



BOXING SCOTLAND LIMITED (BSL)
GUIDANCE NOTES ON CARRYING OUT FORMAL INVESTIGATIONS

Introduction

This document provides guidance on how to carry out formal investigations when a complaint is received concerning a member of a Member or it may be deemed that they have breached the Boxing Scotland Articles of Association, have brought the company into disrepute, have breached codes of conduct or have attempted to seek redress out with identified BSL processes and procedures.

Members of Members can be considered as coaches, officials, delegates, boxers, general volunteers that are not salaried employees of BSL.

Purpose of formal investigation

The purpose of an investigation is to carry out a fact finding exercise with the aim of determining objectively and fairly what is most likely to have occurred in the circumstances.

It should include the following actions:

- collecting evidence and statements from witnesses and confirming facts as soon as is practicable;
- giving the individual(s) an opportunity to provide their version of events;
- reviewing all the evidence;
- Reaching a decision on whether the matter should proceed to a disciplinary hearing.

Who will carry out an investigation?

The Investigating panel will comprise of a chair and two further BSL representatives who will apply fairness and objectivity.

The main duties of any BSL investigating panel are to carefully weigh up all the evidence obtained before coming to a conclusion on whether to escalate matters to a disciplinary level.

Plan and prepare

In preparation for the investigation BSL will:

- Ensure that the person under investigation has a clear understanding of the complaint/allegation(s) against them;
- Collect collate all available evidence;
- Maintain confidentiality and remind all parties involved in the investigation of the requirement for confidentiality;
- Arrange a note taker if required.

Interview preparation

BSL will allocate plenty of time for interviews, ensuring suitable meeting rooms are available and a note taker will be present.

BSL will be clear about the witnesses that will be spoken to or who will supply statements during the course of the investigation, including:

- other members of staff who witnessed / took part in the alleged incident;
- the person(s) against whom the allegation is made;
- Any other person who is identified to have information relevant to the investigation.

The witnesses should be interviewed in a logical manner.

Witnesses/complainant(s)

BSL will speak to relevant witnesses as soon as practicable after the event whilst things are still clear in their mind, and will:

- Identify precisely what needs to be established from each witness and prepare accordingly. All questions should aim to encourage witnesses to recall their version of events in their own words;
- Take care to separate facts from assumptions and opinions. It is easy for people to jump to conclusions based on what they have seen or heard, and then assume that these conclusions represent facts;
- Those giving witnesses statements should be made aware that if the case proceeds to a disciplinary hearing, their statement will be copied to the person being investigated, if considered relevant to the case. They may also be required to attend the hearing or to provide further clarification to the disciplinary panel. Anonymity cannot be guaranteed unless there is a genuine fear of reprisal;
- Notes should be made at the time of the interview and these should be agreed and signed by the person(s) the allegations have been made against as a true record. If the notes are not agreed, any differences should be noted and this should be confirmed to the individual in writing. In addition witnesses may choose to provide an additional written statement;
- It may be necessary to have an adjournment and/or to re-interview witnesses for clarification where matters are contested by the accused or there is conflicting evidence. In addition be prepared to have short breaks where witnesses become upset during the interview.

Interviewing the person(s) allegations have been made against

Before an investigative interview takes place with individual(s) that the allegation has been made against, they should be informed of the reason for the interview. Should the person(s) ask, they will be informed of the fact they have no right nor is there a requirement for them to be accompanied by a colleague or representative.

To ensure that the interview is carried out effectively and fairly, the BSL panel will:

- stick to facts and avoid making assumptions;
- point out and question any discrepancies;
- not be afraid to challenge what the individual(s) are saying;
- be careful not to express disapproval or pass judgement on the individual(s);
- make sure the whole story is uncovered;
- be prepared to have an adjournment to re-interview witnesses;
- Be careful not to allow the interview to turn into a disciplinary hearing. The purpose of an investigatory interview is to establish what happened, while the purpose of a disciplinary hearing is to consider the evidence and decide what to do about it.

