



**Scottish Canoe Association**  
**Comann Curach na h-Alba**

## **Disciplinary Procedure**

Last approved by Board: 24th April 2020

**Effective from: 24th April 2020**

Last updated by: CEO (SPS)

The Scottish Canoe Association (SCA) aim is to encourage high standards of individual behaviour in all aspects of the sport. This procedure sets out the action which will be taken when the code of conduct is breached. This policy applies to all individuals involved in paddlesport in Scotland including, volunteers, participants, providers, club members, committees, Board members , officials and supporters. This policy does not apply to SCA staff, as they are covered separately under the SCA staff HR policies and procedures.

<b>Contents</b>	<b>2</b>
Scope	3
<b>1. Principles</b>	<b>3</b>
Flowchart	4
<b>2. The Disciplinary Procedure</b>	<b>5</b>
2.1 Initiation	5
2.2 Preliminary Assessment	5
2.3 Precautionary Suspension	5
2.4 Formal Disciplinary Procedure	5
2.5 Conducting A Disciplinary Investigation	6
Step 1 - Planning the Investigation	6
Step 2 - Establishing the Facts	6
Step 3 - Assessing the Facts	6
2.6 Managing A Disciplinary Hearing	7
Invitation to Disciplinary Hearing	7
Conducting the Disciplinary Hearing	7
Outcomes	7
Gross misconduct	8
<b>3. Appeals</b>	<b>9</b>
<b>4. Referrals to the Children's List</b>	<b>10</b>
Appendix: Special considerations	11

## Scope

This procedure applies to SCA members, service users, volunteers, course providers, board members and facility users. Disciplinary matters for employed staff are covered by a specific HR disciplinary procedure.

The disciplinary policy has been written to govern incidents where a person in paddlesport is involved in behaviour, conduct, or actions that may bring the sport into disrepute.

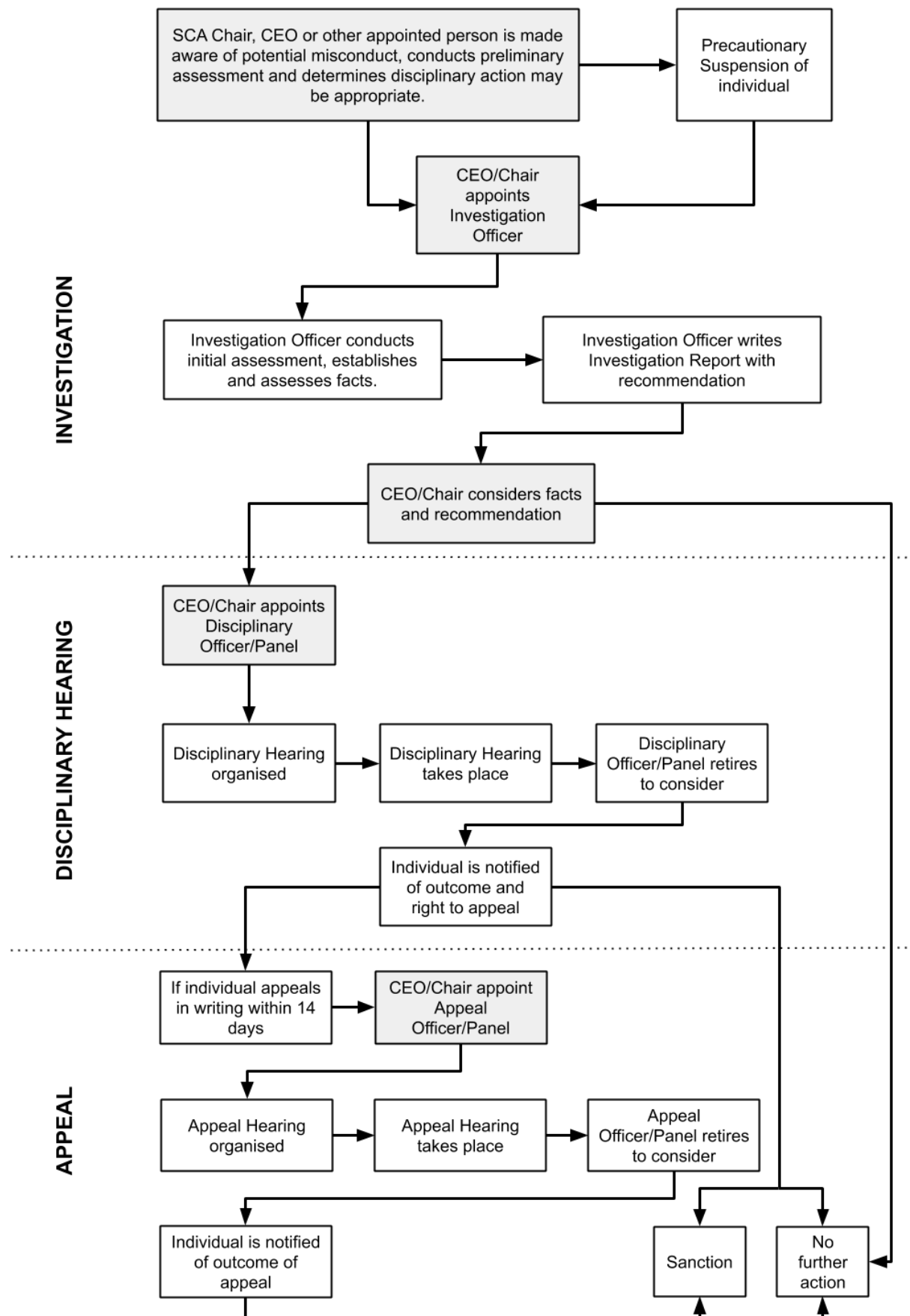
Examples of this may be inappropriate behaviour, improper conduct, foul or offensive language, equipment abuse, or wilful damage.

