

Pétanque England Disciplinary Procedures 2022

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I. Glossary of Terms

In these Disciplinary Procedures the following words have the meaning below them:

"Appeal"

Means an appeal from a decision of a Disciplinary Panel under these Disciplinary Procedures.

"Appeal Hearing"

A hearing conducted by the Appeal Panel as further described in paragraphs 11 to 14.

"Appeal Panel"

The Appeal Panel that may be convened to conduct an Appeal Hearing under these Disciplinary Procedures.

"Board"

The Board of Pétanque England as constituted under Pétanque England Memorandum and Articles of Association.

"Chair"

The person appointed to be the Chair of the Disciplinary Panel or the Appeal Panel (as the context requires) under these Disciplinary Procedures.

"President"

The President of Pétanque England, or their nominee.

"Club"

A Region or Club affiliated to Pétanque England.

"Complainant"

The person who makes a Complaint or allegation of Serious Misconduct against the Respondent (under these Disciplinary Procedures) and may be an individual, Club, association or any other body within the jurisdiction of Pétanque England.

"Complaint"

A Complaint or allegation of Serious Misconduct or Misconduct referred to the Investigating Officer and made by a party who is an individual, Region, Club, association or any other body that is subject to Pétanque England jurisdiction [and which alleges a breach of a rule, policy, procedure, Code of Conduct, or similar regulation].

"The Decision"

The written decision of either the Disciplinary Panel or the Appeal Panel (as the case may be) given in accordance with these Disciplinary Procedures.

"Disciplinary Hearing"

A hearing conducted by the Disciplinary Panel as further described in paragraph 9.

"Disciplinary Panel"

The Disciplinary Panel that may be convened to conduct a Disciplinary Hearing under these Disciplinary Procedures.

"Disciplinary Procedures"

The procedures set out in this document, as amended from time to time.

"Chair of National Complaints Team (CNC)"

A person/s approved by the Board to act on behalf of Pétanque England (or their designee).

"Interested Party"

Any person or member, who in the Investigating Officer's opinion, is likely to be affected by the outcome of any Complaint raised under these Disciplinary Procedures.

"Investigating Officer"

The Investigating Officer(s) appointed by Pétanque England on a case-by-case basis or generally and includes any deputy appointed by them.

"Misconduct"

Improper or unprofessional conduct.

"Natural Justice"

A term that denotes the basic principles of justice, which are considered so fundamental as to be self-evident. The principles of natural justice include, for example: there is a duty to give a fair hearing to everyone with a concern in the case; there may be a duty to explain the reasoning behind a decision; and there is an obligation for the decision maker to be impartial (Kelvin's English Law Glossary 2002). Where a person's legal rights are concerned, the principles of natural justice are bolstered by Art. 6 (1) of the European Convention on Human Rights, and the Human Rights Act, 1998.

"Notice of Appeal"

The notice of the Respondent that they wish to Appeal the Decision of the Disciplinary Panel as further described in paragraph 11.

"Objection"

Any objection by the Respondent to the composition of the Disciplinary Panel or Appeal Panel notified to the Pétanque England Disciplinary Officer.

"Participant"

An individual, club, competition, league, association, official, manager, coach, committee member, member, or employee of a club, or any such other person who is participating in any activity sanctioned either directly or indirectly by and in each case is affiliated to Pétanque England.

"Party(ies)"

A party or parties involved in the proceedings conducted under these Disciplinary Procedures.

"Respondent"

The person who is the subject of the Complaint by a Complainant (under these Disciplinary Procedures) and may be any Participant within the jurisdiction of Pétanque England (excluding any paid employee(s) whilst carrying out their duties under the terms of their employment, in which case the terms and conditions of their employment will apply).

"Rules for Competition"

The rules for competition of Pétanque adopted by Pétanque England from time to time.

"Serious Misconduct"

Matters of criminality or any matter specified in paragraph 3 of these Disciplinary Procedures.

Words denoting the singular number shall include the plural number and vice versa.

