

Trust Disciplinary Procedure

CONTENTS

CLAUSE

1.	Definitions	2
2.	About this procedure	2
3.	Who does this procedure apply to?	2
4.	Who is responsible for this procedure?	2
5.	Minor conduct issues	2
6.	Confidentiality.....	2
7.	Investigations.....	3
8.	Misconduct	3
9.	Criminal allegations.....	5
10.	Suspension	5
11.	Notification of a hearing.....	6
12.	The right to be accompanied.....	6
13.	Procedure at disciplinary hearings.....	6
14.	Disciplinary penalties	7
15.	The effect of a warning	8
16.	Appeals.....	8
	Table of Revisions.....	10

1. Definitions

- (a) “**Trust**” means Exeter City AFC Supporters’ Trust Society Limited

2. About this procedure

- 2.1 The Trust will deal with any disciplinary matter fairly by taking steps to establish the facts and giving members the opportunity to respond before taking any formal action. The purpose of this Disciplinary Procedure is to provide a framework within which the Trust can work with members to maintain satisfactory standards of conduct and to encourage improvement where necessary.

3. Who does this procedure apply to?

- 3.1 This procedure applies to Trust members only.

4. Who is responsible for this procedure?

- 4.1 The Trust has overall responsibility for the effective operation of this procedure but has delegated responsibility for overseeing its implementation to the disciplinary committee. Suggestions for change should be reported to The Trust Secretary.
- 4.2 This procedure is reviewed annually by the Trust.

5. Minor conduct issues

- 5.1 Minor conduct issues can often be resolved informally. These discussions should be held in private and without undue delay whenever there is cause for concern. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 5.2 If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with the Trust Secretary as soon as possible.

6. Confidentiality

- 6.1 Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All members must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

- 6.2 You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies.
- 6.3 You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

7. Investigations

- 7.1 The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. By way of example, it may involve interviewing and taking statements from you and any witnesses, reviewing relevant documents and email correspondence, and/or reviewing any CCTV or other footage. The Trust will usually appoint an Investigating Officer to carry out the investigation.
- 7.2 Investigation meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 7.3 You do not normally have the right to bring a companion to an investigation meeting. However, we may allow a companion to accompany you if it helps you to overcome any age or disability-related disadvantage, are a minor or have difficulty in understanding English.
- 7.4 You must co-operate fully and promptly in any investigation. This will include, among other things, informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigation meetings if required. Investigation meetings may take place in person or remotely, using remote working platforms or technologies as appropriate.

8. Misconduct

The following are examples of matters that will normally be regarded as misconduct and be dealt with under our Disciplinary Procedure

- 8.1 Minor breaches of our policies
- 8.2 Excessive or malicious communications to members, Officers, employees or volunteers of the Trust.

- 8.3 The use of Obscene language or other offensive behaviour at any fixture, event or venue involving The Trust.
- 8.4 Receiving a Police Football Banning Order or similar from Exeter City Football Club .
- 8.5 Failure to comply with any reasonable instructions or measures implemented in response to an emergency or other critical situation while on any site, venue or event involving The Trust.
- 8.6 Being convicted or receiving a police caution for an offence against members, employees, individuals or property connected to The Trust, or being ejected or banned from a sporting event or venue.
- 8.7 Actual or threatened violence, bullying or behaviour which provokes or promotes violence or disorder.
- 8.8 Deliberate damage to our buildings, fittings, property or equipment, or the property of a Trust member, contractor, customer, volunteer or member of the public.
- 8.9 Misuse of our property or name.
- 8.10 Bringing the Trust into disrepute.
- 8.11 Serious incapability brought on by alcohol or illegal drugs.
- 8.12 Causing loss, damage or injury through serious negligence.
- 8.13 Breach of Health and Safety, General Safety or Fire Regulations while on any site, venue or event involving The Trust. .
- 8.14 Unauthorised use or disclosure of confidential information, or failure to ensure that confidential information pertaining to The Trust in your possession is kept secure.
- 8.15 Using Trust membership for financial or personal gain.
- 8.16 Conviction for a criminal offence that in the Trust opinion may affect our reputation or our relationships with our members, customers, the public, or other reasons that affect your suitability to continue as a member.
- 8.17 Possession, use, supply or attempted supply of illegal drugs while on any site venue or event involving The Trust.
- 8.18 Unauthorised use, processing or disclosure of personal or sensitive data regarding Trust business or membership.
- 8.19 Harassment or victimisation of, or discrimination against, members, employees, volunteers, contractors, clients or members of the public, related to any protected characteristics protected as listed here - <https://www.gov.uk/discrimination-your-rights>.

