



## Disciplinary Policy

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# Disciplinary Policy

## 1. Introduction

- 1.1 Pétanque is a sport that should be enjoyed by all who participate, whether as players, officials, volunteers or spectators. In producing this Disciplinary Policy, Petanque England believes that the highest standards of integrity can be maintained at all levels of the sport, thereby ensuring that the sport can be enjoyed by all. This Disciplinary Policy applies to all individual members, regions and clubs involved in our sport at all levels.
- 1.2 This Disciplinary Policy is adopted by the Petanque England Board of Directors on the 20th February 2024.

## 2. Policy Purposes

- 2.1 There are standards of conduct and behaviour expected of all players, volunteers and others involved in pétanque. Regrettably, there will be occasions when someone breaches these standards. Although such incidents are rare, it is important that Petanque England, our regions and clubs deal with serious breaches in a fair, consistent and timely manner.
- 2.2 This policy provides a clear and robust mechanism for dealing with a Complaint to Petanque England of serious misconduct, as set out in this Disciplinary Policy, which constitutes a breach of our rules, policies, regulations and Codes of Conduct.
- 2.3 The Disciplinary Policy provides a framework for the effective management of Disciplinary Action within the sport of pétanque. It ensures that transparent procedures are in place, that Disciplinary cases are investigated fairly and that the appropriate process is followed in a fair and consistent manner.

## 3. Jurisdiction and Scope

- 3.1 The Disciplinary Policy applies to all Petanque England members, Regions and Clubs.
- 3.2 Petanque England reserves the right to refer a Disciplinary case to an external body, which may involve an independent Investigation into alleged grievances or allegations of misconduct involving a member, Region, Club or office-holder.
- 3.3 Disciplinary Action may be taken under this Disciplinary Policy where an Investigation by an outside agency has substantiated the allegations.
- 3.4 This Disciplinary Policy does not apply to:
  - 3.4.1 Safeguarding matters involving children, and adults at risk, unless the matter has been referred by the lead safeguarding officer for consideration under the Safeguarding Disciplinary Policy.
  - 3.4.2 Complaints, allegations or concerns about safeguarding should be made by contacting either the Regional or National safeguarding officer to be dealt with under safeguarding policies and procedures.
- 3.5 Complaint(s) that do not constitute serious misconduct: These will be dealt with by the relevant Region or Club in accordance with its Constitution and any relevant internal policies. The time-scales set out in the Disciplinary Policy will be adhered to wherever possible. However, Petanque England recognises that a degree of flexibility may be required in the application of time limits. Therefore, any breach of procedure (including any time limit) by the Region or Club concerned

shall not invalidate the procedure or its outcome and the appropriate bodies may, where appropriate, vary, suspend, reduce or waive the relevant time limits set out in this Disciplinary Policy in accordance with the relevant paragraphs of this Disciplinary Policy.

- 3.6 Panels formed under this policy may be held on paper, in person, by telephone, by video conference or by any other means of communication by which all persons participating in the meeting can hear each other.
- 3.7 This Disciplinary Policy does not replace the powers of umpires to penalise infringements of the Petanque England competition rules or the FIPJP rules for the sport of pétanque. A participant may be sanctioned under this Disciplinary Policy for serious misconduct relating to conduct at an event, even if an umpire has already sanctioned a person for that conduct under the Petanque England Competition Rules or the FIPJP Rules for the Sport of Pétanque.
- 3.8 Disciplinary Action may be suspended until the outcome of any criminal Investigation is determined, regardless of the time-scales stipulated in this Disciplinary Policy.
- 3.9 Disciplinary Action may be taken against a Complainant where it is considered that a Complaint or an Appeal is frivolous, vexatious and/or malicious.
- 3.10 In the following cases a Region or Club should not handle a Complaint of Serious Misconduct under this Disciplinary Policy;
  - 3.10.1 It is a matter relating to the jurisdiction of Petanque England.
  - 3.10.2 It is in any way subject to a Conflict of Interest.

