



Disciplinary & Grievance Procedure



Section 1 INTRODUCTION

- 1.1 This procedure ensures 'fair play' without prejudice for both parties if there is a problem/issue at Kielder Yacht Club between:
 - a. members, including committee members, or
 - b. a member and the Committee or particular committee member, or
 - c. a member and another lake user.
- 1.2 Conduct outside of this and not carried out in the name of KYC is not deemed to be within the scope of this procedure.
- 1.3 In using this procedure, the Committee seeks adjustment through the process of a Disciplinary Procedure and the Member seeks adjustment through the process of a Grievance Procedure.

Section 2 THE DISCIPLINARY PROCEDURE

PURPOSE AND SCOPE

- 2.1 The disciplinary procedure should:
 - be used by the Committee to seek adjustment from a member of the club
 - be in a written form
 - specify to whom it applies
 - be capable of dealing speedily with the disciplinary matter
 - indicate the form of disciplinary action to be taken
 - specify the level of authority to exercise discipline
 - provide for individuals to be informed of the nature of the alleged misconduct
 - ensure every case is properly investigated before disciplinary action is taken
 - ensure that the member understands the penalty they receive
 - provide for a right of appeal against actions.
- 2.2 This procedure is designed to help and encourage all members to achieve and maintain standards of conduct, respect and safety awareness. The club rules (a copy of which is displayed in the club house and on the club website) and this procedure apply to all members. The aim is to ensure consistent and fair treatment for all.

PRINCIPLES

- 2.3 The principles of the Disciplinary procedure are:
 - 2.3.1 No disciplinary action will be taken against a member until the case has been fully investigated.
 - 2.3.2 A member must be presumed innocent until proved otherwise.
 - 2.3.3 At every stage in the procedure the member will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.

STAGES OF THE PROCEDURE

Stage 1 - ORAL WARNING

- 2.4 If conduct or performance does not meet acceptable standards the member will normally be given a formal ORAL WARNING. They will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right of appeal. A brief note of the oral warning will be kept but it will be spent after 12

months, subject to satisfactory conduct. Such oral warning will only be issued at the next relevant committee meeting or within 1 month of the event, whichever is the soonest, where the member will be asked to attend. If they do not attend, without good cause, then the oral warning is deemed delivered.

Stage 2 - WRITTEN WARNING

2.5 If the offence is a serious one, ie deemed to bring the club into disrepute, or if a further offence occurs, a WRITTEN WARNING will be given to the member by the Committee, or Commodore if the member is a committee member. 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 by the club but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct and performance.

Stage 3 - FINAL WRITTEN WARNING OR DISCIPLINARY SUSPENSION

2.6 If there is still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify expulsion (in effect both first and final written warning), a FINAL WRITTEN WARNING will normally be given to the member. This will give details of the complaint, will warn that expulsion from the club 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 kept by the club but it will be spent after 18 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 temporary suspension of membership.

Stage 4 - EXPULSION

2.7 Where expulsion is being considered a secret ballot must be undertaken by the committee at a Special Committee meeting, where this is the only agenda item, with any committee member having a vested interest declaring such interest and removed from the voting, and a 75% majority of those voting will need to be obtained. Any member who is to be expelled from the Club must hand in their club keys immediately and a date for removal of vessel(s) stored on site agreed with the Committee. A copy of this expulsion documentation will be kept by the club and it will be spent after 2 years. An expelled member may rejoin after 2 years but must be proposed, seconded and authorised by the Committee.

MEMBER'S RIGHTS

2.8 At all stages the member will have the right to be accompanied by a non-committee member or advocate/non-club member during the disciplinary interview.

2.9 No member will face expulsion for a first breach of discipline except in the case of gross misconduct.

2.10 A member will have the right to appeal against any disciplinary penalty imposed, ultimately to the RYA.

2.11 The procedure may be implemented at any stage if the member's alleged misconduct warrants such action.

GROSS MISCONDUCT

2.12 The following non-exhaustive list provides examples of offences which are normally regarded as gross misconduct :

- Theft, fraud, deliberate falsification of club records.
- Fighting, assault on another person/member on club premises or Kielder lake environment.
- Deliberate damage to club or other members' property.
- Serious incapability through alcohol or being under the influence of illegal drugs.
- Serious negligence which causes unacceptable loss, damage or injury.
- Serious breach of Club or Northumbrian Water Rules.
- Harassment. (For the purposes of this procedure, is deemed to be the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. The purposes may vary, including racial prejudice or personal malice.)
- Deliberate, malicious and damaging breach of personal data held in accordance with current UK General Data Protection Rules.

2.13 If a member is accused of an act of gross misconduct, they may be temporarily suspended from club membership, normally for no more than 4 weeks, while the committee investigates the alleged offence. If, on completion of the investigation and the full disciplinary procedure, the committee is satisfied that gross misconduct has occurred, the member will be asked to attend a formally called Special Committee meeting as in section 2.7.

