

Badminton England Disciplinary Regulations

1. INTRODUCTION

- 1.1 Badminton England is committed to the development of Badminton that is safe for all, ensuring all those involved in the sport can enjoy the game in an inclusive and welcoming environment.
- 1.2 These Disciplinary Regulations provide a framework to ensure any Complaints or concerns about individuals or organisations are dealt with fairly, transparently and expeditiously at all levels within Badminton England.
- 1.3 These Regulations have been approved for adoption by the Board of Badminton England in accordance with the Articles at its June 2021 meeting.
- 1.4 The Regulations are for matters relating to Complaints and Disciplinary Issues only.
- 1.5 The Regulations form part of the rules of membership of Badminton England.
- 1.6 The Regulations are issued in accordance with Badminton England's status as the self-regulating governing body of the sport of Badminton in England.
- 1.7 It is important that everyone involved in badminton at any level understands the Regulations and demonstrates their commitment to ensuring the highest possible standards in the sport for the enjoyment of all involved in the game.
- 1.8 All Members of Badminton England are required to ensure all Persons under the jurisdiction of Badminton England are expressly bound by, and that their attention is drawn to, these Regulations.
- 1.9 These Regulations apply from 23 June 2021.
- 1.10 Advice on the appropriate route to be considered in each situation can be found at Appendix 1.

2. DEFINITIONS

Adult at Risk(s) is a person aged 18 or over who is in need of care and support regardless of whether they are receiving them, and is experiencing, or is at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.¹

Allegation(s) means a claim or assertion that someone or an organisation has acted in a way that may provide grounds for a Complaint and/or disciplinary action;

Anti-Doping Procedures means the Badminton England Anti-Doping Procedures as adopted by Badminton England;

¹ Safeguarding Adults at Risk Definitions and Terminology – Ann Craft Trust (anncraft.org)

Appeal Chair means the chairperson of an Appeal Panel as appointed in accordance with clause 15.7;

Appeal Panel means the panel appointed in accordance with clause 15.5;

Appellant has the meaning given in clause 15.1;

Articles means the Badminton England articles of association;

Badminton England means Badminton Association of England Limited, a company incorporated under the laws of England and Wales with company number 01979158 and whose registered office is at National Badminton Centre, Bradwell Road, Loughton Lodge, Milton Keynes MK8 9LA;

Badminton England Disciplinary Committee means the committee appointed in accordance with clause 5.1;

Badminton England Disciplinary Officer means the Badminton England employee designated by the Badminton England Disciplinary Committee to make key decision on disciplinary matters;

Badminton England Disciplinary Hearing Panel means the panel appointed by the Badminton England Disciplinary Committee or the Badminton England Disciplinary Officer (as the case may be) in accordance with clauses 13.1 and 13.2;

Badminton England Codes means the Badminton England Codes of Conduct adopted by Badminton England;

Badminton England Policies means the Badminton England Equality and Diversity Policy, the Badminton England Betting Integrity Policy and/or any other Policy adopted by Badminton England;

Badminton England Volunteer Grievance Procedure means the Grievance Procedure for Volunteers as adopted by Badminton England;

Balance of Probabilities means the standard of proof required in civil proceedings and as outlined in clause 13.15;

Board means the Board of Directors for the time being of Badminton England;

Case Management Group means the Group appointed under clause 5.9;

CEO means the Chief Executive of Badminton England for the time being;

Chair means the chairperson of a Disciplinary Hearing Panel or Appeal Panel as appointed in accordance with clause 13.3 or 15.7;

Charge means an Allegation of grounds for disciplinary action under clauses 4.1 and 4.2;

Clubs means any club affiliated with Badminton England;

Coach means an individual who provides coaching to an individual or group;

Coaching means improving a person's experience of sport and physical activity by providing specialised support and guidance aligned to their individual needs and aspirations;

Complaint means any complaint regarding particular circumstances and/or conduct;

Complainant means the person who makes a Complaint;

County Badminton Associations means any county badminton association recognised by Badminton England as per the Articles;

Designated Officer means the individual appointed by the CEO to manage a child protection or safeguarding concern;

Disciplinary Committee means the Member Organisation Disciplinary Committee or the Badminton England Disciplinary Committee as the context requires;

DBS means the Disclosure and Barring Service;

Disciplinary Issue means those matters set out in clauses 4.1 and 4.2;

Disciplinary Officer means either the Badminton England Disciplinary Officer or Member Organisation Disciplinary Officer, as the context requires;

Disciplinary Hearing Panel means a Badminton England Disciplinary Hearing Panel or Member Organisation Disciplinary Hearing Panel, as the context requires;

Hearing Notification means a notification as described in clause 13.6;

HR Policies means the Disciplinary Procedure and General Conduct and Behaviour at Work Policy as adopted by Badminton England;

Individual Concerned means the person (or organisation) against whom an Allegation is made;

Interim Suspension means a suspension imposed under clause 11 pending the conclusion of relevant investigations and proceedings;

Member or **Members** means those Persons defined as “club members” or “individual members” in the Articles;

Member Organisation Disciplinary Committee means the committee appointed in accordance with clause 5.5;

Member Organisation Disciplinary Officer means the relevant Member Organisation employee or volunteer designated by the Member Organisation Disciplinary Committee to make key decisions on disciplinary matters;

Member Organisation Disciplinary Hearing Panel means the panel appointed by the Member Organisation Disciplinary Committee or the Member Organisation Disciplinary Officer (as the case may be) in accordance with clause 13.1;

Member Organisations means the County Badminton Associations, the Badminton Umpires Association of England, the Badminton Line Judges Association of England and any other organisations admitted to membership of Badminton England in a general meeting;

Notice of Appeal means a notice to appeal a decision of a Disciplinary Hearing Panel as set out in clause 15.1;

Person means a natural person (including a child, player, Coach, official, referee, umpire, volunteer and/or officer), corporate body or unincorporated body (whether or not having a separate legal personality);

Presenting Officer means the Person or Persons presenting the alleged facts of the case to the Disciplinary Hearing Panel. The term **Presenting Officer** shall include those set out in clauses 13.8 and 13.9 hereof.

Regulations means these Badminton England disciplinary regulations and all its appendices;

Reviewer shall have the meaning as set out in Clause 14.8

Specified Person means those persons set out or referred to in clause 3.1;

Sports Betting and Integrity Policy means the Badminton England policy on Sports Betting and Integrity approved by the Board.

Sports Resolutions means Sports Dispute Resolutions Panel Ltd, company number: 3351039;

Summary Procedures means the procedures as set out in Clause 12

Tournament Regulations means the Badminton England Tournament Regulations as adopted by Badminton England;

World Class Performance Procedures means the GB and England Performance Programme Disciplinary Procedure and the World Class Performance Programme Grievance Procedure as adopted by Badminton England and/or GB Badminton;

Young Person or Young People means those under 18 years of age.

Where a policy, guidance or other document is referred to, the relevant version of the document will be the one approved by Badminton England at the time of the incident/occurrence.

Words denoting singular number include the plural number and vice versa as the context so permits.

