



Worcestershire County Golf Ltd

Disciplinary Procedure

1. DEFINITIONS

Adult at Risk of Harm - an individual aged 18 or over who:

- is receiving care and support;
- is unable to look after their own wellbeing, property, rights or other interest;
- is at risk of harm (either from another person's behaviour or their own behaviour); or
- has a disability, mental disorder or illness that puts them more at risk of harm than other adults;

Appeals Panel - the person(s) appointed to hear an Appeal in accordance with this Procedure

Appellant - the person or body who appeals a Decision of the Disciplinary Panel;

Board The Board of Directors of Worcestershire County Golf Ltd.;

Charge(s) – the charge(s) brought against the Respondent in respect of the disciplinary matter;

Club – A golf club being a member of or otherwise affiliated to the County;

County - Worcestershire County Golf Ltd. (WCG), 153 Matson Avenue, Gloucester, GL4 6HW;

County Rules - the Rules, policies and procedures of WCG which may include codes of conduct and any other rules by which Members are bound in accordance with their membership of WCG;

County activity/event – any activity or event organised, administered and managed by the County including matches and competitions;

Complaint - an allegation of misconduct or notification of a concern regarding circumstances and/or conduct of a Member or other individual within the jurisdiction of this Procedure

Complainant- person/body from whom a Complaint has been received by the County Secretary/Board;

County Official – any Director of WCG or any person holding a designated position within WCG or any person nominated by the Board to deal with cases or matters within the scope of this Procedure;

County Secretary - the person that holds the position of County Secretary for WCG Ltd;

Director – A Board Director of WCG Ltd

Disciplinary Panel - the Disciplinary Panel of WCG as appointed in accordance with this Procedure;

England Golf - the national governing body for golf in England based at The National Golf Centre, The Broadway, Woodhall Spa, Lincolnshire, LN10 6PU;

Member - any member of a golf club affiliated to the County, or person who is a member of the County through any eligibility criteria and includes any person eligible to participate in County competitions or Teams under the WCG Representative Golf Policy;

Notice of Complaint - the formal written Complaint received by the County Secretary or Board;

Notice of Charge - A written notice sent to the Respondent in any matter notifying them of the Complaint(s) and charge(s) made and brought against them;

Notice of Decision – A written notice sent to the Respondent (and Complainant as appropriate) notifying them of the decision(s) made by the Disciplinary Panel or Appeal Panel.

Notice of Appeal – A written notice sent by the Appellant to WCG (or England Golf for decisions falling within the England Golf Disciplinary Framework) stating the grounds on which the appeal is being made;

Respondent - the person who is the subject of the complaint or disciplinary action brought by the County Secretary or Board under this Procedure;

Rules of Golf - the rules governing the playing of golf as jointly issued by the R&A and the USGA.

Young Person – A person under 18 years of age.

2. APPLICATION OF PROCEDURE

2.1 This Procedure applies to all Members, County Officials and Volunteers of the County.

3. JURISDICTION AND SANCTIONS

3.1 JURISDICTION OVER DISCIPLINARY MATTERS

3.1.1 England Golf requires that any disciplinary matter is dealt with in accordance with the England Golf Disciplinary Procedure. In practice this means:

- Issues that fall within the England Golf Disciplinary Framework (essentially Rules of Golf or handicapping infringements) should be dealt with initially at their most local level, with Counties and England Golf being the appeal levels ;
- Issues that fall outside the England Golf Disciplinary Framework should be dealt with through Club or County disciplinary procedures
- Issues relating to the reputation of the sport or raise matters of national importance will usually be dealt with by England Golf; and,
- England Golf may involve WCG where issues relating to compliance with England Golf membership rules also potentially breach County Rules.