Any term(s) which are not defined in these Disciplinary Procedures shall have the meaning attributed to them in Pétanque England Articles of Association.

1. Guiding Principles

- 1.1. There are standards of conduct and behaviour required of all individuals and volunteers and others engaged in pétanque and regrettably there will be occasions when someone will breach those standards. Although such incidents are rare, it is important that Pétanque England (PE) is seen to deal with Serious Misconduct or Misconduct breaches in a fair, consistent and timely manner.
- 1.2. The vast majority of PE members are committed to our sport and comply with our policies and procedures. The use of formal Disciplinary Procedures by PE to deal with breaches of our policies and procedures, should only be resorted to in cases where issues of Serious Misconduct are involved, for the purpose of these Disciplinary Procedures (refer to paragraph 3).
- 1.3. Confidentiality, diligence, fairness, impartiality, natural justice are key features of these Disciplinary Procedures and will be applied at all times.
- 1.4. This document describes the Disciplinary Procedures to be followed in the event of a Complaint to or from PE for an offence which constitutes alleged Serious Misconduct, as defined.
- 1.5. All other complaint(s) which do not constitute Serious Misconduct shall be dealt with by the relevant Region, Club or affiliate itself in accordance with its governing document(s) and any related internal policies. If the complaint has not been resolved at a local level, then the complaint should be sent to PE formally in accordance with PE Procedures.
- 1.6. PE has a number of other complaints policies and procedures, which are separate to these Disciplinary Procedures as follows:
 - 1.6.1. Complaints Procedure (relates to complaints made about any of PE services or activities).
 - 1.6.2. Unreasonable Complaints Policy which defines unreasonable behaviour as that which hinders our consideration of a complaint because of the frequency or nature of the complainant's contact with PE.
 - 1.6.3. Club Misconduct and Appeal Process.
 - 1.6.4. PE Equity and Safeguarding Regulations.
 - 1.6.5. Any PE published Codes of Conduct
- 1.7. This PE Disciplinary Procedure shall be effective when published.

2. Role and Jurisdiction of Pétanque England

- 2.1. PE is a governing body for pétanque in England. These Disciplinary Procedures apply to all PE members.
- 2.2. The Articles of Association of PE grant authority for the directors to deal with Serious Misconduct. Following consultation with Members (where possible), the directors may vary and revoke rules relating to all aspects of membership of PE including, (without limitation) rules which includes disciplinary procedures relating to PE members.
- 2.3. Jurisdiction over Clubs
 - 2.3.1. The Articles of Association of PE recognise only those Regions, Clubs and organisations, which are affiliated to PE. PE has the right to withdraw or cancel an affiliated or associate membership by a unanimous vote of its executive board if, after investigation of Serious Misconduct and a final decision by the Disciplinary Panel, the executive board is of the opinion that this is in the interests of PE.

2.4. Separate Rules and Procedures

- 2.4.1. PE has separate rules and procedures of governance, which apply in relation to:
 - 2.4.1.1. Codes of Conduct for members and Board Members.
 - 2.4.1.2. Equity and Safeguarding.
 - 2.4.1.3. Complaints Procedure and Unreasonable Complaints Policy.
 - 2.4.1.4. Club Misconduct and Appeal Process.

