

# ***Disrepute Offence Regulations***

***Effective from 1<sup>st</sup> September 2014***



**ENGLAND  
HOCKEY**

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## **1. Introduction**

- 1.1 These Regulations were approved by the Board of England Hockey (EH) on 26<sup>th</sup> November 2013, and are effective from 1<sup>st</sup> September 2014.. They are part of the EH Code of Ethics and Behaviour and include the procedures to be followed in the event of a Disrepute Complaint being made. References herein to these Regulations are intended to refer to these Disrepute Offence Regulations, and any reference to a numbered regulation is intended, unless otherwise stated, to be a reference to a numbered regulation in these Regulations.
- 1.2 Appendix 1 contains Definitions and Abbreviations for the purpose, so far as applicable, of both these Regulations and the Red Card and MMO Regulations.
- 1.3 Individuals appointed from time to time as CDOs, CDAs, RDAs, the NDO and members of RDAPs, the NDP and the EH Appeal Panel shall be appointed as such for the purpose of both these Regulations and the Red Card and MMO Regulations. The provisions of Regulations 3.2 to 3.8.6 inclusive of the Red Card and MMO Regulations are accordingly incorporated into these Regulations.
- 1.4 For the avoidance of doubt, nothing in these Regulations or the Red Card and MMO Regulations shall preclude a Disrepute Complaint being made, whether by any umpire or otherwise, in respect of any incident occurring during a match or on a match day that has been or could have been the subject of a Red Card or a MMO, but the Disciplinary Body considering any such Disrepute Complaint shall have regard to any sanction that may have been imposed under the Red Card and MMO Regulations when considering any sanction to be imposed under these Regulations.
- 1.5 Words importing any gender include every gender.

## **2. Principles**

- 2.1. EH is the National Governing Body for the sport of hockey in England. It is a term of membership of EH that Members agree to be bound by the provisions of these Regulations. No individual or affiliated body may play, coach, umpire, administer or otherwise participate in the sport of hockey in England within the scope of the organisation and administration of EH without also being subject to the authority of EH. In so participating all such individuals, and where the individual is a young person under the age of 18 that person's parent or guardian on the individual's behalf, and affiliated bodies agree to abide by these Regulations and to be subject to the procedures and sanctions prescribed.
- 2.2. These Regulations form the framework to ensure the maintenance of an equitable and ethical sport (as laid down in the EH Code of Ethics and Behaviour) and to penalise any action or misconduct at any time which brings or is liable to bring EH, any affiliated body, or the sport of hockey itself into disrepute.
- 2.3. EH will deal with those participating in the sport of hockey in England, or abroad where any individual or affiliated body has remained subject to the jurisdiction of EH, in relation to any disrepute matters in accordance with these Regulations, save that EH will have regard, when implementing any part of these Regulations in respect of an incident occurring within the jurisdiction of any other governing body of the sport of hockey, EHF or FIH, to any procedure or sanction imposed by such other governing body, EHF or FIH, but nothing herein shall affect any other powers and rights to deal with them conferred by the Memorandum and Articles of EH or by any other regulations of EH.
- 2.4. All affiliated bodies are responsible for implementing these Regulations and for the general conduct of all individuals participating in the sport of hockey or in any way connected with the particular affiliated body and within the scope of the control or supervision of such affiliated body, including players, coaches, umpires, officials and spectators.
- 2.5. It is the responsibility of each affiliated body to ensure that all individuals participating in any way in the sport of hockey as part of or connected with the affiliated body are aware of the provisions of these Regulations and of the sanctions prescribed in them. Alleged ignorance of

these Regulations by any affiliated body or by any individual who is subject to these Regulations will not be a defence to any breach of these Regulations.

- 2.6. A computer database of all offences committed under these Regulations and of action taken shall be maintained by EH following the offence. Any individual or affiliated body may obtain, upon written application to EH and payment of an administration fee, a summary of the recorded details that relate to that individual or the affiliated body concerned.
- 2.7. If a Disrepute Offence has been proved, the terms of these Regulations, including any sanctions, shall come into effect regardless of whether criminal investigations or any criminal or civil court proceedings have been instigated by any party and notwithstanding the outcome of any such investigations or proceedings.
- 2.8. EH reserves the right to impose suspension or take any other action as it may think fit against any individual or affiliated body that has been the subject of a criminal investigation or of criminal or civil proceedings.
- 2.9. EH reserves the right to deal with any matter relating to young persons under the age of 18 under the Safeguarding and Protecting Young People Regulations.
- 2.10. Neither EH, nor any body or individual who exercises powers under these Regulations in good faith, shall be liable in law, notwithstanding any neglect or failure to follow procedures or time constraints specified in these Regulations. Any body or individual exercising in good faith any powers set out in these Regulations shall be entitled to a full indemnity from EH in respect of any liability whatsoever and howsoever incurred as a consequence of the exercise of such powers.

### **3. Administration**

- 3.1. Internal procedures of affiliated bodies:
  - 3.1.1. It is recognised that affiliated bodies will operate within their own constitutions and as such will have their own disciplinary regulations for dealing with internal matters. Any incident reported within an affiliated Club that may be a Disrepute Offence should be dealt with initially by the Club following its own internal procedures, with the outcome being reported immediately to the relevant CDA. If an affiliated body needs advice on a disrepute issue it should refer the issue to its CDA. The CDA has access to an RDA who in turn may refer the matter to the NDO for further advice if required.
  - 3.1.2. Any Disrepute Complaint which is not an internal club issue or, if an internal club issue, is not dealt with by the particular affiliated Club, should be dealt with in accordance with the procedures hereafter set out in these Regulations.
  - 3.1.3. If an affiliated Club disrepute issue is not deemed to have been dealt with satisfactorily, EH, directly or through the relevant Disciplinary Body, may investigate the issue and if thought fit make a Disrepute Complaint.
  - 3.1.4. If the outcome of an internal disrepute procedure of an affiliated Club results in the permanent suspension of an individual from that Club, the Club shall provide its CDA with particulars in writing of the offence and the sanction imposed. The CDA shall provide the relevant RDA and the NDO with a copy of such particulars.
- 3.2. The provisions of these Regulations are intended to improve consistency, both in respect of the sanctions being imposed for the same offence and in the interpretation of Disrepute Complaints. It is intended that the members of the Disrepute Advisory Panel should be available to provide advice and assistance to the NDO in relation to any particular incident or type of incidents that may be or may become the subject of a Disrepute Complaint.
- 3.3. For the purpose of considering the application and efficacy of these Regulations, the NDO shall from time to time convene meetings of all RDAs; RDAs shall from time to time convene meetings of all CDAs in their respective Regions; and CDAs shall from time to time convene meetings of all CDOs in their respective Counties. Where the relevant Disciplinary Body is either a CDA or an RDA, at the conclusion of any Disrepute Offence procedure a copy of the relevant Disrepute Incident Form with a summary of the action taken shall be sent to the NDO