3.1.2 This Procedure applies to:

- Alleged breach of the County Rules as defined above or of the County's stated values or standards of behaviour;
- Alleged breach of the Rules of Golf, handicap infringements and breaches of the rules of a county event*
- Conduct which is inappropriate, unlawful, unsporting or behaves in a manner which is unacceptable or opposed to the general interests of the County or the sport of golf or which brings the County into disrepute; and,
- Appeals from disciplinary decisions at golf clubs affiliated to WCG but limited to Rules of Golf and handicapping infringements falling within the England Golf Disciplinary Framework

* At its sole discretion and following consideration of the circumstances and nature of the matter, and as an alternative to dealing with such a matter under this Procedure, WCG reserves the right to deal with breaches of the rules of county events or terms of competitions by imposing any penalty that may specifically be set out in those rules or terms.

3.1.3 Generally, the County Secretary or nominated County Official may deal with a disciplinary matter in an informal manner. Where the matter is dealt with on this basis, the most appropriate person(s) will be asked to resolve the matter. However, the County Secretary or nominated County Official upon evidence gathered, may deem an incident to be a matter that needs addressing by formal disciplinary proceedings.

3.1.4 This Procedure may be amended by the County at any time and at its sole discretion. Such amendments shall be effective from the date stated.

3.2 DECISIONS/SANCTIONS

3.2.1 The Disciplinary Panel may reach such decisions and/or impose such sanctions as it sees fit, including without limitation, to:

- Dismiss the Charge as unproven;
- Issue a written warning or reprimand in respect of the misconduct or rule breach;
- Suspend or exclude the Respondent from County activities, events or teams;
- Suspend or exclude the Respondent from holding office within the County;
- Suspend the Respondent's Membership of the County;
- Permanently expel the Respondent from the County;
- Suspend or place restrictions on the Respondent's handicap for a defined period; and/or,
- A combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Panel as appropriate.

3.2.2 The decision taken by the Disciplinary Panel in relation to sanctions must be reasonable and proportionate in all the circumstances, including the period of any ban, ineligibility or suspension

- 3.2.3 The Disciplinary Panel will issue a Notice of Decision to the Respondent giving the reasons for its decision. The decision may be communicated orally at any interview, but must, in any event, be communicated formally in writing within 7 days of the decision being made. If a right of appeal exists from the decision, the Notice of Decision must set out how that right can be exercised.

4. PROCEDURE

4.1 NOTICE OF COMPLAINT

- 4.1.1 Notice of Complaint may be lodged with the County Secretary (or Board) by any person or body which shall include without limitation, another Member (individual or Club), an employee/officer/volunteer of the County, the Board, or a member of the public in relation to an alleged disciplinary matter. The Notice of Complaint shall be made in writing (letter or email); where appropriate, reasonable adjustments will be made by WCG for Complaints to be made in other ways. The Notice of Complaint should, where possible, set out details of the breach of County Rule, Rule of Golf, handicap infringement, Code of Conduct or standard of behaviour which is alleged to have happened.

4.2 INITIAL ACTIONS

- 4.2.1 On receipt of a Notice of Complaint, or the County Secretary or Board becoming aware of an alleged disciplinary matter regarding a Member, the County Secretary or nominated County Official may;
- with the agreement of a Board Director, temporarily suspend the Member from participation in WCG activities and events for a defined or indefinite period, with the terms of such suspension being communicated to the Respondent;
 - gather evidence and information about the matter sufficient to decide whether disciplinary action should be taken against the respondent;
 - forward a copy of the Notice of Complaint, or otherwise advise the nature of the complaint, to the Respondent and invite a written response from the Respondent; and/or,
 - seek advice from or refer the matter to another appropriate body.
- 4.2.2 Possible actions when sufficient evidence and information have been gathered are:
- No further action is required because:
 - there is not enough evidence/information to justify further action being taken; or,
 - it is vexatious and/or malicious and the Complainant's Notice of Complaint may be referred to the Board for further consideration;
 - Deal with the matter informally by way of advice, information, or mediation between the respective parties; or,
 - Conclude that the complaint should be dealt with formally by a Disciplinary Panel.
- 4.2.3 For a matter that has been referred to a Disciplinary Panel, the Respondent will be informed by a Notice of Charge of the Complaint(s) and/or Charge(s) being brought and granted the opportunity to either admit to or deny the Charge(s). The Respondent will have 14 days after the date of Notice of Charge to respond.
- 4.2.4 If the Respondent accepts the Charge(s), the Disciplinary Panel may determine the sanction in line with Regulation 3.2.1, taking account of any written submission/statement by the Respondent.
- 4.2.5 If the Respondent does not accept the Charge(s) or does not respond within 14 days a Disciplinary Interview will be convened. The Respondent may be accompanied by a third party at a Disciplinary Interview. The third party may make submissions but may not give evidence or answer questions on behalf of the Respondent.

