

# Codes of Conduct and Disciplinary Procedures Manual



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# 1. Overview of the Codes and Procedures

As the Governing Body for the Sport, we have a clear ambition for Netball in England – to be the *first choice team sport for women & girls*. If we get that right our other ambitions of growing participation in the game and achieving a No 1 world ranking will become more achievable.

To deliver that ambition we must work as one team, volunteers and staff together, developing and sustaining a way of working that is built around four core values and driven by the need to place the participant at the heart of everything we do.

Our core values are set out in the table below and these provide the springboard and the impetus for everything we do including this Disciplinary Manual.

<b>LEADERSHIP</b>	<b>INTEGRITY</b>	<b>TEAMWORK</b>	<b>EXCELLENCE</b>
We will provide strong, open and action based leadership that establishes Netball as a sport, employer and partner of choice	We will work in a way that ensures all our people, members, stakeholders, participants and partners understand who we are and what we do, have confidence in the fact that we do it well and can trust we do it for the right reasons.	We will work as a team [volunteers & staff] & with all who share a common purpose to deliver our mission.	We will strive to be the best we can, setting high standards and meeting the expectations of our members, participants, stakeholders and partners.

This manual seeks to pull together the numerous and differing strands of a disciplinary process into one cohesive and coherent manual that reflects good practice and provides a guide and framework for implementation at all levels of the sport. It promotes high standards of behaviour for all involved in the sport and consistent, fair and transparent process for dealing with breaches of the codes.

Wherever you are involved in the sport – at club, league, county, regional or national level, I hope that you find the guidance in this manual helpful and that it provides clarity and structure to the very emotive issue of standards of behaviour, process and transparency of investigation and consistency and fairness of application.

We are all passionate about our sport and I believe the guidelines presented in this manual will set us aside from other sports and create an environment that we are all proud to be part of.

Paul Clark

Chief Executive, England Netball

## 2. Jurisdiction

Each League, County, Region and the National Governing Body, England Netball (EN) shall be referred to as an “Appropriate Authority” to deal with disciplinary matters. They shall have full power and jurisdiction to act in relation to all disciplinary matters, including the power to hold investigations and impose sanctions, or take such action as it sees fit by following the procedures set out by EN.

This power and jurisdiction is delegated by the EN Board of Directors and shall be in respect of and in relation to all Registered Individuals, Clubs, Leagues, County and Regional Associations (or any officer or individual thereof), coaches, officials or volunteers, of England Netball.

## 3. Contact details

	<b>Address</b>	<b>Website</b>
<b>England Netball Head Office</b>	Netball House 9 Paynes Park Hitchin Hertfordshire SG5 1EH	<b>Tel:</b> 01462 442344 <b>Fax:</b> 01462 442343 <a href="http://www.Englandnetball.co.uk">www.Englandnetball.co.uk</a>
<b>Netball Regions</b>		
East	c/o Living Sport, Lakeside Lodge Health Club, Fen Road, Pidley, Cambs. PE28 3DF	<a href="http://www.netballeast.org.uk">www.netballeast.org.uk</a>
London & South East	c/o Brunel University Sports Centre, Kingston Lane, Uxbridge, Middlesex UB8 3PH	<a href="http://www.londonandsoutheastnetball.co.uk">www.londonandsoutheastnetball.co.uk</a>
South	Bisham Abbey National Sports Centre, Off Marlow Road, Bisham, Bucks, SL7 1RR	<a href="http://www.netballsouth.co.uk">www.netballsouth.co.uk</a>
South West	National Netball Centre, University of Bath, Sports Training Village, Claverton Down, Bath, BA2 7AY	<a href="http://www.netballsouthwest.co.uk">www.netballsouthwest.co.uk</a>
West Midlands	Walsall Campus Sports Centre, University of Wolverhampton, Walsall Campus, Gorway Rd., Walsall, WS1 3BD	<a href="http://www.westmidlandsnetball.moonfruit.com">www.westmidlandsnetball.moonfruit.com</a>
East Midlands	Netball Office, Netball and Badminton Centre, Loughborough University, Loughborough, Leicestershire, LE11 3TU	<a href="http://www.eastmidlandsnetball.co.uk">www.eastmidlandsnetball.co.uk</a>
North West	University of Chester, - Warrington Campus, Crab Lane, Warrington, Cheshire, WA2 0DB	<a href="http://www.netballnorthwest.org.uk">www.netballnorthwest.org.uk</a>
North East	House of Sport, University of Durham, Elvet Hill House, Elvet Hill Road, Durham, DH1 3TH	<a href="http://www.northeastnetball.co.uk">www.northeastnetball.co.uk</a>
Yorks & Humberside	English Institute of Sport Sheffield, Coleridge Road, Sheffield, S9 5DA	<a href="http://www.netballyorkshire.co.uk">www.netballyorkshire.co.uk</a> <a href="http://www.yorksandhumbernetball.co.uk">www.yorksandhumbernetball.co.uk</a>

## **4. Discipline guidelines**

### **4.1 What constitutes a Disciplinary Matter?**

The following points outline the main reasons that a disciplinary matter may be considered:

- 4.1.1 Any breach, failure, refusal or neglect to comply with a provision of the Memorandum of Association or the Articles of Association, the Regulations or Standing Orders, any other policy, resolution or determination of the EN Board or any committee, or under any regulations of an event, except where such breach, failure, refusal or neglect is of the EN Anti-Doping Regulations or Child Protection Regulations, in which case it shall be dealt with as set out in the those Regulations.
- 4.1.2 Any failure to abide by the terms of any agreement related and notified to members, or the provision of facilities entered into by the Association; or
- 4.1.3 any refusal or neglect to comply with the rules and regulations of the International Federation, European Federation or EN; or specific Regional or County or League regulations; or
- 4.1.4 has committed conduct that is disgraceful or opposed to the general interests of the Association or the sport of Netball (including, without limitation, gross misconduct, conduct that brings the sport into disrepute, discriminatory conduct, harassment and inappropriate behaviour in relation to children, vulnerable adults, members or Registered Participants); or
- 4.1.5 breached EN's equal opportunities policies and guidelines or the harassment policies and guidelines or any terms of reference, codes of conduct, regulations or other policies of the Association ; or
- 4.1.6 behaved in a manner that is or is likely to be prejudicial to an event organised by or on behalf of EN or any other committee or any member or other body affiliated to the Association or the administration of a training facility; or
- 4.1.7 behaved in a manner that is otherwise considered unacceptable and contrary to the conduct expected of a member or a Registered Participant or anyone acting in any other capacity on behalf of EN;
- 4.1.8 Any other matter raised by or about a member, Registered Participant or anyone acting in any other capacity on behalf of EN which concerns the EN Board.

### **Criminal offences**

Any matter that is brought to the attention of a Disciplinary Secretary where the Investigation Committee decides that the matter should be dealt with by the Police will be referred accordingly. Any action to be brought by way of the EN disciplinary procedures may be suspended until the outcome of the criminal investigation is determined.

### **Safeguarding and Child Protection**

In all cases where there is concern about the safety or protection of children, the matter must be referred to the EN Lead Child Protection Officer immediately.

### **Adults and Young People**

Any incident that gives rise to verbal or physical causes for concern and involves adults and young people must be reported to the Lead Child Protection Officer as well as the relevant League, County, Region or England Netball.

## 4.2 Where should Discipline be addressed?

Disciplinary issues should be dealt with at the most local and suitable place and should only be advanced upwards from League to County, County to Region, and Region to National if the individual circumstances warrant transfer.

Each League, County, Region and EN should have a named Disciplinary Secretary to whom any complaint must be referred within 7 days.

A table showing the people needed at each level of the Disciplinary Process and the Appeal Process may be found later in this manual.

## 4.3 Anti-doping regulations

EN have adopted unconditionally the 'UK Sport Doping Rules' and all matters regarding Doping shall be dealt under such 'UK Sport Doping Rules', which when appropriate, shall take precedence over the Disciplinary Procedures. Further information on all matters relating to the Anti-doping Regulations may be found at [www.englandnetball.co.uk](http://www.englandnetball.co.uk) or by contacting the England Netball Head Office.

## 4.4 Child Protection Procedures and Policies

EN has specific Child Protection Procedures and Policies, which when appropriate, shall take precedence over the Disciplinary Procedures. Further information on all matters relating to the welfare of children and vulnerable adults may be found at [www.englandnetball.co.uk](http://www.englandnetball.co.uk) or by contacting the England Netball Equity and Welfare Officer.

## 4.5 Informal Grievance Procedures

The overriding principle in this process is one of sensitivity and respect to both party's needs and views and to always maintain a sense of fairness and conciliation so that the problem is resolved.

Whenever minor grievance problems arise these should be dealt with by way of informal procedures. The informal stage serves to:

- protect all parties from further harm, escalation of problems and adverse publicity
- remind everyone of their ethical obligations as athlete, coach, official, administrator or volunteer
- give out the message that conduct always matters, that complainants, victims and accused persons receive support and care within England Netball, and that such matters are taken seriously and are being continuously monitored
- avoid formal procedures, except in appropriate cases
- keep matters within bounds and allow explanations and re-evaluation of conduct, which might be causing problems often through lack of awareness

If those concerned cannot resolve their difficulties, it is recommended that they enlist the assistance of a knowledgeable independent/neutral mediator who, if chosen wisely will expedite a solution acceptable to both parties, without resort to more serious methods such as disciplinary procedures.

If not readily identifiable by the parties involved, the mediator should be identified, appointed by and costs covered by the appropriate Club, League or County Secretary or Regional Chairman. If the grievance involves National issues then the England Netball Chief Executive will identify and appoint the mediator.

Where the dispute derives from two different bodies, e.g. members of two different County Associations, the Secretary of both bodies should liaise with a view to appointing a mutually agreed mediator.

Both parties should be encouraged to accept the mediator's decision as final before the process begins. It is for this reason that both parties should be wholly content that the mediator is knowledgeable and independent.

The proceedings should be as cordial as possible and not adversarial. (To this end, it is far more conducive to resolution if parties are seated 'around' a table as opposed to 'across' it.)

Both parties should be afforded equal time with no limit to state their grievance, with each being urged to allow the other time to freely relate their case without interruption.

- 4.5.1 The mediator should listen to each party. They must ensure they are provided with a full and factual account, agreed by both parties if at all possible and familiarising themselves with all relevant facts.
- 4.5.2 The mediator will make their decision immediately following the meeting and advise both parties accordingly.
- 4.5.3 The mediator will follow up their verbal decision delivery with a letter to both parties with 7 days of the meeting.

This type of mediation is neither simple nor always successful. However, if successful it can result in the agreement of both parties and provide a desirable and quick conclusion to the dispute.

If an informal grievance meeting is not practical, or likely to prove disruptive, the problem should be channelled through formal disciplinary procedures.

## 4.6 Disciplinary Cases involving Children

**All matters concerning Child Protection, including 'poor practice' must be referred to the England Netball Lead Child Protection Officer; disciplinary issues relating to Child Protection are not to be handled via the EN Disciplinary Regulations and Procedures.**

Children and young people within England Netball (EN) have equal rights to justice, fair play and protection. Young people shall be entitled to the full protection of all our policies and procedures and their complaints shall be dealt with as thoroughly and rigorously as any other registered participant or member.

EN is firmly committed to creating and maintaining a safe and positive environment for all young people to play netball. It accepts its responsibility to safeguard the welfare of all young people and protect them from poor practice, abuse and bullying by recognising that everyone concerned, in whatever capacity, has this responsibility.

With regard to **Safeguarding and Protecting Young People in Netball**, Policy, Procedures and Guidelines have been developed that apply to all individuals involved, paid or voluntary. These policies must be referred to in every instance where children or young people are involved in disciplinary cases, albeit as the complainant, respondent, witness or in any other capacity.

It is vital to recognise that some children and young people may be more vulnerable than others of a similar age; some regrettably may encounter additional barriers due to their race, gender, age, religion, disability, sexual orientation, social background and culture. Disciplinary panels, particularly the Chairman of proceedings, must at all times be mindful of the demands that such vulnerability may impose and adjust the format of proceedings where appropriate.

- 4.6.1 In appropriate cases where children (under 18 years) are witnesses, care should be taken regarding the provision of evidence. Under no circumstances should the Panel Chairman allow undue pressure, or any form of hostility to take place at the hearing at or in the presence of a child witness.
- 4.6.2 Interviews of children and young people shall only be conducted by suitably trained and experienced persons nominated by the EN Lead Child Protection Officer. Wherever and whenever possible, the acceptance by the respondent and/or the appellant of a child's



evidence via a third party or in written statement form should be sought by the Panel Chairman.

- 4.6.3 In all cases, written permission must be obtained from the parent or guardian before a child is asked to provide evidence and/or attend a hearing.
- 4.6.4 Parents, guardians or chaperones are encouraged to accompany any child required to attend a hearing.
- 4.6.5 Where a child or young person is a respondent, extreme care should be taken when dealing with the proceedings.
- 4.6.6 The Panel Chairman conducting proceedings involving children or young people must at all times be patient, understanding and ensure that the child or young person fully understands the process taking place at each stage.
- 4.6.7 All disciplinary measures or sanctions must be measured and under no circumstances should the child or young person be subjected to humiliation.
- 4.6.8 Those involved in proceedings must always be mindful that mishandling of a child's experience of giving evidence can in itself be distressful, and in some cases deemed abusive.

## 4.7 Managing Challenging Behaviour

People who are involved in netball activities may, on occasion, be required to deal with a child or young person's challenging behaviour.

These guidelines aim to promote good practice and to encourage a proactive response to supporting children in managing their own behaviour. The guidelines suggest some strategies and sanctions that can be used whilst at the same time identifying unacceptable sanctions or interventions, which must never be used by staff or volunteers. Please also read the EN Best Practice Guidelines for Safeguarding Children available at [www.englandnetball.co.uk](http://www.englandnetball.co.uk)

These guidelines are based on the following principles:

- The welfare of the child is the paramount consideration.
- All those involved in activities (including children, coaches, umpires, volunteers and parents) should be provided with clear guidelines about required standards of conduct, and the organisation/club's process for responding to behaviour that is deemed unacceptable.
- Children must never be subject to any form of treatment that is harmful, abusive, humiliating or degrading.
- Some children exhibit challenging behaviour as a result of specific circumstances, e.g. a medical or psychological condition, and Coaches may therefore require specific or additional guidance. These and any other specific needs the child may have, should be discussed with parents/carers and the child in planning for the activity. This is to ensure that an appropriate approach is agreed by all parties and, where necessary, additional support provided; for example by external agencies such as Children's Social Care services etc
- Sport can make a significant contribution to improving the life experience and outcomes for all children and young people. Every child should be supported to participate, and only in exceptional circumstances where the safety of a child or of other children cannot be maintained, should a child be excluded from club activities.

### 4.7.1 Planning Activities

Good coaching and tutoring practice requires planning sessions around the group as a whole but also involves taking into consideration the needs of each individual within that group. As part of session planning, Coaches/Tutors should consider whether any members of the group have presented in the past, or are likely to present any difficulties in relation to the tasks involved, either to the other participants or the environment.

Where staff/volunteers identify potential risks, strategies to manage those risks should be agreed in advance of the session, event or activity. The planning should also identify the appropriate number of

adults required to safely manage and support the session, including being able to adequately respond to any challenging behaviour and to safeguard other members of the group and the staff/ volunteers involved.

When children are identified as having additional needs or behaviours that are likely to require additional supervision, specialist expertise or support, this should be discussed with parents/carers and where appropriate young people. The club should seek to work in partnership with parents/carers, and where necessary external agencies, to ensure that a child or young person can be supported to participate safely.

#### **4.7.2 Agreeing Acceptable and Unacceptable Behaviours**

Staff, volunteers, children, young people and parents/carers should be involved in developing an agreed statement of what constitutes acceptable and unacceptable behaviour and the range of sanctions that may be applied in response to unacceptable behaviour. This can be done at the start of the season, in advance of a trip away from home or as part of a welcome session at a residential camp.

Issues of behaviour and control should regularly be discussed with staff, volunteers, parents and children in the context of rights and responsibilities. When children are specifically asked, as a group, to draw up a code of behaviour that will govern their participation in club activities, experience indicates that they tend to arrive at a very sensible and working set of 'rules' with greater 'buy-in' from participants than those simply imposed by adults within the club. If and when such a code is compiled, every member of the group can be asked to sign it, as can new members as they join.

