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COMPLAINTS & DISCIPLINARY POLICY & PROCEDURES

KGB Executive Committee

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Breaches and sanctions

This Complaints & Disciplinary, Policy & Procedures document should be read in conjunction with the following related policies and procedures:

- Safeguarding Policy
- Code of Conduct
- Equality & Diversity Policy

SECTION 1 Policy

1.1 Introduction & Aims

This Policy applies to all members and connected participants of Kickboxing GB Limited (known as Kickboxing GB), including but not limited to athletes, coaches, officials, club welfare officers, volunteers and parents/carers of those members aged under 18. Hereafter, referred to as, Relevant Persons.

The purpose of the Policy is to provide a transparent mechanism for resolving complaints involving Relevant Persons of Kickboxing GB. In order for the Policy to be implemented a complaint must be made that relates to a breach of the policies of Kickboxing GB or otherwise involve an allegation of misconduct or behaviour that could bring the sport, martial art, or organisation into disrepute. This includes activity at any club, or domestic and national competitions.

This policy and procedure is not an alternative way of addressing criminal offences. Complainants are encouraged to report allegations or suspicions of a criminal nature to the police in the first instance. Kickboxing GB will involve the statutory authorities in appropriate matters and will support them with any resulting investigation in line with its legal obligations. Kickboxing GB will not commence an internal investigation into the complaint before any criminal proceedings have concluded unless directed to do so by the police.

The procedures in this Policy are governed by the Arbitration Act 1996 and amount to a binding agreement to arbitrate for the purposes of Section 6 of the Act.

Kickboxing GB will endeavor to apply the rules of natural justice to any proceedings and hearings undertaken through the implementation of this policy.

SECTION 2 Complaints

2.1 The Making of a Complaint

Any Relevant Person may make a complaint. Third parties may lodge complaints on behalf of complainants, and may act for and represent complainants, but only when written permission has been given by the complainant. Kickboxing GB may also lodge a complaint against a Relevant Person, or otherwise participate in a complaint as an interested party, if it considers that to do so would be in the best interests of Kickboxing GB.

The complaint should be made using the [KBGB Complaints Form](#) to the Kickboxing GB Safeguarding Officer at safeguarding@kickboxinggb.com who, in their role is responsible for the handling of complaints. This should be done within 5 working days (save in exceptional circumstances) of the incident or conduct giving rise to concerns and should set out, in as much detail as possible, the grounds for the complaint. If confidentiality is requested, this should be clearly stated with reasons why.

The safety and welfare of the child is paramount. Kickboxing GB will breach confidentiality and share information with relevant agencies if there is a serious safeguarding concern.

Where a club is in dispute with another club or one of its own members, Kickboxing GB is unable to intervene unless the club or the member is in breach of the Code of Conduct or any other Kickboxing

GB policy.

If the complaint is in connection to the conduct of the Safeguarding Officer, it should be sent directly to the General Secretary.

2.2 The Investigation Process

The Safeguarding Officer will acknowledge receipt of the complaint and determine if the complaint is frivolous or vexatious (see Section 5), or doesn't fall within the boundaries of Kickboxing GB in which case it will not be considered further or if it should be investigated by Kickboxing GB. This decision should be communicated to the complainant within 5 working days.

A fact-finding process will commence once a lead investigator has been identified and agreed. Should a member of Kickboxing GB be involved in any aspect of the complaint, this will prevent them from being involved in the investigation process.

Complainants and respondents will be updated by the lead investigator every 28 days as a minimum.

If the complainant wishes to appeal against a decision not to investigate, they must do so in writing to the Independent Safeguarding Lead within 14 working days who will review the decision taken and consider whether or not to overturn that decision.

If a complaint is to be investigated this will be carried out by the Ethics Committee, in a manner proportionate to the apparent gravity of the complaint.

The respondent of the complaint shall be contacted upon this decision and given full opportunity to respond to the complaint in writing or through interview (unless it is determined that disclosure of specific information may place any person(s) at risk of harm and/or revealing it to the individual may amount to a criminal offence and/or amount to an unwarranted infringement of privacy).

Where the respondent is under the age of 18 years, correspondence will be addressed to their parent or guardian only and they will be entitled to attend together with their child, any hearing resulting from the complaint and to make representations on behalf of the respondent.