Interviewing

Questions will be asked for a number of different reasons and include for the purpose of:

- gathering information,
- exploring feelings and attitudes, and observing responses
- stimulating thought and discussion
- helping the other person think something through
- clarifying an issue.

BSL will be clear about what it is trying to achieve by posing a question and will ask questions to ensure that all details are as accurate as possible.

Questioning guidelines

Types of questions BSL will ask:

- Open – to gain as much information as possible;
- Closed – to gather/check information;
- Reflective – useful for summarising;
- Probing – getting a better understanding.

Suggestions of the types of questions BSL may ask will include:

- What did you see?
- Where were you working/standing?
- Who else was around?
- What did you hear?
- How near were you?
- Could you see/hear clearly?
- Have you seen anything like this before in relation to X or anyone else?

The structure of the investigative meeting

Introduction

BSL will explain the background and context of the meeting, the importance of confidentiality in the process and the purpose and use of the notes that will be taken of the meeting.

Questioning

BSL will establish what actually happened in the particular circumstances.

Closing statement:

BS will:

- Explain the next steps;
- Advise when the investigation is expected to be completed/timings;
- Reinforce the importance of confidentiality in the process.

At the end of the interview the BSL Investigating Panel will have obtained the following information:

- The names of those present or involved;
- Date/time/place of the alleged incident/allegation;
- Details of what took place and the order of events;

- The steps that have been taken since the alleged incident/allegation including any steps taken to resolve the issue.

Recording Interviews

At no stage in the procedure can any party record a meeting, using electronic equipment. However, if individual(s) have a disability they may be allowed to record the meeting as a reasonable adjustment. Any such request should be made at least three working days ahead of the meeting.

In any event written notes will be made of the matters discussed and these will be used as the official record of the meeting.

Decision making

Once the evidence has been gathered, the Investigating Panel must make a decision as to whether there is a case to answer at a disciplinary hearing, or whether no further action will be taken. It is important to be objective and to take into account all the evidence, including the individual(s) version of events or explanation of what happened.

If it appears that a criminal offence has occurred, then consideration will be given to informing the police for further investigation.

Disciplinary Hearing

The disciplinary panel will consist of the Investigatory Panel Chairman and a further two BSL representatives who will be appointed once any matter is elevated to disciplinary proceedings.

Should the decision be taken to proceed to a disciplinary hearing the following criteria will have been met:

- the individual(s) have been informed by letter that the investigation has turned into a disciplinary hearing, and that they have the right to be accompanied;
- they have been told in advance what the nature of the complaint is;
- all the facts have been produced at an investigatory hearing, and the Investigation Panel has decided to proceed to a disciplinary hearing.

It may be appropriate to allow more time to arrange a meeting whilst necessary arrangements are made for a representative to attend the hearing at the request of the individual(s).

Should anyone who is subject to disciplinary proceedings step down from their post/position during the course of it, the action will cease unless there are extenuating circumstances which require its continuance.

Appeals

Individual(s) may appeal against the outcome of a disciplinary hearing.

The purpose of the appeal is to consider whether:

- the correct process was followed;
- there was a full and thorough investigation;
- there was a reasonable belief, based on reasonable grounds to come to the decision taken;
- the decision was reasonable in the circumstances;

All appeals must be submitted, in writing, to the Chairman of Boxing Scotland, clearly stating the grounds of their appeal.

Usually an appeal will be conducted as a review. In considering any appeal, the Chairman will have access to all the relevant documentation before inviting the appellant to a meeting to discuss the grounds of the appeal. It will then be the responsibility of the Chairman to decide the appropriate course of action. The Chairman, at his sole discretion, may pass the appeal to an appeal panel appointed by the BSL Board of Directors, which will decide to either:

- support the decision of the disciplinary panel;
- to uphold the appeal and invoke whatever sanction they deem appropriate, including full re-instatement.

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