



SCOTTISH POOL ASSOCIATION (SPA)

CONSTITUTION APPENDIX 3

DISCIPLINARY, GRIEVANCE AND APPEALS PROCEDURE

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1. General

- 1.1. All matters concerning discipline should be taken by the elected disciplinary committee; their decisions should be both fair and consistent, without any bias due to players, situations or venues. If a member of the committee feels that due to personal circumstances they cannot make an objective decision, then they should offer to step down for the purposes of that decision, and they will be replaced by another area representative. Further to this no-one from the same IM area can sit on the disciplinary committee for a decision involving one of their “home” players.
- 1.2. If any SPA member believes that a decision has been taken that is either unfair or inconsistent, they should send this and their evidence to the Secretary. Everyone has the right to appeal against a decision taken by the SPA, and appeals will be dealt with by the Executive Committee.
- 1.3. The SPA reserves the right to suspend, fine or expel any member, team or league for any breach of these rules, or any rules that the Committee makes at any future time, or for any act deemed by the body of the hall at an SPA meeting to have brought the SPA into disrepute.
- 1.4. Any member, team or league accused of any offence against the SPA will be afforded every opportunity to defend themselves, or explain their conduct either in writing, or in person to the body of the hall at an SPA meeting.
- 1.5. Any member, team or league expelled from the SPA, will forfeit the whole of any subscriptions paid for the current year, and any right or entitlement formally accorded to them as members of the SPA. If the party has been suspended, as exposed to expelled, they are not eligible to participate in any SPA organized events until that suspension has been lifted.
- 1.6. All incidents reported to disciplinary committee **MUST** be dealt with as soon as practically possible (an investigation should have commenced within an eight week period of the incident). Disciplinary appeals will be heard by the executive committee and not body of the hall.

2. Disciplinary Procedure

- 2.1. It is SPA policy that the following procedure should be followed when a member is being disciplined or dismissed. The procedure provides that in normal cases a series of warnings will be given before discipline or dismissal is contemplated. The stages of the procedure that apply when discipline or dismissal is being contemplated comply with the statutory dismissal and grievance procedures.
- 2.2. Matters which may be dealt with under this disciplinary and dismissal procedure include discipline and dismissal for the following reasons:
 - Misconduct
 - Sub-standard performance
 - Harassment or victimisation
- 2.3. Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal oral warning may be given, which does not count as part of the formal (or statutory) disciplinary procedure. No formal record of this type of warning will be kept.
- 2.4. If there is no improvement or the matter is serious enough, you will be invited to a disciplinary meeting at which the matter can be properly discussed. You will be allowed to bring a representative to the meeting. The outcome of the meeting will be communicated to you. There are the following possible outcomes:

a) Oral Warning

In the case of minor infringements you may be given a formal oral warning. A note of the oral warning will be kept on your file but will be disregarded for disciplinary purposes after a specified period (eg six months). You have the right to appeal against a formal oral warning.

b) Written Warning

If the infringement is more serious or there is no improvement in conduct after a formal oral warning you will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after a specified period (eg 12 months).

c) Final Written Warning

Where there is a failure to improve or change behaviour during the currency of a prior formal written warning, or where the infringement is sufficiently serious, you may be given a final written warning. This will give details of the complaint, warn that failure to improve will lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but will normally be disregarded for disciplinary purposes after a specified period (eg 12 months).

d) Dismissal or Suspension

If your conduct or performance still fails to improve the final step will be to contemplate dismissal. If your employer is contemplating dismissing you he must follow the "Standard Disciplinary and Dismissal Procedure" which is a statutory requirement. Failure to do so will usually result in a finding of automatically unfair dismissal.

3. The Standard Disciplinary and Dismissal Procedure

3.1. Step 1: SPA Gives Member a Written Statement and Calls a Hearing

The SPA will set out in writing your alleged conduct, characteristics or other circumstances which lead him/her to contemplate dismissing or taking disciplinary action against you. The SPA will inform you, in the written statement of the basis on which he has made the allegations against you. If possible the SPA will provide you with copies of any relevant evidence against you. The SPA will invite you to a hearing to discuss the matter.

3.2. Step 2: Meeting is Held and SPA Informs Member of the Outcome

The meeting will take place before any action is taken. The meeting will be held without undue delay but only when you have had a reasonable opportunity to consider your response to the SPA's written statement and any further verbal explanation the SPA has provided. You must take all reasonable steps to attend the meeting.

After the meeting the SPA will inform you of his/her decision and notify you of your right to appeal against the decision if you are not satisfied with it. You must appeal to complete the statutory procedure.

3.3. Step 3: Appeal Against the Disciplinary Decision if Necessary

If you wish to appeal you must inform SPA Disciplinary Committee in writing within 21 days. If you do this the SPA will invite you to attend a further meeting. You must take all reasonable steps to attend the meeting. If practicable an Executive Committee person not previously involved in the disciplinary procedure will hear the appeal. The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing the SPA will inform you of his/her final decision and will confirm it in writing as soon as practicable.

4. Gross Misconduct

4.1. If after investigation it is confirmed that you have committed one of the following offences (the list is not exhaustive), you will normally be dismissed:

- theft
- fraud and deliberate falsification of records
- physical violence
- serious bullying or harassment
- deliberate damage to property
- serious insubordination
- misuse of an organisation's property or name
- bringing the SPA into serious disrepute
- serious incapability whilst at an event brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998).

