**Wellshurst Golf and Country Club**

**INVESTIGATORY and DISCIPLINARY GUIDELINES**

1. **DEFINITIONS**
	1. In these guidelines the following words and phrases shall have the following meanings and interpretations:

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| “Adult at Risk of Harm” | an individual aged 18 or over who:* is unable to look after their own wellbeing, property, rights or other interest; and
* is at risk of harm (either from another person’s behaviour or their own behaviour); and
* because they have a disability, mental disorder, illness or physical or mental infirmity, they are more vulnerable to being harmed than other adults;
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| “Appeal Person / committee” | the individual or group of individuals appointed in accordance with these Regulations to deal with Appeals under these Regulations ; |
| “Appellant” | the person or body who appeals a Decision of the Disciplinary Person / committee; |
| “Charge” | The charge which is brought against the Respondent in respect of the disciplinary matter;  |
| “Club” | Wellshurst Golf and Country Club |
| “Club Rules” | The rules of the Club which may include its bye-laws, constitution or articles of association, code of conduct and any other rules by which the Members are bound in accordance with their membership of the Club; |
| “Club Tournament” | The rules of any competition, golfing event or tournament administered by the Club from time to time; |
| “Complaint”  | a complaint of misconduct or notification of a concern as referred to in guideline 4; |
| “Complainant”  | the person or body from whom a Complaint has been received;  |
| “Owners” | The People that own the Golf Club;  |
| “County” | The County Golf Union or Association to which the Club affiliates |
| “Disciplinary Person / committee”  | the individuals who own the Club and deal with disciplinary matters under these guidelines or allocate to relevant elected committees to deal with golfing related matters; |
| “Investigatory Person”  | the person who is nominated as the Initial Investigator by the owners from time to time; |
| “England Golf”  | The English Golf Union Limited, The National Golf Centre, The Broadway, Woodhall Spa, Lincolnshire, LN10 6PU, Company Number: 5564018;  |
| “Member” | Any member of the Club in any membership category, including social or honorary membership;  |
| “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; |
| “Participant” | Any person, whether a Member, a visitor, or a subscriber to the England Golf iGolf scheme, who takes part in or spectates at any golfing activity at the Club or who attends the clubhouse as a social/honorary member; |
| Player  | Any person who plays golf at the Club, whether or not they are a Member |
| “Respondent”  | the person who is the subject of the Complaint or disciplinary action brought by the Owners / committee under the guidelines; |
| “Rules of Golf” | the rules governing the playing of golf as jointly issued by the R&A and the USGA from time to time; |
| “Young Person” | A person under 18 years of age. |

1. **WHO IS BOUND BY THESE GUIDELINES**
	1. These Guidelines apply to all Members, Honorary Members, Players Participants, staff members, volunteers and contractors of or visitors to the Club.
2. **JURISDICTION OVER DISCIPLINARY MATTERS**
	1. These guidelines will apply to:
		1. Alleged breaches of the Club Rules, Regulations, Codes and Practices, and its statement of values or standards of behaviour.
		2. Alleged breaches of the Rules of Golf, handicap infringements, disqualifications and any breach of the rules of a Club Tournament; and
		3. Any matter in which an individual engages in any conduct which is inappropriate, unlawful, unsporting or behaves in a manner which is unacceptable or opposed to the general interests of the Club or which brings the Club into disrepute.
		4. Any matter in which an individual engages in any conduct which is inappropriate, unlawful, unsporting or behaves in a manner which is which brings the sport of golf into disrepute.
	2. Incidents of a safeguarding nature must be referred to the England Golf Governance team before any disciplinary action is taken under these guidelines.
3. **RAISING OF COMPLAINTS**
	1. Any person or body may raise a complaint to be considered under these guidelines. Complaints should be made in writing, but the Club will make reasonable adjustments to deal with Complaints made in other ways where appropriate.
	2. When the Club receives a Complaint, the Club shall appoint an Investigatory person, who shall be independent of the matter, to consider the matter and decide how to proceed.
4. **NEXT STEPS**
	1. Following appointment the Investigating person may, without limitation:
		1. Commence an initial investigation to obtain more information or evidence
		2. Contact the Respondent for a response
		3. seek advice from or refer the matter to any other appropriate body
		4. resolve to deal with the matter informally
		5. conclude that no further action is required
		6. Refer the matter to the owners for further action.
	2. In any event the Investigating Person will record the reasons for deciding on the appropriate next steps.
5. **DEALING WITH THE MATTER FORMALLY: CONSTITUTING A DISCIPLINARY HEARING**
	1. If the Investigating Person decides that the matter should be dealt with formally, it will be referred to the owners / committee to deal with the matter.