#### **4.7.3 Managing Challenging Behaviour**

In responding to challenging behaviour the response should always be proportionate to the actions, be imposed as soon as is practicable and be fully explained to the child and their parents/carers. In dealing with children who display negative or challenging behaviours, staff and volunteers might consider the following options:

- Time out - from the activity, group or individual work.
- Reparation - the act or process of making amends.
- Restitution - the act of giving something back.
- Behavioural reinforcement - rewards for good behaviour, sanctions or consequences for negative behaviour e.g. missing an outing.
- De-escalation of the situation - talking through the behaviour with the child.
- Increased supervision by staff/volunteers.
- Use of individual 'contracts' or agreements for their future or continued participation.
- Seeking additional/specialist support through working in partnership with other agencies to ensure a child's needs are met appropriately e.g. referral for support to Children's Social Care, discussion with the child's key worker if they have one, speaking to the child's school about management strategies (all require parental consent unless the child is felt to be 'at risk' or 'in need of protection').
- Temporary or permanent exclusion

The following must never be permitted as a means of managing a child's behaviour:

- Physical punishment or the threat of such.
- Refusal to speak to or interact with the child.
- Being deprived of food, water, access to changing facilities or toilets or other essential facilities.
- Verbal intimidation, ridicule or humiliation.

Staff and volunteers must review the needs of any child for whom sanctions are frequently necessary. This review should involve the child, parents/carers and in some cases others involved in supporting or providing services for the child and their family, to ensure an informed decision is made about the

child's future or continued participation. As a last resort, if a child continues to present a high level of risk or danger to themselves or others, she/he may have to be suspended or barred from the group or club activities.

#### **4.7.4 Physical Intervention**

The use of physical intervention should always be avoided unless it is absolutely necessary to prevent a child injuring themselves or others, or causing serious damage to property. All forms of physical intervention should form part of a broader approach to the management of challenging behaviour.

Physical contact to prevent something happening should always be the result of conscious decision-making and not a reaction. Before physically intervening, the member of staff or volunteer should ask themselves, 'Is this the only option in order to manage the situation and ensure safety?' It is good practice to ensure that physical intervention in a situation with a child/young person is in the least restrictive manner necessary to prevent them from getting hurt, and used only after all other strategies have been exhausted. Studies have shown that, where this is the case, children and young people understand and accept the reasons for the intervention.

The following must always be considered:

- Contact should be avoided with buttocks, genitals and breasts. Staff/volunteers should never behave in a way that could be interpreted as sexual.
- Any form of physical intervention should achieve an outcome that is in the best interests of the child whose behaviour is of immediate concern.
- Staff/volunteers should consider the circumstances and the risks associated with employing physical intervention compared with the risks of not employing physical intervention.
- The scale and nature of physical intervention must always be proportionate to the behaviour of the young person and the nature of harm/damage they might cause.
  - All forms of physical intervention should only employ a reasonable amount of force i.e. the minimum force needed to avert injury to a person or serious damage to property and applied for the shortest period of time.
- Staff/volunteers should never employ physical interventions that are deemed to present an unreasonable risk to children or staff/volunteers.
- Staff/volunteers must never use physical intervention as a form of punishment.
- Physical intervention should NOT involve inflicting pain
- Where children are identified as having additional needs or behaviours that are likely to require physical intervention, this should be discussed with parents/carers and where necessary the club will seek advice from, or to work in partnership with external agencies (e.g. Children's Social Care) to ensure that a child or young person can be supported to participate safely. This may include asking for the provision of a suitably trained support worker/volunteer or accessing staff/volunteer training in physical intervention.

Any physical intervention used should be recorded as soon as possible after the incident by the staff/volunteers involved using the Incident Report Form and passed to the Club Welfare/Child Protection Officer as soon as possible.

#### **4.7.5 Views of the child**

It is clear from the accounts of children and young people that physical intervention can provoke strong feelings. Children may be left physically or emotionally hurt. Even a child who hasn't directly been involved in the situation may be fearful that it will happen to them in future or have been upset by seeing what has happened to others.

A timely debrief for staff/volunteers, the child and its parents should always take place following an incident where physical intervention has been used. This should include ensuring that the physical and emotional well-being of those involved has been addressed and ongoing support offered where necessary. Staff/volunteers, children and parents should be given an opportunity to talk about what happened in a calm and safe environment.

There should also be a discussion with the child and parents about the child's needs and continued safe participation in the group or activity.

It is important that staff and volunteers are made aware of and understand the organisation/club's guidance about managing challenging behaviour to ensure that they are aware of ways in which they may need to intervene and are clear about practice guidance in this area.

#### **4.7.6 A policy for managing challenging behaviour**

In conclusion, all organisations that have a duty of care to children and young people should develop and implement a policy and procedures on managing challenging behaviour, or consider incorporating this into their child protection policy. It should clearly set out the following:

- The standard of conduct expected from staff/volunteers and participants.
- How the organisation will respond to unacceptable behaviour.
- How the organisation will respond to 'high risk' behaviour. This will give children and young people a clear message about when staff may need to get involved in order to stop a particular form of behaviour, and describe options to avoid confrontation through, for example, time out.
- The circumstances in which children will be restrained. A decision to restrain a child should be firmly based on the safety of the child and must **NEVER** be made as a punishment or to get children to comply with instructions.
- The guidance, information or any support and/or training available to staff/volunteers, particularly where they are supporting a child with recognised challenging behaviour to access club activities.
- The circumstances where external agencies will be contacted for support, or in response to concerns e.g. Children's Care Services, the Police.
- What will happen after an incident? The organisation must have in place arrangements to check on the physical and emotional wellbeing of the child and staff; guidance on recording, who should be informed and a system for recording and monitoring.

This document has been developed from "Creating a Safe Environment in Sport, Scottish Governing Bodies Child Protection Guidelines" (sportscotland / Children 1st)

## **5 Breaches of Competition Rules and Regulations**

Competition rules and regulations may vary. The codes of conduct and disciplinary regulations have been put in place to assist and sit alongside specific event rules and regulations. In all cases event specific regulations should be adhered to in addition to all EN regulations.

### **5.1 Leagues**

Each League will have its own set of League Regulations. Certain automatic sanctions for clubs and/or players may be in place e.g. points deducted for fielding an unregistered player etc. These specific regulations and linked sanctions do not require Leagues to go through the Disciplinary Process to apply them. They are automatic League requirements and not disciplinary matters to be referred using the EN Disciplinary Process.

### **5.2 National Competitions including U14, U16, U19**

EN has in place a set of regulations for each of the national competitions. There may be immediate sanctions that apply to a breach of the event regulations. Please refer to the EN Event Department for copies of specific regulations or visit [www.englandnetball.co.uk](http://www.englandnetball.co.uk) for additional information.

### **5.3 NTL and NSL**

These competitions have very detailed regulations and requirements that form part of the agreements with EN. Breaches of specific requirements may have set sanctions and will not result in referral through the EN Disciplinary Processes. Please refer to the EN Event Department for copies of specific regulations.

### **5.4 International Federation Events, Netball Europe, Commonwealth Games**

England Netball enters teams and supports umpires, coaches and officials in several international events. At all times the EN Codes of Conduct and expectations placed on the individuals remain the same, irrespective of where the event is taking place.

In addition, there may be event rules and regulations that are set by the International Federation, Netball Europe, or the Commonwealth Games Federation that require additional consideration. Any individual involved in any capacity in such events must ensure that they are familiar with any associated responsibilities and/or requirements.

## 6 Codes of Conduct

### 6.1 Code of Conduct for Athletes

EN has Codes of Conduct across all aspects of the sport, which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in Netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

#### 6.1.1 As an athlete I will:

- be affiliated to EN and comply with all rules, regulations and requirements of the sport including any leagues and competitions in which I participate
- respect the rights, dignity and worth of all people involved in netball, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- not abuse or misuse any relationship of trust, or position of power, or influence held by me within my team, club, League, County, Regional or National Association
- always conduct myself in an appropriate manner
- cooperate with my Coaches, team mates, Officials and Administrators
- never argue with an official during a game
- control my temper; I understand that verbal, emotional and physical abuse of Officials, Coaches, Spectators or other athletes, or deliberately distracting or provoking an opponent is not acceptable or permitted behaviour in netball
- treat all athletes with respect, never bully or take unfair advantage of another athlete
- work equally hard for myself and my team, show my determination and passion to learn and do well
- display modesty in victory and graciousness in defeat
- comply with all anti-doping policies and regulations
- abide by any disciplinary sanctions that might be imposed on me
- promote this code of conduct to other athletes, especially those new to the sport of netball

#### 6.1.2 I will not:

- consume alcoholic drinks, or illegal substances, or smoke either immediately prior to or whilst playing
- wager on any match or at any event where I am playing
- offer or attempt to offer, or accept either directly or indirectly, any consideration whatsoever with a view to influencing the result of any match
- use Social Media technology to bring the game into disrepute or make an inappropriate comment about a fellow athlete, Coach, Official, volunteer or the NGB.

#### 6.1.3 NB: Clubs are encouraged to add their own requirements to this athlete code, regarding Training times; Kit; Transport etc

## 6.2 Code of Conduct for Coaches

EN has Codes of Conduct relating to all aspects of the sport that is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.2.1 As a Coach I will:

- be affiliated to EN and comply with all rules, regulations and requirements of the sport including any leagues and competitions
- respect the rights, dignity and worth of all people involved in netball, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- not abuse or misuse any relationship of trust or position of power or influence held by me within my Team, Club, League, County, Regional or National Association
- always conduct myself in an appropriate manner
- treat all athletes, Coaches and Officials with respect, never bully or take unfair advantage
- control my temper; I understand that verbal, emotional, and physical abuse of coaches, athletes, spectators, or other officials is not acceptable or permitted behaviour in netball
- be a positive role model for netball by acting in a way that projects a positive image of coaching and being fair, considerate and honest with athletes
- display high standards in my language, manner, punctuality, preparation and presentation ensuring that an athlete's time spent with me is a positive experience
- provide athletes with planned and structured training programmes appropriate to their needs and goals, ensuring equal attention and opportunities are available to all
- accurately represent personal coaching qualifications, experience and competence
- keep up to date with the latest coaching practice and developments by taking up further coach education and other personal and professional development opportunities
- ensure that the training and/or competition environment is safe and appropriate for the age, physical and emotional maturity, experience and ability of the athletes
- provide a modified training programme for sick and injured athletes and encourage them to seek medical advice where required
- exercise reasonable care and skill when carrying out my duties
- comply with all anti-doping policies and regulations
- abide by the "safeguarding best practice guidelines" for children and young people
- promote this code of conduct to other coaches especially those new to the sport of netball

### 6.2.2 I will not:

- consume alcoholic drinks or illegal substances or smoke around athletes
- wager on any match or at any event where I am coaching
- offer or attempt to offer, or accept either directly or indirectly, any consideration whatsoever with a view to influencing the result of any match
- disclose any confidential information relating to athletes without their prior consent
- use Social Media technology to bring the game into disrepute or make an inappropriate comment about a fellow Coach, athlete, Official, volunteer or the NGB

## 6.3 Code of Conduct for Umpires

EN has Codes of Conduct across the sport which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.3.1 As an Umpire I will:

- be affiliated to EN and comply with all rules, regulations and requirements of the sport including any leagues and competitions in which I umpire
- respect the rights, dignity and worth of all people involved in netball, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- not abuse or misuse any relationship of trust or position of power or influence held by me within my team, club, League, County, Regional or National Association
- always conduct myself in an appropriate manner and cooperate with other officials and administrators
- exercise self control; I understand that verbal, emotional and physical abuse of coaches, spectators, athletes or other officials is not acceptable or permitted behaviour in netball
- treat all officials with respect, never bully or take unfair advantage of another official
- umpire consistently, independently and with complete impartiality and exercise reasonable care and skill to enforce the rules of the game, to apply them fairly and to effect control of the game so as to ensure the safety of the players at all times
- abide by the “safeguarding best practice guidelines” for children and young people
- ensure that I will maintain the level of knowledge required by attending appropriate and approved EN courses
- conform to the appropriate standard of mental and physical fitness defined by EN which will enable me to effectively control matches
- be appropriately dressed whenever I umpire
- abide by any disciplinary sanctions that might be imposed on me
- promote this code of conduct to other umpires and officials

### 6.3.2 I will not:

- consume alcoholic drinks or illegal substances or smoke either immediately prior to or whilst umpiring
- wager on any match or at any event where I am umpiring
- offer or attempt to offer, or accept either directly or indirectly, any consideration whatsoever with a view to influencing the result of any match
- coach during any match at which I am umpiring
- use Social Media technology to bring the game into disrepute or make an inappropriate comment about a fellow official, coach, athlete, volunteer or the NGB



## 6.4 Code of Conduct for Table Officials

EN has Codes of Conduct across the sport which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in Netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.4.1 As a Table Official I will:

- be affiliated to EN and comply with all rules, regulations and requirements of the sport including any leagues and competitions in which I officiate
- respect the rights, dignity and worth of all people involved in netball, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- not abuse or misuse any relationship of trust or position of power or influence held by me within my team, club, League, County, Regional or National Association
- always conduct myself in an appropriate manner and cooperate with other officials and administrators
- exercise self-control; I understand that verbal, emotional and physical abuse of coaches, spectators, athletes or other officials is not acceptable or permitted behaviour in netball
- treat all officials with respect, never bully or take unfair advantage of another official
- officiate with complete impartiality
- exercise reasonable care and skill when carrying out my duties
- abide by the “safeguarding best practice guidelines” for children and young people
- ensure that I maintain the level of knowledge required by attending appropriate and approved EN courses
- abide by any disciplinary sanctions that might be imposed on me
- be appropriately dressed whenever I officiate
- promote this code of conduct to other officials, especially those new to the sport of netball

### 6.4.2 I will not:

- consume alcoholic drinks or illegal substances or smoke either immediately prior to or whilst officiating
- wager on any match or at any event where I am officiating
- offer or attempt to offer, or accept either directly or indirectly, any consideration whatsoever with a view to influencing the result of any match
- coach during any match at which I am officiating
- use Social Media technology to bring the game into disrepute or make an inappropriate comment about a fellow official, coach, athlete, volunteer or the NGB

## 6.5 Code of Conduct for Tutors, Assessors, Testers, Trainers & Verifiers

EN has Codes of Conduct across the sport which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.5.1 As a Tutor/Assessor/Tester/Trainer/Verifier, I will:

- be affiliated to EN and comply with all rules, regulations and requirements of the sport
- respect the rights, dignity and worth of all people involved in netball, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- not abuse or misuse any relationship of trust or position of power or influence held by me within my team, club, League, County, Regional or National Association
- always conduct myself in an appropriate manner and treat all athletes, coaches, officials and spectators with respect, never bully or take unfair advantage; I understand that verbal, emotional and physical abuse of coaches, spectators, athletes or other officials is not acceptable or permitted behaviour in netball
- be a positive role model for netball by acting in a way that projects a positive image of the role and being fair, considerate and honest with all candidates.
- display high standards in my language, manner, punctuality, preparation and presentation ensuring that a candidate's time spent with me is a positive experience.
- provide candidates with the appropriate information, planned and structured programmes appropriate to their needs and goals, ensuring equal attention is applied to all.
- keep up to date with the latest practice and developments by taking up further education and other personal development opportunities.
- provide appropriate feedback following observation of session
- exercise reasonable care and skill when carrying out my duties
- abide by the "safeguarding best practice guidelines" for children and young people
- abide by any disciplinary sanctions that might be imposed on me
- promote this code of conduct to other Tutors, Assessors, Testers, Trainers and Verifiers

### 6.5.2 I will not:

- consume alcoholic drinks or illegal substances or smoke either immediately prior to or whilst umpiring
- wager on any match or at any event where I am umpiring
- offer or attempt to offer, or accept either directly or indirectly, any consideration whatsoever with a view to influencing the result of any match
- disclose any confidential information relating to athletes without their prior consent.
- use Social Media technology to bring the game into disrepute or make an inappropriate comment about an athlete, coach, official, volunteer or the NGB

## 6.6 Code of Conduct for Volunteers

EN has Codes of Conduct across the sport which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.6.1 As a volunteer I will:

- adhere to the code of conduct for volunteers
- be appropriately dressed whenever I volunteer
- listen to and cooperate with my volunteer organiser
- ensure that I follow instructions and comply with any Health and Safety regulations that apply to the volunteer role that I am undertaking
- abide by the “safeguarding best practice guidelines” when volunteering with children and young people
- exercise self-control; I understand that verbal, emotional and physical abuse of Officials, Coaches, spectators, athletes or other volunteers is not acceptable or permitted behaviour in netball
- respect the rights, dignity and worth of all people involved in netball, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- always conduct myself in an appropriate manner
- promote this code of conduct to other volunteers, especially those new to the sport

### 6.6.2 I will not:

- consume alcoholic drinks or illegal substances or smoke either immediately prior to or whilst volunteering
- use Social Media technology to bring the game into disrepute or make an inappropriate comment about a fellow volunteer, coach, official, athlete or the NGB

## 6.7 Code of Conduct for Team Managers

EN has Codes of Conduct across the sport which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.7.1 As a Team Manager I will:

- be affiliated to EN and comply with all rules, regulations and requirements of the sport including any leagues and competitions
- respect the rights, dignity and worth of all people involved in netball, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- not abuse or misuse any relationship of trust or position of power or influence held by me within my team, club, League, County, Regional or National Association
- always conduct myself in an appropriate manner
- treat all Coaches, Officials and athletes with respect, never bully or take unfair advantage
- exercise self-control; I understand that verbal and physical, emotional abuse of Coaches, athletes, spectators, or other Officials is not acceptable or permitted behaviour in netball
- display high standards in my language, manner, punctuality, preparation and presentation ensuring that an athlete has a positive experience when in my care
- exercise reasonable care and skill when carrying out my duties
- abide by the “safeguarding best practice guidelines” for children and young people
- comply with all anti-doping policies and regulations
- promote this code of conduct to other team managers especially those new to the sport of netball

### 6.7.2 I will not:

- consume alcoholic drinks or illegal substances or smoke around athletes
- wager on any match or at any event where I am involved
- offer or attempt to offer, or accept either directly or indirectly, any consideration whatsoever with a view to influencing the result of any match
- disclose any confidential information relating to athletes without their prior consent
- use Social Media technology to bring the game into disrepute or make an inappropriate comment about an athlete, coach, official, volunteer or the NGB

### 6.7.3 Clubs are encouraged to add to this document their own requirements regarding Training times; Kit; Transport etc

## 6.8 Code of Conduct for Parents/Carers

EN has Codes of Conduct across the sport which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times. The enjoyment and safety of your child when they are involved in a netball activity is of paramount importance to EN. Every child will be encouraged and asked to ensure that their behaviour and actions meet the values and standards expected of them at all times. As parents, you are also asked to support our Codes of Conduct and embrace the spirit of our game.