3. JURISDICTION

3.1 Subject to clause 3.2, the Regulations apply to any Complaint or Disciplinary Issue involving any of the following:

3.1.1 Any Member;

3.1.2 Any Person subject to an Interim Suspension imposed under these Regulations or who is suspended from any Badminton activities as a sanction following a Disciplinary Hearing Panel irrespective of whether they have continued to pay their subscription to Badminton England;

- 3.1.3 Any Person who takes part in Badminton in any capacity directly or indirectly under the jurisdiction of Badminton England or its Member Organisations;
 - 3.1.4 Any Person who has, whether enjoying any form of licence, accreditation or any other status from Badminton England or a Member Organisation, or otherwise, consented (whether expressly or impliedly) to be bound by these Regulations and;
 - 3.1.5 Any Club affiliated to Badminton England.
- 3.2 These Regulations will not apply:
- 3.2.1 In matters which fall under the jurisdiction of the Anti-Doping Procedures;
 - 3.2.2 In matters which are dealt with by the imposition of a penalty in accordance with the Penalty System of the Tournament Regulations;
 - 3.2.3 In matters which fall under the jurisdiction of the Badminton England Volunteer Grievance Procedure
 - 3.2.4 In matters which fall under the jurisdiction of the World Class Performance Procedures and;
 - 3.2.5 To staff of Badminton England, in their capacity as employees, where disciplinary action taken under HR Policies relates to general employment issues not directly connected to the sport of badminton.

4. WHAT IS A DISCIPLINARY ISSUE?

- 4.1 Subject to clause 3.2, it shall be a ground for disciplinary action to be taken under these Regulations where a Specified Person is found to have acted or failed to act (as appropriate) in a way which:
- 4.1.1 is contrary to the Badminton England Codes and/or Badminton England Policies; and/or
 - 4.1.2 is unlawful; and/or
 - 4.1.3 is contrary to these Regulations; and/or
 - 4.1.4 harms the safety and/or welfare of a Young Person or Adult at Risk in badminton, or whose conduct (whether in badminton or not) is considered to pose an actual or potential risk of harm to the safety and/or welfare of a Young Person or Adult at Risk in badminton; and/or
 - 4.1.5 does not comply with Badminton England's Safeguarding and Protecting Young People in Badminton policy and the Safeguarding Adults at Risk Policy (including the reporting procedures); and/or
 - 4.1.6 is opposed to the general interests of Badminton England and/or other Member Organisations and/or its Members; and/or
 - 4.1.7 brings, or has the potential to bring, the sport of Badminton into disrepute.
- 4.2 If not covered elsewhere, where a Specified Person has an unspent conviction or caution for an offence against or concerning a Young Person or Adult at Risk or is included on any statutory list barring, or restricting, their working with children or Young People or Adult at Risk or where there is a finding of fact in civil proceedings that they have harmed, or pose a risk to a child or Young Person or Adult at Risk, these shall be grounds for disciplinary action.

5. ROLES AND RESPONSIBILITIES

Badminton England Disciplinary Committee

- 5.1 The Board shall appoint the Badminton England Disciplinary Committee and may delegate the operation and maintenance of these Regulations to this Committee.
- 5.2 The Badminton England Disciplinary Committee may delegate such of its powers and functions to the Badminton England Disciplinary Officer as it sees fit, but the Badminton England Disciplinary Committee shall retain responsibility for the acts of the Badminton England Disciplinary Officer under these Regulations.
- 5.3 The Badminton England Disciplinary Officer will report all matters to the Badminton England Disciplinary Committee who will advise on appropriate action in accordance with these Regulations.
- 5.4 The Badminton England Disciplinary Officer is responsible for ensuring all actions in respect of the day to day management of disciplinary cases under these Regulations are completed but decisions on specific actions required on a given case will be made by the Badminton England Disciplinary Committee.

Member Organisation Disciplinary Committee

- 5.5 Each Member Organisation shall appoint, maintain and delegate the operation of these Regulations to the Member Organisation Disciplinary Committee, failing which the management committee or board of the Member Organisation shall be deemed to be the Member Organisation Disciplinary Committee.
- 5.6 The Member Organisation Disciplinary Committee may delegate such of its powers and functions to the Member Organisation Disciplinary Officer as it sees fit, but the Member Organisation Disciplinary Committee shall retain responsibility for the acts of the Member Organisation Disciplinary Officer under these Regulations.
- 5.7 The Member Organisation Disciplinary Officer will report all matters to the Member Organisation Disciplinary Committee who will advise on appropriate action in accordance with these Regulations.
- 5.8 The Member Organisation Disciplinary Officer is responsible for ensuring all actions in respect of the day to day management of disciplinary cases under these Regulations are completed but decisions on specific actions required on a given case will be made by the Member Organisation Disciplinary Committee.

Case Management Group

- 5.9 The Board shall appoint the Case Management Group.
- 5.10 The Case Management Group is responsible for advising on safeguarding issues and considering and referring safeguarding cases to a Disciplinary Hearing Panel where appropriate. The Case Management Group Terms of Reference can be found at Appendix 6 of the Disciplinary Regulations.

Badminton England Disciplinary Officer

5.11 Badminton England shall appoint and maintain the appointment of the Badminton England Disciplinary Officer.

5.12 The Badminton England Disciplinary Officer must:

- 5.12.1 uphold and fulfil the Regulations;
- 5.12.2 subject to the overriding authority of the Badminton England Disciplinary Committee, appoint a Badminton England Disciplinary Hearing Panel which is constituted in accordance with these Regulations and in a way that ensures a fair and objective hearing;
- 5.12.3 act and ensure that Badminton England acts fairly towards all Specified Persons and other persons affected by these Regulations in investigating and dealing with Disciplinary Issues;
- 5.12.4 act as the single point of contact with relevant external agency investigations (including police investigations) for cases that do not relate to safeguarding issues (which are the responsibility of the Designated Officer);
- 5.12.5 sit on the Badminton England Disciplinary Committee and make recommendations for improvements in the Regulations and associated matters;
- 5.12.6 promote and ensure that the confidentiality provisions of these Regulations are maintained;
- 5.12.7 ensure disciplinary sanction data held, and publicly accessible, on the Badminton England website is accurate, up to date, and conforms to the Regulations and relevant legislation; and
- 5.12.8 act in accordance with Appendix 2 of the Disciplinary Regulations.

Member Organisation Disciplinary Officer

5.13 Each Member Organisation shall appoint and maintain the appointment of the Member Organisation Disciplinary Officer.

5.14 The Member Organisation Disciplinary Officer must:

- 5.14.1 act on behalf of the Member Organisation to instigate the Regulations in cases delegated from the Badminton England Disciplinary Officer and in matters referred directly to Member Organisation level;
- 5.14.2 be the first point of contact with the Badminton England Disciplinary Officer;
- 5.14.3 when required and subject to the overriding authority of the Badminton England Disciplinary Committee, appoint a Member Organisation Disciplinary Hearing Panel which is constituted in accordance with these Regulations and in a way to ensure a fair and objective hearing;
- 5.14.4 ensure the Member Organisation acts fairly towards all registered coaches, county squad players, affiliated Members and volunteers of the Member Organisation and any other persons when investigating and dealing with Disciplinary Issues;
- 5.14.5 be a Member of the relevant Member Organisation and the Member Organisation Disciplinary Committee (if applicable);
- 5.14.6 promote and ensure that the confidentiality provisions of these Regulations are complied with at Member Organisation level; and
- 5.14.7 act in accordance with Appendices 2 and 3 of the Disciplinary Regulations.