If the Ethics Committee, upon hearing the response, considers the complaint to be capable of informal resolution through mediation or negotiation they will take steps to achieve this. All parties are encouraged to participate in such steps to resolve their differences on a consensual basis where possible.

If informal resolution cannot be achieved, all persons concerned, including named witnesses from both sides shall be contacted to provide statements. The matter will be handled with appropriate levels of sensitivity and confidentiality. The investigation should conclude with a written report giving a reasoned analysis of whether there is a case to answer which will be referred to a Case Management Group. This part of the investigation should be concluded within 28 days, other than in exceptionally complex or substantial cases. All parties should be advised if the timelines cannot be met and reasons why.

2.3 Interim Suspensions

If the Ethics Committee considers that the conduct raised within a complaint is of sufficient severity or concern as to risk irreparable damage to the sport, the integrity of competition, the financial position of Kickboxing GB or its members or the safety of individuals, an interim, without prejudice, suspension from participation in any or all aspects of the sport may be imposed pending the outcome of the investigation.

Any interim suspensions will be reviewed by the Ethics Committee on a monthly basis. Where the suspension is in place due to external agency investigations relating to a criminal offence or a safeguarding concern the Ethics Committee will regularly request updates from those agencies involved and where possible and appropriate advise the suspended member of the update received.

The respondent can appeal against the interim suspension in writing to the General Secretary within 14 working days of the suspension being imposed and the General Secretary will review the concern with the Ethics Committee and an Independent Non-Executive. A decision will be made to either confirm or deny the interim suspension and the respondent advised within 5 working days of appeal.

2.4 Case Management Group

The Ethics Committee will call upon appropriate members of the Board of Directors & appropriate external members to form a Case Management Group. Case Management Group members will be chosen for their skill set in relation to the charges within the complaint and their independence. They will review the written report of the investigation and confirm if disciplinary charges are to be brought against the Respondent (person to be charged).

This will be done via email and on-line conference calls to ensure timeliness of procedure and this should be completed within 5 working days.

The decision will be communicated to both the respondent and the complainant advising them if there is to be no further action or if a charge is brought.

If a charge is brought the letter to the respondent shall:

- Set out as precisely as possible the nature of the alleged misconduct, identifying where appropriate, the specific rule or provision within the Code of Conduct which has been breached.
- Summarise the evidence supporting the charge, in sufficient detail for the respondent to understand the basis of the charge against them.
- Set out, in general terms, the possible sanctions that may be imposed under the terms of the Disciplinary Policy, as set out below.

The Respondent will then have 10 working days to formally respond to the charge. In doing so, they should:

- State whether they admit or deny the charge(s) in whole or in part.
- Give their reasons for this. In the case of denial, the reasons given should be as detailed as possible in the time available to them.

If the respondent admits the charge(s), the Case Management Group has the authority to determine that a hearing is not required and may issue one or more of the following sanctions:

- a verbal or written warning.
- a suspension from Kickboxing GB membership of a length to be determined by the Case Management Group.
- a fine up to but not exceeding £300.

The respondent will be advised of the outcome and has 10 days to accept the sanction. If accepted the complainant, the Board of Directors and any other relevant, interested party will be advised of the outcome and a concise statement shall be published on the website.

This procedure will be concluded within 15 working days.

2.5 Data Sharing

Where the complaint is of a Safeguarding nature, Kickboxing GB reserves the right to share the case data with an experienced Third Party to support with investigation and case management. The data will be stored and only shared when deemed to be absolutely necessary.

SECTION 3 The Disciplinary Hearing

If the Respondent does not accept the sanction issued by the Case Management Group, or the charge is denied or of a more serious nature requiring a greater sanction, then a formal hearing must take place.

3.1 Process & Timescales

The parties involved will be given a minimum of 28 days' notice of the hearing date and it should be heard within 2 months of the response to the charge being received (external circumstance notwithstanding).

A Disciplinary Panel will be convened by the Ethics Committee. Members of which will be separate to the investigative Case Management Group.

The panel shall consist of 3 members. All members of the panel shall be independent of the complainant, the respondent and the allegations made and shall have no conflict of interest of any kind. The panel shall be selected for their skill set in relation to the charges to be heard. If appropriate, members will be sought from a legal or human resources background.

21 days before the hearing the respondent will receive all evidence that is being presented to the Disciplinary Panel in support of the charges being brought against them and be advised of any witnesses being called.