so that a national picture of the volume and nature of cases and sanctions imposed can be developed.

- 3.4 The NDP shall be the relevant Disciplinary Body for the purposes of these Regulations in respect of any Disrepute Complaint referred to the NDP by an RDA or relating to any incident occurring:
- (1) in connection with the following:
    - (a) the EHL
    - (b) any EHL Play-offs or Super Cup
    - (c) the England Hockey Cup in the round for the last 64 onwards
    - (d) any EHL League Cup
    - (e) the EH Indoor League
    - (f) any other national competition or stage of a competition as may be so designated by EH Competitions Committee
    - (g) any Regional or International senior or junior or youth match.
  - (2) within one Region that is the subject of a Disrepute Complaint by/against an affiliated body in that Region against/by an affiliated body in a different Region.
  - (3) in any circumstances where EH may from time to time decide that the NDP should be the relevant Disciplinary Body.
- 3.5. Where any relevant incident occurs within one County but is the subject of a Disrepute Complaint by/against an affiliated body in that County against/by an affiliated body in a different County within the same Region, the relevant Disciplinary Body shall be the RDA of that Region.
- 3.6. Save where the relevant Disciplinary Body is the NDP or Regulation 3.5 applies, the relevant Disciplinary Body shall be in the first instance the CDA of the County in which the relevant incident has occurred.
- 3.7. All communications, notifications and correspondence relating to matters within the jurisdiction of the NDP shall be sent to the NDO, who shall co-ordinate meetings of the NDP wherever held and deal with notification of any decisions required to be made by the NDP.
- 3.8. For the purposes of these Regulations notification of decisions and receipt of any communications may be by first class post, or by fax, or by email. Unless proved to have been received earlier, the time of receipt of any formal communication, notification or other communication shall be deemed to be no later than 24 hours after the envelope containing the communication was posted, if sent by first class post, or 24 hours after any fax or email was sent.
- 3.9. Save as provided in Regulation 7.4(2), no appeal will be allowed in respect of a failure to comply with any time limits herein specified, and the decision of the relevant CDA, RDA, Secretary to an RDAP or the NDO shall be final in all matters relating to dates for service or notification.

#### **4. Disrepute Offences**

- 4.1. A Disrepute Offence is committed where there is a conduct by an individual or an affiliated body at any time that is contrary to the EH Code of Ethics and Behaviour or otherwise brings or is liable to bring EH, any affiliated body or the sport of hockey into disrepute (other than an Anti-Doping, Safeguarding and Protecting Young People or Red Card and Match Day Misconduct offence for which separate regulations exist – see the EH Code of Ethics and Behaviour for further details). A single Disrepute Offence may be a single act or omission, a series of similar incidents, or a course of conduct.
- 4.2. Any individual (provided such individual has the endorsement in writing of at least one affiliated body) or an affiliated body may make a Disrepute Complaint. Such a Disrepute Complaint must be in writing by completion of an EH Disrepute Complaint Form and received by the relevant Disciplinary Body within 14 days of the conduct complained of, provided that, where the Disrepute Complaint concerns a series of similar incidents or a course of conduct,

the period of 14 days shall run from the date of the last act or omission alleged to be part of the series of incidents or course of conduct alleged to be a Disrepute Offence.

- 4.3. EH may make a Disrepute Complaint at any time upon being satisfied that it has sufficient evidence to warrant the making of a Disrepute Complaint.
- 4.4. Where a Disrepute Complaint involves or may involve a young person under the age of 18, the relevant Disciplinary Body shall on receipt of the relevant Disrepute Complaint Form refer the matter to the Welfare Manager for consideration and advice before proceeding further with the Disrepute Complaint.

