideration by the Disciplinary Committee. If the Disciplinary Committee determines it is not then it shall provide written reasons for its decision within 10 days of referral of the matter to it.

- (b) identify whether any of the members of the Disciplinary Committee have a conflict of interest in relation to the relevant matter (e.g they are the subject matter of the relevant issue and/or closely connected with an individual or organisation involved in the issue) and if so such member of the Disciplinary Committee shall not sit on the committee for the purposes of that relevant matter only;
- (c) identify whether any additional members are required to deal with the issue (e.g. if any members have a conflict of interest and/or the issue is such that a subject matter expert(s) are required to assist the Disciplinary Committee in its work); and
- (d) determine the process to be followed. The Chairperson of the Disciplinary Committee can determine the process. A recommended procedure, for the Chairperson's reference, is set out below. The Chairperson can amend this in order to be proportionate to the subject matter under consideration.

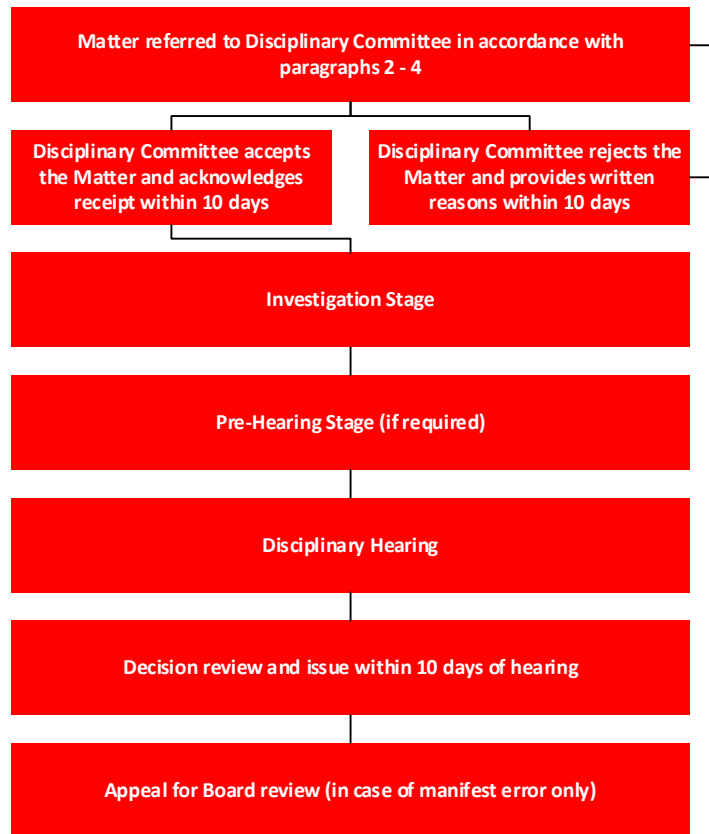
5.2.2 consider whether the allegations are against or involve Young People and Adults at Risk in which case these individuals must be referred to the Volleyball England Lead Safeguarding Officer for an initial assessment as to whether the matter must be dealt with under Volleyball England Safeguarding Policy and/or external agencies.

5.2.3 have the powers to require any member or connected individual or organisation, upon reasonable notice, to supply any further information required, including providing observations, documents or other material and/or attending one or more interviews, which may be recorded, in order to enable the Disciplinary Committee to carry out their role.

5.3 For the avoidance of doubt, on the request or recommendation by the police any action undertaken under this Policy may be suspended and stayed until the outcome of any criminal investigation is determined, regardless of the timescales stipulated in this Policy. All matters involving the police must be immediately referred to the CEO.

## 6. **OVERVIEW OF PROCESS**

6.1 It is important that procedures are carried out in a fair, transparent and objective manner, free of bias or prejudice. This section provides a visual overview of the process, in diagram form that enables the relevant party to identify how a Matter should be managed. The Disciplinary Committee may adapt this process and/or remove steps particularly where it is considering an appeal from an alternative body.



- 6.2 Each stage of the process may be held via telephone or video conferencing facilities.
- 6.3 At any stage of the process the Disciplinary Committee can, based on the information collected or learned through the process, elect to:
- 6.3.1 deal with the matter informally and cease the process;
  - 6.3.2 refer to matter to an alternative authority;
  - 6.3.3 reject the matter (including where it does not fall within paragraphs 2 – 4; no prima facie case to answer has been made; and/or the Disciplinary Committee considers that the incident is not considered serious enough to be in the best interests of the Sport to take it forward); and/or
  - 6.3.4 take such other course as the Disciplinary Committee reasonably considers appropriate,
- and in each case the Disciplinary Committee shall provide written reasons for any such decision.

