



## **Disciplinary and Complaints Policy and Procedure**

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## **1. INTRODUCTION**

- 1.1.** Manx Powerlifting Association ('MP') is committed to providing an impartial, dependable and proportionate approach to the handling of complaints.
- 1.2.** The Disciplinary and Complaints Policy and Procedure (the '**procedure**') is designed to provide an open, honest and transparent route for Complaints made under this procedure to be resolved fairly within a set time period.
- 1.3.** Where a complaint requires formal disciplinary proceedings, MP shall exercise its disciplinary powers in line with this procedure.
- 1.4.** The procedure includes the ability to commence proceedings to consider complaints that raise concerns about an individual's suitability to be working or volunteering with children, young people and/or adults at risk within the sport.
- 1.5.** MP aims to create an environment where it is safe and acceptable for any person to raise a complaint or concern; this includes poor practice, bullying or harassment, neglect, grooming, abuse or other forms of misconduct. No person should be victimised for raising concerns or making a complaint.
- 1.6.** MP requires any member or registered/affiliated organisation to cooperate in a complaints investigation; where requested you should be willing to participate in interviews, provide information and/or statements or any other information believed to be in their possession or knowledge, and to attend hearings to give evidence. Members or those representing registered/affiliated organisations who fail to comply with these requirements may themselves be subject to disciplinary action.
- 1.7.** The MP Committee may amend this document as it sees fit. Any such amendments will be applied with full, immediate effect from the date described by the committee. In line with this, the amended policy will be published on the MP website from the same date. Any complaints that are already in process with disciplinary proceedings already commenced at the time of amendment will be conducted in accordance with the policy that was in place at the time that proceedings were instigated.
- 1.8.** The current laws of the Isle of Man shall apply in relation to these procedures and to any legal dispute arising from these.

## **2. DEFINITIONS AND INTERPRETATION**

For the purposes of this document, the following words and phrases shall have the following meaning:

<b>Word or Phrase</b>	<b>Definition</b>
<b>"Articles"</b>	the articles of association of Manx Powerlifting;
<b>"Appeal Panel"</b>	a panel of non-conflicted individuals from the MP Membership to hear appeals in accordance with the terms laid out in this procedure;
<b>"Manx Powerlifting" or "MP"</b>	Manx Powerlifting Association;

<b>“Committee”</b>	the Committee of Manx Powerlifting;
<b>“By Laws”</b>	the by laws of Manx Powerlifting as published on the MP website;
<b>“Case Panel”</b>	the panel formed by the DC to make the decision of the DC;
<b>“Complaint”</b>	any communication to MP from which it appears that there has or may have been a breach if the Articles of Association of Manx Powerlifting (the <b>“Articles”</b> ), the By Laws of Manx Powerlifting (the <b>“By laws”</b> ) or any other Manx Powerlifting policy, whether expressed as a complaint, disclosure, grievance, allegation, query or expression of concern or identification of an issue;
<b>“Complaint Form”</b>	the form attached to this policy as Appendix 1 to be completed by a Complainant as the initial step of a Complaint and sent to the DC in accordance with the terms laid out in this procedure;
<b>“Complainant”</b>	the individual or organisation who has raised the Complaint;
<b>“Disciplinary Committee”</b>	the Disciplinary Committee formed by Manx Powerlifting in accordance with the By laws;
<b>“DC Hearing”</b>	an in person hearing organised by the Disciplinary Committee in accordance with the terms laid out in this procedure;
<b>“DC Hearing Panel”</b>	a panel of at least 3 members of the Disciplinary Committee to undertake certain actions outlined in this procedure;
<b>“Lead DC Member”</b>	a nominated member of the Disciplinary Committee who leads the investigatory stage of a matter in accordance with the terms laid out in this procedure;
<b>“Procedures”</b>	the procedures outlines in this document;
<b>“Respondent”</b>	the individual or organisation against whom a Complain is made and/or against whom disciplinary proceedings are brought;
<b>“Working Day”</b>	a day other than a Saturday, Sunday or a recognised public holiday in the Isle of Man.

To the extent there is any conflict between this document and the articles, the provision Within the articles will prevail.

To the extent there is any conflict between this document and the by laws, the provisions of This Disciplinary policy will prevail.

