

## Snowsport England Disciplinary Procedure

The Snowsport England Disciplinary Procedures dated December 2006, were amended in 2015 and adopted by the Snowsport England Board on 19 March 2015. For the avoidance of doubt, where any conflict arises with existing rules or procedures relating to discipline, the procedures set out below will take precedence.

Snowsport England is committed to ensuring children and young people are able to enjoy snowsport free from harm, abuse and exploitation. As part of its commitment, Snowsport England has published a Safeguarding Policy, "**SnowSafe**" which everyone working or volunteering in a club or organisation under the auspices of Snowsport England must adhere to. Snowsport England will challenge conduct that does not comply with **SnowSafe** or which is, or may be, harmful to young people in snowsport. These procedures set out a framework for Snowsport England to investigate and decide upon such matters and the disciplinary actions that may be taken.

### **1. Definitions**

1.1. 'Snowsport England' - All references to Snowsport England should be taken where necessary to be the Chief Executive to exercise his/her power to receive and act upon disciplinary matters.

1.2. 'Designated Officer' - The Designated Officer shall be the Lead Welfare Officer or such other person as shall be appointed to that role by the Chief Executive or the Chairman of Snowsport England.

1.3. 'Case Management Panel' – A Panel appointed by the Chief Executive who will make immediate decisions on the response to reported cases/complaints/incidents.

1.4. 'Disciplinary Chairman' - a person appointed by the Board, as required, to Chair a Disciplinary Panel.

1.5. 'Interim Suspension' - This shall be when the Case Management Panel or Designated Officer has taken the decision to suspend, pending the conclusion of relevant investigations and proceedings.

1.6. 'Suspension' - This shall be taken to be a suspension that is imposed as a result of a decision by the Case Management Panel or Disciplinary Panel and shall be deemed to be permanent or for a period of time as specified.

1.7. 'Disciplinary Panel' – A Panel appointed by the Disciplinary Chairman to hear and decide upon cases where Snowsport England Disciplinary Procedures have been invoked.

1.8. 'Appeals Panel' - this shall be either members from the Snowsport England Disciplinary Panel, the Case Management Panel (not having had any previous involvement or knowledge of the case) or the National Safeguarding Panel. In each case the Appeals Panel shall consist of a minimum of three people.

1.9. 'The Appellant' – This is the individual whom within 10 working days from the date of notification of the decision by the Disciplinary Panel has submitted a Notice of Appeal.

1.10. 'The Respondent' – This is the other person/organisation involved in the appeal, who is responding to the Appellant.

1.11. 'Individual, member or organisation' - This shall be deemed to include the following: athletes, officials, associations, academies, clubs, committees, organisations or persons directly or indirectly affiliated to Snowsport England and their members and officers or employees of Snowsport England.

1.12. 'The Coaches Code of Ethics, Conduct and Practice' - a document which applies to all who hold Snowsport England coaching, leadership or instructing qualifications to establish and maintain standards for coaches, instructors and leaders and protect persons under their supervision.

1.13. 'A Charge' - an offence, which is or has been carried out by those under jurisdiction of this policy, which warrants the use of these Procedures.

1.14. 'Young Person' or 'Young People' - anyone under the age of 18.

1.15. **SnowSafe** - Snowsport England's Child Safeguarding Policy and Procedures which apply at all times, to i) anyone who works or volunteers in any capacity with any snowsport organisation that falls within the jurisdiction of Snowsport England; ii) all affiliated coaches, instructors and others working in a position of responsibility with children and young people; iii) all associations, academies, clubs, committees and organisations directly or indirectly affiliated to Snowsport England.

1.16. 'Working Days' – These are weekdays, Monday to Friday inclusive, and exclude Bank Holidays or Public Holidays.

## **2. Delegation**

2.1 The powers of the Board to investigate and adjudicate upon complaints, and to impose sanctions under these Regulations shall be delegated to the Designated Officer or other representative of Snowsport England; the Case Management Panel; the Disciplinary Panel and the Appeals Panel in accordance with these regulations.

## **3. Principles**

3.1. The conduct of those subject to this policy in addition to criminal law will be subject to the following rules and procedures.

