



Disciplinary Policy and Procedure - Athletes

Introduction

The purpose of this policy and procedure is to assist and encourage athletes to achieve and maintain a high standard of conduct within the World Class Performance Programme (“WCPP”) which is referred to by UK Sport as HPAS. The policy aims to ensure that we deal with issues in a prompt, consistent and fair manner. This disciplinary policy and procedure are non-contractual.

Scope

This policy applies to all GB Snowsport WCPP Athletes and covers all issues where conduct has been deemed unacceptable.

Supporting Principles

- In following this policy, we aim to encourage improvement in your conduct. The disciplinary policy is not necessarily a progressive one and we reserve the right to initiate the process at any stage, including dismissal, or to jump stages if your conduct warrants it.
- Wherever possible problems should be resolved informally without the need for formal procedures. Where it is not possible for a problem to be resolved informally, or the severity of the allegation warrants it, the formal procedure detailed should be followed.
- At any formal stage in this policy the Athlete has the right to be accompanied by a representative.
- Where the chosen companion cannot attend on the date proposed, the Athlete can propose an alternative time and date so long as it is reasonable and is within five working days of the original date.
- No disciplinary action shall be taken against any Athlete until the case has been fully investigated.
- At every stage in the procedure, the Athlete shall be advised of the nature of the allegation(s) against him/her and will be given the opportunity to state his/her case before any decision is made.
- Prior to any disciplinary interview the Athlete will be advised in writing of the nature of the allegations against them and the stage at which the policy is to be invoked.
- We reserve the right to suspend the Athlete while the allegations are fully investigated.
- If you are convicted of a criminal offence, become the subject of a criminal investigation or are going through criminal proceedings then you must notify the Chief Executive Officer with immediate effect.
- An Athlete will not usually be removed from the programme for a first breach of discipline except in cases of serious or gross misconduct.

- Formal warnings shall be noted on the Athlete record for a period to be decided at the time, after which they will be disregarded.
- An Athlete who considers that disciplinary action has been taken unreasonably has the right to appeal against that decision.

Procedure

Informal Discussions

So far as is reasonably practicable, we will attempt to resolve matters informally with the Athlete before invoking the formal procedure. Only once the informal approach fails to bring about the desired improvement should the formal disciplinary procedure be implemented. Any informal stage of the process does not form part of the formal process, however an informal discussion that has already taken place about similar acts of misconduct does build the foundation for any potential formal action.

As a guide the informal discussion is based on an individual's conduct (behaviour). The Coach and the Athlete, supported by a member of the Performance team, meet to discuss as follows: -

- Following a brief gathering of the facts the coach will talk to the Athlete about the matter of concern, at the earliest opportunity, highlighting the shortcomings in their conduct. The object of this discussion is to raise the area of concern and encourage the Athlete to improve.
- The Athlete will be clear on what needs to improve, how they will do this and by. It may be that a review date is agreed to establish improvements have been met.
- Agreed actions can be followed up in writing to the Athlete however there will be occasions where this is not necessary.
- If there is no improvement after an agreed period or the matter continues to be a problem, matters may progress under the formal disciplinary procedure.

Establishing the facts

If matters have not been resolved on an informal basis or if the matter or allegation is of a more serious nature the organisation's formal procedure will be triggered.

Prior to any formal disciplinary procedure an investigation into all the facts related to the matter will be carried out. This may involve reviewing evidence and documentation, meeting with witnesses to the alleged matter and usually will involve an investigatory meeting with the Athlete.

The Athlete may bring a companion should they wish. The investigation will be concluded without unreasonable delay. Where practical, different people will carry out the fact-gathering stage and the disciplinary hearing.

In most cases the Athlete will be advised that an investigation is taking place, in some instances it may not be possible to do so.

Inform the Athlete of the problem

If it has been established that there is a disciplinary case to answer to the Athlete should be advised in writing of the alleged misconduct issue, the potential consequences, and the details of the meeting. Any supporting evidence or documentation should also be shared with the Athlete at this point to allow for them to suitably prepare. The Athlete is entitled to be accompanied at this meeting. Where possible the Athlete should have 48 hours' notice of the disciplinary hearing to allow them opportunity to prepare.