### **3. JURISDICTION**

- 3.1.** MP's Articles and By laws require that, as a condition of membership, all members, and those associated with members, comply with all Articles, By laws, policies and regulations made by the committee and conduct themselves in accordance with all relevant MP policies and in accordance with the spirit of MP's objects.
- 3.2.** Although MP has jurisdiction over those individuals and organisations described in paragraph 3.1, MP's affiliated bodies (for example British Powerlifting and IPF) may have their own disciplinary jurisdiction over such persons or organisations. As such, where both MP and another body have jurisdiction with regards to a matter, the DC will determine how best to proceed in cooperation with that organisation.

### **4. SUMMARY AND SCOPE**

- 4.1.** Subject to 4.2, these procedures shall apply to:
  - 4.1.1.** Complaints of alleged breaches of MP Governance Articles, By Laws, or other policies;
  - 4.1.2.** Complaints that raise safeguarding concerns; and
  - 4.1.3.** Any other matter that the DC, in its sole discretion, considers may constitute misconduct or give rise to safeguarding concerns or should otherwise be dealt with under this procedure.
- 4.2.** These procedures shall not apply to any anti-doping offences which shall be dealt with in accordance with British Powerlifting's already established anti-doping rules.
- 4.3.** MP's procedures are not an alternative way of addressing criminal offences. MP encourages complainants to report allegations or suspicions of a criminal nature to the police in the first instance. MP itself will involve the statutory authorities in appropriate matters. MP will support the police with any resulting investigation.
- 4.4.** It is normally necessary to identify the complainant to provide the respondent with a clear understanding of all allegations; this ensures procedural fairness. Where there is a good reason for concern and/ or the identity of the complainant is not material to the case or anonymity has been requested it may be possible to keep the details of a complainant confidential, but this is sometimes not possible as the complainant's identity may be apparent within the details of a complaint provided to the respondent.

### **5. Complaint reporting and initial DC actions**

- 5.1.** All complaints shall be made directly to the DC chairperson by the complainant providing a completed initial complaint form [as contained in appendix 1]. The DC chairperson must acknowledge receipt of the complaint within 48 hours of receipt via email.
- 5.2.** The DC will perform an initial assessment of the complaint to determine whether the matter falls under the jurisdiction of these procedures.
- 5.3.** If a complaint falls outside the jurisdiction of these procedures then it will be referred to the relevant organisation or MP department to be dealt with appropriately.
- 5.4.** If a complaint falls under the jurisdiction of these procedures, the DC will assess the seriousness of the complaint and may do one or more of the following:

- 5.4.1. dismiss the complaint as unfounded or as insufficiently serious to require any further action by MP. This action should only be used in extreme circumstances and only where the DC is completely confident the matter meets that description;
- 5.4.2. refer the complaint to another organization or MP department;
- 5.4.3. proceed with initial inquiries and investigation to determine whether a full investigation is necessary;
- 5.4.4. consider imposing preliminary sanctions in accordance with these procedures;
- 5.4.5. Initiate a full investigation in accordance with these procedures; or
- 5.4.6. Report the issue to the relevant statutory authority.
- 5.5. If the DC determine that the case should be dismissed, they must send a notice to the complainant and MP's committee containing:
  - 5.5.1. The name of the respondent [unless it is deemed inappropriate to do so];
  - 5.5.2. The name of the complainant [unless it is deemed inappropriate to do so];
  - 5.5.3. The date on which the complaint was received;
  - 5.5.4. The reasoning for the case being dismissed at this stage; And
  - 5.5.5. The detail of the complainants right to appeal.
- 5.6. If the DC determine that further investigation is required, they must send a notice to the respondent, complainant and committee containing:
  - 5.6.1. The name of the respondent [unless it is deemed inappropriate to do so];
  - 5.6.2. The name of the complainant [unless it is deemed inappropriate to do so];
  - 5.6.3. The date on which the complaint was received; And
  - 5.6.4. An outline of the next steps to be undertaken by the DC.