3.1.1 Competitions. FIS International Ski Competition Rules provide a wide range of sanctions, which may be taken against anyone in breach of those rules. Nothing in these regulations is to be read as affecting or varying the terms of the Snowsport England Regulations for Doping Control. Actions by a person, or people, whilst an

event is in progress and the Jury is still in existence, will normally be considered by the Jury. Occurrences, or disputes, however, that occur at any time: (before, during, subsequent to, or even unconnected with a specific event), may be considered under these regulations and sanctions taken, if considered appropriate

3.1.2. For Doping Procedures, Disciplinary and Appeals, please refer to the Snowsport England Regulations, Disciplinary and Appeals procedures for Doping

3.1.3. The Coaches Code of Ethics, Conduct and Practice applies to all who hold Snowsport England coaching, leadership or instructing qualifications

3.1.4. **SnowSafe**, Snowsport England's policy for safeguarding children

3.1.5. All child protection and DBS matters must be regarded as highly confidential and not for disclosure outside the Case Management Panel, unless agreed on a strictly need to know basis

3.1.6. For all matters referring to contracted employees of Snowsport England please refer to the Employees Handbook.

#### **4. Jurisdiction**

4.1. Snowsport England has disciplinary jurisdiction over the following:

4.1.1. all associations, clubs, committees, organisations or persons directly or indirectly affiliated to Snowsport England and their members and officers

4.1.2. all officials, officers, volunteers or employees of Snowsport England

4.1.3. all athletes who are members of an organisation directly or indirectly affiliated to Snowsport England or who participate in any event or training authorised by Snowsport England or who participate in Snowsport England sanctioned events or tournaments

4.1.4. any person who enjoys any form of licence or any other status from Snowsport England.

4.2. All Members of Snowsport England are required to ensure that all persons referred to at 4.1.1 to 4.1.4 above are expressly bound by, and that their attention is drawn to:

4.2.1. these regulations

4.2.2. **SnowSafe** - Snowsport England's child safeguarding policy including the reporting procedures

4.2.3 Snowsport England's Coaches Code of Ethics, Conduct and Practice (where applicable).

4.3. Snowsport England will exercise its disciplinary functions in the manner set out in these Procedures. Snowsport England shall delegate its power to receive and act upon disciplinary matters to a Designated Officer in the organisation or if appropriate to a legal representative or independent expert.

4.4. The Designated Officer has the power to impose an interim suspension. This power should only be used when judged absolutely necessary, outlined in 6.1. Cases or matters must be brought before the Case Management Panel, within 10 working days to ratify the interim suspension.

4.5. Snowsport England shall have jurisdiction to consider a matter that arises either as a result of a concern, a complaint, a disclosure, an allegation or if a matter comes to its attention through media publicity or otherwise which it considers may constitute misconduct or a breach of any appropriate Code of Ethics or Conduct.

4.6. Although Snowsport England has jurisdiction over the persons and organisations set out in 4.1, organisations may have their own disciplinary jurisdiction over members, organisations, athletes and persons. Where jurisdiction exists; those organisations should exercise that jurisdiction, subject to 4.7 below.

4.7. In cases where both Snowsport England and organisations set out in 4.1 have jurisdiction to investigate and prosecute alleged charges, Snowsport England may assume overall jurisdiction that the matter should be heard under the Snowsport England Disciplinary Procedures. Alternatively, any such organisation may request that a matter be dealt with by Snowsport England. In the event of a dispute as to whether a case should be heard by Snowsport England or by the relevant organisation, the decision of the Designated Officer shall be final.

## **5. Case Management**

5.1. The Case Management Panel is empowered by Snowsport England to make decisions on the approach to cases without the influence of others within the organisation.

5.2. The Designated Officer should lead the Panel. The Panel will be appointed by Snowsport England and should include people who have relevant knowledge and expertise to enable the Panel to fulfil its purpose.

5.3. The Panel will meet as and when necessary, dependent on cases. For cases requiring immediate action the Designated Officer will consult at least two members of the Panel.

5.4. The Panel will be made up of between 3 and 8 people.

## **6. Interim Suspension**

6.1. If the Designated Officer considers that an allegation or complaint or matter which has been drawn to his/her attention is of sufficient seriousness to warrant the exclusion of an

individual, member, organisation or committee member from involvement in Snowsport England and/or its activities an interim suspension can be made.

6.2. Notification of an interim suspension shall be made in writing where possible to the individual concerned and to any club or county with which the individual is associated as soon as reasonably practicable.

6.3. An interim suspension shall be brought before the Case Management Panel for ratification within 10 working days.

6.4. When an individual is under interim suspension Snowsport England shall bring and conclude any proceedings under the rules of the organisation against the individual relating to the matters as soon as reasonably practicable. Any breach of the suspension shall constitute an offence under the rules of Snowsport England.