SCA Affiliated Clubs may choose to adopt this procedure, substituting their club where SCA is referenced below. In the event a club does not have an alternative written procedure, it is expected that this procedure will be implemented should it be required.

## 1. Principles

- a) This procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently.
- b) No disciplinary action will be taken until a matter has been investigated.
- c) The individual involved may be suspended from their role (where applicable) while an investigation is carried out. Suspension is not a form of disciplinary action. Notification of the suspension and the reasons will be conveyed in writing to the individual.
- d) At every stage of any formal disciplinary procedure the individual will have the opportunity to state their case at a disciplinary hearing. If so wished they will have the opportunity to be accompanied at the hearings by a third party e.g. a friend or interpreter. The third party cannot answer on behalf of the individual.
- e) The individual has the right to appeal against the outcome of the disciplinary procedure upon conclusion of the process.
- f) The disciplinary procedure may be implemented if the individual's alleged misconduct warrants such action.

## Flowchart



## 2. The Disciplinary Procedure

### 2.1 Initiation

This process will be followed when allegations of misconduct are received by the SCA Chair or CEO. This could be the outcome of the SCA Complaints Policy or by other means.

### 2.2 Preliminary Assessment

The Chair, CEO or another person appointed by them will carry out the preliminary assessment. The possible outcomes of the preliminary assessment are:

1. No further action (facts do not warrant undertaking a disciplinary procedure).
2. Situation is dealt with under formal disciplinary procedures (this document)

Following the preliminary assessment a period of precautionary suspension may be appropriate or necessary while a concern is being further investigated.

### 2.3 Precautionary Suspension

Precautionary suspension from a role or from accessing SCA services may be considered in the following circumstances:

- if the police or social work services advise suspension
- if the allegation made against the individual was ultimately to be proved, then there would be a significant concern about the conduct of that individual towards children or other adults
- if the individual's attendance or involvement in the SCA activities could compromise the disciplinary process
- if Disclosure Scotland notify the SCA that an individual is being considered for the Children's List.
- The individual is a course provider and concerns relate to the quality of course provision

Suspension is not a form of disciplinary action and does not involve pre-judgment. It should only be considered in the above circumstance and in the best interests of all parties or necessary due to the nature of the complaint. Temporary suspension is a neutral act and will not be used punitively.

### 2.4 Formal Disciplinary Procedure

Typically there are three key roles in the management of a disciplinary procedure:

1. Investigating Officer
2. Disciplinary Officer/Panel
3. Appeal Officer/Panel

The Investigating Officer will conduct the disciplinary investigation to establish the facts surrounding the alleged misconduct.