14 days before the hearing the respondent will forward all evidence that is being presented in defense of the charge and advise of any witnesses being called.

7 days before the hearing a case log containing all the documents relating to the charge will be

collated, and provided to each member of the disciplinary panel as well as to the respondent.

3 days before the hearing is the deadline for any additional evidence to be served by either party. Notification must also be given at this time, if it is either party's intention to be legally represented (this is permitted at the party's own cost), or whether they intend to represent themselves or have 3rd party representation (to be identified).

3.2 Hearing & Decision Making

The hearing shall take place in private either in person or via means of electronic conferencing.

The procedure at the hearing shall ensure both parties have the opportunity to be heard. This is not a judicial or legal hearing. Evidence will not be delivered under oath. The Disciplinary Panel adjudicating the hearing, will however, endeavour to apply the rules of natural justice.

Typically, the process is as follows:

- The charges will be formally presented and summarised on behalf of Kickboxing GB.
- The Respondent will have an opportunity to summarise their position in response.
- Kickboxing GB will call any witnesses and opportunities for questioning will be provided to the respondent and disciplinary panel.
- The Respondent will call any witnesses and opportunities for questioning will be provided to Kickboxing GB and the disciplinary panel.
- The representative for Kickboxing GB will make closing representations, and the respondent will conclude the hearing with their closing representation. Any aggravating or mitigating circumstances should be brought out at this time.

If the respondent does not attend the hearing may proceed in their absence.

At the end of the hearing the Chairperson of the disciplinary panel shall ask both parties if they consider that they have had a fair hearing and, if not, to explain why not.

Both parties will then be excused whilst the panel deliberates its decision on whether to uphold the charge. The burden of proof rests with Kickboxing GB and the standard of proof is on a balance of probability. The panel may reach its decision by a majority vote if necessary.

If it can do so, the panel may give their decision orally to both parties on the day of the hearing. It should be made clear that this will be followed up in writing within 10 days of the hearing.

The outcome should be communicated to the respondent, the complainant, and the board of directors.

Kickboxing GB shall have discretion on the publication of the outcome and/or written decision relating to the complaint, including the timing of any such publication and will take into account the following:

- Will publishing prejudice any potential appeal?
- Is publishing the outcome in the best interests of the sport?
- Is the matter in the public interest?
- Are there any aspects that should remain confidential?

If it is deemed appropriate, Kickboxing GB may also decide to withhold any publication until after an appeal has been heard.

3.3 Sanctions

If the disciplinary panel finds a charge to be proven following a hearing, it may impose upon the respondent one or more of the following sanctions, as it considers just, proportionate, and appropriate.

- a verbal warning.
- a formal written warning to remain on record.
- a final written warning.
- a fine for such amount as the case management group or disciplinary panel shall direct.
- a requirement to attend training appropriate to the breach and prove competence.
- a requirement to undergo a criminal record check.
- a suspension from membership of Kickboxing GB for such period and/or from such specified competitions and/or events as the Disciplinary Panel decides.
- expulsions from Kickboxing GB which may also lead to a referral to the relevant criminal records service.
- a requirement to pay a contribution to, or all, the costs of the disciplinary hearing (not exceeding a total of £10,000)

The disciplinary panel may choose to suspend any sanction, such that the sanction is only effective if the respondent commits another disciplinary offence within a stated time from the date of the decision.

Where a suspension is imposed, this shall take effect from the date of the decision, unless the respondent has been subject to an interim suspension, in which case this shall be credited to the term of the suspension.

Dependent on the charge, documents relating to the case may be compiled and provided to external relevant authorities for further investigation.

For the purpose of transparency, it should be noted that the following escalation procedure will apply to warning sanctions alongside any fines, training or suspensions:

- Verbal warning (1 only)
- First written warning
- Second written warning
- Final Warning
- Full suspension

4.1 Process & Timescales

A Respondent may appeal against an interim suspension, a disciplinary decision, or a sanction or both.

The appeal must be made in writing to the Ethics Committee within 14 working days of the disciplinary panel's written decision. It must state clearly on what grounds the appeal is being made, whether it is against the overall decision, or the sanction imposed. The Appellant shall also submit a £250 appeal administration fee, which shall be refunded if their appeal is successful but shall otherwise be forfeited towards the cost of the appeal.