6.5. If ratified, an interim suspension shall be reviewed by the Case Management Panel at appropriate regular intervals.

6.6. For all Child Protection cases if at any time the circumstances or facts surrounding a case change, then the Case Management Panel may consider whether such interim suspension should continue.

## **7. Investigation**

### **Grounds for Disciplinary Action**

7.1. Any act, statement, conduct or other matter which harms a child, children, members, non members, or poses or may pose a risk of harm to a child, children, members, non members shall constitute behaviour that is improper, or brings Snowsport England into disrepute, shall amount to grounds for investigation under these regulations.

7.2. Any act, statement, conduct or other matter which brings Snowsport England into disrepute or breaches the code of ethics and/or conduct, or failure to comply with SnowSafe, or any of the rules and regulations in 3.1.1 to 3.1.6 above shall amount to grounds for investigation under these regulations.

7.3. Upon receipt by Snowsport England of, or upon becoming aware of, a complaint, disclosure, allegation or matter including:

7.3.1. notification that an individual has been charged with a criminal offence which causes the organisation reasonably to believe that an individual poses or may pose a risk of harm to a child or children, or participants in the sport; or

7.3.2. notification that an individual is the subject of an investigation by the Police, Social Services. LADO or any other public or other investigatory authority relating to an offence; or

7.3.3. any other information which causes the organisation reasonably to believe that an individual poses or may pose a risk of harm to a child or children; or

7.3.4. where a written complaint is made, or a matter otherwise comes to the attention of Snowsport England; or

7.3.5. where a DBS Disclosure reveals information which causes the organisation reasonably to believe that an individual poses or may pose a risk of harm to a child or children or reveals the person is included on a statutory list barring, or restricting their working with children or young people

The Designated Officer shall also consider whether such complaint or other matter falls within the scope of Snowsport England's jurisdiction and whether to:

7.3.6. Refer the matter to the relevant statutory agency/ies for further consideration (and/or to review the matter following consideration by a relevant statutory authority); or

7.3.7. Instigate an investigation under these regulations; or

7.3.8. Refer the matter for resolution at a local level by a club, association or other organisation

7.3.9. It will be at the discretion of Snowsport England whether or not to commence or proceed with an investigation under these regulations where the complainant does not consent to his/her identify being disclosed to the subject of the complaint.

7.4. Snowsport England shall make all enquiries necessary to establish the details of the offence, alleged offence or investigation with the following:

7.4.1. The individual concerned, either by way of interview or correspondence

7.4.2. The Complainant

7.4.3. Witnesses

7.4.4. The Police

7.4.5. Social Services or Local Authority Designated Officer

7.4.6. Any other authority involved in the protection and welfare of children

7.4.7. Technical personnel where appropriate

7.4.8. Any other person or party as deemed appropriate by Snowsport England.

7.5. Where an individual has been charged with a criminal offence or is the subject of an investigation by the Police, Social Care Services, the LADO or any other public or other

investigatory authority, in respect of conduct which is or may be grounds for disciplinary action, the Designated Officer shall seek advice from the relevant agency as to whether or not Snowsport England shall postpone consideration of the matter under these regulations pending the outcome of any such proceedings/investigation, and as to whether or not in the meantime, an interim suspension should be imposed under these regulations.

7.6. Snowsport England shall consider the following as to whether an interim suspension should be made. The organisation shall give consideration, inter alia, to the following factors:

7.6.1. whether those listed under the jurisdiction of this policy, are or may be at risk of harm

7.6.2. whether the matters are of a serious nature

7.6.3. whether a suspension is necessary or desirable to allow the conduct of any investigation by Snowsport England or any other authority or body to proceed unimpeded having regard to the need for any action to be proportionate.

7.7. In carrying out its function Snowsport England shall have the power to require:

7.7.1. the attendance, upon reasonable notice, of any individual or representative of any organisation mentioned above to answer and provide information: and

7.7.2. the production, upon reasonable notice, by any individual or organisation mentioned above, of documents, information or other material in whatever form held

7.7.3. where considered appropriate, that an individual against whom a complaint or allegation has been made, or to whom the matter relates, undertakes an Enhanced Disclosure by the Disclosure and Barring Service

7.7.4. any individual against whom a complaint or allegation has been made, or to whom the matter relates, undertakes a risk assessment by a suitably qualified person appointed by Snowsport England.

