

1.0 PURPOSE

The purpose of this document is the set out the processes for following up on complaints and the subsequent disciplinary procedures to be followed with the British Wheel of Yoga management systems.

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3.0 OVERVIEW

- 3.1 British Wheel of Yoga will investigate all legitimate complaints and code of conduct violations and will ensure that each member of the British Wheel of Yoga is afforded equal rights and guaranteed a fair and open process regarding complaints/disciplinary measures.
- 3.2 British Wheel of Yoga will investigate all complaints without prejudice and with due regard to the obligation of the organisation to ensure natural justice. All complaints will be dealt with in the strictest confidence and, where possible, the name of the complainant will not be divulged.
- 3.3 British Wheel of Yoga aim to process all official complaints and disciplinary cases in a timely, effective and transparent manner and will ensure that procedures are in place for all members to be given the opportunity to practice yoga in a safe and fair environment

4.0 CHILD WELFARE AND PROTECTION

- 4.1 As part of BWY's on-going commitment to Child Welfare and Protection it is a requirement of any teacher teaching a class to persons under the age of 18 to complete a Criminal Records Bureau (CRB) check. Failure to complete a CRB check satisfactorily may result in further action being initiated.
- 4.2 The BWY requires that all BWY Accredited Organisations adopt and implement the BWY Child Protection and Equity Policies as amended from time to time.
- 4.3 All BWY Accredited Organisations must nominate a Child Welfare Officer to advise and ensure that child welfare and protection is adhered to.
- 4.4 Concerns in relation to children may fall within one of two categories as follows
 - 4.4.1 **Child Welfare**

Relate to concerns surrounding poor practice, bullying, grooming, harassment or emotional abuse, or where there is Social Services and/or Police involvement. Where Social Services or the Police are not already involved and the concerns or matters raised are such as to warrant their involvement, the BWY will notify them of the matters which have been brought to their attention, whereupon the case file will be re-designated as a Child Protection issue. If not already notified, the LCPO will immediately be informed with regard to the concerns raised.
 - 4.4.2 **Child Protection**

Relate to concerns involving physical abuse, sexual abuse and/or neglect. This category will also include any matters which are the subject of civil or criminal investigation or proceedings and for the avoidance of doubt, any matters which are the subject of Social Services or Police investigation even where such investigations remain to be completed. The matter should be immediately referred to the RCPO who in turn should notify the LCPO. In an emergency the Police or Social Services should be contacted directly and the RCPO or LCPO informed of the contact as soon as reasonably practicable thereafter.

- 4.5 In respect of any matter which is notified to the BWY, which includes concerns relating to the Child Welfare or Child Protection categories above, the CP Referral Team may, in order to ensure the welfare and safety of the young person or other young people within yoga, suggest a temporary teaching suspension upon the teacher concerned, pending the outcome

of further enquiries and/or investigation. This may be a difficult decision which must be based on the available information that could suggest, on a balance of probability, that it is more likely than not that the allegation is true. The welfare of the child/young person/s is paramount.

- 4.6 If any teachers is temporarily suspended and during the course of the suspension BWY is informed that a breach or abuse of the suspension is or has taken place, the teacher will be given a written warning. Failure to adhere to the terms of the written warning may result in a withdrawal of that teacher's BWY membership and/or a recommendation that the teacher's name be removed from the list of approved teachers.

5.0 **INITIAL ACTION AND INVESTIGATION**

- 5.1 Upon receipt of a concern or complaint an investigation into the incident/ disclosure may be necessary. This may take the form of a criminal investigation carried out by Police and/or Social Services and/or an independent investigation by BWY. If a BWY investigation reveals a potential or actual breach of law then the BWY investigation will cease and a referral will be made to the Police and/or Social Services.

- 5.2 The investigation process may fall within one of two categories and any or all of the following actions may be instigated:

5.2.1. **Child Welfare**

5.2.1.1 A BWY investigation by the LCPO into the concerns may be actioned.

5.2.1.2 The teacher concerned may be temporarily suspended from teaching yoga pending the outcome of any investigation.

5.2.1.3 BWY membership may be temporarily suspended.

5.2.1.4 An updated Criminal Records Bureau check may be required of the teacher.

5.2.1.5 The matter may be referred to CP Disciplinary Team for consideration

5.2.2. **Child Protection**

5.2.2.1 The concerns will be referred to the Police and/or Social Services for consideration as to whether a criminal/civil investigation into the allegation will be actioned. In addition BWY reserves the right to action its own investigation.