### 6.8.1 As a parent I will:

- encourage my child to play within the rules and respect officials' and coaches' decisions and never argue
- support my child's efforts and performance, give positive comments that motivate and encourage continued effort and learning
- understand that competition is about winning and losing so results are always accepted without undue disappointment
- turn losing into winning by helping my child work towards skill improvement and good sportsmanship
- remember that children learn best by example so I will applaud good plays by both my child's team and their opponents
- thank the Coaches, Officials and other volunteers who give their time for my child
- help when asked by a Coach or Official
- respect the rights, dignity and worth of all people involved in the game, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- read the rules of the sport to understand better what I am watching and discussing with my child
- promote this code of conduct to other parents, carers and supporters

### 6.8.2 I will not:

- pressure my child in any way – I know that this is their sport not mine
- use inappropriate language, harass athletes, Coaches, Officials or other spectators
- criticise or ridicule my child's performance for making a mistake or losing after the game
- force my child if unwilling to participate in the sport
- arrive at a netball activity under the influence of alcohol or drugs
- use Social Media technology to bring the game into disrepute or make an inappropriate comment about an athlete, coach, official, volunteer or the NGB

## 6.9 Code of Conduct for England Netball Board

EN has Codes of Conduct across the sport which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.9.1 As a Board member I will:

- promote and embed the EN values, aims and policies
- act only in the interests of EN and not on behalf of any constituency or interest group (the knowledge and understanding that each Board member brings from their own experience is highly valued, but Board members are not allowed to act as representatives of any constituency or interest group)
- establish and maintain robust and comprehensive governance processes and regulations that Regions and Counties can be encouraged to replicate
- actively contribute to the effective work of the Board by:
  - thorough preparation and reading all papers which have been circulated prior to meetings;
  - regular attendance, participation and contribution at meetings, including constructive challenge;
  - ensuring timely response to agreed actions, requests for information and guidance from fellow Directors and/or senior managers;
  - attending the AGM/EGM and England Netball Events (as and when required)
  - deal with issues of clarification “offline” before Board meetings if it relates to a Board agenda item and maintain a sharp focus on agenda items in meetings, to ensure meetings run to time and that time is utilised to best effect
- attend meetings of Committees and Advisory/Working Groups which I either Chair or sit in membership
- attempt to reach decisions by consensus
- attend relevant training events and take reasonable steps to ensure that I am aware of the development of public policy and other issues which may affect the work of EN

### 6.9.2 Board members are required to:

- listen and respect the views of others
- seek positive and constructive resolution to those issues where differences in opinion exist and where a vote is taken accept the decision of the majority
- respect the office of the Chairman, to ensure the orderly conduct of meetings
- observe the highest ethical standards of impartiality, integrity and objectivity in relation to the stewardship of public funds and management of EN
- act in a way considered to be in good faith and would be most likely to promote the success of the company for the benefit of its members as a whole
- maximise value for money through ensuring that services are delivered in the most economical, efficient and effective way, within available resources and with independent validation of performance achieved wherever practicable
- maintain focus on the strategic development of EN through planning, prioritising, performance monitoring and evaluation - remembering that Directors are not expected to engage in the day to day operation of EN unless it is a planned intervention
- support fellow Directors and Senior Managers in their leadership of the organisation
- seek to work effectively with the staff team [and vice versa] to advise, guide, enable and support

- respect the rights, dignity and worth of all people involved in the game, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- at all times act as an ambassador and advocate for EN promoting the organisation's key messages and always presenting the sport and its people in a positive light

### **6.9.3 I will not**

- attempt to exercise individual authority over or its staff except as explicitly set forth in Board policies
- consume alcoholic drinks or illegal substances or smoke during Board meetings

### **6.9.4 Declarations of Interest**

All Board members are required to:

- complete and sign the EN Declaration of Interests form(s)
- ensure that private or personal financial interest never influences their decisions
- ensure that they do not use their position as a Board member for personal gain
- disclose to the Company Secretary/Chairman any direct or indirect pecuniary interest or other interests which are not pecuniary but which could influence judgment or give the impression that the Board or Board member was acting for personal motives
- note that the Chairman has the right to request that a Board member withdraws from any meeting or any part of a meeting when any such conflict of interest exists
- comply with the EN policy for hospitality and gifts

In the event of a Board member considering that another Board member has an interest which should be disclosed, he/she has a duty to report that matter immediately to the Company Secretary or Chairman.

### **6.9.5 Netball Activities involving Children**

All Board members are required to abide by the "safeguarding best practice guidelines" when volunteering with children

### **6.9.6 Employment**

Board members must not use their positions to obtain for themselves, family members, or close associates, employment within EN.

Should a Board member be considered for employment, he/she must temporarily withdraw from Board deliberations, voting and access to applicable Board information that might relate to the employment.

### **6.9.7 Confidentiality**

Board members should not pass any information gained through their involvement with EN to a third party without the approval of the Chairman.

### **6.9.8 Outside Activities**

Board members should consider themselves at all times as being potentially regarded as ambassadors of England Netball and should, therefore, ensure that none of their other activities has the effect of bringing the Association into disrepute.

### **6.9.9 Misconduct**

Board members' conduct may be considered to be unsatisfactory when a breach of the Regulations, this Code, standing orders or members' legal obligations has occurred.

In cases where there is concern that a Board member's conduct may be considered unsatisfactory, the following procedure will be adopted:

- The Chairman will arrange for an investigation of any allegation of misconduct to be undertaken to establish the facts
- The Chairman will invite two other members of the Board to form a Board Misconduct Panel with her to consider the facts and to determine what action should be taken; if the complaint concerns the Chairman then the Vice Chairman will convene the Panel
- The Panel will determine what action shall be taken
- The action that will be taken will depend upon the seriousness of the misconduct and any previous misconduct
- If an allegation of misconduct is made against the Chairman the Vice Chairman or Treasurer of the Committee will be expected to fulfil the role allocated above to the Chairman.

In cases of serious misconduct, the Panel will seek a voluntary resignation from the Board and if such resignation is not forthcoming, formal procedures will be taken in accordance with the EN regulations to remove the Board member (refer to Company Articles. New companies Act Section 168)

A Board member has the right to appeal against any decision made and may make an appeal by writing to the Chairman within 14 days of being notified of the decision by the Board Misconduct Panel setting out the grounds on which the Board member is appealing.

The full Board (excluding the original Panel members and appellant Board member) will hear any such appeal. The Chairman may request up to two additional members of the Association, with relevant experience, to be seconded, with voting rights, for the appeal meeting if the remaining members of the Board do not have a quorum. A Board member will act as Chairman of the appeal discussion and the Board's decision will be final.

In cases where the Chairman feels it is appropriate, he/she may suspend the relevant member from attendance at meetings of the Board and any Committees while the matter is being investigated.

#### **6.9.10 Board Member Grievances**

This procedure for individual grievances covers those matters which are specific to the individual Board member in relation to his/her service as a Board member and not to any general grievances.

If the Chairman has a grievance about another Board member, he/she should raise the matter directly with the Board member in question. If no resolution is found, the Chairman will raise the matter in writing, to the Vice Chairman, who will investigate and determine the appropriate course of action in consultation with the Officers.

If a Board member wishes to raise a grievance, he/she should write to the EN Chairman setting out the reasons for the Grievance.

If the grievance relates to another Board member or the Chief Executive, the Chairman should investigate and determine the appropriate course of action. If the grievance relates to the Chairman, then the Vice Chairman should receive the grievance in writing, investigate and determine the appropriate course of action. If the grievance is in relation to a member of staff other than the Chief Executive, the Chief Executive will investigate and determine the appropriate course of action, ensuring reference to the Company Grievance procedures in the employee handbook.

If the Board member is not satisfied with the reply which would normally be sent within 10 working days of the original grievance, he/she may appeal to the Chairman or Vice Chairman if he/she has been dealing with the grievance, in writing outlining the grounds for the appeal.

The appeal will be referred to a Board Grievance Appeals Panel; the composition of this panel will be determined by the Chairman or Vice Chairman if the original grievance was concerning the Chairman, and will comprise of three members of the Board. Appeals will normally be heard within 10 working days of lodging the appeal. The decision of the panel is final; there is no further appeal under any circumstances.



## 6.10 Code of Conduct for England Netball National Group / Committee

EN has Codes of Conduct across the sport, which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.10.1 As a member of a National Group/Committee I will:

- promote and embed the EN values, aims and policies
- act only in the interests of EN and not on behalf of any constituency or interest group (the knowledge and understanding that each member brings from their own experience is highly valued but members are not allowed to act as representatives of any constituency or interest group)
- actively contribute to the effective work of the group by:
  - thorough preparation and reading all papers which have been circulated prior to meetings;
  - regular attendance, participation and contribution at meetings;
  - ensuring timely response to agreed actions, requests for information and guidance from fellow group members and/or EN employees;
  - deal with issues of clarification "offline" before meetings if it relates to an agenda item and maintain a sharp focus on agenda items in meetings, to ensure they run to time and that time is utilised to best effect
- attempt to reach decisions by consensus
- attend relevant training events and take reasonable steps to ensure that I am aware of the development of public policy and other issues which may affect the work of the group

### 6.10.2 National Group /Committee members are required to:

- listen and respect the views of others
- seek positive and constructive resolution to those issues where differences in opinion exist and where a vote is taken accept the decision of the majority
- respect the office of the Chairman, to ensure the orderly conduct of meetings
- observe the highest ethical standards of impartiality, integrity and objectivity
- seek to work effectively with the staff team [and vice versa] to advise, guide, enable and support
- respect the rights, dignity and worth of all people involved in the game, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion
- at all times act as an ambassador and advocate for EN promoting the organisation's key messages and always presenting the sport and its people in a positive light

### 6.10.3 I will not

- consume alcoholic drinks or illegal substances or smoke during meetings

### 6.10.4 Declarations of Interest

All National Group/Committee members are required to:

- complete and sign the EN Declaration of Interests form(s)
- ensure that private or personal financial interest never influences their decisions
- ensure that they do not use their position for personal gain
- disclose to the Chairman any direct or indirect pecuniary interest or other interests which are not pecuniary but which could influence judgment or give the impression that the Advisory Group/Committee or member was acting for personal motives
- note that the Chairman has the right to request that a member withdraw from any meeting or any part of a meeting when any such conflict of interest exists

In the event of a National Group/Committee member considering that another member has an interest which should be disclosed, he/she has a duty to report that matter immediately to the Chairman.

#### **6.10.5 Netball Activities involving Children**

All National Group/Committee members are required to abide by the EN “safeguarding best practice guidelines” when volunteering with children

#### **6.10.6 Confidentiality**

National Group/Committee members should not pass any information gained through their involvement with EN to a third party without the approval of the Chairman.

#### **6.10.7 Outside Activities**

National Group/Committee members should consider themselves at all times as being potentially regarded as ambassadors of England Netball and should; therefore, ensure that none of their other activities has the effect of bringing the Association into disrepute.

#### **6.10.8 Misconduct**

National Group/Committee members’ conduct may be considered to be unsatisfactory when a breach of the Regulations, this Code, standing orders or members’ legal obligations has occurred.

In cases where there is concern that a member’s conduct may be considered unsatisfactory, the following procedure will be adopted:

- The Chairman will arrange for an investigation of any allegation of misconduct to be undertaken to establish the facts and determine what action should be taken
- The action that will be taken will depend upon the seriousness of the misconduct and any previous misconduct

In cases of serious misconduct, the Chairman will refer the matter using the EN Disciplinary Regulations.

- If an allegation of misconduct is made against the Chairman, the Vice Chairman or Treasurer of the Committee will be expected to fulfil the role allocated above to the Chairman.

#### **6.10.9 National Group/Committee Member Grievances**

This procedure for individual grievances covers those matters that are specific to the individual National Group/Committee member in relation to his/her service as a group member and not to any general grievances.

If the National Group/Committee Chairman has a grievance about another National Group/Committee member, he/she should raise the matter directly with the member in question. If no resolution is found, the Chairman will raise the matter in writing to the Vice Chairman, who will investigate and determine the appropriate course of action in consultation with the other group members.

If a National Group/Committee member wishes to raise a grievance, he/she should write to the Group Chairman setting out the reasons for the Grievance. If the grievance relates to another member, the Chairman should investigate and determine the appropriate course of action. If the grievance relates to the Chairman, then the Vice Chairman should receive the grievance in writing, investigate and determine the appropriate course of action. If the grievance relates to the Chief Executive it should be referred to the EN Chairman. If the grievance is in relation to a member of staff other than the Chief Executive, the Chief Executive will investigate and determine the appropriate course of action, ensuring reference to the Company Grievance procedures in the employee handbook.

If the National Group/Committee member is not satisfied with the reply that would normally be sent within 10 working days of the original grievance, he/she may appeal to the Chairman or Vice Chairman if she has been dealing with the grievance, in writing outlining the grounds for the appeal.

The appeal will be referred to a Grievance Appeals Panel; the composition of this panel will be determined by the Chief Executive.

Appeals will normally be heard within 10 working days of lodging the appeal. The decision of the panel is final; there is no further appeal under any circumstances.

