

## **17. CPSA DISCIPLINARY PROCEDURE**

### **17.1 GENERAL**

- a) Disciplinary matters, applicable to all categories of members of the Clay Pigeon Shooting Association Ltd. (“the CPSA”), will be handled exclusively by the Chief Executive in the first instance and subsequently by members of the Board of Directors or others in accordance with this Code.
- b) If the Chief Executive is absent, or otherwise unable to carry out the functions set out below, a suitable member of staff or other member will be appointed by the Chairman to carry out the Chief Executive’s role under this Code.
- c) Disciplinary action may be taken against any CPSA member for misconduct, which will include any breach of the CPSA’s rules, as further explained below.
- d) All disciplinary actions taken by the CPSA will be duly recorded and placed on file for future reference.

### **17.2 OFFENCES LEADING TO DISCIPLINARY ACTION**

The following paragraphs outline actions by members that may be interpreted by the Chief Executive to come under the scope of this Code. These indications are not to be regarded as fully inclusive or to cover all possible offences.

#### **17.2.1 MINOR MISCONDUCT**

Offences considered by the Chief Executive to be of a minor nature (unless repeated) will normally incur a written warning from the Chief Executive and/or a requirement of corrective action, and will not require a disciplinary hearing.

#### **17.2.2 MISCONDUCT**

Where the Chief Executive believes it appropriate, evidence of any act of misconduct will be referred for a disciplinary hearing. Repetition of **MINOR MISCONDUCT** or failure to comply with or accept, any requirements made or warnings given may also, where the Chief Executive deems it appropriate, be referred for a disciplinary hearing.

#### **17.2.3 GROSS MISCONDUCT**

Where the Chief Executive has reliable evidence that the actions of a member are of such gravity as to amount to Gross Misconduct, and believes that immediate expulsion of the member is justified and necessary, a disciplinary hearing may be dispensed with and the Chief Executive may, after consultation with the Honorary Solicitor or other legal advisor, expel the member from the Association. When notice of any such expulsion is given orally, it will be confirmed in writing. Any member expelled in this way will have the right to a hearing, which will take the form of an appeal hearing (following the procedure set out below), if requested in writing to the Chief Executive within 7 days of the giving of written confirmation of the expulsion. Acts which may be viewed as **GROSS MISCONDUCT** include the following:

- a) Any acts of violence or assault;
- b) Threatening, abusive or insulting words or behaviour;
- c) Intentional or reckless disregard for the Association's safety rules, or any other applicable safety rules;
- d) Intentional or reckless damage to animals or property;
- e) Conviction for any criminal offence, in particular those involving dishonesty, firearms, physical violence or abuse;
- f) Any other acts that are reasonably regarded by the Chief Executive to be of a very serious nature, and meriting immediate expulsion.

### **17.3 DISCIPLINARY PROCEDURE**

- a) The Disciplinary Procedure may be instigated by the Chief Executive where he/she deems it necessary, or where a complaint(s) is received from:
  - i. An individual member; or
  - ii. An affiliated club/shooting ground; or
  - iii. A Regional or County Committee.
- b) Where the Chief Executive decides that the matter is one of minor misconduct, or gross misconduct meriting immediate expulsion, the procedures referred to above will be followed.
- c) Where the Chief Executive believes that a disciplinary hearing may be necessary, the following procedure will be followed, with such amendment as the Chief Executive may determine is necessary or appropriate:
  - i. An investigation will take place, where necessary, to seek relevant evidence. The Chief Executive may carry out this task, or may appoint an Investigating Officer. In addition to documentary and other evidence, written statements may be taken from relevant witnesses.
  - ii. The member who is subject to the complaint ("the Member") will be notified of the complaint at the earliest opportunity, save where there is a good reason not to do so (eg the risk of prejudicing an investigation; the destruction of relevant evidence; interference with any actions the police or other prosecuting authority may be taking; or Court Order) and invited to submit a written statement of events.
  - iii. Where the Chief Executive deems it necessary, the member will be suspended whilst the investigation and any subsequent disciplinary hearing takes place.

- iv. If, following the investigation and receipt of any written statement from the Member, the Chief Executive decides that a disciplinary hearing should take place, the Member will be notified of the date, time and place of the hearing, and of the member's right to be accompanied by a legal or other representative. Reasonable steps will be taken to provide relevant copies of paperwork to the Member and to the Disciplinary Panel in good time before the hearing.

