



## **Disciplinary Regulations**



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<b>Versi on No.</b>	<b>Version Date</b>	<b>Summary of changes</b>
2.0	01/06/2015	Initial document.

Version No.	Version Date	Summary of changes
3.0	08/06/2018	Update to section 5, Disciplinary Panel. 5.1 revised, 5.2, and 5.3 added. References to 'Executive Committee' amended to 'Board'.
4.0	13/06/2019	General update and addition of Appendices.

## 1 INTRODUCTION

1.1 The purpose of this Procedure (the “Disciplinary Procedure”) is to provide a uniform procedure for the resolution of disciplinary issues concerning Members of the BTTAD (as defined in the BTTAD’s Articles of Association), and any other individuals and bodies in respect of which BTTAD has jurisdiction (“Members”).

1.2 The Disciplinary Rules to which this document relates are those referred to below and, where these apply to the Member concerned, in the World Class Performance Programme “Performance Athlete Agreement”, team members’ agreements relating a particular event or events, and requirements imposed on BTTAD, from time to time, by the British Paralympic Association and others (the “Disciplinary Rules”).

1.3 Failure to comply and act in accordance with BTTAD’s Disciplinary Rules render the Member liable to the imposition of sanctions in accordance with the Disciplinary Procedure.

1.4 A pre-requisite of the Disciplinary Procedure is that it will be applied fairly and in accordance with the principles of natural justice.

## 2 INTERPRETATION

2.1 Reference to the masculine includes the feminine and vice versa;

2.2 Reference to the singular includes the plural and vice versa; unless the context otherwise requires;

**Company Secretary** means the BTTAD’s Company Secretary or any person authorised by the Company Secretary (or, in the Company Secretary’s absence, the Board) to carry out the Company Secretary’s functions under this Disciplinary Procedure.

**Respondent** means a Member against whom Disciplinary Action is brought in accordance with the Disciplinary Regulations.

**Vulnerable Adult** means an individual aged 18 or over who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of himself or herself or unable to protect himself or herself against significant harm or exploitation.

**Young Person** means anyone under the age of 18 years.

## 3 DISCIPLINARY MATTERS



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While it is not possible to set out a definitive list of the types of conduct to which this Disciplinary Procedure applies, each of the following types of behaviour, without limitation, is an example of misconduct:

- (a) serious or repeated disobedience of reasonable and lawful directions or orders;
- (b) behaviour which is dangerous, or compromises the safety of any other person;
- (c) verbal or physical abuse of any kind;
- (d) behaving in a matter likely to bring BTTAD into disrepute;
- (e) acting in a way that directly or indirectly adversely affects the welfare or safety of a person under 18/vulnerable adult or places them at risk;
- (f) any dealings with the press and media or public statements (to include social media, such as Twitter or Facebook) which are derogatory about BTTAD, or its employees or officials;
- (g) fixing or contriving, directly or indirectly, or otherwise influencing improperly the result, progress or conduct of any Event in which the Person is participating and/or can influence;
- (h) taking any part in betting on table tennis or colluding in any way that could be construed to influencing a match result
- (i) breaching the terms of any suspension imposed by a Disciplinary or Appeal Panel;
- (j) failure to provide reasonable cooperation with reasonable instructions by a Disciplinary Panel, or in connection with the investigation of a disciplinary matter;
- (k) carrying out any acts and/or making any statements that are discriminatory because of sex, sexual orientation, marital status, race, nationality, ethnic origin, colour, religion, belief or disability and/or acting in contravention of BTTAD's Equal Opportunities Policy;
- (l) in respect of any Person in a position of trust or authority over another person:
  - (i) abusing that trust or authority in any way;
  - (ii) failing to observe confidentiality of such person and/or acting in a way that gives rise to a conflict of interest;
  - (iii) failing to act with respect towards such other person by, for example, engaging in bullying or conduct that may induce feelings of fear and/or harassment; and,
  - (iv) acting in contravention of the Child Protection Policy.
- (m) failing to comply with a written agreement with BTTAD, or a written undertaking given to BTTAD;
- (n) making an untrue written statement to BTTAD or a person or organisation acting on BTTAD's behalf;
- (o) failing to treat others in the sport with dignity and respect;
- (p) participating or assisting in any way in competitive disability table tennis which does not comply with the regulations;
- (q) taking any part in doping;
- (r) assisting or encouraging a Member to breach the Articles or regulations;
- (s) Unsportsmanlike behavior;
- (t) Breach of any other applicable Disciplinary Rule.