## 6.11 Code of Conduct Statement for Regional Management Boards

EN has Codes of Conduct across the sport which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.11.1 As a Regional Board member I will:

- promote and embed the EN values, aims and policies
- act only in the interests of the Region and not on behalf of any constituency or interest group (the knowledge and understanding that each Regional Board member brings from their own experience is highly valued but Regional Board members are not allowed to act as representatives of any constituency or interest group)
- actively contribute to the effective work of the Regional Board by:
  - thorough preparation and reading all papers which have been circulated prior to meetings;
  - regular attendance, participation and contribution at meetings including constructive challenge;
  - ensuring timely response to agreed actions, requests for information and guidance from fellow Regional Board members;
  - attending the AGM/EGM and Regional Netball Events (as and when required)
  - deal with issues of clarification "offline" before meetings if it relates to a Regional Board agenda item and maintain a sharp focus on agenda items in meetings, to ensure meetings run to time and that time is utilised to best effect
- attend meetings of Regional Committees and Advisory/Working Groups which I either Chair or sit in membership
- attempt to reach decisions by consensus
- attend relevant training events and take reasonable steps to ensure that I am aware of the development of public policy and other issues which may affect the work of the Region

### 6.11.2 Board members are required to:

- listen and respect the views of others
- seek positive and constructive resolution to those issues where differences in opinion exist and where a vote is taken, accept the decision of the majority
- respect the office of the Chairman, to ensure the orderly conduct of meetings
- observe the highest ethical standards of impartiality, integrity and objectivity in relation to the stewardship of public funds and management of the Region
- act in a way considered to be in good faith and will be most likely to promote the success of the company for the benefit of its members as a whole
- maximise value for money through ensuring that services are delivered in the most economical, efficient and effective way, within available resources and with independent validation of performance achieved wherever practicable
- maintain focus on the strategic development of the Region through planning, prioritising, performance monitoring and evaluation
- support fellow Regional Board members and managers in their leadership of the region
- seek to work effectively with the staff team [and vice versa] to advise, guide, enable and support
- respect the rights, dignity and worth of all people involved in the game, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion

- at all times act as an ambassador and advocate for EN and the Region promoting the organisation's key messages and always presenting the sport and its people in a positive light

### **6.11.3 I will not**

- attempt to exercise individual authority over the Region or its staff except as explicitly set forth in regional policies
- consume alcoholic drinks or illegal substances or smoke during Regional Board meetings

### **6.11.4 Declarations of Interest**

All Regional Board members are required to:

- complete and sign the EN Declaration of Interests form(s)
- ensure that private or personal financial interest never influences their decisions
- ensure that they do not use their position as a Regional Board member for personal gain
- disclose to the Regional Chairman any direct or indirect pecuniary interest or other interests which are not pecuniary but which could influence judgment or give the impression that the Regional Board or Board member was acting for personal motives
- note that the Chairman has the right to request that a Regional Board member withdraw from any meeting or any part of a meeting when any such conflict of interest exists

In the event of a Board member considering that another Board member has an interest which should be disclosed, he/she has a duty to report that matter immediately to the Regional Chairman.

### **6.11.5 Netball Activities involving Children**

All Regional Board members are required to abide by the EN "safeguarding best practice guidelines" when volunteering with children

### **6.11.6 Employment**

Regional Board members must not use their positions to obtain for themselves, family members, or close associates, employment within EN or the Region.

Should a Regional Board member be considered for employment, he/she must temporarily withdraw from all deliberations, voting and access to applicable information that might relate to the employment.

### **6.11.7 Confidentiality**

Regional Board members should not pass any information gained through their involvement with the Region to a third party without the approval of the Regional Chairman.

### **6.11.8 Outside Activities**

Regional Board members should consider themselves at all times as being potentially regarded as ambassadors of the Region and England Netball and should, therefore, ensure that none of their other activities has the effect of bringing netball into disrepute.

### **6.11.9 Misconduct**

Regional Board members' conduct may be considered to be unsatisfactory when a breach of the Regulations, this Code, standing orders or members' legal obligations has occurred.

In cases where there is concern that a Board member's conduct may be considered unsatisfactory, the following procedure will be adopted:

- The Regional Chairman will arrange for an investigation of any allegation of misconduct to be undertaken to establish the facts
- The Regional Chairman will invite two other members of the Regional Board to form a Board Misconduct Panel with her to consider the facts and to determine what action should be taken; if the complaint concerns the Chairman then the Vice Chairman will convene the Panel

- The Panel will determine what action shall be taken
- The action that will be taken will depend upon the seriousness of the misconduct and any previous misconduct
- If an allegation of misconduct is made against the Chairman the Vice Chairman or Treasurer of the Committee will be expected to fulfil the role allocated above to the Chairman.

A Regional Board member has the right to appeal against any decision made and may make an appeal by writing to the Regional Chairman within 14 days of being notified of the decision by the Board Misconduct Panel setting out the grounds on which the Regional Board member is appealing.

The Regional Chairman will refer the matter to the EN Chief Executive who will set up and Chair an Appeal Panel to hear any such appeal. Two EN Directors will be asked to sit on the Appeal Panel its decision will be final.

In cases where the Regional Chairman feels it is appropriate, he/she may suspend the relevant member from attendance at meetings of the Regional Board and any Regional Committees while the matter is being investigated.

#### **6.11.10 Regional Board Member Grievances**

This procedure for individual grievances covers those matters that are specific to the individual Board member in relation to his/her service as a Regional Board member and not to any general grievances.

If the Regional Chairman has a grievance about another Regional Board member, he/she should raise the matter directly with the member in question. If no resolution is found, the Regional Chairman will raise the matter in writing, with the remaining members of the Regional Board, who will investigate and determine the appropriate course of action.

If a Regional Board member wishes to raise a grievance, he/she should write to the Regional Chairman setting out the reasons for the Grievance.

If the grievance relates to another Board member, or the Regional Manager the Regional Chairman should investigate and determine the appropriate course of action. If the grievance relates to the Regional Chairman, then the Regional Vice Chairman should receive the grievance in writing, investigate and determine the appropriate course of action. If the grievance is in relation to a member of staff other than the Regional Manager, the Regional Manager will investigate and determine the appropriate course of action, ensuring reference to the Grievance procedures in the EN employee handbook.

If the Regional Board member is not satisfied with the reply which would normally be sent within 10 working days of the original grievance, he/she may appeal to the EN Chief Executive, in writing outlining the grounds for the appeal.

The appeal will be referred to a Regional Board Grievance Appeals Panel; the composition of this panel will be determined by the Chief Executive and will comprise of three members of the EN Board.

Appeals will normally be heard within 10 working days of lodging the appeal. The decision of the panel is final; there is no further appeal under any circumstances.

## 6.12 Code of Conduct Statement for County Netball Associations

EN has Codes of Conduct across the sport which is driven by its' core values of leadership, integrity, teamwork and excellence. Our codes require the highest standards of conduct from everyone involved in netball to ensure that their behaviour and actions meet the values and standards expected of them at all times.

### 6.12.1 As a County Association Committee member I will:

- promote and embed the EN values, aims and policies as appropriate within the County
- act only in the interests of the County and not on behalf of any constituency or interest group (the knowledge and understanding that each County Association Committee member brings from their own experience is highly valued but County Association Committee members are not allowed to act as representatives of any constituency or interest group)
- actively contribute to the effective work of the County Association Committee by:
  - thorough preparation and reading all papers which have been circulated prior to meetings;
  - regular attendance, participation and contribution at meetings including constructive challenge;
  - ensuring timely response to agreed actions, requests for information and guidance from fellow County Association Committee members;
  - attending the AGM/EGM and County Netball Events (as and when required)
  - deal with issues of clarification “offline” before meetings if it relates to a County Association Committee agenda item and maintain a sharp focus on agenda items in meetings, to ensure meetings run to time and that time is utilised to best effect
- attend meetings of County Committees and Advisory/Working Groups in which I either Chair or sit in membership
- attempt to reach decisions by consensus
- attend relevant training events and take reasonable steps to ensure that I am aware of the development of public policy and other issues which may affect the work of the County

### 6.12.2 Committee members are required to:

- listen and respect the views of others
- seek positive and constructive resolution to those issues where differences in opinion exist and where a vote is taken accept the decision of the majority
- respect the office of the Chairman, to ensure the orderly conduct of meetings
- observe the highest ethical standards of impartiality, integrity and objectivity in relation to the management of the County Association
- act in a way considered to be in good faith and would be most likely to promote the success of the County Association for the benefit of its members as a whole
- maximise value for money through ensuring that services are delivered in the most economical, efficient and effective way, within available resources
- maintain focus on the netball development of the County through planning, prioritising, performance monitoring and evaluation
- support fellow County Association Committee members in their leadership roles
- seek to work effectively with the Regional staff team [and vice versa] to advise, guide, enable and support
- respect the rights, dignity and worth of all people involved in the game, regardless of gender, marital status, race, colour, disability, sexuality, age, occupation, religion or political opinion

- at all times act as an ambassador and advocate for EN, the Region and the County through promoting the organisation's key messages and always presenting the sport and its people in a positive light

### **6.12.3 I will not**

- attempt to exercise individual authority over the County Association
- consume alcoholic drinks or illegal substances or smoke during County Association Committee meetings

### **6.12.4 Declarations of Interest**

All County Association Committee members are required to:

- complete and sign the EN Declaration of Interests form(s)
- ensure that private or personal financial interest never influence their decisions
- ensure that they do not use their position as a County Association Committee member for personal gain
- disclose to the County Chairman any direct or indirect pecuniary interest or other interests that are not pecuniary, but which could influence judgment, or give the impression that the County Association Committee or committee member was acting for personal motives
- note that the County Chairman has the right to request that a County Association Committee member withdraws from any meeting or any part of a meeting when any such conflict of interest exists

In the event of a Committee member considering that another Committee member has an interest which should be disclosed, he/she has a duty to report that matter immediately to the County Chairman.

### **6.12.5 Netball Activities involving Children**

All County Association Committee members are required to abide by the EN "safeguarding best practice guidelines" when volunteering with children

### **6.12.6 Employment**

County Association Committee members must not use their positions to obtain for themselves, family members, or close associates, employment within EN or the Region.

### **6.12.7 Confidentiality**

County Association Committee members should not pass any information gained through their involvement with the committee to a third party without the approval of the County Chairman.

### **6.12.8 Outside Activities**

County Association Committee members should consider themselves at all times as being potentially regarded as ambassadors of the County, the Region and England Netball and should therefore ensure that none of their other activities has the effect of bringing netball into disrepute.

### **6.12.9 Misconduct**

County Association Committee members' conduct may be considered to be unsatisfactory when a breach of the Regulations, this Code, standing orders or members' legal obligations has occurred.

In cases where there is concern that a Committee member's conduct may be considered unsatisfactory, the following procedure will be adopted:

- The County Chairman will arrange for an investigation of any allegation of misconduct to be undertaken to establish the facts

- The County Chairman will invite two other members of the County Association Committee to form a Misconduct Panel with him/her to consider the facts and to determine what action should be taken; if the complaint concerns the Chairman then the Vice Chairman will convene the Panel
- The Panel will determine what action shall be taken
- The action that will be taken will depend upon the seriousness of the misconduct and any previous misconduct
- If an allegation of misconduct is made against the Chairman, the Vice Chairman or Treasurer of the Committee will be expected to fulfil the role allocated above to the Chairman.

#### **6.12.10 County Association Committee Member Grievances**

The procedure for individual grievances covers those matters that are specific to the individual Committee member in relation to his/her service as a County Association Committee member and not to any general grievances.

If the County Chairman has a grievance about another County Association Committee member, he/she should raise the matter directly with the member in question. If no resolution is found, the County Chairman will raise the matter in writing, with the remaining members of the Committee, who will investigate and determine the appropriate course of action.

If a County Association Committee member wishes to raise a grievance, he/she should write to the County Chairman setting out the reasons for the Grievance.

If the grievance relates to another Committee member, the County Chairman should investigate and determine the appropriate course of action. If the grievance relates to the County Chairman, then the County Vice Chairman should receive the grievance in writing, investigate and determine the appropriate course of action.

If the County Association Committee member is not satisfied with the decision which would normally be sent within 10 working days of the original grievance, he/she may appeal to the EN Chief Executive, in writing outlining the grounds for the appeal.

The appeal will be referred to a County Association Committee Grievance Appeals Panel; the composition of this panel will be determined by the Chief Executive and will comprise of three members of the EN Board.

Appeals will normally be heard within 10 working days of lodging the appeal. The decision of the panel is final; there is no further appeal under any circumstances.



## 7. EN Disciplinary Regulations and Procedures

The purpose of these disciplinary regulations and procedures is to enable the All England Netball Association Limited (EN) to establish a framework by which EN, its Regional and County Associations and Leagues can adjudicate disciplinary matters in a fair and timely manner.

EN is the national governing body of Netball in England and is recognised as such by the International Netball Federation Limited; therefore in conducting disciplinary matters it will act proportionately.

It is the responsibility of a sport's national governing body to establish disciplinary regulations, codes of conduct, sanctions and methods of enforcing them. The disciplinary Procedures set out the process by which EN deals with allegations of disciplinary offences committed by any of the following:

- Registered participants, including players, coaches and officials;
- Clubs;
- Regional Associations;
- County Associations;
- Schools;
- Colleges/Universities;
- Armed Forces Netball Associations;
- Young Persons Groups;
- Leagues;
- Junior Leagues;
- Honorary Life Members;
- Associate members; and
- Volunteers.

It should be noted that these Procedures apply only to disciplinary matters and do not apply to:

- more general dispute resolution, such as complaints by one member/registered participant against another in relation to conduct not amounting to a breach of any policy or regulation; or
- grievances that are dealt with according to the separate Grievance Procedure of EN; broadly speaking grievances are complaints that a member/registered participant has against another member/registered participant of EN, Club, County or Regional Association or Board

This document is subject to change as 'best practice' is identified through continued work with the Sport England, UK Sport, other Sports Governing Bodies, legal advisors, NSPCC Child Protection in Sport Unit, and Child Protection Agencies.

### Note:

**This policy does not include persons employed by EN who are subject to a separate disciplinary procedure when they are undertaking their employment duties. However, if an employee is acting in a voluntary capacity they must comply with all codes of conduct, policies and procedures as any other volunteer.**

### 7.1 Definitions and Interpretation

7.1.1 In these Procedures, the following terms shall have the meanings set out below:

**“Appropriate Adult”** means ‘a child’s parent or guardian (or local authority if she is the subject of a care order), a social worker, failing either of these, another responsible adult aged 18 years or over’;

**“Appropriate Authority”** means League Committee or County Committee, Regional Management Board, or The Board of Directors of the All England Netball Association Limited;

**“Appeal Panel”** means the body of [three] members of an Appeal Panel formed to hear any given disciplinary matter appeal, by the Appropriate Authority, all of whom shall be fully aware of EN Regulations and in particular disciplinary regulations and procedures;

**“Association”** means the All England Netball Association Limited;

**“Board”** means the Board of Directors of EN;

**“Complainant”** means the person who submits a written complaint. This person may be required or directed to present her case at any discipline or appeal hearing;

**“Discipline and Appeals Register”** this is the register of an unlimited number of individuals all of whom are appropriately trained/experienced and may be appointed from time to time to both a Disciplinary Panel and or an Appeals Panel. [where individuals are used at a lower level in any case previously heard or in the disciplinary case prior to appeal, they shall not participate at the Appeal];

**“Disciplinary Panel”** means the body of [three] members of a Disciplinary Panel formed to hear any given disciplinary matter by the Appropriate Authority, all of whom shall be fully aware of EN Regulations and in particular disciplinary regulations and procedures;

**“Disciplinary Secretary”** means the person nominated to receive complaints for the Appropriate Authority.

**“EN”** means the All England Netball Association Limited, a private company limited by guarantee with the registered number of 1698144;

**“Lead Child Protection Officer”** means the EN Manager responsible for National Child Protection and Equity issues of EN;

**“Investigation Committee”** means the committee set up by the Appropriate Authority to investigate whether there is a case to answer; all of whom shall be fully aware of EN Regulations and in particular disciplinary regulations and procedures

**“Members”** means those organisations, clubs, schools, associations and individuals admitted into membership of the Association by the Board in accordance with the Articles

**“Procedures”** means the EN Disciplinary Procedures as set out herein and any amended Disciplinary Procedures adopted from time to time;

**“Recorder”** means a person appointed to the investigation committee, disciplinary or appeals panel to record its proceedings – together with providing an accurate transcript if requested; these are their primary and only tasks;

**“Registered Participant”** means a person who is in any way connected with the game of Netball and who is registered as a registered participant through a member;

**“Regulations”** means the EN Regulations, Articles of Association, Memorandum of Association, Child Protection Policy and Procedures, Equity Policy and all other, regulations, policies and procedures adopted by the EN Board of Directors;

**“Respondent”** means the individual or organisation in membership of EN against whom disciplinary action is being brought in accordance with these Procedures;

- 7.1.2 References to writing include references to any visible substitute for writing and to anything partly in one form, and partly in another form.
- 7.1.3 Words denoting the singular number include the plural number and vice versa.
- 7.1.4 Words denoting the feminine gender shall include the masculine gender.
- 7.1.5 Words denoting persons include bodies corporate (however incorporated) and unincorporated, including unincorporated associations of persons and partnerships.
- 7.1.6 Headings are inserted for convenience only and do not affect the construction of these Procedures.
- 7.1.7 To avoid duplication of instructions at each level of authority within EN these procedures may be adapted where appropriate and only with prior EN Board agreement, to suit the level at which hearings are to be held.
- 7.1.8 References in these Procedures to the “sport” are references to the game of Netball.
- 7.1.9 EN have adopted unconditionally the ‘UK Sport Doping Rules’ and all matters regarding Doping shall be dealt under such ‘UK Sport Doping Rules’, which when appropriate, shall take precedence over these procedures.
- 7.1.10 EN has specific Child Protection Procedures and Policies, which when appropriate, shall take precedence over these procedures.
- 7.1.11 Acceptable levels of Service of Notices and/or Documents relating to any EN Disciplinary Process or Appeal are by:
- Hand
  - Standard first class mail
  - Recorded Delivery
  - Electronic means (e-mail or facsimile) provided at all times receipt is acknowledged by the recipient

## **7.2 Disciplinary procedure Appropriate Authority level**

Disciplinary issues should be dealt with by the most local and suitable Appropriate Authority and should only be advanced upwards from League to County, County to Region, Region to National if the individual circumstances warrant transfer.