7.8. The Designated Officer shall have the power to order that the individual be interim suspended from all or any Snowsport England activity for such period and on such terms and conditions as he/she thinks fit. Within 10 working days of the individual's interim suspension the case shall be brought before the Case Management Panel, for the interim suspension to be ratified. Where an individual is the subject of an investigation by the Police, Social Services or any other public or investigatory authority in respect of conduct which is or may be grounds for disciplinary action, the Designated Officer may seek advice from the relevant agency as to whether or not Snowsport England shall postpone consideration of the matter under these procedures pending the outcome of any such proceedings.

7.9. When an individual is under interim suspension Snowsport England shall bring and conclude any proceedings under the rules of the organisation against the individual relating to the matters as soon as reasonably practicable. Any breach of the suspension shall constitute an offence under the rules of Snowsport England.

7.10. Where Snowsport England requests an individual to comply with a reasonable request or requirement as part of the investigation carried out under this section or generally, any failure to do so will amount to a charge of noncompliance.

### **Case Management Decision**

7.11. At the conclusion of the investigation, the Designated Officer shall report to the Case Management Panel who shall decide the appropriate course of action as follows:

7.11.1. If an individual, member or organisation admits the complaint, allegation or matter either in correspondence or in interview and the Designated Officer is satisfied there are grounds for disciplinary action and that it is a 'Summary Offence', and the individual, member or organisation consents to the Summary Procedure, then the Summary Procedure (Outlined in Section 8) shall be invoked; or

7.11.2. If the individual, member or organisation concerned does not admit the complaint, allegation or matter, or does not consent to the Summary Procedure, or if the Case Management Panel considers there may be grounds for disciplinary action but is not satisfied that the case is appropriate for the Summary Procedure, then the Disciplinary Procedure shall be invoked; or

7.11.3. Where the investigation establishes to the satisfaction of the Case Management Panel that there is no case to answer, the allegation or complaint shall be dismissed.

7.12. Prior to reaching a decision under 7.11, the Case Management Panel may direct that further inquiries are undertaken.

## **8. Summary Procedures**

8.1. If an individual, member or organisation admits the charge either in correspondence or in interview and the Case Management Panel is satisfied that the charge has been admitted and is a 'Summary Offence', and the individual, member or organisation consents to the Summary Procedure, then the Summary Procedure shall be invoked.

8.2. A Summary Offence is one where the Case Management Panel believes that, if the facts placed before them are true, the appropriate sanction should be no more than:

8.2.1. a warning informal; and/or

8.2.2. a warning formal, notice posted; and/or



8.2.3. an order requiring an individual to be monitored in specific matters or mentored; and/or

8.2.4. an order specifying certain training to be undertaken; and/or

8.2.5. a suspension for a period not exceeding 20 working days; and/or

8.2.6. no action be taken.

8.3. A matter will remain a Summary Offence unless the following applies:

8.3.1. the individual, member or organisation does not admit the offence or consent to a Summary Procedure; or

8.3.2. the nature of the offence is such that the Case Management Panel does not consider that it can properly be dealt with through the Summary Procedure.

8.4. When an admission in interview or correspondence has been made and the Case Management Panel considers it appropriate to invoke the Summary Procedure, the Designated Officer shall write to the individual, member or organisation concerned informing them that it is his/her view that the offence should be dealt with under the Summary Procedure. The letter shall be sent recorded delivery, or where agreed with the individual, member or organisation, by e mail. In such correspondence, the Designated Officer shall seek the individual's consent to the matter being dealt with under this procedure.

8.5. In the Designated Officer's letter to the individual, member or organisation whose conduct is the subject of the concern or complaint and investigation, the individual, member or organisation shall be formally charged.

8.6. On receipt of the charge the individual, member or organisation shall within 10 working days be required to consent to the matter being dealt with under the summary offence procedure and submit any additional evidence or mitigation to the Designated Officer in respect of the case being dealt with as a Summary Procedure within this time.

8.7. The Case Management Panel shall consider all evidence submitted by the individual, member or organisation charged and shall then impose the appropriate sanction.

8.8. The Designated Officer shall then communicate the imposed sanction to the individual, member or organisation as soon as reasonably practicable.

8.9. There shall be no right of appeal to the imposition of a sanction imposed under the Summary Procedure.

## **9. Disciplinary Procedure**

9.1. If the individual, member or organisation who is the subject of the charge does not consent to the Summary Procedure within the period permitted at 8.6, or if the Case

Management Panel or Designated Officer considers that a case is not appropriate for the Summary Procedure, then the Full Disciplinary Procedure shall be invoked.

9.2. Snowsport England may, if it deems appropriate, refer the case to the National Safeguarding Panel.

9.3. The Designated Officer shall commence the procedure by sending the charge recorded delivery to the individual, member or organisation, or where agreed, by e mail, setting out a summary of the charge, together with a factual summary of the supporting evidence.

