

COLCHESTER HARRIERS ATHLETICS CLUB

DISCIPLINARY AND APPEALS POLICY

(Adopted 01 October 2026)

1. Purpose

This policy sets out the procedure to be followed where allegations of misconduct are made against a member, coach, volunteer, official, officer, parent, guardian or carer of a junior member, or any other individual acting on behalf of, or representing, the Club.

The aim of the procedure is to:

- Ensure fairness and natural justice
- Protect the welfare of members
- Safeguard the reputation of the Club
- Comply with governing body requirements

This policy operates alongside the rules and regulations of England Athletics and UK Athletics. Where safeguarding concerns arise, the Club Safeguarding Policy shall take precedence.

2. Scope

This procedure applies to:

- All members of the Club, including junior members
- Coaches and assistant coaches
- Volunteers and officials
- Committee members and officers
- Parents, guardians and carers of junior members when attending, participating in, communicating about, or otherwise engaging with Club activities
- Any other individual acting on behalf of, or representing, the Club

It applies to conduct occurring:

- At Club training, competitions or other Club activities
- At events attended in connection with the Club
- In communications concerning Club activities, including email, messaging services and social media
- Online where there is a sufficient connection with the Club, its members or activities
- In any other circumstances sufficiently connected with Club activities or where the conduct may materially affect the welfare or safety of Club members

3. Definitions of Misconduct

Misconduct may include (but is not limited to):

- Breach of Club constitution or rules

- Breach of England Athletics or UK Athletics regulations
- Bullying, harassment or discrimination
- Abusive or threatening behaviour
- Safeguarding breaches
- Bringing the Club into disrepute
- Criminal conduct relevant to the Club, its activities, or the welfare or safety of its members or other participants
- Knowingly making a false or malicious complaint or deliberately providing materially false information in connection with a complaint or disciplinary process.
- Victimising, intimidating or retaliating against any person because they have raised a concern or complaint, provided information or evidence, or otherwise participated in a complaint, investigation or disciplinary process.
- Deliberately obstructing or improperly interfering with a complaint, investigation or disciplinary process, including attempting to influence witnesses or conceal, destroy or falsify relevant evidence.

The fact that a complaint is not upheld shall not, of itself, constitute evidence that the complaint was false, malicious or made in bad faith.

4. Safeguarding Matters

Where a complaint gives rise to a safeguarding concern involving a child or Adult at Risk:

- It must be referred immediately to the Club Welfare Officer
- It shall be referred to UK Athletics Safeguarding where required by applicable safeguarding procedures
- The Club shall refer matters to statutory authorities where required

The Club may suspend its internal disciplinary process pending safeguarding or statutory investigations.

5. Informal Resolution of Concerns

The Club encourages concerns and minor complaints to be raised and resolved informally wherever it is appropriate and reasonable to do so.

In the first instance, a concern should normally be raised with the relevant coach, team or group lead, or other appropriate Club official. Where this is not appropriate, or where the matter cannot be resolved at that level, it may be raised informally with the Club Chair or Secretary.

The Club will seek to resolve such concerns through discussion, clarification or other informal means wherever possible.

The formal disciplinary procedure should normally be used where informal resolution has been unsuccessful, is inappropriate because of the nature or seriousness of the allegation, or where the person raising the complaint has reasonable grounds for not pursuing informal resolution.

There is no requirement to attempt informal resolution before reporting a safeguarding concern, allegation of serious misconduct, potentially criminal conduct, or any matter where an individual reasonably believes that informal resolution would be inappropriate.

6. Stage 1 – Submission of Complaint

Where a matter has not been resolved informally, or where informal resolution is inappropriate, a formal complaint may be submitted in writing to the Club Secretary.

The complaint must include:

- Details of the alleged misconduct
- Dates, times and locations (where applicable)
- Names of any witnesses
- Supporting evidence (where available)

Where the complaint concerns the Club Secretary, or the Secretary has a conflict of interest, the complaint should be submitted to the Club Chair. Where the Chair is also involved or conflicted, it should be submitted to another unconflicted Committee member.

Anonymous complaints may be considered at the Club's discretion, having regard to the seriousness of the allegations, the evidence available and whether the matter can be fairly investigated without knowing the identity of the Complainant(s).

7. Stage 2 – Initial Assessment

Upon receipt of a formal complaint, the Club Secretary, together with at least one other appropriate and unconflicted Club officer, shall undertake an initial assessment of the complaint.

