

Valid From 1st September 2013

Disciplinary Regulations



Disciplinary Regulations

Introduction

Sporting excellence and enjoyment are achieved by participants and spectators through adherence to the highest moral, ethical and sporting standards. Breaches in standards must always be clearly and fairly handled in accordance with open and transparent regulations. The application of Sanctions must be consistent, relevant and proportionate.

Our mission is to establish England Netball as a top-performing, financially sustainable National Governing Body that promotes 'Netball for Life' and develops world-class athletes. One of the underlying objectives in our strategy 2013–2017 is to establish a safe, fair and inclusive sporting environment. To achieve this ambition, we must continue to engage individuals in our Sport and provide them with an enjoyable, exciting and stimulating experience. The promotion of respect, good sportsmanship, high standards of behaviour and ethics, by fairly and stringently applying transparent procedures and Sanctions where standards have not been met, are integral to a first-class participant and Member experience.

Our Codes of Conduct (published as a separate document) define the standards applicable to every Member and administrator involved in the delivery of netball.

England Netball can only take formal action Members and Connected Participants breach the standards. However, it is hoped that by applying the standards to every Member and administrator involved in the delivery of netball under England Netball's auspices, the standards defined will become generally accepted throughout Netball.

England Netball's Disciplinary Regulations are presented in the following five sections:

Section 1 – Introduction and definitions

This section introduces the Disciplinary Regulations and procedures and outlines the actions required to carry them out. It gives guidance and general information on the roles, duties and responsibilities of all those involved in Disciplinary Action.

Section 2 – Overview of the process

This section provides an overview of the process in flowcharts.

Section 3 – Regulations: making and handling Complaints

This section gives detailed instructions on what to do and expect when making, handling or being in receipt of a Complaint. It also includes information on the Appeals process, which is applicable once a Disciplinary Panel has come to a Decision.

Section 4 – Forms and extra information

This section contains standardised forms to be used during the process and additional information relevant to the different parties to ensure that the process is carried out to the correct standard.

Section 5 – Appendices

Appendix 1: Contact details

Appendix 2: Recommended Sanctions

Appendix 3: Suspension/removal of Club Action Planning Scheme Accreditation (CAPS)

The Board of England Netball formally adopted the Disciplinary Regulations on 18th May 2013 and agreed that they should come into effect on 1st September 2013. They must be considered and adopted by every Regional Association and County Association in England. While Regional Associations and County Associations may supplement the Disciplinary Regulations with additional information, these must not detract from or contradict the information contained in The Disciplinary Regulations.

It is unacceptable to behave inappropriately when playing or delivering netball in England. These documents provide a framework for the game, enabling it to continue to develop and flourish through growth in participation and Membership and to attract grant and non-grant revenue. This will inspire the current generation to continue to play whilst encouraging new and potential participants to engage with the game.

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SECTION 1 – INTRODUCTIONS AND DEFINITIONS

1. Disciplinary Regulations and Procedures

- 1.1.** The purpose of these Disciplinary Regulations ('the Disciplinary Regulations') is to provide a framework in which the All England Netball Association Limited ('England Netball') can directly or through the Regional Associations, County Associations or Clubs enforce rules, regulations, codes and policies and deal with allegations of breaches and failure to comply with these.
- 1.2.** The Disciplinary Regulations are made pursuant to the powers of England Netball to act as the governing body protecting the game of netball in England as set out in its Articles of Association. They apply to all England Netball Members and Connected Participants.
- 1.3.** England Netball's Board may add or make changes to the Disciplinary Regulations at any time, provided such changes are reported on England Netball's website and communicated to Members.
- 1.4.** The Disciplinary Regulations apply only to Disciplinary Matters and not to more general dissatisfaction, complaints, Grievances and disputes.
- 1.5.** The Disciplinary Regulations do not apply to persons employed or holding any other form of contract with a separate mechanism of recourse linked to that contract when they are acting under that contract. Those engaged by EN whether on full time, part time or zero hour (eg coach assessors) contracts are subject to a separate disciplinary procedure when undertaking these duties. However, if an employee is acting in a voluntary capacity, they must comply with the same Codes of Conduct, policies and procedures as other volunteers.
- 1.6.** The laws of England and Wales apply to the Disciplinary Regulations.

2. Wording in this document

2.1. Definitions

In the Disciplinary Regulations, the following terms shall have the meanings set out below:

Appeal means an application by a Respondent to have an Appeal Panel consider the processes, deliberations and/or Decisions of a Disciplinary Panel.

Appeal Panel means a body of three individuals drawn from the Disciplinary and Appeals Register of an Appropriate Authority which hears an Appeal. At least one of the Panel Members shall be from within the Sport.

Appellant means a Member or Connected Participant against whom Disciplinary Action has been brought who submits an Appeal.

Appropriate Authority means the level at which a complaint could be heard, this could be England Netball or County Association or Regional Association that has been delegated the power to consider Disciplinary Matters in accordance with the Disciplinary Regulations.

Board means the Board of Directors of England Netball.

Child means an individual who is under the age of 14.

Codes of Conduct means the set of behavioural standards which EN establishes as the expected minimum standards of behaviour. From time to time, an Appropriate Authorities made supplement EN's Codes of Conduct with additional standards; however, these additions must not conflict or undermine EN's Codes of Conduct in anyway.

Club means a collection of individuals that come together from time to time and form of a Netball Club by affiliating some or all of those individuals to England Netball; at this point, the club itself will be admitted by the Board as Members.

CMG means the Case Management Group(s) which are any group established by the Board from time to time to oversee disciplinary and safeguarding cases in progress at the National Governing Body level.

Competition means occasions where a number of teams/Clubs compete together in a formal or informal structure, often with a winning team and/or relegation or promotion aspects. This can be for a social purpose, played for fun or of a more competitive nature. Competition can be held at a home or away venue, or at a central venue, festival or tournament and include those organised by England Netball.

Complaint means a formal expression of dissatisfaction with the actions or behaviour of a Member or Connected Participant or with alleged unfair practice in connection with the Sport.

Complainant means person who submits a written Complaint to an Appropriate Authority. The Complainant will be required or directed to attend any Disciplinary Panel or Appeal Panel Hearing.

Connected Participant means any person who from time to time participates in netball by way of being a volunteer serving on the England Netball Board or a Regional Management Board, or a County Committee or Regional and County Associations' technical or sub groups. For the avoidance of doubt, the Codes of Conduct and Disciplinary Regulations apply to Connected Participants involved in the Sport, including Non-Executive Directors of England Netball and Members of the Regional Management Board and County Association and their technical/sub groups, and other volunteers, regardless of whether they are a Member or not.

Conflict of Interest means a situation in which an individual has competing interests or loyalties or there may be a perception of or actual bias.

Confidential Information means any information supplied or disclosed that is confidential or secret in nature and is supplied in such a way as to impart a duty of confidence.

County Association (County) means an association of leagues, Clubs, groups and schools as determined by the Board in accordance with the Memorandum of Association or the Articles of Association or other Membership regulations.

County Committee means the lead committee under which the County Association is governed.

Decision means the result of a Panel's deliberations, arrived at by a majority.

Disciplinary and Appeals Register means an Appropriate Authority's list of individuals all of whom are appropriately trained/experienced in the application of England Netball/Regional Association/County rules, regulations, codes and policies (in particular, the Disciplinary Regulations), and may be appointed from time to time to an Investigation Panel, Disciplinary Panel or to an Appeals Panel under the

Disciplinary Regulations. For the avoidance of doubt, where individuals on the Register are involved in any capacity at any level in relation to a particular case, they shall not participate further in that case, even though they remain a Member of the Disciplinary and Appeals Register. From time to time, the Disciplinary and Appeals Register can be supplemented by an appropriately qualified independent individual.

Disciplinary Action means proceedings, or part thereof, in accordance with the Disciplinary Regulations

Disciplinary Case means the Disciplinary Matter which is alleged against a Respondent

Disciplinary Charge means the allegations made against the Respondent which are being investigated by the Disciplinary Panel

Disciplinary Hearing means a consideration of and determination of the evidence relating to a Disciplinary Case, by a Disciplinary Panel, in accordance with these Regulations.

Disciplinary Matter means inappropriate, incorrect, improper or unlawful conduct, any breach of the Disciplinary Regulations, the rules, regulations, codes, bye-laws, policies or licence schemes imposed by England Netball on any Member from time to time, or any conduct which is detrimental to the interests of the Sport.

Disciplinary Panel means a body of three individuals drawn from the Disciplinary and Appeals Register of an Appropriate Authority to hear any given Disciplinary Matter under the Disciplinary Regulations. A minimum of one of the Panel Members shall be from within the Sport.

Disciplinary Procedure means any action taken in respect of a Complaint made under the Disciplinary Regulations and processed in accordance with them.

Disciplinary Secretary means the person nominated by an Appropriate Authority and appointed internally to acknowledge Complaints, maintain the Disciplinary and Appeals Register and handle all administration matters concerning the operation of the Disciplinary Regulations for that body, including communicating the Decisions of the Investigation, Disciplinary or Appeal Panels to all parties. The Disciplinary Secretary must receive England Netball training every two years in order to continue in the role.

England Netball (EN) means the All England Netball Association Limited, a private company limited by guarantee and registered in England with the registered number of 1698144.

Grievance means an informal expression of dissatisfaction with the actions or behaviour of a Member or Connected Participant. The individual raising a Grievance will not wish to follow formal Disciplinary Procedures for the Grievance but wants to resolve the situation informally. Procedures for informal resolutions of Grievances are not set out in the Disciplinary Regulations and will be left to the discretion of the organisations or individual receiving the Grievance.

Hearing means a consideration of evidence submitted by the parties to a Complaint by Disciplinary or Appeal Panels appointed in accordance with the Disciplinary Regulations.

Independent Person means a person with expert knowledge and understanding of a particular field, who has no vested interest in the outcome of a Disciplinary Matter, who is called on to provide information to assist a Panel in making its Decision.

INF is the International Netball Federation.

Interim Suspension means a suspension, restriction or condition placed on a Respondent by an Investigation Panel, up to the conclusion of the Disciplinary Hearing, that is until the Decision has been communicated to all parties or by the Disciplinary Panel until the conclusion of an Appeal Hearing.

Investigation Panel means a body of up to three individuals drawn from the Disciplinary and Appeals Register of an Appropriate Authority to investigate whether a Complaint on first sight of the evidence appears to be *Prima Facie* and disclose a case to answer and should be referred on to a Disciplinary Panel under the Disciplinary Regulations.

Lead Child Protection Officer means the England Netball Compliance and Inclusion Manager or any other individual responsible for national Child, Young Person and Adult at Risk protection and equality issues at England Netball.

Mediate means an act between parties to effect an agreement, compromise or reconciliation.

Mediator means the person appointed to Mediate between parties.

Member means any individual or organisation appointed as a Personal or Group Member in accordance with England Netball's Articles of Association. Where an organisation is a Member, the leader of the organisation (usually the Chairman of the management group/committee) will be held to account on behalf of the organisation; Sanctions (including Interim Suspensions) resulting from the Disciplinary Procedure may be applied to the organisation.

National Governing Body means England Netball.

Originating Authority means the Appropriate Authority in which a Complaint first arises

Prima Facie means at first sight, before closer inspection. A Prima Facie Complaint is a legitimate Complaint on first inspection but which could on scrutiny of the evidence turn out not to be a Disciplinary Matter.

Recorder means a person appointed to make a record of the proceedings at a Hearing;

Regional Association (Region) means an association of County Associations as determined by the Board, in accordance with the Memorandum or the Articles or the Membership Regulations.

Regional Management Board means the lead committee under which the Regional Associations are governed.

Regulations (the Disciplinary Regulations) means the England Netball Disciplinary Regulations and any amendments or updated versions thereof that may be made from time to time.

Respondent means any Member or Connected Participant against whom Disciplinary Action is brought in accordance with the Disciplinary Regulations.

Sanction means a restriction or condition placed on a Respondent by a Disciplinary Panel.

Social Media means media designed to be disseminated through social interaction, using highly accessible and scalable publishing techniques. Social media use internet and web-based technologies to communicate with one another and receive news, information and entertainment. Types of Social Media include networks like Facebook, YouTube, Blackberry Messenger and also blogs and podcasts.

Sport means the game of netball or any versions of the game that is recognised and governed by England Netball and all the requirements necessary to deliver the Sport.

Adult at Risk means an individual aged 18 years or over 'who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation' [source: *No Secrets*, 2009].

Working Day means a day not being a Saturday, Sunday or public holiday.

Young Person means an individual who has attained the age of 14 and is under 18 years of age.

2.2. Interpretation

2.2.1. Words denoting the singular number include the plural number and vice versa, and words denoting the feminine gender shall include the masculine gender.

2.2.2. Headings are inserted for convenience only and do not affect the construction of the Disciplinary Regulations.

2.2.3. The word 'shall' is mandatory and the word 'may' is permissive.

2.2.4. Any Disciplinary Charge, Decision, notice or other document required to be served or sent for the purposes of the Disciplinary Regulations may be delivered by hand or sent by prepaid post addressed to the last known place of residence, using first-class mail, first-class recorded delivery, special delivery or electronic mail. Care must be taken to ensure that all documentation served should be done in a secure manner.

2.2.5. Service of a document sent by post shall be deemed to have been effected at the end of the second Working Day following the day of posting and, in proving a document was so sent, it shall be sufficient to prove with a receipt of posting that the envelope containing it was properly addressed, prepaid and posted. Service of a document sent by electronic mail shall be deemed to be effected immediately, it shall be sufficient to prove with a copy of the sent email properly addressed and dated; for the avoidance of doubt, there must be adequate evidence to show that the email has been sent.

2.2.6. Proceedings, findings or Decisions of an Investigation, Disciplinary or Appeal Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless this raises a material doubt as to the reliability of the proceedings, findings or Decisions of the Investigation, Disciplinary or Appeal Panel.

2.2.7. The Disciplinary Regulations may be amended by the Board from time to time, with such amendments coming into effect on the date specified by England Netball and notified on EN's website.

