



(Founded 1878)

# Thatcham Town Cricket Club

## TTCC Disciplinary and Appeals Process v2.0

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## Revision History

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<b>V1.0</b>	Iain Cottingham	Publication of policy	8 <sup>th</sup> February 2022
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## **1 INTRODUCTION**

Thatcham Town Cricket Club (TTCC) realise that situations involving disciplinary action occur only infrequently, it is necessary nevertheless to detail the procedures to be followed to ensure that, irrespective of where or when they arise, disciplinary matters are dealt with promptly, fairly and uniformly.

It should be noted that the emphasis throughout this Disciplinary Procedure is positive, the purpose being to effect necessary improvement in conduct or behaviour standards generally, through the provision of guidance and encouragement.

The procedure supplements section 12C of TTCC's constitution and applies to all Members of TTCC, hereafter referred to as 'members'.

## **2 GENERAL PRINCIPLES**

- i) This procedure provides for the fair and equitable treatment of all members.
- ii) All disciplinary matters will be given due priority and dealt with promptly within appropriate timescales by TTCC's Disciplinary and Appeals Committee normally consisting of the Club Captain, together with two other nominated Management Committee Members, decided at the first committee meeting following the AGM.
- iii) Where appropriate TTCC's Secretary will notify the member with a written notification that a Disciplinary Hearing will take place, stating date place and time. The Disciplinary and Appeals Committee will meet to hear complaints within three days of a complaint being lodged
- iv) At each stage of the procedure every member has the right to:
  - state his/her own case (this can be done in writing)
  - and
  - be accompanied by a colleague or representative of their choice who may also speak on their behalf.
- v) Where appropriate, the opportunity will be given to the member involved to achieve and maintain acceptable standard of behaviour.
- vi) A record will be kept of all warnings issued under the formal Disciplinary and Appeals Procedure.

### **3 COUNSELLING**

- i) While not part of the formal procedure, counselling will be given where minor breaches of discipline are concerned.
- ii) Any member whose conduct is unacceptable (e.g. minor breach of Club Rules or standards) will have this brought to their attention by a nominated Committee Member.
- iii) Appropriate guidance will be provided to enable the member to achieve the required standard of behaviour.
- iv) Where no significant or sustained progress is achieved, or the breach of rules or discipline continues during a defined review period, the formal disciplinary procedure will be invoked.

### **4 FORMAL DISCIPLINARY PROCEDURE**

While the procedure comprises of three stages i.e. oral, formal written and final warning, the procedure can be initiated at ANY stage, depending on the seriousness of the behaviour / misconduct.

- i) Oral Warning. Stage 1 of the procedure is the Official Oral Warning which will only be given after discussion at the hearing.
- ii) Formal Written Warning. Where the response to an Official Oral Warning is unsatisfactory, a Formal Written Warning will be issued to the member, only after he/she has been given the opportunity to state his/her case at a further hearing. A Formal Written Warning may be issued without prior to an Oral Warning where this is deemed appropriate.
- iii) Final Warning. If following a Formal Written Warning the response is insufficient to meet the required standard of behaviour, a Final Warning will be issued. The Final Warning will be issued to the member only after he / she has had the opportunity to state his/her case at the hearing. A Final Warning may be issued without prior to an Oral or Formal Written Warning where this is deemed appropriate.

## 5 DISCIPLINARY HEARING

Any disciplinary hearing will contain the following statements:

- i) details of those present at any disciplinary hearing;
- ii) details of the complaint;
- iii) a review date by which time the required improvement / conduct should be achieved;
- iv) the person nominated to provide assistance/guidance, where appropriate;
- v) the disciplinary action taken, which could involve suspension or termination of membership;
- vi) the members right to appeal against the decision, how made and to whom.

## 6 DISCIPLINARY ACTION

Examples of disciplinary action which can be taken, depending upon the circumstances include:

- i) non team selection, for a defined period.
- ii) suspension of membership for a defined period which could include a ban from attending Club premises or activities e.g. winter nets.
- iii) termination of membership

N.B. The above is indicative of disciplinary action and is neither exhaustive nor exclusive.

As a guideline, the following match ban(s) should be expected to be imposed for any Disciplinary Complaint referred and, if appropriate, proved at a Disciplinary Hearing:

Level of On-field breach	First On-Field breach	Second On-Field Breach (within 24 months)	Third On-Field Breach (within 24 months)
1	1	2	3
2	2	4	12
3	6	12	24
4	10	20	40

Examples of offences which could constitute on-field breach are given in Appendix A.

## **7 GROSS MISCONDUCT**

In serious circumstances, or where an act of Gross Misconduct arises, it may be that suspension should take place without following TTCC Disciplinary and Appeals Process outlined in this document.