The initial assessment shall consider:

- Whether the complaint falls within the scope of this Policy
- Whether the matter should be referred to the Club Welfare Officer, England Athletics, UK Athletics, the police or another appropriate authority
- Whether there are any conflicts of interest affecting who should be involved in handling the complaint
- Whether the matter is suitable for informal resolution
- Whether the complaint warrants further investigation

A Complainant(s) may withdraw their complaint at any time. Withdrawal of a complaint shall not necessarily prevent the Club from continuing to consider, investigate or determine the matter where it considers that there are reasonable grounds to do so, including where there are safeguarding, welfare or other serious concerns.

The resignation, expiry or termination of a person's membership, role or involvement with the Club shall not necessarily prevent the Club from continuing or concluding a disciplinary process concerning conduct which occurred while this Policy applied to them.

The Club shall:

- Acknowledge receipt of the complaint within 7 calendar days
- Where the complaint is to proceed, notify the Respondent(s) in writing of the substance of the allegations against them and provide sufficient information to enable them to understand and respond to the complaint
- Invite the Respondent(s) to provide a written response, normally within 14 calendar days

A complaint may be dismissed at the initial assessment stage where:

- Even if the facts alleged were established, they would not amount to misconduct under this Policy
- The complaint is manifestly frivolous, vexatious or malicious
- The complaint is substantially the same as a matter which has already been considered and there is no material new evidence or information
- There is no reasonable prospect of obtaining sufficient evidence to enable the allegation to be fairly determined

Where a complaint is dismissed at the initial assessment stage, the Complainant(s) shall be informed in writing of the decision and the reasons for it.

Where the complaint warrants further consideration, the matter shall proceed to investigation.

A Complainant(s) whose complaint is dismissed at the initial assessment stage may, within 7 calendar days of being notified of the decision, request a review of that decision.

A request for review must identify a material error in the initial assessment or provide material information which was not previously considered.

The review shall be undertaken by an appropriate unconflicted Club officer who was not involved in the original initial assessment. The reviewer may confirm the decision, direct that the complaint be reconsidered, or direct that the matter proceed to investigation.

The outcome of the review shall be provided to the Complainant(s) in writing and shall be final within the Club.

8. Interim Measures

Where reasonably necessary while a complaint, investigation or disciplinary process is ongoing, the Club may impose appropriate interim measures.

Interim measures may be imposed where necessary to:

- Protect the welfare or safety of any individual
- Safeguard the integrity of the investigation or disciplinary process
- Prevent interference with witnesses or evidence
- Prevent serious disruption to Club activities

Interim measures may include suspension from some or all Club activities, temporary restrictions on attendance at Club premises, training or events, restrictions on contact with specified individuals, or such other proportionate measures as are considered necessary.

Any interim measure:

- Is a neutral and precautionary measure and does not constitute a finding of misconduct
- Shall be proportionate to the circumstances and imposed only for so long as reasonably necessary
- Shall be communicated to the affected individual in writing, together with the reasons for the measure, so far as it is appropriate to provide them
- Shall be kept under review and reviewed formally at reasonable intervals, and shall be varied or removed where no longer necessary or proportionate

Where practicable, the affected individual shall be given an opportunity to make representations regarding the imposition or continuation of an interim measure.

9. Investigation

Where a complaint proceeds to investigation, an investigating officer or small investigation group shall be appointed. The investigator(s) shall be impartial, have had no prior material involvement in the matter and have no conflict of interest.

The Club may appoint a suitably independent person from outside the Club to conduct or assist with the investigation where appropriate.

Where a complaint involves more than one Complainant or Respondent, the Club may investigate or determine the allegations together or separately, having regard to fairness, confidentiality and the efficient conduct of the process.

The Club may also consolidate separate complaints where they concern substantially the same events, conduct or evidence, where this can be done fairly and proportionately.

The purpose of the investigation is to establish the relevant facts fairly and objectively. The investigation may include:

- Interviews with the Complainant(s), Respondent(s) and relevant witnesses
- Collection of written statements
- Review of documents, correspondence, photographs, video, digital communications or other relevant evidence
- Such other reasonable enquiries as the investigator considers necessary

The investigator shall determine the scope and manner of the investigation, having regard to the nature and seriousness of the allegations and the need for the process to be fair and proportionate.

The investigation shall be conducted as promptly as reasonably practicable, having regard to the nature and complexity of the matter.