6. DELEGATION

- 6.1 Badminton England has powers under the Regulations to hold inquiries and impose sanctions or take such other action as is appropriate. These powers are delegated to, and exercised on behalf of, Badminton England by duly appointed Disciplinary Hearing Panels and Appeal Panels (either conducted by Badminton England, or Sport Resolutions or other independent body on behalf of Badminton England), the Badminton England Disciplinary Committee, Badminton England Case Management Group, Badminton England Disciplinary Officer and Badminton England Designated Officer (Safeguarding). Badminton England may also delegate powers to Member Organisations who may delegate those powers to the respective Disciplinary Committee and Disciplinary Officer.
- 6.2 Where Badminton England has delegated a matter it may at any time take over and/or require the transfer of disciplinary proceedings.

7. COMPLAINTS

- 7.1 A Complaint may be provided to the Member Organisation or Badminton England and in each case the relevant Disciplinary Officer or Designated Officer (in respect of a safeguarding issue) shall deal with the Complaint in accordance with the Regulations.
- 7.2 A Complaint should be submitted in writing and include sufficient details of the incident complained of so as to identify the Complainant, the Person complained about and the Disciplinary Issue complained of.
- 7.3 If the Complainant does not wish for their identity to be disclosed to the Person complained of, the Complainant should make this clear when they submit their Complaint. In this case clause 10.5 shall apply to the Complaint.
- 7.4 The Disciplinary Officer (or Designated Officer for safeguarding cases) must:
- 7.4.1 acknowledge receipt of the Complaint within 14 days of its receipt;
 - 7.4.2 investigate the Complaint as soon as practicable; and
 - 7.4.3 within 14 days of receipt of the Complaint, inform the Person complained of the substance of the Complaint and invite them to provide a written response within a further 14 days (or such longer period as the Disciplinary/Designated Officer determines). However, if the Disciplinary/Designated Officer considers that providing this information to the Person complained of at this time may prejudice this, or any other investigation, then no such disclosure should be made. Where this is the case, the information must be provided to the Person complained of once there is no longer the potential for prejudicing the investigation.
- 7.5 Once the Disciplinary/Designated Officer has concluded their investigation into the Complaint they may:
- 7.5.1 decide that no further action is required and must notify the Complainant and Person complained about (provided they have already been notified of the Complaint);



- 7.5.2 reject the Complaint on the basis that it does not fall within the scope of these Regulations and, if appropriate, refer the Complainant to any other relevant procedures;
- 7.5.3 dismiss the Complaint on the grounds that:
 - 7.5.3.1 it is vexatious or malicious; or
 - 7.5.3.2 there is insufficient evidence to warrant further action (in which case there is no right of appeal but a case may be re-examined if further evidence is later forthcoming); and
 - 7.5.3.3 in either instance, notify the Complainant and Person complained about (provided they have already been notified of the Complaint);
- 7.5.4 refer the Complainant to another authority deemed more appropriate in practice or law to handle the Complaint, including but not limited to, the police for criminal matters;
- 7.5.5 deal with the Complaint informally by way of advice or information where the issue is not sufficiently serious to warrant disciplinary proceedings;
- 7.5.6 on the agreement of the Complainant and Person complained of:
 - 7.5.6.1 deal with the Complaint by mediation, with the mediator to be nominated by the Disciplinary Committee (or the Case Management Group for safeguarding issues); or
 - 7.5.6.2 refer the Complaint to Sport Resolutions for final and binding arbitration in accordance with the Arbitration Act 1996 and Sport Resolution (UK)'s Arbitration Rules;
- 7.5.7 where the Complaint is made to the Member Organisation Disciplinary Officer, refer the Complaint to the Badminton England Disciplinary Officer to choose the most appropriate course of action;
- 7.5.8 postpone any determination of the Complaint in accordance with clause 10.6 (External Agency Investigation); or
- 7.5.9 refer the matter to be dealt with under the Summary Procedures;
- 7.5.10 refer the Complaint to the relevant Disciplinary Hearing Panel.

8. CONFIDENTIALITY

- 8.1 Save to the extent that disclosure and/or publication is provided for in the Regulations, or is otherwise required in accordance with the law, all matters considered under the Regulations will, so far as practicable, be regarded as confidential and will be used only for the purposes of the Regulations.
- 8.2 All persons who wish to make a Complaint under the Regulations will be required to sign an appropriate confidentiality agreement.
- 8.3 The disclosure of DBS information and/or reporting of information to DBS will be subject to the DBS Code of Practice.
- 8.4 All proceedings of the Disciplinary Hearing Panel and/or Appeal Panel shall take place in private. The public and press shall have no right of access. The Disciplinary Hearing Panel and/or Appeal Panel shall not issue any press statement or conduct any press conferences. All press/media announcements in relation to any decision of the Disciplinary Hearing Panel and/or Appeal Panel must be approved by the CEO in the first instance, a nominated deputy or the Chair of the Board.

9. PUBLICATION OF DISCIPLINARY SANCTIONS

- 9.1 Where a case is considered by a Badminton England Disciplinary Hearing Panel and the case is found proven, any sanction imposed will be published publicly by Badminton England on their website unless exceptional circumstances apply. Details to be published are the name of the individual, date of sanction and sanction.
- 9.2 Exceptional circumstances where publication will not take place will include where publication may lead to the identification of a vulnerable person. Whether exceptional circumstances should apply will be determined by the CEO.
- 9.3 Where an Appeal Panel determines that a sanction should be varied or the appeal is upheld and the original outcome quashed, the Badminton England website must be amended to reflect this as soon as practicable, and in any event within two working days of the decision being made. Likewise, upon expiry of a sanction, the case must be removed from the Badminton England website.
- 9.4 Any sanction imposed by a Member Organisation Disciplinary Hearing Panel will not be published on the Badminton England website.

10. INVESTIGATION

- 10.1 In its investigation, the Disciplinary (or Designated) Officer:
- 10.1.1 will consider the available evidence;
 - 10.1.2 may request additional information from the Complainant and/or the Person complained about;
 - 10.1.3 may interview the Person complained about, any witnesses to the circumstances of the Complaint, the Complainant and any other person the Disciplinary (or Designated) Officer considers may assist in the general aims of the investigation; and/or
 - 10.1.4 may require any Person subject to these Regulations to disclose documentation or information to them that is relevant to the general aims of the investigation. Any Person subject to these Regulations agrees to assist the Disciplinary (or Designated) Officer by promptly disclosing all relevant documentation or information when requested. A Disciplinary Hearing Panel may draw adverse inferences from any failure by a Person subject to these Regulations to disclose documentation or information when requested.
- 10.2 Any request for documentation or information in terms of clause 10.1.2:
- 10.2.1 must be in writing;
 - 10.2.2 may be sent by post, email or delivered by hand;
 - 10.2.3 must stipulate that the addressee must respond within 14 days (or such longer period as the Disciplinary (or Designated) Officer may determine); and
 - 10.2.4 if the Disciplinary (or Designated) Officer considers this may be a case where adverse inference could be drawn from a failure to disclose documentation or information, the Person to whom the request is made should be advised this is the case.
- 10.3 The Disciplinary (or Designated) Officer shall give the Individual Concerned written notification of the Complaint or Allegation, informing them that any response they provide should be made within 14 days (or such longer time as the Disciplinary (or Designated) Officer deems appropriate).

