

Disciplinary Policy

BWB Document Control Procedure	
Policy Name	Disciplinary Procedure
Version	1.6
Date Updated	April 2021
Date Reviewed	

1. Embedding British Wheelchair Basketball's Mission and Values

British Wheelchair Basketball is committed to enabling a safe, inclusive and welcoming environment across our sport. Our mission to transform people's lives through wheelchair basketball threads through all aspects of participation; from training to competition, supporters to players, from domestic to international competition.

Our values symbolise our unique DNA and the culture of British Wheelchair Basketball – the values of pride, grit, united and drive.

British Wheelchair Basketball's policies support the delivery of world-class governance across the sport and enable the realisation of our commitment to safely and inclusively engage with all participants and deliver both the mission and values of this outstanding sport.

2. Data Notice

Personal Data will be handled during the implementation of British Wheelchair Basketball's policies. This Personal Data will be managed in line with British Wheelchair Basketball's Privacy Notice.

Please note that there will also be instances where personal data will be shared with third parties outside of British Wheelchair Basketball, either in carrying out our legal responsibilities or in retaining professional support.

Where the implementation of the Policy concludes in the imposition of sanctions, the individuals name, violation and sanction will be shared with interested parties (inside and outside of the sport) and via the British Wheelchair Basketball website.

3. Purpose of Policy

Welcome to British Wheelchair Basketball's disciplinary policy. The aim of this policy is to provide a clear and robust mechanism for dealing with allegations of breaches including the following (but not limited to):

- Code of Conduct
- League Rules
- Intentional Misrepresentation
- BWB Articles of Association
- Equality and Diversity Policy
- Safeguarding Policy, Procedures and Guidance

The policy explains how BWB will investigate any such allegations and outlines the potential outcomes of such an investigation.

This policy sits alongside a number of other policies that work together to provide members with the ability to hold us and each other to account. These other policies are our Safeguarding Policy, Procedures and Guidance, League Rules and Customer Charter and Complaints Procedure. Where there are variances in approach for Classification or League Rules, these will be outlined in those individual documents.

4. Responsibility

The Board of Trustees are responsible for ensuring that BWB uphold the highest standards of behaviour and performance. They own and approve this policy.

BWB is responsible for ensuring that disciplinary matters are investigated fairly and that the appropriate processes are followed, and the appropriate documentation is completed.

The Disciplinary Panel is responsible for reviewing the evidence in any case brought to them in an open-minded manner and making judgements based purely on the evidence presented.