2.2.8. If any part of the Disciplinary Regulations is held invalid, unenforceable or illegal for any reason, they shall remain in force apart from that part, which shall be treated as if it had been deleted to the extent to which it is invalid, unenforceable or illegal.

3. What constitutes a Disciplinary Matter?

3.1. A Member or Connected Participant shall be liable to Disciplinary Action in accordance with the Disciplinary Regulations for Disciplinary Matters, namely if their conduct is inappropriate, incorrect, improper, unlawful or unsporting and/or has the potential to bring the Sport, Members, Connected Participants or officials into disrepute. While it is not possible to set out a definitive list of the types of conduct this applies to, each of the following types of behaviour, without limitation, is an example:-

3.1.1. Any breach, failure, refusal or neglect to comply with EN's Code of Conduct.

3.1.2. Any breach, failure, refusal or neglect to comply with a provision of the Memorandum of Association or the Articles of Association, any other resolution or determination of the Board or any committee of England Netball.

3.1.3. Any refusal or neglect to comply with the rules and regulations of INF, European Federation, England Netball and/or a Regional Association or County Association.

3.1.4. Any Member or Connected Participant failing or refusing to comply with a Disclosure and Barring Service (DBS) disclosure request in accordance with EN's Safeguarding Policy.

3.1.5. Any conduct that is disgraceful or opposed to the general interests of England Netball, a Regional or County Association or the Sport.

3.1.6. Any breach of England Netball's Equality Policy and guidelines or the Anti-Bribery policies and guidelines, or any terms of reference, rules, codes of conduct, regulations or other policies of England Netball and/or a Regional or County Association.

3.1.7. Behaviour that is otherwise considered unacceptable and contrary to the standards of behaviour or conduct expected.

3.1.8. In the main, On-Court behaviour is dealt with by the officiating umpire during the game or under the rules and regulations of the Competition following the game. However, certain on-court offences may also be the subject of action under the Disciplinary Regulations. Examples of on-court misconduct which may be heard under The Disciplinary Regulations are:

3.1.8.1. A player has been suspended, under the rules or regulations of the game or Competition, on three occasions in any league or tournament or other Competition during a season;

3.1.8.2. Where the behaviour is repeated or serious;

3.1.8.3. An umpire or match official suffers any form of abuse or coercion (including intimidation, threats or violence) from anyone (including but not limited to a player, team official or Club official); this applies to both on- and off-court incidents;

3.1.8.4. A player, umpire or official has used obscene, offensive, insulting or abusive language and/or gestures, or used violent conduct, or has violated the principles of fair play, or whose behaviour is unsporting in any other way;

3.1.8.5. Any act of discrimination through words or actions concerning ethnic origin, colour, race, nationality, religion, age, gender, sexual orientation or disability;

3.1.8.6. Any other conduct which, in the opinion of the Appropriate Authority, is prejudicial to the best interests of the Sport or England Netball or the Regional or County Associations.

3.1.9. An Officiating Umpire may submit a Complaint if they have ordered a player off the court and they believe the incident was so serious that further action is warranted.

3.1.10. For the avoidance of doubt, a person may be sanctioned under the Disciplinary Regulations if the Officiating Umpire has already penalised the Respondent under the rules of the game. There may be sufficient evidence for such a matter to proceed on the match cards completed and returned by the Officiating Umpire and the Umpire will act as Complainant.

3.1.11. Where a Member or Connected Participant, directly or indirectly, agrees, offers, agrees to give, solicits, agrees to accept or accepts any bribe, gift or reward or consideration of any nature that is or

could appear to relate in any way to seeking to influence the outcome or conduct of a match or Competition in a manner contrary to sporting ethics.

3.1.12. Where a Member or Connected Participant bets, either directly or indirectly, or instructs, permits, causes or enables any person to bet on the result, progress or conduct of any netball match or Competition in which the Member or Connected Participant is participating or has participated in that season, or in which the participant has any influence, either directly or indirectly.

3.1.13. Where Members or Connected Participants of a Club are found guilty by Disciplinary Panels on more than three separate occasions in any one year, that Club may be investigated and charged on the basis that it has a bad disciplinary record.

3.1.14. Where the Member or Connected Participant has been convicted of a criminal offence that directly or indirectly relates to the playing, administration or the image of the Sport

3.1.15. All Members and Connected Participants have a duty to assist and are obliged to comply with and respond (within a stipulated time scale) to reasonable enquiries, requests or orders for information or evidence by an Investigation, Disciplinary and/or Appeal Panel or the Disciplinary Secretary; failure to do so may constitute a Disciplinary Matter.

3.1.16. Failure by a Member or Connected Participant to report to an Appropriate Authority all facts, incidents or matters that may constitute a Disciplinary Matter, a safeguarding matter or are likely to bring the game of netball, England Netball, Regional or County Association into disrepute.

3.1.17. Any improper contact, approach or attempt to influence or intimidate a Panel Member established under the Disciplinary Regulations; the Disciplinary Secretary, Complainant, Respondent, any witness or representative either in person, in writing or through an intermediary.

3.1.18. Any breach of or non-compliance with the Disciplinary Regulations including Sanctions and Interim Suspensions.

4. Jurisdiction and power

4.1. The Board delegates to the Appropriate Authorities, subject to Regulations 4.1.5, the full power and jurisdiction to act in relation to all Disciplinary Matters, including the power to hold investigations and impose Sanctions, and take such action as it sees fit, in accordance with procedures set out by England Netball.

4.1.1. The power and jurisdiction is delegated by the England Netball Board and shall be in respect of and in relation to all current Members and Connected Participants or to Members and Connected Participants at the time the incident being reviewed as a Disciplinary Matter occurred.

4.1.2. The conduct of any Hearings held under the Disciplinary Regulation shall be determined by the Chairman as appointed by the Disciplinary Secretary. The recommended procedure, for the Chairman's reference, is set out later in this document.

4.1.3. Any Panel established under the Disciplinary Regulations in relation to a potential Disciplinary Matter shall have the power to require any Member or Connected Participant, upon reasonable notice, to supply any further information required, including providing observations, documents or other material

and/or attending one or more interviews, which may be recorded, in order to enable the Panel to carry out their role.

4.1.4. England Netball excludes from the delegation to the Appropriate Authority, the jurisdiction and authority to act in respect of:

4.1.4.1. Allegations of breach of the UK Anti-Doping Regulations: England Netball has adopted unconditionally the UK Sport Anti-Doping Rules and all matters regarding doping shall be dealt with under these rules. Further information on all matters relating to Anti-Doping regulations may be found at www.englandnetball.co.uk or by contacting the England Netball's Compliance and Inclusion Manager.

4.1.4.2. Allegations against Children, Young People and Adults at Risk: Allegations in relation to these individuals are dealt with under England Netball's Safeguarding and protecting Young People in Netball and Adults at Risk guidelines, procedures and policies. Further information on all matters relating to the welfare of Children, Young People and Adults at Risk may be found at www.englandnetball.co.uk or by contacting England Netball's Compliance and Inclusion Manager.

4.1.4.3. On the request or recommendation by the police any action to be brought under the Disciplinary Regulations may be suspended until the outcome of the criminal investigation is determined. All Disciplinary Matters involving the Police must be referred to England Netball's Compliance and Inclusion Manager.

4.1.4.4. Persons or organisations employed or holding any other form of contract with a separate mechanism of recourse linked to that contract when they are acting under that contract.

4.1.4.5. Overturning the outcome of a game; outcomes of games will be determined in accordance with the specific Competition rules and regulations.

4.1.5. An Appropriate Authority should not handle a Disciplinary Matter where:-

4.1.5.1. It is the subject of the Disciplinary Matter in question;

4.1.5.2. It has made the Complaint being considered;

4.1.5.3. That Appropriate Authority is in any way subject to a Conflict of Interest that may prejudice how it handles any aspect of the Disciplinary Matter, in which case the Appropriate Authority may contact another Appropriate Authority at either the same level or higher to deal with the Complaint;

4.1.5.4. The matter is considered sufficiently serious to warrant transfer to a higher Appropriate Authority, including to England Netball. For the avoidance of doubt, any Disciplinary Matter relating to or involving a County Association or Regional Association must be transferred to a higher Appropriate Authority.

4.2. The Investigation Panel has the right to impose a fine of up to £100 on the Complainant for frivolous, vexatious and/or malicious Complaints and further Sanctions and/or fines for persistent Complaints resulting in no case to answer.

4.3. Disciplinary Cases should be dealt with at the most local and suitable level and should only be advanced upwards from County Association to Regional Association and from Regional Association to England Netball if individual circumstances warrant this transfer.

4.4. Appeals against Disciplinary Action taken by County and Regional Associations should be dealt with at the most local and suitable level above the one which heard the Disciplinary Case. Appeals against Disciplinary Action taken by the County Associations should be dealt with by the Regional Associations and Appeals against Disciplinary Action taken by the Regional Associations should be dealt with by England Netball. Appeals against Disciplinary Action taken by England Netball will normally be heard by a Panel consisting of at least one Board Member. If an independent Appeal's Panel cannot be

formed by England Netball under this mechanism, independent external Panel Members will be sought at the discretion of the Disciplinary Secretary.

5. Grievances

5.1. Before embarking on formal procedures under the Disciplinary Regulations, it is worth considering whether a matter may be resolved informally as a Grievance. This will cost less in terms of time and resources and may stop a matter spiraling unnecessarily into a larger issue. If the two parties feel they can amicably resolve the issue, they are encouraged to do this. However, if either or both parties feel they would benefit from having an impartial Mediator, the Appropriate Authority may assist in the appointment of a Mediator if both parties believe this will help them resolve the Grievance informally.

5.2. The Appropriate Authority shall discuss any costs relating to Mediation with those involved prior to appointing a Mediator.

5.3. Both parties shall be bound to accept the Mediated agreement as final before the process begins. Both parties should thus be wholly content that the Mediator is knowledgeable and independent.

6. Panels formed under Disciplinary Procedures

6.1. No Member of the Investigation, Disciplinary or Appeal Panel may be directly or indirectly connected with any named party involved in the specific Disciplinary Matter being heard. Each Member of the Investigation, Disciplinary or Appeal Panel has a duty to declare any potential or actual Conflict of Interest.

6.2. Individuals on the Disciplinary and Appeals Register and the Disciplinary Secretary must receive England Netball training at least once every two years. These individuals will remain on this register until:

- 6.2.1. receipt of their resignation in writing to the appropriate Disciplinary Secretary;
- 6.2.2. non-completion of mandatory training or
- 6.2.3. the individual has been unavailable to participate on a Panel on 5 consecutive requests;
- 6.2.4. the Appropriate Authority writes to the individual and notifies them of their removal from this register. This decision is final and not subject to any Appeal.

6.3. Each Member of the Panel must:-

- 6.3.1. Have no personal interest in the outcome of proceedings (other than to see that the Decision is fair) and have no previous knowledge of or involvement with the matter under consideration;
- 6.3.2. Not be related to the Disciplinary Secretary;
- 6.3.3. Deal with cases consistently and fairly in accordance with standard procedures;
- 6.3.4. Be careful and thorough in their consideration of the evidence and procedures at the Hearing;
- 6.3.5. Give every assistance and latitude to the Respondent in presenting their submissions, in the interest of achieving a just and fair result;
- 6.3.6. At all times, observe the rules of natural justice relating to the conduct of the Hearing process;
- 6.3.7. Consider all the evidence before them and arguments made, before arriving at a Decision;
- 6.3.8. Make their Decision based on evidence relevant to the charge;

6.3.9. Act in a non-discriminatory manner.

6.4. Each Member of the Panel must not:-

6.4.1. Be a friend or relation of a party or a witness in the case, nor be prevented, by personal experience, from bringing an objective judgment to bear on the case;

6.4.2. Allow extraneous considerations to affect the Decision;

6.5. Any Member of an Investigation, Disciplinary or Appeal Panel who is approached improperly is bound to notify the Chairman of that Panel immediately and shall be required to stand down at the discretion of the Chairman.

6.6. All Members of a Panel must respect the trust placed in them and shall ensure that everything disclosed to them in connection with a Disciplinary Matter remains confidential (including the facts of the case, evidence, witness statements and contents of their deliberations). Only the contents of those Decisions already notified to the parties involved may be made public, as determined by the Disciplinary Panel at the conclusion of the Disciplinary Action.

6.7. Panels may come together as and when they consider appropriate outside the Disciplinary Hearing in order to review and agree documentation or procedure.

7. Guidance for cases involving Children, Young People and Adults at Risk

7.1. All matters concerning Children, Young People and Adults at Risk, including 'poor practice', abuse and bullying, must be referred to England Netball's Compliance and Inclusion Manager; Disciplinary Matters relating to the protection of Children, Young People and Adults at Risk are not handled by reference to the Disciplinary Regulations but are dealt with under the Safeguarding Disciplinary Regulations.

7.2. Children, Young People and Adults at Risk in England Netball have equal rights to justice, fair play and protection. They shall be entitled to the full protection of all England Netball's policies and procedures, and their Complaints shall be dealt with as thoroughly and rigorously as those of any other Members or Connected Participants.

7.3. The Compliance and Inclusion Manager must be referred to in every instance where Children, Young People or Adults at Risk are involved in Disciplinary Matters, whether as Complainant, Respondent, witness, or in any other capacity.

7.4. It is vital to recognise that some Children and Young People may be more vulnerable than others of a similar age; some regretfully may encounter additional barriers due to their race, gender, age, religion, disability, sexual orientation, political belief, social background or culture. Investigation, Disciplinary and Appeal Panels, particularly the Chairman, must at all times be mindful of the demands that such vulnerability may impose and adjust the format of proceedings where appropriate.