- 10.4 The identity of the Complainant should be made known to the Individual Concerned unless the Disciplinary (or Designated) Officer determines there are compelling reasons not to do so. Such reasons may include a need to ensure the Complainant does not suffer harm or potential harm.
- 10.5 It is at the sole and absolute discretion of Badminton England whether or not to commence or proceed with an investigation under these Regulations where the Complainant does not consent to their identity being disclosed to the person complained about or where the Complainant withdraws their Complaint.

External Agency Investigation

- 10.6 Where an individual has been charged with a criminal offence or is the subject of an investigation by the police, social services or any other public or investigatory authority (or where this becomes the case during any disciplinary proceedings) in respect of conduct which is, or may be grounds for disciplinary action, the Disciplinary (or Designated) Officer shall seek advice from the relevant agency. Specifically, advice should be sought as to whether or not further consideration of the matter by Badminton England should be postponed pending the outcome of any such proceedings/investigation and as to whether in the meantime an Interim Suspension under these Regulations should be imposed.

Conclusion of investigation

- 10.7 At the conclusion of an investigation the Disciplinary (or Designated) Officer shall report to the Disciplinary Committee or Case Management Group (as the case may be). The Disciplinary Committee (or Case Management Group) shall decide the appropriate course of action in accordance with clauses 10.9 – 10.14 (inclusive).
- 10.8 Prior to reaching a decision the Disciplinary Committee (or Case Management Group) may direct that further enquiries be undertaken.
- 10.9 If the Individual Concerned admits the Complaint or Allegation and the Disciplinary Committee (or Case Management Group) determines there are grounds for disciplinary action the matter can be dealt with either through Summary Procedures or by referral to a Disciplinary Hearing Panel.
- 10.10 If the Individual Concerned does not admit the Complaint or Allegation and the Disciplinary Committee (or Case Management Group) determines there are grounds for disciplinary action the matter must be referred to a Disciplinary Hearing Panel.
- 10.11 Where a matter is considered by the Badminton England Disciplinary Committee or the Case Management Group, they may refer the matter to be dealt with by the appropriate Member Organisation Disciplinary Committee.
- 10.12 Where a matter is considered by a Member Organisation Disciplinary Committee, it may refer the case to the Badminton England Disciplinary Committee if they deem the issue is particularly complex or is serious and may merit a sanction the Member Organisation Disciplinary Committee cannot impose.

10.13 In addition to consideration of disciplinary action, the Disciplinary Committee (or Case Management Group) may direct that a referral, if appropriate, is made to another agency, regulatory body or sport National Governing Body.

10.14 If satisfied the investigation has established there is no case to answer, the case shall be dismissed and all concerned parties should be advised without delay.

11. INTERIM SUSPENSION

11.1 Badminton England has a general right to suspend any Specified Person from any, or all, activities under the jurisdiction of Badminton England until the conclusion of any appropriate investigation and/or disciplinary proceedings.

11.2 An Interim Suspension is a neutral act taken by Badminton England and is not considered to be a sign of liability.

11.3 An Interim Suspension may be from all activities under the jurisdiction of Badminton England, or from a more limited range of activities (e.g. suspension only from Coaching).

11.4 The bodies with authority to impose an Interim Suspension are the Badminton England Disciplinary Committee and the Case Management Group (for safeguarding cases). For practical purposes the initial decision to impose an Interim Suspension will be delegated to the Badminton England Disciplinary Officer or the Designated Officer (for safeguarding cases). Where the Badminton England Disciplinary Officer or Designated Officer decide to impose an Interim Suspension this must be ratified by the Badminton England Disciplinary Committee or the Case Management Group (for safeguarding cases) within 14 days.

11.5 When considering an Interim Suspension, it must only be used when it is both necessary and proportionate. In making this decision, the following factors should be considered:

11.5.1 whether there is a risk (or potential risk) of harm, or to the safety or welfare of any individual (including a Young Person);

11.5.2 the level of seriousness of the Allegation;

11.5.3 whether there is a risk of damage to the reputation of Badminton England and/or the sport of badminton;

11.5.4 whether there is a risk of damage to, or loss of, property;

11.5.5 whether a suspension is necessary to facilitate the conduct of any investigation or disciplinary proceedings by Badminton England or any other authority or body.

11.6 The Badminton England Disciplinary Officer (or Designated Officer for safeguarding cases) shall as soon as practicable notify the individual in writing of the Interim Suspension.

11.7 Any concerned party (for instance, the Complainant or a witness) may be notified of the Interim Suspension.

11.8 Badminton England may publish the Interim Suspension on their website. If this is done it should only include the name of the suspended individual and must not describe the Allegation(s).

11.9 In considering notification of concerned parties or publication of details on the Badminton England website, this should only occur where the Badminton England Disciplinary Officer (or

Designated Officer for safeguarding cases) decides it is both necessary and proportionate in order to:

- 11.9.1 minimise or remove a risk (or potential risk) of harm or to the safety or welfare of any individual (including a Young Person);
 - 11.9.2 minimise or remove a risk of damage to the reputation of Badminton England;
 - 11.9.3 minimise or remove a risk of damage to, or loss of, property; and/or
 - 11.9.4 to facilitate an investigation or disciplinary proceedings by Badminton England.
- 11.10 Publication of the Interim Suspension must not take place where doing so may lead to the identification of a vulnerable Person or where any investigation, disciplinary or judicial proceedings may be compromised.
- 11.11 Once an Interim Suspension is ratified it shall be reviewed by the Badminton England Disciplinary Committee or Case Management Group (for safeguarding matters) thereafter at regular intervals of not less than 8 weeks. Consideration will be given as to whether Interim Suspension remains necessary and proportionate. If this is no longer the case the Interim Suspension must be removed and (if relevant) any concerned party should be notified, and the Badminton England website entry removed without delay, and in any case within two working days of the decision being made.
- 11.12 There is an ongoing duty for the Badminton England Disciplinary Officer or Designated Officer (for safeguarding cases) to keep an Interim Suspension under review. If circumstances change, or if Interim Suspension is no longer necessary and proportionate, the suspension should be removed. This should be done following consultation with the Badminton England Disciplinary Committee (or Case Management Group for safeguarding cases) if they have ratified the suspension.
- 11.13 Any breach of an Interim Suspension shall constitute grounds for further disciplinary action under these Regulations.