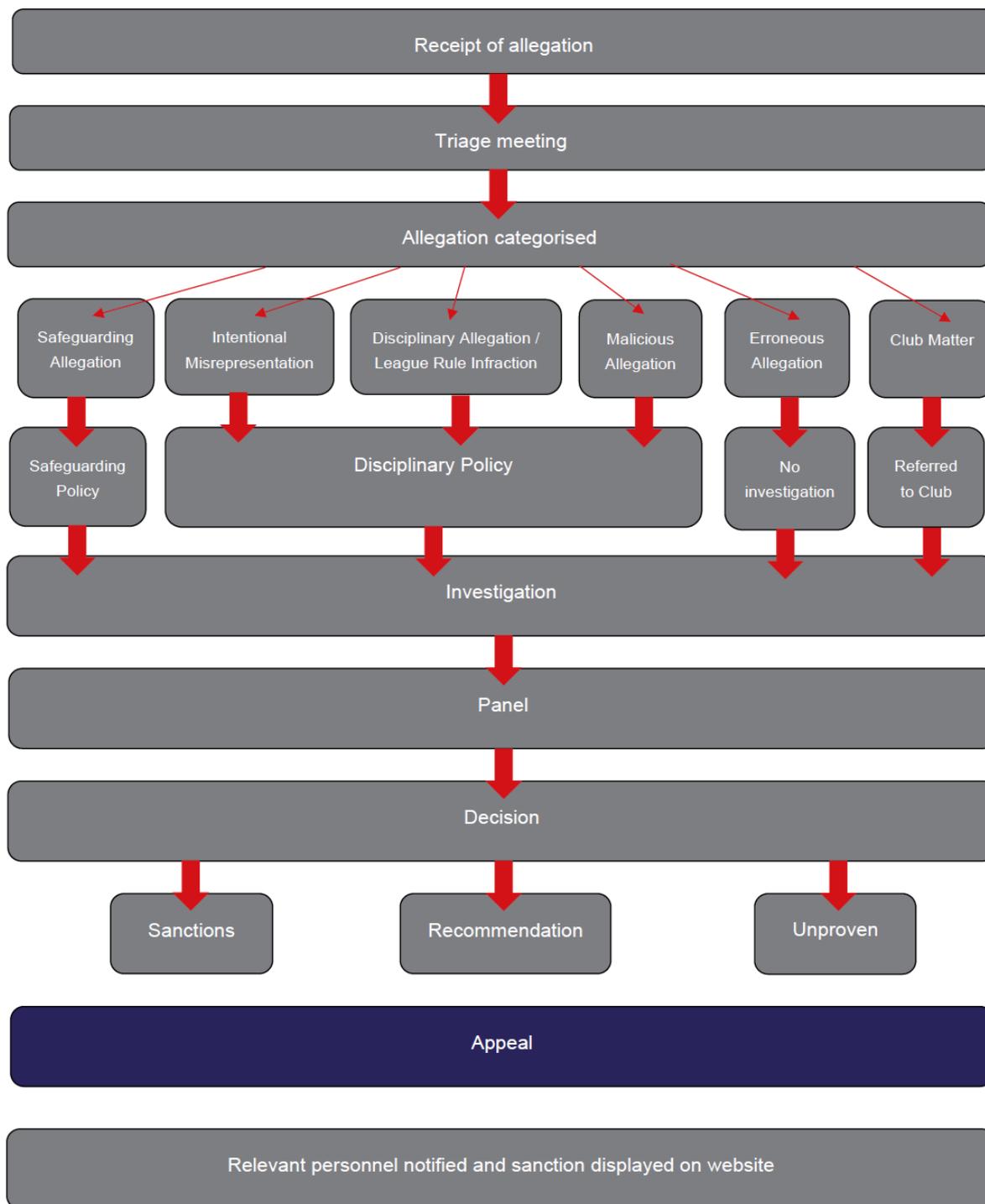
5. Procedure Principles

BWB will ensure that:

- All allegations are investigated in a fair and reasonable manner.
- All parties to an allegation are treated with respect..
- Any investigation is proportionate to the seriousness of the allegation.
- All parties have a fair opportunity to present their views.

If, at any point, BWB feel that the allegation relates to the abuse or mistreatment of a person under the age of 18 or of an Adult at Risk, the investigation will be carried out under the appropriate Safeguarding Policy.

6. Procedure



Flow Diagram of Procedures

Receipt of Allegation

1. The process begins with the receipt of an allegation. BWB will only acknowledge an allegation if provided by post or by e-mail to membership@britishwheelchairbasketball.co.uk

We are required to log details of all allegations and this means the allegation must be provided in a written form. Where someone wishes to raise an allegation by telephone or face-to-face, they will be asked to provide a written statement.

2. Allegations can be received by any member of BWB staff but must be followed up in writing as per above process in order to confirm the allegation.
3. Upon receipt of an allegation in writing, BWB will respond with an acknowledgement within 5 working days of a written copy of the allegation being received.
4. Details of the allegation including the date, time, name of the Complainant and name of the Defendant will be logged by BWB.
5. A triage group of BWB staff will then meet to discuss the allegation and decide which rule or code of conduct has been breached by the allegation.
6. An allegation can fall into one of the following categories (please note this is not an exhaustive list):

Category	Definition	Appropriate Policy/Guideline
Safeguarding Allegation	A matter relating to the breach of an individual's health, well-being and human rights, especially someone under the age of 18, or someone who is considered an Adult at Risk	These will be handled in accordance with the appropriate Safeguarding Policy, Procedures and Guidance
Disciplinary Allegation / League Rule Infraction	A breach of the codes of conduct by a member of BWB, a breach of the Articles of Association by a member of BWB or a serious breach of the league rules which falls outside of the penalties outlined in the league rules	These will be handled in accordance with this policy
Intentional Misrepresentation Allegation	When an athlete or support personnel attempts to deceive BWB	These will be handled in accordance with this policy
Bringing the Sport into Disrepute	Where an individual intentionally brings the sport into disrepute.	These will be handled in accordance with the Code of Conduct.
Erroneous Allegation	An allegation of activity that is not in breach of the rules or	BWB will communicate with the Complainant to explain

	against someone who is not a member of BWB	why this matter cannot be investigated by BWB.
Malicious Allegation	A false allegation has been deliberately made with the aim of defaming the other party	BWB will investigate the perpetrator of the malicious allegation in accordance with this policy.
Suspension Breach	Where an individual has breached the terms of their suspension.	Safeguarding Policy Disciplinary Policy

7. The decision of the triage group is recorded and logged on the server along with the original notification.

Investigation of Allegation

8. BWB will assign a case worker to investigate the allegation.
9. BWB will contact those involved in or who witnessed the alleged incident and ask them to provide statements and evidence.