## 4 JURISDICTION AND POWER

4.1 The Board delegates power and jurisdiction to act in relation to any Disciplinary Matter, including the power to impose appropriate sanctions, to Disciplinary Panels and Appeals Panels appointed in accordance with this Disciplinary Procedure, except that:

allegations relating to doping as defined within Anti-Doping regulations shall be dealt with by the UK National Anti-Doping Panel, in accordance with the provisions of the UK Anti-Doping Rules

4.2 Disciplinary Action and any resulting sanction under the Disciplinary Rules shall be separate from and may be additional to:-

- 4.2.1 disciplinary action by any other organisation;



## Disciplinary Regulations

- 4.2.2 any sanction specifically authorised by rules established by the Board;
- 4.2.3 action taken under a contract of employment against a Member who is also an employee;
- 4.2.4 action or investigation by the police or statutory authorities in accordance with criminal law or other statutory regulations, whether or not resulting in a conviction. Where appropriate, any action under the Disciplinary Procedure may be stayed until the outcome of any criminal or external investigation is concluded;
- 4.2.5 the automatic termination of membership of a Member convicted of or cautioned for an offence under the Sexual Offences Act 2003 in accordance with the regulations on Membership established by the Board;
- 4.2.6 action taken by the UK National Anti-Doping panel in relation to allegations relating to doping;
- 4.2.7 action taken by the National Safeguarding Panel in relation to allegations that a person has engaged in conduct which directly or indirectly adversely affects the welfare and safety of a person under 18 and/or places them at risk (including any appeal).

## 5 DISCIPLINARY PANEL

- 5.1 The Board shall appoint a Disciplinary Committee Chairman and Disciplinary Secretary who are not directors.
- 5.2 On recommendation of the Disciplinary Committee Chairman, the Board shall appoint a minimum of three persons who are not directors to serve on the Disciplinary Committee. These persons may be Affiliated Members, or others who are not Affiliated Members.
- 5.3 The Board may also appoint any number of persons, either Affiliated Members, or others who are not Affiliated Members, as reserves.
- 5.4 The Board may keep a list of Members who are prepared to act on a Disciplinary Panel and, where appropriate, of any potentially relevant skills or knowledge they may have.
- 5.5 A Disciplinary Panel Member having an interest in a matter to be discussed must declare that interest as soon as they are aware of it and must not be present in their capacity as a Member during the transaction of that business.
- 5.6 A decision should be taken by all members of the Disciplinary Panel (including any reserves), who must all have been present throughout any personal hearing. Where a member of a Disciplinary Panel has stood down by reason of incapacity or otherwise, the remaining members will determine whether or not they should continue or whether a fresh Disciplinary Panel should be arranged.
- 5.7 The Disciplinary Panel Chairman may convene a meeting of the Disciplinary Panel, including a meeting to constitute a hearing, at such time and place as the Disciplinary Panel Chairman decides.

## 6 REPORTING ALLEGED DISCIPLINARY BREACHES

- 6.1 The referee is responsible for taking disciplinary action for misbehaviour or other breaches of regulations at a competition. Nothing in this section shall limit the referee's powers in accordance with the rules of the competition.
- 6.2 Anyone not a member of BTTAD but associated with a member at a BTTAD event as carer, parent, coach or supporter shall at the event come under the jurisdiction of the referee and shall abide by any referee's decision
- 6.3 A person alleging a Disciplinary Breach at a competition should report it promptly to the referee. If the person making the allegation considers the Disciplinary Breach is very serious, they may also report it to the Company Secretary by submitting full details in writing within 7 days.
- 6.4 A person alleging a Disciplinary Breach, other than at a competition, shall submit full details in writing to the Company Secretary as soon as possible.