9.4. The individual, member or organisation against whom the charge has been made shall have 10 working days from the date of certified posting to answer the charge. Failure to do so without reasonable excuse shall render the individual, member or organisation concerned liable to suspension from all Snowsport England or Snowsport England associated activities until a reply has been received.

9.5. Once the reply to the charge has been received, or if no reply is received within the prescribed period under 9.4 above, the Designated Officer shall liaise with the Chairman of the Disciplinary Panel to schedule a date for the hearing. At least 15 working days' notice shall be given of the date, place and time of any hearing.

9.6. At least 10 working days before the hearing the individual or organisation concerned must provide details of any witnesses and/or further evidence that he/she/it intends to bring before the Disciplinary Panel. If without good reason such evidence is not furnished to Snowsport England at least 10 working days before the hearing, the individual or organisation concerned will not be permitted to rely upon that evidence at the hearing without permission from the Chair of the Disciplinary Panel.

9.7. All proceedings of the Disciplinary Panel shall take place in private. The public and press shall have no right of access. The Disciplinary Panel shall not issue any press statement nor conduct any press conferences. All press/media announcements in relation to any decision of the Disciplinary Panel shall be approved by Snowsport England Press Officer or Chief Executive.

9.8. Any individual, member or organisation appearing before the Disciplinary Panel or Appeals Panel shall have the right to be represented by a legal representative of his/her choice and at his/her own expense or by a person who may speak on his/her behalf.

9.9. When an individual against whom a charge is made is under the age of 14 years when the alleged matter occurred, correspondence will, if reasonably possible, be addressed to his/her parent or guardian.

9.10. When an individual is between the age of 14 and 18 years of age all correspondence will, if reasonably possible, be copied to the parent or guardian as well as to the individual.

9.11. If a charge against an individual under 18 years of age results in a hearing, the parents or guardian shall be entitled to be present and make such representations as he/she thinks

fit on the young person's behalf. Where possible, bringing a young person (under 18 years) before a Disciplinary Panel should be avoided.

9.12. At the hearing the Designated Officer, legal representative or independent expert shall present the evidence to the Disciplinary Panel. The applicable standard of proof shall be the civil standard of the balance of probability.

9.13. The Disciplinary Panel shall have the power to regulate its own procedures. Subject to that power, the hearing shall generally be conducted in accordance with the following regulations.

9.13.1 A breach of procedure under these regulations shall not invalidate the proceedings unless, in the opinion of the Disciplinary Panel, such breach seriously prejudices the position of the person or organisation charged

9.13.2 The Disciplinary Panel may, on request or on its own volition, adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, if it considers it just to do so

9.13.3. If, at the hearing, the individual or organisation charged is not present or represented, the Disciplinary Panel may proceed to hear the matter in his/her/its absence if satisfied that, following receipt of notification of the matter under 9.3 above, all reasonable steps have been taken to give notice of the hearing to the individual or organisation concerned. Unless with good cause, only one postponement shall be permitted.

9.13.4. The Disciplinary Panel shall not be obliged to follow strict rules of evidence and may admit evidence as it sees fit, and accord such weight to the evidence as it thinks appropriate in all the circumstances.

9.14. Where the charge relates to:

9.14.1. a criminal conviction or caution, or

9.14.2. a previous finding of guilt in any other judicial or quasi-judicial proceedings, including that of another sport's national governing body or statutory agency proceedings

It shall be presumed that the individual was guilty of the offence for which he was convicted or cautioned, or of the charge for which he was found guilty, and/or that the facts and matters upon which the conviction/caution/finding of guilt was made were correct.

## **10. Order of Proceedings**

10.1. The order of proceedings, unless the Chair otherwise directs, shall be as follows:

10.1.1 Submissions by Snowsport England

10.1.2 Hearing of witnesses called by Snowsport England, followed by cross-examination

10.1.3. Where the allegation would amount to a sexual offence or any offence against a person under 18 years for the purpose of the English criminal law then there will be no requirement for Snowsport England to produce the complainant to give evidence unless this can be done in such a way as to minimise the distress caused to him/her and they consent. Where he/she is not so represented, then the Panel will, at their sole discretion, ask any questions required of the individual charged providing they deem the question relevant to the issues in the case His/her statement will be read to the Disciplinary Panel and will constitute their evidence. The Disciplinary Panel will have regard to the fact that the complainant has not given evidence in person and that the individual charged has not had the opportunity to cross examine when they retire to consider the evidence and reach their findings of fact. Even where a complainant is called, an individual may only question the complainant where he or she is represented by a suitably qualified solicitor or barrister

10.1.4. Submissions by the individual or organisation charged

10.1.5. Hearing of any witnesses called by the individual or organisation charged, followed by their cross examination by Snowsport England

10.1.6. Closing submissions by Snowsport England

10.1.7. Closing submissions by the individual or organisation concerned

10.1.8. Members of the Disciplinary Panel may themselves at any time question witnesses, parties or their representatives

10.1.9. The Disciplinary Panel shall then retire to consider in private whether it finds the charge proved and shall return to announce its decision.