Upon receipt of the request for appeal the Ethics Committee shall set up an Appeal Panel, one of whose members shall be appointed as Chairman of the Appeal Panel. It will normally consist of three persons who must be wholly independent of the Disciplinary Panel, one of whom must be independent from Kickboxing GB and one of whom must have a legal background to support the legal basis for any decisions made.

The Appellant will be notified of the Appeal Panel members and may submit a written objection to the appointment of any member within 7 days of being informed of the Panel composition, giving reasons for the objection. The Ethics Committee will determine if an alternative panel member is required and appoint accordingly.

The written Statement of Appeal will, in the first instance, be considered by the Appeal Panel who will decide whether there are sufficient grounds to allow the appeal to proceed. The Appeal Panel is empowered to decide the following:

- to allow the appeal to proceed and confirm the proposed date of the appeal hearing.
- not to allow the appeal to proceed, in which case the decision of the Disciplinary Panel (or previous disciplinary decision) will stand and it will be final.

The decision of the Appeal Panel to proceed or not to proceed will be communicated to the Safeguarding & Compliance Officer who will in turn notify the Appellant within 5 days of the Appeal Panel decision.

If permission to Appeal is granted, the Appeal will be heard by the Appeal Panel.

There is no entitlement to a re-hearing of the case, however, this may be allowed only in very exceptional circumstances at the discretion of the Appeal Panel. The Appeal will be limited to a review of the decision and sanction issued by the Disciplinary Panel. The Appellant or their representative may, at their discretion, present the appeal in writing or orally. The organisation against whose decision the appeal is brought, or their representative, shall have an opportunity to make oral submissions in support of their position. The burden of proof rests with the Appellant and the standard of proof is on a balance of probability. Only evidence which is relevant to the grounds of appeal will be admitted.

The Appeal Panel may, at their discretion,

- carry out the review of the appeal in the absence of the parties
- impose time limits on oral addresses and submissions

The Appeal Panel will produce a written report setting out the decision(s) and reasons within 10

working days of the date of hearing.

4.2 Outcomes

Possible Findings of the Appeal Panel regarding Disciplinary Decision

The Appeal Panel may, after due consideration:

- Dismiss the appeal in which case the decision of the Disciplinary Panel (or previous disciplinary decision) will stand and will be final.
- Grant the appeal in which case the allegation in respect of the Appellant will be recorded as not proved.
- Exceptionally, invite a new Disciplinary Panel to undertake a re-hearing of the case.
- Overturn the decision where they consider it just to do so. In particular, a decision may be overturned in the following circumstances:
 - In the light of new evidence which was not and could not have been available, with proper investigations and enquiries, at the Disciplinary Hearing
 - Where it is considered that the original hearing was not conducted fairly
 - Where the decision was unreasonable in the light of the findings of fact

Possible Findings of the Appeal Panel regarding Sanction

The Appeal Panel may, after due consideration:

- Dismiss the appeal in which case, the original sanction will stand.
- Dismiss the appeal and impose a greater or lesser sanction; or alter, amend, reduce, or remove any conditions imposed by the original sanction considering the following:
 - Whether the original sanction imposed was fair and reasonable in the light of all the circumstances of the case.
 - Details of circumstances, mitigation or representations submitted by the Appellant.

Report of Appeal Decision

Kickboxing GB may publish, or cause to be published, the outcome of the hearing and will notify any other persons or organisations as appropriate. A copy of the report will be sent to the Appellant, the Chief Executive Officer and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored as deemed appropriate by the Chairperson of the Appeal Panel.

It is the intention of Kickboxing GB to follow these procedures and do everything reasonably possible to resolve issues or complaints. Occasionally, however, complainants or those who make allegations may place focus on their own concerns to the extent that it places undue strain on time and resources.

Kickboxing GB expect that our staff and volunteers deal with individuals respectfully and in a professional manner and follow the appropriate procedures, however there are instances when nothing more can be reasonably done to rectify a real or perceived issue or concern. At this stage, subject to the Complaints and Disciplinary Procedure being applied correctly and all reasonable action taken, it may be necessary to invoke the process for dealing with persistent or vexatious complaints.

Definition of a vexatious complaint

A vexatious complainant is someone who raises a complaint contentiously, without grounds and with little merit or substance or with the sole intention of causing annoyance or disruption.

