



Aberdeen Schools Rowing Association Disciplinary Procedures

Approved by Trustees February 2009

In child protection matters, these procedures will be implemented taking into account the principles set out in the Children 1st Child Protection in Sport service *Guidelines on Disciplinary Issues Relating to a Child Protection Concern*, a copy of which may be downloaded from www.childprotectioninsport.org.uk/cpisresources.html.

1. Procedures Involving Individuals who are Members & Volunteers of the ASRA.

The ASRA Constitution and Deed of Trust empower the ASRA Trustees to deal with disciplinary matters. It permits

- Suspension of individuals from competing, coaching, taking part or participating in any way at any training session or regatta run under the aegis of the ASRA for
 - Violation of ASRA child & vulnerable adult protection policy, or
 - Eg Bullying
 - acting in any way likely to bring the sport of rowing or sculling into disrepute.
 - Eg stealing / vandalism

The duration of the suspension is at the discretion of the Trustees.

- Lifetime bans on any persons found guilty of an anti-doping violation.

Complaints dealt with under these powers must be notified to the Secretary in writing giving details of

- the date, time and place at which the incident occurred,
- the names of all individuals involved,
- details of the incident,
- the names and contact details of any witnesses.

Initially, the matter may be dealt with summarily by one of the Trustees or Duty Coach, who will notify his/her decision if suspension is to be made in writing with a copy to the Secretary.

If, however, the Trustee/Duty Coach is of the opinion that the matter is too serious to handle in this way – and in all cases of alleged doping violations – he/she will convene a Disciplinary Committee to handle the matter. This committee will consist of the three Trustees, the Secretary and one other member of ASRA committee who will reach a decision on the matter.

If this procedure is followed, the following timescale will be applied.

- Within 10 days of the incident, the accused person will be informed in writing of the formation of the committee to deal with the matter and be invited to attend.
- The date set for the meeting will be within 10 days of the date of the letter.
- Within 10 days of the meeting, all relevant parties will be informed in writing of the result of the meeting.



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The proceedings of all Disciplinary Committees will be recorded by the Secretary.

The Disciplinary Committees decision is final.



2. Procedures involving Employees of the ASRA

a. Rules Relating to Disciplinary Procedure

The objective of this procedure is to encourage a sound relationship between the Association and the employee so that discipline may be maintained by means which are fair and reasonable to all concerned and which thus provide the basis for good relationships, high morale and efficient operations. The aim is to ensure consistent and fair treatment for all and employees should familiarize themselves with its provisions.

Principles:

- No disciplinary action will be taken against an employee until the case has been fully investigated.
- At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and, where possible, will be provided with all relevant evidence before any hearing. The employee will be given the opportunity to state his or her case before any decision is made.
- At all stages the employee will have the right to be accompanied by a work colleague during the disciplinary interview. The employee's companion will be entitled to address the hearing but not to answer questions on the employee's behalf.
- An employee will have the right of appeal against any disciplinary penalty imposed.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- At all stages of the procedure matters shall be dealt with by the Association without undue delay.
- Information relating to any disciplinary proceedings, including witness statements and records of any penalty imposed shall remain confidential.
- Two copies of any written warning will be given to the employee; the second copy must be signed by him/her as acknowledgement of receipt and returned to the Association whereby it can then be retained on his/her personal file for the period stated.

The Procedure.

- The procedure may start at any stage, including dismissal, according to the seriousness of the alleged offence.
- The disciplinary, dismissal and appeals procedure does not apply during the first year of service.
- Minor faults will be dealt with informally but where the matter is more serious the following procedure will be used:

Stage1- Oral Warning:

If conduct or performance does not meet acceptable standards the employee will normally be given a formal **oral warning**. He or she will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of his or her right of appeal. A brief note of the oral warning will be kept on file but it will be spent after 6 months, subject to satisfactory conduct and performance.



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Stage 2 – Written Warning

If the offence is a serious one, or if a further offence occurs, a **written warning** will be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct and performance.

Stage 3 – Final written warning or disciplinary suspension.

If there is still a failure to improve conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to justify dismissal (in effect both first and final written warning) a **final written warning** will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be held on file for 12 months, (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

Alternatively, consideration will be given to imposing a penalty of a disciplinary suspension without pay for up to a maximum of five working days.