#### 4. Serious Misconduct

- 4.1 Examples of Serious Misconduct include, but are not limited to, the following:
- 4.2 Any behaviour (whether by action or omission) in a manner which Petanque England (acting reasonably) considers to be disgraceful or contrary to the general interests of Petanque England or the sport of pétanque, or likely to bring the sport into serious disrepute.
- 4.3 Serious Misconduct: Examples of Serious Misconduct include (but are not limited to) serious breaches of Petanque England's policies, Codes of Conduct, abuse<sup>1</sup>, theft, fraud, physical violence, discrimination<sup>2</sup>, serious breaches of applicable health and safety regulations, gambling (the act or activity of betting money), bribery, or any act or omission by the Respondent which in the opinion of Petanque England, acting reasonably, brings or is likely to bring the sport of pétanque into disrepute.
  - <sup>1</sup> Physical, emotional, psychological, sexual, financial.
  - <sup>2</sup> Any of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Panels formed under the Disciplinary Policy

- 5.1 No member of a Disciplinary or Appeals Panel shall have a direct relationship with any named party involved in the Disciplinary case where there is an actual conflict of interest. Members of a Panel have a duty to declare any potential or actual conflict of interest.

- 5.2 All members of a Panel must respect the trust placed in them and ensure that anything disclosed to them in connection with a Disciplinary case remains confidential.
- 5.3 Panel members must;
  - 5.3.1 Have no personal interest in the outcome of the proceedings (other than to see that the decision is fair) and no previous knowledge or involvement in the matter under consideration, be impartial and act in good faith.
  - 5.3.2 Deal consistently, objectively and fairly with cases in accordance with this Disciplinary Policy.
  - 5.3.3 Be careful and thorough in their consideration of the evidence and procedures.
  - 5.3.4 Base their decision on all available evidence.

## 6. Reporting Serious Misconduct

- 6.1 A Complaint of Serious Misconduct may be made by completing the Complaint Form in Appendix B or by emailing the Disciplinary Case Officer with all relevant information. If someone wishes to make a Complaint of Serious Misconduct by telephone or in person, they will be asked to complete the Complaint form or send an email to the relevant Disciplinary Case Officer.
- 6.2 A Complainant must set out in writing the grounds for the Complaint and full details of the serious misconduct giving rise to the Complaint. It is recommended that as much detail as possible is included in the Complaint, including but not limited to why the Complainant believes the incident falls within the scope of this Disciplinary Policy, witnesses, times, dates and location of the incident.

## 7. Receipt of a Complaint of Serious Misconduct

- 7.1 On receiving a Complaint of Serious Misconduct, the Disciplinary Case Officer must first declare any potential or actual conflict of interest and must therefore refer the matter to a Disciplinary Officer; where there is no potential or actual conflict of interest, the Disciplinary Case Officer will determine whether the matter falls within the jurisdiction and scope of the Disciplinary Policy.
- 7.2 On receiving a Complaint of Serious Misconduct, the Disciplinary Case Officer shall also determine if the Complaint should be referred to an outside agency.
- 7.3 If the Disciplinary Case Officer considers that such action is warranted, the Disciplinary Case Officer will refer the allegation of Serious Misconduct to the police for Investigation and must then defer consideration of the matter under this policy until the police Investigation is complete.
- 7.4 Where a Complaint received by Petanque England does not amount to an allegation of serious misconduct and arises from one or more incidents within a Region, Club or other body under the jurisdiction of Petanque England, the matter will be referred to the organisation concerned to be dealt with in accordance with its own internal procedures.
- 7.5 Once the Disciplinary Case Officer has decided whether the Complaint of Serious Misconduct can be dealt with under the Disciplinary Policy, they will acknowledge the Complaint in writing and record details of the allegation, including the date and time of the incident, the names of the Complainant and Respondent, and commence an Investigation.