The Disciplinary Officer/Panel will conduct a disciplinary hearing, make a decision on disciplinary action, and communicate the decision to the individual at the centre of the

allegation. If appropriate, one person may fulfil the role of Investigating Officer and Disciplinary Officer.

The Appeal Officer/Panel will review the grounds for appeal by the individual and make a determination on the appropriateness of the disciplinary action.

Post holders should:

- be selected taking account of impartiality (that is, have no bias and be unconnected to the incident(s) in question)
- be familiar with the standard procedures
- understand the importance of dealing with matters confidentially
- understand how to manage situations where rumours and intimidation may be present
- have consideration and respect for all parties including witnesses
- make efforts to put people at ease and deal firmly but sensitively with a potentially stressful experience.

The Officer/Panel Members involved in the Investigation or Disciplinary Hearing should not be involved in the Appeal Hearing.

## 2.5 Conducting A Disciplinary Investigation

The following are recommendations for conducting a disciplinary investigation:

### Step 1 - Planning the Investigation

The Investigating Officer will establish the precise details of the allegation(s) and seek clarification, if applicable. They will list the parts of the any codes of conduct or rules that have allegedly been breached and if further information or evidence is needed to establish the facts and define the resources and timelines for conducting the investigation.

Where an investigation relates to safeguarding matters, the SCA Safeguarding Officer will be consulted and a Safeguarding panel convened where necessary.

### Step 2 - Establishing the Facts

The Investigating Officer will identify who should be interviewed and the information required. For guidance on interviewing children or young people further information is available in [the 'Special considerations' appendix](#).

### Step 3 - Assessing the Facts

The Investigating Officer will review all of the evidence to assess the investigation findings and recommend to the Chair/CEO (whichever is managing the process) whether they warrant holding a disciplinary hearing. They will prepare an investigation report to summarise the findings and decision.

## 2.6 Managing A Disciplinary Hearing

Where the investigation findings provide sufficient evidence to instigate a disciplinary hearing, the disciplinary procedure below must be followed.

### Invitation to Disciplinary Hearing

The Disciplinary Officer or Panel will invite the individual to a hearing via letter. It will include confirmation of the date and venue of the proposed hearing which should be with sufficient notice. Reasonable details of the allegation(s) and a copy of any documentary evidence which will be used at the hearing.

No judgement will be made in advance of the disciplinary hearing and this should be made clear in the letter. The individual will have the opportunity to answer the allegations.

The Disciplinary Officer will confirm with the individual whether they have any accessibility requirements and how to arrange for an interpreter or a companion to join them at the hearing.

### Conducting the Disciplinary Hearing

The allegations and evidence will be put clearly to the individual by the Disciplinary Officer or Panel. The individual will be asked to comment on the evidence and the allegations.

If matters come to light at the disciplinary hearing that warrants further investigation, consideration will be given to adjourning the hearing while those matters are investigated. The results of any further investigation will be reported to the individual who will be given an opportunity to comment.

Once the issues have been put to the individual and discussed, the respective positions of both sides will be summarised at the end of the hearing. The individual is told that all that they have said will be considered and that they will be written to with the Officer/Panel's decision after retiring to consider.

### Outcomes

Where the Disciplinary Officer or Panel believes that a case of misconduct or gross misconduct is proven, a decision must be reached on the appropriate disciplinary sanction.

The following should be considered when deciding on the sanction:

- The nature and seriousness of the misconduct/gross misconduct
- Previous disciplinary record
- The likelihood of repeating the misconduct
- Previous service/contribution to the organisation
- The impact on the SCA and people connected to the organisation

Once the sanction has been agreed the individual will be written to with confirmation of the sanction and a brief summary of reasons.

If a warning is to be given, the length of time for which this will be live should be stated in the letter and should be in accordance with the disciplinary procedure.

Any letter of removal from a role or membership should make clear the reason why the individual is being removed and the date when the termination will take effect. The individual must be informed of their right to appeal and how to go about doing this.