### **Order of proceedings following a finding that the charge is proven**

10.2. If the Disciplinary Panel finds the charge proved, it shall seek recommendations as to the appropriate disciplinary order from the Designated Officer, legal expert or independent expert. For the avoidance of doubt, the Disciplinary Panel is not, at this stage, required to provide a written report on finding the case proven.

10.3. The individual or organisation against whom the charge has been found proved may make any mitigation to the Disciplinary Panel. Once the Disciplinary Panel has heard the mitigation they shall then retire in private to consider the appropriate disciplinary order.

### **Order of proceedings where charge is admitted**

10.4 In reaching its decision, there is no requirement that the Disciplinary Panel be unanimous. It is sufficient if a majority of the Disciplinary Panel favour a particular conclusion. No minority opinion or dissenting judgement shall be produced and no indication shall be given by the Disciplinary Panel to any party that its decision was other than unanimous. Any minority dissenting members are expected to maintain the confidentiality of the process, including its decisions.

10.5. The Disciplinary Panel having decided on sanctions shall communicate that decision either at the time of the hearing or as soon as reasonably practicable thereafter. In all cases the Disciplinary Panel shall produce a short written decision setting out the reasons for reaching its conclusions. This shall be conveyed to the individual or organisation charged (and, where deemed appropriate by Snowsport England, to the complainant) as soon as possible and in all events within 10 working days of the date of the hearing.

## **11. Sanction**

11.1. The Panel alone decides on the imposition of any sanctions.

11.2. If the Disciplinary Panel or Appeals Panel finds a charge to have been proved or admitted, it may make any one of, or a combination of, the following disciplinary orders and on such terms and conditions as it considers appropriate having regard to the nature and seriousness of the charge, the individual's character, the individual's/organisation's past record and any other relevant circumstances (including the outcome of any risk assessment undertaken).

### **Individuals**

11.2.1. a written warning

11.2.2. restriction from competition or from taking part in any capacity in any event or role under the jurisdiction of Snowsport England which might involve access to young people

11.2.3. suspension for a specific period of time from competition or from taking part in any capacity in any event or role under the jurisdiction of Snowsport England

11.2.4. permanent exclusion from competition or from taking part in any capacity in any event or role under the jurisdiction of Snowsport England

11.2.5. termination of membership and/or any Snowsport England licence or accreditation

11.2.6. expulsion, suspension or exclusion from standing for, or holding, any office with Snowsport England, either for a temporary period or permanently

11.2.7. any additional training as specified by the Panel

11.2.8. an order requiring an individual to be monitored in specific matters or mentored

11.2.9. where the appropriate criteria are met, referral of the case to any statutory list barring, or restricting, the working with children or young persons.

### **Organisations**

11.2.10. a warning

11.2.11. a fine not exceeding £5,000

11.2.12. termination of Snowsport England membership.

11.3. Where the Disciplinary Panel or Appeals Panel imposes any period of suspension, that period of suspension shall run from the date of the publication of the decision, notwithstanding any notice of Appeal if submitted. In imposing or reviewing suspension the Disciplinary Panel or Appeals Panel shall take into account the amount of interim suspension and/or suspension or suspension served by the individual, member, or organisation in deciding the appropriate period of further suspension.

11.4. The Disciplinary Panel or Appeals Panel may, where it considers it appropriate and it finds the charge proved (or admitted), order the individual or organisation concerned to pay a sum in respect of the costs reasonably incurred by Snowsport England in the proceedings (such sum not to exceed £5,000).

## **12. Appeals Procedure**

12.1. An individual, member or organisation may submit a Notice of Appeal against a finding of guilt and/or a disciplinary order by the Disciplinary Panel on the following grounds:

12.1.1. that the Disciplinary Panel in its conduct misdirected itself; or

12.1.2. that the Disciplinary Panel's finding was based on error of fact; or

12.1.3. that the Disciplinary Panel exercised its discretion wrongly in reaching its decision.