## 8. Investigation of Complaint

- 8.1 The Disciplinary Case Officer will commence an Investigation into the matter. If a referral is made to an outside agency, the process under this Disciplinary Policy is suspended until the outside agency Investigation has concluded.
- 8.2 In order to determine whether the allegation can be substantiated by the facts and relevant evidence, all relevant circumstances must be taken into account and, where appropriate, the Disciplinary Case Officer may request information from any relevant person or organisation and everyone has a duty to co-operate in the Investigation. The Disciplinary Case Officer is entitled to carry out any Investigation they consider necessary, which may include a recorded interview(s).
- 8.3 As soon as practicable, the Disciplinary Case Officer will notify the Respondent in writing of the nature of the Complaint, identify the Investigating Officer and confirm that an Investigation of the Complaint will be conducted.
- 8.4 The Disciplinary Case Officer will contact those involved in or who witnessed the alleged incident and ask them to provide statements and evidence. This will include informing the Respondent and requesting their written response to the Complaint and any evidence they wish to provide.
- 8.5 Where possible, all evidence should be written or typed so that it can be recorded. Where evidence is given orally, the Disciplinary Case Officer will take notes and return them to the person giving the evidence for approval. Where appropriate, the Complainant, Respondent or witnesses may submit photographs and documents as evidence.
- 8.6 Prior to and including the Investigation stage, the Respondent is not entitled to know the identity of the Complainant unless the Disciplinary Case Officer considers it necessary to properly investigate the Complaint. All Complainants have the right to be free from harassment or retaliation as a result of their Complaint. If the identity of the Complainant is revealed, the Respondent must not attempt to contact the Complainant or influence anyone involved in the Investigation. Any attempt to contact the Complainant, influence the Investigation, harassment or reprisal by a Respondent may result in Disciplinary Action being taken against them.
- 8.7 On completion of the Investigation, the Disciplinary Case Officer will prepare a report on the Serious Misconduct, including, where appropriate, details of the breach of the relevant rule, policy, procedure or Codes of Conduct and determine the outcome of the Complaint, which will be:
  - 8.7.1 To take no further action and the Complaint is not taken forward.
  - 8.7.2 To take any further actions to attempt to resolve the matter without recourse to form a Disciplinary Panel. This may include recommendations, helping to resolve conflicts between any parties, or issuing formal warnings See Paragraph 10.26; or
  - 8.7.3 Offer a Specified Sanction to the Respondent. See Paragraph 10.27; or
  - 8.7.4 Form a Disciplinary Panel as there is a case to answer under this policy. See Paragraph 10.
- 8.8 The Disciplinary Case Officer shall inform the Respondent and Complainant of the course of action taken. In the event that a Complaint is withdrawn by

a Complainant, Petanque England retains the right to take any action deemed appropriate against the Respondent or Complainant under this Disciplinary Policy.

- 8.9 Until such time as a decision and/or details of any Sanctions imposed are published, all parties in the proceedings must treat such proceedings as confidential, a breach of confidentiality may result in Disciplinary Action.

## 9. Interim Suspension

- 9.1 The Disciplinary Case Officer has the power to impose an Interim Suspension.
- 9.2 If the Disciplinary Case Officer determines that the Complaint or allegation is sufficiently serious and it is considered appropriate, an Interim Suspension may be imposed at any time after receipt of the Complaint. In some cases, an immediate Interim Suspension may be deemed necessary prior to Investigation.
- 9.3 An Interim Suspension will be imposed where it is considered that such action is appropriate which shall include without limitation the following factors, if present, tending to support an Interim Suspension being used:
- 9.3.1 For the protection of the Respondent, Complainant or other Participants;
  - 9.3.2 The reputation of Petanque England would be at risk of being brought into disrepute if it fails to impose an Interim Suspension;
  - 9.3.3 Where a failure to apply an Interim Suspension may impede internal or external Investigations.
- 9.4 Interim Suspensions may be imposed for a specified or indefinite period. All Interim Suspensions will be reviewed periodically and the necessity and proportionality of the duration and conditions of the Interim Suspension will be considered.
- 9.5 Where the Disciplinary Case Officer has imposed an Interim Suspension, he/she shall notify the Respondent of the fact of the Interim Suspension, the terms and conditions of the Interim Suspension and the duration of the Interim Suspension. Other relevant parties may be notified of the Interim Suspension in order to ensure compliance with the Interim Suspension.
- 9.6 An Interim Suspension imposed on a Respondent may include, but is not limited to, Petanque England membership, suspension or prohibition from participating in any capacity in any pétanque activity, including competing, training, officiating, coaching, managing, attending meetings, volunteering at clubs or competitions, or entering a venue where a pétanque event is being held under the Petanque England competition rules.
- 9.7 A Respondent who has been subject to an Interim Suspension may apply to the Disciplinary Case Officer for the suspension to be lifted. The Disciplinary Case Officer shall refer the matter to the Disciplinary Panel to determine whether the decision to impose an Interim Suspension was and remains appropriate. The decision of the Disciplinary Committee shall not be subject to Appeal. The Disciplinary Case Officer shall notify the Respondent of the decision.
- 9.8 Any breach of the terms or conditions of an Interim Suspension shall constitute a new Disciplinary offence and shall be dealt with accordingly under this Disciplinary Policy.