- 8.20 Making a disclosure of false or misleading information maliciously, for personal gain, or otherwise in bad faith.
- 8.21 Making untrue allegations in bad faith against another member.
- 8.22 Victimising anyone who has raised concerns, made a complaint or given evidence or information.
- 8.23 Misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet)
- 8.24 Unauthorised entry into an area of the premises to which access is prohibited.

This list is intended as a guide and is not exhaustive.

9. Criminal allegations

- 9.1 Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.
- 9.2 We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.
- 9.3 A criminal investigation, charge or conviction relating to conduct outside of the organisation may be treated as a disciplinary matter if we consider that it is relevant to your membership.

10. Suspension

- 10.1 In some circumstances, we may need to suspend you from being a member. The suspension will be for no longer than is necessary to investigate any allegations of misconduct against you or so long as is otherwise reasonable while any disciplinary proceedings against you are outstanding. We will confirm the arrangements to you in writing. While suspended, you should not visit our premises unless you have been authorised to do so by the Trust.
- 10.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has been made about the allegations.

11. Notification of a hearing

11.1 Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are well-founded. We will also include the following where appropriate:

11.1.1 a summary of relevant information gathered during the investigation

11.1.2 a copy of any relevant documents or other evidence which will be used at the disciplinary hearing; and

11.1.3 a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

11.2 We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time to prepare your case based on the information we have given you. If there are reasons for conducting any hearing remotely (for example, by using remote working platforms or technologies), we will provide these reasons to you and notify you of the relevant arrangements and instructions for joining the hearing. If you have any questions regarding how to join the hearing remotely, you should let us know before the hearing date. We recognise that, in some cases, the use of remote working platforms or technologies may not be appropriate (for example, where a member has a hearing condition or does not have access to relevant equipment or software). In these cases, the hearing will take place in person where possible.

12. The right to be accompanied

12.1 There is no general right to be accompanied to disciplinary hearings.

12.2 We may, at our discretion, allow you to bring a companion (for example, a member of your family) if this will help to overcome any age or disability-related disadvantage, are a minor or have difficulty understanding English.

13. Procedure at disciplinary hearings

13.1 If you or your companion cannot attend the hearing, you should inform the Trust Secretary immediately and we will arrange an alternative time for the hearing to take place. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason or are persistently

unable to do so (for example, for health reasons), we may have to take a decision based on the available evidence including any written representations you have made.

- 13.2 The hearing will be chaired by a disciplinary committee. The Investigating member will also be present.
- 13.3 At the disciplinary hearing, we will go through the allegations against you and the evidence that has been gathered. You will be able to respond, ask questions and present any evidence of your own. Your companion may make representations to us and ask questions but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.
- 13.4 You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.
- 13.5 We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 13.6 We will inform you in writing of our decision and our reasons for it, usually within one calendar week of the disciplinary hearing. Where possible we will also explain this information to you in person.

14. Disciplinary penalties

- 14.1 No penalty should be imposed without a hearing. We aim to treat all members fairly and consistently, and a penalty imposed on another member for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.
- 14.2 The usual penalties for misconduct may include:
 - 14.2.1 Written warning
 - 14.2.2 Suspension for a period of time
 - 14.2.3 Permanent removal as a member

14.2.4 Such other sanction as the committee feels appropriate.

15. The effect of a warning

- 15.1 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.
- 15.2 A written warning will usually remain active for 12 months. In exceptional cases verging on gross misconduct a final written warning may state that it will remain active indefinitely. Your conduct may be reviewed at the end of a warning's active period and, if it has not improved sufficiently, we may decide to extend the active period.

16. Appeals

- 16.1 If you want to appeal a disciplinary decision taken against you, state your full grounds of appeal in writing to The Trust Secretary within one calendar week of the date on which you were informed of the disciplinary decision.
- 16.2 If you are appealing against removal as a member, the date on which removal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated.
- 16.3 If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.
- 16.4 We will give you written notice of the date, time and place of the appeal hearing. As detailed in paragraph 11.2, there may be circumstances in which it is appropriate for a hearing to be conducted remotely.
- 16.5 The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event, the appeal will be dealt with as impartially as possible.

- 16.6 Where practicable, the appeal hearing will be conducted by an appeal member who have not been previously involved in the case. The Investigating Officer will also usually be present.
- 16.7 We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 16.8 Following the appeal hearing we may:
- 16.8.1 confirm the original decision
 - 16.8.2 revoke the original decision; or
 - 16.8.3 substitute a different penalty.
- 16.9 We will inform you in writing of our final decision as soon as possible, usually within one calendar week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

Table of Revisions

Change	By Whom	Date
Creation	Nick Hawker	26/10/2024