5.2.2.2 Where it is deemed to be warranted or necessary, the teacher concerned may be temporarily suspended from teaching pending the outcome of any BWY and/or Police and/or Social Services investigation

6.0 **CHILD WELFARE and PROTECTION INVESTIGATIONS**

- 6.1 If an investigation is deemed necessary the LCPO will write to the teacher concerned asking him/her to contact the LCPO as soon as possible (this is to facilitate delivery of possibly sensitive material to an agreed address). Within 7 days, the LCPO will write further to notify him of the intention to investigate, the nature of the investigation and the reasons for this. If a temporary suspension has been imposed, the teacher will also be informed of this. (Note: This would be done only if notification would not jeopardise any Police and/or Social Services investigation or place any young person/s at risk).
- 6.2 The teacher may be temporarily suspended from teaching and BWY membership may be
- 6.3 Any investigation will be conducted as promptly as possible. The teacher concerned should, however, be aware that the length of the investigation will be dictated by the number and availability of persons to be interviewed or contacted. The BWY may appoint an independent investigator to support the investigation.
- 6.4 During the investigation process there will be regular communication between the LCPO and the teacher as to the progress of the investigation.

- 6.5 The teacher concerned should be given a written progress-update at least every 6 weeks.
- 6.6 The teacher being investigated shall not approach, intimidate or influence any witness involved in the investigation
- 6.7 The teacher concerned will be offered an opportunity to make a written submission to the CP Disciplinary Team
- 6.8 Upon conclusion of an investigation carried out by the LCPO, the LCPO will present a written report of his/her findings to the Chair of the CP Disciplinary Team, along with any written submission from the teacher, to allow them to consider the case presented to them.
- 6.9 The teacher concerned will normally be interviewed at the end of the investigation

7.0 THE CP DISCIPLINARY TEAM

- 7.1 Appointment to membership of, and removal from, the CP Disciplinary Team is governed by the procedures in Appendix 1 [see 9.0 of this system].
- 7.2 Upon receipt of the LCPO's report and/or any enquiry findings, the Chair of the CP Disciplinary Team will convene a meeting of the CP Disciplinary Team to consider the report and other information relevant to the teacher.
- 7.3 The teacher will be provided with a copy of the LCPO's written Report and any other information which is to be put before the CP Disciplinary Team unless to do so, in the view of the LCPO, would be prejudicial to the welfare and safety of the young person/s involved, or other young persons who come or may come into contact with the teacher in question. The teacher will be informed of the date of the CP Disciplinary Team meeting. The teacher will be given the opportunity to comment in writing on matters of fact and accuracy. Written submissions should be received by BWY no later than 7 days prior to the CP Disciplinary Team meeting.
- 7.4 In respect of those cases which fall within either the *Child Welfare* or the *Child Protection* category, or where the CP Disciplinary Team believe that there is sufficient concern or comment in the LCPO's Report to suggest that the teacher poses a potential or actual risk if s/he was to work or come in contact with children or young people in teaching yoga, then the CP Disciplinary Team may reach any one or more or combination of the following decisions:
 - 7.4.1 No further action is to be taken.
 - 7.4.2 A more detailed investigation is required to be carried out
 - 7.4.3 A referral is made to the Police and/or Social Services
 - 7.4.4 A risk assessment is to be carried out on the teacher concerned, at their own expense, by a suitably qualified person. In this instance the CP Disciplinary Team will consider if a temporary suspension is appropriate pending the outcome of any such investigation or may extend any existing suspension until the risk assessment is carried out. A time limit for compliance with any risk assessment should be agreed by the CP Disciplinary Team
 - 7.4.5 Recommend disqualification from teaching yoga in part or in whole either indefinitely or for a specific period of time. If the disqualification is for a specific period of time the teacher will be subject to a review by the CP Disciplinary Team at the end of the period of disqualification
 - 7.4.6 Permanently disqualify the teacher from all or any yoga teaching where the teacher's name is placed on the Sex Offenders Register by any Statutory Agency and/or Court.
 - 7.4.7 Provide a written conditional warning outlining the areas of concern or improvements required.
 - 7.4.8 Require the teachers to undergo further training (eg Sportcoach UK Good Practice and Child Protection course, Sportscoach UK Equity in you Coaching Course)
 - 7.4.9 Suspend or revoke the teacher's BWY Membership either indefinitely or for a specific period of time.
 - 7.4.10 Extend the period of any temporary suspension until such time as the teacher as the teacher concerned has complied with any training that s/he is required to undergo.

- 7.4.11 Require the teacher concerned to undergo or complete a probationary period.
- 7.4.12 Refer the teacher to the appropriate statutory agency including and not limited to, the Protection of Children Act 1999 List, the protection of Vulnerable Adults Scheme (Care Standards) Act 1989.
- 7.4.13 Reach any other decision which the CP Disciplinary Team feel is appropriate having regard to the circumstances of the case.