- 9.9 Any Interim Suspension will automatically cease if any of the following occurs (whichever is soonest):
- 9.9.1 The matter has been fully determined by the Disciplinary Panel under the Disciplinary Policy; or
  - 9.9.2 The matter is resolved by way of recommendation, mediation or alternate dispute resolution; or
  - 9.9.3 Following an Investigation, the Disciplinary Case Officer concludes that no further action is necessary.

## 10. Disciplinary Panel

- 10.1 If, following the Investigation, the Disciplinary Case Officer determines that there is a case to answer and jurisdiction under this policy, a Disciplinary Panel will be appointed.
- 10.2 The purpose of the Disciplinary Panel is to provide impartial and independent judgement in Disciplinary cases. The Disciplinary Panel shall be composed of 3 or 5 members from the Disciplinary Panel Register. One of these members will act as Chairman of the Disciplinary Panel. The Panel will maintain an odd number of members so that, where necessary, matters can be decided by majority vote.
- 10.3 The Disciplinary Panel shall ensure that the principles of natural justice are observed. The proceedings of the Disciplinary Panel must be conducted fairly and objectively, with the Respondent being given full opportunity to respond and to present evidence in support of their case. The meeting of the Disciplinary Panel is not a court hearing and therefore evidence will not be given under oath. All parties will give truthful evidence.
- 10.4 Where appropriate Petanque England will invite the Respondent, and any witnesses, to attend the Disciplinary Panel meeting.
- 10.5 A meeting of the Disciplinary Panel shall be convened. The meeting will be held either in person, in writing or by video conference.
- 10.6 The Disciplinary Case Officer will send the Respondent a notice of the Disciplinary Meeting at least 21 days before the date of the meeting.
- 10.7 Notice of the Disciplinary Panel Meeting shall:
  - 10.7.1 Set out the date, time, and place of the Disciplinary Panel meeting.
  - 10.7.2 Name the individuals appointed to the Disciplinary Panel.
  - 10.7.3 Inform the Respondent of the Disciplinary Charge against them, along with any supporting evidence gathered against the Respondent, ensuring that the Respondent is given full disclosure of the matter in dispute in writing.
  - 10.7.4 Invite the Respondent to attend and confirm that they are entitled to be represented by a legal advisor and/or another representative.
  - 10.7.5 Inform the Respondent that if no reply is received 14 days before the date of the Disciplinary Panel meeting the Disciplinary Panel will consider the Complaint on the basis of the facts and statements in its possession.
  - 10.7.6 Inform the Respondent that they may wish to submit to the Disciplinary Panel any written submissions or evidence that they consider appropriate and identify any witnesses they wish to call at the meeting or by written submission. The



Respondent shall ensure that this information is received by the Disciplinary Case Officer at least 14 days before the Disciplinary Panel meeting.

10.8 The Respondent has until 14 days before the date of the Disciplinary Panel meeting in which to submit a written reply to:

- 10.8.1 Accept or deny the Disciplinary Complaint in whole or in part (and if in part, which part and why).
- 10.8.2 Where the Disciplinary Complaint is accepted in whole or in part submit a response in mitigation.
- 10.8.3 If the Disciplinary Complaint is denied in whole or in part, provide a response and any evidence (including witness statements) that you consider appropriate to support the denial of the Disciplinary Complaint (if denied in whole or in part).