## 7 APPLICATION FOR INVESTIGATION

7.1 A Member (the 'Applicant') may make a written application to the Company Secretary that an alleged Disciplinary Matter involving another Member (the 'Respondent') be investigated.

7.2 The written application shall be in the form specified by the Company Secretary and shall include the name of the Respondent, the nature and approximate date of the alleged Disciplinary Matter and signed statements by the Applicant and any witnesses.

7.3 A complaint from a Member is not, however, a pre-requisite for the BTTAD to instigate its Disciplinary Procedure which may be invoked whenever the Company Secretary deems it necessary.

7.4 In the event of a Member not being satisfied that an issue has been satisfactorily resolved by the referee at a tournament they may make a written application to the Disciplinary Secretary, this shall be within 48 hours of the incident

## 8 INTERIM SUSPENSION

8.1 The Company Secretary may, whilst Disciplinary Action is taking place, suspend a Member from any or all of the privileges of affiliation ('interim suspension') where he deems it necessary and appropriate, having regard to the circumstances and the seriousness of the matter.

8.2 An interim suspension shall only be imposed if and for as long as the Company Secretary is satisfied it is necessary in the best interests of BTTAD, the sport or otherwise necessary for safeguarding reasons or to prevent interference with witnesses.

8.3 The Company Secretary shall review an interim suspension at least monthly.

8.4 Interim suspension shall be a neutral action and shall not imply any prejudgment of the substantive issue.

## 9 INVESTIGATION

9.1 When the Company Secretary receives a written complaint against a Member, or otherwise receives information of a possible Disciplinary Matter, he shall within 14 days appoint an Investigator to investigate it. It is intended that in normal circumstances the investigation be completed within 28 days of the Investigator's appointment.

9.2 The Company Secretary may appoint as Investigator any person or organisation that does not have an interest in the case. The Investigator may be internal or external to BTTAD.

9.3 The Applicant, the Respondent and any witnesses shall give the Investigator all reasonable assistance including promptly supplying signed statements, making themselves available for interview, answering any questions and supplying documentary or other information. Failure by the Applicant to promptly provide the required information may lead to the Disciplinary process being terminated

9.4 The Investigator shall make a written report which shall include the documentary evidence and a recommendation as to whether the Respondent has a case to answer.

9.5 The Investigator's report shall be submitted to the Company Secretary who shall either confirm the recommendation or arrange for further investigation by the same or a different Investigator.

9.6 If the Company Secretary confirms a recommendation that there is no case to answer the Disciplinary Secretary shall inform the Applicant and the Respondent accordingly. There shall be no appeal against a decision that there is no case to answer but a case may be re-examined if further evidence is later forthcoming.

9.7 If the Company Secretary confirms a recommendation that there is a case for the Respondent to answer the Disciplinary Chair will act as set out below.



## 10 DISCIPLINARY PROCEEDINGS

10.1 If the Company Secretary confirms a recommendation that there is a case to answer the Company Secretary shall decide if the issue is sufficiently serious to require a personal Hearing or if the matter can be resolved by email and / or phone conversations or other means.

Where a personal Hearing is not deemed necessary then the Company Secretary shall inform all parties and the Disciplinary Chair will carry out the process.

If the Applicant is not satisfied with the decision to carry out the hearing in this way, they may make representation to the Company Secretary with appropriate reasoning or ultimately insist that the Disciplinary Panel meets. If the Disciplinary Panel subsequently meets then personal expenses of all parties including the Disciplinary panel along with venue and refreshments, will be borne by the Applicant.

If the Company Secretary concludes that a Hearing needs to take place then he will give the Respondent written notice of the date and time of the Hearing together with the Investigator's report. Not later than 14 days after the sending of the notice the Respondent shall send to the Company Secretary a written answer thereto, together if desired with signed statements from any witnesses.

10.2 The Disciplinary Panel shall adjudicate the matter at a Hearing, taking into consideration the report of the Investigator, the written statements of the Applicant, Respondent and witnesses and any other evidence it thinks appropriate.