**6.4 Investigation Stage**

- 6.4.1 The Disciplinary Committee is required to determine whether the allegation(s) or matter can be substantiated by the facts and relevant evidence. The Disciplinary Committee's job is to determine whether a prima facie case is established. Consideration must be given to all the relevant circumstances and, where appropriate, the Disciplinary Committee may request information from any relevant person or organisation.
- 6.4.2 The Disciplinary Committee may wish to seek information from the respondent. In this case, they will have to inform the respondent that an investigation is being

carried out and provide sufficient details of the allegations to enable the respondent to provide a meaningful response, and invite the respondent to submit information to the Disciplinary Committee. The respondent should be informed that enquiries by and meetings of the Disciplinary Committee do not constitute a disciplinary hearing. The outcome of this investigation will determine whether or not the matter will proceed to a full disciplinary hearing, so their co-operation would be to their advantage.

- 6.4.3 Prior to and including the investigation stage, the respondent has no right to know the identity of the complainant (if applicable); this will only be revealed if the Disciplinary Committee believes this is required.
- 6.4.4 On conclusion of its investigation, the Disciplinary Committee shall deduce from the evidence whether each of the matter(s) which led to its formation should:-
  - (a) continue to the next stage of the process – in which case it shall provide written notification of this to the complainant and respondent with a brief reason for the decision. There is no right of appeal against this decision;
  - (b) paragraph 6.3 applies and the matter shall cease to be considered further by the Disciplinary Committee.
- 6.4.5 The Disciplinary Committee shall be entitled to apply any interim sanctions it reasonably considers necessary at this stage (for example, suspension pending hearing). Interim sanctions should not be automatic and must be reasonable and proportionate given all the circumstances of the case.
- 6.4.6 An interim sanction is not a finding of guilt or wrong doing.
- 6.4.7 Where an interim sanction is considered appropriate the Disciplinary Committee shall provide notice in writing to the respondent advising them of the reason for the interim sanction, the terms and conditions of the interim sanction and its applicable period. The Disciplinary Committee shall also notify relevant members/staff to ensure that the interim sanction is adhered to.

## 6.5 **Pre-Hearing Stage**

- 6.5.1 The Disciplinary Committee shall prepare a statement of case which shall:
  - (a) detail the relevant facts pertinent to the relevant matter;
  - (b) include specific reference to all the rules, regulations or codes considered to have been breached;
  - (c) disclose any information relied on such as documentation and/or witness testimonies;
  - (d) details of each member of the Disciplinary Committee; and
  - (e) the date for the hearing.
- 6.5.2 The Disciplinary Committee shall work with the relevant parties to agree a date for the hearing. While the needs of the parties will be considered the primary consideration when deciding the date and venue for the hearing will be based on operational needs. Where practical hearings will be conducted virtually.

- 6.5.3 A copy of the statement of case shall be provided in writing (which may be by electronic means) to the complainant, respondent and any connected parties such as witnesses or other affected parties.
- 6.5.4 Each of the respondent and claimant has 7 days from the date the statement of case is sent in which to:
- (a) object to any member of the Disciplinary Committee by writing to the Chair of the Disciplinary Committee stating the grounds for objection;
  - (b) accept or deny the relevant allegations set out in the statement of case; and
  - (c) notify the Disciplinary Committee if they wish to attend the hearing.
- 6.5.5 If any objection is received in relation to the Disciplinary Committee members, the Chair of the Disciplinary Committee (or another committee member where the objection is to the Chair) shall consider the objections and determine whether they are valid or in their opinion, the grounds for objection are frivolous, unfounded or ill informed, in which case the Chair shall reject the objection. This decision is final and cannot be appealed.
- 6.5.6 If the Chair of the Disciplinary Committee is in agreement with the objection, an alternative appointment shall be made and the date of the hearing shall be postponed to a date no more than 14 days after the original date.
- 6.5.7 If the respondent is denying the relevant allegations they must provide brief details regarding their evidence and notify of any witnesses. The Disciplinary Committee will contact a reasonable number of witnesses to obtain statement of evidence from them. Where the respondent is unable or does not wish to attend the hearing they shall be able to submit their evidence in writing at least 7 days prior to the hearing. This may include any statement of mitigation where the respondent is accepting the relevant allegations.
- 6.5.8 The Chair of the Disciplinary Committee may issue directions relating to the procedural aspects in the period leading up to the hearing in order to ensure proper and fair conduct of the hearing. The Disciplinary Committee shall notify all parties of any such directions.
- 6.5.9 Both Parties shall advise the Disciplinary Committee, at least 7 days before the hearing, if they will be using the services of any representative (legal, technical or otherwise) to present their case or advise them. The name and status of any representative must be provided to the Disciplinary Committee at the time of notification. The person who represents either party may not also be a witness.
- 6.5.10 Any and all information must be provided to the Disciplinary Committee at least 7 days before the hearing. The Disciplinary Committee ensure that all information received is made available to all parties prior to the hearing in order to ensure that the hearing can be most effective.