The Respondent(s) shall be given a reasonable opportunity to respond to the allegations and to any material evidence obtained during the investigation which is adverse to them, subject to any necessary safeguarding, confidentiality or legal restrictions.

The Complainant(s) and Respondent(s) may identify relevant witnesses or evidence which they believe should be considered. The investigator shall determine what enquiries are reasonably necessary and shall not be required to pursue evidence which is irrelevant, repetitive or unlikely to assist in determining the matter.

At the conclusion of the investigation, a written investigation report shall be prepared setting out the allegations, the evidence considered, relevant facts established during the investigation and any material areas of factual dispute or significant limitations affecting the investigation. The investigator shall not determine whether misconduct has been established; that decision shall be for the Disciplinary Panel.

The investigation report and relevant supporting evidence shall be provided to the Disciplinary Panel. The Complainant(s) and Respondent(s) shall normally be provided with the report and relevant evidence before the Panel considers the matter, subject to any appropriate redactions or restrictions necessary for safeguarding, data protection, confidentiality or legal reasons.

10. Stage 3 – Disciplinary Panel

10.1 Composition

The Disciplinary Panel shall normally consist of three impartial individuals who:

- Have had no prior involvement in the case
- Have declared no conflict of interest

Where reasonably practicable, at least one member of the Panel shall be a Club member or officer with an appropriate understanding of the Club and its activities. The Club may appoint one or more suitably independent persons from outside the Club where this is considered appropriate.

One member shall act as Chair of the Panel.

10.2 Hearing Procedure

The Panel may determine the matter by written submissions or by an oral hearing, having regard to the nature and seriousness of the allegations, the extent to which material facts are disputed and the need to ensure a fair and proportionate process.

An oral hearing should normally be offered where there are significant disputes of fact or credibility which cannot fairly be determined from the written evidence alone, or where termination of membership or another similarly serious sanction is under consideration.

Before the Panel determines the matter, the Complainant(s) and Respondent(s) shall be given a reasonable opportunity to provide relevant written submissions and evidence.

Where an oral hearing is held:

- The Complainant(s) and Respondent(s) shall be given reasonable notice of the hearing;
- All parties may attend and shall be given a reasonable opportunity to present their position and respond to relevant evidence;
- Each Complainant and Respondent may be accompanied by a supporter. The supporter may provide support but shall not normally address the Panel or answer questions on behalf of the person they are accompanying, unless permitted by the Chair;
- Legal representation is not normally permitted. However, the Chair of the Panel may permit legal representation where, having regard to the seriousness or complexity of the case or the interests of fairness, it is considered appropriate.

- The Panel may question the Complainant(s), Respondent(s) and any witnesses;
- The Chair shall determine the procedure to be followed and may place reasonable limits on questioning, submissions or evidence which is irrelevant, repetitive or otherwise unlikely to assist the Panel; and
- The hearing shall normally be held in private and no audio or video recording of the hearing may be made without the prior permission of the Chair.

The Panel may make reasonable adjustments to the procedure where necessary, including where a child, Adult at Risk or person with additional needs is involved.

Failure by any party to attend a hearing or participate in the process shall not necessarily prevent the Panel from proceeding, provided that the Panel is satisfied that the person has been given a reasonable opportunity to participate.

10.3 Standard of Proof

The Disciplinary Panel shall determine whether each allegation of misconduct has been established on the balance of probabilities.

The Panel shall make its determination independently, having regard to the investigation report, the evidence and submissions provided by the parties, and any evidence given at an oral hearing.

Where there is more than one allegation, the Panel shall determine each allegation separately.

The Panel shall provide reasons for its findings and shall then determine whether any sanction or other action is appropriate under section 10.4.

10.4 Possible Outcomes and Sanctions

Where the Panel determines that an allegation of misconduct has not been established, no disciplinary sanction shall be imposed in respect of that allegation.

Where misconduct is established, the Panel may impose one or more of the following sanctions or measures, as appropriate:

1. A formal written warning;
2. Conditions on continued membership, participation or involvement in Club activities;
3. Suspension from some or all Club activities for a defined period;
4. Suspension of membership for a defined period;
5. Removal from a coaching, volunteering, officiating, administrative or other Club role;
6. Restrictions on attendance at Club training, competitions, events, premises or other activities;
7. Restrictions on contact or communication with specified members, coaches, volunteers, officials or other individuals in connection with Club activities;
8. Termination of membership;

9. Exclusion from Club activities or premises, either for a defined period or permanently, where the individual is not a member of the Club;
10. Referral of the matter to England Athletics, UK Athletics or another appropriate body; or
11. Any other reasonable and proportionate sanction within the Club's authority which the Panel considers appropriate.