## **7.3 Jurisdiction**

The Appropriate Authority shall have full power and jurisdiction to act in relation to all disciplinary matters, including the power to hold investigations and impose sanctions, or take such action as it sees fit working within these regulations.

This power and jurisdiction shall be in respect of and in relation to all Registered Participants, Clubs, Leagues, County and Regional Associations (or any officer thereof), Coaches, Officials or volunteers of EN.

The conduct of any Hearings held under these Procedures shall be determined by the Chairman of the Disciplinary or Appeals Panel (as appropriate); the recommended procedure, for the Chairman’s reference, is set out within the document ‘Procedures at Discipline Hearing’.

*It should be noted that Disciplinary and Appeals Panels are not governed by rules of law courts or legislative provision however; chairpersons must ensure at all times that common sense, fairness and natural justice prevails.*

## 7.4 Procedure for making a complaint

A complaint is a formal written statement [although it is accepted that in Child Protection issues the initial complaint may be made by telephone] of allegation made by an individual or organisation regarding the actions or behaviour of any person, or body of persons in membership of EN or associated with EN in any capacity. A complaint must set out in full detail what Regulations it is alleged have been breached, or what other conduct has resulted in the complaint as specified in Section 5 below. The formal written statement must be sent to the Disciplinary Secretary of the Appropriate Authority.

A complaint may be made by:

- 7.4.1 any member or registered participant who is aged 18 years or over on the date of the complaint
- 7.4.2 the parent or other person with parental responsibility for a registered participant who is under the age of 18 years of age on the date of the complaint, on his/her behalf; any complaint made must be referenced under the EN Child Protection Procedures to ensure compliance
- 7.4.3 any member of the general public who has had direct contact with the EN in any capacity
- 7.4.4 in the case of a member Club or League the complaint must be made through its Secretary or other Officer acting on its behalf
- 7.4.5 in the case a Regional or County Association the complaint must be made through its Chairman, or any other officer acting on its behalf

Complaints must be acknowledged on receipt and dealt with as quickly as possible by the most suitable Appropriate Authority.

A complaint should normally reach the Secretary within 7 days after the alleged incident that gave rise to it. Complaints received relating to an incident outside of this time may not be considered unless the severity of the complaint is such that it is in the best interests of netball to take it forward. The latter would include a Child protection related complaint.

## 7.5 Disciplinary offences

A member or Registered Participant or anyone associated with EN in any other capacity shall be liable to disciplinary action in accordance with these Disciplinary Regulations in any of the following instances:

- 7.5.1 Any breach, failure, refusal or neglect to comply with a provision of the Memorandum of Association or the Articles of Association, the Regulations or Standing Orders, any other policy, resolution or determination of the EN Board or any committee, or under any regulations of an event, except where such breach, failure, refusal or neglect is of the EN Anti-Doping Regulations or Child Protection Regulations, in which case it shall be dealt with as set out in the those Regulations;
- 7.5.2 any failure to abide by the terms of any agreement related and notified to members or the provision of facilities entered into by the Association; or
- 7.5.3 any refusal or neglect to comply with the rules and regulations of the International Federation,
- 7.5.4 has committed conduct that is disgraceful or opposed to the general interests of the Association or the sport of Netball (including, without limitation, gross misconduct, conduct that brings the sport into disrepute, discriminatory conduct, harassment and inappropriate behaviour in relation to children, vulnerable adults, members or Registered Participants); or
- 7.5.5 breached the Association's equal opportunities policies and guidelines or the Association's harassment policies and guidelines or any terms of reference, codes of conduct, regulations or other policies of the Association ; or

7.5.6 behaved in a manner that is or is likely to be prejudicial to an event organised by the Association or any other committee or any member or other body affiliated to the Association or the administration of a training facility; or

7.5.7 behaved in a manner that is otherwise considered unacceptable and contrary to the conduct expected of a member or a Registered Participant or anyone acting in any other capacity on behalf of EN;

7.5.8 any other matter raised by or about a member, Registered Participant or anyone acting in any other capacity on behalf of EN which concerns the EN Board.

The Appropriate Authority may, where the matter is sufficiently serious, refer the matter to the Police, or Social Services, or other agencies for investigation and **may** postpone consideration of the matter by the Association in accordance with these Regulations, until their investigation has been conducted.

It is the duty of members and Registered Participants to report to the Association all facts or matters likely to bring the game of Netball or EN into disrepute.

## **7.6 Procedure for dealing with a complaint**

Upon receipt of a complaint, the Disciplinary Secretary shall place the matter before the relevant Investigation Committee confirming that a complaint has been received that requires Appropriate Authority investigation.

## **7.7 Investigation Committee**

7.7.1 The Investigation Committee is empowered to investigate all matters of a disciplinary nature referred to it. The examination of evidence by the Investigation Committee will not constitute a hearing.

7.7.2 The Investigation Committee shall consist of such person or persons as the Appropriate Authority shall decide. The Investigation Committee shall decide if the complaint:

7.7.2.1 be allowed to proceed formally using these regulations;

7.7.2.2 be dealt with informally because it is not severe enough to warrant full disciplinary measures;

7.7.2.3 be rejected because it is invalid within EN disciplinary procedures, (nevertheless recommendations for suitable actions may be made regarding the matter to the Appropriate Authority);

7.7.2.4 be dealt with by another authority including, but not limited to the NSPCC for Child Welfare or the Police for criminal matters, or under other procedures for Anti-doping or Child Protection.

7.7.3 If it is decided that the complaint should not be allowed to proceed to a full disciplinary hearing, the Disciplinary Secretary shall notify the complainant of this decision and provide brief reason(s) for the decision. There is no right of appeal by the complainant to the decision made to reject the complaint; the decision is final.

7.7.4 The Investigation Committee will consider the available evidence and shall have power to call for any further information (if any), as the Investigation Committee may consider necessary to enable it to decide whether there is prima facie case that the person concerned should be called upon to answer.

7.7.5 The Disciplinary Secretary may appoint a Recorder to record the Investigation Committee proceedings if appropriate.

7.7.6 Where the decision is that the complaint should proceed and there is a prima facie case to answer, the Disciplinary Procedures will be followed diligently without deviation unless these procedures are adapted, with prior EN Board agreement, to suit the level at which hearings are to be held.

7.7.7 The Appropriate Authority shall send a copy of the decision of the Investigation Committee to the member or Registered Participant concerned and the Complainant. If it is recommended that there is a prima facie case to answer, the Disciplinary Secretary shall draw up a Disciplinary Notice Form that details the complaint and any relevant regulations that have allegedly been breached.

7.7.8 If the Investigation Committee and the Appropriate Authority believe the complaint is of sufficient gravity or concern, the Respondent may be suspended from some or all EN activities until the disciplinary hearings are completed.

## **7.8 Interim sanctions**

7.8.1 An interim sanction may consist of, without limitation, a suspension from membership (and associated rights) and/or a prohibition of any person or club taking part in any capacity in any EN activity including competing, officiating, coaching, management, attending meetings, volunteering at clubs or competitions or from entering the venue where netball events are being held under EN regulations.

The only criteria to be used when deciding whether an interim sanction is appropriate are:-

7.8.1.1 the matter is considered sufficiently serious and

7.8.1.2 there is a need to protect the interests and the credibility of EN or

7.8.1.3 to protect the rights of an individual, or individuals whether identifiable or not against potential harm.

## **7.9 Formation of the Disciplinary Panel**

7.9.1 The Disciplinary Notice shall be served on the Respondent by the Disciplinary Secretary within 7 days of the decision to follow through with formal Disciplinary Procedures.

7.9.2 The Disciplinary Secretary shall then ensure that a Disciplinary Panel is formed.

7.9.3 The Secretary shall then serve a Notice of Hearing on the Respondent and the Complainant within 14 days of receipt by the Respondent of the Disciplinary Notice.

## **7.10 Constitution of the Disciplinary Panel**

7.10.1 The Disciplinary Panel shall be made up of not less than three members; these persons shall not have served on the Investigation Committee concerned with the subject of the disciplinary hearing.

7.10.2 The Disciplinary Secretary shall appoint the Chair of the Disciplinary Panel and members from the list of appropriately qualified personnel provided by the EN. EN shall maintain a panel of independent individuals, disability, race relations and gender, equity and ethics specialists, who may be invited to form a Disciplinary Panel that will hear cases where the Investigation Committee has found there is prima facie evidence that a disciplinary offence has taken place.

7.10.3 The Disciplinary Secretary will appoint a Recorder to record Disciplinary panel proceedings.

7.10.4 The names of the Disciplinary Panel members will be notified to the Respondent at the time of service of the Notice of Hearing.

7.10.5 Members of the Disciplinary Panel shall so far as possible have no connection with the Respondent or the Complainant, they shall not be involved in the complaint and shall be unbiased.

## **7.11 Notice of Hearing**

7.11.1 Once the Disciplinary Panel has been constituted, the Chairman of the Panel shall notify the Disciplinary Secretary of a suitable date, time and place for the hearing. The Disciplinary Secretary shall, in turn, immediately notify the Complainant and the Respondent of these details. Whilst the needs of the Respondent will be considered, the primary consideration when deciding a venue for a hearing will be based on operational need.

7.11.2 The Respondent should be given at least 21 day's notice of the date and time of the hearing.

7.11.3 The Notice of Hearing shall name the individuals, specifically identifying the Chairman, who will constitute the Disciplinary Panel. The Respondent has 7 days from the receipt of the Notice of Hearing in which to lodge with the Disciplinary Secretary in writing, any objection to any member of the Disciplinary Panel stating the grounds for the objection.

7.11.4 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 them, unless 7.11.5 applies.

*It should be clearly understood that all appointed members of the Disciplinary Panel are deemed to be unbiased, fair and fully conversant with the principles of natural justice unless it is proved to the contrary.*

7.11.5 If in the opinion of the Chairman of the Disciplinary Panel the grounds for objection to any member of the panel are frivolous, unfounded or ill-informed, the Chairman shall reject the objection. If the Chairman of the Disciplinary Panel is in agreement with the objection they are authorised to make an alternative appointment forthwith and the date of the hearing shall be postponed to a date no more than 14 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 time scales outlined. If the objection is made against the Chairman another member of the Panel must assess the objection.

7.11.6 After informing the Chairman of the Disciplinary Panel of the receipt of an objection relating to her Chairmanship of the Disciplinary Panel, the Disciplinary Secretary, will forward the objection to another Appropriate Authority member having no interest in the proceedings, personal or otherwise, whose decision on the matter shall be final.

7.11.7 Within the Notice of Hearing the Respondent must be asked whether the allegations are admitted. If the allegations are being disputed, the Respondent is informed in the Notice 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.

## **7.12 Pre-hearing timetable and procedure**

7.12.1 It shall be the duty of the Complainant and Respondent to notify and arrange for the attendance of any witness they may wish to call.

7.12.2 The Chairman of the Disciplinary Panel may issue directions relating to the procedural aspects in the period leading up to the hearing in order that the hearing of the case itself may be properly and fairly conducted. Directions may include, but shall not be limited to the procedure and timetable for:

7.12.2.1 the production, inspection and/or exchange of documents or property;

7.12.2.2 the submission of the names and details of the witnesses the parties

concerned wish to call; and  
7.12.2.3 the exchange of witness statements and skeleton arguments

- 7.12.3 The Disciplinary Secretary shall notify all the parties of any directions made by the Chairman of the Disciplinary Panel.
- 7.12.4 The parties concerned may rely on written representations made prior to the hearing and/or appear in person. Parties must confirm whether they intend to attend the hearing.
- 7.12.5 Unless there is an order for directions by the appointed Disciplinary Panel Chairman specifying differently, at least 14 days in advance of the hearing date, each party to the proceedings must provide the Secretary, details of any witnesses they wish to call, together with copies of their written statements and copies of any other documentary evidence they propose to rely upon at the hearing. In the case of the Respondent, details of evidence need only be brief. No further written evidence shall be accepted within 7 days of the Hearing without the prior written agreement of the Chairman of the Disciplinary Panel.
- 7.12.6 All documents provided to the parties and to the members of the Disciplinary Panel shall be used only for the purposes of the disciplinary hearing and the determination of the Disciplinary Panel and any appeal against the findings of the Disciplinary Panel. All documents must be kept strictly confidential and it shall amount to a disciplinary matter for one party to make use of the material supplied under these Regulations for a purpose unconnected with the proceedings.
- 7.12.7 The Respondent shall advise the Disciplinary Secretary within 14 days of the 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.
- 7.12.8 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 Respondents case or acting as an advisor.
- 7.12.8.1 It should be clearly understood that travel or other expenses will not be paid by the Appropriate Authority to Respondents, their legal/technical representatives or witnesses in these matters
- 7.12.9 The Secretary shall in advance of the hearing send to the Chairman of the Disciplinary Panel the record of any previous offences of the Respondent. This shall be supplied in a sealed envelope that will be opened only in the event that the Disciplinary Panel find that the charge is proven and they are considering the appropriate sanction.

## **7.13 Hearing Adjournment Request**

- 7.13.1 The Respondent may request in writing an adjournment of the hearing within 7 days of being notified of the hearing date. A detailed statement of the reasons for the request must be supplied. The request should be sent to the Disciplinary Secretary addressed to the Chairman of the Disciplinary Panel, who 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, where possible, be for a period not exceeding 14 days).
- 7.13.2 In making any order to adjourn, the Chairman of the Disciplinary Panel shall bear in mind not only the interests of the party seeking the adjournment but the interests of any other party including the complainant, witnesses and the Appropriate Authority.
- 7.13.3 The Chairman of the Disciplinary Panel will determine the date, time and place of any adjourned hearing.



## **7.14 Improper conduct concerning the Disciplinary Procedures**

Any improper contact, approach or attempt to influence or intimidate a Disciplinary Panel member, Complainant, Respondent, any witness or representative either in person, in writing or through an intermediary must be immediately reported to the Chairman of the Disciplinary Panel who may take such action as they deem appropriate. Such improper conduct may in itself form the subject of disciplinary action.

## **7.15 Procedure at a Disciplinary Panel Hearing**

- 7.15.1 The Disciplinary Panel hearing shall take place in private.
- 7.15.2 The Disciplinary Panel may decide any issue by majority.
- 7.15.3 The procedure for the 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. The Respondent will be asked whether the charges are admitted or denied. The Chairman of the Disciplinary Panel will then outline the basic procedure of the hearing going forward.
- 7.15.4 The Disciplinary Panel will take into account the principles of Natural Justice, which must be applied in any hearing and the principles of Proportionality that shall apply to the imposition of any sanction.
- 7.15.5 If the Chairman of the Disciplinary Panel feels that it is necessary bearing in mind all the circumstances surrounding the case, they may, in their discretion, request an independent person to act as adviser to the Disciplinary Panel. The cost of this may be borne by the Appropriate Authority.
- 7.15.6 If the Respondent does not attend the hearing fixed as aforesaid, then provided that the Disciplinary Panel is satisfied that notice of that hearing was served properly, the Disciplinary Panel may proceed to hear the complaint in the absence of the Respondent.

## **7.16 Evidence**

- 7.16.1 The Disciplinary Panel shall not be bound by the rules of court (or any legislative provision) governing procedure or the admissibility of evidence. All 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.
- 7.16.2 The Disciplinary Panel Chairman has the discretion to adjourn the hearing for a maximum of 14 days if at any time they think that the interests of justice require it (e.g. to secure the attendance of a key witness or some other evidence that is important).
- 7.16.3 Any person who wilfully misleads a Disciplinary Panel will be liable to disciplinary action.