- 7.5.** In appropriate cases where Children, Young People or Adults at Risk are witnesses, care should be taken regarding the provision of evidence. The Panel must have a Member who is informed/trained about dealing with the demands that potential vulnerabilities may impose. Under no circumstances, should the Panel Chairman allow undue pressure or any form of hostility to take place at the Hearing or in the presence of a Child, Young Person or Adult at Risk.
- 7.6.** Interviews of Children, Young People and Adults at Risk shall only be conducted by suitably trained and experienced persons nominated by the England Netball Compliance and Inclusion Manager. Wherever and whenever possible, the acceptance by the Respondent and/or Appellant of a Child, Young Person or Adult at Risk's evidence via a third party or in written statement form should be sought by the Panel Chairman.
- 7.7.** In all cases, written permission must be obtained from the parent or guardian before a Child, Young Person or Adult at Risk (who does not have capacity) is asked to provide evidence to and/or attend a Hearing.
- 7.8.** Parents, guardians or chaperones must accompany any Child, Young Person or Adult at Risk (who does not have capacity) required to attend a Hearing. The Panel Chairman must at all times be patient, understanding and ensure that the Child, Young Person or Adult at Risk fully understands the process taking place at each stage.
- 7.9.** Those involved in proceedings must always be mindful that mishandling of a Child, Young Person or Adult at Risk's experience of giving evidence can in itself be stressful, and in some cases can be deemed as abusive.
- 7.10.** In any proceedings involving a Child, Young Person or Adult at Risk, the Chairman of the Panel may instruct that the name of that person must be removed from any publicity of the case.

8. Confidentiality

- 8.1.** All information provided in relation to the Disciplinary Procedure shall be regarded as Confidential Information and be kept securely by all those involved in the process, including the Complainant and Respondent and Members of a Panel. Failure to respect the confidential nature of the Disciplinary Procedure could result in Disciplinary Action against the person breaching confidentiality.
- 8.2.** When an individual is dealing with a Complaint, they are doing so not as an individual in their personal capacity but as part of the Disciplinary Regulations. At times, it may be appropriate to share such information with those involved in the process. This will not be classified as a breach of confidentiality.
- 8.3.** Information resulting from the Disciplinary Procedure will be disclosed if required by law or if it is a safeguarding issue. Decisions of Disciplinary Panels and Appeal Panels may be disclosed to relevant parties, on the England Netball website or other England Netball publications.

9. Record Keeping and Data Retention Policy

- 9.1.** England Netball's Data Protection Policy sets out its commitment to protecting personal data; all personal data held with regards to the Disciplinary Action must be held in accordance with England Netball's Data Protection Policy and the Data Protection Act 1998.
- 9.2.** For the purposes of lesson learning, and for consideration in any further relevant Disciplinary Matters, England Netball will retain a summary record of all reported Disciplinary Cases for two years (or longer if so directed by the Disciplinary Panel) from the conclusion of the Disciplinary Action including any Appeal. On completion of the Disciplinary Process, the Disciplinary Secretary of the Appropriate Authority must forward any documentation pertinent to the summary record of the proceeding to the England Netball's Compliance and Inclusion Manager to be held on file at the conclusion of any Appeal period. All other documentation must be securely destroyed.
- 9.3.** The Disciplinary Panel will determine how long any offences found should be retained on record, including Sanctions, correspondence, documents, evidence, witness statements and records of the Hearing. Guidance relating to the Data Retention Period is included in Appendix 2.
- 9.4.** After two years, or the period recommended by the Panel (if longer), all records of the Hearing shall be destroyed and any Sanction shall be expunged from the record of the Member or Connected Participant.
- 9.5.** Summary records relating to life time bans will be kept in perpetuity.

10. Miscellaneous

- 10.1.** The Appropriate Authority will, where it is considered to be sufficiently serious, refer the matter to the police, social services or other agencies for investigation, and it should consult with the police, social services or other agency about whether they require or recommend postponing or delaying consideration of the matter, in accordance with the Disciplinary Regulations, until their investigation has been concluded. The same procedure should be followed where the police or social services are already involved with the Complaint before the Appropriate Authority became involved under the Disciplinary Regulations.
- 10.2.** No Member or Connected Participant should allow or enable a suspended Member or Connected Participant to take part in any activity associated with netball. Likewise, a suspended Member or Connected Participant shall not take part in a netball activity with another Member or Connected Participant.
- 10.3.** All fines and financial Sanctions should be paid within 28 days from the notice of the fine or financial sanction being applied or this failure to pay will be classed as a Disciplinary Matter and membership to England Netball will be suspended immediately. Interest shall be paid at the rate applicable to judgment debts in England from the end of the 28 day period until the actual date of payment.
- 10.4.** England Netball accepts no liability for any financial or reputational loss arising from the Decision taken during the Disciplinary Action.

- 10.5.** Two or more parties or Complaints may be dealt with at the same Disciplinary Hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents. The Chairman of the Panel will modify the procedures adopted at the Disciplinary Hearing as appropriate.
- 10.6.** In the event that a particular incident occurs for which there is no provision in The Disciplinary Regulations, the Disciplinary Secretary will refer the matter to the Chairman of the Panel who will take such action as they consider appropriate in the circumstances. All matters shall be dealt with in accordance with general principles of natural justice and fairness.
- 10.7.** The timescales contained in the Disciplinary Procedure set out in the Disciplinary Regulations will be adhered to wherever practical. England Netball recognises that a considerable element of the Sport is delivered through volunteers and therefore some flexibility may be required when applying timescales. If the Appropriate Authority, Investigation, Disciplinary or Appeal Panels fail to adhere to the timescales set out in the Disciplinary Regulations it will not invalidate the Disciplinary Procedure and only unreasonable delays could be used as grounds for Appeal. All parties connected to the Complainant or the Respondent must comply with the timescales set out in this document.
- 10.8.** Deemed consent to forward a Complaint to another Appropriate Authority is implied by instigating Disciplinary Action under the Disciplinary Regulations.

SECTION 2 – OVERVIEW OF PROCESS

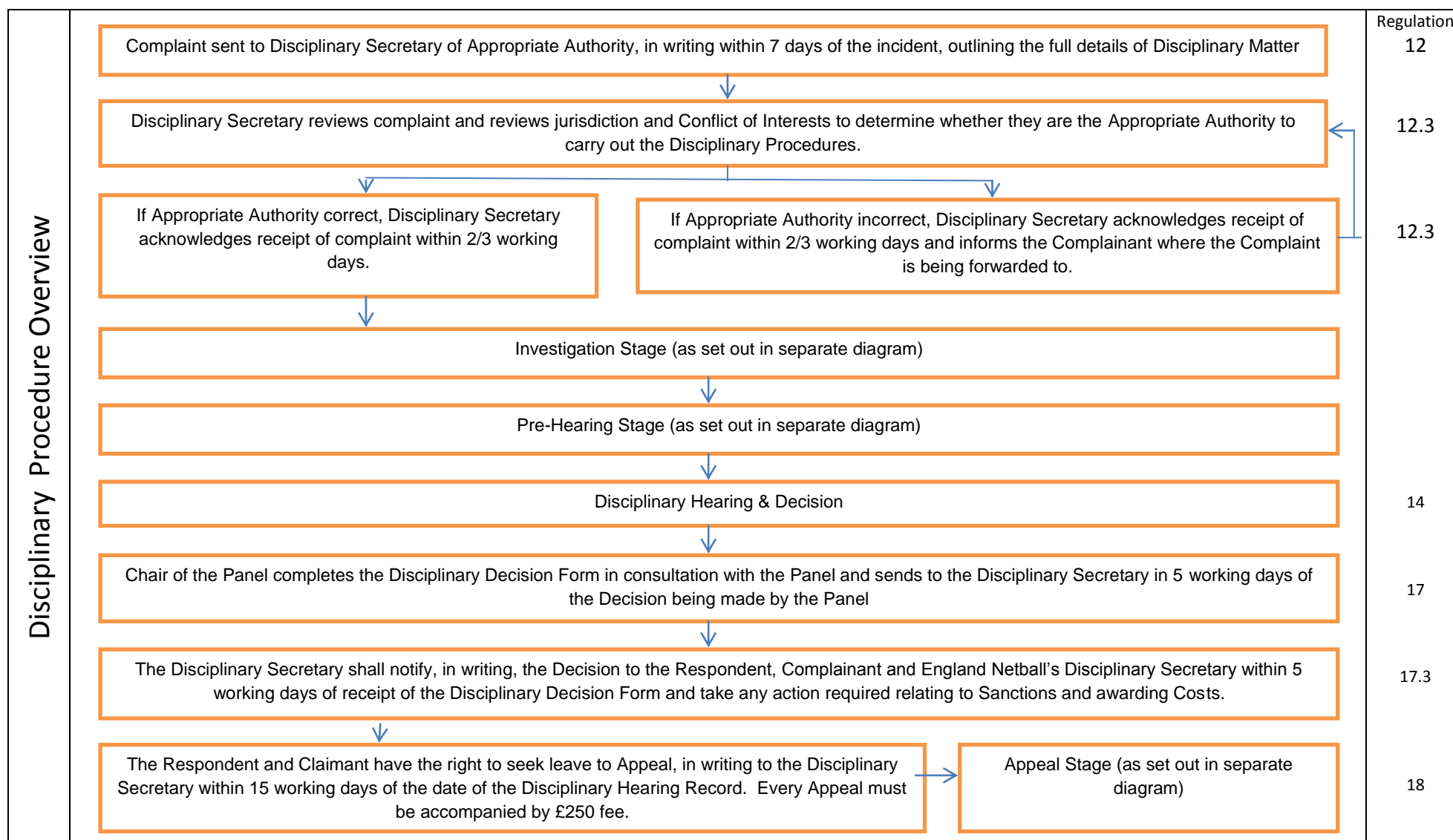
11. Summary of procedures

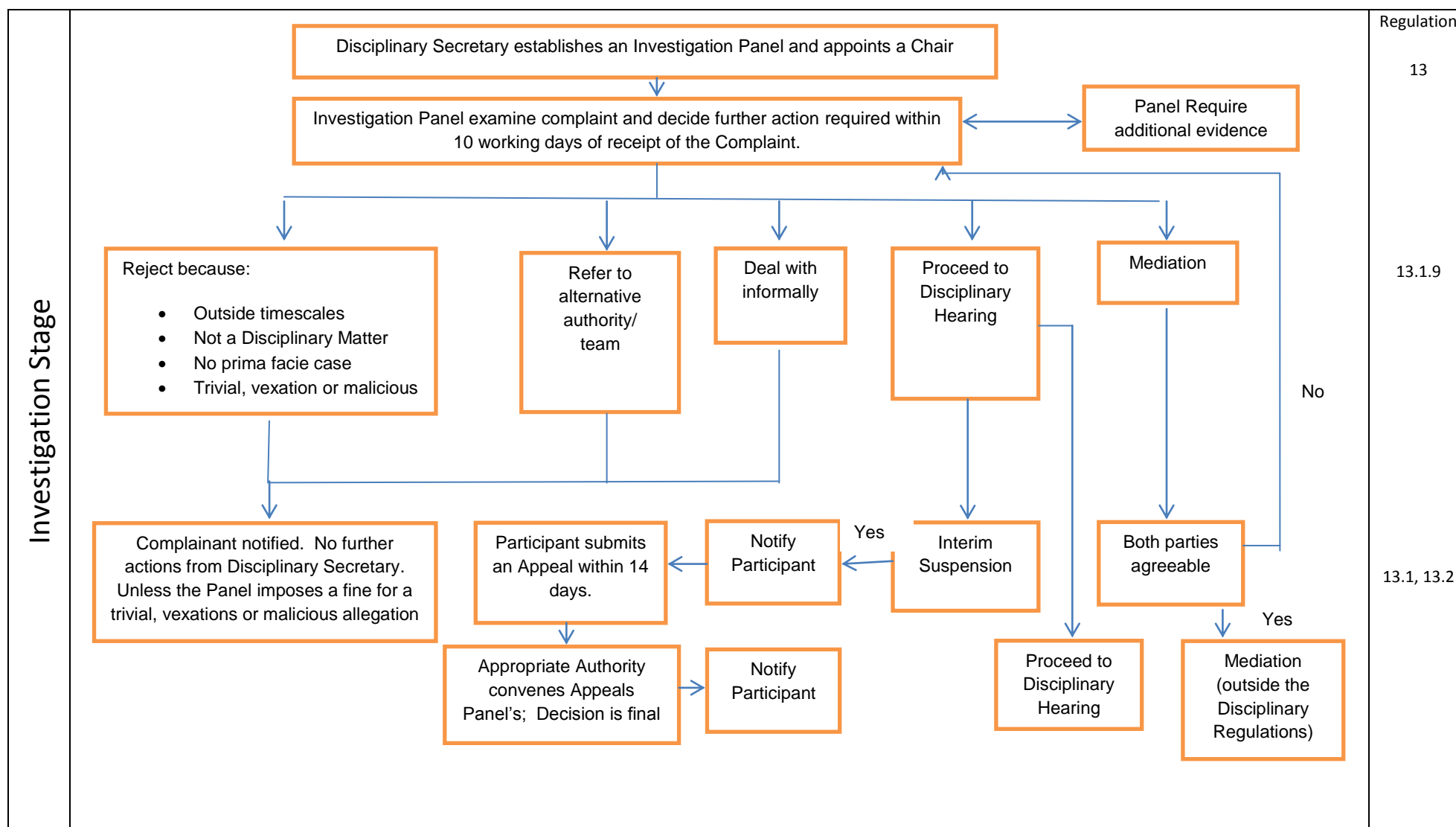
11.1. It is important that Disciplinary Procedures are carried out in a fair, transparent and objective manner, free of bias or prejudice. This section provides a visual overview of the process, providing a user-friendly mechanism that enables each party to identify how a Complaint should be managed.