Definition of a persistent complaint

A persistent complainant is an individual who persists in pursuing a complaint when appropriate procedures have been followed and exhausted.

Handling Persistent or Vexatious Complaints

The Safeguarding & Compliance Officer will consider the nature of the complaint against the criteria above to confirm if the complaint is to be considered as vexatious or persistent and will determine a course of action from the following:

- The Safeguarding & Compliance Officer will try to resolve the issue in accordance with these procedures and notify the complainant in writing to advise that the complaint has been fully responded to and actioned and there is nothing further to add; continuing contact will serve no useful purpose and that further correspondence will be acknowledged but not answered.
- The Safeguarding & Compliance Officer will decline contact with the complainant and advise them accordingly.
- In extreme cases, it may be necessary to instruct legal proceedings to deter the individual from further contact.
- Kickboxing GB reserve the right to refuse admission or re-admission to membership.
- Kickboxing GB reserve the right to refuse admission to Kickboxing GB run or sanctioned events.

Appendix 1

Please note this list is not exhaustive and repeat offenders will be dealt with at the maximum end of possible sanctions following through the escalation of written warnings.

Any breaches may be subject to additional sanctions as per Section 3.3 and exclusion from Kickboxing GB permanently may be imposed. These examples are to identify the structure that will be followed when reviewing disciplinary cases to allow transparency of judgement.

| | Breach | Potential Sanction |
|---|--|--|
| 1 | <p>Possible misconduct within the field of play applicable to all athletes, coaches and officials:</p> <ul style="list-style-type: none"> * Disobedience of the reasonable directions of an Official * Dangerous play compromising safety * Verbal and/or physical abuse of officials, referees and/or other athletes * Use of offensive or foul language * Unsporting conduct | <p>Minimum sanction:</p> <ul style="list-style-type: none"> • verbal or written warning and/or • £50 fine and/or • 1-month suspension of Licence and/or of Membership and/or from participation in Events. <p>Maximum sanction:</p> <ul style="list-style-type: none"> • written warning and/or • £500 fine and/or • 1-year suspension of Licence and/or Membership and/or from participation in Events. |
| 2 | <p>Breaches of the Code of Conduct or other Kickboxing GB Policies (not relating to Safeguarding, Equality & Diversity or Health and Safety)</p> | <p>Minimum sanction:</p> <ul style="list-style-type: none"> • verbal or written warning and/or • £50 fine and/or • 1-month suspension of Licence and/or of Membership and/or from participation in Events <p>Maximum sanction:</p> <ul style="list-style-type: none"> • written warning and/or • £500 fine and/or • 1-year suspension of Licence and/or Membership and/or from participation in Events |
| 3 | <p>Breaches of the Code of Conduct or Kickboxing GB Policies relating to Safeguarding, Equality & Diversity and/or Health & Safety</p> | <p>Minimum sanction:</p> <ul style="list-style-type: none"> • written warning and/or • £300 fine and/or • 3-month suspension of Licence and/or of Membership and/or from participation in Events. <p>Maximum sanction:</p> <ul style="list-style-type: none"> • Financial penalty not exceeding £10,000 • Permanent suspension of Licence and Membership |

| | | |
|---|---|--|
| 4 | <p>Breaching the terms of any suspension imposed by Kickboxing GB</p> | <p>Minimum sanction:</p> <ul style="list-style-type: none"> • 3-month suspension in addition to original suspension (to be imposed consecutively). <p>Maximum sanction:</p> <ul style="list-style-type: none"> • One-year suspension in addition to original suspension (to be imposed consecutively). |
| 5 | <p>Failure to pay and maintain coach insurance, membership, and/or DBS check within the specified period of time</p> | <p>Sanction:</p> <ul style="list-style-type: none"> • Immediate suspension of Licence and/or of Membership and/or from participation in Events until payment has been received. |
| 6 | <p>Breaches of bringing Kickboxing GB or the sport of kickboxing into disrepute i.e. actions that damage the sport's reputation, integrity, or public perception. Applicable to all athletes, coaches, officials, and/or any other individual.</p> | <p>Minimum sanction:</p> <ul style="list-style-type: none"> • One year suspension of Licence and/or of Membership and/or from participation in Events. <p>Maximum sanction:</p> <ul style="list-style-type: none"> • Permanent exclusion from Kickboxing GB and all Events. |