12. SUMMARY PROCEDURES

- 12.1 Summary Procedures can be used where the Disciplinary Committee (or Case Management Group) determine that the sanction should be no more than:
- 12.1.1 a warning; and/or
 - 12.1.2 an order specifying certain training to be undertaken within a given timescale; and/or
 - 12.1.3 an order requiring an individual to be monitored in specific matters for a set period; and/or
 - 12.1.4 a suspension for a period not exceeding 28 days (Member Organisation Disciplinary Committee can only suspend an individual from Member Organisation badminton activities).
- 12.2 Where an individual is suspended under Summary Procedures their details will not be published on the Badminton England website.
- 12.3 Once a Disciplinary Committee (or Case Management Group) has decided a case may be dealt with by Summary Procedures, the Disciplinary (or Designated) Officer shall send written notice to the individual informing them of the decision and:



- 12.3.1 confirming the Charge formally, setting out a summary of the supporting facts and evidence;
 - 12.3.2 requesting their consent within 21 days to the matter being dealt with under the Summary Procedures; and
 - 12.3.3 requesting (if they consent to Summary Procedures) any additional evidence or mitigation in relation to the sanction to be submitted in writing to the Disciplinary (or Designated) Officer within 28 days.
- 12.4 Where an individual against whom a Charge is made was under 14 years when the alleged matter occurred, all correspondence will be addressed to their parent or guardian.
 - 12.5 Where an individual is between 14 and 18 years when the alleged matter occurred, all correspondence will, if reasonably possible, be copied to the parent or guardian as well as the individual.
 - 12.6 If the Individual Concerned consents to the Summary Procedures within 21 days, the Disciplinary Committee (or Case Management Group) shall consider all evidence (including any submitted by the individual) and mitigation submitted under clause 12.3.3] and shall make such disciplinary order (sanction) as it considers appropriate. There is no right of attendance by the Individual Concerned, or any other party at the Disciplinary Committee (or Case Management Group).
 - 12.7 If the individual does not consent for the matter to be dealt with under Summary Procedures, or if they do not respond within 21 days the matter must be referred back to the Disciplinary Committee (or Case Management Group) for further consideration and determination.
 - 12.8 The Disciplinary (or Designated) Officer shall notify the Individual Concerned of the decision and sanction as soon as practicable.
 - 12.9 With the exception of clause 12.10, there is no right of appeal from Summary Procedures.
 - 12.10 If new evidence is found that was not available at the time the case was considered at Summary Procedures, the Individual Concerned may appeal against the sanction given. Where this is the case the individual must submit their appeal in writing to the Disciplinary (or Designated) Officer as soon as practicable after they become aware of the new evidence. In their written appeal they must detail why they consider the new evidence (if known about at the Summary Procedures process) could have materially affected the outcome.
 - 12.11 Upon receipt of the appeal the Disciplinary (or Designated) Officer shall consider whether there is new evidence, and if there is, will confirm receipt in writing and then refer the matter to the Disciplinary Committee (or Case Management Group) who will determine whether the new evidence justifies reviewing, and if appropriate, amending the sanction. The Disciplinary Committee (or Case Management Group) may confirm the original sanction, replace the sanction with a different sanction they could have provided, or dismiss the case.
 - 12.12 If the Disciplinary (or Designated) Officer considers there is no new evidence they will write to the Individual Concerned confirming this and no further action will be taken.
 - 12.13 There is no further right of appeal.

13. DISCIPLINARY HEARING PANEL PROCEEDINGS

- 13.1 The Disciplinary Committee (or Case Management Group) has the power to appoint the Disciplinary Hearing Panel and may delegate this power to the Disciplinary Officer. Sport Resolutions (or a similar body) may be appointed to conduct the Disciplinary Hearing Panel on behalf of Badminton England.
- 13.2 The Disciplinary Hearing Panel:
- 13.2.1 must consist of 3 people;
 - 13.2.2 must have at least one member who is independent of Badminton England;
 - 13.2.3 must have at least one member who is a Member of Badminton England.
- 13.3 The Disciplinary (or Designated) Officer will select a suitable Chair of the Disciplinary Hearing Panel from the Disciplinary Hearing Panel members. Where the Disciplinary Hearing Panel is outsourced to Sport Resolutions, it will be for Sport Resolutions to identify a suitable Chair.
- 13.4 Where the Allegation(s) relate to safeguarding issues (either entirely, or in part), at least one member of the Disciplinary Hearing Panel must have a suitable level of safeguarding knowledge and experience.
- 13.5 No person may sit on the Disciplinary Hearing Panel where they have had any prior involvement in the case or matter, or has any material financial or other relevant interest in the outcome of the proceedings.

Hearing Notification and Response

- 13.6 Once a decision has been made that a Hearing should take place the Disciplinary (or Designated) Officer will complete and forward a Hearing Notification to the Individual Concerned. The Individual Concerned must be given at least 28 days' notice of the Hearing. The notification must:
- 13.6.1 state the specific Allegation(s);
 - 13.6.2 include a copy of the Complaint and any other evidence that supports the Allegation(s);
 - 13.6.3 advise the Individual Concerned that it is their duty and responsibility to have available at the Hearing any evidence they wish to present and/or any witnesses they wish to call in accordance with clause 13.7;
 - 13.6.4 advise the Individual Concerned of the requirement that they provide a response within 14 days, and if they do not, this will not preclude a Disciplinary Hearing Panel hearing the case, and the Disciplinary Hearing Panel may draw an adverse inference from the failure to respond, and
 - 13.6.5 advise the Individual Concerned that they are entitled to be accompanied at the Hearing in accordance with clause 13.9.
- 13.7 At least 7 days before the Hearing the Individual Concerned must provide details of any witnesses and/or evidence that they intend to rely on. Should the Individual Concerned fail to comply with this requirement without good reason, it will be for the Chair to decide whether such evidence will be permitted.

Presenting the Case and Representation

- 13.8 The Disciplinary (or Designated) Officer (or other representative on their behalf) shall present the case to the Disciplinary Hearing Panel. At a Badminton England Disciplinary Hearing Panel a legal representative may present the case on behalf of Badminton England.
- 13.9 The Individual Concerned (and any Complainant) is entitled to either:
- 13.9.1 bring one companion provided the companion must not be anyone who may prejudice the case or have a conflict of interests; and/or
 - 13.9.2 be represented by one legal or other representative provided this is of their own choice and entirely at their own expense. Badminton England accepts no liability whatsoever for any legal or other cost or expense incurred as a result of, or related to, any matters arising from these Regulations.
- 13.10 If the Individual Concerned and/or Complainant is under 18 years then the parent(s) or guardian(s) may also accompany the Individual Concerned or Complainant in addition to any person brought in accordance with clause 13.9.
- 13.11 The Individual Concerned (or Complainant) is not entitled to any other representative or companion unless the Chair agrees that such additional representative or companion is beneficial to the Hearing or otherwise necessary.
- 13.12 If, before a Hearing, it becomes apparent to the Chair that the case will involve specialist evidence, or has elements which are unusual or complex, the Chair may, with or without a preliminary hearing, issue an order for directions setting out a timetable for the exchange of information and/or evidence, witness statements and/or skeleton arguments in order that the hearing of the case itself may be properly and fairly conducted. The Chair will determine if an interpreter or any other special measures are required. If appropriate a Chair may make such an order during a Hearing prior to granting an adjournment.