## **5. Disrepute Offence Procedure**

- 5.1. A Disrepute Offence will not be investigated unless and until a Disrepute Complaint Form (and, where appropriate, the relevant endorsement required by Regulation 4.2) has been received by the relevant Disciplinary Body. If a completed Disrepute Complaint Form is received by an affiliated body, the affiliated body shall immediately forward a copy of the Disrepute Incident Form to the relevant Disciplinary Body.
- 5.2. Where the relevant Disciplinary Body is a CDA, on receipt of a completed Disrepute Complaint Form the CDA shall refer the Disrepute Complaint to his RDA. The RDA shall decide how the Disrepute Complaint will be dealt with. The RDA will decide whether the relevant Disciplinary Body should thereafter be either (1) the CDA, (2) the RDA, or (3) the NDP, and shall as soon as practicable refer the Disrepute Complaint to the relevant Disciplinary Body.
- 5.3. Where the relevant Disciplinary Body is a CDA he may request advice and guidance from his RDA. An RDA may at any time request advice and guidance from the NDO.
- 5.4. Where the relevant Disciplinary Body is the NDP or the advice and guidance from the NDO is requested by an RDA, the NDO may request advice and guidance from one or more members of the Disrepute Advisory Panel. Where any Disrepute Complaint is referred to the NDO that the NDO decides may warrant the imposition of an interim suspension, before imposing an interim suspension the NDO shall request advice and guidance from one or more members of the Disrepute Advisory Panel.
- 5.5. Save where the Disrepute Complaint is made by EH pursuant to Regulation 4.3, the relevant Disciplinary Body, or if the relevant Disciplinary Body is the NDP, the NDO on behalf of the NDP, may, on initial consideration of a Disrepute Complaint Form, decide that no conduct capable of being classified as a Disrepute Complaint is disclosed. In such a case, the Disciplinary Body shall dismiss the Disrepute Complaint and so inform the complainant in writing, provided that, where the relevant Disciplinary Body is a CDA, the CDA shall not dismiss the Disrepute Complaint without first obtaining the approval in writing of the relevant RDA. The decision of the Disciplinary Body shall be final.
- 5.6. On receipt of any Disrepute Complaint Form, the relevant Disciplinary Body, or if the relevant Disciplinary Body is the NDP, the NDO, must consider whether the circumstances described in the Disrepute Complaint Form might warrant the alleged offender being the subject of interim suspension pending final determination of the Disrepute Complaint. Where a CDA considers that a Disrepute Complaint Form discloses matters that might warrant the imposition of an interim suspension, the CDA should inform his RDA when referring the Disrepute Complaint pursuant to Regulation 5.2. Where the RDA also considers that the Disrepute Complaint Form discloses matters that might warrant the imposition of an interim suspension, the RDA should immediately refer the matter to the NDO.
- 5.7. Where any Disrepute Complaint is referred to the NDO by an RDA, or the relevant Disciplinary Body is the NDP, the NDO may decide that it is appropriate to impose an interim suspension on any individual or affiliated body that may be the subject of the Disrepute Complaint. If the NDO decides to impose an interim suspension, thereafter the Disrepute Complaint shall in all cases be determined by the NDP.

- 5.7.1. The sanction of interim suspension may include terms and conditions as to the extent and nature of the activities in which the offender is prevented from participating in the sport of hockey and should only be imposed if in the opinion of the NDO such a sanction is warranted for the protection of any individual or affiliated body or is otherwise required in order to prevent or reduce further prejudice to EH or the sport of hockey being brought into disrepute.
  - 5.7.2. Subject to the right of review referred to in Regulation 5.8 an interim suspension shall remain in force until a final decision is made on the relevant Disrepute Complaint or the NDP otherwise directs.
  - 5.7.3. The decision to impose an interim suspension and details of any terms of the suspension shall be notified in writing to the offender by the NDO. Copies of such notification shall also be sent to the relevant CDA and RDA, and, in the case of an individual, to any affiliated body of which the alleged offender is a member. Regulation 5.13 shall apply where the sanction of an interim suspension has been imposed.
- 5.8. An individual or affiliated body that is the subject of an interim suspension may at any time after the interim suspension has been imposed and before the final decision on the relevant Disrepute Complaint is made, request the Chairman of the NDP to review the interim suspension and/or any terms and conditions of the interim suspension. Such a request must be made in writing to the NDO who, as soon as reasonably practicable, shall place the request, together with any documents relevant to the Disrepute Complaint and any other documents that may be produced by the individual or affiliated body concerned, before the Chairman.
  - 5.8.1. The Chairman shall review the documents as soon as reasonably practicable after they have been placed before him. The Chairman shall thereafter confirm, set aside or vary the terms and conditions of the interim suspension. The decision of the Chairman shall be final and no further review shall be permitted unless there is a significant change in circumstances.
  - 5.8.2. The decision of the Chairman shall be notified in writing to the alleged offender by the NDO. Copies of such notification shall also be sent to the relevant CDA and RDA, and, in the case of an individual, to any affiliated body of which the alleged offender is a member. Where the individual is a person who was under the age of 18 at the time of the offence, such notification shall also be sent to the Welfare Manager.
- 5.9. If a Disrepute Complaint is not dismissed pursuant to Regulation 5.5 it shall thereafter be deemed to be a Disrepute Complaint raised by EH, and the complainant shall not be required to take any further steps to prosecute the complaint save that the complainant may be asked to produce further evidence, and to give oral evidence at any Appeal hearing.
  - 5.9.1. Within 72 hours of the decision being made not to dismiss the Disrepute Complaint pursuant to Regulation 5.5 the relevant Disciplinary Body, or (in the case of the NDP) the NDO, shall send a copy of the relevant Disrepute Complaint Form and any relevant documents attached thereto to the alleged offender, together with copies of any witness statements and other documents relied on in support of the Disrepute Complaint.
  - 5.9.2. If the alleged offender wishes to make any representations or produce any witness statements concerning the Disrepute Complaint, such representations and witness statements must be in writing and received by the Disciplinary Body within 14 days of the Disrepute Complaint Form and other documents being sent pursuant to Regulation 5.9.1.
- 5.10. Within 21 days of the Disrepute Complaint Form and other documents being sent pursuant to Regulation 5.9.1, and after consideration of any representations made and witness

statements produced in due time by the alleged offender, the Disciplinary Body shall, subject to Regulation 5.11, decide and inform the alleged offender as follows:

- (1) that no further action on the Disrepute Complaint is to be taken; or
- (2) that no further action on the Disrepute Complaint is to be taken, but that the alleged offender is warned as to future conduct; or
- (3) if the relevant Disciplinary Body is a CDA, that the Disrepute Complaint has been transferred to the relevant RDA to adjudicate upon the Disrepute Complaint as the Disciplinary Body, and the alleged offender shall be given full details of the RDA to which the Disrepute Complaint has been transferred; or
- (4) that it intends to proceed to adjudicate upon the Disrepute Complaint, having regard to the representations and witness statements received within the time limit specified in Regulation 5.9.1. The Disciplinary Body may, before deciding the Disrepute Complaint, investigate the matter further and obtain additional written evidence, provided always that the alleged offender shall have the opportunity to comment in writing on any additional evidence before the Disciplinary Body decides the matter.

5.11. For the purposes of Regulation 5.10, where the relevant Disciplinary Body is a CDA, no decision of the CDA shall be made without the CDA first obtaining the approval of the decision in writing from the relevant RDA.

