



Plymouth and District Netball League (PDNL)

COMPLAINTS AND REPRESENTATIONS PROCEDURE

1. Background

1.1. PDNL has a code of conduct to which it expects all its members to adhere. (See Rules and Regulations) Where there are breaches in the code of conduct the PDNL committee expect members to bring this to their attention by using this complaints and representations procedure. The PDNL committee will receive and deal with all complaints and representations seriously and sensitively.

1.2. This procedure does not affect All Englands rules that relate to the discipline of matches while in progress whereby all qualified umpires can impose a variety of sanctions against players for misconduct during the game.

2. Making a complaint or representation

2.1. This is open to any properly affiliated member of PDNL and people who have witnessed breaches to the code of conduct or wish to give PDNL committee positive representations. The PDNL committee also welcomes the same from people who are present in any of the events for which they are responsible.

2.2. If a club/team/RP wishes formally to complain/enter a grievance about the conduct or rule breach by an Umpire/Coach/Supporter/Player in relation to a PDNL match, the Captain of that team will tell both Umpires and also the Captain of the opposing team immediately after the match is finished of their intention.¹ This should usually be done in the presence of all three at the same time. Where this has not been possible, the PDNL Welfare Officer and PDNL committee will decide the validity of the grievance and the next steps.

2.3. The Welfare Officer must receive a written copy of the complaint/representation within 7 days of the incident.² The PDNL committee reserve the right to contact the person making the complaint or representation regarding the style and format in which it is presented if there are concerns regarding the accuracy or way in which the matter is being brought to their attention.

2.4. The club/team/RP who is making the complaint/entering a grievance should be aware that except in cases where the risk to others is substantial the contents of the complaint/grievance may be shared either in full or part with the RP's concerned. It is therefore imperative that the complaint/grievance is submitted in a factual, objective and non-abusive way.

¹ Where the individual who wishes to make a complaint/enter a grievance is concerned that notifying those involved would seriously jeopardise the safety and well being of others they should immediately consult their club/team nominated welfare officer and/or the league welfare officer before deciding their next course of action.

² If there are genuine and understandable reasons for this not being possible then the PDNL Welfare Officer in consultation with the PDNL Committee will decide on the way forward and will give particular attention to the seriousness of the complaint when arriving at a decision.

2.5. The PDNL Welfare Officer will endeavour to acknowledge receipt of all complaints and representations within 7 days.³ The Welfare Officer will keep a register of all complaints and representations received and any action taken. Relevant documentary information will be retained by the PDNL Welfare Officer and/or the General Secretary for as long as is relevant bearing in mind peoples legal and human rights.

3. Procedure on receipt of a complaint

3.1. The Welfare Officer will act on the complaint as soon as is practicable. There may be occasions where the complaint/representations can be resolved at this level.

3.2. If the matter can be resolved at this stage the PDNL Welfare Officer will advise the person making the complaint/representation within 7 days of the initial contact. This can be verbally or in writing as determined by the nature of the complaint/representation. The PDNL Chair and other committee members will be alerted to the receipt of a complaint at the next available committee meeting.

3.3. At this stage the PDNL Welfare Officer/Committee will also seek to find informal ways to resolve the matters brought to their attention if it is possible, appropriate and acceptable to all parties involved.

3.4. If necessary the Welfare Officer will request that the PDNL committee appoint and constitute a specific Disciplinary Sub-Committee to consider the complaint/representation further. The PDNL committee will also set the necessary terms of reference and regulations for the conduct and proceedings of the Disciplinary Sub-Committee and those responsible for investigating the concerns. The PDNL committee will also pay due regard to issues relating to the type and nature of the complaint, confidentiality, impartiality and fairness when deciding who will be on the disciplinary committee and how they conduct the next steps.

3.5. There may be occasions when the nature of the complaint is so serious that the PDNL committee will need to report its concerns to relevant statutory agencies i.e. police, social services etc.

4. Suspension pending further action/disciplinary hearing

4.1. The PDNL Committee reserves the right to suspend the PDNL membership of any Individual/RP/Team/Club whose actions are alleged to have broken PDNL rules and regulations or to have brought PDNL into disrepute, until the validity of those allegations have been decided.

4.2. The PDNL Committee will endeavour to make the period of suspension for no longer than is absolutely necessary according to the circumstances of the particular case.

5. Disciplinary hearing

5.1. Should initial enquiries reveal that the PDNL committee need to move to a full disciplinary hearing, they will appoint a chair to conduct the hearing.