10.9 The Disciplinary Panel may decide:

- 10.9.1 that the Disciplinary Panel meeting takes place on paper;
  - 10.9.2 that the Disciplinary Panel meeting 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).
- 10.10 The Disciplinary Panel may also rely on a written and/or oral submission from the Disciplinary Case Officer, which may include a recommendation as to the disposition of the case.
- 10.11 Where the Respondent has accepted the Disciplinary Charge, the Disciplinary Panel will meet to agree a Sanction only. See paragraph 11.
- 10.12 If the Respondent has requested that the matter be dealt with in their absence or fails to attend the meeting of the Disciplinary Panel, provided that notice of the hearing was properly served, the Disciplinary Panel may proceed in the absence of the Respondent.
- 10.13 The Disciplinary Case Officer will send the case file to the Disciplinary Panel 7 days before the date of the Disciplinary Panel meeting. The case file will contain the Disciplinary Complaint and a description of the incident. The file will be accompanied by the evidence collected and the Respondent's submissions.
- 10.14 The standard of proof in all cases before the Disciplinary Panel is the balance of probabilities. The Disciplinary Panel will base its decisions only on the contents of the case file and any evidence given at the Disciplinary Panel meeting.
- 10.15 The Disciplinary Panel will decide any issue by majority. No member of the Disciplinary Panel may abstain from voting.
- 10.16 The Disciplinary Panel meeting may be audio-recorded or transcribed.
- 10.17 If the facts of the case are disputed by the Respondent, the Disciplinary Panel may resolve the matter by considering all evidence presented to it, including oral and written evidence from any party. It may question any party present in relation to the matter.
- 10.18 The Disciplinary Panel will review the information, case file, evidence and submissions and make a Decision, which will be one of the following:

- 10.18.1 The Disciplinary Charge has been proven and the Disciplinary Panel impose a Sanction for the Respondent. See paragraph 11.
- 10.18.2 The Disciplinary Complaint has been proven and the Sanction imposed is a permanent suspension or ban.
- 10.18.3 The Disciplinary Complaint has not been proven but there have been examples of poor practice. The Disciplinary Panel will send through a list of recommended actions to the Disciplinary Case Officer. See paragraph 10.26.
- 10.18.4 The Disciplinary Charge has not been proven and the case is dismissed.
- 10.18.5 The Disciplinary Panel decide that there is not enough evidence to make a Decision and ask the Disciplinary Case Officer to investigate further with a view to looking at whether more evidence exists before re-convening.
- 10.19 When reaching their Decision, the Disciplinary Panel will assess whether there have been any aggravating or mitigating factors.
- 10.20 Mitigating factors may include:
  - 10.20.1 admission of guilt and/or existence of remorse;
  - 10.20.2 an unintentional breach of rules;
  - 10.20.3 a track record of exemplary behaviour; and/or
  - 10.20.4 a previously good Disciplinary record.
- 10.21 Aggravating factors may include:
  - 10.21.1 lack of remorse;
  - 10.21.2 an intentional breach of rules;
  - 10.21.3 a history of repeated or similar conduct; and/or
  - 10.21.4 actions resulted in or could have resulted in serious injury to others.
- 10.22 The Disciplinary Case Officer will inform the Respondent of the decision of the Disciplinary Panel. The Decision shall be accompanied by details of any Disciplinary Action that has been agreed by the Disciplinary Panel. It shall also set out the right to Appeal the Decision of the Disciplinary Panel.
- 10.23 Any suspension, disqualification or exclusion shall, unless otherwise specified, take effect immediately from the date of the Disciplinary Hearing. The Disciplinary Panel may take into account any period of suspension served prior to the date of the Disciplinary Hearing.
- 10.24 If a Respondent fails or refuses to comply with any or all of the Sanctions imposed by the Disciplinary Panel, the Disciplinary Panel may reconvene and treat the failure or refusal as a new Complaint and deal with the matter and impose any Sanction in accordance with these Disciplinary Procedures.
- 10.25 Petanque England shall keep a record of the Disciplinary Panel proceedings and Decision.
- 10.26 Recommendation:
  - 10.26.1 The Disciplinary Case Officer, The Disciplinary Panel or Petanque England may provide a list of recommendations, along with expected time-frames for completion, to the relevant parties.

10.26.2 If either party disagrees with the recommendations, the matter will be referred to the Disciplinary Panel.

10.26.3 Petanque England via the Disciplinary Case Officer will agree a review date with the Respondent to assess whether they have taken on board the recommendations. If the actions are not completed within the agreed time-frame, the case will be referred to the Disciplinary Panel.

