



Disciplinary Process

Part B Complaints Procedure

Walton Athletic Club's Disciplinary Procedure is in three parts: Part A, the Concerns Procedure, covers more minor complaints (concerns) and is an informal process; Part B, the Complaints Procedure, which is for complaints of a more serious nature; Part C Appeal Process.

The following complaints process mirrors England Athletics' Appeal Process contained within the EA "club-disciplinary and appeals process" and applies to complaints raised by Members, parents of Members (if the Member is under 18), officials or volunteers of Walton Athletic Club (WAC) in relation to the actions of any other Members, officials, volunteers or any other person who is associated with WAC. This Complaint Process is without prejudice to the Committee's ability to enforce the Rules of the Club and Codes of Conduct in accordance with the Constitution.

1. **Notification:** In the first instance please follow the Concerns Procedure unless your complaint is of a serious nature, in which case please contact the Chair of the Committee directly by email to chair@waltonac.co.uk¹ within 21 days of the alleged incident occurring. Complaints arising outside of this time period may not be considered or investigated. The complaint should set out the details of the complaint together with any relevant evidence and details of the infringement of the Club Rules or code of conduct, misconduct or any other offence carried out during or in association with athletics activities which might reasonably be considered as bringing or having the potential to bring the Club into disrepute. A formal complaint will be acknowledged within five days and we will aim to respond in full within 20 working days unless the complaint requires further investigation.
2. **Initial consideration:** Within 14 days of receipt of the complaint the Committee will consider the nature of the complaint and shall confirm in writing to the complainant whether either:
 - a) formal action needs to be taken and the Committee shall set up a sub-committee, consisting of three Committee members who are not associated with the complaint (the Sub-Committee); or
 - b) In exceptional circumstances if the other Committee Members are associated with the complaint, the committee may ask three independent people to make up the sub-committee; or
 - c) the Committee does not consider the complaint to be of a serious nature and the complainant may be referred to the Concerns Procedure and/or the Committee may agree an alternative course of action.The Committee's decision shall be final.
3. **Investigation:** Within 7 days of being set up the sub-committee will contact all parties mentioned in the complaint and any witnesses as applicable to ascertain their version of events. The sub-committee will make such further enquiries as it thinks fit and will offer a reasonable opportunity to the accused to meet with it and answer the allegations. The sub-committee will consider all the facts obtained and shall reach a decision based on the evidence available.
4. **Temporary Suspension:** The sub-committee will have the power to suspend temporarily from inclusion in all/any club activities any person accused of an offence or misconduct, pending further investigations or enquiries. This suspension shall be to facilitate the investigation and be without prejudice to the outcome of the investigation

¹ Unless the Complaint relates to the Chair when the matter should be referred to another committee member
Issued: February 2021

5. **Conclusion of Investigation:** If the sub-committee is satisfied that an offence of misconduct has been committed then it may impose one or more of the following sanctions:

- a) Note the offence or misconduct but take no further actions;
- b) Formally warn the accused as to future conduct;
- c) Suspend or disqualify or extend any temporary suspension from club activities, competition, coaching and/or administration and/or use of the Club's premises as applicable for some definite or finite period of time; and/or
- d) Recommend to the relevant governing body that the accused be disqualified from any involvement in athletics for some definite or indefinite period; and/or
- e) Terminate the membership or such role of the accused; and/or
- f) Such other penalty that the sub-committee considers appropriate.

The decision of the sub-committee shall be final.

The complainant and accused shall be notified of the outcome of the investigation within seven days of the conclusion of the sub-committee.

6. **Feedback to the Committee:** The sub-committee shall report to the Committee on the outcome and a note of the sanctions shall be recorded.

7. **Any follow-up action:** In the event of a formal referral to the relevant governing body the Committee shall follow the instructions of the relevant governing body.

8. **Appeal:** An appeal against a finding of the disciplinary process shall be in accordance with the Appeal's Process.

9. **Vexatious Complaints:** If a complaint is considered "persistent" and/or "vexatious", the Committee may bring the communication to a close. **Vexatious** means a complaint instituted without sufficient grounds and serving only to cause annoyance to the receiver of the complaint; an oppressive complaint (with unjust severity); or otherwise an abuse of the procedures for dealing with complaints or conduct matters. **Persistent** means a complaint that is substantially the same as a previous complaint (whether made by, or on behalf of, the same or a different complainant); contains no fresh allegations which significantly affect the account of the previous complaint; no fresh evidence, being evidence, which was not reasonably available at the time the previous complaint was made, is tendered in support of it.

10. Complaints of serious misconduct (including, without limitation, theft, doping, violations, fraud, physical violence, safeguarding policy breaches, serious breach of applicable health and safety, gambling and/or ticketing regulations or any act or omission of the Member, volunteer, coach or official which in the opinion of the Committee, acting reasonably, brings or is likely to bring the sport of athletics into disrepute) regarding the behaviours of Members, volunteers, coaches or officials shall be reported and dealt with by England Athletics in accordance with their own disciplinary process.

11. If a dispute arises between the complainant, accused and/or the Committee about the validity or propriety of anything done by the complainant or accused under the Rules of this disciplinary process and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute before resorting to litigation.

Please note: Walton Athletic Club reserves the right at any point in the process to forward the Complaint to our legal representatives who may respond on our behalf.