Holding the disciplinary meeting

The disciplinary meeting should be held without unreasonable delay and it is expected that the Athlete and their companion make every effort to attend the meeting arranged.

At the meeting the disciplinary Coach will explain the allegations and discuss the supporting evidence.

The Athlete should be given opportunity to present their case and share any supporting evidence of their own. The Athlete should be given the opportunity to question any of the evidence presented to them including that supplied by witnesses. Advance notice should be given where there is an intent to call any witnesses. If any new facts emerge which require further investigation the meeting may be adjourned and later reconvened.

Postponing the Hearing

If the hearing is unable to go ahead on the original date, the Athlete should write to GBS (or vice versa) to postpone the hearing. The Athlete has a right to request postponement of the original meeting. However, if the Athlete still does not attend the second meeting and has no good reason for their failure to attend, the Organisation is entitled to carry out the hearing in the Athlete's absence with the available evidence.

Allowing the Athlete to be accompanied at the meeting

Athletes are entitled to be accompanied by a companion at a formal disciplinary meeting. The companion may address the meeting to put forward or summarise a Athlete's case and may respond on their behalf to any view expressed at the hearing. The companion does not have the right to answer questions on Athletes behalf, address the meeting if the Athlete does not permit it and prevent GBS from stating their case. All requests to be accompanied must be reasonable. What is reasonable will vary between cases. It would not be reasonable for an Athlete to be accompanied by someone whose presence might prejudice the meeting.

If an Athlete chosen companion is unable to make the proposed meeting time, the Athlete can suggest a reasonable alternative time for the meeting to take place. This date must be within 5 days of the original proposed meeting date.

Decide on appropriate action

After a disciplinary meeting the Coach should decide whether disciplinary action is justified and what level of warning is warranted. The Athlete should be notified in writing of the outcome of the meeting. Where misconduct is confirmed a first written warning is usually given. If the act of misconduct is sufficiently serious it may be decided to move straight to a final written warning. This might occur where the Athlete's actions have had, or are liable to have, a harmful effect on GBS or if it is found that the Athlete acted willfully in their misconduct.

The warning will set out the nature of the misconduct and detail the expectations for change. The Athlete should be advised of the potential consequences of further act of misconduct or failures to improve, of how long the warning will remain live and of the right of appeal process.

The decision to remove an athlete from the WCPP should only be taken by the Performance Leadership Team. The Athlete should be notified in writing of the reasons for removal, any transition period, the effective date of removal and of the right of appeal process.

Stages of warnings

The possible warning outcomes are detailed below:-

Stage of Warning	Summary and Duration
Stage One: Verbal Warning	Usually an Athlete will be given this for minor acts of misconduct, the warning will remain on the Athletes record.
Stage Two: First Written warning 6 months	Usually the Athlete will be given a formal stage warning if their conduct does not meet acceptable standards. They will be advised of the reason for the warning in writing, the improvements required, the timescale for improvement and their right of appeal and the timescales for doing so. The warning will usually be effective for 12 months as stated in the letter. After that time, it will be disregarded, subject to satisfactory conduct. GBS will review each case individually and may extend the time period for review depending on the offence.

<p>Stage Three: Final Written warning 6 months</p>	<p>If there is a continuing failure to improve, and conduct is not satisfactory, a final written warning will be issued. The warning will give details of the complaint, the improvement required and the timescale for improvement. It will warn that a recommendation for removal will result if there is not satisfactory improvement and will advise of the right of appeal. The warning will usually be effective for 12 months and is always subject to review and may be effective for longer. After that time, it will be disregarded subject to satisfactory conduct.</p>
<p>Stage Four: Removal from WCPP</p>	<p>If conduct remain unsatisfactory and the Athlete continues to fail to reach agreed standards, they will be removed from the WCPP. The athlete will be given reasons for the removal, the effective date and their right of appeal.</p>