- 7.5 Upon conclusion of the of the CP Disciplinary Team meeting, their agreed decision (with supporting reasons) will be communicated in writing within 3 days to the teacher and their Regional Officer. The teacher will also be advised of their right of appeal against any decision made and the time limits for doing so, namely within 14 days following notification of the CP Disciplinary Team decision.
- 7.6 All ROs and County Representatives shall with the terms of any decision reached by the CP Disciplinary Team. This may include a temporary suspension or permanent withdrawal of the teacher's BWY membership. If an RO or County Rep fails to adhere to the terms of such disciplinary action, then the CP Disciplinary Team reserve the right to take appropriate action.
- 7.7 If the teachers fails to comply with decisions of the CP Disciplinary Team further action may be instigated.
- 7.8 The decision of the CP Disciplinary Team shall be communicated to the LCPO and the appropriate RO within which the complaint was received for the purpose of enforcement.
- 7.9 The decision of the CP Disciplinary Team shall be communicated to the person making the complaint.

8.0 APPEALS AND APPEAL HEARINGS.

- 8.1 All teachers have a right to appeal against the decision of the CP Disciplinary Team by giving written notification with reasons to **the CEO within 14 days** of notification of the CP Disciplinary Team decision.
- 8.2 All Appeal Hearings will follow the procedures set out in Appendix 2 of these rules.

9.0 APPENDIX 1 - CP DISCIPLINARY TEAM

- 9.1 Appointment to membership of, and removal from, the CP Disciplinary Team is made by the CEO. The CEO will only appoint a member to the team if s/he considers that the appointee is suitably qualified and experienced.
- 9.2 The CP Disciplinary Team will operate independently of the BWY Executive and Management. However, individual members of the CP Disciplinary may be members of the BWY Executive or Management.
- 9.3 The CP Disciplinary will be made up of 5 trained persons to provide a panel of 3 active members at any one time to work together on individual cases presented to the Disciplinary Team.
- 9.4 The CP Disciplinary Team will be Chair of the Education Committee.
- 9.5 Meetings may be held by telephone or decisions taken by a written resolution, signed by the 3 panel members. Where necessary, the Chair of the CP Disciplinary Team shall have a casting vote in decision-making.
- 9.6 Where a case needs to be considered, , the CEO may appoint an alternate member of the CP Disciplinary Team who may be a member of the BWY Executive or Management,

including him/herself, who will act as a temporary member for the purposes of a meeting, if insufficient members are unable to attend a meeting for quorum purposes.

- 9.7 A members of the CP Disciplinary Team may resign having given written notice to the CEO. This will have immediate effect.
- 9.8 The CEO may give written notice to a member of the CP Disciplinary Team removing them with immediate effect A member shall be removed from the CP Disciplinary Team if they have been found to have committed a Child Welfare or Child Protection offence.
- 9.9 Anyone requested to sit on the CP Disciplinary Team should declare immediately to the CEO any significant prior relationship, connection or interest which could disqualify them for any involvement.
- 9.10 Any concerns over the independence of the group on a case-to-case basis should be raised with the CEO. This can be done without fear of victimisation or reprisal. This or any other valid reason can be just cause for the CEO to request the resignation of the member from the group. This or any other valid reason can be just cause for the CEO to request the resignation of the member from the group.

10.0 APPENDIX TWO - CHILD PROTECTION APPEALS

- 10.1 **PURPOSE:** A member of the British Wheel of Yoga, including staff, voluntary or contract worker, may appeal against any disciplinary action or decision taken against them.
- 10.2 **PREPARATION OF AN APPEAL:**
 - 10.2.1 **PREPARATION OF AN APPEAL:** The member make their appeal in writing addressed to Chief Executive Officer (CEO), at Central Office addressing.
 - 10.2.2 The written submission should explain clearly and in detail the reasons why an appeal is being made.
 - 10.2.3 The written submission must be submitted within **14 days** of notification of the CP Disciplinary Team decision
- 10.3 **APPEALS PROCEDURE**
 - 10.3.1 In most cases, the CEO will hear the appeal personally but reserves the right to delegate should circumstances require. The investigation may involve an interview with the member concerned or may rely solely on the written appeals statement submitted by the member. The CEO will decide what is appropriate in each individual case.
 - 10.3.2 If the CEO wishes to appeal against a decision made against him/herself, the Management/Executive will appoint a member of that Management/Executive to hear the appeal. The investigation may involve an interview between the CEO and the member, or may rely on the member's written statement. The appointed Management/Executive member will decide what is appropriate. (NB If the CEO holds another position within the British Wheel of Yoga, such as teacher/Diploma Course Tutor, and the appeal is presented by the CEO in that alternative position, the appeal will be dealt with in the alternative position and not that of CEO.)
 - 10.3.3 In the case of a dismissal the Appeal will be heard in person. In all cases of Appeal, the member has the right to be accompanied by a witness. The member will also be able to bring new evidence to the hearing and have the right to comment on it.
 - 10.3.4 After the Appeal hearing, the member will receive the CEO's decision in writing within 14 days of the date of the hearing. This decision is final. The Regional Officer (or Line Manager for staff, voluntary or contract workers) will be informed at the same time. Whatever decision is reached, it is expected that it is accepted in goodwill by all parties.