Stage 4 – Dismissal

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, **dismissal** will normally result. The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.

b. Gross Misconduct

1. The following list provides examples of offences, which are normally regarded as gross misconduct:

- Theft, fraud, deliberate falsification of records
- Fighting, assault on another person;
- Deliberate damage to ASRA property;
- Misuse of the ASRA's property or name;
- Bullying or harassment;
- Any action which brings ASRA into serious disrepute;
- Serious incapacity through alcohol or being under the influence of illegal drugs;
- Serious negligence, which causes unacceptable loss, damage or injury;
- Serious act of insubordination;
- Serious infringement of Health & Safety rules;
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998);
- Unauthorised entry to computer records;

This list is not exhaustive.



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2. If the employee is accused of an act of gross misconduct, he may be suspended from work on full pay normally for no more than five working days, while the Association investigates the alleged offence. If, on completion of the investigation and the full disciplinary procedure, the Association is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

c. Appeals

An employee who wishes to appeal against a disciplinary decision should apply in writing to the Secretary of the Association within two working days of receipt of the written judgment. The Secretary will convene an Appeal Panel of the three trustees to hear the Employee's appeal. Said Appeal Panel will sit as soon as is practicable. Said Appeal Panel will hear all appeals and the decision is final. At appeal any disciplinary penalty imposed will be reviewed but cannot be increased.

d. Rules Relating to Grievance Procedure

Purpose & Scope

The object of a grievance procedure is to settle any grievance as quickly as possible and as near as possible to the point of origin. Therefore, if an employee feels he/she has been subjected to unfair treatment, or have any grievance relating to his employment, he/she should follow the appropriate procedure, as detailed below:

Stage 1

If he/she wishes to raise a matter of grievance relating to his/her employment or wishes to appeal against a decision, he/she should speak in the first instance to the Secretary.

Stage 2

In the event of there being no agreed settlement, he/she should refer the matter in writing to the Rowing Co-ordinator within a 2 week period. He/she should state the grounds for his grievance and the name of any witnesses that may support his case. If the grievance is contested the Rowing Co-ordinator should invite the employee to a hearing in order to discuss the grievance and will inform the employee of his or her statutory right to be accompanied (depending on the nature of the grievance). The Rowing Coordinator will confirm any decision or proposed action to the employee in writing within 10 working days of the hearing or, where no hearing has taken place, within 5 working days of the grievance being raised. If it is not possible to respond within the specified time period the employee will be given an explanation for the delay and told when a response can be expected.

Stage 3

Should the issue remain unresolved at this stage, the employee should put his grievance to the Rowing Coordinator of the Association. The Rowing coordinator will convene a Panel of the three Trustees to hear the grievance. The Rowing coordinator will inform the employee of his statutory rights to be accompanied. Following the hearing, the Rowing coordinator will confirm any decision or proposed action within 10 working days. If it is not possible to respond within the specified time period the employee will be given an explanation and will be told when a response can be expected. The Panel's decision will be final.

Interview Procedure



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Where possible, interviews will be held within 3/5 days of the grievance being raised. A written record of the interview should be agreed and signed by the interviewer and the employee and recorded on his or her personnel file. At all stages of the procedure, the employee will have the right to be accompanied by a colleague or a person of his or her choice.

Confidentiality

- Information relating to any grievance brought by an employee shall remain confidential.
- ASRA may also terminate his/her employment without notice or payment in lieu of notice in the event of serious or persistent misconduct by the employee.
- He/she should give at least the minimum notice, as detailed below, of his/her intention to terminate his/her employment, unless otherwise specified in the letter of Appointment:
 - Weekly paid staff – One week notice shall be given so as to expiration on a Friday.
 - Monthly paid staff - One month. Notice shall be given so as to expiration on the last working day of the month.
- Please note that this is the minimum requirement and that his/her period of notice is detailed in the letter of offer of employment. Alternatively, by mutual agreement, these notices may be waived by either party.
- The Association reserves the right to make payment in lieu of notice. If ASRA gives an employee notice it may, at its discretion, ask him/her to work any period short of the maximum notice, or leave immediately.