Private Hearing

- 13.13 All proceedings of a Disciplinary Hearing Panel shall take place in private. The public and media shall have no right of access. Unless otherwise agreed by the Disciplinary Hearing Panel the proceedings of the Disciplinary Hearing Panel may not be recorded other than for the purposes of the Disciplinary Hearing Panel producing a record of its meeting(s).

Evidence and Burden of Proof

- 13.14 A Disciplinary Hearing Panel is not a court of law and as such the Panel may admit evidence as it sees fit and accord such weight to the evidence as it deems appropriate in the circumstances. However, the Panel must at all times observe the rules of natural justice and ensure proceedings are fair to all parties including the Individual Concerned, Complainant and Badminton England.
- 13.15 The standard of proof is the Balance of Probabilities and not, as in a criminal court, beyond reasonable doubt. The Balance of Probabilities means that, having heard all the evidence and using their knowledge and experience, the Disciplinary Hearing Panel believes that it is more likely than not that the Allegations are proved (or not).

- 13.16 Where it is necessary during an investigation to obtain information from a Young Person, contact may be made on behalf of Badminton England by an appropriately trained child protection specialist. Where deemed appropriate by a Disciplinary Hearing Panel, a Young Person may not be required to attend a Hearing to give evidence in person; instead, the Young Person's statement, or account, provided to a child protection specialist may be read and will constitute their evidence.
- 13.17 Where a Charge relates to a criminal conviction or caution, or a finding of guilt, or proven conduct, in any other judicial or quasi-judicial proceedings, including that of another sport's national governing body or statutory agency proceedings, documentary evidence of the conviction/caution/finding of guilt is proof of the findings of the court/tribunal etc.

Adjournment

- 13.18 A Disciplinary Hearing Panel may on its own volition, or upon request from either party, adjourn the proceedings either during the Hearing, or to a rescheduled date.

Service of Notice and Proceeding in Absence

- 13.19 For the purposes of these Regulations, any document (including Hearing Notification) is deemed to have been served if there is evidence it has been sent to the Individual Concerned at the address (postal or electronic) at which the individual is registered with Badminton England. The date of service will be assumed to be two days after the notice was sent. There is no requirement to show evidence the document was received by the Individual Concerned.
- 13.20 If the Individual Concerned is not present, or represented, at a Hearing the Disciplinary Hearing Panel may proceed to hear the matter in their absence provided that:
- 13.20.1 the Panel is satisfied that a Hearing Notification has been served on the Individual Concerned within the appropriate timescale; and
- 13.20.2 reasonable steps have been taken by Badminton England to ensure the Individual Concerned is aware of the Hearing.
- 13.21 In deciding whether to proceed in the absence of the Individual Concerned the Disciplinary Hearing Panel should consider whether they have voluntarily absented themselves, whether they have asked for an adjournment and whether an adjournment would be likely to secure their attendance. Where a Disciplinary Hearing Panel determines that an individual has voluntarily absented themselves or would not be likely to attend even if the case is adjourned they may decide to proceed in absence of the individual.
- 13.22 In deciding whether to proceed in the absence of the Individual Concerned the Disciplinary Hearing Panel should consider fairness to the individual, to any other parties (including witnesses who may have attended proceedings) and Badminton England.

Procedure during a Hearing

- 13.23 The Chair will introduce proceedings and explain the procedure. The procedure to be followed is:
- 13.23.1 the Individual Concerned shall be asked whether the Allegations subject to the Hearing are admitted;

13.23.2 if the Allegations are not admitted the Disciplinary Hearing Panel will hear evidence in the following sequence:

13.23.2.1 the Presenting Officer will be invited to present the case and call any witness or evidence relevant to prove the case; and

13.23.2.2 the Individual Concerned (or their representative) will be entitled to give and call evidence in rebuttal;

13.23.3 witnesses should not be present whilst evidence is given, but may remain in the room when their own evidence is concluded. However, if the Individual Concerned or Complainant is under 18 years (or if any other witness is under 18 years), the witness will not be allowed to remain in the room;

13.23.4 upon conclusion of their evidence, questions may be put to each witness, through the Chair, at the request of either party or by any member of the Disciplinary Hearing Panel;

13.23.5 both the Presenting Officer and the Individual Concerned (or their representative) may sum up their case at the conclusion of all the evidence;

13.23.6 in all cases the person answering the Allegations shall have the right of the last word;

13.23.7 the Chair will then invite all persons other than members of the Disciplinary Hearing Panel to retire whilst the Panel considers its decision. Decisions are made by a majority of the Disciplinary Hearing Panel;

13.24 if the Allegations are denied and found not proved then the matter will be dismissed;

13.25 if the Allegations are admitted or found proved the Disciplinary Hearing Panel will determine the appropriate sanction. Before determining sanction the Chair will invite the Presenting Officer to make representations regarding sanctions if they choose to do so. Such representations may include reference to the Individual Concerned's previous disciplinary record if this is relevant;

13.26 the Individual Concerned (or their representative) may then call evidence as to character and address the Disciplinary Hearing Panel in mitigation of sanction;

13.27 the Chair will again invite all persons other than members of the Disciplinary Hearing Panel to retire whilst the Panel considers the sanction to be imposed under the provisions of these Regulations.

Notification of Decision

13.28 The Disciplinary Hearing Panel shall communicate its decision to the Individual Concerned either at the time of the Hearing or as soon as practicable thereafter. In all cases the Disciplinary Hearing Panel shall produce written reasons for its decision. These shall be conveyed to the Individual Concerned, and Badminton England, as soon as practicable, and in any event within 7 days after the conclusion of the Hearing.

13.29 If deemed appropriate by Badminton England, the written determination may be provided to the Complainant.

14. SANCTIONS

- 14.1 In considering sanctions the Disciplinary Hearing Panel should follow the Badminton England Disciplinary Sanctions Guidance.
- 14.2 The following sanctions are available for a **Member Organisation Disciplinary Hearing Panel** either singly or in combination:
- 14.2.1 a written warning;
 - 14.2.2 an order to undertake specified training within a specific timescale;
 - 14.2.3 an order requiring an individual to be monitored or supervised in specific matters for a specific timescale;
 - 14.2.4 temporary suspension from specified Member Organisation related activity for a period up to 56 days.
 - 14.2.5 the expunging of results achieved by the Individual Concerned from County competitions/leagues. The period from which results may be expunged shall be decided by the Member Organisation Disciplinary Committee.
- 14.3 The following sanctions are available for an individual following a **Badminton England Disciplinary Hearing Panel** either singly or in combination:
- 14.3.1 a written warning;
 - 14.3.2 an order to undertake specified training within a specified timescale;
 - 14.3.3 requirement to complete a satisfactory assessment in respect of an identified area or behaviour within a specified timescale;
 - 14.3.4 an order requiring an individual to be monitored or supervised and assessed in specific matters for a specific timescale;
 - 14.3.5 temporary suspension from the register of coaches for a period not exceeding 12 months;
 - 14.3.6 permanent removal from the register of coaches;
 - 14.3.7 temporary suspension of the right to play in any matches and to be entered in tournaments which are subject to the Tournament Regulations or to those of any other national badminton governing body for a period not exceeding 12 months;
 - 14.3.8 permanent ban on playing any matches or entry into tournaments which are subject to the Tournament Regulations or to those of any other national badminton governing body;
 - 14.3.9 temporary suspension of Badminton England membership for a period not exceeding 12 months;
 - 14.3.10 temporary suspension from involvement in badminton in any capacity directly or indirectly under the jurisdiction of Badminton England or any other national badminton governing body for a period not exceeding three years;
 - 14.3.11 termination of Badminton England membership;
 - 14.3.12 permanent exclusion from involvement in badminton in any capacity directly or indirectly under the jurisdiction of Badminton England or any other national badminton governing body.
- 14.4 A Disciplinary Hearing Panel may impose a temporary suspension together with a requirement that the individual undertake specified training and/or complete a satisfactory assessment in respect of an identified area and/or be monitored or supervised and assessed in specific matters. In this case the Disciplinary Hearing Panel will indicate whether the additional