#### 10.27 Specified Sanction:

10.27.1 The Disciplinary Case Officer may offer a Specified Sanction to the Respondent, giving them an opportunity to:

- a. admit the Complaint;
- b. forego their right to a hearing with the Disciplinary Panel and the right to an Appeal; and
- c. fully accept the terms of a Specified Sanction.

10.28 If the Respondent fails fully to accept the terms of a Specified Sanction within fourteen days of receipt the Disciplinary Complaint will proceed to a hearing.

10.29 If the Respondent fully accepts the terms of a Specified Sanction within fourteen days of receipt, no hearing will be held.

### 11. Sanctions

11.1 Where the Disciplinary Complaint is admitted or proven the Disciplinary Panel shall have the power to determine and pronounce Sanctions. Sanctions must be reasonable and proportionate in all the circumstances.

11.2 The Disciplinary Panel will follow the recommended Sanctions set out in Appendix C.

11.3 Sanctions will be effective immediately, unless determined otherwise by the Disciplinary Panel (at its sole discretion) including where considered appropriate to take account of any Interim Suspension imposed.

11.4 The Disciplinary Case Officer will inform the Respondent of the decision of the Panel.

11.5 If no Appeal is made against the Decision of the Disciplinary Panel in accordance with paragraph 12, the Decision will be final.

### 12. Appeal

12.1 An Appeal against a Decision of the Disciplinary Panel can be made by the Respondent (but not the individual(s) or organisation(s) who originally made the Complaint) on one or more of the following grounds:

12.1.1 The Decision of the Disciplinary Panel was based on error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it.

12.1.2 There was serious procedural or other irregularity in the proceedings before or during the Disciplinary Panel.

12.1.3 Significant and relevant new evidence has come to light which was not available before the Disciplinary Panel and, had it been available, may have caused the Disciplinary Panel to reach a materially different Decision.

12.1.4 The Sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

12.2 An Appeal should be set out in writing using the Appeal form to the Disciplinary Case Officer within 7 days of the date of the Disciplinary Panel Decision and should identify the reason for Appeal.

### 13. Appeal Panel

13.1 An Appeal Panel will be appointed to hear the Appeal. The Appeal Panel is made up of a combination of Honorary Life Members and Regional Presidents from the Disciplinary Panel Register, one of which will act as Chair of the Appeal Panel. None of the members of the Appeal Panel may have previously been involved in the matter being heard. The Panel will maintain an odd number so matters where needed can be decided by majority vote.

13.2 The Appeal Panel meeting may be audio-recorded or transcribed only at the determination of the Appeal Panel.

13.3 Following the appointment of an Appeal Panel, notice of the Appeal Panel Meeting shall be sent to the Appellant at least 21 days before the date of the Appeal meeting.

13.4 The Notice of the Appeal Panel meeting shall:

13.4.1 Set out the date, time, and place of the Appeal meeting.

13.4.2 Name the individuals appointed to the Appeal Panel.

13.4.3 Invite the Appellant to attend and state that they are entitled to be represented by a legal advisor and/or another representative.

13.4.4 Inform the Appellant they may seek to present to the Appeal Panel whatever written submission or evidence they consider appropriate in line with their request for an Appeal. The Appellant shall ensure this information is received by the Disciplinary Case Officer dealing with the Appeal no less than 14 days before the Appeal Panel meeting.

13.5 The Appellant may request that the Appeal Panel meet in their absence. If the Chair of the Appeal Panel agrees, then the Appellant shall be entitled to make representations in writing to the Appeal Panel.

13.6 If the Appellant does not attend the Appeal, provided that the Appeal Panel is satisfied that notice of the hearing was properly served, it may proceed to hear written submission or evidence in the absence of the Appellant.

13.7 The Chair of the Appeal Panel should ensure that the Appeal is heard in a manner that allows the Appellant to state their case fairly and shall consider all the evidence made available.

13.8 Any Appeal of the Decision by the Disciplinary Panel shall be way of a review only unless significant and relevant new evidence has become available in accordance with paragraph 12.1.3.

13.9 The Appellant may not, without the express consent of the Appeal Panel, advance any ground of challenge that was not specified in the Notice of Appeal.