3. Procedure by Pétanque England on Receipt of a Complaint

- 3.1. This paragraph of the Disciplinary Procedures describes the steps to be taken when the initial complaint is made to PE.
- 3.2. Complaints Process
 - 3.2.1. Any Participant who or which is an affiliated member of PE, and that is subject to PE jurisdiction, may make a complaint which, depending on the severity of the alleged offence, may be categorised in accordance with these Disciplinary Procedures. See section 4 which describes serious misconduct
 - 3.2.1.1. Only Complaints of Serious Misconduct may be referred to and investigated by PE under the terms of these Disciplinary Procedures and 'Complaint' in this paragraph shall be construed accordingly.
 - 3.2.1.2. All remaining complaints will be investigated under the Complaints or Unreasonable Complaints Process
 - 3.2.2. The Party making a Complaint under paragraph 3.2. shall do so by giving a Notice of Complaint in writing to the resolutions@petanque-england.uk as soon as practicable and in any case within 30 days of the date of the incident and shall set out full details of the Complaint and the alleged Respondent.
- 3.3. Responsibility of the Chair of the National Complaints Team (CNC)
 - 3.3.1. The CNC (or a nominated deputy) shall have responsibility for the management of Complaints, disciplinary investigations and hearings in accordance with the procedures set down in these Disciplinary Procedures. This responsibility shall extend to making every reasonable effort to select an Investigating Officer and Disciplinary Panel, who at all times may be expected to operate within these Disciplinary Procedures in a fair and impartial manner, solely on the basis of the evidence before them.
- 3.4. Action on the receipt of a Complaint
 - 3.4.1. If a notice of Complaint is received by PE outside the 30-day period, it may, in exceptional circumstances and with complete discretion, process the Complaint.
 - 3.4.2. Where the matter (in the view of the CNC or their nominated deputy) justifies such action, they must refer the matter to the police for investigation and must then postpone consideration of the matter under these Disciplinary Procedures until the police investigation has been concluded.
 - 3.4.3. Where any matter referred to PE does not amount to an allegation of Serious Misconduct and arises from one or more incidents within an affiliated Region, Club, association or any other body that is subject to PE jurisdiction, the CNC will refer the matter to the Region, Club or association concerned in accordance with paragraph 5.2.1.1 above, for the affiliated Region, Club, association or other body to deal with under their internal procedures. Matters raised by PE nationally or within PE nationally are dealt with by the PE Disciplinary Officer.
- 3.5. Referral to the Investigating Officer
 - 3.5.1. Where it is not appropriate to deal with the Complaint or dispute under the provisions of paragraphs 5.4.2 and 5.4.3, the CNC, or their nominee, shall appoint an Investigating Officer to investigate the matter and complete a report for the Disciplinary Panel. In the interests of

impartiality, the Investigating Officer shall not have had any previous direct involvement in the matter, which has given rise to the Complaint.

- 3.5.2. Details of all Complaints shall be given to the Investigating Officer by the CNC. The details of the Complaint shall be given to the Investigating Officer in writing as soon as practicable and ideally within 7 days of the receipt of the Complaint and shall set out details of the Complaint and the terms of reference of the investigation.

4. Serious Misconduct

4.1. Complaints which constitute Serious Misconduct:

- 4.1.1. A Complaint may be made against a Respondent and may be referred to a Disciplinary Panel at PE where the Respondent:
- 4.1.1.1. refuses or fails to comply with PE Articles of Association.
 - 4.1.1.2. breaches PE Safeguarding Policies and Procedures or any terms of reference, regulations or other rules implemented or adopted by PE; or
 - 4.1.1.3. behaves (whether by action or omission) in a manner which PE considers acting unreasonably, is unacceptable or opposed to the general interests of PE or the sport of pétanque, or is likely to bring the sport of pétanque, or PE into serious disrepute.
 - 4.1.1.4. Refuses to comply with instructions from or decisions of the PE Board, a PE Director or duly authorised officer or official.

Examples of Serious Misconduct include (without limitation) theft, doping violations, fraud, physical violence, safeguarding policy breaches, serious breach of applicable health and safety policies, obstructing PE investigations, gambling and/or breach of ticketing regulations.

5. Pétanque England Representative Teams

- 5.1. Managers of PE national teams and training squads in the UK and abroad, appointed by or on behalf of PE, may (in conjunction with the coaching personnel for that team or training squad and lead for that team and personnel authorised by them) take immediate disciplinary action to exclude any member of the team or training squad officially representing England, a national team or competing in a national competition due to Serious Misconduct or Misconduct after the team or training squad has been formed (i.e. the members of that team or squad have come together either at the point of departure or at the competition or training venue, whichever is the earlier).
- 5.2. In the event of such immediate disciplinary action being taken, the team leader/manager shall report the matter to the CNC as soon as practical, but at least within 24 hours of the event. PE may at its discretion invoke disciplinary proceedings, if it considers further action is necessary.
- 5.3. Jurisdiction over Serious Misconduct
- 5.3.1. PE shall have jurisdiction to investigate and take appropriate disciplinary action in relation to any Complaint which constitutes alleged Serious Misconduct by individuals who have signed a PE Contract of Representation or who are current members of a PE Representative Pétanque Team.