## **6. Temporary preliminary sanctions**

- 6.1. The DC may, at any time prior to the conclusion of a complaint, suspend the membership of a respondent or any part or parts of the membership rights or benefits of a respondent; there must be reasonable grounds to believe that one or more of the following apply:
  - 6.1.1. Children, young people or vulnerable adults are considered to be at risk;
  - 6.1.2. It is necessary for the protection of other persons;
  - 6.1.3. The complaint against the respondent would, if established and upheld, result in the removal of membership;
  - 6.1.4. The reputation of MP, an affiliated association or registered club could be harmed if the respondent is not suspended; or
  - 6.1.5. The continued involvement of the respondent might impede inquiries and/ or the investigation.
- 6.2. Under these circumstances suspension is not a disciplinary sanction and is only communicated by MP to third parties on a need to know basis; this information may only be shared in line with the determination of the committee.
- 6.3. The DC must maintain a clear record of those to whom the suspension has been disclosed. Disclosure is only to be made to those with a reasonable need to be aware of the circumstances.
- 6.4. Where the respondent is the subject of a temporary suspension, the CDC will review the suspension at monthly intervals and update the respondent as to the outcome. Where the temporary suspension has been in place for at least six months the

respondent has the right to request a review of the temporary suspension; a review request should be submitted to the committee in writing and include reasoning for the review. The committee shall review the temporary suspension upon receipt of the review request and communicate the outcome of the review in writing within seven days of the request having been made. The decision of the committee when reviewing the temporary suspension shall be final and is not subject to any form of appeal.

- 6.5. Support to the respondent shall be provided by the committee in the form of appropriate advice and guidance.

## **7. DC investigation**

### **7.1. The DC shall appoint:**

7.1.1. A lead DC member who, from the outset of the investigation, is responsible for carrying out, arranging and supervising the investigation as necessary. The investigator must also liaise with any statutory agencies as necessary and obtain copies of any relevant evidence/ information required for these proceedings, subject to data protection release and permission to proceed with this process; and

7.1.2. A DC hearing panel consisting of non conflicted DC members who will consider the matter.

7.2. The lead DC member must ensure that timescales for the investigation are communicated to the complainant and the respondent. As the investigation proceeds the lead DC member must update on progress every 4 weeks.

7.3. The lead DC member may request that any MP member or individual, as part of a registered or affiliated organisation, make written or oral representations to aid in the investigation. Failure to cooperate with a request to participate in an interview may itself be considered misconduct.

7.4. The lead DC member will ensure details of the complaint and any relevant additional material is shared with the respondent; should the DC determine that disclosure of specific information may place any person or persons at risk of harm, and/or may amount to a criminal offence and/or amount to an unwarranted infringement of privacy or might otherwise be unlawful.

7.5. As part of the investigation stage, the respondent and/ or complainant may be interviewed where it is necessary; this is the sole discretion of the lead DC member;

7.6. Within this stage the respondent must be given a full opportunity to provide any written representations and/ or evidence in response to the complaint, particulars of which must be provided by the DC.

7.7. The lead DC member shall collate all evidence, including any relevant information held on file by MP, and prepare a summary for consideration by the DC hearing panel.

7.8. The DC hearing panel will review the evidence produced by the investigation and may take one or more of the following actions if they determine further information is required:

7.8.1. Refer the matter back to the lead DC member for further investigation of specific areas;

7.8.2. To hold a hearing whether in person, by telephone or such other electronic communication system as may be deemed appropriate ; or

7.8.3. Request further information from the parties.

## **8. DC hearings**

8.1. In accordance with paragraph 7.8.2, the DC hearing panel shall have sole discretion as to whether a DC hearing is to take place.

8.2. The respondent will be provided with a copy of the lead DC members report and any other written material that the DC has considered, save for any material that if provided could in the view of the DC place an individual at risk of harm from any person or persons unforced slash or revealing it to the respondent may amount to a criminal offence, otherwise be unlawful or adversely impact on a police investigation. The respondent must be provided this information 7 days prior to the commencement of the hearing.

8.3. Any hearing conducted as per these procedures is not a judicial hearing and therefore any evidence will not be delivered under oath. The adjudication panel must endeavour to apply the rules of natural justice.

8.4. If the respondent fails to appear at the allocated hearing time with failure to provide appropriate reasoning the hearing may be conducted in their absence if appropriate.