- 10.3.5 Time is the essence in this procedure and any necessary delay by the member while pursuing the Appeal may invalidate the member's arguments. The address to write to is: The CEO, British Wheel of Yoga, 25 Jermyn Street, Sleaford, Lincs, NG34 7RU marking the envelope "**Private and Confidential: for the personal attention of the CEO**".
- 10.3.6 The CEO will acknowledge receipt of the Appeal letter.
- 10.3.7 All details and incidents of a case are to be kept confidential at all times by the CEO. The legal principle that the 'welfare of the child is paramount' means that the considerations which might apply to other situations in The British Wheel of Yoga should not be allowed to over-ride the right of young people to be protected from harm.
- 10.3.8 One set of papers relating to the CP Team's work on the case is to be submitted to the LCPO for confidential filing at Central Office.
- 10.3.9 All other related paperwork held by the CEO is to be safely destroyed by shredding and/or deleted from computer software.

NB: - Appeals procedure and conduct for hearings is based upon ACAS Disciplinary Action and Appeals Procedure, Discipline and Grievance Handling documents. ACAS is the Advisory, Conciliation and Arbitration Service. Telephone: 08457 474747

11.0 **CONDUCT OF APPEALS HEARING**

The Appeals hearing process will be conducted in the following way:

11.1 **Preparatory**

- 11.1.1 BWY will choose an appropriate venue for the hearing
- 11.1.2 BWY will ensure there is an independent Minutes Secretary present
- 11.1.3 BWY will ensure that all relevant persons have been informed and are present.

11.2 **Opening- guidance Chair of the Hearing**

- 11.2.1 Introduce those present to each other.
- 11.2.2 Explain those present to each other.
- 11.2.3 Explain the purpose of the hearing and how it will be conducted.
- 11.2.4 Explain the powers that the person or persons hearing the Appeal has/have (eg the final decision)

11.3 **Appeal**

- 11.3.1 Ask the member making the Appeal to explain why they are appealing against the decision of the CP Disciplinary Team.
- 11.3.2 Give consideration new evidence that has been produced.
- 11.3.3 Ensure the complainant has the opportunity to comment on it
- 11.3.4 Record the Appeal in minutes which shall be stored securely and confidentially at Central Office

11.4 **Summing Up**

- 11.4.1 Once the relevant issues have been thoroughly explored, summarise the facts clearly.
- 11.4.2 Call an adjournment to consider the decision.

11.5 **Adjournment**

- 11.5.1 An adjournment be called as an opportunity to review the process, if necessary.
- 11.5.2 Be prepared to overturn a previous decision if it becomes apparent that it was not soundly based.
- 11.5.3 Overturning an unfair action does not undermine authority, but makes clear the independent nature of the Appeal.
- 11.5.4 If the decision overturned indicates that teacher/manager/member/DCT training needs to be improved, clarification of such additional training must be given in writing.

- 11.6 **Decision.**
- 11.6.1 Inform the member the results of the Appeal and the reasons for the decision
 - 11.6.2 Outline any extra training measures to be taken
 - 11.6.3 Confirm the above in writing
 - 11.6.4 Make it clear that the Appeals decision is final.
- 11.7 **Appeals Procedure Monitor and Review**
- 11.7.1 After the completion of the Appeal, BWY will review procedures and amend, as necessary.

GLOSSARY

BWY	British Wheel of Yoga
CEO	Chief Executive Officer
CP	Child Protection
LCPO	Lead Child Protection Officer – deals with all matters relating to Child Protection. Forms part of the CP Referral Team (see below)
RCPO	Regional Child Protection Officer – also the BWY Regional Officer. Deals with “poor practice” and will liaise with the LCPO; may speak with the teacher concerned at the end of the investigation
CP Disciplinary Team	Chaired by Chair of Education Committee, the team consists of 5 persons to provide a panel of 3 active members at any one time, to work together on individual cases presented to the Team. They progress the case following an investigation by the LCPO.
CP Referral Team	Consists of the LCPO, BWY Chair, BWY Hon General Secretary, Independent Expert Advisor (current Head of Local Safeguarding Children’s Board). The LCPO will liaise with the CP Referral Team who will decide which route the case takes – internally (poor practice and/or suspected child abuse) or externally (suspected child abuse) via statutory agencies.