#### **17.4 THE DISCIPLINARY HEARING**

- a) The Disciplinary Panel, convened by the Chief Executive, will normally consist of three Board members not resident in the Member's region. The Chief Executive or the Disciplinary Panel is entitled, where appropriate, to appoint an independent disciplinary panel to hear the matter, or instruct Sport Resolutions or some other appropriate organisation, to do so, and to delegate the Disciplinary Panel's powers to any such disciplinary panel for that purpose.
- b) If the Chief Executive or the Disciplinary Panel believes it likely to be helpful, a case presenter may be appointed who, where appropriate, will be the Investigating Officer. Further or alternatively, a barrister or solicitor may be instructed by the CPSA to act as its legal adviser and to present the case and to take any necessary related steps such as conducting a cross-examination of the Member. The Disciplinary Panel may, at any stage, receive advice in private on the law or procedure from the solicitor or barrister so instructed, or from any other source, without any obligation to disclose the advice received to the Member.
- c) Save where specifically prescribed in this Code, the Disciplinary Panel may determine the procedure to be adopted and may adjourn the hearing if it considers it reasonable and necessary to do so. The Disciplinary Panel will allow the Member a reasonable opportunity to respond to the allegations made, but will also have regard to the CPSA's need to prevent hearings becoming disproportionately time-consuming, complex, or expensive in relation to the matter in issue. A deadline may be imposed for submission of evidence by the Member and, where this is done, the Disciplinary Panel has discretion to disregard any evidence submitted after the deadline.
- d) The hearing may also take place in the Member's absence where, firstly, there is evidence that the Member is unable or unwilling to attend and the Disciplinary Panel reasonably believes that no useful purpose would be served by re-listing it for another time; or, secondly, that the hearing has been re-listed previously by reason of the Member's absence and the Disciplinary Panel believes that the Member has been given a reasonable opportunity to attend.
- e) After the Disciplinary Panel has reached a decision the Member will be notified and informed of any penalty which, unless the Disciplinary Panel orders otherwise, will be effective from the date of the decision. The decision, and any penalty imposed, will be a matter of public record and notified to the CPSA's membership, in particular where the implementation of the sanction requires this, unless the Panel orders otherwise.

#### **17.5 PENALTIES**

- a) The Disciplinary Panel may apply such penalties as it deems appropriate, including but not limited to:
  - i. Suspension, temporary or permanent expulsion of the Member from the Association (during the former of which the Member will remain subject to CPSA Rules and this Disciplinary Code of Conduct); and/or
  - ii. banning the Member from taking part in any event sanctioned by the Association at any ground affiliated to the CPSA; and/or
  - iii. written warning(s), which may be expressed as a final warning, and may be allied to appropriate requirements for the member's future conduct; and/or
  - iv. such other sanction to which the Member may consent (in order to avoid temporary or permanent expulsion, for example). Such sanctions may include (amongst other things) an apology by the member in agreed terms and form, payment of compensation to those affected by the member's conduct, and/or payment of an agreed sum towards the CPSA's costs in connection with the disciplinary proceedings.
- b) These penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with paragraph 17.6 herein.

## **17.6 APPEALS**

- a) Written notice of appeal must be received by the Chief Executive within 28 days of the date the decision is notified to the Member (or 7 days where the Member has been expelled for gross misconduct without a hearing). No appeal will be valid after that period has elapsed.
- b) Any appeal must be accompanied by full written grounds, stating which parts of the decision or penalty are being appealed against and why. Any appeal must also be accompanied by all the evidence which the Member wishes to be considered in the appeal. The Appeal Panel will be under no obligation to consider any grounds of appeal, or evidence, submitted after the deadline for lodging the appeal.
- c) The appeal hearing will take place as soon as reasonably practicable.
- d) The Appeal Panel, convened by the Chairman, will consist of the Chairman and two other members of the Board, none of whom participated in the first hearing. The Chief Executive or the Appeal Panel is entitled, where appropriate, to appoint an independent appeal panel to hear the matter, or instruct Sport Resolutions or some other appropriate organisation to do so, and to delegate the Appeal Panel's powers to any such independent panel for that purpose.
- e) Evidence which was not available to the Disciplinary Panel will not normally be admitted at the appeal hearing.

- f) The Appeal Panel shall have power to rescind or amend any decision made at the disciplinary hearing.
- g) The appeal decision will be final and, save where otherwise stated by the Appeal Panel, will be a matter of public record.