4.2. While the alleged gross misconduct is being investigated, you may be suspended. Any decision to dismiss will be taken by the SPA only after a full investigation.

4.3. The Standard Disciplinary and Dismissal Procedure applies to dismissals for gross misconduct.

5. Modified Dismissal Procedure

5.1. In a few cases of gross misconduct the SPA may be justified in dismissing immediately without conducting an investigation. In these cases a two-step "Modified Dismissal Procedure" will be followed, otherwise the dismissal will be automatically unfair.

5.2. Step 1: SPA gives Written Statement

The SPA must give you a written statement setting out the conduct that has resulted in the dismissal and informing you of the right to appeal against the decision to dismiss. You must appeal to complete the statutory procedure.

5.3. Step 2: Appeal Against the Disciplinary Decision

If you wish to appeal you must inform SPA Disciplinary Committee. A meeting must be held (in accordance with the general principles set out above). The SPA must inform you of his decision following the meeting.

6. General Principles

6.1. The following principles apply to the Standard Dismissal and Disciplinary Procedure and the Modified Dismissal Procedure set out above:

- The Committee who has authority to discipline you in accordance with this procedure is SPA Disciplinary Committee.
- You have the right to be accompanied to any meeting by a representative or a fellow member.
- Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.
- Meetings will be conducted in a manner that enables both SPA and member to explain their cases.
- Records will be kept detailing the nature of any breach of disciplinary rules or unsatisfactory performance, your defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be kept confidential.

7. Grievance Procedure

7.1. It is SPA policy to ensure that any member with a grievance has access to a procedure, which can lead to a speedy resolution of the grievance in a fair manner. For competition grievance and appeals see competitions appendix and IM appendix.

7.2. Most routine complaints and grievances are best resolved informally in discussion with Executive Committee in the first instance.

7.3. Where the grievance cannot be resolved informally it will be dealt with under the following procedure that complies with the statutory standard three-step grievance procedure.

8. The Standard Grievance Procedure

8.1. Step 1: Member gives Written Statement of Grievance

You must put your grievance in a written statement of grievance and send a copy to The Disciplinary Committee.

8.2. Step 2: Meeting is Held and SPA Informs Member of the Outcome

The SPA will invite you to attend a meeting to discuss the grievance. The meeting will only take place once you have informed the SPA of the basis for the grievance you have set out in your written statement, and the SPA has had a reasonable opportunity to consider what response to make. You must take all reasonable steps to attend the meeting.

After the meeting the SPA must inform you of the decision taken in response to the grievance and notify you of your right to appeal if you are not satisfied with the SPA's decision. You must appeal to complete the statutory procedure.

8.3. Step 3: Appeal If Necessary

If you wish to appeal you must inform the SPA. The SPA will then invite you to attend another meeting. You must take all reasonable steps to attend. If reasonably practicable, an Executive Committee member who has not been involved in the grievance procedure so far will deal with the appeal. After the meeting the SPA must inform you of the decision taken.

9. The Modified Grievance Procedure

9.1. The Modified Grievance Procedure will apply in relation to your grievance only if:

- you no longer a member of any affiliated league
- you have agreed with the SPA in writing that it will apply
- you raised it before you left, but the standard procedure wasn't completed, or you didn't raise it until after you left

9.2. There are two steps within the Modified Grievance Procedure:

9.3. Step 1: Member Gives Written Statement of Grievance

You must put your grievance in a written statement and send a copy to the SPA.

9.4. Step 2: SPA gives written response

The SPA must write back to you giving his response to the points you have raised.

10. Principles Applicable to the Standard and Modified Grievance Procedure

- 10.1. Each step in the grievance procedure should be carried out without unreasonable delay.
- 10.2. The times and locations of meetings should be reasonable.
- 10.3. Meetings must be conducted in a way that allows both parties to explain their case.
- 10.4. Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential.
- 10.5. You have the right to be accompanied to the hearing by a representative or a fellow member.
- 10.6. There are some cases in which the statutory procedure does not have to be followed or does not have to be followed in full, for example where your grievance is about the fact the SPA intends to dismiss you. In these cases, the SPA will not necessarily follow the statutory procedures set out above.
- 10.7. If you want to seek resolution of a grievance you must contact:-
The Secretary of The Scottish Pool Association

11. Guidelines for Ratification of League Level Sanctions

- 11.1. In order for the SPA to accept a request for ratification of a league level sanction (ie. Debt suspension, participation ban) the following conditions should be met:
 - A report of the alleged incident must be submitted to a member of the Executive Committee in written or electronic form at least 2 weeks before the date of the meeting.
 - The league's own appeal process must have been exhausted and dated letters to support this must be submitted with the report.
 - If both of these conditions are met then the SPA can support the sanction and impose an association wide ban with immediate effect.
- 11.2. The player in question will receive written notification of the ratification within 7 days of the meeting. They will then have a subsequent 21 day period in which to submit a letter of appeal. Appeals will be dealt with in a timeous fashion, within a period not exceeding 28 days. This will allow for publication of the decision at the next SPA meeting
- 11.3. It remains the responsibility of the league to inform the SPA of any resolution to the matter.