10.3 Proceedings, findings or decisions of the Disciplinary Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless it raises a material doubt as to the reliability of the proceedings, findings or decisions.

10.4 The Respondent may be represented or accompanied at the hearing by one other person of the Respondent's choice, who shall not be a witness. This right shall be in addition to the right of a Respondent who is under 18 or a Vulnerable Adult to be accompanied by a parent or carer.

10.5 If the Disciplinary Panel Chairman is absent, the remaining Members of the Disciplinary Panel present shall appoint one of themselves to chair the hearing.

10.6 The procedure to be adopted at the hearing will be determined by the Disciplinary Panel in view of what is most appropriate given the nature of the case before them, and with regard to achieving a fair and expeditious resolution of the matter. The Respondent will, in any event, be given a reasonable opportunity to present any matters of defense or mitigation relied upon.

10.7 Failure of any person to attend the hearing, or to answer any question, or to produce any necessary papers, shall not prevent the Disciplinary Panel from proceeding to a decision if it is reasonable to do so.

10.8 The Disciplinary Panel shall consider its decisions on liability, and where necessary sanction, in private.

## 11 SANCTIONS

11.1 If the Respondent admits an allegation or if the Disciplinary Panel finds an allegation proved it may impose any one or more of the following sanctions:

11.1.1 suspension from some or all of the privileges of membership either indefinitely or for a stated period.

11.1.2 a fine to be paid within 28 days;

11.1.3 censure;

11.1.4 a requirement to give an undertaking in such terms as the Disciplinary Panel may decide; failure to give the undertaking within 14 days or a breach of it within two years shall be deemed a breach of the Disciplinary Regulations and upon such breach the offender shall be liable to an additional sanction for the original Disciplinary Matter;

11.1.5 for doping offences, such penalties as are specified in the Anti-Doping Regulations;

11.1.6 a requirement to pay a contribution towards the costs of the hearing within 28 days;

11.1.7 in the case of a former Member which has subsequently resigned or otherwise ceased to be affiliated a stipulation that they may not re-affiliate without the express permission of the Board.



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11.2 If an allegation is submitted to a National Safeguarding Panel tribunal for determination and the Respondent admits such allegation or the tribunal finds it proved the tribunal may impose such sanctions and/or risk management measures as its own Disciplinary Rules permit. This will not prevent BTTAD also imposing sanctions in such a case.

## 12 RECORDS AND CONFIDENTIALITY

12.1 A decision made by the Disciplinary Panel on whether or not a case is found proved and the sanction imposed shall not be confidential.

12.2 The Disciplinary Panel shall notify, or confirm, the decision and the reasons for it in writing to the Respondent, the Applicant and, where appropriate, to others with a legitimate interest.

12.3 In a case of national suspension, the Company Secretary shall publicise the suspension to those likely to be affected. This information may also be placed on the web site

12.4 If the Panel deems it appropriate, a recording will be made of the Hearing.

12.5 Records relating to a Disciplinary Matter shall be kept for two years or the length of any ban / suspension whichever is the greater, after any investigation, proceedings and sanction imposed are all completed.

## 13 APPEALS

13.1 If the Disciplinary Panel finds an allegation proved the Respondent may appeal against the finding or the sanction imposed or both. Any such appeal must be in writing, setting out fully the grounds of appeal, addressed to the Company secretary, and received by the BTTAD no later than 14 days after the decision to which the appeal relates.

13.2 Where a Respondent fails to attend the hearing of the Disciplinary Panel in person or fails to provide a written notice of appeal in the form and within the time stipulated above, he may not appeal unless granted leave to do so by the Company Secretary.

13.3 Where the Respondent has admitted the offence for which he has been subjected to a disciplinary sanction, any appeal will be limited to the sanction imposed.

13.4 The Disciplinary Chair will arrange for an Appeal Panel of three by the same method as used for the Disciplinary Panel, save that none of the Members of the Disciplinary Panel may sit on an Appeal Panel relating to the same matter.

13.5 An Appeal Panel will be entitled to conduct and regulate the appeal as it sees fit, subject only to the pre-requisites set out in paragraph 1.5 above, and to determine its own procedure.