13.10 The standard of proof in all cases before the Appeal Panel is the balance of probabilities. The Appeal Panel will decide any issue by majority. No member of the Appeal Panel may abstain from voting.

13.11 Petanque England shall keep a record of Appeal Panel proceedings and Decision.

13.12 An Appeal Panel has the power to:

13.12.1 Dismiss the Appeal.

13.12.2 Overturn the Decision, its findings and any Sanction imposed by the Disciplinary Panel;

13.12.3 Substitute an alternative Decision, findings and Sanctions;

13.12.4 Reduce, increase or substitute the original Sanction;

13.12.5 Order that the case is reheard by a different Disciplinary Panel in the light of new evidence produced; and/or

13.12.6 Make such further order as it considers appropriate.

13.13 For the avoidance of doubt, Sanctions may be increased as well as decreased on Appeal.

13.14 The Chair of the Appeal Panel shall report the Decision to the Disciplinary Case Officer. The Disciplinary Case Officer shall inform the Appellant of the decision of the Appeal Panel.

13.15 The decision of the Appeal Panel shall be final and there is no further right of Appeal.

#### 14. Publication of Decisions

14.1 Petanque England reserves the right to publish details of any Disciplinary case, including publication of any decision made by a Panel where a Complaint is upheld. Publication will only take place after the expiry of the period within which the Respondent may Appeal, or after the conclusion of any Appeal.

#### 15. Disclosure and Confidentiality of Witnesses

15.1 During the course of Disciplinary cases considered under this policy, it will normally be necessary to identify the Complainant and any other relevant witnesses in order to provide the Respondent with a clear understanding of the allegations against them and to ensure procedural fairness.

15.2 In some circumstances, it may be considered necessary and appropriate to keep the details of the Complainant or a witness confidential. Such circumstances may include, but are not limited to, where the identity of the Complainant or witness is not material to the case, where there is a reasonable belief that disclosure would put the Complainant or witness at risk, and/or where anonymity is required by law.

15.3 Where there are legitimate and reasonable grounds to preserve the anonymity of the Complainant or witnesses, any evidence or documentation provided to the Respondent will be sufficiently redacted to preserve that anonymity.

15.4 A Complainant or witness should be aware that Petanque England cannot guarantee complete anonymity, even in circumstances where it is considered reasonable and necessary to preserve the Complainant's or witness's anonymity. Even where Petanque England has taken all reasonable steps, the Respondent may be able to identify who has made a Complaint or provided evidence. In addition, if the matter is sufficiently serious to result in subsequent civil/criminal proceedings, Petanque England may also be required by law to disclose or provide certain confidential information.

## 16. Safeguarding

- 16.1 It is the responsibility of all concerned to protect the welfare of all participants involved in a Disciplinary case. Where children or vulnerable adults are involved in a Disciplinary case, every effort should be made to ensure that their welfare is considered and protected.
- 16.2 Where a Complainant, Respondent or witness is under the age of 18, all contact will be made through their parent or guardian. Unless the Complaint is made by someone under 18 about their parent or guardian, contact will be made through another appropriate adult. An appropriate adult must also be present during any interviews or telephone calls.
- 16.3 If, at any time during the Investigation, Petanque England believes there has been a breach of safeguarding policies, this will be treated as a safeguarding incident and handled under the Safeguarding Policy and Procedures.

## 17. Record Keeping and Data Protection

- 17.1 All personal data held in connection with a Disciplinary case will be held in accordance with Petanque England's Data Protection Policy.
- 17.2 In accordance with Petanque England's Data Protection Policy the Disciplinary Case Officer will determine how long any offences should be retained on record, including the Sanctions imposed and any related documentation.