## **7.17 Sanctions**

- 7.17.1 Sanctions may include, but shall not be limited to:
  - 7.17.1.1 a written warning;
  - 7.17.1.2 a requirement to change current practices;
  - 7.17.1.3 a requirement to change the rules or regulations of a Club, League, County or Regional Association if they conflict with those of EN;
  - 7.17.1.4 a suspension or expulsion from any or all activities under the jurisdiction of the Appropriate Authority which may include suspension from a
  - 7.17.1.5 specified number of events or for a period of time;a financial penalty;

- 7.17.1.6 a requirement to participate in re-training;
- 7.17.1.7 a suspension or expulsion from activities of the Club, League, County or Region
- 7.17.1.8 a suspension or expulsion from membership of EN and therefore all activities under the jurisdiction of EN, for a specified period of time, may only be imposed by a Disciplinary Panel that has been constituted at National level;
- 7.17.1.9 any other appropriate sanction which may be levied from time to time
- 7.17.2 In assessing any penalty, the Disciplinary Panel must take into account, and give credit for, the fact that the Respondent pleaded guilty or otherwise admitted any material fact(s) and any factors which the Respondent has put forward in mitigation.
- 7.17.3 Where a suspension from activities under the jurisdiction of the Appropriate Authority is imposed, the wording and the exact dates of the suspension must be clear and specific.
- 7.17.4 Any period of suspension imposed may be back-dated to take into account any interim sanction that may have been imposed in severe cases.
- 7.17.5 Any sanction, including partial or full suspension by a Disciplinary Panel shall be binding on all classes of members of EN and volunteers.
- 7.17.6 All necessary steps shall be undertaken to ensure that the punishment is complied with in every way at all levels of the game without exception.

## **7.18 Fees and Costs**

- 7.18.1 The Chairman of the Disciplinary Panel may, at their discretion, make an order for the costs of the hearing to be paid, in such proportion as they may decide, by any of the parties to the hearing. These costs may include expenses reasonably incurred in the preparation or holding of the hearing and in attending any hearing and otherwise in presenting or defending the case. In calculating the amount of such a sum, no legal representation or professional charges may be included in the costs.
- 7.18.2 Such orders for payments of costs shall not form any part of or influence any fines.
- 7.18.3 Failure to pay any costs and /or fines within 28 days may result in further disciplinary sanctions being imposed on any party.
- 7.18.4 Unless awarded by the Disciplinary Panel, no expenses shall be payable concerning the attendance of the Respondent and/or witnesses. If the Appropriate Authority or the Chairman of the Disciplinary Panel 'directs' any person excluding the Respondent to attend a hearing, they may consider the payment of incurred expenses.

## **7.19 Procedure following a Disciplinary Hearing**

- 7.19.1 The Chairman of the Disciplinary Panel shall report its findings to the Disciplinary Secretary on a Disciplinary Hearing Record Form, as soon as reasonably practicable, but within 7 days in all cases. A copy of the Disciplinary Hearing Record Form must be sent for information to the registered office of EN for the attention of the Chief Executive Officer and marked confidential.
- 7.19.2 The Chairman of the Disciplinary Panel shall notify the Disciplinary Panel's decision to the Respondent and the Complainant as soon as possible and normally within 7 days giving brief reasons for reaching the decision and, where appropriate, any sanctions imposed.
- 7.19.3 The Appropriate Authority will be entitled to publish the decision of the Disciplinary Panel in such a manner as it considers appropriate.

- 7.19.4 The Secretary shall maintain a record of all offences and sanctions and all correspondence, documents, witness statements and minutes of the hearing which shall be kept, in secure conditions, in the event they are required at a later appeal or otherwise for a period of 10 years.

## 7.20 Right of Appeal and procedure for dealing with an Appeal

The decision of a Disciplinary Panel may be appealed. The appeal will be referred to the Appropriate Authority one level above that of the original Disciplinary Panel as follows, unless the original panel was at National level:

<b>Disciplinary Panel</b>	<b>Appeal Panel</b>
Local League	County Association
County Association	Regional Association
Regional Association	National Governing Body
National Governing Body	National Governing Body

- 7.20.1 The appeal should be sent in writing to the original Disciplinary Secretary within 14 days of the Disciplinary Panel decision; any appeal must be accompanied by a payment of £100 which may be retained by the Appropriate Authority that hears the appeal.
- 7.20.2 The appeal must state the grounds of appeal and the grounds so stated shall not thereafter be amended except as agreed by the EN Board, or with the leave of the Appeal Panel Chairman appointed to hear such appeal.
- 7.20.3 On receipt the original Disciplinary Secretary will acknowledge the appeal to the appellant and forward this to the Disciplinary Secretary of the Appropriate Authority that will hear the appeal. From here on all communication regarding the appeal will be issued by the Disciplinary Secretary of the Appropriate Authority dealing with the appeal.
- 7.20.4 The Appeal Panel will hear the appeal normally no later than 21 days after the receipt of the appeal by the Disciplinary Secretary of the Appropriate Authority dealing with the appeal.

## 7.21 Constitution of the Appeal Panel

- 7.21.1 The Disciplinary Secretary of the Appropriate Authority dealing with the appeal will set up an Appeal Panel made up of at least three members and appoint a Recorder to record proceedings. The appointment of the Chairman of the Appeal Panel and members will be from the list of appropriately qualified personnel named in the Disciplinary and Appeal Register; these persons shall not have served on the Investigation Committee or the Disciplinary Panel.
- 7.21.2 Appeals against a decision of the National Disciplinary Panel will be heard by an Appeal Panel appointed by the EN Board of Directors. An appeal may be referred by the EN Board at its discretion to an independent body such as the Sports Dispute Resolution Panel or the Court of Arbitration for Sport.

## 7.22 Notice of Appeal Hearing

- 7.22.1 The Notice of the appeal hearing date, time and place shall be sent to the appellant no later than 7 days prior to the date of the hearing; it shall also name the individuals, specifically identifying the Chairman and Deputy Chairman of the Appeal Panel.
- 7.22.2 The appellant(s) shall be entitled, within 48 hours of being so notified, to lodge an objection with the Disciplinary Secretary against any member of the Appeal Panel who can be shown to have a direct personal involvement or interest in the matter. The appellant(s) shall provide appropriate evidence in support of any such claim.

- 7.22.3 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 them, unless 24.4 applies.
- 7.22.4 After informing the Chairman of the Appeals Panel of the receipt of an objection relating to their Chairmanship of the Appeals Panel, the Disciplinary Secretary, shall forward the objection to Deputy Chairman, whose decision on the matter shall be final. If the objection is upheld the Deputy Chairman shall become the Chairman and the Disciplinary Secretary shall be authorised to make an alternative panel appointment forthwith. The date of the hearing shall be postponed to a date no more than 7 days after the date of any such alternative appointment.

### **7.23 Appeal Pre-hearing timetable and procedure**

- 7.23.1 Not less than 7 days prior to the date of the Appeal Hearing, the Chairperson of the original Disciplinary Panel responsible for the decision, which is the subject of the appeal shall provide to the Chairman of the Appeal Panel a written statement for the Appeal Panel, together with any relevant supporting documents, detailing (as appropriate):-
- The circumstances of the alleged breach or misconduct
  - The decision taken
  - Any appropriate justification or explanation
  - The information that was considered in reaching the original decision (e.g. regulations, reports, correspondence, witness evidence)
- 7.23.2. The Chairman of the Appeal Panel shall ensure that all relevant information is provided to the appellant(s) and to all members of the Appeal Panel, in good time prior to the Appeal Panel meeting.
- 7.23.3 The appellant(s) may present to the Appeal Panel whatever written submission they consider appropriate. The appellant(s) shall ensure that the members of the Appeal Panel receive this information at least 5 days prior to the meeting, to give them an opportunity to study the submission.
- 7.23.4 The appellant(s) shall not, under any circumstances, verbally address any member of the Appeal Panel, or enter into any discussion, either in person or through an intermediary, with any member of the Appeal Panel prior to the appeal being heard or during the course of the hearing other than by way of direct representation during the hearing. Any member of the Appeal Panel who is approached improperly is bound to notify the Chairman of the Appeal Panel immediately and may be required to stand down as a member of the Appeal Panel at the discretion of the Chairman of the Appeal Panel. Any wilful breach of this clause by the appellant(s) shall be considered as misconduct, and may subsequently lead to disciplinary action, but such action should not be considered until the outcome of the appeal is heard.

### **7.24 Procedure at Appeal Panel Hearing**

- 7.24.1 Each party attending the Appeal Panel has the right to be heard and to be legally represented. Where the appellant is an individual, they may be accompanied by one person of the appellant's choice. Where the appellant is a Club, League, County or Regional Association, it may be represented by an additional two of its Officers.
- 7.24.2 The Appeal Panel shall have the power to decide how a hearing is to be conducted and shall have the same powers that are set out in Sections 7.19-20 above in relation to orders and sanctions.
- 7.24.3 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 Appeal Panel may, if they so choose, invite a technical adviser (for example, a respected senior official, lawyer or accountant) to be present, if they consider that this would be of assistance to the hearing of the appeal.

- 7.24.4 It is not appropriate for the appellant(s) and the other parties to be present simultaneously. No form of cross-examination should be permitted.
- 7.24.5 If any of the parties do not attend the Appeal Panel 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 from that party.
- 7.24.6 Where it is necessary to expedite the consideration of the appeal, the Chairman of the Appeal Panel may vary certain of the above conditions, but if this action is intended, then the appellant(s) should be advised and given an opportunity to lodge an objection to the proposal to modify the procedure. Normally, the modification should not be made against the wishes of the appellant(s), except where the objection by the appellant(s) is without just cause.

## 7.25 Appeal Decisions

- 7.25.1 The decision of the Appeal Panel (and a decision of the Disciplinary Panel that is not appealed) shall be final and binding on all parties.
- 7.25.2 The Appeal Panel may decide that the allegations against the Appellant are upheld. If so, the record of previous offences, if any, of the Appellant shall be opened and read before the Appeal Panel considers the imposition of a penalty.
- 7.25.3 The Appeal Panel shall have the power to:
- 7.25.3.1 reduce, increase, quash, or confirm the penalty imposed by the Disciplinary Panel and/or
  - 7.25.3.2 may substitute for it any other sanction that would have been available to the Disciplinary Panel; and/or
  - 7.25.3.3 make such other order or determination as it may think right or just
- 7.25.4 The Appeal Panel may direct any party to the appeal to bear the administrative costs of holding the appeal where it considers it fair and just to do so.

## 7.26 Procedure following an Appeal Hearing

- 7.26.1 The Appeal Panel shall notify the Appellant and EN in writing as quickly as possible, by facsimile, e-mail or post of its decision (and normally within 5 working days) with the reasons for the decision and the penalty to be imposed if any.
- 7.26.2 The Appeal Panel should then advise other interested parties of the decision.
- 7.26.3 The Disciplinary Secretary of the Appeal Panel shall maintain a record of all offences and sanctions, correspondence, documents, witness statements and minutes of the appeal, which shall be kept, in secure conditions for a period of ten years.

## 7.27 Terms of Reference for Investigation Committee

- 7.27.1 Investigation Committees are set up with specific delegated powers from the EN Board of Directors as outlined in the All England Netball Association Articles of Association.
- 7.27.2 The overriding consideration in the conduct of disciplinary and appeals procedures is that they should be transparent, fair and just. The following guidelines are aimed at achieving this objective.
- 7.27.3 The person(s) entrusted in making a decision as to whether there is a bone fide case to answer "**the Investigation Committee**" must be:
- 7.27.3.1 free of prejudice or bias and have no an interest in the outcome, other than to see that the decision process is fair;
  - 7.27.3.1 careful and thorough in their consideration of the evidence and the recommendation.
- 7.27.4 Correct procedures

- 7.27.4.1 The committee must consist of one or more individuals from the Discipline and Appeals register.
- 7.27.4.2 A Recorder may be appointed if the committee feels that the potential case warrants it.
- 7.27.5 The Decision
  - 7.27.5.1 The decision of the Committee must in all cases be confirmed in writing to the Disciplinary Secretary who set up the Investigation Committee, giving full reasons for the decision.
  - 7.27.5.2 There may be one of several different decisions, the case may;
    - 7.27.5.2.1 be allowed to proceed formally using the EN Disciplinary Procedures;
    - 7.27.5.2.2 be dealt with informally because it is not severe enough to warrant full disciplinary measures; (suitable suggestions/referrals may be made by the committee)
    - 7.27.5.2.3 be rejected because it is invalid within EN Disciplinary Procedures, (nevertheless recommendations for suitable actions may be made regarding the matter to the Appropriate Authority);
    - 7.27.5.2.4 be dealt with by another authority including but not limited to the NSPCC for Child Welfare or the Police for criminal matters, or under other procedures for Anti-doping or Child Protection
    - 7.27.5.2.5 The Investigation Committee may recommend that the case should be dealt with using the EN Child Protection Policies and Procedures and will therefore refer the matter to the EN Lead Child protection Officer immediately
    - 7.27.5.2.6 The Investigation Committee may recommend that the case should be dealt with using the EN Anti-doping regulations and will therefore advise the EN Chief Executive accordingly.

## 7.28 Terms of Reference for Disciplinary and Appeals Panels

- 7.28.1 Disciplinary panels are set up with specific delegated powers from the England Netball Board of Directors as outlined in the All England Netball Association Articles of Association.
- 7.28.2 The overriding consideration in the conduct of disciplinary and appeals procedures is that they should be transparent, fair and just. The following guidelines are aimed at achieving this objective.
- 7.28.3 The persons entrusted in making a decision “**the Panel**” must be:
  - 7.28.3.1 free of prejudice or bias and have no an interest in the outcome, other than to see that the decision is fair;
  - 7.28.3.2 and careful and thorough in their consideration of the procedures and evidence
- 7.28.4 Correct procedures
  - 7.28.4.1 The Panel must follow all laid down procedures and ensure that any person appearing before the Panel is fully aware of those procedures. The Panel Chairman should explain the procedure before a hearing commences and give any person appearing before the Panel an opportunity to ask questions on matters of procedure which are not clear.
  - 7.28.4.2 The Panel must refer to the Disciplinary Cases involving Children documentation if there are any children or young people involved in the process.
  - 7.28.4.3 Any person appearing before the Panel as a Respondent must be made aware in advance of the hearing of the case to be answered and the need, where appropriate, to provide evidence in corroboration or rebuttal. If it transpires that the Respondent has not been given reasonable notice, the Panel should consider sympathetically any request for an adjournment.

- 7.28.4.4 Any Respondent appearing before the Panel must be given an accurate copy of any document setting out the complaint against him and any documents in the possession of the Panel, as soon as is practicable.
- 7.28.4.5 Reasonable notice of the hearing before the Panel must be given to all persons required or entitled to attend.
- 7.28.4.6 A Respondent, regardless of whether individual, Club, League, County or Regional Association should have the right to be represented or assisted by a person of their choice.
- 7.28.4.7 Respondents must be given the opportunity to state their case in full and to challenge or respond to any evidence given.

#### 7.28.5 The Decision

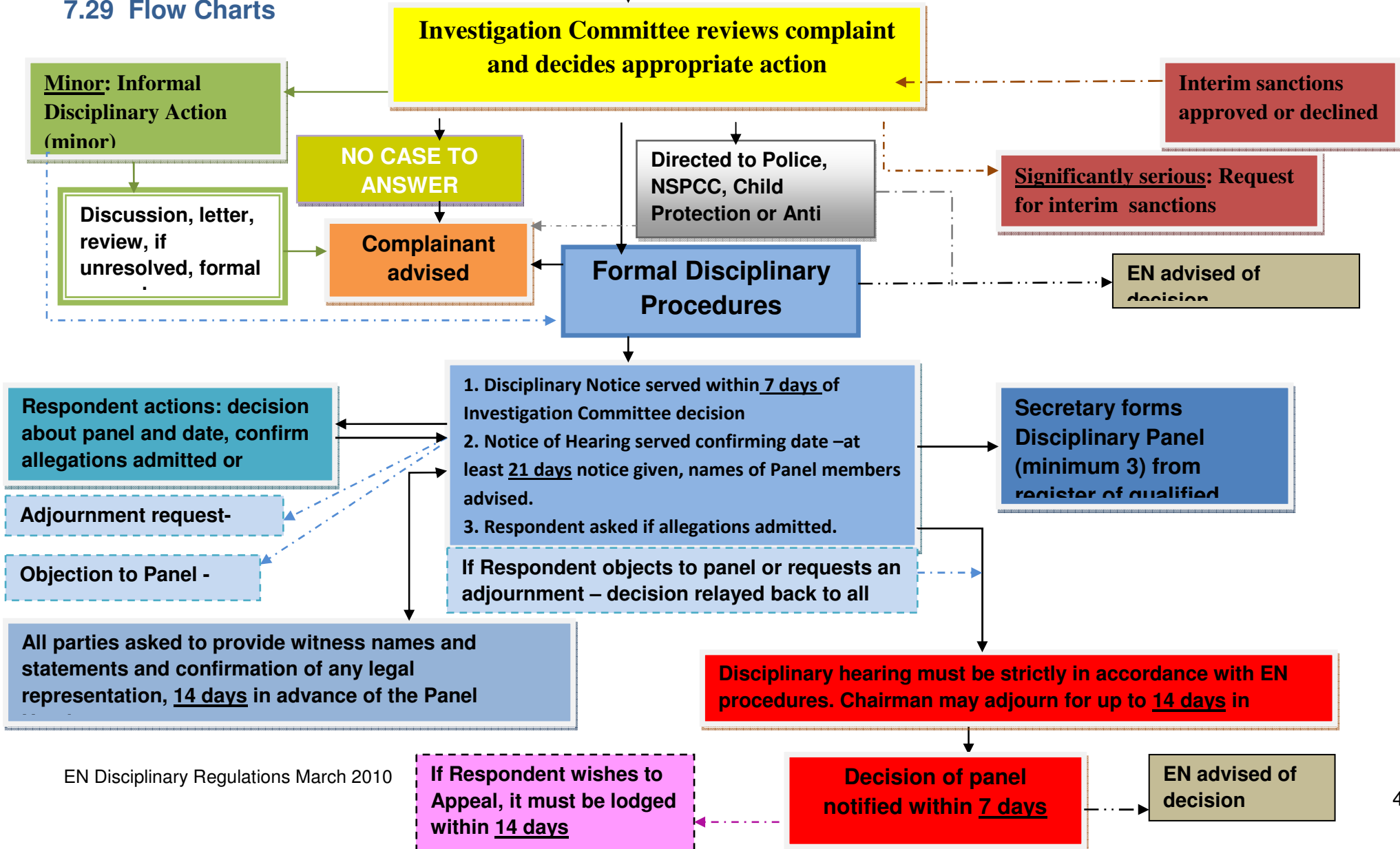
- 7.28.5.1 The conclusions of the Panel should be deliberated in private with only the members of the Panel present. Any independent legal adviser or appropriately experienced person who is providing advice and/or assistance to the Panel may be present, save that such persons shall not vote on the issues.
- 7.28.5.2 Any penalty should be consistent with similar cases but the Panel should take into consideration a person's previous record and behaviour.
- 7.28.5.3 The decision of the Panel must be confirmed in writing.