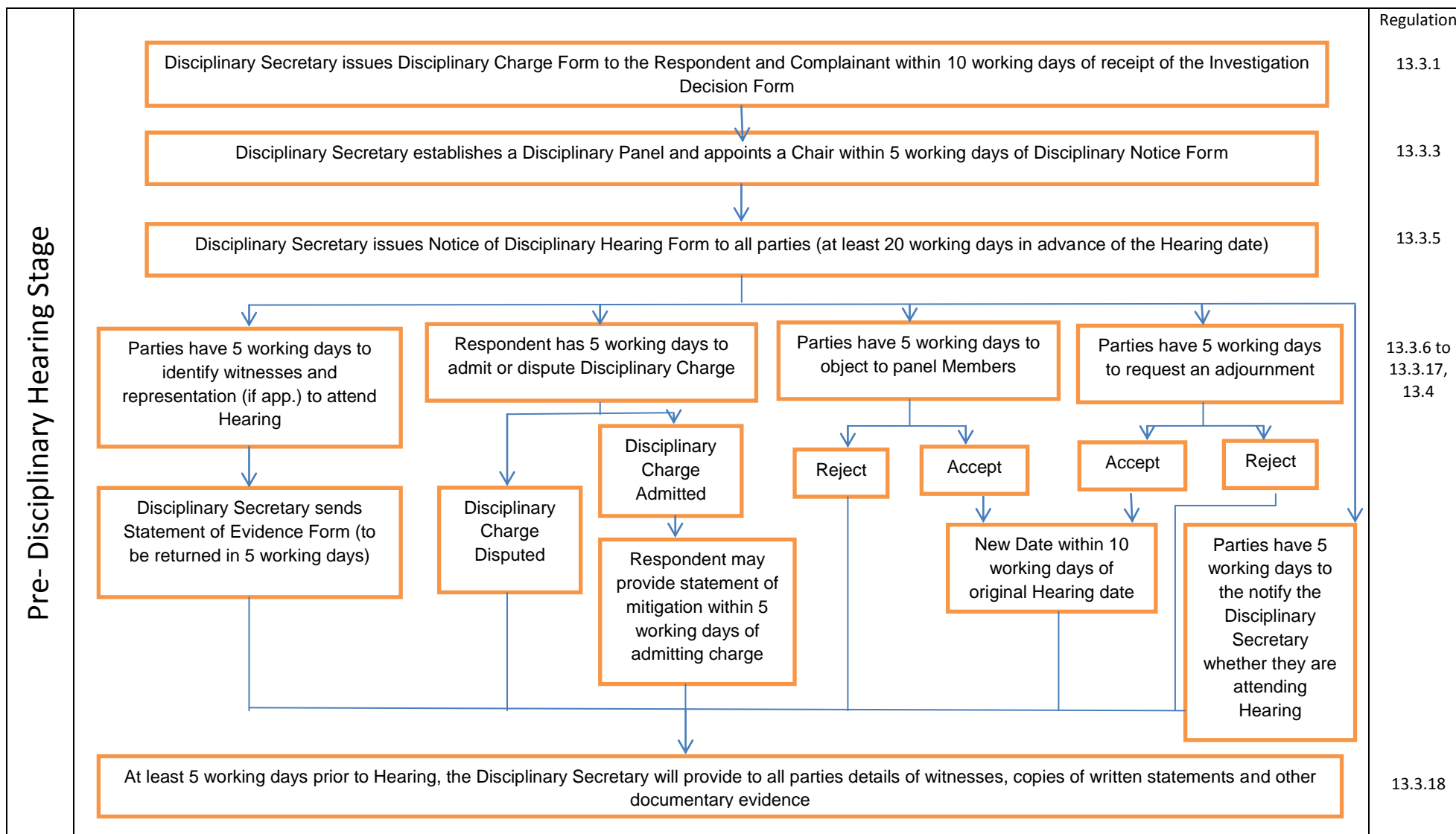
11.2. The charts are labelled down the left-hand side to indicate the stage of the process and on the right-hand side are the regulation numbers where more detailed information can be found.

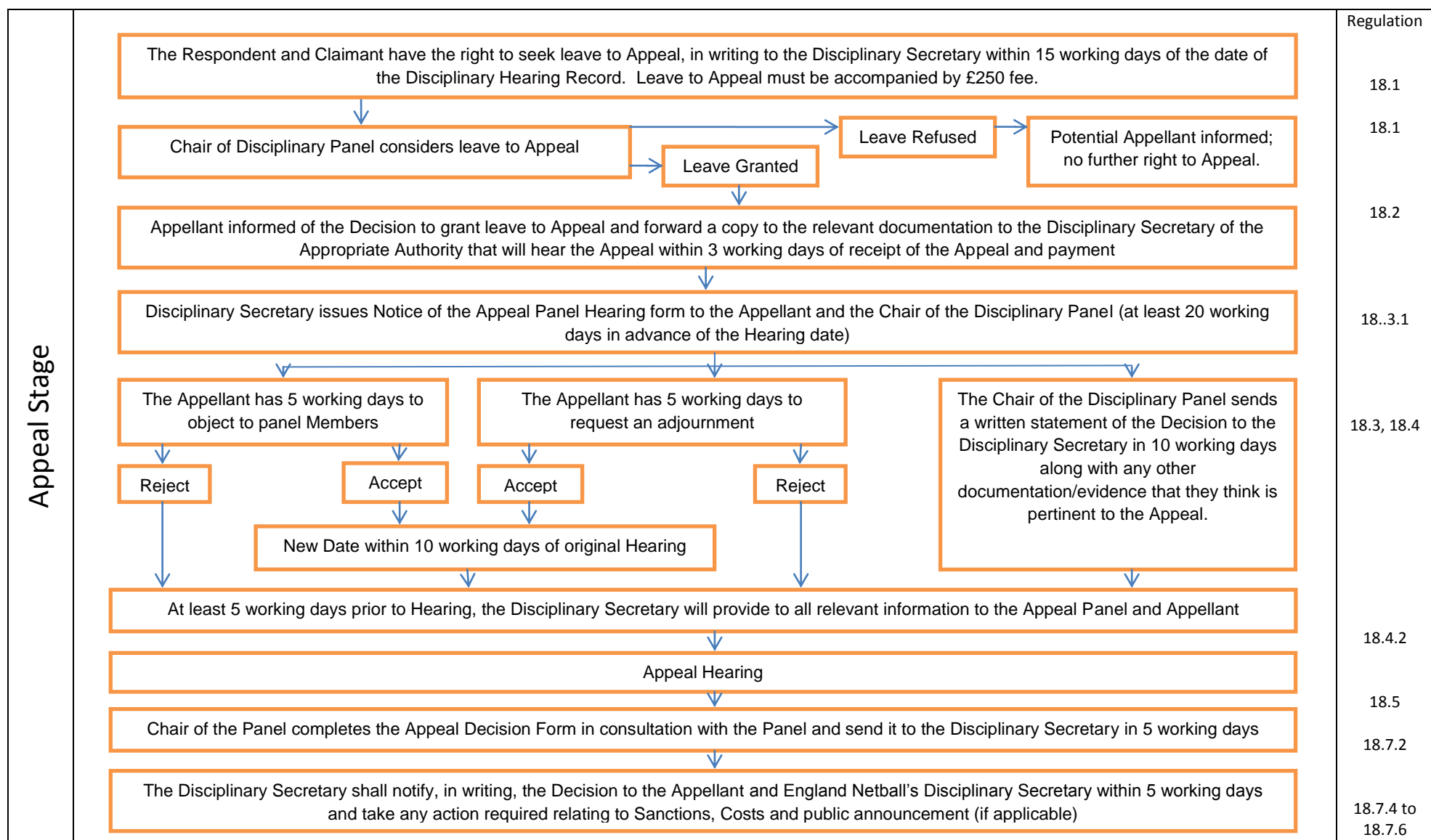
11.3. The front page provides a summarised overview, linking into more specific sections of the process in later pages.

11.4. This visual representation of the process should not be seen as the full and complete process. The timescales contained in the process and visual representation will be applied wherever practical. The Disciplinary Regulations should be understood in full rather than relying solely on the visual representation.









SECTION 3 – REGULATIONS: MAKING AND HANDLING COMPLAINTS

12. Procedure for making a Complaint

12.1. A Complaint may be made by:-

12.1.1. A Member or Connected Participant aged 14 years or over on the date of the Complaint;

12.1.2. The parent or other person with parental responsibility/guardianship for a Member or Connected Participant who is a Child, Young Person or Adult at Risk on the date of the Complaint. Any Complaint made must be referenced under England Netball's Child and Young Person protection procedures or Adults at Risk policies to ensure compliance;

12.1.3. In the case of a Club or League, the Complaint must be made by the secretary or other officer acting on its behalf;

12.1.4. In the case of a Regional Associations or County Association, the Complaint must be made through the Chairman of the Regional Management Board or County Association or other officer acting on the Chairman's behalf;

12.1.5. In the case of a Panel formed under the Disciplinary Regulations, the Complaint must be made through its Chairman;

12.1.6. Where an issue has been raised under England Netball's Whistleblowing policy and is judged to be a Disciplinary Matter, the Complaint must be made by the person carrying out the investigation under the Whistleblowing policy;

12.1.7. An employee of England Netball;

12.1.8. A member of the public;

12.1.9. CMG, through the Chair of the group.

12.2. How to make a Complaint

12.2.1. A Complainant must set out in writing the grounds for the Complaint and full details of the Disciplinary Matter or other conduct that gives rise to the Complaint. This formal written statement must be sent to the Disciplinary Secretary of the Appropriate Authority. If the Complainant believes that the Appropriate Authority is unable to deal with the Complaint due to a Conflict of Interest, the Complaint should be advanced upwards by the Complainant with an explanation of the Conflict of Interest. The Disciplinary Secretary of the Appropriate Authority will decide whether the Conflict of Interest is valid; should the Conflict of Interest not be valid the Disciplinary Secretary will send the Complaint down to the Appropriate Authority within 3 Working Days of receipt of the Complaint.

12.2.2. A Complaint should normally reach the Disciplinary Secretary of the Appropriate Authority within 7 days of the alleged incident. Complaints relating to an incident outside that timescale may not be considered unless the severity of the Complaint is such that it is considered to be in the best interests of the Sport to take it forward. This would include a safeguarding related Complaint and those that would have a significant impact on the reputation of the Sport rather than on those involved in the incident. An Investigation Panel will decide whether it is in the best interests of the Sport for a Complaint to proceed where received outside the 7 day period.

12.2.3. It is strongly recommended that as much detail as possible is given with the Complaint including, but not limited to, why the Complainant feels the incident was a Disciplinary Matter, witnesses, times, dates and location of the incident. If the Complainant feels unable to reveal their identity while making the Complaint, they should refer their Complaint through England Netball's Whistleblowing Policy.

12.2.4. An Investigation Panel has the right to impose a fine of up to £100 on the Complainant for frivolous, vexatious and/or malicious Complaints, and further Sanctions and/or fines for persistent Complaints resulting in no case to answer. This should not be seen as a deterrent to making a genuine Complaint.

12.3. On receipt of a Complaint

12.3.1. On receiving a Complaint, the Disciplinary Secretary of the Appropriate Authority shall first determine whether it has the jurisdiction to deal with it under the Disciplinary Regulation.

12.3.2. If an Appropriate Authority is unable to handle a Disciplinary Matter due to it being beyond their jurisdiction or a Conflict of Interest, it may request the Appropriate Authority of another Regional Association, County Association or England Netball to accept responsibility for all aspects of the Disciplinary Procedure, with any administration costs paid by the Originating Authority.

12.3.3. If the Complaint has been received by the incorrect Appropriate Authority, for example by the Regional Association rather than the County Association, the Complaint must be forwarded to the correct Appropriate Authority and the Appropriate Authority must inform the Complainant that this action has been taken within 3 Working Days of receipt of the Complaint.

12.3.4. Complaints must be acknowledged on receipt and dealt with as quickly as possible by the Appropriate Authority but at least within 5 Working Days of receipt.

12.3.5. Any information lodged with the Appropriate Authority relating to a Complaint should be communicated through the Disciplinary Secretary. Information lodged by any Member or Connected Participant shall normally be acknowledged by an Appropriate Authority within 3 working days of receipt.

12.3.6. There is no obligation on the Appropriate Authority to keep any Complainant informed of the conduct or progress of any investigation or action, unless the circumstances dictate otherwise or it is expressly provided for in the Regulations.

12.4. Once the Disciplinary Secretary of the Appropriate Authority has decided it has jurisdiction to deal with the matter, they shall form an Investigation Panel as detailed below.

13. Handling the Complaint – Investigation Stage

13.1. Investigation Panel

13.1.1. The Investigation Panel's job is to determine whether a Prima Facie case is established. The Investigation Panel is required to determine whether the allegation or Complaint can be substantiated by the facts and relevant evidence. Consideration must be given to all the relevant circumstances and, where appropriate, the Investigation Panel shall request information from the Respondent and give the same consideration to this as to the information submitted by the Complainant.

13.1.2. The Investigation Panel shall be appointed and administered by the Appropriate Authority's Disciplinary Secretary within 5 Working Days of the acknowledgment of receipt of the Complaint.

13.1.3. The Investigation Panel shall meet within 10 Working Days of being established.

13.1.4. The Investigation Panel may seek out and consider all relevant information in connection with determining a Prima Facie case; it should not extend the investigation beyond the Complaint or seek to identify additional issues or concerns. It is only after a full investigation that facts relevant to the Complaint can be ascertained and only then can a Decision be made on whether or not a Disciplinary Charge should be allowed to proceed to a Hearing by the Disciplinary Panel.

13.1.5. The Investigation Panel may wish to seek information from the Respondent. In this case, they will have to inform the Respondent that an investigation is being carried out and provide sufficient details of the allegations to enable the Respondent to provide a meaningful response, and invite the Respondent to submit information to the Investigation Panel. The Respondent should be informed that enquiries by and meetings of the Investigation Panel do not constitute a Disciplinary Hearing. The outcome of this investigation will determine whether or not the Disciplinary Matter will proceed to a full Disciplinary Hearing, so their co-operation would be to their advantage.

13.1.6. Prior to and including the investigation stage, the Respondent has no right to know the identity of the Complainant; this will only be revealed if the Investigation Panel believe it is necessary to achieve 13.1.5.

13.1.7. The examination of evidence by an Investigation Panel shall not constitute a Disciplinary Hearing. There is no right of Appeal against the conclusion reached by the Investigation Panel. The Decision is final.

13.1.8. The Investigation Panel shall keep Confidential its findings and all related information, save where the law requires disclosure or it is required under the Disciplinary Regulations.