In determining the appropriate sanction or measure, the Panel shall have regard to all relevant circumstances, including:

- The nature and seriousness of the misconduct;
- Any actual or potential harm caused;
- Whether the conduct was deliberate, reckless or inadvertent;
- Any relevant previous disciplinary history of which the Respondent(s) has been informed and given a reasonable opportunity to comment;
- Any admission, cooperation, steps taken to address the conduct, or other relevant conduct following the incident;
- Any relevant mitigating or aggravating circumstances;
- The need to protect the welfare and safety of Club members and others;
- The need for consistency with previous disciplinary decisions, where relevant; and
- Whether a less serious sanction or measure would adequately address the misconduct.

Any sanction or measure imposed shall be proportionate to the misconduct established.

Where a sanction or measure is imposed on a parent, guardian or carer of a junior member, it shall not ordinarily affect the junior member's membership or participation in Club activities unless this is reasonably necessary to safeguard the welfare or safety of the junior member or others, or it is not reasonably practicable for the junior member to participate without the involvement of the sanctioned individual.

The Panel's decision shall be provided to the Complainant(s) and Respondent(s) in writing, normally within 7 calendar days of the decision. The written decision shall set out the Panel's findings on each allegation, the reasons for those findings, any sanction or measure imposed and the reasons for that sanction or measure.

11. Stage 4 – Appeal

11.1 Right of Appeal

The Complainant(s) and Respondent(s) may appeal a decision of the Disciplinary Panel.

An appeal must be submitted in writing to the Club Secretary within 14 calendar days of the written decision and must clearly state the grounds of appeal.

An appeal may be made on one or more of the following grounds:

- There was a material procedural error or irregularity which may have affected the outcome;
- New evidence has become available which could reasonably have affected the outcome and which could not reasonably have been provided during the original proceedings;
- The findings of the Disciplinary Panel were not reasonably supported by the evidence;

- A sanction or measure imposed was disproportionate to the misconduct established; or
- In the case of an appeal by the Complainant(s), the sanction imposed was manifestly inadequate having regard to the misconduct established.

An appeal is not an opportunity simply to repeat arguments or evidence which were considered by the Disciplinary Panel.

11.2 Appeal Panel

An Appeal Panel shall normally consist of three impartial individuals who:

- Had no prior material involvement in the complaint, investigation or original disciplinary decision; and
- Have declared no conflict of interest.

One member shall act as Chair of the Appeal Panel.

Where appropriate, the Club may appoint one or more independent persons from outside the Club to the Appeal Panel.

The Appeal Panel shall consider the stated grounds of appeal and determine the procedure necessary to deal with the appeal fairly and proportionately.

An appeal shall normally be determined by reviewing the original decision and the relevant evidence and submissions. It shall not normally involve a complete rehearing of the case.

The Appeal Panel may request further written submissions or clarification from the Complainant(s), Respondent(s), Disciplinary Panel or investigator(s). Where necessary in the interests of fairness, the Appeal Panel may hold an oral hearing or direct that the matter be reheard.

11.3 Appeal Decision and Powers

The Appeal Panel may:

- Dismiss the appeal and confirm the original decision
- Uphold the appeal in whole or in part
- Quash a finding of misconduct
- Substitute a different finding where this can fairly be determined from the material before it and the affected parties have been given a reasonable opportunity to make representations on the proposed finding
- Remove, reduce or substitute a sanction or measure
- Increase the sanction only where the Complainant(s) has appealed on the ground that the sanction was manifestly inadequate and the Respondent(s) has been given a reasonable opportunity to make representations on that issue
- Direct that all or part of the matter be reheard by a new Disciplinary Panel

The Appeal Panel's decision shall be final within the Club.

The Complainant(s) and Respondent(s) shall be notified of the Appeal Panel's decision and the reasons for it in writing, normally within 14 calendar days of the decision.

12. Conflicts of Interest

Any person involved in the handling, investigation or determination of a complaint or appeal must declare any actual or potential conflict of interest, or any circumstances which could reasonably give rise to a perception that they may not be impartial.