4.3 DISCIPLINARY PANEL

- 4.3.1 When a matter is to be dealt with by a Disciplinary Panel, the County Secretary /Board will establish a Panel of at least 2 County officials, at least one of whom shall be a Board Director. A Board Director will be appointed the Panel Chair. The Disciplinary Panel will have jurisdiction to conduct disciplinary proceedings and impose sanctions upon any person subject to Charge(s).

- 4.3.2 Each member of the Disciplinary Panel must have no personal interest in the outcome of proceedings (other than to see that the decision is fair) and will not have been involved with or have any personal interest in the matter under consideration. The County Secretary and / or Board will give due consideration to any objections raised by the Respondent in assessing whether a member of the Disciplinary Panel has an interest in the outcome of proceedings.

4.4 DISCIPLINARY PROCEEDINGS

- 4.4.1 A matter referred to a Disciplinary Panel may be resolved by formal interview or based on written submissions from the Respondent and the County/Complainant if considered appropriate in the circumstances by the Disciplinary Panel.
- 4.4.2 Formal interviews will generally be held within 28 days following receipt on the Notice of Complaint and decision to hold formal proceedings. The Disciplinary Panel will give reasonable notice of any interview or deadline for written submissions and should consider at least one re-scheduling to take into account prior commitments.
- 4.4.3 The detail of the procedure for a formal interview will be at the discretion of the Chair of the Disciplinary Panel, subject always to the Respondent being able to make representations and challenge evidence. A Standard Disciplinary Procedure which may be followed at the discretion of the Chair is set out in the Appendix.

4.5 DISCIPLINARY MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK OF HARM

- 4.5.1 Where a disciplinary matter involves a Young Person or an Adult at Risk of Harm, the Disciplinary Panel must be mindful of the needs of the person in question and take these into account when deciding:
- any action is taken against a Young Person or an Adult at Risk of Harm; and,
 - whether the Standard Disciplinary Procedures should be used.
- 4.5.2 If a decision is made for formal proceedings, the Disciplinary Panel should include at least one member who has received safeguarding training and written permission should be obtained from any parent/carer of a Young Person or Adult at Risk of Harm where such person is asked to provide evidence and / or attend an interview.
- 4.5.3 Where a Young Person or Adult at Risk of Harm is asked to attend an interview, they will be given the opportunity to be accompanied by any parent / carer. The Disciplinary Panel must ensure that the Young Person or Adult at Risk of Harm fully understands the process taking place.
- 4.5.4 The refusal of the parent, Young Person or Adult at Risk of Harm to co-operate in any proceedings will not prevent WCG from taking disciplinary action against the Young Person or Adult at Risk of Harm.