6. Investigatory Procedure

- 6.1. As soon as practicable (and without prejudicing any investigation into the matter by PE or another Party) the CNC shall give the Respondent written notice:
- 6.1.1. of the nature of the Complaint.
 - 6.1.2. specify who the appointed Investigating Officer is; and
 - 6.1.3. confirm that there is to be an investigation into the Complaint.
- 6.2. The Investigating Officer shall:
- 6.2.1. Carry out such investigations and gather such evidence as they in their sole discretion considers appropriate, which may include a voluntary recorded interview (provided that consent from all parties to the interview has been obtained).
 - 6.2.2. Take such steps they think appropriate to ensure that the Respondent concerned is informed of the evidence against them and has the opportunity to respond to the allegations and evidence before any report of the investigation is completed. Any response must (unless the Investigating Officer decides otherwise) be in writing.
 - 6.2.3. Complete a report for the Disciplinary Panel in relation to the Serious Misconduct (including where relevant, details of the breach of the relevant rule, policy, procedure or code of conduct, which may include a recommendation as to the outcome of the Complaint if appropriate).
- 6.3. Interim Suspension
- 6.3.1. If the Investigating Officer considers that a Complaint or Appeal is to be referred to a Disciplinary Panel, the Investigating Officer will cast the final decision to decide whether or not the seriousness of the matter requires the Respondent to be suspended from competition or participation in pétanque pending determination of the matter. In some instances, an immediate interim suspension prior to investigation may be deemed necessary and/or appropriate by PE at its sole discretion. A Respondent so suspended may apply to the Disciplinary Panel considering the matter for the suspension to be lifted. Any Respondent so suspended shall be entitled to a full expedited hearing. For the avoidance of doubt, the Investigating Officer may communicate the fact of the suspension to relevant 3rd parties, which includes but is not limited to, the Region, Club or association to which the Respondent is affiliated.
- 6.4. Costs
- 6.4.1. Each Party shall bear its own costs (including but not limited to legal costs, scientific or other experts' fees, witness costs) in connection with Complaints made or disputes or Appeals brought under these Disciplinary Procedures.

7. Hearing by the Disciplinary Panel

- 7.1. The CNC shall appoint a Disciplinary Panel of 3 members, one of whom shall be designated as Chair, appointed by the PE Disciplinary Officer. These shall be members of PE.
- 7.2. In the interests of fairness and impartiality none of the members of the Disciplinary Panel, including a co-opted member, if any, shall have been directly involved in the matter being heard or have any other potential conflict of interest. The CNC and/ or Investigating Officer are authorised to appoint co-opted members or invite specialist input, where it has been identified that there is a requirement for a specialist opinion on the Disciplinary Panel.
- 7.3. The CNC shall inform the Respondent of the composition of the Disciplinary Panel.
- 7.4. The Respondent may object to the composition of the Disciplinary Panel by notifying the CNC of the Objection and setting out the reasons for such an Objection no later than 7 days from the date of being informed of the composition of the Disciplinary Panel.
- 7.5. The CNC shall, within 7 days (or such shorter time limit imposed by the CNC) from the date

of receipt of an Objection, notify in writing the parties that either:

- 7.5.1. The composition of the Disciplinary Panel has changed (in which case the CNC shall provide details of the new Disciplinary Panel); or
 - 7.5.2. The composition of the Disciplinary Panel has not changed (in which case the CNC shall give reasons why it has not accepted the Respondent's Objection).
- 7.6. The decision by the CNC on the composition of the Disciplinary Panel shall be final.