5.12. The Disciplinary Body shall endeavour to reach a decision on the Disrepute Complaint as soon as is reasonably practicable and, within 48 hours of any decision, notify in writing that decision and any sanction to:

- (a) the individual or affiliated body that made the Disrepute Complaint.
- (b) the alleged offender. The notification to the alleged offender shall include succinct reasons for the decision and any sanction imposed
- (c) if the alleged offender is an individual, the affiliated body for which the alleged offender was participating at the time of the conduct complained of or with which the offender was principally connected at the time of such conduct.
- (d) if the alleged offender was under the age of 18 at the time of the alleged offence, the Welfare Manager.
- (e) the relevant RDA and CDA, if the Disciplinary Body was the NDP.
- (f) the relevant RDA, if the Disciplinary Body was a CDA.
- (g) the NDO and the relevant CDA, if the Disciplinary Body was an RDA.

5.13. Where the alleged offender is an individual, the affiliated body for which the alleged offender was participating at the time of the conduct complained of or with which the alleged offender was principally connected at the time of such conduct shall be primarily responsible for implementing any sanction imposed. The alleged offender shall be responsible for informing any other affiliated body of which the alleged offender is a member of the sanction that has been imposed.

5.14. Within 7 days of receipt of notification of a decision pursuant to Regulation 5.12, the alleged offender and/or EH may appeal against all or any part of the decision.

5.15. An Appeal pursuant to Regulation 5.14 shall not in itself have the effect of staying or varying the decision of the relevant Disciplinary Body. Only the Chairman of the relevant Appeal Body shall have the power to stay or vary any sanction pending the hearing of an Appeal, and then only if an application is made to the Appeal Body by the alleged offender.

## **6. Sanctions**

6.1. The sanctions that may be imposed for Disrepute Offences are at the discretion of the relevant Disciplinary Body. Due to the fact that Disrepute Offences are so varied in nature, it is not appropriate to have a pre-determined list of sanctions related to a specific offence, but where the conduct that is the subject of a Disrepute Offence is comparable to conduct that

could be the subject of a Red Card Offence or a MMO, the Disciplinary Body should have regard to the sanctions that could be imposed for the Red Card Offence or the MMO.

6.2. Sanctions that may be imposed include, but are not limited to:

- (a) warning; and/or
- (b) an order specifying certain training to be undertaken; and/or
- (c) an order requiring an individual to be monitored in specific matters; and/or
- (d) a suspension (interim or temporary); and/or
- (e) a fine.

Where a period of suspension is imposed on an individual offender, the Disciplinary Body shall decide the date of commencement and shall have power to provide for one or more breaks in the period of suspension.

- 6.3. In the case of an affiliated body found guilty of a Disrepute Offence, the powers of the Disciplinary Body shall include the right to make such recommendations as it thinks fit to EH, the affiliated body's Region and/or County, and/or any relevant league and/or umpires' association, concerning the affiliated body.
- 6.4. The breach of any sanction imposed for a Disrepute Offence is in itself a Disrepute Offence and may be the subject of a further Disrepute Complaint.

## **7. Appeals**

7.1. Appeals shall be determined by one of the following Appeal Bodies:

- (a) the EH Appeal Panel, for appeals from decisions of the NDP and, subject to Regulation 8.1, from decisions of an RDAP;
- (b) an RDAP, for appeals from decisions of CDAs and RDAs, save that where EH is the Appellant the Appeal Body shall be the EH Appeal Panel.

The parties to any Appeal are EH on the one hand and the alleged offender on the other. Regulation 9 shall apply to all Appeals by EH save for Further Appeals made in accordance with Regulation 8.

7.2. An Appeal must be commenced by an Appeal Notice.

- 7.2.1. An Appeal Notice must be in writing and should be by the completion of an EH Appeal Notice Form but the Chairman of the relevant Appeal Body may accept any document purporting to be an Appeal Notice provided it contains sufficient details for the Appeal Body to know the nature of the decision appealed against and the grounds for the Appeal.
- 7.2.2. An Appeal Notice should state whether the Appeal is in respect of the whole of a decision or only of the sanction imposed.
- 7.2.3. An Appeal Notice must state whether an Oral Hearing is requested. If the Appeal Notice does not request an Oral Hearing, the Appeal will be dealt with on the basis of written submissions only.
- 7.2.4. An Appeal Notice must be received not later than 7 days after receipt by the Appellant of the notification of the decision or sanction appealed against.
- 7.2.5. In the case of an Appeal from the NDP, the Appeal Notice should be sent to the NDO marked for the attention of the EH Appeal Panel.
- 7.2.6. In the case of an Appeal from an RDA or a CDA, the Appeal Notice should be sent to the relevant RDA marked for the attention of the RDAP.
- 7.2.7. An Appeal Notice must include the Appellant's address for service of any documents, including, if the Appellant is willing to accept service by fax and/or email, a fax number and/or email address.

7.3. An Appellant must send with the Appeal Notice the appropriate deposit as follows:

- |                               |      |
|-------------------------------|------|
| Appeal to an RDAP             | £100 |
| Appeal to the EH Appeal Panel | £150 |

Failure to pay this deposit shall render the Appeal void and of no effect. If an Appeal is successful in whole or part, the relevant Appeal Body may, at its discretion, direct that all or part of the deposit be refunded. If an Appeal is unsuccessful, in whole or in part, after an Oral Hearing the relevant Appeal Body may direct the Appellant to pay all or part of the costs and expenses of the Appeal to be summarily assessed by the relevant Appeal Body at the conclusion of the hearing.