13.6 The Appeal Panel will advise the Respondent of its decision, and the reasons, as soon as reasonably practicable and the decision will take effect at that point.

13.7 The decision of the Appeal Panel will be final.

## 14 FORMER MEMBERS

14.1 A former Member shall remain liable to disciplinary action and sanctions in respect of conduct whilst affiliated and reference in this Disciplinary Procedure to a Member shall include a former Member unless the context precludes such an interpretation.



## **15 YOUNG PERSONS**

15.1 If an Applicant or Respondent is under 18 at the date of the alleged Disciplinary Matter:

15.1.1 the Safeguarding Manager will ensure their rights are strictly observed;

15.1.2 any right or obligation under this Disciplinary Procedure may be exercised on their behalf by their parent or carer;

15.1.3 any written communication with them under these Disciplinary Procedure shall be copied to their parent or carer.

15.1.4 if an Applicant, Respondent or witness is under 18 at the date of the alleged offence they may be accompanied by a parent or carer at any meeting or proceedings.

15.2 When considering any sanction the Disciplinary Panel shall take into account the age of a Respondent under 18 at the date the Disciplinary matter is alleged to have occurred.

## **16 VULNERABLE ADULTS**

16.1 If an Applicant or Respondent is a Vulnerable Adult, the same procedure as set out above for young persons will be adopted.





## APPENDIX 2 TYPICAL PROCEDURE AT A PERSONAL HEARING

### Notes

- a. *This is the typical procedure, but the Chair may vary it provided it complies with the Disciplinary Regulations and the requirements of natural justice.*
- b. *If the Investigator or the Respondent choose to be represented, then references to them (except in relation to their own evidence) shall be taken as references to their representative.*
- c. *Any address to the Committee shall be limited to 10 minutes or such other time as the chairman considers is needed in the interests of fairness.*

### Section A - Introductory

1. Introductions.
2. The Chairman explains the procedure.
3. The Chairman states the allegation and checks that everyone has copies of the relevant papers.
4. The Chairman asks if any member of the Committee has an interest in the case which would prohibit them from taking part to declare it.
5. The Chairman asks the Respondent whether they contest the allegation.

### Section B – Proceedings to determine whether the allegation is proved *(Note – This section may be abbreviated or omitted if the respondent does not contest the allegation)*

6. The Investigator states their case.
7. The Respondent may ask the Investigator questions.
8. Committee members may ask the Investigator questions.
9. The Investigator may call witnesses in support of the allegation. Each witness may be asked questions in turn by the Investigator, the Respondent and committee members.
10. The Respondent states their case.
11. The Investigator may ask the Respondent questions.
12. Committee members may ask the Respondent questions.
13. The Respondent may call witnesses to rebut the allegation. Each witness may be asked questions in turn by the Respondent, the Investigator and committee members.
14. The Respondent may address the committee to sum up their answer to the allegation.



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15. All except members of the Committee withdraw whilst the Committee decides whether it finds the complaint proved.
16. Those who withdrew are invited back and the Chairman announces whether the Committee finds the allegation proved.

**Section C – Proceedings to determine the appropriate sanction** (*Note this section is omitted if the respondent contests the allegation and the Committee does not find it proved*).

17. The Chairman asks the Investigator for any information to help determine what sanction should be imposed (including any past Disciplinary Breaches admitted by or found proved against the Respondent).
18. The Respondent may address the Committee in mitigation.
19. All except members of the Committee withdraw whilst the Committee decides on the sanction.
20. Those who withdrew are invited back and the Chairman announces the decision on the sanction.

### **Section D - Conclusion**

21. The Chairman concludes the hearing.



**APPENDIX 3**

**TYPICAL DISCIPLINARY CASE RECORD**

**DISCIPLINARY HEARING**

**Applicant:**

**Respondent:**

**Venue:** .....

**Date:** .....

**Chair:** .....

**Secretary:** .....

**Panel:** .....

.....

**DECISION**

1. The Panel found .....

2. The Sanction .....

3. The Citing Complaint

4. The Respondents Case

**Chairman:** .....