



RYA Scotland Performance Disciplinary Procedure

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Introduction

The following procedure is to be followed in the case of behaviour by any participant of an RYA Scotland Performance Programme (and their parents/ guardians) which, in the opinion of RYA Scotland representative in charge, contravened any relevant participation contract, policy or guideline or did not project a favourable and positive image of the sport, RYA Scotland and RYA Scotland Performance Programmes, including the maintenance of high personal standards of behaviour, appropriate standards of dress, good manners and sportsmanship when taking part in racing activities, representing sailing or RYA Scotland.

Purpose and scope

The RYAS Performance disciplinary procedure is designed to help and encourage all participants of an RYA Scotland Performance Programme to achieve and maintain high standards of conduct, attendance and performance. This procedure applies to all squad members and their parents/guardians. It is intended as a statement of the Performance Department's current policy and commitment to operate a fair and consistent procedure in relation to all its team members.

Principles

- (a) The procedure is concerned with misconduct and gross misconduct.
- (b) In all cases before any formal disciplinary action is taken, the RYAS representative in charge will interview you. You will be advised of the nature of the allegations against you before your interview and will be given the opportunity to state your case. You will have the right to be accompanied by a coach or another sailor during a disciplinary interview and there should be a second adult present at the interview.
- (c) No formal disciplinary action will be taken until a full and impartial investigation has been conducted.
- (d) The Performance Department will ensure that any investigation is both independent and objective, that there is no undue delay in bringing the matter to a conclusion and that strict confidentiality is maintained throughout. A complete record of all interviews and investigations will be made.
- (e) If a complaint is upheld you will be informed of the disciplinary sanction to be adopted depending on the seriousness of the incident; and the right of appeal.
- (f) Disciplinary sanctions will be appropriate and proportionate to the complaint.
- (g) You will receive an explanation of any disciplinary action to be taken and will have the right to appeal against any disciplinary sanction imposed.

The Procedure

If a behavioural incident is believed to be of a very minor nature where it is not necessary to resort to the formal warning procedure, then the RYAS representative in charge may give you an informal verbal warning for the purpose of improving your conduct.

The RYAS representative will complete a written report including the names of any witnesses to incident(s) and submit this to the Programme Manager. The discussion will as far as is possible be in the presence of another adult and you will be informed that no formal disciplinary action is being taken.

If the RYAS representative in charge considers it necessary to invoke the formal warning procedure he/she will inform you that they will pass all details to the RYAS Programme Manager who may authorise the following procedures and in the meantime he/she may temporarily suspend your right to take any further part in the current activity and require you to leave or be collected immediately.

Stage 1 – Formal Oral Warning

In the case of you being involved in a minor incident, or a number of very minor incidents, you may be given a formal oral warning. You will be advised of the reason for the warning, that the warning constitutes the first stage of the disciplinary procedure and that a note will be placed on file but will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct. In addition, the likely consequences of further incidents will be explained to you, together with your right of appeal.

Stage 2 - Written Warning

In the case of you being involved in a serious incident or a repetition of an earlier minor incident, a written warning may be given to you. This will give details of the precise nature of the complaint, and, in appropriate circumstances, the improvement required and the timescale. It will warn that action under Stage 3 or 4 will be considered if there is no satisfactory improvement, or if there is any repetition of misconduct, and will advise you of your the right of appeal. A copy of this written warning will be kept on file but will be disregarded for disciplinary purposes after 2 years, subject to satisfactory conduct. In addition, the likely consequences of further incidents will be explained to you, together with your right of appeal.

Stage 3 – Withdrawal of Funding

If you fail to improve after a written warning and/or your conduct is still unsatisfactory, or if the misconduct is sufficiently serious to warrant withdrawal of funding your funding for such of the current activity, training camp, series of training camps, or relevant element of the programme as the RYAS Programme Manager may determine shall be withdrawn . You will be issued with a withdrawal of funding notice. This will give details of the complaint, will indicate the elements of the programme for which funding has been withdrawn will warn that suspension from elements of the programme or termination from the squad will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this withdrawal of funding notice will be kept on file but save in exceptional cases will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct.

