

## Notes to accompany the club template disciplinary regulations

It is strongly advised that club's consider these notes alongside the template disciplinary regulations to ensure that the version adopted is appropriate for the club's needs.

Regulation No.	Guidance Note
3.2	Safeguarding concerns are those that relate to concerns about abuse of children or adults at risk. If you are in any doubt whether or not something is a safeguarding concern please seek advice from the England Golf safeguarding team via <a href="mailto:safeguarding@englandgolf.org">safeguarding@englandgolf.org</a>
4.1	Clubs may wish to consider here whether they wish to specify to where complaints should be addressed. That might be a specific person or email address, perhaps.
4.1	There may be good reasons why someone is not able to raise a complaint in writing, and the club should seek to accommodate alternative ways of raising an issue in order to comply with the Equality Act 2010.
4.2	The Disciplinary Secretary does not have to be a specific individual within the club, and there can be a different disciplinary secretary for different disciplinary matters. It should be somebody who is independent of the matter and has the capacity and skills to consider and investigate the matter. Clubs may wish to specify how they disciplinary secretary will be appointed, for example it may be a person holding a specific position, or always be a member of the committee.
5.1	The disciplinary secretary should give reasons for deciding on the appropriate next steps.
6.1	Consideration should be given to who would be best to comprise the disciplinary committee, for example do they need to be committee members, club members? Would a legally qualified or independent person be appropriate? Clubs may also wish to consider whether the power to co-opt members (perhaps from outside the club) to a disciplinary committee would be appropriate in the event that an independent committee can't be convened or that the committee doesn't feel it has the skills or experience to deal with the matter.
6.2	If any disciplinary committee member is replaced because they have an interest (whether actual or potential) a reason should be given for the decision to replace that member.
8.1	The club may decide to insert a different time period for the respondent to respond to the notice of charge here.
8.2	The club may decide to insert a different time period for the respondent to make any written representations in mitigation.
8.4	If the disciplinary panel decide to treat the Respondent as admitting the charge, they should explain how they have satisfied themselves

	that the respondent has received the notice of charge and had a reasonable opportunity to respond.
8.6	The disciplinary committee should record and give reasons for its chosen method of hearing, taking into account any representations from the respondent or any other witnesses as to how they consider the hearing should take place.
9.1	What is reasonable notice will depend on all relevant circumstances, for example the number of people in attendance, the likely length of the hearing and the complexity of the matter, work, family or other commitments of the people required to attend the hearing.
10.1	Oral hearings can be particularly stressful for all involved. The intention behind this regulation is that the respondent may be represented by a third party, and perhaps legally represented if they so choose. Clubs may wish to consider whether they want to include this as of right, as in the template, or restrict it to where permission is given by the chair.
10.2	As above, oral hearings can be stressful and upsetting with a member's future as a member of the club potentially in question. It is therefore recommended that they respondent has a right to be accompanied, as they would in an employment setting.
10.3	The procedure set out at Appendix 1 of the template is an example only, and the chair is free to set out a different procedure if it is considered appropriate. It would be good practice for the reasons for any departure from the example process to be recorded.
10.5	If the Committee decides the matter in the absence of the Respondent, it should consider what weight to give any evidence that has been submitted that the Committee has not been able to challenge as it might had the Respondent attended. It should record its reasoning in its decision.
11.4	The written decision of the Disciplinary Committee will need to set out whether the Respondent has a right to appeal, on what grounds, how to do that and any time limits. It is good practice to use the provisions in the Regulations as a template for that part of the decision.
12	When dealing with people under 18 or adults at risk the committee may wish to consider taking advice from the club welfare officer and/ or the England Golf safeguarding team.
<b>Appeals</b>	
Note about appeals	There two forms of appeals envisaged by the template regulations:  The first of these is an appeal within the England Golf Disciplinary Framework to the next level up in the England Golf structure. This will apply to matters relating to the playing of the game arising at club level, and the appeal will usually be to the county body. The England Golf Disciplinary Regulations require that club rules contain this right of appeal. This is the type of appeal referred to in <b>Regulation 13</b> .

	<p>The second type of appeal is an appeal of an internal club matter. The club should liaise with the relevant county body or bodies to determine whether the county requires and/or offers a right of appeal to the County in these circumstances. Where the relevant County Bodies are not merged the Club should liaise with both the Union and Association. To accord with the principles of natural justice, the club will need to provide for an internal appeal if the county body does not offer a route of appeal in respect of internal club matters.</p> <p>The <b>first</b> version of <b>Regulation 14</b> is the one clubs should adopt where there is to be an appeal within the club.</p> <p>The <b>second</b> version of <b>Regulation 14</b> is the one clubs should adopt where there is a right of appeal for internal club matters to the County Body.</p>
13.3	The right to appeal is not automatic, and only applies if the respondent can make out one or more of the specified grounds set out in regulation 13.3.
13.4	In considering whether a notice of appeal is valid the disciplinary secretary is only required to consider whether the notice has been submitted within the time limit and whether it contains one of the grounds set out in 13.3. The disciplinary secretary is not required to determine whether the appeal is likely to be successful or have a reasonable prospect of success.
<b>Option 1</b>	
14.4	In considering whether a notice of appeal is valid the disciplinary secretary is only required to consider whether the notice has been submitted within the time limit and whether it contains one of the grounds set out in 13.3. The disciplinary secretary is not required to determine whether the appeal is likely to be successful or have a reasonable prospect of success.
14.5	If the notice of appeal is considered to be valid, the disciplinary secretary must move on to consider whether at least one ground of appeal has been made out, that is to say whether the facts or arguments set out in the notice of appeal support the ground of appeal cited in the notice.
<b>Option 2</b>	
14.1	The club should liaise with the county body/bodies to determine where an appeal notice should be sent.
15.2	"On the balance of probabilities" is the standard of proof applied in civil matters in the English courts. It means that something is considered more likely than not, all in other words something has a greater than 50% chance of being correct. By contrast the standard in criminal proceedings is beyond reasonable doubt.
15.5	The disciplinary committee and the appeal committee are not obliged to follow strict rules of evidence. This means that if evidence has been submitted late the committee can decide whether to consider the evidence. Equally the committee can consider hearsay evidence

	<p>(that is indirect evidence, for example a witness may report hearing somebody say something happened. That would constitute hearsay evidence rather than direct evidence). It is a matter for the committee to decide what weight to give a particular piece of evidence. If it considers one piece of evidence more persuasive than another piece of evidence the committee should include its reasons in its written decision.</p>
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