



# **CHILTERN REGION EPA**

[www.chilternpetanque.org.uk](http://www.chilternpetanque.org.uk)

## **DISCIPLINARY & COMPLAINTS PROCEDURE**

1. Once the Regional Secretary has gathered relevant information around a potential breach of the Region's Code of Conduct or in response to a complaint by a member of Chiltern Region EPA, the Committee will decide whether to convene an oral hearing. The Committee's jurisdiction extends to all members of the EPA within Chiltern Region, and breaches or complaints may not be confined to regional events e.g. league matches in which EPA members participate. It is open to the Committee to decide whether the circumstances around a potential breach or complaint warrant an oral hearing. If it is decided that an oral hearing is not appropriate or required, then this will be communicated by the Regional Secretary within 7 days to any interested parties or member who has lodged a complaint with the reasons given for the decision.
2. Any oral hearing shall be conducted by a complaints panel of three members of Chiltern Region EPA appointed to carry out that task by the whole committee. At least one of these members will be a member of the Regional Committee and shall be appointed to sit as the panel Chairman.
3. The Regional Chairman/Vice Chairman shall not be involved in the deliberations or proceedings of the panel as he/she may be required to hear an appeal. However, the Chairman/Vice Chairman may be party to initial information gathered around any matter that may form evidence presented at an oral hearing and can be part of the decision-making process as to whether a complaints panel should be convened.
4. Once the complaints panel has been appointed, its Chairman shall send a written notice to the parties involved in the complaints matter:
  - a) Identifying the members of the complaints Committee;
  - b) Detailing the complaint which the defendant must answer;
  - c) Specifying a venue, date and time at which attendance is required for a hearing of the complaint; a party does not have to attend, only if they wish to;
  - d) Specifying a deadline by which any challenges to its composition must be made;
  - e) Specifying a deadline by which requests for the attendance of witnesses should be made; and
  - f) Specifying a deadline by which the defendant must submit a written reply to the complaint or breach of the Region's Code of Conduct and any other evidence upon which they intend to rely in their defence.
5. The notice to the complainant (if the panel is dealing with a complaint) and defendant shall be accompanied by all of the evidence on which any charges are based.
6. If the complainant or the defendant requests attendance of any witnesses the Chairman of the complaints panel shall send a notice to the witness requesting their attendance at the hearing. If witnesses are unwilling to attend the panel shall proceed without them.
7. The complainant and defendant may attend the complaints panel for a hearing of a complaint. In the instance of an alleged breach of the Code of Conduct, there may not be a complainant present. For the avoidance of doubt however, provided that due notice of the hearing has been given, if the complainant or defendant fails to attend or chooses not to attend, the hearing may proceed in their absence.
8. The procedures applicable in respect of the hearing before the complaints panel shall be determined by the complaints panel as it shall see fit, provided always that such procedures shall be consistent with the requirements of fairness.
9. It is hereby acknowledged that requirements of fairness are not fixed, but depend for their content on the particular facts and circumstances of the case in question. Nevertheless, they shall usually include at a minimum the following:
  - 9.1 The complainant and defendant shall be entitled to be accompanied at the hearing by a person of their choice who may speak on their behalf. The complainant and defendant and their chosen person shall be entitled to be present for the whole of the hearing other than the private deliberations of the disciplinary panel.
  - 9.2 The defendant may admit the charge at any time, in which case the complaints panel shall proceed immediately to hear submissions as to what sanctions (if any) should be imposed.
  - 9.3 Oral, written or video evidence from third parties may be considered. In such cases the complainant and defendant (or their representative) shall be given a reasonable opportunity to cross-examine (through

the Chairman of the complaints panel) those who have given oral evidence and to make representations as to the contents of any written or video evidence.

9.4 The complainant and defendant may present oral, written or video evidence from themselves or from third parties as they think appropriate, and the disciplinary panel may ask questions of any of the witnesses at the hearing, including the defendant.

9.5 The disciplinary panel is entitled to take account of hearsay evidence and written evidence from parties not present at the hearing but where such evidence conflicts with first hand evidence or evidence from parties present at the hearing the disciplinary panel has a duty to attach greater weight to first hand evidence or evidence from those present at the hearing. Subject to the foregoing the disciplinary panel shall decide in its absolute discretion what weight, if any, to give to evidence presented to it.

9.6 The complaints panel shall decide all of the issues presented to it fairly and impartially.

10. The Chairman of the complaints panel shall be entitled to suspend or adjourn the hearing for the purposes of investigating any matters arising in the course of the hearing or for any other reason. Such suspension or adjournment shall last only for as long as shall be reasonably necessary.

11. At the conclusion of the disciplinary hearing, the complaints panel shall confer in private in order to reach a decision. Decisions of the complaints panel shall be made by majority vote, without right to abstain.

12. Where the complaints panel is satisfied on the balance of probabilities that the defendant has committed a disciplinary offence, then the disciplinary panel shall impose such sanction(s) as it shall see fit, ranging from no further action to a recommendation for expulsion from membership of the EPA. The panel will pay due regard to any tariff of sanctions that the Regional Committee has established in relation to certain offences. At its discretion, it may invite further submissions from the parties as to what sanctions if any should be imposed prior to making that decision.

13. The Chairman of the panel shall inform the Chairman/Vice Chairman of the complaints committee's decision who will notify the complainant and defendant, including the reasons for it, in writing within 7 days of the decision being made, and in any event prior to any public announcement being made. Unless an appeal is submitted to the Regional Chairman/Vice Chairman detailing the grounds for appeal within seven days of the receipt of the decision, the decision shall be binding upon the defendant. The Regional Committee may publicize the disciplinary panel's decision after it has been notified to the complainant and defendant and the period for submitting an appeal has passed without an appeal being lodged.

If both the Chairman and Vice Chairman are unavailable, or involved in the complaint then the Treasurer or Secretary will take their place within the procedure.

14. If an appeal is requested, this will be heard by the Regional Chairman. Appeals may be made on various grounds, including new evidence, undue severity or inconsistency of the penalty. Appeals will be heard without unreasonable delay and at an agreed time and place. The appellant may be accompanied at an appeals hearing. Once having heard the appellant's case the Regional Chairman will decide whether to uphold the decision of the disciplinary panel or overturn/vary it. The Regional Chairman at his/her discretion may ask the Chairman of the disciplinary panel to attend the appeal hearing in order to clarify any matters relating to the disciplinary hearing. The Regional Chairman shall inform the appellant of his/her decision in writing within 7 days. The Regional Chairman's decision will be final and binding and may be publicized after it has been communicated to the appellant.

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Chiltern Region Committee.

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