13.1.9. On conclusion of its investigation, the Investigation Panel shall deduce from the evidence whether the Complaint which led to its formation should be:-

- 13.1.9.1. Rejected because the Complaint was received more than seven days after the incident and it is not considered severe enough to be in the best interests of the Sport to take it forward. Severe incidents include those related to safeguarding and those that would have a significant impact on the reputation of the Sport rather than on those involved in the incident;

- 13.1.9.2. Rejected because it does not amount to a Disciplinary Matter under Regulation 3;
 - 13.1.9.3. Dismissed because the evidence does not disclose a Prima Facie case;
 - 13.1.9.4. Dismissed because the information received does not disclose that the Respondent is liable to Disciplinary Action or because it is not the concern of the County or Regional Association or England Netball;
 - 13.1.9.5. Dismissed because the Complaint is trivial, vexatious or malicious;
 - 13.1.9.6. Lodged with another authority deemed more appropriate in practice or in law to handle it, including, but not limited to, the NSPCC for Child welfare or the police for criminal matters, or under other England Netball procedures for Anti-Doping;
 - 13.1.9.7. Passed to the Lead Child Protection Officer for consideration under the England Netball Safeguarding Children and Young Person or Adult at Risk policies and procedures;
 - 13.1.9.8. Dealt with by Mediation, on the agreement of all parties, set up by the Appropriate Authority especially where the incident is not serious enough to warrant a full Disciplinary Hearing or is one that has arisen from a wider dispute between the Complainant and Respondent and will culminate in a series of retaliatory Complaints ;
 - 13.1.9.9. Dealt with informally by way of advice or information because it is not serious enough to warrant a full Disciplinary Hearing;
 - 13.1.9.10. Allowed to proceed formally to a Disciplinary Hearing in accordance with the Disciplinary Regulations
- 13.1.10. The written Decision of the Investigation Panel must be completed by the Chair of the Investigation within 5 Working Days of the Decision and contain the following on the Investigation Decision Form:-
- 13.1.10.1. The identity and composition of the Panel;
 - 13.1.10.2. The names of the parties;
 - 13.1.10.3. A summary of the facts;
 - 13.1.10.4. The Regulations on which the Decision is based;
 - 13.1.10.5. The grounds of the Decision;
 - 13.1.10.6. Any Interim Suspensions imposed;
 - 13.1.10.7. Any order for costs for trivial, vexatious or malicious allegations;
- 13.1.11. If the matter is brought to the attention of the Appropriate Authority via a Complaint and it is decided that such a Complaint should not be allowed to proceed to a full Disciplinary Hearing, the Disciplinary Secretary shall notify the Complainant of this Decision and will provide brief reasons

for the Decision. There is no right of Appeal against the Decision. The Decision on whether or not there is a case to answer is final.

- 13.1.12. Where the matter is brought to the attention of the Appropriate Authority via a Complainant and it is decided that such a Complaint should not proceed to a full Disciplinary Hearing, the Investigation Panel shall decide whether a fine may be imposed on the Complainant for frivolous, vexatious and/or malicious Complaints or whether there should be further Sanctions and/or fines for persistent Complaints resulting in no case to answer.
- 13.1.13. Where it is decided that the matter should proceed to a full Disciplinary Hearing, the Disciplinary Secretary shall advise the Member or Connected Participant alleged to have committed the misconduct that they (the Respondent) are the subject of a Disciplinary Matter and notify them of the intended Disciplinary Proceedings against them, details of the charge and the Complainant within 10 working days of the completion of the Investigation Decision Form.

13.2. Interim Suspension

13.2.1. An Interim Suspension pending investigation should not be automatic. It should be used only after careful consideration of alternative remedies. Decisions on Interim Suspensions should be reasonable and proportionate given all the circumstances of the case.

13.2.2. An Interim Suspension is not a finding of guilt.

13.2.3. Interim Suspensions should only be used in cases where the Investigation Panel is satisfied from reliable information received that it is necessary to safeguard other Members or Connected Participants or those involved in the Sport (whether identifiable or not) or the reputation of the Sport, against potential harm in the period before the Disciplinary Panel can conclude the case or it is necessary to preserve the integrity of the evidence.

13.2.4. If the Investigation Panel believes the allegation or Complaint is of sufficient gravity or concern, the Respondent may be suspended from some or all netball activities until the Disciplinary Proceedings under the Disciplinary Regulations are concluded. Such suspension shall be known as an 'Interim Suspension'.

13.2.5. An Interim Suspension against a Member or Connected Participant may consist of, without limitation:- suspension from or prohibition on a Member or Connected Participant taking part in any capacity in any or a specific netball activity; including but not limited to competing, training, officiating, coaching, management, attending meetings, volunteering at Clubs or Competitions, or from entering a venue where netball events are being held under England Netball, Regional or County Associations' Regulations.

13.2.6. An Interim Suspension against a Club may include but not be limited to competing in County or Regional Associations' Competitions and suspension of CAPS accreditation (see Appendix 3).

13.2.7. An Interim Suspension may last for any length of time deemed expedient according to the circumstances, up to and including the issue of the Disciplinary Decision Notice Form. All Interim Suspensions are subject to a maximum period of six months and shall be reviewed after three months.

13.2.8. Where it is decided that an Interim Suspension is appropriate, the Disciplinary Secretary shall notify the Member or Connected Participant concerned, advising them of the reason for the Interim Suspension, the terms and conditions of the Interim Suspension and its applicable period (Notice of Interim Suspension). Other relevant Members or Connected Participants shall also be informed to ensure that the Interim Suspension is adhered to; this could include (but is not limited to) the Club Chairman and Regional and County Associations.

13.2.9. There is a right of Appeal for any individual subject to an Interim Suspension. To bring an Appeal, the individual must send written notice of Appeal to the Appropriate Authority which issued them with a Notice of Interim Suspension within 14 days of its date, enclosing any material in support of the Appeal. The Appropriate Authority shall convene an Appeal Panel in accordance with the procedures set out in The Disciplinary Regulations, although no fee is required for Appeals on Interim Suspensions.

13.2.10. If the Interim Suspension is Appealed, the Interim Suspension will remain in force until it is removed or varied on Appeal.

13.2.11. Any breach of the terms or conditions of an Interim Suspension shall constitute a Disciplinary Matter pursuant to the Disciplinary Regulations and shall be dealt with accordingly.

13.3. Handling the Complaint – Pre-Disciplinary Hearing

13.3.1. The Disciplinary Charge must be clearly stated, detailing the alleged Disciplinary Matters, with specific reference to all the rules, regulations or codes alleged to have been breached. This Disciplinary Charge shall be served on the Member or Connected Participant by the Disciplinary Secretary within 10 Working Days of the Investigation Panel Decision to proceed with formal Disciplinary Action in accordance with the Disciplinary Regulations (Disciplinary Charge Form).

13.3.2. The Disciplinary Panel selected to hear the Disciplinary Matter must be, and must be seen to be, independent and impartial and should act in good faith.

13.3.3. The Disciplinary Panel will be formed by the Disciplinary Secretary, who shall nominate the Chairman within 5 Working Days of the Notice of Disciplinary Charge Form being sent.

13.3.4. While the needs of the Respondent will be considered, the primary consideration when deciding the date and venue for the Hearing will be based on operational needs.

13.3.5. Notice of the Disciplinary Hearing must be sent to the Respondent via a Notice of Disciplinary Hearing Form at least 20 Working Days before the date of the Hearing, together with all supporting evidence, findings of the Investigation Panel and copies of witness statements. The Notice of Disciplinary Hearing Form shall also name the individuals, specifically identifying the Chairman, who will constitute the Disciplinary Panel.

13.3.6. The Respondent has 5 Working Days from the date of the Notice of Disciplinary Hearing Form in which to:

- 13.3.6.1. lodge with the Disciplinary Secretary, in writing, any objection to any Member of the Disciplinary Panel, stating the grounds for the objection;
- 13.3.6.2. accept or deny the Disciplinary Charge;

13.3.6.3. notify the Disciplinary Secretary whether they wish to attend the Disciplinary Hearing.

13.3.7. The Disciplinary Secretary shall immediately forward any objection received in relation to the Disciplinary Panel Members to the Chairman of the Panel who shall consider the objections and determine whether they are valid or in their opinion, the grounds for objection are frivolous, unfounded or ill informed, in which case the Chairman shall reject the objection. This Decision is final and cannot be Appealed.

13.3.8. If the Chairman of the Disciplinary Panel is in agreement with the objection, they will instruct the Disciplinary Secretary to make an alternative appointment and the date of the Hearing shall be postponed to a date no more than 10 Working Days after the original date. The Chairman's Decision shall be final, albeit they shall identify the grounds for rejection when requested. Wherever possible, this process shall not prolong the timescales outlined.

13.3.9. If the objection is made against the Chairman, another Member of the Panel must assess the objection.

13.3.10. If the allegation is being disputed, the Respondent should be informed in the Notice of Disciplinary Hearing Form of the need to identify any witnesses, provide brief details regarding their evidence and arrange for their attendance at the Hearing. The Disciplinary Secretary once notified of the names and addresses of any witnesses will send them a Statement of Evidence Form for completion and return which should be returned in 5 Working Days.

13.3.11. If the Respondent admits the allegation or accepts they have committed the Disciplinary Charge and requests that the matter is dealt with in their absence, they may provide to the Disciplinary Panel a written statement of mitigation within 5 Working Days of admitting the Charge.

13.3.12. It shall be the duty of the Complainant and Respondent to notify and arrange for the attendance of any witnesses they may wish to call. The number of witnesses allowed to give evidence will be at the discretion of the Chairman, however they should be adequate enough to establish or defend a case without resulting in duplication or time wasting.

13.3.13. The Chairman of the Disciplinary Panel may issue directions relating to the procedural aspects in the period leading up to the Disciplinary Hearing in order to ensure proper and fair conduct of the Disciplinary Hearing. The Disciplinary Secretary shall notify all parties of any such directions. These may include, but shall not be limited to, the procedure and timetable for the:-

13.3.13.1. Pre Disciplinary Hearing meetings of the Disciplinary Panel to agree procedural issues;

13.3.13.2. Production, inspection and/or exchange of documents, witness statements and other evidence;

13.3.13.3. Submission of the names and details of any witnesses the parties concerned wish to call;

13.3.13.4. Exchange of skeleton (outline) arguments.

13.3.14. The Disciplinary Panel may proceed to hear the case in the absence of any of the parties and witnesses if due notice has been provided.

13.3.15. The parties concerned may rely on written representations made prior to the Disciplinary Hearing and/or appearance in person. Documents will be deemed to be authentic unless advance notice has been served for them to be proved at the Disciplinary Hearing.

13.3.16. Unless the Disciplinary Panel Chairman instructs otherwise, at least 10 Working Days in advance of the Hearing, each party to the proceedings must provide the Disciplinary Secretary with details of all witnesses they wish to call, together with copies of their written statements and any other documentary evidence they propose to rely on at the Disciplinary Hearing. In the case of the Respondent, details of evidence need only be brief. No written evidence shall be accepted less than 5 Working Days before the Hearing without the prior agreement of the Chairman of the Disciplinary Panel.

13.3.17. The Respondent shall advise the Disciplinary Secretary, at least 5 Working Days before the Disciplinary Hearing, if they will be using the services of any representative (legal, technical or otherwise) to present their case or advise them. The name and status of any representative must be provided to the Disciplinary Secretary at the time of notification. The person who represents the Respondent may not also be a witness.

13.3.18. The Disciplinary Secretary shall notify each of the parties to the proceedings of the names of the other party's witnesses and the name and status of any representative who will be presenting a Respondent's case or acting as an adviser at least five Working Days before the Disciplinary Hearing.

13.3.19. It should be clearly understood that travel or other expenses or fees will not be paid to any party (Respondent or Complainant) involved in the Hearing, their legal/technical representatives or witnesses in any Disciplinary or Appeal Hearing. This does not preclude the Panel from imposing costs orders on either party in respect of administrative costs.

13.3.20. The Chairman of the Disciplinary Panel shall be supplied in a sealed envelope the record of any 'live' previous offences relating to the Respondent; this will only be opened in the event that the Disciplinary Panel find that the Disciplinary Charge is proven and is considering the appropriate Sanction.

13.3.21. The Disciplinary Panel should check that the alleged behaviour constitutes a Disciplinary Matter in accordance with Regulation 3 and should ensure the Disciplinary Charge is properly set out on the documentation and that it has been sent to the parties concerned.

13.3.22. At any point in the process, the Disciplinary Panel has the right to change or add additional Disciplinary Charges. If Disciplinary Charges are changed or added, the Respondent has the right to request an adjournment.

13.4. Disciplinary Hearing adjournment request

13.4.1. The Complainant or the Respondent may request in writing an adjournment of the Hearing within 5 Working Days of the date of the Notice of Disciplinary Hearing Form. A detailed statement of the reasons for the request must be supplied. The request must be sent to the Disciplinary Secretary. The Chair of the Disciplinary Panel will consider the request and make a Decision that they, in their absolute discretion, shall consider fair and reasonable (although if any adjournment is ordered this should, normally, not exceed 10 Working Days from the date of the originally scheduled Hearing).

13.4.2. In making any order to adjourn, the Chair of the Disciplinary Panel shall bear in mind not only the interests of the party seeking the adjournment but also the interests of any other parties including witnesses and the Appropriate Authority and the administrative implications.

13.4.3. The Chair of the Disciplinary Panel will determine the date, time and place of any adjourned Hearing. The Disciplinary Secretary shall write to the Complainant and Respondent informing them of the adjournment and advising of the adjourned Disciplinary Hearing date, and requesting a written acknowledgement via email or post.

13.4.4. If the Respondent does not attend, or is not represented at any adjourned Disciplinary Hearing the Disciplinary Panel will consider the case in their absence. The Chairman of the Disciplinary Panel has the discretion to order a further Disciplinary Hearing date if there are compelling reasons for non-attendance by the Respondent.

14. Hearing

14.1. Procedure at a Disciplinary Panel Hearing

14.1.1. The Disciplinary Hearing shall take place in private, with the Decision and any Sanction being treated as confidential by all parties until 20 Working Days after that notification to allow the Complainant or Respondent seek leave to submit an Appeal if they so choose.

14.1.2. The Disciplinary Panel shall decide any issue by a majority and no Member of the Panel may abstain from voting.

14.1.3. The Complainant or a representative of the Complainant is responsible for proving the alleged misconduct to the Disciplinary Panel.