12.2. The organisation, Snowsport England, has a full right of appeal in the same terms as the individual or organisation.

12.3. The individual or organisation submitting a Notice of Appeal shall be known as 'The Appellant,' and shall have 10 working days from the date of notification of the decision by the Disciplinary Panel to submit the Notice of Appeal to the Chief Executive of Snowsport England. The other party shall be known as the "Respondent".

12.4 The Notice of Appeal must contain a statement of the ground upon which the appeal is brought and the supporting facts and matters. New evidence will not normally be permitted except on exceptional grounds.

### **13. Appeals Panel**

13.1. Having received the Notice of Appeal, a Snowsport England Appeals Panel shall be appointed to consider the matter.

13.2. The Appeals Panel shall be composed under the auspices of either:

13.2.1. the Snowsport England Disciplinary Panel; or

13.2.2. The National Safeguarding Panel

13.3. The function of the Appeals Panel is to hear and decide upon appeals submitted to it.

13.4. Each Appeals Panel shall consist of three members. The composition of each Panel shall be determined by the Appeals Chairman and members may be drawn from Case Management Panel members not previously involved in the case. The Chairman may, where he/she thinks it appropriate sit on the Panel.

13.5. In an appropriate case the Chairman of the Appeals Panel, may appoint an external independent legal or other expert to advise, but not sit upon, a Panel in an individual case. Such an independent adviser shall advise the Appeals Panel but shall not count as part of the Appeals Panel and not be entitled to exercise any decision making functions with the Appeals Panel.

13.6. No Appeals Panel member may sit on the Panel where he/she has any prior involvement with the case or matter or has any material financial or other relevant interest in the outcome of the proceedings.

13.7. At least one member of the Appeals Panel should be external to Snowsport England

13.8. In child protection cases, at least one member will have some child protection experience.

### **14. Appeals Hearing**

14.1. Following the formation of an Appeals Panel, the Appellant shall be given at least 15 working days' written notice of the date, time and place of the appeal hearing.

14.2. The Appeals Panel will consider all the documents and evidence submitted to the hearing before the Disciplinary Panel and, subject to any explanation given pursuant to 12.4, at its discretion, re-hear any witness called before the Disciplinary Panel.

14.3. At least 10 working days prior to the date of the hearing, the Appellant must if he/she/it intends to seek the agreement of the Appeals Panel to the re-hearing of any witness called before the Disciplinary Panel, submit:

14.3.1. the names and addresses of any witnesses whom he/she/it wishes to call in person, and

14.3.2. an outline of what each witness is expected to say.

14.4. At least 10 working days prior to the date of the hearing, the Respondent shall, if he/she/it intends to seek the agreement of the Appeals Panel to the re-hearing of any witness called before the Disciplinary Panel, provide the Appellant with the names of any witnesses which he/she/it wishes to call in person and an outline of what each witness is expected to say.

14.5. Neither party shall without the consent of the other or the permission of the Appeals Panel call any witness other than those provided or identified under paragraphs 14.3 and 14.4 above.

14.6. The Designated Officer (or legal or other representative on his/her behalf) shall present, or respond to, the appeal (as appropriate) on behalf of Snowsport England.

14.7. The individual or organisation appealing or responding to an appeal, shall have the right to be represented before the Appeals Panel by a legal or other representative of his/her/its choice at his/her/its own expense.

14.8. If the individual concerned is under 18 years of age, the parents or guardian shall also be entitled to be present and make such representations as he/she thinks fit on the young person's behalf.

14.9. The Appeals Panel shall have the power to regulate its own procedures. Subject to that power, the hearing of an appeal shall generally be conducted in accordance with the following regulations.

14.10. A breach of procedure under these regulations shall not invalidate the proceedings unless, in the opinion of the Appeals Panel, such breach seriously prejudices the position of the person or organisation appealing, or responding to an appeal.

14.11. All proceedings of the Appeals Panel shall take place in private. The public and press shall have no right of access. The Appeals Panel shall not issue any press statement nor conduct any press conferences. All press/media announcements in relation to any decision of the Appeals Panel shall be approved by Snowsport England Press Officer or Chief Executive.

14.12. The Appeals Panel may, on request or on its own volition, adjourn the appeals hearing, if it considers it just to do so.

14.13. If, at the hearing, the individual or organisation charged is not present or represented, the Appeals Panel may proceed to hear the matter in his/her/its absence if satisfied that, following receipt of notification of the matter under 14.1 above, all reasonable steps have been taken to give notice of the hearing to the individual or



organisation concerned. Unless with good cause, only one postponement will be permitted.