4.6 APPEALS

- 4.6.1 Decisions relating to the Rules of Golf or to handicapping infringements fall within the England Golf Disciplinary Framework and are subject to a right of appeal as follows:

Matter arising at	Disciplinary body at first instance	Appeal level
Club	Club	County
County	County	England Golf
National	England Golf	England Golf Appeals Panel

- 4.6.2 Other disciplinary matters involving members of affiliated clubs should be dealt with through their Club's disciplinary procedure. WCG Ltd does not act as the Appeal Body for such matters.
- 4.6.3 Except for matters within the scope of the England Golf Disciplinary Framework, respondents may appeal a decision issued by a WCG Ltd Disciplinary Panel. The Appeal must be lodged within 10 working days of being formally informed of the decision.
- 4.6.4 The Appellants Notice of Appeal must state the date and decision against which the appeal is being made and set out one or more of the grounds for the appeal as set out below:
- The decision was based on error of fact or could not have been reasonably reached by a disciplinary panel when faced with the evidence before it;
 - There were procedural or other irregularities in the proceedings;

- Significant and relevant new evidence has become available which was not available before but, had it been available, may have caused a disciplinary panel to reach a materially different decision; and / or
 - The sanction imposed was manifestly unreasonable in the light of the facts before the disciplinary panel.
- 4.6.5 WCG will appoint a Director, not previously involved in the decision, to consider whether the matter is within the England Golf Disciplinary Framework and refer the matter to England Golf as necessary. If the matter can be dealt with by WCG (i.e., not within the England Golf Disciplinary Framework), the Director will then consider whether at least one of the grounds for appeal has been established.
- 4.6.6 If grounds for appeal have been established an Appeals Panel will be constituted of at least 2 Directors/County Officials, at least one of whom shall be a Director, to review the matter and decide if the appeal can be sustained. The standard disciplinary procedure can be invoked for interviews to be conducted and/or written submissions to be presented. The Appeal Panel can decide to:
- Dismiss the appeal;
 - Remit the matter back to the original Disciplinary Panel;
 - Remit the matter to a new Disciplinary Panel;
 - Substitute an alternative finding; and/or,
 - Reduce or increase the original sanction.
- 4.6.7 The Appeal Panel decision will be communicated to the Appellant (Notice of Decision) immediately following interviews or consideration of written submissions but must be communicated in writing within 7 days of the Panel deliberations.

5 MISCELLANEOUS PROVISIONS

- 5.1 The standard of proof in all cases before the Disciplinary/Appeals Panel is the balance of probabilities
- 5.2 If the Disciplinary Panel deems it appropriate, the Panel may request an independent person to act as adviser.
- 5.3 The County will not be liable to any person, Member, or body for any loss, however caused, whether direct, indirect, financial, or consequential arising out of or in connection with any disciplinary action taken under the Procedure.

APPENDIX

STANDARD DISCIPLINARY PROCEDURE

1. The Disciplinary Panel will convene interviews or meetings to discuss written submissions at a time suitable to the parties and communicated to the parties by the County Secretary.
2. The case against the Respondent will be presented by the County Secretary/County Official, together with relevant evidence, including witnesses.
3. At formal interviews the Respondent will be able to present their case and challenge the evidence presented against them. The Respondent may also submit their own evidence (including witnesses). Witnesses for the Respondent must be notified to the County Secretary 7 days before the formal interview.
4. Questions may be put by the Disciplinary Panel to the Respondent and each witness on conclusion of their evidence.
5. The County Secretary/County Official and Respondent will be allowed to make a closing statement to the Disciplinary Panel to include any mitigating circumstances.
6. The Disciplinary Panel will determine whether the accounts and evidence constitutes a “disciplinary matter” that requires a sanction to be imposed.
7. The Disciplinary Panel may communicate its decision and sanction(s) to the parties at the end of the interviews and will notify the decision in writing.
8. The proceedings of the Disciplinary Panel and any written submissions (including emails) will be collated by the County Secretary and the records kept.

VERSION CONTROL

Date	Version	Author	Changes
30/11/23	1.2	C R Werrett	Addressed typos and grammar; amended date of document. 4.1.1 – Removal of some text. 4.2.1 – Added new bullet point – temporary suspension. 4.2.3 – removed and section 4.2 renumbered. 4.4.3 – Added “at discretion of chair”.