



# Compliments, Complaints and Disciplinary Policy

Version 2.0  
01 November 2021

New Compliments and Complaints Policy  
Detailed Disciplinary Procedure



# COMPLIMENTS, COMPLAINTS AND DISCIPLINARY POLICY

## Our Aim

Herts Tennis is committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve our service is by listening and responding to the views of our members and visitors and in particular by responding positively to complaints.

Therefore we aim to ensure that:

- Making a compliment or complaint and raising a concern is as easy as possible
- We welcome compliments, feedback and suggestions and encourage the reporting of all concerns
- We treat a complaint as a clear expression of dissatisfaction with our service which calls for a timely response
- we deal with it promptly, politely and, when appropriate, confidentially
- We respond in the right way - for example, with an explanation, or an apology where we have got things wrong or information on any action taken etc.
- We learn from complaints, use them to improve our service, and review biannually our complaints/disciplinary policy and procedures
- We work with the LTA and appropriate authorities where serious concerns arise

We recognise that many concerns will be raised informally, and dealt with quickly. We aim to resolve these informal concerns quickly and keep matters private. This policy ensures that we welcome compliments and provide guidelines for dealing with complaints about our services, staff and volunteers and dealing with more serious breaches in the LTA/Herts Tennis Rules.

Except in exceptional circumstances, every attempt will be made to ensure and maintain confidentiality. However, the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality (with each complaint judged on its facts). Should this be the case, the situation will be explained to the complainant.

## Definitions (See Appendix A)

A compliment is an expression of satisfaction about the standard of service we provide.

A complaint is defined as any expression of dissatisfaction, however, it is expressed. This would include complaints expressed face to face, via a phone call, in writing, via email or any other method.

A breach in the rules is defined as behaviour, conduct, actions or failures that fall short of the minimum standards and values expected and/or required of all County members.

## Compliments

We are always glad to hear from people who are satisfied with the services we offer. All compliments are recorded, acknowledged, and a copy is sent to the relevant service manager or volunteer to provide feedback to the member of staff, service, team or individual.

## Complaints

The formal complaints procedure is intended to ensure that all complaints are handled fairly, consistently and wherever possible resolved to the complainant's satisfaction.

Herts Tennis' responsibility will be to:

- acknowledge the formal complaint in writing
- reply within a period of 5 working days
- deal reasonably and sensitively with the complaint
- take action where appropriate

A complainant's responsibility is to:

- bring their complaint, in writing, to the attention of the Herts Tennis, normally within 4 weeks of the issue arising
- initially raise concerns promptly and directly with the person directly responsible for the delivery of the service
- explain the problem as clearly and as fully as possible, including any action taken to date
- allow the person reasonable time to deal with the matter, and
- recognise that in some circumstances may be beyond Herts Tennis' control

Any incident involving a County Member breaking the LTA or Herts Tennis Rules to include: the LTA Fair Play Principles; Herts Tennis Codes of Conduct for Staff and Volunteers, Coaches and Team Captains, Players, Parents and Carers; LTA and Herts Tennis Policies and Procedures; Staff Contracts and Volunteer Agreements; Minimum Registration Standards, is unacceptable, will be treated as a serious issue and may result in the reporting of the concern to the LTA and appropriate authorities.

For the avoidance of doubt, where an issue constitutes a safeguarding matter, these procedures will only be applied following the conclusion of any statutory and/or LTA investigation.

If the incident is deemed extremely serious immediate action will be taken and Herts Tennis reserves the right to refer matters to the LTA disciplinary committee which may result in the application of the LTA disciplinary code <https://www.lta.org.uk/globalassets/about-lta/full-lta-disciplinary-code-1-january-2021.pdf>

## Jurisdiction and Scope

The Procedures may be amended by the Herts Tennis at any time and at its sole discretion and such amendments shall be effective from the date stated.

Herts Tennis shall not be liable to any person, including without limitation, any Member, for any loss, howsoever caused, whether direct, indirect, financial or consequential arising out of or in connection with any action taken under the Procedures.

Disciplinary proceedings shall be commenced against a Member in accordance with the Procedures where the Herts Tennis receives a Notice of Complaint or becomes aware of a disciplinary matter referred to above.

In the event that a member of the Disciplinary Committee is involved in a disciplinary matter, either as Complainant or Respondent then they shall not be involved in any part of the disciplinary process relating to the matter.