- 7.4. The Chairman of the relevant Appeal Body may, upon the application in writing made by or on behalf of the Appellant:
- (1) stay or vary any sanction that is the subject of an Appeal pending determination of the Appeal; and/or
  - (2) in exceptional circumstances, extend the time for appealing set out in Regulation 7.2.4; upon such terms, if any, as the Chairman may think fit. The decision of the Chairman shall be final.
- 7.5. Where an Appeal Notice does not expressly request an Oral Hearing, the following provisions shall apply:
- 7.5.1. Save as provided in Regulation 7.5.2 the only documents and evidence that may be considered by the Appeal Body are the documents and witness statements before the relevant Disciplinary Body when the decision appealed against was made and the documents setting out and giving the reasons for the decision appealed against, save that the Appellant may, within 14 days of the date of the Appeal Notice, send to the Appeal Body further written submissions.
- 7.5.2. If either party wishes the Appeal Body to consider further evidence not previously considered by the relevant Disciplinary Body, the Appeal Body shall consider such evidence provided that:
- (1) Such further evidence is sent to the Appeal Body and the other party within 14 days of the date of the Appeal Notice;
  - (2) Such further evidence is in the form of written statements and/or copy documents certified as being true by the person submitting the evidence;
  - (3) The other party may reply in writing to such further evidence by making representations and/or submitting further evidence, such reply to be received by the Appeal Body not later than 21 days after the date of the Appeal Notice;
  - (4) Either party may request the Appeal Body to hold an Oral Hearing where any further evidence has been sent to the Appeal Body if such request is in writing and received by the Appeal Body within 21 days of the date of the Appeal Notice. In such a case the Appeal Body cannot decide the Appeal and must direct an Oral Hearing, and the provisions of Regulation 7.5.4(4) shall apply.
- 7.5.3. As soon as reasonably practicable after the expiration of 21 days from the date of the Appeal Notice, the Appeal Body shall consider the Appeal.
- 7.5.4. Having considered the Appeal, the Appeal Body may either:
- (1) allow the Appeal; or
  - (2) allow the Appeal in part, in which case it may impose a lesser sanction than that imposed by the Disciplinary Body appealed from; or
  - (3) dismiss the Appeal and confirm the decision appealed against including any sanction imposed; or
  - (4) if the Appeal Body decides that it cannot reach a conclusion without an Oral Hearing or is minded to increase the sanction imposed by the relevant Disciplinary Body, the Appeal Body shall direct an Oral Hearing of the Appeal, in which case the NDO, on behalf of the EH Appeal Panel, or the Secretary to the relevant RDAP shall as soon as reasonably practicable serve on the parties to the Appeal a notice in writing stating the date, time

and place at which the Appeal Body will hold the Hearing together with a copy of the Guidelines for Oral Appeal Hearings set out in Appendix 2.

- 7.5.5. The decision of the Appeal Body shall be notified in writing to the parties to the Appeal within 48 hours of the decision. Succinct reasons for the decision shall be sent to the parties to the Appeal within 7 days of the decision.
- 7.6. Where an Appeal Notice expressly requests an Oral Hearing, as soon as reasonably practicable after the Appeal Notice has been received the NDO, on behalf of the EH Appeal Panel, or the Secretary to the relevant RDAP shall serve on the parties to the Appeal a notice in writing stating the date, time and place at which the Appeal Body will hold the hearing together with a copy of the Guidelines for Oral Appeal Hearings set out in Appendix 2.
- 7.6.1. At the conclusion of the hearing of the Appeal, the Appeal Body may either:
- (1) allow the Appeal; or
  - (2) allow the Appeal in part, in which case it may impose a lesser sanction than that imposed by the Disciplinary Body; or
  - (3) dismiss the Appeal, in which case it may impose any sanction that the Disciplinary Body appealed from could have imposed, including the imposition of a greater sanction than that imposed by the Disciplinary Body.
- 7.6.2. Where the Appellant is an individual and is directed to pay any costs and expenses the Appeal Body may impose a period of suspension from hockey activities on the Appellant, or extend any period of suspension already imposed, until such time as the costs and expenses have been paid in full.
- 7.6.3. The decision of the Appeal Body shall be notified in writing to the parties to the Appeal within 48 hours of the decision. Succinct reasons for the decision shall be sent to the parties to the Appeal within 7 days of the decision.
- 7.7. In addition to the parties to the Appeal, the details of the decision of an Appeal Body at the conclusion of an Appeal shall be notified in writing within 72 hours of the decision as follows:
- (1) to the NDO, the relevant RDA, CDA and the relevant affiliated body; and
  - (2) to the individual or affiliated body that initially submitted the relevant Disrepute Complaint Form.
- 7.8. Subject to Regulation 8.1, the decision of an Appeal Body shall be final.

## **8. Further Appeals**

- 8.1. Following a decision of an RDAP either of the parties may request permission for a Further Appeal to be heard by the EH Appeal Panel. EH may request a Further Appeal notwithstanding that the RDAP may have dismissed the particular Appeal in whole or in part.
- 8.2. Permission for a Further Appeal shall only be granted if, in the view of the Chairman of the EH Appeal Panel:
- (1) the circumstances of the procedure followed in the investigation or prosecution of the relevant Disrepute Complaint and/or any sanction imposed were exceptional and/or disclose a material irregularity; and
  - (2) it is in the general interest of the individuals and affiliated bodies involved in the sport of hockey that the particular Disrepute Complaint should be adjudicated upon by the EH Appeal Panel; and
  - (3) the proposed Further Appeal has a reasonable prospect of success.
- 8.3. A request for permission for a Further Appeal must be made within 14 days of the reasons for the decision of the relevant RDAP being sent pursuant to Regulation 7.5.5.
- 8.4. A request for permission for a Further Appeal must be in writing in a document headed "Further Appeal Request" sent to the NDO marked for the attention of the Chairman of the EH Appeal Panel together with copies of the following:
- (1) the relevant Disrepute Complaint Form;
  - (2) the Appeal Notice to the relevant RDAP;

- (3) the decisions made by the relevant Disciplinary Body and the RDAP together with any written reasons;
- (4) the written representations and any witness statements produced for the Disciplinary Body and/or the RDAP; and
- (5) any other documents relied on.

The above copy documents should be sent in an indexed and paginated bundle.