## Contact Details

Complaints Case Officer: [complaint@petanque-england.uk](mailto:complaint@petanque-england.uk)

Company Secretary: [secretary@petanque-england.uk](mailto:secretary@petanque-england.uk)

## Appendix A

### Definitions

Appeal	an application by a Respondent or Complainant to have an Appeal Panel consider the processes, deliberations and/or Decisions of the Disciplinary Panel.
Appeal Panel	a body of three individuals who hear and consider an Appeal.
Appellant	a person who submits an Appeal.
Chair	the person appointed to be the Chair of the Disciplinary Panel or the Appeal Panel.
Club	a club registered to Petanque England
Complainant	the person or body from whom a Complaint has been received.
Complaint	a Complaint regarding Serious Misconduct which alleges a breach of a rule, policy, procedure, Codes of Conduct that falls within the jurisdiction of the Disciplinary Policy.
Conflict of Interest	a situation in which an individual has competing interests or loyalties or there may be a perception of or actual bias.
Decision	the Decision of a Panel's deliberations, arrived at by a majority.
Disciplinary Action	proceedings in accordance with the Disciplinary Policy.
Disciplinary Charge	the allegations made against the Respondent which are the subject of Investigation and determination by the Disciplinary Panel.
Disciplinary Case Officer	the person nominated by Petanque England and appointed internally to acknowledge Complaints and handle all administration matters concerning the operation of the Disciplinary Policy for Petanque England.
Disciplinary Panel	a body of three individuals who will hear the evidence and make a judgement as to whether the allegation is proven or not.
Disciplinary Panel Register	a register of persons all of whom are appropriately trained/experienced and who may be appointed at the relevant time to a Disciplinary Panel or to an Appeal Panel.
Disciplinary Policy	the Petanque England Disciplinary Policy and any amendments or updated
Interim Suspension	a suspension, restriction or condition placed on any person by the Disciplinary Case Officer.
Investigation	an Investigation conducted by the Disciplinary Case Officer.
League	a League registered with Petanque England
Member	an individual, Club or League granted Membership of Petanque England.
Participant	the Petanque England Disciplinary Policy and any amendments or updated
Region	a Region or Country Region of Petanque England.
Respondent	the person who is the subject of the Complaint under this Disciplinary Policy.
Sanction	a penalty, restriction or condition imposed on a Respondent by a Disciplinary or Appeal Panel.
Serious Misconduct	matters of criminality or any matter specified in paragraph 4 of this Disciplinary Policy.



## Appendix B

### Form 1 - Complaint Form

If you require further guidance, please contact the relevant Petanque England Disciplinary Case Officer for further advice.

Your Name	
Date	
Address	
Post Code	
Telephone or Mobile No	
Date, Time and Place of your Complaint	
Please give details of your Complaint	

## Appendix B

### Form 1 - Complaint Form cont:

Please provide any witnesses' accounts of the incident	
Please provide witnesses' contact information	
What actions, if any, have you taken, to date, to resolve the situation?	
Have you previously spoken to anyone about your Complaint?	
Print name:	
Your signature:	
Date:	

## Appendix C

### Recommended Sanctions

Note: The Recommended Sanctions below are guidelines and always subject to the discretion of the Disciplinary Panel taking into account the severity of the Disciplinary offence.

#### Table of Recommended Sanctions

Caution, reprimand, warning as to future conduct

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Suspension of Petanque England Membership for a specified period of time.

Recommended specified period of time based on scale of seriousness

##### Minimum (Minor breaches)

1 month to 12 months

##### Maximum (Serious, severe, multiple, or repeated breaches)

1 year to 3 years

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Suspension from participation in all Petanque England activities including meetings, events and competitions run under the Petanque England Rules, or other activities, as a competitor, coach, official, volunteer or spectator for a specified period of time.

Recommended specified period of time based on scale of seriousness

##### Minimum (Minor breaches)

1 month to 12 months

##### Maximum (Serious, severe, multiple, or repeated breaches)

1 year to 3 years

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Suspension from holding office in Petanque England or Region or affiliated organisation or board/committee for a specified period.

Recommended specified period of time based on scale of seriousness

##### Minimum (Minor breaches)

1 month to 12 months

##### Maximum (Serious, severe, multiple, or repeated breaches)

1 year to 3 years

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Permanent ban from one or more of the following;

Petanque England Membership;

Participation in all Petanque England activities including Regions, Clubs, meetings, events/competitions run under the Petanque England Competition Rules, or other activities, as a competitor, coach, official, volunteer or spectator;

Participation in holding office in Petanque England or Region or affiliated organisation or board/committee;

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A combination of any of the above or any other Disciplinary Action as considered appropriate





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