2.14 If gross misconduct has been found to have occurred the penalty will be expulsion from the club.

APPEALS

2.15 A member who wishes to appeal against a disciplinary decision should inform the Committee within 5 days. The Commodore and Vice Commodore will form an appeal panel with another committee member chosen by the appellant and under normal circumstances their decision will be final. At the appeal any disciplinary penalty imposed will be reviewed but it cannot be increased. In exceptional circumstances an appeal may be made to the RYA.

CIRCUMSTANCES CONCERNING COMMITTEE MEMBERS

2.16 Whilst all of the above applies to committee members, there may be circumstances where vested interests may apply, such interests must be declared to the Commodore prior to any hearing.

2.17 The issuing of an oral warning will not normally preclude the committee member from carrying out committee duties, but any stage beyond Oral warning will preclude the committee member from further committee duties.

PROCESS FOR HANDLING A DISCIPLINARY MATTER

2.18 This process sets out the key steps which KYC should consider when handling a disciplinary matter. A Summary sheet is provided at Appendix 1 to ensure standard recording of Disciplinary meetings. All members should observe the principles of natural justice embodied below :

Step	Actions
1 Gather all the relevant facts	<ul style="list-style-type: none"> • Promptly before memories fade • Take & document statements, collect documents
2 Be clear about the complaint:	<ul style="list-style-type: none"> • Is action needed at this stage? <ul style="list-style-type: none"> • If no, document the decision • If yes, step 3
3 Decide what the action should be:	<ul style="list-style-type: none"> • Advice and counselling, document the action • Formal disciplinary action, step 4
4 Formal action is required:	<ul style="list-style-type: none"> • Arrange a disciplinary interview with the KYC Committee (normal quorate rules apply) • Ensure that the individual is aware of the nature of the complaint and that the interview is a disciplinary one • Tell the individual where and when the interview will take place and of their right to be accompanied.
At the Disciplinary Interview:	
5 Start by introducing :	<ul style="list-style-type: none"> • Those present and the purpose of the interview • The nature of the complaint • The supporting evidence
6 Allow the individual to state their case :	<ul style="list-style-type: none"> • Consider and question any explanations put forward
7 If any new facts emerge	<ul style="list-style-type: none"> • Decide whether further investigation is required. <ul style="list-style-type: none"> • If it is, adjourn the interview and reconvene when the investigation is completed
8 Except in very straightforward cases, call an adjournment before reaching a decision	<ul style="list-style-type: none"> • Come to a clear view about the facts • If they are disputed, decide on the balance of probability what version of the facts is true
9 Before deciding the penalty consider the following	<ul style="list-style-type: none"> • The gravity of the offence and whether the procedure gives guidance as to : <ul style="list-style-type: none"> • The penalty applied in similar cases in the past • The individual's disciplinary record and general service • Any mitigating circumstances • Whether the proposed penalty is reasonable in all the circumstances
10 Reconvene the disciplinary interview to:	<ul style="list-style-type: none"> • Clearly inform the individual of the decision and the penalty, if any • Explain the right of appeal and how it operates • In the case of a warning explain what improvement is expected, how long the warning will last and what the consequences of failure to improve may be
11 Record the action taken	<ul style="list-style-type: none"> • If other than an oral warning, confirm the disciplinary action to the individual in writing • Keep a simple record of the action taken for future

	<p>reference using the Summary sheet in Appendix 1.</p> <ul style="list-style-type: none"> • Hard copy (inc signed evidence, photos, etc) should be kept in a sealed envelope off site by the Hon. Secretary who should also securely store a digital copy.
<p>12 Monitor the individual's conduct</p>	<ul style="list-style-type: none"> • Disciplinary action should be followed up with the object of encouraging improvement • Monitor progress regularly and discuss it with the individual

Section 3 THE GRIEVANCE PROCEDURE

PURPOSE AND SCOPE

- 3.1 Grievance is deemed to be a complaint that has been formally presented to the KYC committee in writing only by a member of the club. Acknowledgement of such a grievance must be made within 10 working days of receipt and a full copy of the relevant procedure be sent to the member who has raised the grievance.
- 3.2 Most minor disagreements can be dealt with quickly and effectively and these are referred to as 'dissatisfactions', both parties must agree to accept the status of dissatisfaction; those which are not resolved develop into grievances. Acceptance of dissatisfaction status does not preclude later reliance upon due process.
- 3.3 It is important that the procedure is fair and all members are entitled to a fair hearing. The member may also seek a representative if he or she chooses, however this should not be a committee member.