The Owners / committee will all be independent of the complaint of incident giving rise to the matter.

1. **ISSUING A NOTICE OF CHARGE**
	1. The Owners / committee will notify the Complainant of the decision to deal with the matter under these guidelines, and send a Notice of Charge to the Respondent clearly setting out:
		1. The Regulation, rule or provision that the Respondent is alleged to have breached; and
		2. A summary of the facts or circumstances that led to the Complaint and the Charge; and
		3. Confirmation that these guidelines apply to the determination of the matter; and
		4. The time, date and location of any meetings that have been organised to discuss or otherwise deal with the matter; and
		5. The rights of the Respondent under these guidelines to have a fair opportunity to make representations in their defence; and
		6. Instructions on what the Respondent must do to either admit or deny the Charge and the deadline for indicating their response.
2. **ADMITTING OR DENYING THE CHARGE**
	1. The Respondent shall have at least 14 days from the date of the Notice of Charge to respond and either:
		1. Admit the Charge; or
		2. Deny the Charge, in which case the matter will be dealt with by a full disciplinary hearing.
	2. If the Respondent admits the Charge, the owners / committee may deal with Decisions and Sanctions under Regulation 11. The Respondent may make written representations in mitigation within 7 days from accepting the Charge or having been deemed to accept the Charge.
	3. If the Respondent does not accept the Charge, the Owners / committee will call a Disciplinary Hearing in accordance with Regulations [9-10].
	4. If the Respondent does not respond to the Notice of Charge within the time period outlined at Regulation 8.1 above, the Owners / committee may call a Disciplinary Hearing, and may treat the Respondent as having admitted the Charge.
	5. If there are multiple Charges, the Respondent may admit or deny all or some of the Charges. The Owners / committee may deal with Charges that are Admitted and Denied separately.
	6. The Owners / committee may deal with a disciplinary matter by way of an oral hearing either conducted in person or by audio or video conference call, or deal with the matter by way of written submissions, whichever method is most appropriate and proportionate to the issues at hand, and considering the needs and wishes of the Respondent and any other witnesses in deciding how to deal with the hearing.
3. **NOTICE FOR DISCIPLINARY HEARINGS**
	1. The Owners / committee will give reasonable notice of any hearing or deadline for written submissions and should consider at least one re-scheduling to take into account prior commitments.
4. **ORAL DISCIPLINARY HEARINGS**
	1. The Respondent may not be represented by a third party at any oral hearing.
	2. The Respondent may be accompanied by another Member for support or if a staff member by another member of staff, but they may not make representations on behalf of the Respondent.
	3. The procedure for an oral hearing will be at the discretion of the Owners / committee. A standard hearing procedure is set out at **Appendix 1** of this document, which may be followed by the Owners / committee.
	4. Regardless of the procedures followed, the Respondent must be given a fair opportunity to make representations and present evidence in their defence. The Respondent must also be given the opportunity to review and challenge evidence in support of the Complaint and Charge.
	5. If the Respondent does not attend the hearing as arranged above, provided that the Owners / committee are satisfied that notice of the hearing was received it may proceed and decide the case in the absence of the Respondent.
5. **DECISIONS AND SANCTIONS**
	1. The Owners / committee may reach such decision and/or impose such sanctions as it sees fit, including without limitation, to:
		1. Dismiss the Charge as unproven;
		2. Issue a warning or reprimand in respect of the misconduct or rule breach committed;
		3. Suspend or exclude the Respondent from the Club and/or Club Competitions, Tournaments, Teams, meetings or other activities (Owners only);
		4. Suspend or exclude the Respondent from holding office within the Club for a specified or indefinite period of time (Owners only);
		5. Suspend the Respondent’s Membership of the Club, and/or their ability or authority to attend the Club and exercise playing rights at the Club for a defined period (Owners only);
		6. Permanently expel the Respondent from the Club (Owners only); and/or
		7. A combination of any of the above or any other disciplinary action as considered appropriate by the Owners / committee as appropriate.
	2. The decision taken by the Owners / committee in relation to sanctions must be reasonable and proportionate in all the circumstances. The Owners / committee will give reasons for its decision.
	3. The decision of the Owners / committee may be communicated to the Respondent orally at any oral Hearing, but must, in any event, be communicated in writing within a reasonable time of the decision being made.
	4. If a right of appeal exists from the decision, the written decision must set out how that right can be exercised.
6. **MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK**
	1. Where a disciplinary matter involves a Young Person and/or Adult at Risk of Harm, the Owners / committee must be mindful of the needs of the person in question and take these into account when deciding:
		1. The format of proceedings;
		2. Whether any action is taken against such a Young Person or an Adult at Risk of Harm;
		3. Whether any provisions in these guidelines should be varied.
	2. The Owners / committee should inform the Club Welfare Officer or, in their absence, the County Welfare Officer or the England Golf Safeguarding team of the circumstances surrounding the Young Person and/or the Adult at Risk of Harm before taking any action under these guidelines.
	3. 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 a hearing. Where a Young Person or Adult at Risk of Harm is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by any parent / carer and the Owners / committee shall make sure that the Young Person or Adult at Risk of Harm fully understands the process taking place.
	4. For the avoidance of doubt, the refusal of the parent, Young Person or Adult at Risk of Harm to co-operate shall not preclude Club from taking disciplinary action against the Young Person or Adult at Risk of Harm.
7. **APPEALS – ENGLAND GOLF FRAMEWORK**
	1. Decisions which relate 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 set out below.