## **9. DC decision and sanctions**

9.1. Once the DC hearing panel are satisfied they have all of the information they require they may take any of the following actions [for avoidance of doubt, they may take any or all of the below actions as they see fit]:

9.1.1. Refer the matter to the police, local authorities, social services or appropriate organisations;

9.1.2. Require protective measures;

9.1.3. Recommend no further action;

9.1.4. Imposed sanctions including, but not limited to:

9.1.4.1. Terminate a members MP membership;

9.1.4.2. Impose a ban on a members MP membership;

9.1.4.3. Removal of eligibility to participate in or be selected for competition or other power lifting related activity for a specified period;

9.1.4.4. Suspending or removing from office one or more officials of an organisation;

9.1.4.5. Withdrawal of some or all power lifting related membership related benefit;

9.1.4.6. Conditions relating to the respondents participation in powerlifting related activities;

9.1.4.7. First formal warning;

9.1.4.8. Final formal warning; and

9.1.4.9. Imposition of a fine payable to a sports charity to be nominated by MP.

9.1.5. Require the respondent to make improvements which may include but is not limited to:

9.1.5.1. A personal development plan;

9.1.5.2. Requirement to complete a period of mentoring and/ or monitoring and/ or supervision;



- 9.1.5.3. Requirement to prove competence for any powerlifting related activity;
- 9.1.5.4. Advice or directions on future conduct;
- 9.1.5.5. Requiring a person or organization to modify the way in which it operates;
- 9.1.6. Agreed control measures designed to limit the safeguarding risk or potential of, posed by the respondent or any other individual [subject to the full cooperation of the respondent and/ or the registered or affiliated organisation];
- 9.1.7. Require the respondent and/ or any other relevant individuals to undergo a criminal record check;
- 9.1.8. Require the respondent to undergo a risk assessment conducted by a person specified by MP;
- 9.1.9. Conclude that there is reasonable cause to believe that a child, young person or vulnerable adult, might be at risk and refer the matter to the relevant statutory agency for consideration; or
- 9.1.10. Any other action the DC thinks appropriate bearing in mind the case in question.
- 9.2. Once the DC has reached a decision it must advise the respondent, complainant and MP's committee within 14 days and provide written reasons to support the decision.
- 9.3. Where the DC choose to give reasons for the decision no appeal shall be initiated or continued solely on the ground of the adequacy of those reasons.
- 9.4. Each party shall bear its own costs [including but not limited to legal costs, scientific or other expert fees, witness costs] in connection with the complaint made or appeals brought under the procedures.

## **10. Appeals**

- 10.1. All appeals will be initially conducted within the pervuew of MP following the below procedures. Where the MP committee feels it necessary this initial appeal may be escalated to British Powerlifting for review at the sole discretion of the MP Committee.
- 10.2. The appeal panel shall be formed of at least 3 non conflicted members of the committee and/or sub committee.
- 10.3. A respondent may appeal any sanction of the DC imposed under 9.1.4.
- 10.4. The time limit set out in these procedures may be varied where appropriate and shall be determined by the appeal panel on application in writing by either party.
- 10.5. Either the respondent or complainant may appeal a decision of the DC.
- 10.6. Where either party wish to appeal a decision of the DC a written appeal notice must be submitted and the other party informed no later than 14 days after the date on which the DC's decision was sent to the parties. An appeal is normally a review of the disciplinary committees investigation and hearing; however, the appeal shall have discretion to conduct further investigation and structure the appeal as it considers appropriate.
- 10.7. The appeal panel shall conduct the appeal procedure and proceedings in accordance with the procedure and the rules of natural justice. This shall include but shall not be limited to:
  - 10.7.1. Stipulating how the appeal shall be handled;

- 10.7.2. Whether to hold a hearing in person, by telephone or such other electronic communication system as may be deemed appropriate in some circumstances if at all;
- 10.7.3. The regularity of communication to the parties.
- 10.8. The decision of the appeals panel shall be delivered in the form every written decision with reasons. In the event:
  - 10.8.1. That the appeal panel upholds the decision of the DC against the respondent, it may confirm the sanction imposed by the DC or, in using its discretion, impose other sanctions as would have been opened to the DC at the point of the investigation;
  - 10.8.2. That the appeal panel overturns the decision of the DC in relation to the respondent, the appeal panel, in using its discretion, can impose such sanction as it sees fit in line with those open to the DC to impose had it found against the respondent;
  - 10.8.3. Concerning an appeal only against the sanction imposed, the appeal panel can exercise its discretion to affirm the sanction imposed by the DC or substitute its own sanctions in place of that of the DC.
- 10.9. A copy of the decision will be sent in writing to the respondent and the complainant no later than 21 days following the completion of an appeal hearing.
- 10.10. No appeals panel will have the power to make an award of costs against either party.