14.1.4. The standard of proof in Disciplinary Cases is the balance of probabilities and is dependent on the severity of the Complaint.

14.1.5. The Disciplinary Secretary may appoint a Recorder to record Disciplinary Panel proceedings. The proceedings may be audio-recorded; the Chair will inform those involved in the Disciplinary Hearing about the audio-recording at the start of the proceedings.

14.1.6. The procedure for the Disciplinary Hearing shall be flexible and shall be at the discretion of the Chairman of the Disciplinary Panel, who may make such Decisions as necessary to ensure the orderly and effective conduct of the Hearing, subject to the overriding requirement of fairness. The Chairman of the Disciplinary Panel will outline the basic procedure of the Hearing at the start of the proceedings.

14.1.7. Usually, this will be:-

14.1.7.1. The case against the Respondent will be presented by the Complainant, together with relevant evidence and a reasonable number of witnesses;

14.1.7.2. The Respondent or their representative will be asked to admit or deny the Disciplinary Charge and will then have the opportunity to speak, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Panel.

- 14.1.7.3. The attendance of further witnesses will be with the prior agreement of the Chairman of the Disciplinary Panel.
 - 14.1.7.4. Before being called, witnesses will not be allowed in the room while evidence is being given;
 - 14.1.7.5. Questions may be put by the Disciplinary Panel to the Respondent and Complainant (or Appropriate Authority if it is a Whistleblowing allegation) and each witness on conclusion of their evidence;
 - 14.1.7.6. The Respondent and Complainant may be able to raise questions regarding the evidence submitted by the other party or its witnesses through the Chairman of the Panel; no direct questioning will be permitted;
 - 14.1.7.7. The Respondent charged will be allowed to make a closing statement to the Panel;
 - 14.1.7.8. The room will be cleared and the Panel will deliberate and determine whether, on the balance of probabilities, the Disciplinary Charge has been proved;
 - 14.1.7.9. At this point the Hearing could be ended with the Panel deferring its decision to a later date under section 14.1.18 below or proceed along the continue as set out in the following paragraphs.
 - 14.1.7.10. The Hearing will reconvene and the Panel Chairman will announce whether or not the Disciplinary Charge has been proved;
 - 14.1.7.11. If the Respondent admits the Disciplinary Charge or the Panel decides the Disciplinary Charge has been proved, the Panel will look at the Respondent's previous disciplinary record, where relevant, and move to consider Sanctions and costs;
 - 14.1.7.12. The Panel will invite the Respondent to set out any mitigating circumstances;
 - 14.1.7.13. The room will again be cleared and the Panel shall determine the appropriate Sanction in accordance with the Sanctions guidelines set out in The Disciplinary Regulations;
 - 14.1.7.14. The Hearing will reconvene and the Panel Chairman will pronounce the Sanction and any order for costs.
- 14.1.8. Those representing a Respondent at a Hearing may present and sum up their case, as well as put questions via the Chairman but they are not permitted to answer questions put to the Respondent.
- 14.1.9. If the Chairman of the Disciplinary Panel feels it is necessary, bearing in mind all the circumstances surrounding the case, the Panel may, at their discretion, request an Independent Person to act as adviser to the Disciplinary Panel. The cost of this may be taken into consideration in any award of costs or borne by the Appropriate Authority.
- 14.1.10. The Chairman of the Disciplinary Panel has the authority to adjourn the Hearing to allow for additional evidence to be presented only if they consider it important and relevant in reaching a Decision.
- 14.1.11. The Disciplinary Panel Chairman has the discretion to adjourn the Disciplinary Hearing for a maximum of 14 days if at any time they think the interests of justice require it (eg to secure the attendance of a key witness or other important evidence).
- 14.1.12. In exceptional circumstances, attendance by the Complainant, Respondent and any witnesses may be via conference call, subject to the agreement of the Panel Chairman.
- 14.1.13. If the Respondent accepts that they committed the alleged Disciplinary Charge and requests that the matter be dealt with in their absence, the Respondent may provide a written statement of mitigation for consideration by the Disciplinary Panel.

14.1.14. If the Respondent does not attend the Disciplinary Hearing arranged as above, provided that the Disciplinary Panel is satisfied that Notice of the Disciplinary Hearing Form was served properly, it may proceed to hear the evidence in the absence of the Respondent.

14.1.15. In the light of the evidence presented to it, the Disciplinary Panel may find a Respondent guilty of a lessor or more serious Disciplinary Charge than that originally charged.

14.1.16. If the alleged Disciplinary Charge has not been proved, the Chairman shall so state and the Disciplinary Panel shall dismiss the Complaint.

14.1.17. The Disciplinary Panel may limit questioning.

14.1.18. After consideration of the evidence presented to it the Panel Chairman may:-

14.1.18.1. Announce the Decision of the Panel and at the same time announce its findings; or

14.1.18.2. Announce the Decision of the Panel with the grounds of the Decision being given at a later date; or

14.1.18.3. Defer the Panel's Decision to a later date, no longer than 7 days after the Disciplinary Hearing date.

14.1.19. If the Panel feels the Complaint has arisen out of a wider dispute between the Complainant and Respondent and will culminate in a series of retaliatory Complaints and both parties agree, it can recommend the dispute is resolved through mediation, to be arranged by the Appropriate Authority.

14.1.20. Any deviation from the Disciplinary Regulations by a Disciplinary Panel shall not invalidate any finding, procedure or Decision unless that deviation raises material doubt as to the reliability of the finding, procedure or Decision.

14.1.21. The Disciplinary Panel shall not be bound by the Rules of Court (or any legislative provision) governing procedures. All Disciplinary Hearings shall be conducted in a fair and orderly manner, with each party having a reasonable opportunity to give and call evidence, address the Disciplinary Panel and present their case.

14.2. Evidence

14.2.1. The Disciplinary Panel may give directions on the:-

14.2.1.1. Issues on which it requires evidence;

14.2.1.2. Nature of the evidence which it requires to decide those issues; and

14.2.1.3. Way in which the evidence is to be placed before the Disciplinary Panel.

14.2.2. The Disciplinary Panel may admit any evidence it considers fair and relevant, whether or not such evidence would be admissible in a court of law. The Panel may accord such weight to the evidence as they think appropriate in all the circumstances.

14.2.3. Subject to the requirements of a fair Hearing, the Panel may exclude evidence that would otherwise be admissible to ensure fairness between the parties.

14.2.4. The Disciplinary Panel may decide any issue of fact and draw any inference of fact that it considers to be supported by the evidence.

14.2.5. Production of a certificate purporting to be under the hand of a competent officer of a UK or overseas court that a Member or Connected Participant has been convicted of a criminal offence shall be conclusive evidence of the offence committed.

14.2.6. Production of a copy of the judgment of any civil court shall be conclusive evidence of the facts found proved in relation to that judgment.

15. Sanctions

15.1. Where the alleged offence is admitted or proved, the Disciplinary Panel shall have power to determine and pronounce Sanctions. The Decisions taken by the Disciplinary Panel, especially in relation to the Sanction to be imposed, must be reasonable and proportionate in all the circumstances. Where a Disciplinary charge has been proven against or admitted by a Child or Young Person or Adults at Risk, any Sanction imposed should be proportionate to that Child or Young Person's age.

15.2. The starting point for setting Sanctions should be taken from the England Netball's Sanctions Guidelines, Appendix 2. A Sanction imposed against a Club could include in the suspension or removal of CAPS accreditation set out in Appendix 3.

15.3. The Disciplinary Panel may order that any part of a Sanction be suspended for a specified period (not exceeding six months). If the Member or Connected Participant benefiting from a suspended Sanction commits another infringement during the suspension, the suspension of the Sanction is automatically revoked and that Sanction added to the Sanction pronounced for the new infringement.

15.4. Any period of suspension imposed may be backdated to take into account any Interim Suspension that may have been imposed pursuant to Regulation 13.2.

15.5. Sanctions may be held over until the next appropriate playing period of the year. Sanctions cannot be held over for more than 12 months unless the Member or Connected Participant is no longer in the Sport, at which point their Sanction can be held over for the shorter of five years or until they resume their involvement in the Sport.

15.6. Any Sanction, including partial or full suspension by a Disciplinary Panel, shall be binding on all Members and Connected Participants.

15.7. If a suspension is combined with a fine, the suspension may be prolonged until the fine has been paid in full.

15.8. Where the Disciplinary Decision involves a Sanction and an Appeal against that Sanction is lodged in accordance with the Disciplinary Regulations, the Sanction and any order for costs should be delayed pending the determination of the Appeal subject to a maximum of 15 working days.

15.9. Disciplinary Charges may be subject to Sanctions regardless of whether they have been committed deliberately or negligently.

15.10. Permanent exclusions from becoming an England Netball Member must be sanctioned by England Netball's Board.

16. Costs

16.1. The Disciplinary Panel may, at its discretion, make an order for the costs relating to the Disciplinary Action to be paid in such proportion as they may decide by any of the parties to the Hearing. The Disciplinary Panel will not ordinarily make an order for costs without first considering submissions from the relevant parties on the question of costs.

16.2. These costs may include travel and accommodation expenses reasonably incurred by the Panel and the Disciplinary Secretary in the preparation and holding of the Disciplinary Hearing and Investigation Panel. In calculating the amount, any legal representation or professional charges incurred by the Complainant or Respondent will not be included.

16.3. Such orders for payments of costs shall not form any part of or influence any fines or other Sanctions.

16.4. All fines and financial sanctions should be paid within 28 days from the notice of the fine or financial sanction being applied or this failure to pay will be classed as a Disciplinary Matter and membership to England Netball will be suspended immediately. Interest shall be paid at the rate applicable to judgment debts in England from the end of the 28 day period until the actual date of payment.

17. Post-Disciplinary Hearing

17.1. The Chairman of the Disciplinary Panel shall report its findings to the Disciplinary Secretary on a Disciplinary Decision Form no later than five Working Days after the date of the Decision.

17.2. The written Decision of the Panel must contain on the Disciplinary Decision Form:-

- 17.2.1. The identity and composition of the Panel;
- 17.2.2. The names of the parties;
- 17.2.3. A summary of the facts;
- 17.2.4. The Regulations on which the Decision is based;
- 17.2.5. The grounds of the Decision;
- 17.2.6. The Sanctions imposed;
- 17.2.7. Any order for costs;
- 17.2.8. Appropriate Appeals procedure;

17.2.9. Length of time record will be retained on file (if more than 2 years).

17.3. The Disciplinary Secretary shall notify the Disciplinary Panel's Decision to the Respondent and Complainant as soon as possible, and no later than 5 Working Days after receiving the Disciplinary Decision Form, using the wording contained in the Disciplinary Decision Form, along with details of the Appeal process.

17.4. England Netball's Disciplinary Secretary must be sent a copy of the Panel's Disciplinary Hearing Record Form.

17.5. The Appropriate Authority is entitled to publish the Decision of the Disciplinary Panel in such a manner as it considers appropriate after the Disciplinary Secretary has notified the Respondent and the Appeal period. Parties to a Disciplinary Hearing are deemed to have consented to such publication.

18. Appeals

18.1. Seeking Leave to Appeal

18.1.1. The Respondent and the Claimant in a Disciplinary Process have the right to seek leave to Appeal against the Decision within 15 Working Days of the date of the Disciplinary Decision Form and on the grounds set out below, providing they attended, were represented at or made submissions in writing to the Disciplinary Panel Hearing.

18.1.2. Leave to Appeal can only be sought against a Decision of the Disciplinary Panel on one or more of the following grounds:-

18.1.2.1. The Decision of the Disciplinary Panel was based on error of fact or could not have reasonably been reached by a Disciplinary Panel when faced with the evidence before it;

18.1.2.2. There was injustice because of a serious procedural or other irregularity in the proceedings before the Disciplinary Panel;

18.1.2.3. Significant and relevant new evidence has come to light which was not available before the conclusion of the Disciplinary Panel Hearing but, had it been available, may have caused the Disciplinary Panel to reach a materially different Decision; and/or

18.1.2.4. The Sanction imposed pursuant to Regulation 15 was manifestly unreasonable in the light of the Disciplinary Panel's Decision made on the facts.

18.1.3. Leave to Appeal should be set out in writing within 15 Working Days of the date on the Disciplinary Decision Form being issued and should identify the Decision and reason for Appeal as set out in Regulations 18.1.2. Leave to Appeal must be accompanied by a payment of £250, which may be retained by the Appropriate Authority that hears the Appeal.

18.1.4. The stated grounds shall not be amended after submission except as agreed by the Appeal Panel Chairman appointed to hear the Appeal if leave to Appeal is granted.

18.1.5. The Chair of the Disciplinary Panel will consider whether to grant leave to Appeal. In doing so the Chair may consult with the other members of the Disciplinary Panel or any other person they feel necessary to reach the Decision. A decision as to whether leave to appeal is granted shall be

taken within 10 working days of receipt of the application to seek leave to Appeal and if no decision is made within such a time limit, leave to appeal shall be deemed to have been granted.

- 18.1.6. If leave to Appeal is refused, the Chair of the Disciplinary Panel shall notify the Disciplinary Secretary of the decision, indicating factors that they have taken into account and brief reasons for reaching the Decision. The Disciplinary Secretary shall notify the potential Appellant of the Chair's Decision including any justification for the decision provided by the Chair. The Decision shall not be subject to any further right to Appeal.

18.2. Procedure for making an Appeal

- 18.2.1. If leave to Appeal has been granted by the Chair of the Disciplinary Panel, the Disciplinary Secretary will send all the relevant documentation, along with the payment of £250 to the Appropriate Authority one level above that of the Disciplinary Panel within 3 working days, unless the Panel is at national level. (See Regulation 4 for more details.)

- 18.2.2. From here on, all communication regarding the Appeal will be issued by the Disciplinary Secretary of the Appropriate Authority dealing with the Appeal.

18.3. Notice of the Appeal Hearing

- 18.3.1. The Notice of the Appeal Panel Hearing shall state the date, time and place and shall be sent to the Appellant, the original Complainant and the Chairman of the Disciplinary Panel no later than 20 Working Days prior to the date of the Appeal Hearing. It shall also name the Appeal Panel Members, specifically identifying the Chairman.