Stage 4 – Suspension from Elements of Programme

If you fail to improve after a written warning and/or your conduct is still unsatisfactory, or if the misconduct is sufficiently serious to warrant suspension you may be suspended from such of the current activity, training camp, series of training camps, or relevant element of the programme as the RYAS Programme Manager may determine. You will be issued with a suspension notice. This will give details of the complaint, will indicate which elements of the programme you have been

suspended from, will warn that termination from the squad may result if there is no satisfactory improvement and will advise of the right of appeal. Information will also be shared as to how to regain inclusion in the squad. A copy of this suspension notice will be kept on file but save in exceptional cases will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct.

Stage 5 – Termination from Squad/Exclusion from Class

In the case of gross misconduct or if your conduct or performance is still unsatisfactory and you still fail to reach the prescribed standards after all previous stages of the procedure have been exhausted, termination from the Squad will normally result. You will be provided, as soon as reasonably practicable, with written reasons for termination, the date on which your participation will terminate and will be informed of your right of appeal.

In the event that you are terminated from the squad and any rights of appeal have expired or been exhausted the RYAS Programme Manager may in his discretion also inform the relevant class organisation of your termination from the squad and the reasons for the termination in which event the relevant class organisation may choose to invoke their own disciplinary procedures. This may include expulsion from membership of that class.

Summary of Procedure:

	Stage 1 – Formal Oral warning	Stage 2 – Written warning	Stage 3 – Withdraw funding	Stage 4 – Suspension	Stage 5 – Termination from Squad/ Expulsion from Class
Disciplinary Officer	Programme Manager				
Appeals	Performance Committee			A panel appointed by the Chairman of the Management Committee	

Examples of Misconduct Incidents/Offences

The following are non exhaustive examples of the sort of incidents which if committed will normally lead to formal disciplinary action being taken.

General Incidents:

- (a) Poor time keeping; lateness; leaving early.
- (b) Failure to comply with the squad programme and participation contract.
- (c) Failure to comply with laid down guidelines.
- (e) Disruptive or anti-social behaviour, including bullying.
- (f) Carelessness causing minor damage to the Association's or a third party's property.

- (g) Carelessness causing injury to a third party.
- (h) Refusal to carry out a reasonable instruction.
- (i) Irresponsibility in relation to other sailors involved in squad activities.

The seriousness of the individual incidents and the previous disciplinary record of a sailor will depend upon whether the disciplinary procedure is commenced at Stage 1, 2 or 3.

Gross Misconduct:

The following list provides examples of incidents that are normally regarded as gross misconduct:

- (a) Theft.
- (b) Fraud.
- (c) Deliberate falsification of records or grant claims.
- (d) Fighting or assault on another person.
- (e) Deliberate damage to Association's or a third party's property.
- (f) Being under the influence of drink or controlled drugs during programme activities.
(Sailors requiring the use of prescribed drugs must register the prescribed drugs with the Programme Manager).
- (g) Serious negligence that causes, or might cause, unacceptable loss, damage or injury
- (h) Wilful disregard of duties or instructions given by an RYA representative.
- (j) Serious breaches or disregard of the health and safety rules
- (k) Engaging in any type of sexual, racial or other harassment or victimisation.
- (l) Divulgence to outside parties of confidential information regarding the affairs of the Association (subject to the Public Interest (Disclosure) Act 1998).
- (m) Misuse of the RYAS's property or name.
- (n) Bringing RYA Scotland into disrepute.

If you are accused of any act of gross misconduct, you may be suspended on a temporary basis from the programme, while the Association investigates the alleged offence. During the period of suspension you may be refused access to any of the Association's activities without the prior consent of the Association and subject to such conditions as the Association may impose.

If, on completion of the investigation, the Association is satisfied that gross misconduct has occurred, the result will normally be summary termination without notice.

Appeals

If you wish to appeal against a disciplinary decision you should inform the Programme Manager within five working days. The appeal will be heard by the officer or committee referred to above and his/their decision is final. At the appeal any disciplinary sanction penalty imposed will be reviewed but it cannot be increased. The Association shall, whenever possible, ensure that whoever deals with your appeal has had no previous involvement with the disciplinary decision. The adverse affect of the disciplinary sanction upon the performance of a team or the squad in a competition will not be permitted as a ground of appeal.

Refunds

No refund or part of the cost of an event will be entertained or permitted as a result of disciplinary sanctions imposed upon a sailor.

Document Data:

Approvals:	
Name/Team	Date
Performance Committee	1 st September 2014