PRINCIPLES

- 3.4 Formality in procedure provides a framework within which members can reasonably air their grievances and avoids the likelihood of others dodging the issue when it is difficult. It avoids the risk of inconsistent ad hoc decisions and the member knows at the outset that the matter will be heard and where it will be heard. The key features of grievance procedure are fairness, facilities for representation, procedural steps and promptness.
- 3.5 Fairness is needed not only to be just but also to keep the procedure viable. If members develop their belief that the procedure is only a sham, then its value will be lost and other means will be sought to deal with grievances. Fairness is best supported by the obvious even handedness of the ways in which grievances are handled, but it will be greatly enhanced if the appeal stage is either to a joint body or to independent arbitration.
- 3.6 Representation can be of help to the individual member who lacks the confidence or experience to follow due process on their own. A representative may be able to advise the person with the grievance whether the claim is worth pursuing.

STAGES OF THE PROCESS

Stage 1 - PRELIMINARY STAGE

- 3.7 The first step is the Preliminary Stage where a grievance is lodged with the Hon. Secretary in writing to be discussed at the next scheduled committee meeting, the complainant will receive written notification within 10 working days, and be invited to attend said meeting.
- 3.8 It is the intention of this procedure to settle any disputes at this meeting. If settled then a mutually agreed outcome of 'dissatisfaction' will be recorded and minuted. The minutes will be kept confidential. The Summary sheet at Appendix 1 must also be completed and stored as per section 11 of the Disciplinary process.

3.9 If the above is not deemed appropriate then the problem is referred to a specially called KYC committee meeting called for this purpose only. Hereafter known as ‘the Hearing.’

Stage 2 - HEARING

3.10 The hearing gives the complainant the opportunity to state their case to a specifically called committee meeting, who will take a broader view on the case, may be able to see the issue more dispassionately and to perceive solutions and decide the outcome.

3.11 It is not the intention of the Committee to unilaterally impose an outcome. Any outcome must be mutually accepted and the matter be deemed to be closed.

3.12 It is important for all concerned that the hearing should finalise the matter whenever possible, so that recourse to appeal is not automatic.

3.13 It is worthy of note that at this stage the formal Disciplinary Procedure may be invoked if considered relevant and appropriate.

Stage 3 - APPEAL

3.14 An appeal may be lodged and the Commodore and Vice Commodore, together with a committee member of the complainant’s choice, will hear such an appeal. The outcome will be either a confirmation or modification of the decision of the hearing.

3.15 In exceptional circumstances an appeal may be made to the RYA.

Endorsed:

Date:

Commodore:

Honorary Secretary:

APPENDIX 1

KYC Disciplinary Meeting Summary sheet			
Member name:		Date of Meeting:	
Committee members present:			
Date of incident:		Time of Incident:	
Description of Incident (evidence to be attached):			
Action taken (Please Tick)	Verbal Warning	Written Warning	Final Written Warning
	Temporary Suspension	Effective date:	
	Termination of membership	Effective date:	
Corrective action plan:			
Next action needed, if problem continues:			

I acknowledge receipt of this disciplinary summary and that its contents have been discussed with me.

Member signature: _____ Date: _____

Change Control

This Disciplinary & Grievance Procedure is subject to 2 yearly review.

Rev	Date	Section	Reason for Rev	Change made
			Original version 2018	
2	May 2022		Review of November 2018 procedure.	Standard formatting changes and typo corrections. General formatting to make the processes read more easily.
2	May 2022	2.1	Addition of use of	Addition of first bullet" be used by the Committee to seek adjustment from a member of the club"
2	May 2022	2.2	Addition of location of club rules	Addition of "(a copy of which is displayed in the club house and on the club website)"
2	May 2022	2.7	Expulsion should be stage 4	Addition of 'Stage 4' to title
2	May 2022	2.7	Expulsion guidance enhanced	More details added as to timescales, expulsion actions and re-joining criteria.
2	May 2022	2.12	Update GDPR reference	Changed to "Breach of data held in accordance with current UK GDPR rules"
2	May 2022	2.12	Improve 3rd bullet	Added "or members' property"
2	May 2022	2.14	Clarification	Sentence moved from 2.9 to provide clarity
2	May 2022	2.18	Checklist needed to standardise recording of meetings	Sentence added referring to Summary sheet in Appendix 1
2	May 2022	2.18	Clarity in the process	Section reformatted into table format to provide clarity.
2	May 2022	2.18 point 11	Clarify storage of Disciplinary documents	Added information on where document should be stored
2	May 2022	3.2	Sentence removed as repeated again twice in Preliminary stage	Remove "Dissatisfactions will not be noted formally other than minuted not for public consumption."
2	May 2022	3.6	Procedural steps at old point 3 are duplicated in full at 3.8	Merged the 2 old sections related to procedural steps, as the majority was duplicated
2	May 2022	3.8	Clarify wording	Change 'public consumption' to 'retaining confidentially of those involved,'
2	May 2022	3.9	Remove superfluous repeated wording	Removed section "For those problems resolved at this stage both parties will agree that this is a satisfactory outcome and the only record being one of the relevant minute, however such minute will be censored when minutes are published for general consumption. (Data Protection)."