- 8.5. The Further Appeal Request should include a summary of the facts and matters relied upon to satisfy the requirements for permission for a Further Appeal as set out in Regulation 7.9.1. If permission is granted the Further Appeal Request shall become the Appeal Notice for the purposes of the Further Appeal.
- 8.6. As soon as reasonably practicable after receipt of the Further Appeal Request and the accompanying copy documents the Chairman of the EH Appeal Panel shall consider the Request.
- 8.7. The decision of the Chairman shall be notified in writing to the parties to the intended Further Appeal. If the decision is to permit the Further Appeal no reasons will be given, but if the decision is to refuse permission, such notification shall include succinct reasons for the decision.
- 8.8. The decision of the Chairman of the EH Appeal Panel shall be final.
- 8.9. If permission for a Further Appeal is granted, such Appeal shall be an Oral Hearing. The NDO, on behalf of the EH Appeal Panel, shall serve on the parties to the Further Appeal a notice in writing stating the date, time and place at which the EH Appeal Panel will hold the Hearing. The Guidelines for Oral Appeal Hearings set out in Appendix 2 shall be followed so far as possible, subject to the discretion of the Chairman of the EH Appeal Panel to adapt the procedure having regard to the circumstances of the particular case, in the preparation and hearing of the Further Appeal, save where the Further Appeal has been made by EH:
  - (1) references in the Guidelines to “the Appellant” should be construed as references to the Respondent to the Further Appeal and the burden shall be upon EH to satisfy the Panel that the decision that is the subject of the Appeal should be set aside or varied.
  - (2) both parties to the Further Appeal should prepare in advance of the hearing a schedule containing a summary of their respective actual and anticipated costs and expenses of and occasioned by the Appeal;
  - (3) if the Further Appeal is unsuccessful, in whole or in part, the EH Appeal Panel may direct that all or a proportion of the costs and expenses of the Respondent be paid by EH, in which case the Panel shall summarily assess the amount to be paid.
- 8.10. Where the unsuccessful party to a Further Appeal is an individual or an affiliated body such party may be directed to pay all or part of the costs and expenses of the Further Appeal. If an individual committed the particular Disrepute Offence, the EH Appeal Panel may impose a period of suspension from hockey activities on such individual, or extend any period of suspension already imposed, until such time as the costs and expenses directed to be paid have been paid in full.
- 8.11. In any case the EH Appeal Panel may, at its discretion, direct that all or any part of the deposit paid for the purposes of the relevant Appeal to the RDAP be refunded.
- 8.12. Regulations 7.6.1, 7.6.3 and 7.7 shall apply for the purposes of the Further Appeal.
- 8.13. The decision of the EH Appeal Panel shall be final.

## **9. Appeals by EH**

- 9.1. An Appeal by EH, other than a Further Appeal as provided for in Regulation 8, must be commenced by an Appeal Notice.

- 9.2. The Appeal Notice must be in writing and should be commenced by the completion of a EH Appeal Notice Form.
- 9.3. The Appeal Notice should state if the Appeal is in respect of the whole of a decision or identify the part or parts of the decision appealed against.
- 9.4. The Appeal Notice must state whether an Oral Hearing is requested. If the Appeal Notice does not request an Oral Hearing, the Appeal will be dealt with on the basis of written submissions only, unless the respondent to the Appeal requests an Oral Hearing. The Chairman of the EH Appeal Panel may at any time prior to determination of an Appeal direct an Oral Hearing.
- 9.5. The Appeal Notice should be sent to the NDO marked for the attention of the EH Appeal Panel and a copy sent by EH to the respondent to the Appeal not later than 14 days after notification of the decision appealed against. All communications with the EH Appeal Panel concerning the Appeal shall thereafter, unless and until otherwise directed by the Chairman of the EH Appeal Panel, be made via the NDO marked for the attention of the EH Appeal Panel.
- 9.6. The Chairman of the EH Appeal Panel may, upon the application in writing made by or on behalf of either party to the Appeal:
  - a. stay or vary any sanction that is the subject of the Appeal pending determination of the Appeal; and/or
  - b. extend the time for appealing set out in Regulation 9.5 upon such terms, if any, as the Chairman may think fit. The decision of the Chairman shall be final.
- 9.7. Where the Appeal is to be decided without an Oral Hearing, and subject to the discretion of the Chairman of the EH Appeal Panel to adapt the procedure having regard to the circumstances of the particular case:
  - 9.7.1. Save as provided in Regulation 9.7.2 the only documents and evidence that may be considered by the EH Appeal Panel are the documents and witness statements that were before the Disciplinary Body appealed from and the documents setting out and giving the reasons for the decision appealed against.
  - 9.7.2. If either party wishes the EH Appeal Panel to consider further evidence and/or submissions not previously considered by the relevant Disciplinary Body, the EH Appeal Panel shall consider such evidence and/or submissions provided that:
    - a. Such further evidence and/or submissions are sent to the EH Appeal Panel and the other party within 14 days of the date of the Appeal Notice;
    - b. Any such further evidence is in the form of written statements and/or copy documents certified as being true by the person submitting the evidence;
    - c. The other party may reply in writing to such further evidence and/or submissions by making representations and/or submitting further evidence, such reply to be received by the EH Appeal Panel not later than 21 days after the date of the Appeal Notice;
    - d. Either party may thereafter request the EH Appeal Panel to hold an Oral Hearing where any further evidence has been sent to the EH Appeal Panel if such request is in writing and received by the EH Appeal Panel within 28 days of the date of the Appeal Notice. In such a case the EH Appeal Panel cannot decide the Appeal and must direct an Oral Hearing.
  - 9.7.3. As soon as reasonably practicable after the expiration of 28 days from the date of the Appeal Notice, the EH appeal Panel shall consider the Appeal.
- 9.8. Where the Appeal Notice expressly requests an Oral Hearing, or an Oral hearing is subsequently directed, as soon as reasonably practicable the NDO, on behalf of the EH Appeal Panel, shall serve on the parties to the Appeal a notice in writing stating the date, time and place at which the EH Appeal Panel will hold the Hearing.