## **Notice of complaints**

A Notice of Complaint may be lodged with the Herts Tennis by any person or body which shall include without limitation, a Herts Tennis employee/official/volunteer/venue in relation to an alleged disciplinary matter.

The Notice of Complaint shall be made in writing no later than 28 days following the alleged incident (or knowledge of the incident by the Complainant) and shall set out details of the Complaint including, where applicable, the nature of the alleged breach.

## **Initial Investigation**

The purpose of an investigation under these Procedures is to establish a fair and balanced view of the facts relating to any disciplinary complaint before deciding whether there is a case to answer. The scope and extent of the investigation will vary depending on the nature of the complaint and will vary from case to case.

On receipt of the Notice of Complaint or the Disciplinary Secretary otherwise becoming aware of an alleged disciplinary matter regarding a Member, the Disciplinary Secretary shall within 7 days appoint an individual to investigate the complaint. This individual shall within 28 days:

- commence an initial investigation into the matter in order to gather information and evidence;
- forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent, together with any supporting evidence;
- undertake any further investigation deemed appropriate to assist the Disciplinary Secretary in determining the best course of action to resolve the Complaint or commence disciplinary action.

Members are expected to co-operate fully and promptly with any investigation.

Upon completion of these steps the Disciplinary Secretary may take any of the following steps:

- decide that no further action is required in which case the Disciplinary Secretary shall notify the Respondent and the Complainant in writing explaining the reasons why the Complaint has been dismissed, for example:
  - there is not enough evidence to justify disciplinary action being taken; or
  - the Complaint is considered to be vexatious and/or malicious and in which case the Complainant's actions may be referred to the Committee to determine whether a disciplinary procedure should be commenced in relation to such actions;
- deal with the matter by way of advice, information, training and/ or mediation between the respective parties; or
- refer the matter for consideration by a Disciplinary Committee.

The Disciplinary Secretary shall inform the Complainant and the Respondent of the course of action taken within 7 days of the initial investigation concluding. If the Disciplinary Secretary considers that the matter should be referred to a Disciplinary Committee, the Respondent shall be informed of the Charge being brought, the basis for the Charge and the likely range of consequences if the Disciplinary Committee upholds the Complaint.

The Respondent will also be provided with a summary of the relevant information gathered during the investigation (including copies of any relevant documentation) and shall be granted the opportunity to either accept or deny the Charge.

If the Respondent accepts the Charge then the matter shall be considered by the Disciplinary Committee at a hearing to determine the sanction only and the Respondent shall only be granted leave to appeal on the ground that the sanction imposed was disproportionate to the circumstances of the case.

If the Respondent denies the Charge then the matter shall be determined at a full hearing dealt with by the Disciplinary Committee.

## **Confidentiality**

The Venue will deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All Members and any others involved in such matters must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

## **Disciplinary Committee**

A Disciplinary Committee consisting of 4 members shall be established and appointed by the Committee. The Disciplinary Committee shall elect one of its members to act as Chair.

The Disciplinary Committee shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are the subject of a Charge. The Disciplinary Committee shall make its decisions by way of a majority vote. Each member of the Disciplinary Committee must have no personal interest in the outcome of the proceedings (other than to see that the decision is fair) and have no previous knowledge or involvement with the matter under consideration.

The Committee in assessing whether a member of the Disciplinary Committee has an interest in the outcome of proceedings shall give due consideration to any objections raised by the Complainant and Respondent.

## **Disciplinary Hearings**

The Disciplinary Committee may hear a disciplinary matter by way of oral hearing or consider the Charge on the basis of written submissions from the parties as appropriate.

In the event that an oral hearing shall be held, the Disciplinary Secretary shall make such arrangements for the hearing to be held within a reasonable time and shall provide the Respondent with the details of the hearing.

If the Respondent cannot attend a scheduled hearing, the Respondent should immediately inform the Disciplinary Secretary who will arrange an alternative time. If the Respondent fails to attend a hearing without notice or good reason, the Disciplinary Committee is permitted to reach a decision in the Respondent's absence, based on the available evidence.

Written notes of the hearing shall be made by a person appointed by the Disciplinary Committee. No electronic recordings are permitted to be made of the hearing, by the Respondent or otherwise.

The Respondent may be accompanied by another individual who may attend the hearing in a support capacity. The identity of the companion must be confirmed to the Disciplinary Committee in advance of the hearing. The Disciplinary Committee may object to the attendance of the companion if, in its sole discretion, there are reasonable grounds to do so. The Respondent will be afforded an opportunity to choose an

alternative companion. The companion shall not be permitted to make submissions to the Disciplinary Committee on behalf of the Respondent nor to answer any questions on the Respondent's behalf.

