



BACUP GOLF CLUB LTD

DISCIPLINARY PROCEDURES (MEMBERS)

General Principles

1. There should be three stages to a disciplinary process: the investigation, the disciplinary hearing and the appeal hearing or referral.
2. The procedure should allow for different people to conduct those three different stages. **The people who conduct each of those stages should have had no prior involvement in the case, or be a witness to any of the events or have any conflict or bias.** It is important, for example, to exclude certain members of Council from discussions about ongoing disciplinary cases in order to preserve their impartiality so that they can be called upon later to hear any appeal.
3. Sometimes a disciplinary procedure can provide for the disciplinary and appeal panel to be drawn from the general membership, with their powers delegated from Council. This can very often provide the most flexibility for a club, since clubs can sometimes “run out of people” once committee members’ conflicts or prior knowledge or involvement in the case have ruled them out of participation.
4. **If the disciplinary procedure involves a safeguarding matter or a young person at risk the Club Welfare Officer should be informed before any proceedings begin.** They may wish to involve England Golf if the circumstances indicate need for further help and support in dealing with the matter.

The Investigation

1. The matter should be dealt with promptly.
2. The investigating officer (usually the Secretary or the Competitions Secretary, depending on the nature of the circumstances) should carry out a reasonable and full investigation into the case. That may involve gathering documentary evidence and taking statements from relevant witnesses.
3. Once evidence is gathered, it should be submitted to the disciplinary panel, **which should not include the investigating officer.**
4. The investigating officer should not express any opinion or make any recommendations when s/he submits evidence to the panel.

The Disciplinary Panel

1. The disciplinary panel should review the evidence and if this suggests that there is a case to answer they should invite the member concerned, by letter or email, to a hearing. The invitation should set out the detail of the allegations, provide a right to be accompanied by a fellow member and should enclose the relevant evidence.
2. The member should be given a reasonable opportunity in advance of the hearing to prepare and to gather their own evidence for a defence.
3. At the hearing itself, the member should be afforded an opportunity to have their say. They may challenge the evidence, cross-examine witnesses and make representations about the case being



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put against them. They may also submit evidence in mitigation in an effort to reduce any sanction against them.

4. At the end of the hearing, the panel should adjourn whilst they make a decision. That may be a decision which they can reach on the same day which can be communicated verbally (initially) or it could be something which takes longer. In coming to a decision due regard must be paid to the fact that any proof required in relation to any allegations is on the basis of the balance of probabilities.
5. The Disciplinary Panel may decide and impose any sanctions that they see fit to apply, providing they are proportionate and fit for purpose. These may include:
 - a warning or reprimand;
 - suspension or exclusion of the person concerned from the club or club activities for a specified period of time;
 - suspension or exclusion from holding office within the club for a specified or indefinite period of time;
 - suspension or termination of their membership of the club;
 - any combination of the above sanctions that the Disciplinary Panel may consider to be appropriate.
6. **As soon as the outcome of the hearing has been decided, this should be confirmed to the member in writing, as well as informing them of their right of appeal.**
7. Records must be kept of proceedings and decisions made in all disciplinary hearings.

The Appeal Panel

1. If an appeal is received by the club from the member, then an appeal panel should be convened. They would then follow a similar process to the disciplinary panel, allowing the member the opportunity to attend the hearing, accompanied. Again the member may submit fresh evidence, produce new arguments, or they may be looking for a fresh set of eyes and ears to look over and listen to their case.
2. Consider holding a full re-hearing rather than a review, since that will allow the club an opportunity to put right any defect in its procedures in the original disciplinary hearing.
3. At the end of the appeal hearing, the panel should make its decision in a similar way to the process for the disciplinary panel, which should be confirmed in writing to the member.
4. If the matter is related to the Rules of Golf or Handicapping and the decision of the appeal panel is not accepted by the member concerned, they have the right of appeal to the Lancashire Union of Golf Clubs through the LUGC Secretary, who may, if necessary, take the appeal to England Golf for a final decision on the matter.

S J Styles (Secretary)
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