required activity must be completed satisfactorily before the suspension can be lifted. In these circumstances a Review in accordance with clauses 14.6 – 14.13 must be undertaken before the suspension can be lifted.

14.5 The following sanctions are available for an *organisation* following a **Badminton England Disciplinary Hearing Panel** either singly or in combination:

- 14.5.1 a written warning;
- 14.5.2 temporary suspension of Badminton England membership for a period not exceeding 12 months;
- 14.5.3 termination of Badminton England membership;
- 14.5.4 a deduction of league points, relegation or exclusion or disqualification from any competition.

Reviews of Sanctions

14.6 Several of the available sanctions are conditional and require the Individual Concerned to complete certain activities within a given timescale (e.g. complete specific training). Such sanctions are imposed because the Disciplinary Hearing Panel has determined there is an area (or areas) that the individual needs to address. In these cases it is important that an independent review is carried out before the end of the sanction timescale to ensure the individual has completed the activity in a satisfactory way.

14.7 Where a sanction requires additional training, assessment, monitoring or supervision (whether singly or in combination with a temporary suspension) it will be necessary for there to be a review to ensure this element of the sanction has been completed satisfactorily. Where a Disciplinary Hearing Panel decides such a review is required they should articulate this in their original written determination.

14.8 Where a review is required, the Disciplinary (or Designated) Officer is responsible for ensuring a suitable review is carried out. The review should be conducted by a person who is entirely independent and who has not been previously involved in the case (“**the Reviewer**”). They may be a Badminton England Member or employee.

14.9 In conducting the review the Reviewer should seek observations from the Individual Concerned. These may be either in writing or in person, as decided by the Reviewer. The observations of Badminton England and any other relevant parties should also be considered.

14.10 If the Reviewer is satisfied the relevant action(s) has been completed to a satisfactory level they will advise the Individual Concerned and the sanction will end. The Reviewer’s rationale should be documented in writing.

14.11 If the Reviewer is not satisfied the relevant action(s) has been completed satisfactorily they may direct that further action is required. Where they are satisfied that the individual has engaged with the process in an appropriate way, but has not been able to make sufficient progress within the given timescale the Reviewer may extend the sanction for a period not exceeding 6 months.

14.12 Where a Disciplinary Hearing Panel imposed a temporary suspension and indicated that the additional actions must be undertaken before the suspension may be lifted, the Reviewer may additionally extend the temporary suspension for a period not exceeding 6 months.

14.13 If the Reviewer is not satisfied the relevant action(s) has been completed to a satisfactory level and there is no justifiable reason for this or if the Reviewer has already extended a sanction or temporary suspension for six months and the relevant action(s) has still not been completed to a satisfactory level, the matter should be referred back to the Disciplinary Committee for further consideration. The failure to complete actions imposed as a sanction from a Disciplinary Hearing Panel without good reason will be considered a breach of the Regulations.

15. APPEALS

Right of appeal

15.1 The Individual Concerned may, within 14 days after receipt of the written reasons for the Disciplinary Hearing Panel's decision, submit a notice against the decision (including a decision regarding sanction where the Allegation had been admitted) to the Badminton England Disciplinary Officer on the following grounds:

15.1.1 the finding or sanction imposed was unreasonable; and/or

15.1.2 there is evidence that could not reasonably have been considered at the Hearing which could have materially affected the finding or sanction; and/or

15.1.3 there was a serious breach of the Regulations or other unfairness which could have materially affected the finding or sanction.

15.2 The Notice of Appeal must contain a written statement of the grounds upon which the appeal is brought together with the supporting facts and matters including, where applicable, any new evidence upon which the Appellant intends to rely along with an explanation of why such new evidence was previously unavailable.

15.3 The Badminton England Disciplinary Officer must, within 14 days of receipt of the Notice of Appeal, convene the Disciplinary Committee to determine in their sole discretion whether the grounds for appeal are met. If they are not met the appeal will be rejected. The Badminton England Disciplinary Committee's decision to reject the appeal, or to find there are grounds for the appeal to proceed, is final and binding and must be communicated to the Appellant in writing as soon as practicable, and in any event within 7 days of the decision being made.

15.4 It is not the role of the Appeal Panel to simply re-hear the evidence considered by the Disciplinary Hearing Panel. The re-hearing of evidence should only occur where the Appeal Panel considers this is justified, necessary and proportionate to the appeal grounds.

Appeal Panel

15.5 The Badminton England Disciplinary Committee has the power to appoint the Appeal Panel, which power it may delegate to the Badminton England Disciplinary Officer.

15.6 The Appeal Panel shall be appointed comprising three members, which must contain at least one member who is:

15.6.1 independent of Badminton England; and

15.6.2 a Member of Badminton England.

- 15.7 The Badminton England Disciplinary Officer will select a suitable Chair of the Appeal Panel from the Appeal Panel members. Where the Appeals Panel is outsourced to Sport Resolutions, it will be for Sport Resolutions to identify a suitable Chair.
- 15.8 Where the Allegations relate to safeguarding issues (either entirely, or in part), at least one member of the Appeal Panel must have a suitable level of safeguarding knowledge and experience.
- 15.9 An employee, contractor or director of Badminton England may sit on an Appeal Panel but will not be considered to be an “independent” member.
- 15.10 No person may sit on an Appeal Panel where they have had any prior involvement with the case or matter, or have any material financial or other relevant interest in the outcome of the proceedings.
- 15.11 Decisions of the Appeal Panel will be made on a majority basis.

Powers of the Appeal Panel

- 15.12 The Appeal Panel will, subject to the provisions of clause 15.4:
- 15.12.1 consider all the documents and evidence submitted to the Disciplinary Hearing Panel;
15.12.2 receive and consider new evidence submitted in accordance with clause 15.1.2 if the Appeal Panel in its sole discretion deem fit; and/or re-hear any witness called before the Disciplinary Hearing Panel as it may in its sole discretion deem fit.
- 15.13 All proceedings of an Appeal Panel shall take place in private. The public and media shall have no right of access. Unless otherwise agreed by the Appeal Panel the proceedings of the Appeal Panel may not be recorded other than for the purposes of the Appeal Panel producing a record of its meeting(s).
- 15.14 The Appeal Panel may uphold, vary or set aside the decision of the Disciplinary Hearing Panel and may substitute any other finding or order as it considers appropriate.