#### 7.28.6 Proportionate Sanctions

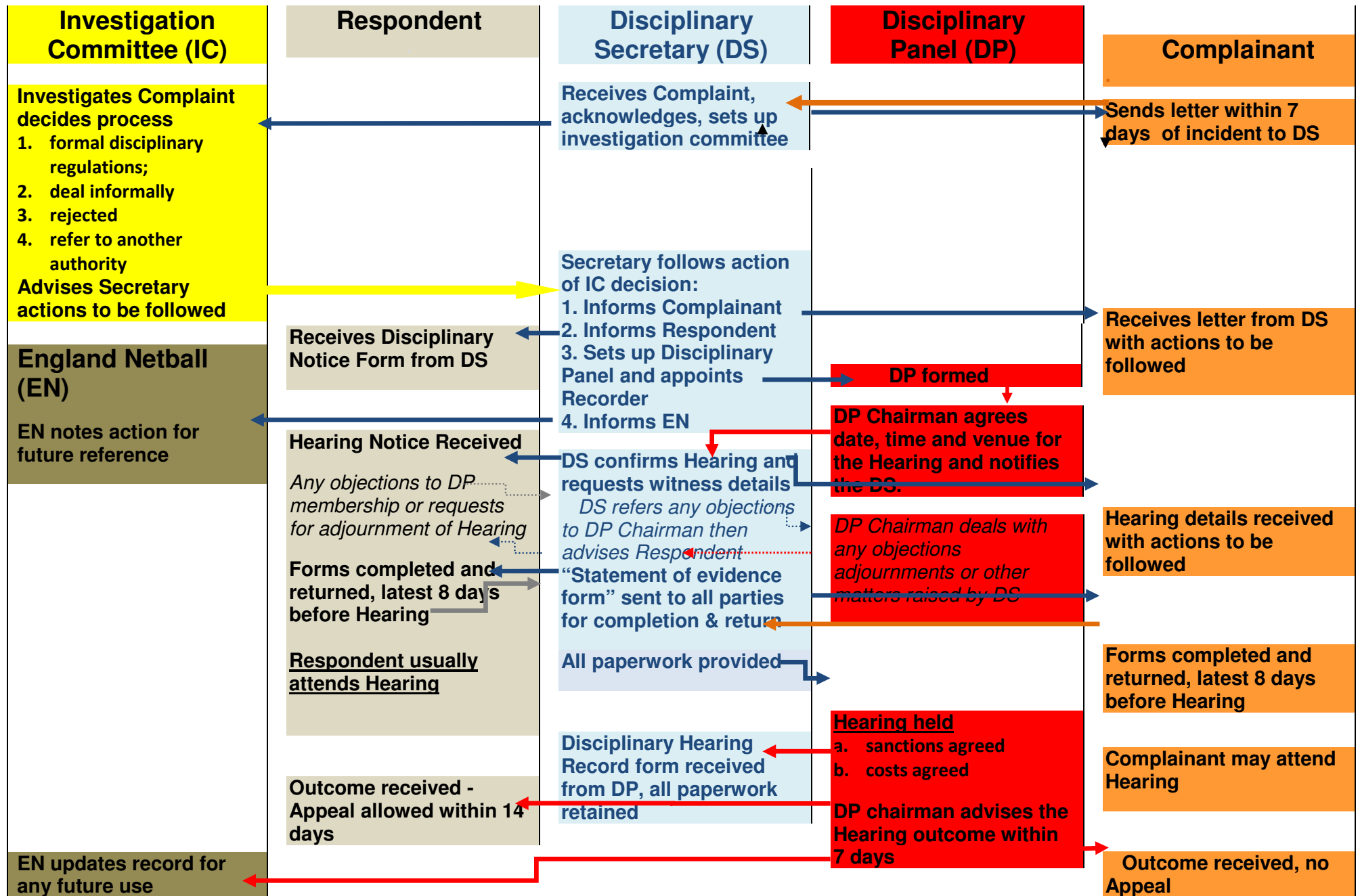
- 7.28.6.1 The decisions taken by a Disciplinary Panel, especially in relation to the sanction imposed, must be proportionate in all circumstances. This means, to be proportionate, the decision, measure, restraint or conduct imposed by the Disciplinary Panel:
  - 7.28.6.2 must pursue a legitimate objective of England Netball of sufficient importance to warrant restricting an individual's interests in the way proposed
  - 7.28.6.3 must be rationally connected with that objective; and
  - 7.28.6.4 must **not** go any further than is reasonably necessary, for example:
    - 7.28.6.4.1 decisions must not be applied in a discriminatory manner;
    - 7.28.6.4.2 the adverse effects of a decision on an individual, on an individual's livelihood or on the individual or body upon which it is imposed must not be out of proportion to the supposed benefits achieved by England Netball;
    - 7.28.6.4.3 it must **not** have been possible to pursue the legitimate aim broadly as effectively through means that had less onerous consequences for the individual

Complaint must be submitted in writing to the Secretary of the Appropriate Authority (League, County, Region, or National) within 7 days of the incident. Receipt acknowledged by Secretary. The decisions relating to the progression of the complaint are made by the Investigation Committee formed by the Secretary from persons on the register; there is no right of appeal for the complainant during the investigation.

### 7.29 Flow Charts







**Appeals**

An appeal should be sent in writing to the original Secretary within 14 days of the Disciplinary Panel decision. Any appeal must be accompanied by a cheque for £100 which may be retained by the Appropriate Authority that hears the appeal. (The original secretary will confirm the payee details.) The appeal must state the grounds of appeal which cannot then be varied. Appellants must realise that sanctions may be increased if the appeal is rejected.

Appeal referred to the Appropriate Authority one level above that of the original Disciplinary Panel. Appeal notification acknowledged. Appeal must be heard within 21 days.

Appeal Panel set up from register of appropriately qualified personnel, who have not been involved at any stage of the process.

Disciplinary Panel Chairman provides full details to the Appeal panel in writing not less than 7 days prior to the appeal hearing

Notice of Appeal Hearing date sent to appellant at least 7 days prior to the hearing. Names of Appeal Panel confirmed and all relevant information provided to all parties.

If appellant objects to any members of the panel must do so within 48 hrs

Decision on objection **FINAL**.

- No changes, then process continues
- Replacement panel member, hearing postponed by minimum 7 days

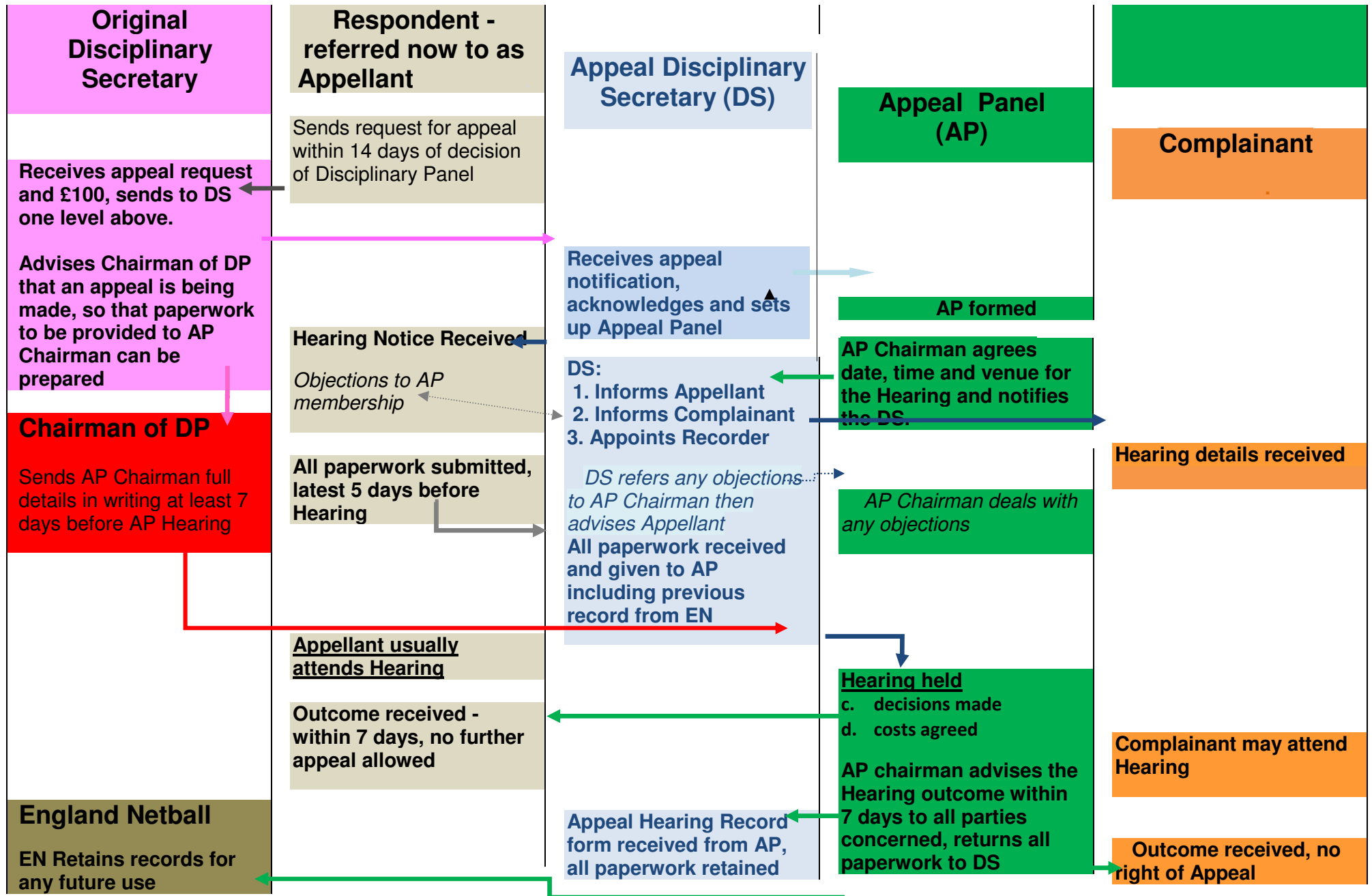
Appellant provides written submission to Appeal panel at least 5 days before the hearing. No adjournment request is allowed.

Appeal Hearing held in accordance with EN procedures

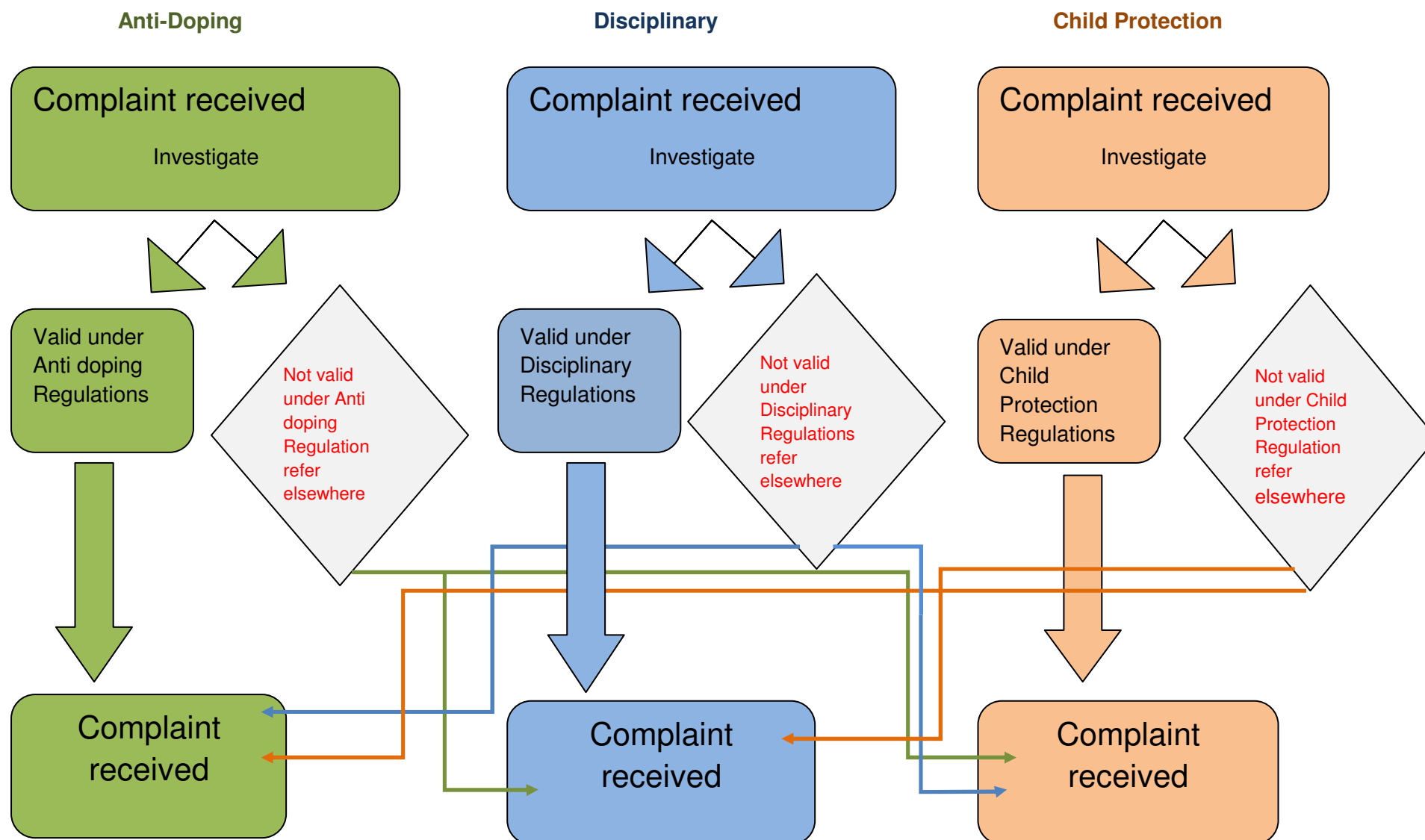
Appellant notified of decision as quickly as possible within 5 days. N.B. The Appeal Panel may direct any party to the appeal to bear the administrative costs of holding the appeal where it considers it fair and just to do so

Sanctions applied, decision of panel **FINAL** and **BINDING**

Other interested parties advised of panel decision including EN for maintaining records



Referral from one Disciplinary Process to another should occur easily as shown



## 7.30 People needed at each level for Disciplinary Process and Procedures

**Standard Forms to be used – Disciplinary Notice Form; Notice of Hearing- Respondent; Notice of Hearing – Complainant; Statement of Evidence Forms; Disciplinary Hearing Record Form;**

### LEAGUE REQUIREMENTS

Disciplinary Secretary (DS), List of approved Disciplinary Panel (DP) members from which the Investigation Committee (IC) and DP can be drawn, Recorder.