5.2. The PDNL Chair will appoint the people responsible for conducting the investigation and fact finding prior to the hearing if that is required. They will also set the terms of reference for those people and decide the appropriateness of their involvement with the same considerations as outlined below.

5.3. That chair will ensure that all members of the disciplinary sub committee conduct themselves in an independent and unbiased way. They must not be members of the same club/team that involves the complaint or person complained about or have a close relationship with that person(s).

³ There is a PDNL proforma letter for this that will be held and issued by the Welfare Officer and General Secretary.

5.4. Where a member of the sub-committee is aware of a potential conflict of interests in acting as a member of the hearing they must say so. The chair will then decide if they should remain on the sub-committee or not.

5.5. The chair of the sub-committee has the right to ask any member of the sub-committee to withdraw from the hearing if they have information or evidence that they may not be able to conduct themselves appropriately.

5.5. The information and findings from those responsible for the initial investigation will be put to the disciplinary meeting. The investigators are able to consult as many people as it deems necessary in order to collect relevant information but must be mindful about how many people need to know about the complaint/representation. Those consulted will be advised that the matter is confidential and must remain that way.

5.6. Both those who are potentially in breach and those complaining/lodging a grievance have the right to attend that meeting. They will be allowed to speak at certain parts of the meeting as determined by the chairperson but do not have automatic speaking rights at all times.

5.7. One advocate is allowed to attend with both those who are potentially in breach and those complaining/lodging a grievance.

5.8. The decision-making regarding the issue will be held "in confidence" and the complainant, individual concerned and all the advocates must leave the meeting while the decision is being reached. The person about whom the complaint is being made will be advised at this time when they will be either informally or formally advised of the meeting's outcome.

5.9. The whole of the meeting will be minuted including this section (5.8.) and these minutes may be made available when relevant. The meeting, decision and outcome will be notified in writing to all the respective parties involved, where feasible within 7 days.

5.10 There may be occasions when the wider membership need to be made aware of the decision and this notification will be dealt with as sensitively as possible given the circumstances. The PDNL Committee is fully aware of its Duty of Care and Child Protection responsibilities and RP's; clubs/team should take note that they will not hesitate in contacting the relevant authorities if concerns relating to this come to their attention

6. Disciplinary outcome

6.1. Ultimately the PDNL Committee has the power to discipline in any way that it considers appropriate but will be guided by the matrix that is outlined in the rules and regulations.

6.2. The power to discipline also includes the power to recommend to the appropriate authority (e.g. All England) the suspension or cessation of Membership of a particular body.

7. Appeals

7.1. Those subject to disciplinary action have the right to appeal to an Appeal Panel consisting of PDNL Committee members who have not served on the original Disciplinary Committee. The Appeal Panel members will be selected and appointed by the PDNL Chair in consultation (when required) with West Devon and/or All England and/or legal advice.

7.2. The intention to appeal must be put in writing and sent to the PDNL Committee Chair within 14 days of the disciplinary hearing's outcome. The appeal request must lay out the grounds for the appeal.

7.3. The PDNL Chair in consultation with the committee where relevant, will then advise the player/club of its decision about whether or not it will hear an appeal within 28 days of the appeal request being received.

7.4. An Appeal Panel should normally meet within 14 days of the appeal request being received

7.5 The person making the appeal will be told in writing when and where the appeal hearing will be held. They and one advocate can attend and the same rules about conducting the appeal as outlined in the hearing section above will be observed. If the person making the appeal does not attend the meeting the appeal hearing can still go ahead.

7.6. At the joint request of the person making the appeal and the PDNL Committee, the West Devon County Association may both appoint and/or constitute this Appeal Committee. They can also attend the appeal hearing in an observational or advice capacity depending on the representations made to them.

7.7. Appeal Panels will be minuted and conducted as described above but an additional independent member from either All England or the Local Authority will be present to observe proceedings.

7.8. An Appeal Committee may affirm, vary or rescind any action decided by the PDNL original committee and substitute any other decision as it, in its absolute discretion, considers appropriate.

7.9. The meeting will be minuted throughout although the person making the appeal and their advocate can not be present during the decision making part of the meeting. The same rules in regard to the minutes and outcome notification as described above.

8. General Matters

8.1. PDNL members have the right to progress their concerns about the dealing of any of the complaints procedures to the West Devon County Committee, All England and IFNA as is relevant to their circumstances and situation.

8.2. These procedures are a sub section of the rules and regulations of PDNL and will be reviewed and revised within the same expectations.



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