Gross Misconduct

Gross misconduct is generally seen as misconduct serious enough to destroy the contractual relationship between the Athlete and the WCPP and make any further working relationship and trust difficult, if not impossible. Whilst it is not possible to specify all incidents which would constitute gross misconduct, examples of acts which normally would be regarded as gross misconduct include:

- using or threatening to use physical violence against a team member
- serious negligence which causes or may cause unacceptable loss, damage or injury to persons or property;
- harassment or bullying of another athlete/worker
- deliberate damage to, or serious misuse of GBS property or the property of another athlete or staff member
- theft, fraud, or deliberate falsification of records;
- irresponsible conduct of a nature likely to endanger the health and safety of the individual or others;
- bringing GBS into serious disrepute

Removal on the grounds of gross misconduct could occur for offences not mentioned above which are of similar gravity. In cases of alleged gross misconduct, the Athlete may be suspended without prejudice, pending a full investigation.

If, on completion of the investigation and full disciplinary procedure, we are satisfied that gross misconduct has occurred and the recommendation is that the individual should be removed this may

be done, (a) with notice, or (b) without notice. If, on the other hand, it is decided that the circumstances do not warrant removal, some lesser penalty may be imposed, including the Athlete being given a written warning. The Athlete shall be informed immediately of the decision taken.

Appeal

At each stage of the disciplinary procedure Athletes should be given the right of appeal. If a Athlete wishes to exercise their right of appeal, they should put their reasons in writing to the named Coach in their warning letter within 5 working days of receiving written confirmation of any disciplinary decision.

The appeal should be made in writing, outlining the reason for appeal, for instance if there is new evidence to be considered, the Athlete should provide any documentary evidence to support the appeal and advise if any witnesses are to be relied upon.

The Athlete should be notified in writing of the appeal date and time. An appeal meeting should be held without unreasonable delay. Wherever possible the appeal should be dealt with impartially, by a Coach who has not been involved in the process so far. Athletes have the right to be accompanied at this meeting. Athletes will be notified in writing of the appeal outcome, which might be that the original action taken has been confirmed, revoked or another outcome has been recommended.

The appeal decision is final.

The date that a removal takes effect will not be delayed pending the outcome of an appeal. If, however the appeal is successful, the decision to remove will be revoked.

Record Keeping

During any disciplinary process records will be kept detailing the following:

- the complaint/allegation against the Athlete and the Athlete's response
- all meeting notes
- findings and actions taken
- details of any appeal
- detail of any grievance raised as part of the process

Records will be treated as confidential and will be kept in accordance with the Data Protection Act 1998

Confidentiality

Confidentiality will always be maintained during the process where possible. All record keeping and any witness statements will be kept in accordance with the General Data Protection Regulation 2018 (GDPR). However, it is possible that witness statements and minutes of meetings will form part of the documentation provided to the Athlete as part of the disciplinary procedure, subject to the

requirements of the GDPR.

Grievances during the disciplinary process

There is no legal requirement to postpone a disciplinary process in order to deal with a grievance raised by the Athlete. We will consider if it is appropriate to deal with any complaint about the disciplinary procedure, or its lead up as part of the disciplinary process. This will usually be the case where the grievance and disciplinary matters are related.

Where the grievance is unrelated or if you believe that the disciplinary procedure is discriminatory the two procedures can run in parallel or where the circumstances dictate, the disciplinary procedure may be suspended.

Athlete sickness absence during the disciplinary process

If an Athlete is absent due to illness during the disciplinary process for a period of more than 7 days, a fit note will be required. We will establish the reason for the absence and decide how to proceed. In some cases, we may seek permission to get a medical opinion to establish whether the Athlete is still fit to attend any meetings.

Witnesses

Witnesses for either party may be called to support or defend a case. The responsibility for arranging the attendance of witnesses sits with the relevant party. Any Athlete or Employee in the Performance team, will be given time off to attend meetings as required and all efforts will be made to ensure that meetings fit within their scheduled time for training and work.

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