The procedure for an oral hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Disciplinary Committee will outline the manner in which the hearing will proceed and will ensure that details of the Complaint are put to the Respondent and that the Respondent is afforded an opportunity to respond.

All disciplinary hearings (disciplinary and appeal) shall take place in private and the public and the press shall have no right of access.

### **Decision and available sanctions**

The standard of proof in all cases before the Disciplinary Committee is the balance of probabilities.

The Disciplinary Committee shall communicate its decision to the parties in writing as soon as reasonably practicable.

The Disciplinary Committee may dismiss the Complaint against the Respondent or where a Complaint is upheld, impose such sanction upon the Respondent as it thinks fit including, without limitation:

- issue a written warning or reprimand in respect of the misconduct or rule breach committed. Such warning will set out the nature of misconduct/breach, the change in behaviour required, the duration of the warning and the likely consequence of further misconduct / breach in that period;
- suspend or exclude from County activities including competitions, matches, training, meetings or otherwise;
- suspend or exclude from undertaking certain roles within the County for a specified or indefinite period of time;
- suspend the Respondent's contract/agreement for a specified period;
- terminate the Respondent's contract/agreement;
- removal from the Herts Tennis Performance Network
- a combination of any of the above or any other disciplinary sanction as considered appropriate by the Disciplinary Committee.

The decision taken by the Disciplinary Committee in relation to the sanction to be imposed must be reasonable and proportionate in all circumstances and consideration may be given to the Respondent's previous disciplinary record.

### **Disciplinary matters involving Children or Adults at Risk**

Where a disciplinary matter involves a Child or an Adult at Risk, the Venue, the Disciplinary Committee and/or Appeal Committee must be mindful of the needs of the person in question and take these into account when deciding:

- the format of proceedings, including whether special measures are required or adjustments need to be made to the Procedure
- any action to be taken against such a person
- the experience, knowledge and training of the members of the Disciplinary Committee.

Written permission should be obtained from any parent/carer of a Child or Adult at Risk who is asked to attend a hearing. Where a Child or Adult at Risk is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by their parent/carer or an appropriate adult.

The Disciplinary Committee shall take steps to satisfy itself that the Child or Adult at Risk fully understands the purpose and potential outcomes of the Procedure. For the avoidance of doubt, the refusal of a Child, their parent/ carer or an Adult at Risk to co-operate shall not preclude the Venue from taking disciplinary action.

## **Appeal**

Should the Respondent wish to appeal a decision of the Disciplinary Committee, the Respondent must submit a notice of appeal to the Disciplinary Secretary in writing and within 14 days of the Disciplinary Committee's decision being issued to them.

The notice of appeal must set out the grounds upon which it is submitted the Disciplinary Committee misdirected itself or otherwise reached an erroneous decision and provide details of any new evidence upon which the Appellant seeks to rely.

## **Appeal Committee**

The Committee shall establish an Appeal Committee consisting of 3 members, of which one will act as the Chair of the Appeal Committee. The Appeal Committee shall make its decisions by way of a majority vote.

No member of the Appeal Committee shall have any interest or any previous involvement in the disciplinary matter which is to be considered by the Appeal Committee nor be a member of the Disciplinary Committee.

In the event that a decision is appealed to the Appeal Committee and a member of the Appeal Committee either declares an interest or is deemed to have an interest by the Disciplinary Committee, then such member shall be replaced on the Appeal Committee.

If the Chair of the Appeal Committee deems it appropriate, bearing in mind all the circumstances surrounding the case, they may, at their discretion, request an independent person to act as adviser to the Appeal Committee.

## **Appeal Hearings**

The Appeal Committee shall have jurisdiction to conduct appeal hearings and have the power to:

- dismiss the appeal and therefore confirm the Disciplinary Committee's decision;
- overturn any finding and any sanction imposed by the Disciplinary Committee;
- substitute an alternative finding;
- reduce or increase the original sanction; and/or
- make such further order as it considers appropriate.

The Appeal Committee may hear an appeal by way of oral hearing or consider the appeal on the basis of written submissions as appropriate. The standard of proof in all cases before the Appeal Committee is the balance of probabilities.

The Appeal shall take place by way of a review.