8. Pre-hearing procedures

- 8.1. Where the Disciplinary Panel has been convened, the CNC shall:
 - 8.1.1. Send a copy of the Complaint together with the charge and evidence gathered against the Respondent by special delivery post and email to the Respondent's last known address (subject to PE GDPR compliance). In all cases the Investigating Officer shall ensure that the Respondent is given full disclosure of the matter in dispute in writing.
 - 8.1.2. Invite each Party to submit written evidence in support of their case if they so wish.
 - 8.1.3. Inform all Parties that they must provide in writing to the CNC within 14 days of receipt of the request for written evidence or such alternative time limit as the Investigating Officer shall decide any information and copies of all documents relating to the Complaint that either Party wishes the Disciplinary Panel to consider in relation to the matter.
 - 8.1.4. Upon receipt of such documents under paragraph 8.1.3 above supply copies of such information to the Disciplinary Panel and the other parties within 7 days from the end of the 14-day notice period for submissions of written evidence.
 - 8.1.5. Inform the Respondent that if no reply is received within the period of 14 days (or such alternative time limit imposed by the PE Disciplinary Officer) under paragraph 8.1.3 above the Disciplinary Panel will consider the Complaint on the basis of the facts and statements in its possession.
 - 8.1.6. Give all parties a minimum of 14 days' notice of the date, place, and time of the Disciplinary Hearing when the Disciplinary Panel is to consider the matter.
- 8.2. The Chair of the Disciplinary Panel, in consultation with the CNC, shall be entitled to make directions as to any further exchange of evidence. The Chair may rule:
 - 8.2.1. that the Disciplinary Hearing takes place on paper; evidence provided via telephone; video link, or all parties attend and give oral evidence.
 - 8.2.2. that the Disciplinary Panel is convened by telephone or video conference (provided that all information has been supplied to both parties and each has had the opportunity to respond to information supplied by the other).
- 8.3. The CNC shall also seek clarification of any matter that has previously been raised by either Party or at the request of the Disciplinary Panel members.

9. The Hearing

- 9.1. A Disciplinary Hearing or an Appeal Hearing conducted under these Disciplinary Procedures is not a judicial hearing and so evidence given will not be delivered under oath. All Parties will provide truthful evidence and all Parties may choose to be legally represented or accompanied by a supporter. The Disciplinary Panel or Appeal Panel adjudicating a Disciplinary Hearing or Appeal Hearing will endeavour to apply the rules of Natural Justice and the Disciplinary Hearing or Appeal Hearing will be held in private.
- 9.2. Where the facts in the case are not contested by the Respondent, the Disciplinary Panel or Appeal Panel (where appropriate) may resolve the matter by considering the written facts as provided by the Complainant and other witnesses, without calling oral evidence.
- 9.3. The CNC or their appointed Investigating Officer shall decide the arrangements for and

conduct of the Disciplinary Hearing.

- 9.4. The Disciplinary Panel or Appeal Panel must also consider any written submission made by the Respondent.
 - 9.4.1. They may also rely upon a written and or oral submission by the Investigating Officer, which may include a recommendation as to disposal of the case.
- 9.5. Facts Contested:
 - 9.5.1. Where the facts in the case are contested by the Respondent, the Disciplinary Panel may resolve the matter by considering all the evidence made available to it including oral and written evidence from any Party. It may question any Party present in relation to the matter. It may call upon any Party to supply additional evidence and may adjourn the Disciplinary Hearing for that or any other purpose.
 - 9.5.2. The Disciplinary Panel must also consider any written submission made by the Respondent and any written evidence provided by witnesses called on their behalf.
 - 9.5.3. In the event that, on the balance of probability, the Disciplinary Panel finds the Respondent guilty of Serious Misconduct, they may rely upon a written and or oral submission by the Investigating Officer, which may include a recommendation as to disposal of the case.
 - 9.5.4. The Chair of the Disciplinary Panel may vary this procedure in their absolute discretion if, after discussion with the other parties, they are of the opinion that such change would assist the Disciplinary Hearing process in a fair and impartial way.
 - 9.5.5. The Disciplinary Panel shall consider a Decision in private and decide any matter on the basis of a simple majority.