## 6.6 Hearing

- 6.6.1 The hearing shall take place in private, with the decision and any sanction being treated as confidential by all parties until 28 days after that notification.
- 6.6.2 The Disciplinary Committee shall decide any issue by a majority and no member of the Disciplinary Committee may abstain from voting.
- 6.6.3 The standard of proof in disciplinary cases is the balance of probabilities.

- 6.6.4 The Disciplinary Committee may appoint a recorder to record Disciplinary Committee proceedings. The proceedings may be audio-recorded; the Chair will inform those involved in the hearing about the audio-recording at the start of the proceedings.
- 6.6.5 The procedure for the hearing shall be flexible and shall be at the discretion of the Chairman of the Disciplinary Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chairman of the Disciplinary Committee will outline the basic procedure of the hearing at the start of the proceedings.
- 6.6.6 Those representing either party at a hearing may present and sum up their case, as well as put questions via the Chair but they are not permitted to answer questions put to the respondent.
- 6.6.7 The Chair of the Disciplinary Committee has the authority to adjourn the hearing to allow for additional evidence to be presented only if they consider it important and relevant in reaching a decision.
- 6.6.8 After consideration of the evidence presented to it the Chair may:-
- (a) announce the decision of the Disciplinary Committee and at the same time announce its findings;
  - (b) announce the decision of the Disciplinary Committee with the grounds of the decision being given at a later date; or
  - (c) defer the Disciplinary Committee's decision to a later date, no longer than 7 days after the hearing date.
- 6.6.9 Any deviation from this Policy by a Disciplinary Committee shall not invalidate any finding, procedure or decision unless that deviation raises material doubt as to the reliability of the finding, procedure or decision.
- 6.6.10 For the avoidance of doubt, the Disciplinary Committee is not be bound by the rules of court (or any legislative provision) governing procedures. All hearings shall be conducted in a fair and orderly manner, with each party having a reasonable opportunity to give and call evidence, address the Disciplinary Committee and present their case.
- 6.6.11 Within 14 days of the conclusion of the hearing the Disciplinary Committee shall issue a written decision which should contain the following:-
- (a) the identity and composition of the Disciplinary Committee;
  - (b) the names of the parties;
  - (c) a summary of the facts;
  - (d) the grounds of the decision;
  - (e) the provisions on which the decision is based;
  - (f) the sanctions imposed;
  - (g) any order for costs;
  - (h) any sanction imposed.



6.6.12 A copy of the decision shall also be sent to the Board for information.

## **7. SANCTIONS**

- 7.1 Where the relevant matter is admitted or proved, the Disciplinary Committee shall have power to determine and pronounce sanctions. Sanctions must be reasonable and proportionate in all the circumstances. Where a matter has been proved against or admitted by a young person, any sanction imposed should be proportionate to that young person's age.
- 7.2 Examples and a non-exhaustive list are set out in Appendix 1. This is for guidance only and provides a non-exhaustive range of sanctions.
- 7.3 The Disciplinary Committee may order that any part of a sanction be suspended for a specified period (not exceeding six months). If the respondent benefiting from a suspended sanction commits another Disciplinary Offence during the suspension, the suspended sanction will automatically take full effect. This sanction will be in addition to any sanction imposed as a consequence of the additional Disciplinary Offence.
- 7.4 Any monetary sanctions (fines) imposed by the Disciplinary Committee must be paid within 28 days of the date the fine was imposed. Interest shall be payable at the rate applicable to judgment debts in England & Wales following the end of the 28-day period until the actual date of payment.
- 7.5 Failure to comply with a sanction, including failure to pay a fine will be taken seriously and will lead to an immediate suspension of Volleyball England membership pending compliance with the sanction and or payment of the fine. Equally, if a suspension is combined with a fine the suspension may be prolonged until the fine has been paid in full.
- 7.6 The Disciplinary Committee may impose sanctions regardless of whether they have been committed deliberately and with intent, or merely negligently.
- 7.7 Any sanction which amounts to a permanent removal of Volleyball England membership and a permanent exclusion from the Sport must first be reviewed and endorsed by the Board.
- 7.8 The Disciplinary Committee may make any order in relation to the costs of the matter at its discretion and as it sees fit, to be payable in such proportion as it may decide by any of the parties to the matter and the hearing. The Disciplinary Committee will not ordinarily make an order for costs without first considering submissions from the relevant parties on the question of costs.
- 7.9 The Disciplinary Committee has the right to impose a fine of up to £250 on the complainant where they consider an allegation or an appeal to be frivolous, vexatious and/or malicious and may bring further disciplinary charges against the individual(s), further sanctions and/or fines for persistent complaints which result in no case to answer.

