

# Disciplinary & Appeals Policy



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## **1. UNDERLYING PRINCIPLES**

Bedford Angling Club (BAC) believe that:

- Even if an individual has broken the code of conduct or behaved in a way that isn't acceptable or is injurious to the interests of BAC, they have an entitlement to a fair and reasonable process that is undertaken by impartial parties (or as impartial as is reasonably practicable).
- The individual is informed of the conduct under question and notified of both the process and the outcome in a timely manner.
- Procedures must be clear, consistent and transparent for every individual and readily available (published on website or provided to members).
- The process cannot imitate or replace a court of law; therefore, disciplinary procedures should not take place if statutory agencies are investigating, as this may affect these investigations.
- The individual should, where applicable, be given the right to appeal disciplinary outcomes.
- Without a clear set of policies and procedures outlining expected conduct, a fair and reasonable disciplinary procedure is impossible to achieve

## **2. ROLE OF THE ANGLING TRUST**

There may be occasions where an individual's conduct within an organisation requires a referral to the Angling Trust's safeguarding team and each referral will be assessed as to whether the concerns meet a statutory agency threshold and/or advice given as to how to follow up these concerns. However, while the safeguarding team will fulfill its role as a National Governing Body by following up these concerns and potentially referring them onto to statutory agencies, the Angling Trust's jurisdiction ends if these concerns are not deemed to meet the threshold for police, social care or Local Authority Designated Officer (LADO) involvement and/or if the person is not an individual member of the Angling Trust. It would then fall to BAC to follow their own Code of Conduct and Disciplinary and Appeals process.

The Angling Trust acknowledges that some organisations may need support in how best to respond to some conduct or concerns and the resulting disciplinary procedure. Therefore, the Angling Trust Designated Safeguarding Lead (DSL) may be available to support with responding to safeguarding concerns or certain elements of conduct and behaviour if these relate to safeguarding.

If deemed appropriate, the DSL can be invited to sit on the disciplinary panel for BAC as an impartial professional and to give advice and guidance.

The Angling Trust can be contacted by email on [safeguarding@anglingtrust.net](mailto:safeguarding@anglingtrust.net) if BAC requires any advice, guidance or require the DSL to sit on your disciplinary panel.

### **3. PROCEDURE**

Upon receipt of a complaint or other indication of actions, behaviour or conduct that falls below the standards BAC may expect of members, we will take the necessary steps to ascertain the nature of the complaint and gather information in this regard. This will include:

(a) Asking any complainant to provide evidence of the alleged complaint. Upon receipt of this BAC will determine whether there are sufficient grounds for the member to be invited to explain their conduct. If it is decided there are not sufficient grounds the matter will not proceed any further.

(b) Where it appears there are sufficient grounds to seek the member's explanations, they will be invited to attend a meeting to discuss the complaint or behaviour. At least 5 working days notice of this meeting will be provided, unless the member waives this timeframe. The member will be informed in the invitation of the conduct that is in question (this directly referencing the code of conduct). A panel should consist of an odd number of named individuals from the BAC Committee identified by the Chair (In in the event of the complaint relating to the Chair then it will be identified by the BAC Committee), and someone to chair the panel. If this is regarding a safeguarding concern BAC may invite the Angling Trust's Safeguarding Lead to be part of this panel.

(c) Subject to the nature of the complaint, the Chair of BAC may temporarily suspend the member from BAC activities or from BAC itself until the process is concluded. (In the event that the complaint relates to the Chair then this decision would be made by the Committee. This could be for example, for a safeguarding concern or potential crime. As above, this would need to be outlined in the Code of Conduct. The Angling Trust Safeguarding Lead can provide advice and guidance on this.

(d) After the member has been able to provide their explanations, the panel should consider all the facts and make a determination of the outcome. If necessary the panel should seek further information from the complainant, the member or other parties before forming their conclusion. Mitigating and risk factors should be considered in considering the outcome.

(e) The panel could decide on any of the following outcomes:

- To dismiss the complaint and close the matter.
- To apply a sanction against the member. In all instances, any sanction will be proportionate to the conduct.

Sanctions could include:

- Removal from specific roles
- Exclusion from events for a stated period
- Issue a warning in respect of the conduct
- Temporary suspension of membership for a stated period
- Termination of membership

(f) The Chair of the panel should notify the member of the outcome in writing/by email in all cases. Where the panel consider the conduct merits a sanction the notification should explain the basis of the decision and will inform the member of the route of appeal.

(g) Where a sanction is imposed this should come into effect after a set amount of time that is deemed reasonable, unless the matter relates to serious conduct in which case the sanction should apply with immediate effect.

(h) Where a sanction on a member is imposed by a disciplinary panel that member has the right of appeal. Appeals by the member should be submitted in writing within 7 days of the notification of the panel's decision. Where an appeal is received, other than in cases of serious misconduct, the sanction will be placed on hold until the appeal is concluded.

In the event that the member fails to attend for a meeting without good reason (such good reason being agreeable to the Chair of the Panel), a meeting may proceed in the absence of the member.

If BAC decides to suspend a member or exclude a member from a fee-paying activity BAC will decide what happens to the funds paid by the individual during the period the suspension/exclusions lasts for.

Where BAC decides to terminate membership the member's subscription fees will be forfeited and no refund should be provided.

#### **4. APPEALS**

Any appeal should be in writing, setting out the grounds for the appeal. The member will be invited to attend an Appeal Hearing and should take all reasonable steps to attend. A decision should be given within seven working days of the Appeal Hearing. Any appeal against termination of membership will be heard by a nominated Committee member not involved in the original decision and should be lodged with the BAC within seven days of the date of the termination of membership. The decision of the Appeal will be final. There is no further right of internal appeal.

#### **5. RECORDS**

Clear records will be kept at each stage of the disciplinary or appeal procedure and all parties involved will be given the opportunity to check their accuracy. These records must be kept confidential and retained in accordance with the Data Protection Act.

#### **4. RIGHT TO BE ACCOMPANIED TO ANY DISCIPLINARY MEETING**

Members are entitled to be accompanied to any disciplinary or appeal meeting by another organisation member or friend. Their role is to provide support to the member, not to answer questions on their behalf.