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

  There will be no further right of appeal.

* 1. If the Respondent wishes to appeal a decision of the Owners / committee, they (the “**Appellant**”) must lodge the appeal to the Owners / committee in writing (an “**Appeal Request**”) within 14 days of the date of the Disciplinary hearings original decision being notified to the Respondent.
	2. The Appeal Request must set out one or more of the grounds of appeal below and any further evidence on which the Appellant wishes to rely, together with reasons why the ground of appeal(s) applies. The grounds of appeal are as follows:
		1. The decision was based on error of fact or could not have been reasonably reached by the Owners / committee when faced with the evidence before it;
		2. Serious procedural or other irregularity in the proceedings before the Owners / committee;
		3. Significant and relevant new evidence has become available which was not available before the conclusion of the hearing but, had it been available, may have caused the Owners / committee to reach a materially different decision; and/or
		4. The sanction imposed was manifestly unreasonable in the light of the facts before the Owners / committee.
	3. Following receipt of a Notice of Appeal, the Owners / committee shall consider whether the Notice of Appeal is valid, that is received in time and sets out a valid ground or grounds of appeal (but not whether any grounds of appeal have been made out). If the Owners / committee consider that the Notice of Appeal is valid, he will forward it to the County Secretary of Sussex *County Golf* Union or Association as appropriate. If the Owners / committee consider that the Notice of Appeal is not valid, he will return it to the Respondent and explain why it is not valid.
	4. The Sussex County GolfUnion or Association Disciplinary Regulations will apply thereafter to any appeal, unless England Golf has determined that it should hear the matter, in which case the England Golf Disciplinary Regulations will apply.
1. **APPEALS – INTERNAL CLUB MATTERS - APPEAL WITHIN THE CLUB**
	1. If the Respondent wishes to appeal a decision of the Owners / committee to which guideline 13 does not apply, they (the “**Appellant**”) must lodge the appeal to the Owners / committee in writing (an “**Appeal Request**”) within 14 days of the date of the Disciplinary meeting original decision being notified to the Respondent.
	2. The Appeal Request must set out one or more of the grounds of appeal below and any further evidence on which the Appellant wishes to rely, together with reasons why the ground of appeal(s) applies. The grounds of appeal are as follows:
		1. The decision was based on error of fact or could not have been reasonably reached by a Disciplinary hearing when faced with the evidence before it
		2. Serious procedural or other irregularity in the proceedings before the Disciplinary hearing
		3. Significant and relevant new evidence has become available which was not available before the conclusion of the hearing but, had it been available, may have caused the Disciplinary person / committee to reach a materially different decision, and/or
		4. The sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary person / committee.
	3. Following receipt of a Notice of Appeal, the Disciplinary person / committee shall consider whether the Notice of Appeal is valid, that is received in time and sets out a valid ground or grounds of appeal (but not whether any grounds of appeal have been made out). If the Disciplinary person / committee considers that the Notice of Appeal is not valid, he will return it to the Respondent and explain why it is not valid.
	4. If the Disciplinary person / committee considers that the notice of appeal is valid, the Disciplinary person / committee will consider whether at least one ground of appeal being established, in which case the Disciplinary person / committee will appoint an Appeal Person who has had no prior involvement and have no actual or potential interest in the matter. If the Disciplinary person / committee does not consider that a ground of appeal has been established then the respondent will be informed with reasons.
