

THE DISCIPLINARY COMMISSION

Sitting on behalf of Basketball England

PERSONAL HEARING

of

**KELSON DICKSON (“the Participant”)
CREST ACADEMY (“the Club”)**

[CASE REFERENCE D39]

THE DECISION AND REASONS OF THE COMMISSION

These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, the Disciplinary Commission has carefully considered all the evidence and materials furnished to this matter.

INTRODUCTION

1. Basketball England (“BE”) convened a Disciplinary Commission (“the Commission”), on Friday 25th November 2022 to adjudicate upon disciplinary charges levied against Kelson Dickson, (“KD”) (Case ID number: D39).
2. The following have been appointed to hear the case on behalf of BE:
 - Mark Ives (Chairman)
 - Vicky Collins (Wing Member)
 - Kate Lewis (Wing Member)

 - Rachel Scase (Secretary)

3. In attendance were KD and Assistant Coach Afiz Olaniyan from Crest Academy
4. Prior to the commencement of the hearing, KD confirmed his acceptance to the constitution of the Commission.
5. This case relates to a fixture on 5th October 2022 between Crest Academy and New City College where it was alleged KD permitted 3 players to participate who were not enrolled with Crest Academy at the time of the fixture as required under Player eligibility rules 3.2 and/or 3.10.
6. It is submitted by BE that this is in breach of Discipline Code 5.3 for Not Acting in the Best Interest of the Game.
7. The three players in question were:
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
8. KD originally pleaded Not Guilty to the charge and elected for the matter to be dealt with by way of a Personal Hearing. This plea did not align with the written submission and was the subject of a Preliminary matter.

Preliminary Matter

9. On reading the submission from KD, it was apparent that KD was accepting that the 3 players were not enrolled in the Academy prior to the fixture and that KD was asking for matters to be taken into consideration, (i.e. mitigation) when considering sanction.
10. This was clearly not a matter where a denial of the case was appropriate, and the Commission advised KD on the meaning of the reply options and that mitigation could be submitted when admitting to the charge.
11. KD therefore requested that the reply be amended to an admittance of the charge with an ability to submit a verbal plea in mitigation.

12. The Commission accepted the amendment to the Plea.

Evidence

13. The Commission had before them the charge letter and emails from:

- a. BE's Senior Delivery Manager – 11th October 2022 (18:07)
- b. Kelson Dickson – 11th October 2022 (14:27)
- c. Kelson Dickson – 10th October 2022 (9:53)
- d. BE's Senior Delivery Manager – 10th October 2022 (9:22)
- e. Academy – 7th October 2022 (19:07)

BURDEN AND STANDARD OF PROOF

14. Whilst the burden of proof is on Basketball England to prove the charge. The applicable standard of proof is the balance of probabilities. However, as the Preliminary Matter accepted the change of plea to an admittance, the Commission only considered the sanction to be applied.

FINDINGS AND SANCTION

15. Having considered all of the evidence and mitigation presented, the Commission made the following findings:

- a. It was accepted that as a part of a player exchange with a neighbouring school, 3 players were exchanged based on what was in the best interest of the young players personal circumstances and with the approval of their parents.
- b. The changes were made in the best interest of the players and was not intended to breach any rules or hide any misdemeanours.
- c. It was immediately acknowledged however by KD that the three players were not enrolled with Crest Academy at the time of the game and they were therefore in breach of the regulations.
- d. KD had submitted that he was relatively new to the role and was not aware of the precise regulations.
- e. It was also submitted by KD that there was a delay by Crest Academy internally in the formal enrolment of the players and that they had been fully enrolled the following week and are now eligible.

- f. The Commission found this to be truthful but also accepted that ignorance of the rules was not a valid form of defence nor did the delay in the College enrolment negate the charge although it had some degree of relevance to mitigation.
- g. It was noted that Crest Academy had already forfeited the game with a 20-0 score awarded to the opposition.

16. In considering the relevant sanction, the Commission make the following findings:

- a. The Offence is one of a registration irregularity and not a normal act of Discipline and was certainly not an act to deceive.
- b. A sanction for the offence has already been imposed by the forfeiture of the fixture with a 20-0 result.
- c. The players have been correctly enrolled within the Academy.
- d. KD had a degree of naivety in the knowledge of the rules but this carried little mitigation.
- e. The Commission accepted that the decision to move schools was made in the best interest of the children.
- f. There was no intention to gain any sporting advantage.
- g. There was no record to a previous history of this type of offence.
- h. Taking all into consideration the Commission ordered that KD is;
 - i. warned as to his future conduct
 - ii. reminded of his responsibilities in making himself aware of the relevant regulations he is required to follow.
- i. It was not considered appropriate to impose any financial or sporting sanction.
- j. There was no order to costs.

17. The Commission find the above to be within the realms of reasonableness open to them to make when considering the context of the offending.

18. There is a right of appeal in accordance with BE regulations.

Mark Ives

Chairman

30th November 2022