10. Powers of the Disciplinary Panel

- 10.1. The Disciplinary Panel may reject the Complaint or, where the Complaint is upheld, impose such sanctions upon the Respondent as it thinks fit including without limitation:
 - 10.1.1. an instruction from the PE Board to the Region, Club or association of which they are a member to terminate their membership or remove them from any official position within the Region, Club or association.
 - 10.1.2. a formal warning as to future conduct and a requirement to complete education or training.
 - 10.1.3. in the case of a Respondent who is an individual, suspension from competition (or official participation within pétanque) or from taking part in any event organised or run under PE's Pétanque Rules for Competition for a specified period.
 - 10.1.4. in the case of a Respondent who is a PE Licensed Coach or Technical Official a recommendation to PE that the Respondent's license to coach or officiate be suspended for a period of time.
 - 10.1.5. suspension for a specified period or removal from any office held within PE with the exclusion of Directors of PE.
 - 10.1.6. exclusion from holding office within PE for a specified period of time with the exclusion of directors of PE.
 - 10.1.7. any combination of the above.
- 10.2. In the event that a Respondent fails or refuses to comply in whole or in part with the sanctions imposed by the Disciplinary Panel, the Disciplinary Panel may reconvene at its own discretion and treat the failure or refusal as a fresh Complaint and deal with the matter and impose any sanction in accordance with these Disciplinary Procedures.
- 10.3. The Decision of the Disciplinary Panel or Appeal Panel shall be issued in writing to the Parties concerned not more than 14 days from the date of the Disciplinary Hearing. The Decision shall be accompanied by details of any disciplinary action that has been agreed by the Disciplinary Panel.

- 10.4. Any suspension, disqualification or expulsion shall, unless otherwise stated, start with immediate effect from the date of the Disciplinary Hearing. The Disciplinary Panel will take into account any period of suspension served prior to the date of the Disciplinary Hearing.
- 10.5. Any other interested Party affected by the Decision of the Disciplinary Panel shall be notified of the Decision in addition to those referred to above.
- 10.6. After the Disciplinary Hearing, the Disciplinary Panel shall provide its full Decision in writing to the PE Disciplinary Officer. The Disciplinary Panel may decide any issue by majority. The Decision shall include:
 - A. a summary of the Complaint.
 - B. the Disciplinary Panel's Decision in relation to the Complaint and its reasons.
 - C. the appropriate sanction (if any) to be imposed on the Respondent.
- 10.7. The CNC is responsible for maintaining a record of all cases and at regular intervals will provide the Full PE Board with a tracker of all cases, the Disciplinary Officer shall not be a member of any Disciplinary or Appeal Panel.

11. Appeal

- 11.1. The Decision of the Disciplinary Panel shall also set out the right to Appeal.
- 11.2. The Respondent or PE (but not the individual(s) or organisation(s) that originally made the Complaint), may Appeal against the Decision of the Disciplinary Panel, by serving a Notice of Appeal on the CNC within 7 days of receiving the written Decision. The Notice of Appeal must state the grounds on which the Decision of the Disciplinary Panel is challenged. .
- 11.3. The CNC shall acknowledge a Notice of appeal within 7 days of its receipt. Following such acknowledgment, they shall establish an Appeal Panel within a further 14 days.
- 11.4. The CNC shall appoint an Appeal Panel of 3 members who have not been involved directly, either in the events giving rise to the Disciplinary Hearing, or in the Disciplinary Hearing itself.
- 11.5. The CNC shall inform the Respondent and any other Parties of the composition of the Appeal Panel.
- 11.6. Either Party may object to the composition of the Appeal Panel by notifying the CNC of the Objection and setting out the reasons for such an Objection no later than 7 days from the date of being informed of the composition of the Appeal Panel.
- 11.7. The CNC shall, within 14 days from the date of receipt of an Objection, notify in writing the Parties that either:
 - 11.7.1. the composition of the Appeal Panel has changed (in which case the CNC shall provide details of the new Appeal Panel); or
 - 11.7.2. the composition of the Appeal Panel has not changed (in which case the CNC shall give reasons why it has not accepted the Respondent's Objection).
- 11.8. The decision by the Appeal Panel's Chair on the composition of the Appeal Panel shall be final. The Appeal Panel's Chair is appointed by the CNC.
- 11.9. Within 14 days (or such shorter time limit imposed by the CNC) from the date of receipt of the Notice of Appeal or within 14 days (or such shorter time limit imposed by the CNC) from the date the CNC responds to the Objection under paragraph 11.7 above (as appropriate), the Chair of the Appeal Panel, in consultation with the CNC, shall give such directions to the