- 9.8.1. The Guidelines for Oral Appeal Hearings set out in Appendix 2 shall be followed so far as possible, subject to the discretion of the Chairman of the EH Appeal Panel to adapt the procedure having regard to the circumstances of the particular case, save that:
- a. references in the Guidelines to “the Appellant” should be construed as references to the Respondent to the Appeal; and
  - b. the burden shall be upon EH to satisfy the Panel that the decision that is the subject of the Appeal should be set aside or varied.
- 9.8.2. Both parties to the Appeal should prepare in advance of the hearing a schedule containing a summary of their respective actual and anticipated costs and expenses of and occasioned by the Appeal.
- 9.8.3. If the Appeal is unsuccessful, in whole or in part, the EH Appeal Panel may direct that all or a proportion of the costs and expenses of the Respondent be paid by EH, in which case the Panel shall summarily assess the amount to be paid.
- 9.8.4. Where the Appeal is successful in whole or part the Respondent may be directed to pay all or part of the costs and expenses of the Appeal. If the Respondent is an individual and is directed to pay all or part of the costs of the Appeal, the EH Appeal Panel may impose a period of suspension from hockey activities on such individual, or extend any period of suspension already imposed, until such time as the costs and expenses directed to be paid have been paid in full.
- 9.9. Having considered the Appeal, the EH Appeal Panel may either allow the Appeal, allow the Appeal in part, or dismiss the Appeal, and may impose on any individual or affiliated body found to have committed a Disrepute Offence any sanction that could have been imposed by the Disciplinary Body appealed from.
- 9.10. The decision of the EH Appeal Panel shall be notified in writing to the parties to the Appeal within 48 hours of the decision. Succinct reasons for the decision shall be sent to the parties to the Appeal within 7 days of the decision.
- 9.11. So far as applicable to the particular Appeal the provisions of Regulation 7.7 shall apply.
- 9.12. The decision of the EH Appeal Panel shall be final.

## **APPENDIX 1**

### Definitions and Abbreviations

- “Affiliated body” means any Member of EH, other than an individual Member, and includes the National Programme Umpires Association and any club, school, corporation, association, umpiring association or organisation for which an individual may participate or with which an individual may be principally connected at any material time and which is part of an affiliated body that is a Member of EH
- “Appeal Body” means the body appointed under the Red Card and MMO Regulations and the Disrepute Offence Regulations for the purposes of an Appeal in any particular case
- “CDA” means a County Disciplinary Administrator
- “CDO” means a Club Disciplinary Officer or person deemed to be a CDO
- “County” means a County Association as referred to in EH’s Articles of Association
- “Disciplinary Body” means the appropriate individual, committee, panel or other body responsible in the circumstances of any particular case for imposing and/or enforcing any of the provisions of the Red Card and MMO Regulations and the Disrepute Offence Regulations
- “Disrepute Advisory Panel” means a panel of persons appointed from time to time by EH for the purposes of providing advice to the NDO on the use and application of the Disrepute Offence Regulations in relation to any incident that may be referred to the NDO for decision or advice
- “Disrepute Complaint” means the description of conduct which must be set out in an EH Disrepute Complaint

Form pursuant to Regulation 4.2 of the Disrepute Offence Regulations and is alleged to be a Disrepute Offence

- “Disrepute Offence” means an offence as more particularly described in Regulation 4.1 of the Disrepute Offence Regulations
- “EH Appeal Panel” means the England Hockey Appeal Panel
- “EH” means England Hockey Limited, the National Governing Body for hockey in England
- “EHF” means the European Hockey Federation
- “EHL” means the English Hockey League
- “FIH” means the International Hockey Federation
- “Member” means an individual, corporation, association or organisation admitted to membership (of any class or category) of EH whether entitled to vote at a General meeting of EH or not
- “MMO” means a Matchday Misconduct Offence
- “NDO” means the National Disciplinary Officer
- “NDP” means the National Discipline Panel
- “PNF” means a Penalty Notification Form
- “RCC” means the Regions’ Consultative Committee as defined in EH’s Articles of Association
- “RCRF” means a Red Card and Match Day Misconduct Report Form
- “RDA” means a Regional Disciplinary Administrator
- “RDAP” means a Regional Disciplinary Appeal Panel
- “Red Card Offence” means an offence during a game as more particularly referred to in Part 4 of the Red Card and MMO Regulations
- “Region” means a Regional Association as defined in EH’s Articles of Association
- “The Disrepute Offence Regulations” means the England Hockey Disrepute Regulations
- “The Red Card and MMO Regulations” means the England Hockey Red Card and Match Day Misconduct Offence Regulations
- “The Welfare Manager” means the England Hockey Equity, Ethics and Welfare Manager appointed from time to time by England Hockey

## **APPENDIX 2**

### **Guidelines for Oral Appeal Hearings**

1. In these Guidelines, “the Panel” means either the EH Appeal Panel or the appropriate RDAP. “The Chairman” means the Chairman of the EH Appeal Panel or the appropriate RDAP that is to hear the particular Appeal.
2. The parties to any Appeal hearing are EH on the one hand and the Appellant on the other. EH should be represented by the NDO, or the relevant RDA or CDA, but may appoint another individual as its representative. The Appellant may appear in person and/or be represented at the hearing. If under the age of 18 years, the Appellant is entitled to be accompanied by a person having parental responsibility as defined in the Children Act 1989 or nominated as a representative by such a person.
3. Although an Appeal, at the Oral Hearing the burden shall be upon EH to satisfy the Panel that the decision that is the subject of the Appeal should be upheld. Where any fact is required to be proved the Panel shall regard it as proved if proved on the balance of probabilities provided that, if any criminal act, or fraud or dishonesty is alleged against the Appellant, the allegation is only to be regarded as proved if it has been proved beyond reasonable doubt.
4. The Chairman may postpone the hearing on his own initiative, or upon the application in writing of EH or the Appellant, as he may think fit, in which case notice in writing stating the new date, time and place at which the Panel will hold the hearing will be served on the Appellant not less than 7 days before the new hearing.
5. Where appropriate, and in the discretion of the Chairman, two or more Appeals may be heard together.