Where the Defendant accepts the charge, the process will move straight to the application of sanctions.
10. The subject of the complaint may be suspended from holding a position of trust or responsibility in any BWB leagues, competitions or affiliated activities until the conclusion of the investigation is determined.
11. Where possible, all evidence must be written or typed so that it may be recorded alongside the original allegation. Where evidence is verbal, a member of staff from BWB will take notes and present back to the provider for agreement. Where relevant, Complainants, Defendants or Witnesses can submit photographs, documents and private/public communications as evidence in line with BWB's Data Privacy Notice.
12. When the case worker investigating the allegation feels that all relevant evidence has been collated, BWB will review the evidence and decide the next steps. These will be one of three:
 - a. **Disciplinary Panel:** The allegation is serious and is supported by evidence and should be passed to the Disciplinary Panel for a judgement and penalty to be agreed. See 13 below.
 - b. **Recommendation:** The allegation is not considered a serious breach of rules but an example of poor practice. See 25 below.
 - c. **Unproven:** BWB deems that the evidence does not support the allegation and dismisses it. See 28 below.
13. BWB will make sure that all notes and evidence are appropriately stored. Access will be restricted to members of the triage group. These notes and evidence will comprise the case file.

Disciplinary Panel

14. Explanation of the composition and remit of the Disciplinary Panel is explained in Appendix B.
15. BWB will arrange for a meeting of the Disciplinary Panel to take place. The meeting will either be face-to-face or be conducted via video link.
16. BWB must give 3 weeks' notice for the Disciplinary Panel.
17. The accused person will be given an opportunity to attend the Disciplinary Hearing and answer the charge. Invite the Complainant, Defendant and Witnesses to attend the meeting. The invite will give all parties 2 weeks' notice of the date of the Panel.
18. Where the Defendant accepts the charge, the Panel will meet to agree the penalty only.
19. BWB will send a summary of the allegation along with the case file to the Disciplinary Panel at least 1 week before the date of the meeting. The summary will outline the rule or rules that have been breached and a description of the incident. The summary will be accompanied by the case file of evidence collated.
20. The Disciplinary Panel will base their decisions on the contents of the case file only.
21. The Disciplinary Panel will review the information and make a decision:
 - a. They decide that the allegation has been proved and recommend a penalty for the Defendant. See 24 below.
 - b. They decide that the allegation has not been proven but there have been examples of poor practice, BWB will send through a list of recommended actions. See 25 below.
 - c. They decide that the allegation has not been proven and the case is dismissed, see 28 below.
 - d. They decide that there is not enough evidence to make a decision and ask BWB to gather more evidence before re-convening.
22. When reaching the decision to sanction, the Disciplinary Panel will assess whether there has been any aggravating or mitigating factors.
 - Mitigating factors include an unintentional breach of rules, a track record of exemplary behaviour.
 - Aggravating factors include an intentional breach of rules, a history of repeated transgressions, actions resulted in or could have resulted in serious injury to others.
23. BWB will inform the Defendant and the Complainant of the decision of the Disciplinary Panel within 5 working days of the date of the Panel meeting.

Sanctions

24. The Disciplinary Panel will recommend a sanction for those cases that have been proven based on the below table.

Sanctions related to breaches of British Wheelchair Basketball’s Competition Regulations and of the classification policy are contained within those policies.

In instances deemed as serious ‘on-court’ incidents, the investigation will be handled in accordance with this Disciplinary Policy. The Disciplinary Panel are able to apply sanctions as per the table below.

Description of Breach	Suspension/Sanction	Fine	Data Retention Period
<p>Breach</p>	<p>Suspension for a period of time (or match(es) where relevant), from the following roles but not limited to:</p> <ul style="list-style-type: none"> • position of trust • all BWB activity • role related suspension <p>Education and Training</p> <p>Where the implementation of the Policy concludes in the imposition of sanctions, the individuals name, violation and sanction will be shared with interested parties (inside and outside of the sport) and via the British Wheelchair Basketball website.</p>	<p>Up to £1,000</p>	<p>5 years or length of ban + 1 year</p> <p>To be completed within identified period of time</p>
<p>Serious or repeated Breach</p>	<p>Suspension for a period of time (or match(es) where relevant), from the following roles but not limited to:</p> <ul style="list-style-type: none"> • position of trust • all BWB activity • role related suspension <p>Education and training</p> <p>Where the implementation of the Policy concludes</p>	<p>Up to £2,000</p>	<p>Discretion of Panel</p>

	<p>in the imposition of sanctions, the individuals name, violation and sanction will be shared with interested parties (inside and outside of the sport) and via the British Wheelchair Basketball website.</p>		
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Recommendation

25. Where the allegation is not deemed to have been a serious breach of the rules but there have been examples of poor practice, BWB will provide a list of recommendations along with expected timeframes for completion to the relevant parties.
26. If either party disagrees with the recommendations, the case will be referred to the Disciplinary Panel.
27. BWB will agree a review date with the Defendant to assess whether they have taken on board the recommendations. If the actions are not completed within the agreed timeframe, the case will be referred to the Disciplinary Panel.

