



Complaints and Disciplinary Procedure

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Rockets Netball (RN) is a competitive club, always striving to improve and achieve as highly as possible. However, we also want the Rockets family to be a fun and welcoming club, where your teammates are your friends both on and off the court.

Complaints Procedure

We recognise that things aren't always plain sailing but hope that most problems, concerns or areas of dissatisfaction can be resolved informally at the time they occur. However, should that not be possible or appropriate, we take complaints (including about our policies, decisions and service provision) seriously, and are committed to investigating all valid complaints, with a view to establishing what went wrong and whether there are service improvements or lessons to be learnt.

The questions and answers below should assist you in making a complaint and ensure the process is understood.

Q. Can I talk through my grievance or concern with someone and resolve it informally instead of making a formal complaint?

A. Yes, absolutely. Grievances can often be sorted out on an informal basis, which is often quicker and less onerous. Don't be afraid to speak to one of the elected officers of the club or coaches to see if they might be able to resolve the misunderstanding. No investigation or disciplinary action will be taken as the result of an informal complaint.

Q. How do I make a formal complaint about the behaviour of a member of Rockets Netball?

A. If your complaint is about the actions or behaviour of a person who is participating or volunteering in netball (including Players, Coaches, elected officers of the club or other Volunteers) then we would ask you to submit the details of your complaint in writing to the Secretary of the Board of Directors.

If the complaint is about the person currently fulfilling this role, then the complaint can be sent to the President or Vice-President of the Board of Directors. The following details should be included as part of the complaint submission: the name(s) of the person to whom the complaint is made against, details of the allegation and any evidence that would support the allegation.

We will strive to acknowledge your complaint within 3 working days with a summary of what the complaint is understood to be. Complaints will be investigated by a member of the Board of Directors. The Secretary of the Board of Directors (or their representative) will identify the most appropriate person to handle the complaint and will initiate the investigation. This person will then report their decision only (not their rationale, in case there is a subsequent Appeal) to the other officers of the Board of Directors. The Secretary of the Board of Directors (or their representative) will aim to respond to you in a comprehensive manner within 10 working days after investigation.

Q. What are the potential outcomes of my complaint?

A. If your complaint is upheld, you will be responded to with a suitable response based on the Board of Directors officer's findings. This may include (but not be limited to):

- An apology
- A proposed remedy
- An indication of what service improvement will be made
- Progression to disciplinary action, if the investigation discloses a breach of Codes of Conduct

Q. Do I have a right to Appeal if I am not happy with the result of my complaint?

A. Yes, you do have a right to appeal. Appeals must be submitted in writing to the Secretary of the Board of Directors (or their representative), detailing why you are unhappy with the outcome or conduct of the complaint. The Secretary of the Board of Directors (or their representative) will deal with the appeal and will write to you with their decision. There is no further right of Appeal.

Q. Can I keep complaining?

A. You may not be happy with the outcome of your complaint or any Appeal you have made, but provided the proper process has been followed, we are unable to take any further action. Repeat complaints about the same issue will not alter this and at times complaints can become vexatious and/or persistent, causing undue stress for volunteers and resulting in a disproportionate use of resources.

In dealing with such situations the Board of Directors officer will ensure the Complaints Procedure has been correctly implemented and that no material element of the complaint has been overlooked or inadequately addressed. Where a wider complaint is deemed to be persistent or is considered to have no basis or genuine substance, Rockets Netball reserves the right not to investigate. In this situation, Rockets Netball will notify the complainant within 10 working days.

Disciplinary Procedure

General

All members of RN agree to fully comply with the club Code of Conduct. Disciplinary action against members, including expulsion without notice, may be taken for offences of misconduct or breach of RN's rules. However, it is recognised and accepted that every member:

- Has the right to expect fair and consistent treatment
- Has the right to adequate notice from RN
- Has the right to appeal against the elected Disciplinary Panel's decision in all disciplinary matters
- Has the right to representation
- No member will be expelled for the first breach of RN's rules except in cases of "gross misconduct." However, all disciplinary actions taken by RN will be duly recorded and placed on file for reference at a future date.

The Disciplinary Panel will consist of:

- One person from the Board of Directors
- One person from the Supervisory Board
- One other member of RN who is not a member of the 3 governing bodies (Board of the General Assembly, Board of Directors, Supervisory Board)

1. Offences Leading to Disciplinary Action

The under noted actions by members may be interpreted to fall within this Code. However, the lists are not to be considered fully inclusive or covering all possible offences.

"*Misconduct*" is the carrying out of an offence considered to be of a minor nature (unless frequently repeated, when it will likely be escalated to "*Serious Misconduct*") and will normally incur a €20 fine and a written warning from the Disciplinary Panel, together with a demand for full and appropriate corrective action. Examples of offences that may be considered "*Misconduct*" include:

- Discourteous, crude or offensive behaviour at games, training session or organised RN event
- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Refusal to carry out reasonable instructions issued by event officials or organisers
- Failure to comply with or adhere to the relevant Code of Conduct for their position within the club
- Any other actions of similar gravity to the above, at the discretion of the Disciplinary Panel

Repetition of the above offences or failure to comply with any demands made in writing by the Disciplinary Panel may result in further action involving a formal disciplinary hearing.

“Serious Misconduct” is the carrying out of an offence of such gravity that in the opinion of the Disciplinary Panel that it warrants a formal disciplinary hearing. Examples of offences, which may be considered as serious misconduct include:

- *“Misconduct”* offences above, if especially grave or repeated
- Deliberate or consistent breaches of club rules
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Theft or misappropriation
- Use of threatening or abusive behaviour
- Participating in the sport whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property
- Disregard for one’s own or other people’s safety
- Any other action, which in the opinion of the Disciplinary Panel may bring the sport or RN into disrepute, or which left unpunished, may result in the detriment of RN or its members.

