

## Annex 'C' Grievance Procedure

- C1. This procedure may be activated by the receipt in writing of a formal complaint, an allegation of misconduct, a breach of the Rules or Bye-Laws of a League, Club, Team or individual player registered with the English Short Mat Bowling Association.
- C2. With the minimum of delay, the Secretary or designated official of the Association shall convene a meeting of the appropriate body to undertake a disciplinary hearing. No person involved in the complaint/alleged offence or with direct connections with the complainant/alleged offender shall sit on this body.
- C3. Both the complainant and the alleged offender shall be afforded the opportunity to attend the hearing personally and/or submit a written statement. This should be made in writing, sent by Recorded Delivery and allow for receipt to be made at least 14 days prior to the case being heard. The notification to the alleged offender should also include a copy of the statement outlining the allegation and stating the time, date and place of the hearing.
- C4. Both the complainant and the alleged offender shall be offered the opportunity to submit evidence and call witnesses to support their case or character. The body hearing the case also has the right to call independent witnesses should they consider this appropriate.
- C5. Prior to the hearing, copies of all pertinent documents and signed statements should be supplied to every member of the appointed disciplinary body.
- C6. The hearing should proceed as follows:
  - a Members of the disciplinary body to meet in closed session in order to review the main points of the case placed before them, familiarise themselves with the witnesses who are to appear and to determine the order in which these witnesses are called.
  - b Witnesses will be called, usually individually, before the appeals body. They should be informed that they might be subject to cross-examination and recall members to note down any points considered to be significant.
  - c A short period to be allowed between witnesses in order to allow members to interchange notes and views.
  - d After all witnesses have been heard, any written statements which have been submitted should be read and accepted as evidence.
  - e All evidence given to be reviewed. In order to resolve anomalies it may be necessary at this point to recall witnesses for further cross-examination.
  - f A verdict reached, preferably by consensus. If consensus cannot be achieved, the verdict to be decided on a majority vote. The major factors which decided the final decision to be agreed and recorded. This record not to be published, but to be held on file together with all the presented written evidence pending further appeal.
  - g All relevant antecedents and precedents should then be considered.
  - h The members of the appeals body should then agree the exact wording of the verdict to be delivered.
  - i Announce the verdict to the complainant and the alleged offender, separately, by reading the statement agreed. Inform the appropriate party of their rights to appeal (see paragraph C7).
  - j Within 14 days after the hearing, confirm verdict in writing, sent by Recorded Delivery, to both the complainant and the alleged offender. Inform the appropriate parties of their rights to appeal.
- C7. Both the complainant and the alleged offender shall have the right to appeal. Notice of the

appeal to be made in writing within 21 days of the hearing.

- C8. If the verdict involves a term of suspension it shall commence 21 days after the hearing unless an appeal has been made. If the appeal shall subsequently fail the term of suspension will commence 21 days after the appeal hearing unless a further appeal is made to the next higher level of administration. This guideline may be disregarded in instances where the disciplinary body considers that the seriousness of the offence requires immediate suspension.
- C9. A final point of guidance to all members sitting on disciplinary bodies. As far as possible, it is intended that they should employ what is commonly known as "Natural Justice". That assumes that any person is innocent until guilt is proved beyond a reasonable doubt is established. Therefore the benefit of any doubt must always be given to the alleged offender.