

DISCIPLINARY AND GRIEVANCE PROCEDURES POLICY (2024 v9)

1. Ownership and Administration

- 1.1. These Regulations and Procedures are owned and administered by the Honorary Secretary of the Club and the Honorary Secretaries of the Mens, Ladies and Seniors Sections, as agreed from time to time.
- 1.2. The Honorary Secretary of each section will maintain a Register of Complaints and Breaches arising under these Regulations, which records actual, or alleged breaches, outcomes and sanctions or penalties issued.
- 1.3. The Honorary Secretaries will present an update at each next Section Committee Meeting.

2. Who is bound by these Regulations?

- 2.1 These Regulations apply to all Members, Honorary Members, Players' Participants, Playing Guests and others Guest Visitors to the Club.

3. Scope of the Regulations

- 3.1 These Regulations and Procedures will apply to actual or alleged:
 - 3.1.1 Matters which are of national or county importance.
 - 3.1.2 Conduct which brings the sport of golf into disrepute or is unlawful.
 - 3.1.3 Breaches of the Club Rules, Regulations, Codes and Practices and any published statement of values or generally accepted standards of behaviour and playing etiquette.
 - 3.1.4 Conduct which is inappropriate, unsporting or which is unacceptable or opposed to the general interests of the Club.
 - 3.1.5 Breaches of the Rules of Golf.
 - 3.1.6 Breach of the Rules of a Club Competition including notably requirements for entry into, and withdrawal from, competitions.
 - 3.1.7 Scorecard and Handicap infringements.
- 3.2 Incidents of a safeguarding nature – must be referred to the England Golf Governance team before any disciplinary action is taken under these Regulations.

4. Raising of Complaints and Breaches

- 4.1 Any person or body may raise a matter to be considered under these Regulations, including, most commonly, breaches identified by the Competitions and Handicap Secretaries.

- 4.2 Complaints should be made in writing (by letter or e-mail) to the Honorary Secretary of either the Club or any of the Mens, Ladies and Seniors Sections. Exceptionally complaints may be accepted in other ways at the discretion of the Club Committees or their Committee Members.
- 4.3 Committee Members will ensure that all matters arising for consideration under these Regulations will be copied to the Honorary Secretary of the relevant section in order that actual or alleged breaches are recorded in the Register.
- 4.4 The Honorary Secretary will record and acknowledge the complaint or breach and, if required, forward it to the responsible Committee Member as provided for below.
- 4.5 The Competition and Handicap Secretaries will notify the section's Honorary Secretary of any breaches under S 3.1.5, 3.1.6 and 3.1.7 and the penalty or sanction applied in order for these to be recorded in the Register.

5. Responsibility and Authorities

- 5.1 The following table sets out the initial point of responsibility and authority, depending on the nature of the alleged complaint or breach.

Breach (per above)	Initial Responsibility	Authority
s 3.1.1 s 3.1.2 s 3.2	Section Captain	Review matter and determine whether a breach has arisen. If so, the matter must be escalated for further consideration and action as appropriate to (i) the main Club Committee (ii) the Proprietor or their Representative; and (iii) where required by the terms of Affiliation, Essex Golf or England Golf.
s 3.1.3 s 3.1.4	Section Vice-Captain	Determine whether a breach has arisen. If so, either: (a) Resolve to deal with the matter informally; (b) Issue a written sanction/penalty notice after consultation with one or more other Section Committee Members; or (c) Refer the matter for formal consideration by the Section Disciplinary Sub-Committee of the section.
s 3.1.5	Section Competition Secretary	Determine whether a breach has arisen. If so, either: (a) Resolve to deal with the matter informally; (a) Issue a written sanction/penalty notice after consultation with one or more other Section Committee Members; or (b) Refer the matter for formal consideration by the Section Disciplinary Sub-Committee of the section.
s 3.1.6	Section Competition Secretary	Determine whether a breach has arisen. Issue a sanction/penalty notice.
s 3.1.7	Section Handicap Secretary	Determine whether a breach has arisen. Issue a sanction/penalty notice.

- 5.2 The responsibilities and authorities vested above are subject to the holder not having any conflict of interest. Where a conflict of interest arises, the Honorary Secretary will appoint an alternate to deal with the matter.

- 5.3 The process for determining whether a breach has arisen will depend on the circumstances:

- Where the matter is not clear cut, the parties and any witnesses to the alleged breach will be asked to provide an account in writing within a maximum of 7 days. Failure to respond within the timeframe set will be deemed as acceptance of the breach of Regulations.
- Where the matter is self-evident or clear cut, a sanction or penalty notice may be posted, notified, advised or issued promptly, without the need for further enquiry.

5.4 Once it has been determined that a breach has arisen, the nature and level of sanction or penalty will be decided upon in accordance with the matrix set out in these Regulations and a notice issued promptly, but within a maximum of 7 days.

5.5 All Sanctions and Penalties issued will be notified to the relevant Honorary Secretary for recording in the Register.