“Gross Misconduct” is an action of such seriousness that the Disciplinary Panel will require the immediate expulsion of the member from the association. The Disciplinary Panel may, by means of an executive decision, summarily expel such a member without invoking a disciplinary hearing. The expelled member will have the right to a disciplinary hearing as soon as this can be arranged but will remain expelled until such a hearing overturns the executive decision. Examples of gross misconduct are:

- Physical violence of assault towards other persons at a RN event or related activity, including serious threatening, intimidating or forceful behaviour
- Reckless disregard of safety and basic safety rules
- Being convicted of criminal offences involving physical violence or abuse
- Other acts that are considered to be of an extremely serious nature perpetrated against RN, its members or any other party

2. Disciplinary Procedure Process

On receipt of a written complaint from a member, another team within the sport, the governing body, league/match/tournament organisers or any other party the Board of Directors officer initially allocated to deal with the complaint (with advice from a Legal Advisor should they so wish) will decide whether the complaint falls within the scope of this disciplinary procedure. If in their opinion it does, then they will ask the Secretary of the Board of Directors to convene a Disciplinary Panel. This Disciplinary Panel will decide as to the type of offence as per (section 1) above.

If the Disciplinary Panel conclude that the offence is considered to be one of *“Misconduct”*, the Secretary of the Board of Directors will write to the member with a formal written warning including the demand for an apology or other corrective action the Disciplinary Panel may deem appropriate. They will also attempt to obtain approval for their action from the complainant. A disciplinary file will

be opened by the Disciplinary Panel in which copies and records of the original complaint will be placed, together with the written warning and any other correspondence. The action outlined above will normally finalise the process unless any of the parties involved object strongly to the decision, in which case they may appeal directly to the Disciplinary Panel for a final decision.

Should the Disciplinary Panel consider the complaint to be one of “*Serious Misconduct*” or “*Gross Misconduct*”, then the following procedure will be implemented:

- The Secretary of the Board of Directors will contact the member who is subject of the complaint to advise of the official complaint and request the member to submit a written statement of their account of events
- The Secretary of the Board of Directors will advise the complainant that if a disciplinary hearing is called, then the complainant and all relevant witnesses will be obliged to attend and give evidence (non-attendance at a hearing will only be allowed in extenuating circumstances, i.e. ill-health, threat of violence or intimidation etc - in such circumstances/instances a sworn declaration must be submitted to the Disciplinary Panel)
- One member of the Disciplinary Panel will act as an Investigating Officer and will research evidence presented and, if possible, will obtain further written evidence, witness statements, etc.
- If necessary, the Investigating Officer will consult all relevant witnesses for supportive evidence
- The Investigating Officer will report their findings back to the other two members of the Disciplinary Panel - in cases of disputes of a personal nature, the Disciplinary Panel will attempt to resolve the situation amicably and to the mutual satisfaction of all parties concerned
- If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible
- The Secretary of the Board of Directors will contact RN’s Legal Advisor, if required, and supply copies of all evidence
- The Secretary of the Board of Directors will notify all parties as to the hearing date and ensure the parties have all relevant copies of paperwork in good time prior to the hearing

3. Disciplinary Hearing

- The Disciplinary Panel member who is from the Board of Directors shall take charge of the hearing and all questions will be addressed through them
- The Secretary of the Board of Directors (or their representative, if they are selected as a member of the Disciplinary Panel) will take minutes of the hearing
- RN will appoint a case presenter, who will normally be the Investigating Officer
- All witnesses to be interviewed and all written evidence to be reviewed at the hearing
- No witnesses or statements can be introduced at the hearing without prior notice and copies of all written evidence produced for consideration prior to the hearing, to be available in advance to the parties

- The Disciplinary Panel may adjourn the hearing to allow further evidence to be referred to, if they consider it fair to do so
- After the Disciplinary Panel has reached a decision, the subject of the complaint to be notified in writing of such decision and informed of any penalties within 7 days of the decision being reached, penalties will be effective from the date of the decision.

4. Penalties

Following the hearing, the Disciplinary Panel will apply such penalties as they consider appropriate, including temporary or permanent expulsion of the member from the club, such penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with (Section 5). Offences of cheating, being under the influence of alcohol or drugs during a club training session or match, or those involving threats of physical violence, will carry automatic expulsion from the club and will preclude the offender from taking part in any RN organised activity in an official capacity. The club will in all cases comply with the requirements of the appropriate netball Governing Body, including immediate notification of the police where required.

5. Appeals

If an appeal of the decision or penalty is to be made, then a written notice of appeal must be given to the Secretary of the Board of Directors within 28 days of being notified of the decision. No appeal will be valid or considered after that period has elapsed. It will not be sufficient to state "I wish to appeal", the offender must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this.

An appeal together with full and recorded argument may be considered relative to:

- the decision
- the penalty
- other

An appeal hearing will be convened as soon as practicable and will consist of an Appeals Panel made up of 3 individuals who did not take part in the first hearing (or if there are insufficient suitable officers from the Board of Directors and/or Supervisory Board remaining, members of RN who agree to sit on the Appeals Panel). The Appeals Panel will elect their own Chairperson, who will have the casting vote. New evidence cannot be presented at the appeal hearing. The Appeals Panel shall have power to amend or revoke any decision made at the previous disciplinary hearing heard by the Disciplinary Panel. The decision of the Appeals Panel is final and binding on the parties and not subject to further appeal.