- 18.3.2. The Appellant shall be entitled, within 5 Working Days of the Notice of Appeal Hearing Form, to lodge with the Disciplinary Secretary, in writing, any objection to any Member of the Appeal Panel, stating the grounds for the objection. The Appellant shall provide appropriate evidence in support of any such claim.

- 18.3.3. The Disciplinary Secretary shall immediately forward any objection received in relation to the Appeal Panel Members to the Chairman of the Panel who shall consider the objections and determine whether they are valid or in their opinion, the grounds for objection are frivolous, unfounded or ill informed, in which case the Chairman shall reject the objection. This Decision is final and cannot be Appealed.

- 18.3.4. If the Chairman of the Appeal Panel is in agreement with the objection, they will instruct the Disciplinary Secretary to make an alternative appointment and the date of the Hearing shall be postponed to a date no more than 10 Working Days after the original date. The Chairman's Decision shall be final, albeit they shall identify the grounds for rejection when requested. Wherever possible, this process shall not prolong the timescales outlined.

- 18.3.5. If the objection is made against the Chairman, another Member of the Panel must assess the objection.

- 18.3.6. The Appellant may request in writing an adjournment of the Appeal Hearing within 5 Working Days of the date of the Notice of Appeal Hearing Form. A detailed statement of the reasons for the request must be supplied. The request must be sent to the Disciplinary Secretary. The Chair of the Appeal

Panel will consider the request and make a Decision that they, in their absolute discretion, shall consider fair and reasonable (although if any adjournment is ordered this should, normally, not exceed 10 Working Days from the date of the original Hearing).

18.3.7. In making any order to adjourn, the Chair of the Appeal Panel shall bear in mind not only the interests of the party seeking the adjournment but also the interests of any other parties including witnesses and the Appropriate Authority.

18.3.8. The Chair of the Appeal Panel will determine the date, time and place of any adjourned Hearing. The Disciplinary Secretary shall write to the Appellant informing them of the adjournment and advising of the adjourned Appeal Hearing date, and requesting a written acknowledgement.

18.3.9. If the Appellant does not attend, or is not represented at any adjourned Appeal Hearing the Appeal Panel will consider the case in their absence. The Chairman of the Appeal Panel has the discretion to order a further Appeal Hearing date if there are compelling reasons for non-attendance by the Respondent.

18.4. Appeal pre-Hearing timetable and procedure

18.4.1. Where the Decision Form does not contain sufficient information, the Chairman of the Disciplinary Panel responsible for the Decision, shall, not less than 7 Working Days before the date of the Appeal Hearing, provide to the Chairman of the Appeal Panel a written statement of the Decision and any Sanction and order for costs, together with any relevant supporting documents, detailing (as appropriate):-

- 18.4.1.1. The circumstances of the alleged breach or misconduct;
- 18.4.1.2. Any appropriate justification or explanation;
- 18.4.1.3. The information that was considered in reaching the original Decision (eg regulations, reports, correspondence, witness evidence);

18.4.2. The Disciplinary Secretary of the Appropriate Authority dealing with the Appeal shall ensure that all relevant information is provided to the Appellant and to all Members of the Appeal Panel at least five Working Days before the Appeal Hearing.

18.4.3. The Appellant may present to the Appeal Panel whatever written submission they consider appropriate. The Appellant shall ensure this information is received by the Disciplinary Secretary of the Appropriate Authority dealing with the Appeal not less than ten Working Days before the Appeal Hearing.

18.4.4. The Disciplinary Secretary may appoint a Recorder to record Appeal Panel proceedings. Such proceedings may be audio-recorded.

18.5. Procedure at the Appeal Panel Hearing

18.5.1. The Appeal Panel shall give the Appellant the right to be heard and to be represented. Where the Appellant is an individual, they may be accompanied by one person of their choice. Where the Appellant is a Club, County or Regional Association, it may have one or two of its officers present or one officer and a representative.

18.5.2. The Appeal Panel may call the Chair of the Disciplinary Panel or the original Complainant to provide additional information if they deem it necessary.

18.5.3. The Appeal Panel shall have the power to decide how an Appeal Hearing is to be conducted and shall have the same powers set out in Regulations 15 and 16 in relation to any Sanctions and the costs of the Appeal Hearing.

18.5.4. The Appeal shall be by way of a review only and not by way of a rehearing.

18.5.5. The Appeal Panel may review whether the Sanction imposed by the Disciplinary Panel was fair, reasonable and proportionate in all the circumstances (without rehearing all the evidence).

18.5.6. The Chairman of the Appeal Panel should ensure that the Appeal is heard in a manner that allows all parties to state their case fairly, and the Panel may invite an Independent Adviser (eg a respected senior official, lawyer or accountant) to be present if it considers this would be of assistance to the Hearing of the Appeal.

18.5.7. In reaching its Decision, the Appeal Panel may take into account any relevant evidence, whether or not such evidence would be admissible in a court of law.

18.5.8. If any of the parties do not attend and are not represented at the Appeal Hearing, the matter may be dealt with by the Appeal Panel in the absence of that party, taking into account any written representations that may have been received and provided that appropriate notice has been provided.

18.5.9. Appeal Hearings will be in private, with the Decision and any Sanction made public after the Disciplinary Secretary has notified all relevant parties. All parties to an Appeal Hearing are deemed to have consented to such publication.

18.6. Appeal Decisions

18.6.1. Decisions of an Appeal Panel shall be made by a majority; no Member of the Panel may abstain from voting.

18.6.2. The Decision of an Appeal Panel is final and binding on all parties.

18.6.3. The Appeal Panel shall have the power to:-

- 18.6.3.1. Confirm, vary or revoke the Decision of the Disciplinary Panel;
- 18.6.3.2. Confirm, increase, reduce or quash any Sanction or order made by the Disciplinary Panel;
- 18.6.3.3. Substitute any Sanction that would have been available to the Disciplinary Panel or
- 18.6.3.4. Make any other order or determination it considers right or just.

18.6.4. The Appeal Panel may defer the Panel's Decision to a later date, no longer than 5 Working Days after the Hearing date.

18.6.5. If the Appeal Panel considers it necessary, in the light of new evidence produces, it may order that the case be reheard by the original or a different Disciplinary Panel.

18.6.6. The Appeal Panel may direct any party to the Appeal to bear the administrative costs of holding the Appeal where it considers it fair to do so, after taking into account the amount already received by virtue of Regulation 18.1.3.

18.6.7. The relevant payment under Regulation 18.1.3 may, at the Appeal Panel's discretion, be returned to the Appellant in whole or in part. This includes (but is not limited to) circumstances where the Appeal is successful.

18.7. Procedure following an Appeal Hearing

18.7.1. The Disciplinary Secretary shall notify the Appellant, the Respondent and England Netball's Disciplinary Secretary in writing within 5 Working Days of the Appeal Panel's Decision, together with brief reasons for the Decision, any Sanction imposed and order for costs.

18.7.2. The Chairman of the Appeal Panel shall report its findings to the Disciplinary Secretary on an Appeal Decision Form no later than five Working Days after the date of the Decision.

18.7.3. The written Decision of the Panel must contain on the Appeal Decision Form:-

- 18.7.3.1. The identity and composition of the Panel;
- 18.7.3.2. The names of the appellant;
- 18.7.3.3. A summary of the facts;
- 18.7.3.4. The Regulations on which the Decision is based;
- 18.7.3.5. The grounds of the Decision;
- 18.7.3.6. The Sanctions;
- 18.7.3.7. Any order for costs;
- 18.7.3.8. Any amendment to the length of time record will be retained on file (if more than 2 years).

18.7.4. The Disciplinary Secretary shall notify the Appeal Panel's Decision to the Appellant as soon as possible, and no later than 5 Working Days after receiving the Appeal Decision Form, giving brief reasons for the Decision, detailing the accepted facts on which the Decision is based and any Sanction imposed and details of the Appeal process.

18.7.5. England Netball's Disciplinary Secretary must be sent a copy of the Panel's Appeal Hearing Record Form.

18.7.6. The Appropriate Authority is entitled to publish the Decision of the Disciplinary Panel in such a manner as it considers appropriate after the Disciplinary Secretary has notified the Appellant. Parties to an Appeal Hearing are deemed to have consented to such publication.

SECTION 4 - FORMS

Disciplinary Charge Form: Respondent

Appropriate Authority (name and address of County/Regional Association/ England Netball dealing with the Complaint)	
Disciplinary Secretary name and Email	
Date sent	

To

Respondent name	
Address	
Email	

This Disciplinary Charge Form gives you formal notice that a Complaint has been received against you. An Investigation Panel has decided to refer the matter, detailed below, to a Disciplinary Panel in accordance with England Netball's Disciplinary Regulations. A full copy of The Disciplinary Regulations is available at www.englandnetball.co.uk

Details of Complaint Including dates, names of parties and witnesses and a brief description of the relevant events	
Disciplinary Matter allegedly or detail of charge (as set out in Section 3)	
Explanation of next actions to be taken	<i>The Disciplinary Secretary will send you a Notice of Disciplinary Hearing form, which will advise you of the date, time, venue and details of the Disciplinary Panel Members who will hear your case</i>

Disciplinary Charge Form: Complainant

Appropriate Authority (name and address of County/Regional Association/ England Netball dealing with the Complaint)	
Disciplinary Secretary name and Email	
Date sent	

To

Complainant Name	
Address	
Email	

This Disciplinary Charge Form gives you formal notice that your Complaint has been received. The Investigation Panel has decided to refer the matter, detailed below, to a Disciplinary Panel in accordance with England Netball's Disciplinary Regulations. A full copy of these procedures is available at www.englandnetball.co.uk

Details of Complaint Including dates, names of parties and witnesses and a brief description of the relevant events	
Disciplinary Matter allegedly or detail of charge (as set out in Section 3)	
<i>Explanation of next actions to be taken</i>	<i>The Disciplinary Secretary will send you a Disciplinary Notice of Hearing Form, which will advise you of the date, time, venue and details of the Disciplinary Panel Members who will hear the case</i>

Notice of Disciplinary Hearing Form - Respondent

Appropriate Authority (name and address of County/Regional Association/ England Netball dealing with the Complaint)	
Disciplinary Secretary name and Email	
Date sent	

To

Respondent Name	
Address	
Email	
Date for return of information requested	(latest date: 20 Working Days of Hearing)

You are hereby given formal notice of the Disciplinary Hearing that will consider the allegations made against you, as were previously advised in the Notice of Disciplinary Charges Form sent in accordance with England Netball Disciplinary Regulations, a full copy of which is enclosed.

Hearing details

Date	
Time	
Venue	
Disciplinary Panel Chairman	
Disciplinary Panel Members	

Please advise the Disciplinary Secretary immediately on receipt of the Notice, in writing, if you admit or dispute the allegations made against you. If the allegations are being disputed, please complete and return the enclosed Evidence Form within/by
(Please be advised that if you wish to ask for an adjournment, you must supply a written statement of your reasons to the Disciplinary Secretary. This must reach them within 5 working days of the date of this Notice of Disciplinary Hearing Form.)

You will need to identify any witnesses, their address (including email address) and provide brief details regarding the evidence they can provide and arrange for their attendance at the Disciplinary Hearing. Witnesses will be sent an Evidence Form for completion by the Disciplinary Secretary.

Witness Name	Address (including Email Address)	Details of Evidence

Please advise if you will be using the services of any representative – legal, technical or otherwise – to present your case or advise you.

Representative name and status	Address	Email

Please note that expenses will not be paid to you or to any witness or representative attending the Disciplinary Hearing.

Please complete the above and return within 5 working days from the date of this Notice of the Disciplinary Hearing Form to:

Your signature
Date of signature

Notice of Disciplinary Hearing Form - Complainant

Appropriate Authority (name and address of the County/Regional Association/England Netball dealing with the Complaint)	
Disciplinary Secretary Name Contact email	
Date sent	

To:

Complainant Name	
Address	
Email	
Respondent Name	
Date for return of information requested	(latest date 20 Working Days before Hearing)

You are hereby given formal notice of the Disciplinary Hearing that will consider your allegations against the Respondent, named above, in relation to a Complaint made by you. The Hearing will be held in accordance with England Netball Disciplinary Regulations, a full copy of which is available at www.englandnetball.co.uk

Hearing Details

Date	
Time	
Venue	
Disciplinary Panel Chairman	
Disciplinary Panel Members	

Please complete and return the enclosed Evidence Form.

You will need to identify any witnesses, their address (including email address) and provide brief details regarding the evidence they can provide and arrange for their attendance at the Disciplinary Hearing. Witnesses will be sent an Evidence Form for completion by the Disciplinary Secretary.

Witness Name	Address (including Email Address)	Details of Evidence

Please note that expenses will not be paid to you or any witness or representative attending the Hearing.

Evidence Form

The completed form may be used in evidence at a forthcoming Disciplinary Hearing. It should be completed in as much detail as possible and returned by the date shown, marked private and confidential, to the Disciplinary Secretary.

Appropriate Authority (name and address of the County/Regional Association/England Netball dealing with the Complaint)	
Disciplinary Secretary Name Contact email	
Date sent	

A Disciplinary Matter has been alleged against . This is being investigated at a Disciplinary Hearing and you have been identified as a witness by the Claimant/Respondent. A full copy of The Disciplinary Regulations is available at www.englandnetball.co.uk

At present, this allegation is being investigated and no conclusions reached, therefore it is imperative that the issue remains confidential. Discussing this matter with other individuals may constitute a Disciplinary Matter for Members and Connected Participants. Should you wish to discuss this situation, please contact the Disciplinary Secretary.

Please provide as much detail relevant to the allegations as possible in the statement including how you are involved in this matter, dates and any other information that you think could potential be helpful for the Disciplinary Panel.