## **8. APPEALS**

- 8.1 The respondent and the claimant have the right to appeal against the decision within 10 days of the date of the written decision issued under paragraph 6.6.11 and under the grounds set out below, providing they attended, were represented at or made submissions in writing to the hearing.
- 8.2 An appeal can only be sought against a decision of the Disciplinary Committee on one or more of the following grounds:-
- 8.2.1 There was injustice because of a serious procedural or other irregularity in the proceedings before or during the Disciplinary Committee; and/or

- 8.2.2 The sanction imposed was manifestly unreasonable in the light of the Disciplinary Committee's decision made on the facts.
- 8.3 An appeal should be set out in writing within 10 days of the date of the written decision issued under paragraph 6.6.11 and should identify the decision and reason for appeal as set out in paragraph 8.2 above. The stated grounds of an Appeal shall not be amended after submission.
- 8.4 Any appeal from the Disciplinary Committee shall be reviewed by the Board. The Board shall determine any process to be followed based on the grounds for appeal. The decision of the Board following its review shall be final and binding on all parties.
9. **MISCELLANEOUS**
- 9.1 The Disciplinary Committee will, where it is considered to be sufficiently serious, refer the matter to the police, social services or other agencies for investigation, and it should consult with the police, social services or other agency about whether they require or recommend postponing or delaying consideration of the matter, in accordance with this Policy, until their investigation has been concluded. The same procedure should be followed where the police or Children's Services are already involved with the complaint before the Disciplinary Committee becomes involved under this Policy.
- 9.2 Volleyball England accepts no liability for any financial or reputational loss arising from the decision of the Disciplinary Committee.
- 9.3 Two or more parties or complaints may be dealt with at the same Disciplinary Committee hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents. The Chairman of the Disciplinary Committee may modify the procedures adopted as appropriate.
- 9.4 In the event that a particular incident occurs for which there is no provision in this Policy, the Disciplinary Committee will refer the matter to the Board who will take such action as they consider appropriate in the circumstances. All matters shall be dealt with in accordance with general principles of natural justice and fairness.
- 9.5 The timescales contained in this Policy will be adhered to wherever practically possible. Volleyball England recognises that a considerable element of the sport is delivered through volunteers and therefore some flexibility may be required when applying timescales. If the Disciplinary Committee fail to adhere to the timescales set out in this Policy it will not invalidate the procedure and only unreasonable delays could be used as grounds for appeal.
- 9.6 Deemed consent to forward a complaint to another appropriate authority (including external agencies) is implied by instigating action under and in accordance with this policy.

## APPENDIX 1 Sanctions

Note: the suggested sanctions below are guidelines and always subject to the discretion of the Disciplinary Committee taking into the account the severity of the relevant matter before it.

Note: all fines imposed by the Disciplinary Committee shall be payable within 28 days of the date the fine was imposed. Interest shall be payable at the rate applicable to judgment debts in England and Wales following the end of the 28-day period until the actual date of payment.

No	Example sanction
1.	Caution, reprimand, warning as to future conduct
2.	Suspension of membership and/or from participation in events for a specified period. In full or specific class of membership (e.g. coach, player, official)
3.	Fines or non-payment of expenses fees for services provided
4.	Lifetime suspension of Volleyball England membership. In full or specific class of membership (e.g. coach, player, official)
5.	Requirement to attend training/additional mentoring or have additional supervision for a period
6.	Forfeiture of competition prizes and/or placings
7.	Removal of Club accreditation scheme (e.g. Volley 1,2, 3)
8.	Suspension of access to Volleyball England member benefits
9.	Suspension of access to systems, data or information provided by Volleyball England
10.	Loss or removal of ranking points earned through previous competitions
11.	Any other applicable sanction listed in other Volleyball England rules, policies or guidelines