Unproven

28. BWB will inform the Complainant and the Defendant that the case has not been proved.

Appeals

29. A Defendant can appeal the outcome of an investigation only where they can prove that evidence was not considered that would have a material impact on the judgement made.
30. A Defendant wishing to make an appeal must notify BWB within 2 weeks of being notified of the decision of the investigation. The Defendant must submit any missing evidence with the notification.
31. BWB will review the new evidence and determine the following:
 - a. If the evidence has a material impact on the case, the case will be re-opened and the new evidence will be added to the case file.
 - b. If the new evidence does not materially impact the decision, BWB will decline the appeal.
32. BWB will e-mail the Defendant with the result of their appeal decision. No further appeal will be allowed on this case.

7. Safeguarding

It is the responsibility of all concerned to protect the welfare of all participants involved in the disciplinary procedure. Where children or young people or adults at risk are involved in a disciplinary process, every effort should be undertaken to ensure their welfare is considered and protected.

Where a Witness or Defendant is under the age of 18, any contact will be made through the Witness's/Defendant's parent or guardian. The Witness/Defendant must have an appropriate adult present during any interviews or phone calls.

If, at any time during the investigation, BWB believe that the case involves the breach of the safety or welfare of a child, young person or adult at risk, it will be treated as a safeguarding incident and handled under the Safeguarding Policy, Procedures and Guidance.

8. Suspicion of Illegal Activity

Where an investigation uncovers activity which may be illegal, BWB will notify the relevant authority and pass details of the case through to them. BWB's investigation will be suspended until any official investigation has been completed.

9. Other Information

League Rules

Code of Conduct

Customer Charter and Complaints Procedure

Safeguarding Policy, Procedures and Guidance

Classification Policy

Equality and Diversity Policy

BWB reserves the right to engage a support body in the Triage, Investigation and Case Management of any BWB Disciplinary Case. All Case data will be shared with the supporting body for the purposes of case resolution only.

Appendix A - Glossary of Terms

Defendant	Person against whom an allegation has been made
Allegation	A claim or assertion that someone has done something that is in breach of BWB rules or code of conduct
Evidence	Evidence can take a number of forms (including documents, emails, text messages, oral accounts of what happened that can then be reflected in statements, interviews). Evidence is used to prove facts, i.e. to prove that something happened.
Complainant	The person making the allegation
Case File	The file of evidence relating to the allegation
Disciplinary Panel	Panel of independent people who will hear the evidence and make a judgement as to whether the allegation is proven or not
BWB	British Wheelchair Basketball

To the avoidance of doubt, “Independent” shall mean:

- not being related to the person concerned or to any person whose position in the competition might be affected as a result of any decision of the Disciplinary Committee or the disciplinary process;
- not being a member of the club or team of the person concerned or of any club or team whose position in the competition might be affected as a result of any decision of the Disciplinary Committee or the disciplinary process;
- not having taken part in the competition at which the subject matter of the disciplinary process occurred and whether as a competitor or as an official;
- not having been involved with the disciplinary process at any earlier stage;
- not being the doctor or medical adviser to the person or any other person whose position might be affected as a result of any decision taken;
- not being a person who by reason of the facts or circumstances a reasonable minded person might consider to show bias.

Appendix B – Disciplinary Panel

The Disciplinary Panel exists to provide impartial and independent judgement on cases submitted to them the case worker. The Panel will comprise of two of the Senior Leadership team and a minimum of one Independent Trustee.

Where there is a conflict of interest (for instance where a Panel Member knows one of the parties involved in the case), the individual will be remove themselves from the panel.

The panel will consist of:

- a. Chairperson
- b. Two Panel members
- c. Panel Disciplinary Secretary

There is no requirement for anyone on the Panel (including the Chairperson) to be legally or medically qualified.

The Disciplinary Secretary will be a member of BWB staff. They should not be involved (or give the impression that they are in any way involved) in the decision making. They bring the charge, obtain and serve the evidence relied upon (both from the Witnesses and the accused person) and select the panel members to hear the case. They must remain impartial at all times.

Those sitting on Disciplinary Panels must ensure that the principles of natural justice are followed. All hearings must be conducted fairly, by an objective panel, with the accused person given a full opportunity to answer the charge and call any evidence in support. Those accused are also entitled to be assisted or represented by a person of their choice.

The Panel Chairperson should have experience of chairing hearings and/or meetings.

Although the BWB Board retain responsibility for setting the rule and policies, members of the Disciplinary Committee will be asked for input to ensure we capture lessons and create a robust process.