### **Order of Proceedings**

14.14. The order of proceedings for the appeals hearing, unless the Chair otherwise directs, shall be as follows:

14.14.1. Submissions by the Appellant

14.14.2. Hearing of any witnesses called by the Appellant, followed by cross-examination (subject to the proviso at 10.1.3 above)

14.14.3. Submissions by the Respondent

14.14.4. Hearing of any witnesses called by the Respondent, followed by cross-examination (subject to the proviso at 10.1.3 above)

14.14.5. Closing submissions by the Appellant.

14.15. If the appeal is against the disciplinary order only, the procedure shall be as set out at 10.4 above.

14.16 The Appeals Panel may adjourn for a risk assessment as set out in 7.7.4 above.

### **15. Decision of the Appeals Panel**

15.1. The decision of the Appeals Panel shall be notified to the individual or organisation concerned as soon as practicable after the conclusion of the hearing, and shall be otherwise published in accordance with 16 below.

15.2. The decision by the Appeals Panel is final and shall be deemed to be the final decision of Snowsport England.

### **16. Publication of Decisions**

16.1 Snowsport England shall publish interim suspensions (under 6 above) and disciplinary decisions and orders made under these regulations, (whether under the Summary Procedure or under the Disciplinary Procedure) on a 'need to know' basis, in such form and manner, and to such extent, as it deems necessary for the purposes of enforcement of/compliance with such decisions and orders.

16.2 For the avoidance of doubt, in addition to providing notice to the individual or organisation concerned as provided for above in these regulations, Snowsport England will, at its discretion, publish interim suspensions and disciplinary decisions and orders as follows:

16.2.1 to the Welfare Officer (or other relevant senior official) of any club, association or other organisation within the snowsport community through which

the individual is known, or reasonably believed to have access to young people in snowsport

16.2.2 to the Welfare Officer (or other relevant senior official) of the Regional Association and/or Schools Association where the individual is known or reasonably believed to have access to young people in snowsport

16.2.3 to the Welfare Officer (or other relevant senior official) of any other sports or other organisation through which the individual is known or reasonably believed to have access to young people

16.2.4. To the Safeguarding Lead of other snowsport NGBs, or snowsport Licencing Authorities, where it is known, or reasonably believed the individual has access to young people in Snowsport.

16.3 Snowsport England will also inform the complainant of an interim suspension and/or disciplinary decision and order where deemed appropriate.

16.4. Snowsport England will inform Statutory Services and, where appropriate, the Disclosure and Barring Service.

## **17. Enforcement of Disciplinary Orders**

17.1 Members of Snowsport England must take all steps necessary to ensure compliance with any interim suspension (under 6 above) and any disciplinary order made under these regulations, whether ordered under the Summary Procedure or under the Disciplinary Procedure.

17.2 If a Member of Snowsport England fails to comply with its obligations under 17.1 above, such conduct shall be grounds for disciplinary action against the member under these regulations.

## **18. Exclusion of Liability**

18.1. Snowsport England shall not be liable to any individual or organisation for any loss arising out of action taken under these regulations.

## **19. Service of Notices**

19.1. Any notice or other documents required by these regulations to be given to an individual or organisation who is the subject of an allegation or charge may be delivered either personally or by post. Where agreed with the individual or organisation, and in particular where the individual or organisation may be overseas, all documents aforementioned may be e mailed.

19.2. Where any such notice or any document is served by post or recorded delivery, it shall be sent to the last known address of the individual or organisation concerned which is recorded by him/her/it with Snowsport England or with a member of Snowsport England

or as notified by the police or social services to Snowsport England, and (unless returned to Snowsport England), it shall be deemed that wherever that address may be, to have been served on the second working day following that on which it was posted

**20. Periods of Notice**

20.1 When an individual is under interim suspension, and where agreed by all relevant parties, the required period of notice for hearing dates may be reduced by Snowsport England in order to conclude any proceedings under the rules of the organisation as soon as reasonably practicable.

20.2 Where agreed by all relevant parties the required period of notice for disciplinary hearings, submission of papers and appeals hearings may be reduced by Snowsport England in order to conclude any proceedings under the rules of the organisation as soon as reasonably practicable.

**21. National Safeguarding Panel**

21.1. Snowsport England may at any time during the proceedings, and where the matter falls within the scope of the National Safeguarding Panel, refer the matter to the National Safeguarding Panel to be dealt with in accordance with their rules.