Written notes of the hearing shall be made by a person appointed by the Appeal Committee. No electronic recordings are permitted to be made of the hearing, by the Appellant or otherwise.

The Appellant may be accompanied by another individual who may attend the hearing in a support capacity. The identity of the companion must be confirmed to the Appeal Committee in advance of the hearing.

The Appeal Committee may object to the attendance of the companion if, in its sole discretion, there are reasonable grounds to do so. The Appellant will be afforded an opportunity to choose an alternative companion. The companion shall not be permitted to make submissions to the Appeal Committee on behalf of the Appellant nor to answer any questions on the Appellant's behalf.

The procedure for an appeal hearing shall be flexible and shall be at the discretion of the Chair of the Appeal Committee, which may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Appeal Committee will outline manner in which the Appeal hearing will proceed and will ensure that the Appellant is afforded an opportunity to set out clearly the grounds of the Appeal.

The Appeal Committee shall communicate its decision to the Appellant in writing (no later than 7 days from the date of the hearing).

This is the end of the Procedure. The decision of the Appeal Committee is final and there is no further right of appeal.

## **LTA Disciplinary Procedure**

Breaches of LTA policy and/or failure to comply with the outlined responsibilities may result in the following by the LTA, Tennis Scotland, Tennis Wales and/or the Tennis Foundation:

**Venues** - potential removal of LTA Accreditation

**Staff** - disciplinary action leading to possible dismissal and legal action

**Contracted consultants, officials and coaches** - termination of current and future roles within all four organisations and possible legal action

**Recruited volunteers**, including councillors and board members - termination of current and future roles within all four organisations and legal action

Actions taken by staff, consultants, volunteers, officials, coaches, venues, clubs and/or events outside of the LTA, Tennis Scotland, Tennis Wales and/or the Tennis Foundation that are seen to contradict policy may be considered to be a violation of policy.

## **Related policies and procedures**

- Safeguarding Policy (Including Whistleblowing)
- Diversity and Inclusion Policy
- Transgender Policy
- Anti Bullying Policy
- Online Safety and Communications Policy
- Safe Recruitment Policy
- Photography and Filming Best Practice Guidance
- Supervision Policy for Herts County Team Events
- Supervision Policy for Herts County Training

- Code of Conduct for Staff and Volunteers
- Code of Conduct for Coaches and Team Captains
- Code of Conduct for Parents and Carers
- Code of Conduct for Players
- Use of Changing Rooms and Showering Facilities

This Policy is reviewed every two years (or earlier if there is a change in national legislation) and recommended for approval by:

**Herts Tennis Chairperson      Trevor Adamson      Date: 1st November 2021**  
**County Safeguarding Officer      Tessa Terry      Date: 1st November 2021**

## Appendix A: Definitions

Appeal Committee	the Herts Tennis Appeal Committee as appointed in accordance with these Procedures
Appellant	the person or body who appeals a Decision of the Disciplinary Committee
Charge	the charge which is brought against the Respondent in respect of the disciplinary matter
Adult at Risk	A person aged 18 years or over who has needs for care and support (whether or not the local authority is meeting any of those needs) and is experiencing, or is at risk of, abuse or neglect and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.
Child	Anyone under the age of 18
Contact Details	Stanborough Road, Welwyn Garden City, Hertfordshire AL8 6XE <a href="mailto:hertstennis@gmail.com">hertstennis@gmail.com</a>
Rules	Herts Tennis rules which may include its constitution, codes of conduct and any other rules by which staff, coaches, parents, players, volunteers and venues may be bound
Complaint	a complaint of misconduct or notification of a concern regarding particular circumstances and/or conduct of an individual or venue as referred to in these Procedures
Complainant	the person or body from whom a Complaint has been received by the Disciplinary Committee
Management Committee	the body that is responsible for running Herts Tennis
Disciplinary Committee	the Disciplinary Committee as appointed in accordance with these Procedures
Disciplinary Secretary	The person who is nominated as the Disciplinary Secretary by the Disciplinary Committee
County Member	any individual/venue contracted to, registered with, volunteering in, playing/competing for Herts Tennis
Notice of Complaint	the notice of the Complaint received by the Disciplinary Committee from the Complainant
Respondent	the person who is the subject of the Complaint or disciplinary action brought by the Disciplinary Secretary under the Procedures
Safeguarding Case	a matter which is deemed by the LTA to raise concerns about a child, young person or adult at risk, or an individual who has contact with those groups