Disciplinary Matter alleged or details of the Charge – to be completed by the Disciplinary Secretary.	
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If required, would you be prepared to provide evidence to the Disciplinary Panel on XXXXXXXXXXXX at XXXXXXXXXXXX? Yes/No

If no, please provide a reason for not providing evidence:

Identify capacity in which you are replyingRESPONDENT ☐EXPERT WITNESS ☐WITNESS TESTIMONY ☐COMPLAINANT ☐**Identify evidence type being provided**WRITTEN DOCUMENTATION ☐OTHER (please state) ☐

eg photograph, video

Please provide as much relevant detail as possible relating to the incident resulting in the allegation set out above:

Please continue on additional sheets if necessary

Please state your relationship to Respondent or Complainant

Name	Signature
Address	Email
	Daytime telephone
England Netball affiliation number (if appropriate)	Date

Investigation/Disciplinary Decision Form

Appropriate Authority (name and address of the County/Regional Association/England Netball dealing with the complaint)	
Disciplinary Secretary Name and email	
Date sent	

Respondent Name	
Address	
Email	
Hearing date	

A Hearing took place on the above date.

This form confirms the Decision taken in accordance with England Netball's Disciplinary Regulations. The Decision will be recorded and held centrally at England Netball for two years or longer if determined by the Panel.

Details of Complaint Including dates,names of parties and witnesses (to be completed by the Disciplinary Secretary)	
Jurisdiction of the Panel to hear the case.	
Disciplinary Matter allegedly or detail of charge (including details of any breach of regulations)	
Decision of Panel	
Reason for Decision	
Sanctions to be applied	
Period of Data Retention	

The following Decision regarding costs has been made by the Disciplinary Panel

Name of person(s) to pay costs	Amount of costs to be paid	Payment details

Respondent Only - You have the right to Appeal the Decision. Any Appeal should be sent in writing to the Disciplinary Secretary named above, to be received within 15 working days of the date of this Decision Notice. Any Appeal must be accompanied by a payment of £250, which may be retained by the Appropriate Authority that hears the Appeal. Please contact the Disciplinary Secretary for details of payment for an Appeal.

Complainant Only – The Complainant has no right to Appeal the Decision

A copy of this form along with the entire relevant documentation must be sent to the England Netball's Disciplinary Secretary.

Notice of Appeal Hearing Form: Respondent/Appellant

To

Appellant name	
Address	
Email	
Date for return of information	(latest date: 20 working days before Appeal Hearing)

You are hereby given formal notice of the Appeal Hearing that will consider the Appeal made by you in accordance with England Netball Disciplinary Regulations, a copy of which can be found on England Netball's website.

Appeal Hearing Details

Date	
Time	
Venue	
Appeal Panel Chairman	
Appeal Panel Members	

You may provide any additional information in writing to the Appeal Panel; the information must be received by the return date stated above.

Please advise if you will be using the services of any legal representative.

Representative name and status	Address	Email

The Appeal process provides that when the Appellant is an individual they may be accompanied by one person of the Appellant's choice. Where the Appellant is a Club, County or Regional Association, it may be represented by an additional two of its officers.

Appellant status	Number of additional person(s) allowed at Appeal Hearing	Name(s) of additional person(s)

Please note that expenses will not be paid to you, any witness or representative attending the Appeal Hearing.

Appeal Decision Form

Appropriate Authority (name and address of County/Regional Association/England Netball dealing with the complaint)	
Disciplinary Secretary name and Email	
Date sent	

To

Appellant name	
Address	
Email	
Appeal Hearing date	

You attended an Appeal Hearing on the above date. This form confirms the Decision taken by the Appeal Panel under the terms of the England Netball Disciplinary Regulations.

This form confirms the Decision taken in accordance with England Netball's Disciplinary Regulations. The Decision will be recorded and held centrally at England Netball for two years or longer if determined by the Panel.

Details of Appeal (to be completed by the Disciplinary Secretary)	
Jurisdiction of the Appeal Panel to hear the case.	
Decision of Appeal Panel	
Reason for Decision	
Sanctions to be applied/varied	
Period of Data Retention	

The following Decision regarding costs has been made by the Appeal Panel.

Name of person(s) to pay costs	Amount of costs to be paid	Payment details

The Decision of the Appeal Panel is final and binding on all parties, there is no further right of Appeal.

SECTION 5 - APPENDICES

Appendix 1 - Contact details

	Address	Website & Telephone
England Netball Head Office	Compliance and Inclusion Manager, Netball House, 1–12 Old Park Road, Hitchin, Hertfordshire SG5 2JR	www.englandnetball.co.uk Tel: 01462 442344 Fax: 01462 442343

Netball Regional Associations

East	Regional Coordinator, Netball House, 1–12 Old Park Road, Hitchin, Hertfordshire SG5 2JR	www.netballeast.org.uk Tel: 01462 428336
London & South East	Regional Coordinator, c/o Brunel University Sports Centre, Kingston Lane, Uxbridge, Middlesex UB8 3PH	www.londonandsoutheastnetball.co.uk Tel: 01895 266202
South	Regional Coordinator, Bisham Abbey, National Sports Centre, Off Marlow Road, Bisham, Bucks SL7 1RR	www.netballsouth.co.uk Tel: 01628 477090
South West	Regional Coordinator, National Netball Centre, University of Bath, Sports Training Village, Claverton Down, Bath BA2 7AY	www.netballsouthwest.co.uk Tel: 01225 383774
West Midlands	Regional Coordinator, Walsall Campus Sports Centre, University of Wolverhampton, Walsall Campus, Gorway Road, Walsall WS1 3BD	www.netballwestmidlands.co.uk Tel: 01902 518752
East Midlands	Regional Coordinator, Netball Office, Netball and Badminton Centre, Loughborough University, Loughborough, Leicestershire LE11 3TU	www.eastmidlandsnetball.co.uk Tel: 01509 226753
North West	Regional Coordinator, The National Cycling Centre, Stuart Street, Manchester M11 4DQ	www.netballnorthwest.org.uk Tel: 0161 223 7724
North East	Regional Coordinator, House of Sport, University of Durham, Elvet Hill House, Elvet Hill Road, Durham DH1 3TH	www.northeastnetball.co.uk Tel: 0191 3347223
Yorkshire	Regional Coordinator, English Institute of Sport Sheffield, Coleridge Road, Sheffield S9 5DA	www.netballyorkshire.co.uk Tel: 0114 223 5697

Appendix 2 - Recommended Sanctions

	Act of misconduct of Member of Connected Participant	Recommended Sanction based on scale of seriousness	Recommended Data Retention Period
1	Serious or multiple breaches of the governing documents (eg Memorandum and Articles of Association or membership regulations)	Caution, reprimand, warning as to future conduct Suspension of Membership and/or from participation in events for a specified period within the range of three to 12 months Monetary fine payable within 28 days	2 years
2	Serious or multiple breaches of the England Netball Codes of Conduct	Caution, reprimand, warning as to future conduct Suspension of Membership and/or from participation in events for a specified period within the range of three to 12 months Monetary fine payable within 28 days	2 years
3	Serious or multiple disobedience of the reasonable directions of a match official, participant and/or administrator	Minimum Sanction: <ul style="list-style-type: none"> - £25 fine; and/or - one month suspension of Membership and/or from participation in events Maximum Sanction: <ul style="list-style-type: none"> - £250 fine; and/or - 12 months suspension of Membership and/or from participation in events 	Minimum: 2 years Maximum: 5 years
4	Dangerous play capable of compromising the safety of another person	Minimum Sanction: <ul style="list-style-type: none"> - £25 fine; and/or - one month suspension of Membership and/or from participation in events Maximum Sanction: <ul style="list-style-type: none"> - £250 fine; and/or - 12 months suspension of Membership and/or from participation in events 	2 years

5	Any breach of the Anti-Doping regulations and Child Protection policies	This offence is outside the scope of the England Netball Disciplinary Procedure; however, any Sanction imposed as a result of a breach of these regulations may be significantly longer than those detailed in this table	This offence is outside the scope of the England Netball Disciplinary Procedure; however, any Data Retention imposed as a result of a breach of these regulations may be significantly longer than those detailed in this table
6	Verbal abuse of officials, coaches, participants and/or parents	<p>Minimum Sanction:</p> <ul style="list-style-type: none"> - £25 fine; and/or - one month suspension of Membership and/or from participation in events <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - £250 fine; and/or - 12 months suspension of Membership and/or from participation in events 	2 years
7	Physical abuse of officials, coaches, participants, other players and/or parents	<p>Minimum Sanction:</p> <ul style="list-style-type: none"> - £250 fine; and/or - 12 months suspension of Membership and/or from participation in events <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - Unlimited fine; and/or - Lifetime suspension of Membership and/or from participation in events 	<p>Minimum: 2 years</p> <p>Maximum: 5 years</p>
8	Use of offensive or foul language	<p>Minimum Sanction:</p> <ul style="list-style-type: none"> - £25 fine; and/or - one month suspension of Membership and/or from participation in events <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - £250 fine; and/or - 12 months suspension of Membership and/or from participation in events 	2 years
9	Serious use of language or behaviour that is in any way discriminatory (eg homophobic, racist)	<p>Sanctions will vary and it is not appropriate to establish a scale</p> <p>Sanctions shall be imposed at the absolute discretion of the disciplinary committee/Appeal committee</p>	<p>Minimum: 2 years</p> <p>Maximum: 5 years</p>

10	Unsporting conduct	<p>Minimum Sanction:</p> <ul style="list-style-type: none"> - £25 fine; and/or - one month suspension of Membership and/or from participation in events <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - £250 fine; and/or - 12 months suspension of Membership and/or from participation in events 	<p>Minimum: 2 years Maximum: 5 years</p>
11	Failure to provide reasonable assistance in connection with a Disciplinary Case	<p>Sanctions will vary and it is not appropriate to establish a scale</p> <p>Sanctions shall be imposed at the absolute discretion of the disciplinary committee/Appeal committee</p>	2 years
12	Breaching the terms of any suspension imposed under The Disciplinary Regulations	<p>Minimum Sanction:</p> <ul style="list-style-type: none"> - 12 months suspension in addition to original suspension (to be imposed consecutively) <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - 12 months suspension in addition to original suspension (to be imposed consecutively), unless the breach is considered so severe that a longer Sanction is imposed by the England Netball Board 	<p>Minimum: 2 years Maximum: 5 years</p>
13	Acting in contravention of the Equality Policy	<p>Sanctions will vary and it is not appropriate to establish a scale</p> <p>Sanctions shall be imposed at the absolute discretion of the disciplinary committee/Appeal committee</p>	<p>Minimum: 2 years Maximum: 7 years</p>
14	Misconduct relating to the abuse of a position of trust or authority	<p>Sanctions will vary and it is not appropriate to establish a scale</p> <p>Sanctions shall be imposed at the absolute discretion of the disciplinary committee/Appeal committee</p> <p><i>If this misconduct involves an individual under 18, the issue must be referred to Safeguarding</i></p>	<p>Minimum: 2 years Maximum: 7 years</p>
15	Serious or multiple	Caution, reprimand, warning as to	2 years

	breaches of the Technical Regulations not dealt with in these recommended Sanctions	<p>future conduct</p> <p>Suspension of Membership and/or from participation in events for a specified period within the range of one to six months</p> <p>Monetary fine payable within 28 days</p> <p>Forfeiture of Competition prizes</p>	
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Appendix 3 – Suspension/removal of Club Action Planning Scheme Accreditation (CAPS)

England Netball, in conjunction with Sport England managers of Clubmark, award Club Action Planning Scheme (CAPS) accreditation to those clubs which are able to demonstrate they implement minimum operating standards, designed to show a club's commitment to high standards of governance and behaviour.

An Investigation/Disciplinary/Appeal Panel may be faced with making decisions about the suitability of a club to retain its accreditation and be able to promote itself as a club which operates to these standards in light of a Disciplinary Charge being admitted or proven. In acting to protect the reputation of the Sport, particularly the welfare of children and as the gatekeeper of the reputation of netball, England Netball deems it essential to have a procedure which allows for the suspension or removal of CAPS accreditation.

It should be noted that all Clubs with CAPS accreditation should have up to date evidence of all criteria. It is recognised that sometimes, due to a variety of circumstance, this may fall short.

Any action arising under this procedure will only be taken after careful consideration of all circumstances. It is expected that this process will only be invoked in exceptional circumstances. The potential ramifications to the Club and its Members may be significant to their reputation and the Club's ability to compete.

Consideration of suspension or removal of CAPS accreditation will arise where the Investigation/Disciplinary/Investigation Panel consider it to be reasonable and proportionate including, but not limited to:

- misconduct, such as child abuse, criminal activity, fraud, racism or other breach of anti-discrimination provisions,
- Multiple breaches of disobedience
- A serious breach of England Netball's governing documents (eg Memorandum and Articles of Association or membership regulations) or Policies
- Multiple incidents of unsporting conduct from the Members of the Club
- Breaching the terms of any suspension imposed as a result of previous Disciplinary Action or Interim Suspensions under the current Disciplinary Action

Suspension

CAPS accreditation may be suspended under the following circumstances:

- As a precautionary Interim Suspension by the Investigation Panel; this does not imply guilt.

- As a Sanction imposed by the Disciplinary/Appeal Panel where they consider the Disciplinary Charge has been admitted or proved and is of sufficient seriousness to warrant the Sanction of Suspension for a defined period of time.
- The Disciplinary Charge has been admitted or proven and the Disciplinary/Appeal Panel impose a suspension subject to the satisfaction of specified conditions.

Suspensions will be subject to a time limit, which must be clearly defined and communicated to the Club and the County/Regional Management Board for their area. Such suspension may be renewed if necessary.

England Netball will notify Sport England's managers of Clubmark (currently KKP) of the suspension. The Club will not be permitted to promote itself as a CAPS accredited club during this time or use the Clubmark logo.

Removal

The Disciplinary Panel/Appeal Panel has the authority to remove CAPS completely from a club if it deems the conduct of the Club to have fallen so far below expected standards. The managers of Clubmark will be notified of the removal of accreditation and the club will be removed from the national database.

Any attempt to promote itself as a CAPS accredited club, or to use the Clubmark logo following its removal from a Club, will result in a further Disciplinary Charge being brought against the club.

Removal or Suspension of accreditation may be appealed in the same way as any other sanction, that is, in accordance with the procedure set out in the Disciplinary Regulations. England Netball accepts no liability for any financial or reputational loss arising from the decision to suspend or remove the CAPS accreditation.