5.6 Club Committee level disciplinary matters will be considered by the Club Committee as it determines most appropriate. This may include the establishment of a Disciplinary Sub-Committee, in which case any hearings will follow the procedure set out in Appendix 2.

6. Disciplinary Sub-Committee

6.1 Each section will operate a Disciplinary Sub-Committee which, in accordance with the Club Constitution, may be a standing body appointed annually in the month following the AGM or convened on an ad-hoc basis as required.

6.2 Disciplinary Sub-Committee Membership will comprise three section Committee Members (excluding the Club Captain), one of which will be nominated as Chair. Decisions will operate on a simple majority basis.

6.3 The section's Honorary Secretary will act as Secretary of the Disciplinary Sub-Committee and take minutes of any meetings.

6.4 Disciplinary Sub-Committee Members must be independent of the complaint or incident giving rise to the matter. Where a conflict of interest arises, the section Honorary Secretary will appoint an alternate to act for the matter in hand.

6.5 Where a Disciplinary Sub-Committee hearing is invoked, the Section's Honorary Secretary will send a notice to the parties involved setting out:

- The Regulation that is alleged to have been breached;
- A summary of the known facts or circumstances involved;
- Any evidence that has been gathered;
- Instructions on what the party must do to either admit or deny the allegation and the deadline for indicating their response, which shall be at least 7 days;
- The proposed date, time and location of the meeting, which may be re-scheduled to allow for prior commitments; and
- An invitation for the party or parties to attend in person or to provide a written representation and to have representatives and/or witnesses attend or to provide a written representation.

6.6 The Disciplinary Sub-Committee hearing procedure is set out in Appendix 2.

- 6.7 The relevant Honorary Secretary will ensure that parental consent is requested and received in relation to any Member under the age of 18 who is asked to attend a disciplinary hearing. Any Member under the age of 18 may additionally be accompanied by, and / or represented by, a parent or other appropriate adult.
- 6.8 The Disciplinary Sub-Committee may reach such decision and/or impose such sanctions or penalties as it sees fit, subject to any overriding provisions of the Club's Constitution. This includes issuing a sanction or penalty to a Member under the age of 18 where parental consent has not been granted to attend a disciplinary hearing.
- 6.9 Decisions of the Disciplinary Sub-Committee may be communicated to the respondent orally but must, in any event, be communicated in writing within 7 days of the hearing taking place.

7. Sanctions and Penalties

- 7.1 A table of sanctions and penalties is set out at Appendix 1.
- 7.2 In accordance with the Club's Constitution, The Proprietor of the Club or their nominated Representative retain the right of veto over any proposal to expel a Member and can elect to impose a suspension for a period up to 24 months as an alternative.

8. Appeals

- 8.1 The right of appeal shall operate as set out in the table below and the other provisions of this section 8:

Nature of Breach	Initial Appeal body	Ultimate Appeal Body
s 3.1.1 s 3.1.2 s 3.2	Not Applicable	Essex Golf or England Golf
s 3.1.3 s 3.1.4 s 3.1.5	Section Disciplinary Sub-Committee	Club Captain / Club Committee
s 3.1.6 s 3.1.7	Not Applicable	Section Disciplinary Sub-Committee

- 8.2 In accordance with the Club's Constitution, a Member also has the right to appeal a decision of the Club Committee to the Proprietor or their Personal Representative, subject to the stipulations set out below. The Proprietor or their personal Representative may elect to seek guidance and take advice from the Club Captain as necessary.
- 8.3 Appeals to Essex Golf or England Golf must comply with their published Disciplinary Regulations.
- 8.4 Appeals within the Club's remit must:
- Be lodged with the Section's Honorary Secretary in writing within 7 days of a decision being issued;
 - Set out the grounds for the appeal.
- 8.5 Acceptable grounds for appeal are as follows:

- The decision was based on error of fact;
- Material procedural or other irregularity in proceedings;
- Material and relevant new evidence;
- Sanction imposed is manifestly unreasonable.

8.6 The applicable Honorary Secretary will determine whether the grounds for appeal are legitimate and permit or deny the appeal. In the case of an appeal of a Club Committee decision, the right of appeal will be considered in conjunction with the Proprietor or their Personal Representative.