Appropriate sanctions for misconduct may include, but are not limited to:

- Written warning
- A requirement to change current practices
- A requirement to change the rules of an Affiliated Club
- A financial sanction
- A written apology to those affected
- Coaching / Officiating / Competing under supervision
- Undertaking relevant training or CPD
- Temporary suspension – person(s)/club/group/organisation
- Permanent suspension or lifetime ban - person(s)/club/group/organisation
- Revoking membership temporarily or permanently
- Removal from role

### Gross misconduct

If it is confirmed that an individual has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal / removal from role/membership (without notice, where applicable) / unable to access SCA services: - theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying, abuse of another person and gross insubordination.

Following advice from the police, cases that also involve a criminal investigation will not preclude disciplinary action being taken. This is provided sufficient information is available to enable the SCA to make a decision and that to do so does not jeopardise the criminal investigation. Any decision to dismiss will be taken by the SCA only after full investigation.



### 3. Appeals

An individual who wishes to appeal against any disciplinary decision must do so in writing to the SCA Chair/CEO within 14 days of the disciplinary decision notification.

The individual should provide a written statement of the appeal, indicating the grounds for the appeal together with such accompanying documents as they feel appropriate. Such grounds will be limited to new information, not available to the disciplinary hearing or evidence of failure to follow procedure.

The appeal will be heard by an Appeal Officer/Panel and a decision on the case made.

- The Appeal Officer/Panel will notify the individual of the decision in writing as expeditiously as possible. The decision of the Appeal Officer/Panel is final and there is no further right of appeal.
- The person(s) hearing the appeal should not have been involved in the procedure prior to the notification of appeal.
- The appeal hearing should be arranged with advance notice of date, time and venue and should be confirmed in writing to the individual.

Prior to the appeal hearing, the individual should be asked to confirm any grounds on which they are appealing and why they believe the sanction was incorrectly made.

Once any issues have been discussed at the appeal hearing the matter should be adjourned and the individual told that a decision will be made and confirmed in writing.

The decision of the Appeal Officer/Panel should be confirmed in writing to the individual. In accordance with the club's disciplinary procedure the letter should confirm whether there is any further right of appeal.

## 4. Referrals to the Children's List

Where the SCA takes disciplinary action to remove an individual from regulated work as a result of harmful behaviour towards a child, then they have a duty to refer the individual to Disclosure Scotland so that consideration can be given to whether that individual should be barred from any kind of regulated work with children. Without this duty, there would be no way of preventing individuals moving undetected to other organisations where they may continue to pose a risk.

The criteria for referral is available from the Scottish Government website:

<https://www.mygov.scot/pvg-referrals/>

## Appendix: Special considerations

### Speaking to children during the investigative process or as part of a Disciplinary Hearing

In establishing the facts of any concern or complaint, it may be necessary to speak to a child or children who were involved in the alleged incident.

In some circumstances, it would not be appropriate for the person conducting the investigation to speak to a child involved in the incident. In particular, if the nature of the concerns suggests a criminal offence has occurred or that a child may have been abused, then it is the job of specially trained and competent police officers and social workers to interview the child.

If there is any doubt as to whether it is okay to speak to a child, advice should firstly always be sought from the police or social work services.

In cases where the nature of the complaint or concern is such that the police or social work services are not involved, careful consideration should still be given before approaching children to give information as part of the initial investigation process or as part of a disciplinary hearing.

To minimise distress or anxiety for the child it is a good idea to give some thought as to how to approach them. Some things to consider are:

- The age, gender and background of the child i.e. will they require an interpreter?
- Whether the child has any learning or physical disability which might affect their ability to communicate with others
- The child's emotional state
- Timing and location of interview, bearing in mind the child's daily routines
- What you will do if the child becomes upset
- Obtaining consent from the parents/ carer
- Any other information which may be relevant.

Parties should decide whether it is absolutely necessary for the child to be involved in a disciplinary hearing. If the child is to be involved consideration should be given to the following:

- Allowing the child to be accompanied by a relative or other responsible adult (preferably someone who is not involved in the case)
- The environment or room layout - how intimidating it could appear to a child
- The number of people present - try to ensure only those who need to be there are present whilst the child gives evidence
- The age of the child
- The nature of the evidence the child may be giving
- The nature of the relationship between the child and the subject of the hearing
- The tone and style of questioning i.e. clear, non-threatening with sufficient opportunity for the child to consider the questions and answer them.

These considerations should be balanced against the need to ensure the individual has a fair hearing.