	5. The Appeal Person shall determine whether an appeal of a Disciplinary meeting decision shall be by way of review only or a full re-hearing of all the evidence presented to the Disciplinary person / committee, with due consideration being given to any requests made by any relevant party.
	6. An Appeal Hearing may deal with an appeal on the basis of written submissions from the Appellant and the Respondent or by way of an oral hearing. If any party requests an oral hearing, then this will be facilitated unless exceptional circumstances mean that an oral hearing is impracticable.
	7. The procedure for an Appeal Hearing shall be flexible and shall be at the discretion of the Appeal Person, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness.
	8. The standard hearing procedure for disciplinary hearings set out at **Appendix 1** may also be followed by the Appeal Person at their discretion.
	9. The Appeal Person shall have the power to:
		1. Dismiss the appeal;
		2. Remit the matter for a re-hearing by the Disciplinary Person / committee;
		3. Remit the matter for a re-hearing by a new Disciplinary Person / committee made up of different individuals than those originally appointed;
		4. Substitute an alternative finding;
		5. Reduce or increase the original sanction; and/or
		6. Make such further order as they consider appropriate.
	10. The decision of the Appeal Person may be communicated at the Hearing, but must, in any event, be communicated in writing within 7 days of the hearing or deliberation of written submissions taking place.

**APPENDIX 1**

**STANDARD DISCIPLINARY HEARING PROCEDURE**

1. If deemed to be required, prior to any hearing, the Disciplinary Person / committee will set appropriate deadlines for the submission of any written evidence / representations requested from the appointed Investigation Person or the Respondent.
2. The hearing will be convened by the Disciplinary person / committee at a time suitable to the parties and communicated to the parties by the Disciplinary person / committee.
3. The case against the Respondent will be presented by the Investigation person, together with relevant evidence, including witness evidence, if appropriate.
4. The Respondent will be granted the opportunity to present its case, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary Person / committee. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the discretion of the Disciplinary Person / committee.
5. 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.
6. 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.
7. Questions may be put by the Disciplinary Person / committee to the Respondent and each witness on conclusion of their evidence.
8. The Respondent will have the opportunity to raise questions in cross-examination.
9. The Disciplinary Person / committee may limit cross-examination as it deems appropriate.
10. The Respondent and the Investigation person will be allowed to make a closing statement to the Disciplinary Panel.
11. The room will be cleared and the Disciplinary Person / committee will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proven.
12. The hearing will reconvene and the Disciplinary Person / committee shall either communicate its decision to the parties at the end of a hearing or notify the decision in writing at a later date as set by the Disciplinary Person / committee.
13. Where a charge is proven the Respondent will have the opportunity to present arguments in mitigation.
14. The Disciplinary Person / committee will review the Respondent’s previous disciplinary record, where relevant, to consider sanctions.
15. The room will again be cleared and the Disciplinary Person / committee will determine the appropriate sanction.
16. A record kept of all disciplinary proceedings and hearings and decisions.