

Review Case Study

Review of a National Governing Bodies handling of a staff disciplinary issue.

Dispute background

Two NGB employees had their contracts terminated for gross misconduct following a disciplinary hearing. As a result the employees complained to the Sports Council and to the board of directors of the NGB. The Sports Council commissioned an independent review of the governance of the NGB which focussed on the fitness for purpose of the NGBs disciplinary systems and on its handling of the disciplinary process that led to the termination of the employee contracts. The Sports Council report was highly critical of the NGB and the funding of the NGB was subsequently put at risk. The NGB did not agree with the Sports Council report and commissioned Sport Resolutions to undertake an independent review of its disciplinary systems and handling of the two employees disciplinary cases.

The parties

The National Governing Body of a sport.

Sport Resolutions Service

Sport Resolutions agreed a brief for the review in conjunction with the NGB. An important requirement was for the review report to be completed within three weeks so that its findings could be reported at the NGB's forthcoming AGM alongside the Sports Council report. A leading QC in employment law was appointed to conduct the review. The NGB provided all background information, including the NGB disciplinary policies, disciplinary decisions and Sport Council report. These were reviewed by the QC who drew up a list of further documents he wished to review and a list of individuals to interview. Sport Resolutions arranged time slots for the interviews, most of which took place by telephone and video conference. A final review report with recommendations was written and sent to the NGB.

Cost to the parties

The cost to the NGB was £10,000. This reflected the fact that a senior barrister was required to put all other work on hold and to spend the best part of two weeks working exclusively on the review.

Outcome

Within three weeks of instructing Sport Resolutions, the NGB were provided with a comprehensive report, a redacted form of which was presented at the AGM.

Benefits

The NGB was able to present its own independent review report to their AGM to balance some of the perceived inaccuracies contained in the Sports Council report.

The NGB were able to use elements of the review report to refute some of the criticisms made of them.

The NGB was able to better understand and accept some of the mistakes that had been made. They were also able to identify improvements to be made in their disciplinary systems and processes.





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