6. Save in exceptional circumstances, and subject to the discretion of the Chairman, no person may give evidence before the Panel unless a signed witness statement has previously been produced in accordance with these Guidelines.
7. If EH wishes to rely on any witness statements or documents in addition to those supplied to the Appellant prior to the making of the decision that is the subject of the Appeal, copies thereof must be sent to the Appellant not less than 14 days prior to the hearing. If the Appellant wishes to rely on any witness statements or documents in addition to those produced prior to the decision that is the subject of the Appeal, copies thereof must be sent to the NDO or the Secretary to the relevant RDAP as the case may be not less than 7 days before the hearing.
8. Any witness statement must be signed by the maker of the statement but the witness (unless also a party) will not be required to attend the hearing unless, not less than 72 hours before the hearing, a party informs the NDO or the Secretary to the relevant RDAP as the case may be that the presence of the witness is required, in which case the NDO or the Secretary of the relevant RDAP shall so inform the witness. Where a witness statement has been produced but the witness does not appear at the hearing having been requested to attend, the witness statement may be admitted as evidence at the discretion of the Chairman, subject to the Panel giving such weight to the statement as it thinks fit having regard to the fact that there will have been no opportunity to question the maker of the statement.
9. Procedure at Oral Hearings shall be informal, the details being in the discretion of the Chairman. The Chairman may amend and adapt the procedure in order to do justice in the particular case.
10. The attendance of the Appellant (or its duly appointed representative if an affiliated body) is required at the Oral Hearing, but, if the Appellant nevertheless fails to attend, the hearing may proceed in the absence of the Appellant if the Panel is satisfied that all relevant procedures requiring the attendance of the Appellant have been complied with and that no acceptable explanation for the absence has been provided. Should the Panel not be so satisfied, it shall have power to adjourn the hearing to such time and date as it may think fit.
11. A record of each Oral Hearing shall be taken and retained by EH for not less than 2 years.
12. The Panel may adjourn the Hearing from time to time and upon such terms as it may think fit.
13. On an Appeal in respect of a Red Card Offence or an MMO and on an Appeal in respect of a Disrepute Offence where the initial Disrepute Complaint was made by an umpire, the umpire who issued the Red Card or reported the MMO or made the Disrepute Complaint as the case may be is entitled to be independently represented at the hearing.
14. Unless otherwise directed by the Chairman prior to the hearing, the NDO or the Secretary to the appropriate RDAP shall prepare a bundle of documents ("the Appeal Bundle") for use at the Appeal. The Appeal Bundle should contain copies of all documents and witness statements intended for use at the Appeal, paginated and indexed. Seven copies of the Appeal Bundle should be produced: one for each member of the Panel, one for the Appellant, one for the EH representative, one for the umpire in the case of an Appeal in respect of a Red Card Offence or an MMO or a Disrepute Complaint made by an umpire, and one for the use of witnesses at the hearing. Copies of the Appeal Bundle should be supplied to the members of the Panel, the Appellant, the EH representative and the umpire (if appropriate) not less than 48 hours before the hearing.
15. Prior to the hearing, the NDO or the Secretary to the appropriate RDAP shall prepare a schedule containing a summary of the actual and anticipated costs and expenses of and occasioned by the Appeal.
16. Subject to the discretion of the Chairman in any particular case, the procedure at the Appeal hearing will be as follows:
  - i. The Chairman will introduce the members of the Panel and ascertain the identity and role of all those present.
  - ii. The decision that is the subject of the Appeal shall be read out by the EH representative. Unless the Panel indicates that the documents and witness statements in the Appeal Bundle have been read, the EH representative shall read out, or invite the members of the Panel to read, the documents and witness statements in the Appeal Bundle.
  - iii. The Chairman shall then invite the Appellant to make a statement and the EH representative shall be entitled to ask the Appellant questions.
  - iv. Any witness giving oral evidence against the Appellant shall be asked to verify his witness statement and, in the case of an umpire, the contents of the relevant RCRF. The witness shall be asked to

- correct any mistakes or omissions in his witness statement and may, with the permission of the Chairman, be asked questions by the EH representative supplementing his evidence. The Appellant or the Appellant's representative may then question the witness. With the permission of the Chairman, the EH representative may then question the witness further upon any new matter arising out of the Appellant's or the Appellant's representative's questions.
- v. Any witness giving oral evidence on behalf of the Appellant shall be asked to verify his witness statement. The witness shall be asked to correct any mistakes or omissions in his witness statement and may, with the permission of the Chairman, be asked questions by the Appellant or the Appellant's representative supplementing his evidence. The EH representative may then question the witness. With the permission of the Chairman, the Appellant or the Appellant's representative (if any) may then question the witness further upon any new matter arising out of the EH representative's questions.
  - vi. Where the Appeal is concerned with a Red Card Offence or an MMO made by an umpire, the umpire or the umpire's representative may, if and when permitted by the Chairman, question any witness.
  - vii. The Chairman and any member of the Panel, with the consent of the Chairman, may at any stage of the hearing question any witness, the EH representative, the Appellant and the Appellant's representative if any.
  - viii. At the conclusion of the evidence the Appellant or, if represented, the Appellant's representative shall be invited to make final submissions as to whether the decision appealed against should be upheld.
  - ix. If so required by the Chairman, the EH representative may be invited to make submissions concerning whether the decision appealed against should be upheld.
  - x. At the conclusion of the hearing the Chairman will either ask the parties to withdraw or the Panel will withdraw to consider its decision.
  - xi. The Panel may either invite the parties to wait for its decision, or state that the announcement of the decision will be deferred and put in writing to be sent to the parties.
17. The Panel may direct that all or a proportion of the costs and expenses incurred in connection with the Appeal as set out in the schedule referred to in 15 above should be paid by the Appellant, in which case the Panel shall summarily assess the amount to be paid.
  18. Where a decision is announced at the conclusion of the hearing, the decision shall be confirmed in writing within 48 hours. Succinct reasons for the decision shall be sent to the parties within 7 days of the decision.