Person/Role	Requirements/Actions	Timeframe	Number required	
<b>Disciplinary Secretary (DS)</b>	1. To receive complaints on behalf of the League (as the Appropriate Authority)		1 per League	
	2. To refer complaint to the IC (appoint recorder if IC deems appropriate)			
	3. To correspond with the complainant(person making the complaint)			
	4. To correspond with the respondent (person who is being complained about)			
	5. Receive decision and any recommendations from the IC	Not set in procedures, suggest guide of 7 days		
	<b><u>Disciplinary Process</u></b>			
	6. Draw up a Disciplinary Notice Form which details the complaint and any relevant regulations(s) that have allegedly been breached and send to respondent	Within 7 days of decision of IC		
	7. Form a DP from the agreed list of people, select the DP Chairman who has additional duties	ASAP once IC confirms action		
	8. Appoint a recorder for hearing	Before the hearing		
	9. Serve Notice of Hearing on Respondent, date, time etc. confirmed by DP Chairman, a. include names of DP appointed, specify Chairman b. ask respondent if they admit the allegations c. ask them to supply the names and contact details for any witness give date for return of information d. send copy of Disciplinary Procedures	Within 14 days of sending Disciplinary Notice, 21 day's notice required  at least 14 days before the Hearing date		
	10. Advise Complainant of details of Hearing (and any changes that may result from an objection). Request name and address of any witness to be invited to the Hearing and give dates for receipt of evidence.	at least 14 days before the Hearing date		
11. If an objection to any panel member(s) received from Respondent, refer	Any objection to be received			

Person/Role	Requirements/Actions	Timeframe	Number required
	matter to DP Chairman (unless objection is to Chairman then follow procedure 13.6). Advise outcome of objection to Respondent and confirm Hearing date.	within 7 days of sending the Notice of Hearing	
	12. Secretary notifies Respondent and Complainant any directions from the DP Chairman relating to the Hearing.	Immediately on receipt from the DP Chairman.	
	13. Send all witnesses a "statement of evidence form" for completion and return, state latest return date as 8 days before the Hearing.	Immediately on receipt of names	
	14. Send to the DP Chairman a sealed envelope containing the record of any previous offences of the Respondent ( information obtained from EN)	Before the Hearing.	
	15. Receive the Disciplinary Hearing Record form from the DP	Within 7 days of Hearing	
	16. Maintain a record of all offences and sanctions and all correspondence, documents, witness statements and minutes of the hearing which shall be kept, in secure conditions, in the event they are required at a later appeal or otherwise	10 Years	
	17. If an appeal is to be made by the Respondent, it must be received in writing by the DS; any appeal must be accompanied by a cheque for £100 which may be retained by the Appropriate Authority that hears the appeal.DS to confirm payee details to Respondent	Within 14 days of the Disciplinary Panel decision	
<b>Investigation Committee (IC)</b>	5. To investigate and decide if a complaint; <ul style="list-style-type: none"> <li>a. be allowed to proceed formally using the disciplinary regulations;</li> <li>b. be dealt with informally because it is not severe enough to warrant full disciplinary measures;</li> <li>c. be rejected because it is invalid within EN procedures;</li> <li>d. be dealt with by another authority including but not limited to the NSPCC for Child Welfare or the Police for criminal matters</li> </ul>		Minimum 1 person (suggest draw this person(s) from the DP list)
	6. Advise the Disciplinary Secretary of the decision of the committee	Reasonable time not set in the procedures, usually 7 days expected	
<b>Recorder</b>	1. To minute the Disciplinary Hearing (and the IC if requested)		1
<b>Disciplinary</b>	1. The DP Chairman agrees with panel members the date, time and venue	ASAP once panel in place	Minimum 3

Person/Role	Requirements/Actions	Timeframe	Number required
<b>Panel (DP)</b>	for the Hearing and notifies the DS. (NB minimum 28 days noticed to be given to respondent, so allow at least 33 days)	but within 5 days	(suggest pool of 7 persons)
	2. DP Chairman sets procedure for the Hearing and informs DS		
	3. DP Chairman deals with any objections to the DP members, requests for adjournment or any other matter raised by the DS		
	4. DP determines the outcome of the Hearing a. any sanctions to be applied b. any costs to be attributed		
	5. Advises the DS using the Disciplinary Hearing Record Form and sends copy to EN CEO for information, marked private and confidential	ASAP but within 7 days	
	6. The DP Chairman advises the Respondent and the Complainant of the outcome of the Hearing giving brief reasons for reaching the decision and, where appropriate, any sanctions imposed.	ASAP but within 7 days	

**County Level – all actions as in above table, where the County Association is the Appropriate Authority, plus the ability to deal with any League Appeals**

County Disciplinary Secretary, Draw members in from all leagues in County, (if agreeable) to be able to be called upon to act as IC or DP at County Level; List of at least 3 people to be able to sit on Appeal Panel (AP) drawn from DP register

**Regional Level – all actions as in above table, plus ability to deal with any County Appeals**

Regional Disciplinary Secretary, Draw members for IC and DP and AP from County structures

**National Level – all actions to be as in table, plus ability to deal with any Regional and National Appeals**

*National Disciplinary Secretary likely to be an employee* - CEO and Board to be trained as National IC, DP and Appeal Panel members and can sit on Regional and County level disciplinary panels as required, providing there are always at least 3 members who have not been part of any lower process, in case of an Appeal being brought in at National level.

People needed at each level for Appeal Process

**Standard Forms to be used – Appeal Hearing Form; Appeal Hearing Record Form;**

Appeals are to be advanced at least one level upwards; therefore Leagues are not required to hold appeals.

**COUNTY, REGIONAL AND NATIONAL REQUIREMENTS**

Disciplinary Secretary (DS), Register of approved Appeal Panel (AP) members from which panel to be drawn, Recorder.

Person/Role	Requirements/Actions	Timeframe	Number required	
<b>Disciplinary Secretary (DS)</b>	1. To receive appeal notification from the League DS accompanied by payment of £100		1 per Appropriate Authority	
	2. To correspond with the person who is making the appeal (the Appellant) as required			
	<b>Appeal Process</b>			
	3. Form an AP from the agreed register of people; select the Chairman and Deputy Chairman who may have additional duties			
	4. Appoint a recorder for the appeal hearing	Before the Hearing		
	5. Serve Notice of Appeal Hearing on Respondent, date, time etc. confirmed by AP Chairman, a. include names of AP appointed, specify Chairman and Deputy b. send copy of Appeal Procedures	Not less than 7 days before the Appeal Hearing date		
	6. Advise Complainant of details of Appeal Hearing (and any changes that may result from an objection).	Not less than 7 days before the Appeal Hearing date		
	7. If an objection to any panel member(s) received from Appellant, refer matter to AP Chairman (unless objection is to Chairman then refer to Deputy). Advise outcome of objection to Appellant and confirm Hearing date.	Any objection to be received within 48 hours of sending the Notice		
	8. Send to the AP Chairman a sealed envelope containing the record of any previous offences of the Appellant ( information obtained from EN)	Before the Hearing.		
	9. Receive the Appeal Hearing Record form from the AP	Within 5 days of Appeal		
10. Maintain a record of all offences and sanctions and all correspondence, documents, witness statements and minutes of the hearing which shall be kept, in secure conditions.	10 Years			
<b>Recorder</b>	1. To minute the Appeal Hearing		1	



Person/Role	Requirements/Actions	Timeframe	Number required
<b>Appeal Panel (AP)</b>	1. The AP Chairman agrees with panel members the date, time and venue for the Hearing and notifies the DS. (NB minimum 7 days noticed to be given to appellant, so allow at least 9 days)	ASAP once panel in place but within 5 days	Minimum 3
	2. AP Chairman ensures any information needed by the Appellant or Complainant is sent to them in good time prior to the appeal hearing		
	3. AP Chairman deals with any objections to the AP members, any other matter raised by the DS		
	4. AP determines the outcome of the Hearing 5. any sanctions to be applied, varied or removed 6. any costs to be attributed		
	7. The AP Chairman advises the Respondent of the outcome of the Hearing giving brief reasons for reaching the decision and, where appropriate, any sanctions imposed.	ASAP but within 7 days	
	8. Advises the DS using the Appeal Hearing Record Form and sends copy to EN CEO for information, marked private and confidential. Also advises the Complainant and any other interested parties	ASAP but within 7 days	

**EN Board National Level** – all actions to be as in table, plus ability to deal with and recommend referrals on to an independent body such as the Sports Dispute Resolution Panel or the Court of Arbitration for Sport

## 7.31. Forms to be used within the EN Disciplinary Process

<b>Form Name</b>	<b>Form to be sent to:</b>
1. Disciplinary Notice Form	Respondent
2. Disciplinary Hearing Notice Form	Respondent
3. Disciplinary Hearing Notice Form – Complainant	Complainant
4. Evidence Form	Respondent, Complainant, Witnesses and Representatives
5. Disciplinary Hearing Record Form	Respondent and copy to EN
6. Disciplinary Hearing Decision - Complainant Form	Complainant
7. Appeal Hearing Notice Form	Respondent – now referred to as the Appellant
8. Appeal Hearing Notice Form - Complainant	Complainant
9. Appeal Hearing Record Form	Appellant and copy to EN
10. Appeal Hearing Decision - Complainant Form	Complainant

## Disciplinary Notice Form

<b>Appropriate Authority</b> (name and address of the League/County/Region/EN dealing with the complaint)	
Disciplinary Secretary Name Contact email	
Date sent	

To:

Respondent Name	
Address	
email	

This Disciplinary Notice Form is giving you formal notice that a complaint has been received against you. The Investigation Committee has decided to refer the matter, detailed below, to a Disciplinary Panel under the terms of the EN Disciplinary Procedures. A full copy of these procedures is available at [www.englandnetball.co.uk](http://www.englandnetball.co.uk)

Details of Complaint	
Regulations allegedly breached	
Explanation of next actions to be taken	<i>The Disciplinary Secretary will send you a Notice of Hearing form which will advise of the date, time, venue and Disciplinary Panel members who will hear your case.</i>

## Disciplinary Hearing Notice Form

<b>Appropriate Authority</b> (name and address of the League/County/Region/EN dealing with the complaint)	
Disciplinary Secretary Name Contact email	
Date sent	

To:

Respondent Name	
Address	
email	
Date for return of information requested	(latest date 14 days of Hearing)

You are hereby given formal notice of the Hearing that will consider the question of disciplinary action against you as previously advised in the Disciplinary Notice sent in accordance with the EN Disciplinary Procedures, 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 this notice if you admit or dispute the allegations made against you. If the allegations are being disputed, please complete and return the enclosed Evidence Form.

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

Witness Name	Address	email

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 & status	Address	email

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

## Disciplinary Hearing Notice Form - Complainant

<b>Appropriate Authority</b> (name and address of the League/County/Region/EN dealing with the complaint)	
Disciplinary Secretary Name Contact email	
Date sent	

To:

Complainant Name	
Complainant Address	
Complainant email	
Respondent Name	
Date for return of information requested	(latest date 14 days before Hearing)

You are hereby given formal notice of the Hearing that will consider the question of disciplinary action against the Respondent named above, in relation to the complaint recently made by you. The hearing will be held in accordance with the EN Disciplinary Procedures, a full copy of which is available at [www.englandnetball.co.uk](http://www.englandnetball.co.uk)

Hearing Details:

Date	
Time	
Venue	

Please complete and return the enclosed Evidence Form.

You need to identify any witnesses and arrange for their attendance at the Hearing. Witnesses will be sent an Evidence Form for completion by the Disciplinary Secretary.

Witness Name	Address	email

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

# Evidence Form

<b>Disciplinary Secretary details:</b>	
<b>Date Issued:</b>	
<b>Return by date:</b>	
<b>Case Number:</b>	

*This 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.*

**Identify capacity in which you are replying : Identify evidence type being provided**

- |                   |                          |                             |                          |
|-------------------|--------------------------|-----------------------------|--------------------------|
| RESPONDENT        | <input type="checkbox"/> | WRITTEN DOCUMENTATION       | <input type="checkbox"/> |
| EXPERT WITNESS    | <input type="checkbox"/> | OTHER (please state)        | <input type="checkbox"/> |
| WITNESS TESTIMONY | <input type="checkbox"/> | e.g. photograph, video etc. |                          |
| COMPLAINANT       | <input type="checkbox"/> |                             |                          |

<b>RESPONDENT NAME:</b>	
<p><i>Please continue on additional sheets if necessary</i></p>	

**If witness testimony used please state your relationship to respondent or complainant:**

<b>Name:</b>	<b>Signature:</b>
<b>Address:</b>	<b>Email:</b> <b>Daytime telephone:</b>
EN Affiliation number ( <i>if appropriate</i> )	<b>Date:</b>

# Disciplinary Hearing Record Form

<b>Appropriate Authority</b> (name and address of the League/County/Region/EN dealing with the complaint)	
Disciplinary Secretary Name Contact email	
Date sent	

To:

Respondent Name	
Address	
email	
Disciplinary Hearing Date	

You attended a Disciplinary Hearing on the above date. This form confirms the decision taken under the terms of the EN Disciplinary Procedures.

This decision will be recorded and held centrally within EN.

Details of Complaint	Regulations breached	Sanctions to be applied

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

You have the right to appeal this decision, any appeal should be sent in writing to the Disciplinary Secretary named above to be received within 14 days of receipt of this Disciplinary Panel decision. Any appeal must be accompanied by a payment of £100 which may be retained by the Appropriate Authority that hears the appeal.

Please contact the Disciplinary Secretary for details for payment for an Appeal.



## Disciplinary Hearing Decision - Complainant Form

<b>Appropriate Authority</b> (name and address of the League/County/Region/EN dealing with the complaint)	
Disciplinary Secretary Name Contact email	
Date sent	

To:

Respondent Name	
Complainant Name	
Disciplinary Hearing Date	

This form confirms the decision taken relating to the complaint that you made under the terms of the EN Disciplinary Procedures

This decision will be recorded and held centrally within EN.

*N.B. There is no right of appeal at any stage of the process for the complainant.*

Details of Complaint	Regulations breached	Sanctions to be applied

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

# Appeal Hearing Notice Form

<b>Appropriate Authority</b> (name and address of the County/Region/EN dealing with the appeal)	
Disciplinary Secretary Name Contact email	
Date sent	

To:

Appellant Name	
Address	
email	
Date for return of information	(latest date 5 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 the EN Disciplinary (Appeal) Procedures, a copy of which are enclosed.

Appeal Hearing Details:

Date	
Time	
Venue	
Appeal Panel Chairman	
Appeal Panel Deputy Chairman	
Appeal Panel Member	

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

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

Representative name & 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, League, 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 Hearing Notice Form - Complainant

<b>Appropriate Authority</b> (name and address of the County/Region/EN dealing with the appeal)	
Disciplinary Secretary Name Contact email	
Date sent	

To:

Complainant Name	
Complainant Address	
Complainant email	
Appellant Name	
Date for return of information requested	(latest date 5 days before Appeal Hearing)

You are hereby given formal notice of the Appeal Hearing that will consider the appeal lodged by the Appellant named above, in relation to the outcome of the Disciplinary Hearing held following the complaint made by you. The Appeal Hearing will be held in accordance with the EN Disciplinary Procedures, a full copy of which is available at [www.Englandnetball.co.uk](http://www.Englandnetball.co.uk)

Appeal Hearing Details:

Date	
Time	
Venue	

Please advise if it is your intention to attend the Appeal Hearing.

Please note that expenses will not be paid to you for attending the Appeal Hearing.

# Appeal Hearing Record Form

<b>Appropriate Authority</b> (name and address of the County/Region/EN dealing with the Appeal)	
Disciplinary Secretary Name Contact 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 EN Disciplinary Procedures.

This decision will be recorded and held centrally within EN.

Details of Appeal	Outcome of Appeal	Sanctions to be applied

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.

## Appeal Hearing Decision - Complainant Form

<b>Appropriate Authority</b> (name and address of the County/Region/EN dealing with the appeal)	
Disciplinary Secretary Name Contact email	
Date sent	

To:

Appellant Name	
Complainant Name	
Appeal Hearing Date	

This form confirms the decision taken by the Appeal Panel under the terms of the EN Disciplinary Procedures.

This decision will be recorded and held centrally within EN.

*N.B. There is no right of appeal at any stage of the process for the complainant.*

Details of Appeal	Outcome of Appeal	Sanctions to be applied

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