Notification of Hearing and Exchange of Information

- 15.15 The Appellant shall be given at least 28 days’ written notice of the date, time and place of the appeal hearing.
- 15.16 At least 21 days prior to the date of the hearing, both the Appellant and Badminton England must, if they intend to rely on new evidence, or to seek the agreement of the Appeal Panel to the re-hearing of any witness called before the Disciplinary Hearing Panel, submit:
- 15.16.1 any new evidence that they wish to rely upon; and
15.16.2 the names and addresses, and any other contact details of any witnesses whom they wish to call in person.
- 15.17 The Appeal Panel is solely responsible for deciding whether to hear new evidence or re-hear any witness.

- 15.18 Neither party shall, without the consent of the other or the permission of the Appeal Panel, rely on any new evidence or call any witness other than those provided or identified under clause 15.16.

Representation

- 15.19 At an Appeal Panel the Disciplinary Officer or a legal representative may represent Badminton England.
- 15.20 The Individual Concerned is entitled to either:
- 15.20.1 bring one companion provided the companion must not be anyone who may prejudice the case or have a conflict of interests; and/or
 - 15.20.2 be represented by one legal or other representative provided this is of their own choice and entirely at their own expense. Badminton England accepts no liability whatsoever for any legal or other cost or expense incurred as a result of, or related to, any matters arising from these Regulations.
- 15.21 If the Individual Concerned is under 18 years then the parent(s) or guardian(s) may also accompany the Individual Concerned or Complainant in addition to any person brought in accordance with clause 15.20.
- 15.22 The Individual Concerned (or Complainant) is not entitled to any other representative or companion unless the Chair agrees that such additional representative or companion is beneficial to the Hearing or otherwise necessary.

Adjournment

- 15.23 An Appeal Panel may on its own volition, or upon request from either party, adjourn the proceedings either during the Hearing, or to a rescheduled date.

Service of Notice and Proceeding in Absence

- 15.24 For the purposes of these Regulations, any document (including Hearing Notification) is deemed to have been served if there is evidence it has been sent to the Individual Concerned at the address (postal or electronic) at which the individual is registered with Badminton England. The date of service will be assumed to be two days after the notice was sent. There is no requirement to show evidence the document was received by the Individual Concerned.
- 15.25 If the Individual Concerned is not present, or represented, at a Hearing an Appeal Panel may proceed to hear the matter in their absence provided that:
- 15.25.1 the Panel is satisfied the Hearing Notification has been served on the Individual Concerned within the appropriate timescale; and
 - 15.25.2 reasonable steps have been taken by Badminton England to ensure the Individual Concerned is aware of the Hearing.
- 15.26 In deciding whether to proceed in the absence of the Individual Concerned the Appeal Panel should consider whether they have voluntarily absented themselves, whether they have asked for an adjournment and whether an adjournment would be likely to secure their

attendance. Where an Appeal Panel determines that an individual has voluntarily absented themselves or would not be likely to attend even if the case is adjourned they may decide to proceed in absence of the Individual Concerned.

- 15.27 In deciding whether to proceed in the absence of the Individual Concerned the Appeal Panel should consider fairness to the individual, to any other parties (including witnesses who may have attended proceedings) and Badminton England.

Order of Proceedings

- 15.28 The Appeal Panel shall have the power to regulate its own procedures. However the Panel must at all times observe the rules of natural justice and ensure proceedings are fair to all parties including the Individual Concerned, Complainant and Badminton England.

- 15.29 The order of proceedings for the appeal hearing, unless the Chair directs otherwise, shall be as follows:

- 15.29.1 submissions by the Appellant;
- 15.29.2 if approved by the Appeal Panel, re-hearing of any witnesses called by the Appellant, followed by cross examination (if any);
- 15.29.3 submissions by Badminton England;
- 15.29.4 hearing of any witnesses called by Badminton England, followed by cross examination (if any);
- 15.29.5 closing submissions by Badminton England (if any);
- 15.29.6 closing submissions by the Appellant.

Decision of the Appeal Panel

- 15.30 The decision of the Appeal Panel shall be notified to the Appellant as soon as practicable after the conclusion of the hearing. In all cases the Appeal Panel shall produce written reasons for its decision. This shall be conveyed to the Individual Concerned, and Badminton England, as soon as practicable, and in any event within 7 days after the conclusion of the Hearing.

- 15.31 If deemed appropriate by Badminton England, the written determination may be provided to the Complainant.

- 15.32 The decision by the Appeal Panel is final and shall be deemed to be the final decision of Badminton England.

16. REPORTING OF DISCIPLINARY ISSUES

- 16.1 Every six months the Member Organisations must provide a report of all Complaints received and disciplinary decisions taken to the Badminton England Disciplinary Officer. The report should be in such format as the Badminton England Disciplinary Officer deems appropriate.

- 16.2 The Badminton England Disciplinary Officer will provide an annual disciplinary report to the Board.

17. ENFORCEMENT OF DISCIPLINARY ORDERS

- 17.1 Members of Badminton England must take all steps necessary to ensure compliance with any Interim Suspension and any disciplinary order made under these Regulations
- 17.2 If a Member fails to comply with their obligations, such conduct shall be grounds for further disciplinary action against the Member under these Regulations.

18. APPLICATION TO REJOIN BADMINTON ENGLAND

- 18.1 Where an individual or organisation's membership of Badminton England is terminated or where a sanction of permanent exclusion from any badminton activities is imposed on an individual by a Disciplinary Hearing Panel or an Appeal Panel, the individual/organisation cannot reapply for membership, or seek to have the permanent exclusion removed for at least ten years.
- 18.2 Following this period, an individual/organisation may apply for membership of Badminton England or for their permanent exclusion to be removed. The decision to allow Badminton England membership or to remove permanent exclusion will be for Badminton England alone to approve.
- 18.3 Any such application must be made in writing by the individual/organisation to the Badminton England Disciplinary Officer.
- 18.4 The Badminton England Disciplinary Officer is responsible for collating relevant information and evidence and submitting a report to the Board who will be responsible for decision-making.
- 18.5 If the Board reject the application no further application from the individual/organisation will be considered for at least five years. There is no right of appeal to the Board's decision.

19. RETENTION OF RECORDS

- 19.1 Where a disciplinary sanction has been imposed in accordance with these Regulations, all evidence considered by the sanctioning body must be securely retained for at least the following periods:
- 19.2.1 Any sanction of permanent exclusion imposed by a Badminton England Disciplinary Hearing Panel or Appeal Panel: Indefinite retention
- 19.2.2 Any sanction of termination of Badminton England membership: 10 years
- 19.2.3 All sanction of temporary exclusion imposed by a Badminton England Disciplinary Hearing Panel: 7 years
- 19.2.4 All other sanctions: 3 years