## **11. General**

- 11.1. Where a complainant, respondent or witness requires adjustments to enable them to participate fairly in any aspects of the complaints or disciplinary process, the DC will consult with the individual and, where considered reasonable will ensure appropriate adjustments are made.
- 11.2. Appropriate advice and guidance will be provided to the respondent and may also be provided to the witnesses or the complainant.
- 11.3. MP shall not be liable for any travel, subsistence or accommodation costs of the respondent, complainant, or any witnesses who may be required by the respondent to attend any hearing, their advisor and/ or companion nor for any fees which may be payable to any adviser.
- 11.4. Where a respondent is under the age of 16 years, correspondence will be addressed to their parent or guardian only and they will be entitled to attend a chaperone to their child, if a complaint results in a hearing and makes such representations as the parent or guardian thinks fit on the respondents behalf.
- 11.5. Where a respondent is between 16 and 18 years, the DC will be responsible for confirming whether the respondent consents for copies of the correspondence to be provided to their parent or guardian. If a complaint results in an appeal hearing, respondents under the age of 18 are entitled to be accompanied by a parent or guardian.
- 11.6. With appropriate consideration to relevant matters of confidentiality, if any, MP's may publish, or cause to be published on its website or elsewhere, the outcome of a DC and/ or an appeal decision and will notify the complainant, respondent or other persons or organisations as appropriate of the outcome.

- 11.7. MP shall not be liable to any individual, club or organisation that is suspended or disqualified from powerlifting related activity for any loss however caused out of or in connection with the suspension or disqualification under this procedure.
- 11.8. If there are reasonable grounds to believe that a person, either individually or on behalf of an organization or body has not given full untruthful evidence this conduct may be subject to a separate charge of misconduct.

## **APPENDIX 1**

### **Complaints form**

All fields must be completed on the form below in order for the Disciplinary Committee to consider your complaint. Please provide as much detail as possible about your complaint.

You do have the right, in certain circumstances, to remain anonymous; however, this may not always be possible depending on the nature of the complaint. If you indicate below that you do wish to remain anonymous and this is not possible, the Disciplinary Committee will contact you.

Please ensure you have read the Manx Powerlifting Association Disciplinary and Complaints Procedure to understand the jurisdiction and purpose of the Disciplinary Committee. If you have any initial questions regarding whether the Disciplinary Committee is the appropriate forum for your grievance, please email the Manx Powerlifting Association at [manxpowerlifting@gmail.com](mailto:manxpowerlifting@gmail.com) in advance of filing the below.

Manx Powerlifting Association take all complaints made seriously. Members are reminded that the inappropriate filing of Disciplinary Complaints can in itself be a breach of member conduct.

NAME OF COMPLAINANT	
MEMBERSHIP NUMBER OF COMPLAINANT	
POSTAL ADDRESS OF COMPLAINANT	
EMAIL ADDRESS OF COMPLAINANT	
TELEPHONE NUMBER(S) OF COMPLAINANT	
DO YOU (COMPLAINANT) WISH TO REMAIN ANONYMOUS? IF YES, PLEASE OUTLINE WHY	
NAME OF INDIVIDUAL(S) YOU ARE COMPLAINING AGAINST	
ANY CONTACT DETAIL OF INDIVIDUAL(S) YOU ARE COMPLAINING AGAINST (IF KNOWN)	
ARE ANY OF THE INDIVIDUALS INVOLVED UNDER THE AGE OF 18	
DOES YOUR COMPLAINT INVOLVE ANY ISSUES COVERED UNDER THE MPA SAFEGUARDING POLICY?	

**OUTLINE OF YOUR COMPLAINT.**

**PLEASE PROVIDE AS MUCH DETAIL AS POSSIBLE INCLUDING (WHERE POSSIBLE) NAMES, DATES, WITNESS NAMES, EVIDENCE, MANX POWERLIFTING ASSOCIATION RULES YOU BELIEVE TO BE BREACHED AND/OR ANY OTHER INFORMATION YOU THINK WILL BE HELPFUL.**

**I confirm that the information contained on this form and provided is, in my reasonable belief, true and accurate in all regards,**

**Signed (Complainant) .....**

**Print Name .....**

**Date .....**