Normally the member involved will be 'suspended pending a decision' and immediate arrangements made to hold an investigation or enquiry into the matter.

While it is recognised that in cases of Gross Misconduct the member may be suspended immediately, the member will have the opportunity to state his / her case before a decision is reached.

Examples of offences which could constitute Gross Misconduct are given in Appendix A.

## **8 APPEAL AGAINST DISCIPLINARY ACTION**

- i) A member who has been advised of disciplinary action to be taken against them, whether this be suspension / termination of membership or otherwise, may appeal to the Management Committee by writing to TTCC's Secretary.
- ii) The grounds of such an appeal must be submitted within seven days following notification of disciplinary action being taken against the member.
- iii) The Management Committee has the right to request the attendance of the member at the Appeal Hearing and due notice will be given of the date, time and place of the Appeal Hearing.
- iv) Unless and until the appeal is decided to the contrary, the original decision will stand.
- v) If on appeal, the original disciplinary action is amended, the altered disciplinary action shall be implemented, and the record amended accordingly
- vi) If on appeal, the original disciplinary action is completely withdrawn, the appellant will be treated as not having been disciplined and any record of the disciplinary action will be expunged.

## 9 APPENDIX A

Examples of behaviour which could result in the disciplinary procedure being invoked include:

- threatening foul / abusive (sexist, racist, homophobic, religious and disability discrimination etc) language
- poor timekeeping / late attendance at notified team meeting times
- failure to turn up when selected and or notify the Club in reasonable time of non-availability
- misuse or failure to take reasonable care of Club or Section property or equipment
- sky-larking / horseplay (could be regarded as misconduct if the consequences for damage or injury are potentially serious)
- failure to pay Subscription or Match fees within appropriate timescales
- refusal to carry out the reasonable instructions of the Captain, Club or match officials
- failure to follow the Clubs Child Protection Policy

N.B. The above are indicative of breaches of discipline which constitute misconduct and are neither, exhaustive or exclusive.

Examples of Gross Misconduct include:

- theft or fraud
- physical violence
- disorderly or indecent conduct
- acts of, sexual, racial or religious discrimination
- sexual, racial or religious harassment
- wilfully damaging Club property, or equipment, or that belonging to other members or opponents
- criminal offences which affect the interests of the Club
- bullying or abuse of children or vulnerable adults

N.B. The above are indicative of offences of gross misconduct and are neither, exhaustive or exclusive.

Certain conduct, whether on or off the field of play, amounting to a breach of the Laws of Cricket and / or the Spirit of Cricket has been categorised into 4 levels which are set out below:

## **Level 1**

- a) Time wasting by either the fielding side or the batting side which results in a 5 run penalty or the bowler being disallowed from bowling any further in that innings in accordance with Laws 41.9 and 41.10.
- b) wilfully mistreating any part of the cricket ground, equipment or implements used in the match
- c) showing dissent at an umpire's decision by word or action
- d) using language that, in the circumstances, is obscene, offensive or insulting
- e) making an obscene gesture
- f) appealing excessively
- g) advancing towards an umpire in an aggressive manner when appealing
- h) bowling a dangerous or unfair short-pitched delivery and/or a dangerous non-pitching delivery that results in the bowler being disallowed from bowling any further in that innings in accordance with Laws 41.6 and 41.7.
- i) any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 1 offence.

## **Level 2**

- a) showing serious dissent at an umpire's decision by word or action
- b) making inappropriate and deliberate physical contact with another player
- c) charging or advancing towards an umpire in an aggressive manner when appealing
- d) deliberate distraction, deception or obstruction on the field of play under Law 41.4 or 41.5.
- e) throwing the ball at a player, umpire or another person in an inappropriate and dangerous manner
- f) using language or gesture to another player, umpire, team official or spectator that, in the circumstances, is obscene or of a seriously insulting nature
- g) causing avoidable damage to the pitch that results in a 5 run penalty being awarded under Laws 41.12.3, 41.14.3 and 41.15.3.
- h) any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 2 offence.

## **Level 3**

- a) intimidating an umpire by language or gesture
- b) threatening to assault a player or any other person except an umpire.
- c) using language or gesture that offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion or belief, colour, descent, national or ethnic origin, age, disability, gender, sexual orientation or background.
- d) Deliberately bowling a non-pitching delivery which is deemed dangerous and unfair in accordance with Law 41.7



#### **Level 4**

- a) threatening to assault an umpire
- b) making inappropriate and deliberate physical contact with an umpire
- c) physically assaulting a player or any other person
- d) committing any other act of violence
- e) using language or gesture that seriously offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion or belief, colour, descent, national or ethnic origin, age, disability, gender, sexual orientation or background.

The conduct listed in Level 1 to Level 4 above cannot be considered to be exhaustive.

**THE END**