

Disciplinary Regulations – The Process

How to complain

Anyone concerned about a Member's behaviour or wishing to make a Complaint about a Member's behaviour should submit that, in writing, to their local Appropriate Authority's Disciplinary Secretary. The Complainant should provide as much detail as possible about the Complaint, including, if possible, the specific part of the Code of Conduct which they believe have been breached and/or why they believe the issue is a Disciplinary Offence. The Complaint should be received by the Appropriate Authority within 7 days of the incident which has led to the Complaint.

What happens next?

The Disciplinary Secretary is responsible for arranging an Investigation Panel, who determines whether or not the Complaint shows a prima facie case to answer. This means that there needs to be enough evidence in front of them to show that there is a serious enough case to warrant a Disciplinary Hearing. Whilst they have the power to ask for additional evidence, from anyone, they do not need to. In some cases, they may decide that the case is suitable for mediation or training, as it is not so serious that it needs to be a Hearing.

Interim Suspension

Investigation Panel's may also impose Interim Suspensions, for example where the allegation is so serious that someone needs safeguarding from the possibility of that behaviour recurring, or the behaviour is such that it is felt the reputation of the sport needs protecting, or to protect the integrity of the Disciplinary Process. The Investigation Panel must define the activities which the person is suspended from. The Interim Suspension will usually continue through to the conclusion of the Disciplinary Process.

Disciplinary Hearing

Before the Hearing, the Complainant and the Respondent will have been asked to produce their evidence. All this will be provided to the Panel and the parties will have the opportunity to attend and give their evidence and question the other party on theirs (through the Chair not directly). The Panel will consider the evidence and reach their determination. When the Panel consider the case proven, or part of it, they will then determine an appropriate sanction.

Appeal Hearing

There may be an Appeal from the Decision of the Disciplinary Panel, if the person has attended or submitted evidence for the Disciplinary Hearing. The potential grounds of Appeal and the process under which leave to Appeal is sought, are set out in the Regulations.

Who will know about the sanctions?

Where a person is suspended from any aspect of netball activity, the various levels of administration in the sport may need to be informed in order that the sanction can be put into effect. For example, the club, County Netball Association and the Regional Management Board Chairs will need to be notified. MyNet can be used to record the suspension. They will be told of the fact of the suspension, and not of the allegations made against a person or the offences which have been found proved. A Panel may also decide to publicise the case and where to do so, for example a letter of apology published following using offensive language on a website / on the same website.

What happens if the sanctions are not carried out?

Where a Member does not comply with a sanction, they will be committing a further Disciplinary Offence and could be charged with that. In addition, they will be subject to an automatic suspension of their membership of England Netball. The relevant levels of netball administration will be informed of this and the MyNet account can be suspended.

Anyone taking part in netball activity with a person who is subject to a suspension may themselves be subject to a Disciplinary Charge, as this is a Disciplinary Offence. Involving a banned/suspended Member in a competition may also be a breach of the applicable Competition Rules, hence making the team liable to receive point deductions or disqualification.

What records are kept?

Each Appropriate Authority must provide the Disciplinary Secretary at England Netball with the papers used in any Disciplinary Case.

The Disciplinary Regulations provide guidelines for the length of time which records should be kept, which vary according to the severity of the sanction imposed. Disciplinary Panels are responsible for deciding how long the records should be kept within the guidelines. Once the specified period for retention has passed, the records will be securely destroyed. Where a lifetime ban has been imposed, these records will remain securely archived in perpetuity.