Where such a conflict or reasonable perception of bias exists, the individual shall take no further part in the relevant stage of the proceedings.

Where there is uncertainty as to whether a conflict exists, the matter shall be considered by an appropriate unconflicted Club officer other than the individual concerned, whose decision shall be recorded.

Where the Club is unable to identify sufficient suitably impartial individuals from within the Club to conduct an investigation or form a Disciplinary or Appeal Panel, it may appoint an appropriate independent person or persons from outside the Club.

13. Confidentiality

Information relating to a complaint, investigation, disciplinary hearing or appeal shall be treated as confidential and shall not be disclosed except where reasonably necessary:

- For the proper handling, investigation or determination of the matter
- To enable the Complainant(s), Respondent(s) or any witness to obtain appropriate advice or support
- For safeguarding or welfare purposes
- To comply with the requirements of England Athletics, UK Athletics or another relevant governing body
- To make a report or provide information to the police, statutory authorities or other appropriate bodies
- Where disclosure is otherwise required or permitted by law

All persons involved in the process shall respect the privacy of those concerned and shall avoid unnecessary or inappropriate disclosure or discussion of the matter, including on social media or other public forums.

The Club may share information with those who reasonably need to know for the purposes of managing the complaint, implementing interim measures or sanctions, safeguarding individuals or fulfilling the Club's legal or regulatory obligations.

Nothing in this section prevents any person from raising a genuine safeguarding concern, reporting suspected criminal conduct or exercising any legal right to make a protected disclosure or report to an appropriate authority.

The Club cannot guarantee that information provided in connection with a complaint will remain confidential where disclosure is reasonably necessary to investigate or determine the matter fairly or to comply with safeguarding, legal or regulatory obligations.

14. Criminal or External Proceedings

Where conduct which is the subject of a complaint is also subject to police investigation, criminal proceedings or investigation by another statutory or governing body, the Club shall consider whether and to what extent its own disciplinary process should continue.

The Club may:

- Suspend or defer all or part of its disciplinary process pending the outcome of an external investigation or proceedings;
- Continue with its disciplinary process where it is reasonable and appropriate to do so;
- Impose or continue any appropriate interim measures under section 8; and
- Take such steps as are reasonably necessary to protect the welfare and safety of Club members and others.

The Club shall take reasonable care not to interfere with or prejudice any police, safeguarding, statutory or governing body investigation.

The fact that criminal proceedings are not commenced, are discontinued or result in an acquittal shall not necessarily prevent the Club from considering the same conduct under this Policy. The Club's disciplinary process applies the standard of proof set out in section 10.3 and serves a different purpose from criminal proceedings.

15. Record Keeping

The Club shall retain records relating to disciplinary proceedings, including decisions, investigation reports and supporting documentation, in accordance with the Club's Privacy Policy and applicable data protection and safeguarding requirements.

Records shall be retained only for as long as is necessary and in accordance with the Club's applicable data retention arrangements, taking into account the nature and seriousness of the matter, any safeguarding considerations, and any applicable legal or governing body requirements.

16. External Referral

The Club may refer a complaint, allegation or other matter to England Athletics, UK Athletics or another appropriate governing, regulatory or statutory body where:

- Referral is required by applicable rules, regulations or safeguarding procedures;
- The matter falls wholly or partly within the jurisdiction or responsibility of that body;
- The seriousness or nature of the allegations makes external referral appropriate; or
- The Club reasonably considers that external advice, investigation or action is required.

Where a matter is referred externally, the Club shall consider whether its own disciplinary process should continue, be suspended or be modified pending the outcome of the external process.

An external referral shall not prevent the Club from imposing appropriate interim measures or taking other action within its authority where this is reasonably necessary to protect the welfare or safety of individuals or the proper functioning of the Club.

Where appropriate, the Club shall cooperate with any investigation or process undertaken by England Athletics, UK Athletics or another relevant authority.

17. Procedural Flexibility

The Club may make reasonable adjustments to the procedure set out in this Policy where necessary to deal with a matter fairly, proportionately and efficiently, provided that no adjustment materially prejudices the fairness of the process to any party.

A minor or technical departure from this Policy shall not of itself invalidate any action or decision unless it has caused, or could reasonably have caused, material unfairness.

18. Review of Policy

This Policy shall be reviewed periodically and may be amended by the Club Committee where necessary to reflect changes in legislation, governing body requirements or Club circumstances.