Appendix 1 - Table of Sanctions and Penalties

Breach	Description	Sanction / Penalty
s 3.1.1	Matters of County or National Importance.	Determined by, or in conjunction with, Essex Golf and/or England Golf.
s 3.1.2	Conduct which brings the sport of golf into disrepute or is unlawful.	Dependent on the nature and severity of the offence.
s 3.1.3	Breaches of the Club Rules, Regulations, Codes and Practices and any published statement of values or generally accepted standards of behaviour and playing etiquette, including abuse of a Club Official or any other Member.	Dependent on the nature and severity of the offence
s 3.1.4	Conduct which is inappropriate, unsporting or which is unacceptable or opposed to the general interests of the Club.	1st Offence* : Minimum of a Formal warning. Maximum of up to 9 months suspension from all Club and County Competitions. 2nd Offence* : Suspension from all Club and County Competitions for a stipulated period (min 9 months and max 24 months).
s 3.1.5	Breaches of the Rules of Golf.	Disqualification where relevant plus: 1st Offence* : Formal warning 2nd Offence* : Suspension from all Club and County Competitions for a stipulated period (min 3 months and max 12 months).
	Cheating.	Disqualification where relevant plus: 1st Offence* : Suspension from all Club and County Competitions for up to 12 months. 2nd Offence* : Life ban from all Club and County Competitions
s 3.1.6	Breach of the Rules of a Club Competition including notably: Requirements for entry into, and withdrawal from, competitions; in particular withdrawal without giving sufficient notice. Invalid reason for Non-Completion of a player round.	Disqualification where relevant plus: 1st Offence* : Formal written warning highlighting the non-compliance and reminding of the need to adhere to the published Rules / Guidance. 2nd Offence* : One-month suspension from all Club and County Competitions. 3rd Offence* : Three-month suspension from all Club and County Competitions. 4th Offence* : Six-month suspension from all Club and County Competitions.
3.1.7	Scorecard and Handicap infringements including: <ul style="list-style-type: none"> ▪ Non-entry of score after a competition round. ▪ Non-return of a competed scorecard. ▪ Incorrect completion of a submitted scorecard. ▪ Unjustified or invalid use of 'Hole not Played' or 'Abandoned Round'. 	Disqualification where relevant plus: 1st Offence* : Formal written reprimand and reminder of the need to adhere to the published Rules / Guidance. Furthermore either (a) that a score has been able to be identified and will be entered or (b) that a score cannot be identified and therefore an additional score equivalent to the players current Handicap Index will be entered. 2nd Offence* : A Penalty Score** will be applied. 3rd Offence* : A further Penalty Score** will be applied and a one-month suspension from all Club and County Competitions 4th Offence* : A further Penalty Score** will be applied and a further three-month suspension from all Club and County Competitions and from submitting any Scorecards.
3.2	Incidents of a safeguarding nature.	Determined by, or in conjunction with, Essex Golf and/or England Golf.

Appendix 1 - Table of Sanctions and Penalties cont/...

** Offences are measured over a rolling 12-month period.*

*** Penalty Scores – will be applied as follows:*

- *Where it is judged that the infringement was to support maintenance of a Handicap Index (i.e. not suffer an increase) – A gross score will be entered on the players record as a Penalty Score equal to the highest gross score in the last 20 scores.*
- *Where it is judged that the infringement was to support an attempt to increase the players Handicap Index – A gross score will be entered on the players record as a Penalty Score equal to the lowest score in the last 20 scores.*

Appendix 2 - Disciplinary Hearing Procedures

- 1 If deemed to be required, prior to any hearing, the Honorary Secretary will set appropriate deadlines for the submission of any written evidence / representations requested by the Disciplinary Sub-Committee or the Respondent.
- 2 The hearing will be convened by the Honorary Secretary at a time suitable to the parties and communicated to all the parties involved.
- 3 The case against the Respondent will be presented by the Chair of the Disciplinary Sub-Committee, together with relevant evidence, including witness evidence, if appropriate.
- 4 The Respondent will be granted the opportunity to present their case, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary Sub-Committee. The evidence of further witnesses not notified in advance will be admitted only at the discretion of the Chair of the Disciplinary Sub-Committee.
- 5 A Respondent may elect to have a Representative in attendance. A Representative must be an adult Member of the Club. Any Member under the age of 18 may additionally be accompanied by, and / or represented by, a parent or other appropriate adult.
- 6 A Representative representing a Respondent at a hearing may present and sum up their case, but they may not answer questions put to the Respondent.
- 7 Before being called, witnesses will not be allowed in the room while evidence is being given. This does not apply in relation to the Complainant or Respondent.
- 8 Questions may be put by the Disciplinary Sub-Committee to the Respondent and each witness on conclusion of their evidence.
- 9 The Respondent will have the opportunity to raise questions in cross-examination.
- 10 The Disciplinary Sub-Committee may limit cross-examination as it deems appropriate.
- 11 The Respondent will be allowed to make a closing statement to the Disciplinary Sub-Committee.
- 12 The room will be cleared and the Disciplinary Sub-Committee will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proven. The Honorary Secretary will be in attendance.
- 13 The hearing will reconvene and the Chair of the Disciplinary Sub-Committee shall either communicate its decision to the parties at the end of a hearing or notify the decision in writing within 7 days.
- 14 Where a charge is proven the Respondent will have the opportunity to present arguments in mitigation at the time or, if agreed by the chair of the Disciplinary Sub-Committee, at a further hearing convened for that purpose.
- 15 The Disciplinary Sub-Committee will review the Respondent's previous disciplinary record, where relevant, to consider sanctions and penalties.
- 16 The room will again be cleared and the Disciplinary Sub-Committee will determine the appropriate sanction.
- 17 The Honorary Secretary will keep a record kept of all disciplinary proceedings and hearings and decisions.