Complainant and Respondent and any Interested Party as are appropriate for consideration of the matter, and in particular:

- 11.9.1. the date and place at which the Appeal Panel will meet to determine the Appeal, provided that the Appeal shall not be heard later than 30 days from the date of the receipt of the Notice of Appeal by the CNC unless there are exceptional circumstances which should permit a longer period of time.
 - 11.9.2. whether the Appeal will proceed by way of written submissions or an oral hearing; and
 - 11.9.3. whether the Parties should be required to submit statements of their evidence and/or written submissions prior to the Appeal Hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.
- 11.10. A named supporter, may accompany the Respondent throughout the appeal process.

12. Jurisdiction of the Appeal Panel

- 12.1. The Chair of the Appeal Panel may decide on its own jurisdiction, including whether the Appeal Panel is properly constituted and what matters have been submitted.

13. Powers of the Appeal Panel

- 13.1. The Appeal Panel shall meet on the date fixed by the CNC.
- 13.2. The Appeal Panel may, at its sole discretion, disregard any failure by a Party to adhere to this appeal procedure and may give such further directions as may be appropriate.
- 13.3. Prior to and at the Appeal Hearing, the Chair, after consulting with the CNC, may give such directions whether or not made at the request of the parties, for the proper conduct of the Appeal Hearing as they deem may be reasonably necessary for the fair conduct of the Appeal Hearing, including changes to the procedure as set out in these Disciplinary Procedures.
- 13.4. The Appeal Hearing shall be held in private unless the Appeal Panel directs. The Appeal Panel shall have power to make a Decision on the facts as it thinks fit and may:
 - 13.4.1. quash the original decision
 - 13.4.2. confirm the original findings
 - 13.4.3. order the case be reheard (re-trial)
 - 13.4.4. adjourn for further evidence
 - 13.4.5. increase the original sanction
 - 13.4.6. reduce the original sanction
- 13.5. The Appeal Panel shall inform the Respondent, the other Parties and any Interested Party (if any) of its Decision within 14 days together with written reasons for its Decision. The Decision of the Appeal Panel shall be final and binding on the respondent, the other Party and any Interested Party (if any). The Appeal Panel shall decide on any issue by majority.

14. Records of Hearings and Appeals

- 14.1. The Decisions of the Disciplinary Panel and Appeal Panel, including appeals, shall be recorded and retained in confidential records for a period of 6 years. Supporting documentation shall also be retained in the same fashion.
- 14.2. Notification to PE
A record of the proceedings and decisions of Disciplinary Panels and Appeal Panels, including any sanctions imposed, shall be sent to the CNC within 14 days of the Appeal Hearing.
- 14.3. Notification to PE and others, where appropriate and in the absolute discretion of the Chair

of a Disciplinary Panel or Appeal Panel, details of a Decision, including sanctions imposed, may be communicated to PE, a Region, Club, association or other body where it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in pétanque activity. PE may determine to publish details on their website.

15. Co-operation of Respondent(s) and Other Parties

- 15.1. The procedures described in these Disciplinary Procedures assume that the Respondent(s) and other Parties will co-operate in the interest of resolving the issue in question. In the absence of such co-operation, or if it is withdrawn at any stage, PE reserves the right to proceed with any Disciplinary Hearing or Appeal Hearing based on such evidence and information as it is able to obtain and the Disciplinary Panels and/or Appeal Panels shall take such appropriate action as they consider necessary.