



Betting and Anti-Corruption Regulations

Basketball England
(February 2020)

VERSION CONTROL

| Version No. | Date | Author | Role |
|-------------|------------|-----------------|-------------------------------------|
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1. INTRODUCTION

1.1 Basketball England (BE) want to protect the integrity of the game and ensure that all games are contested on a level playing field and won on merit.

1.2 These Regulations apply to all persons over whom Basketball England exercises disciplinary jurisdiction, and specifically applies to the following;

- (i) Players;
- (ii) Officials including referees and table officials (including, but not limited to BE licensed officials); **SHOULD STATISTICIANS BE INCLUDED?**
- (iii) Any coach, team manager, bench personnel, agent, competition staff, medical staff or other personnel working with or treating a player;
- (iv) Any other person under BE's jurisdiction who is able directly or indirectly to influence:
 - (a) The outcome of any game, league or competition; or
 - (b) Any event in any game, league or competition;
- (v) All employees, contractors, consultants and/or related personnel of Basketball England acting in any capacity or activity sanctioned by Basketball England as determined by the Board or Basketball England (referred to collectively as "Staff");
- (vi) Basketball England Board Members.

1.3 The framework of these regulations **are IS** based on the UK Sport and Government guidance relative legislation and FIBA Internal Regulations.

1.4 These Regulations are intended to protect the reputation of the sport, Basketball England, it's members and each individual acting for it. The responsibility for complying with these Regulations lies with all those to whom it applies.

1.5 Any breach of these Regulations shall be dealt with in accordance with Regulations 4-7 outlined below.

1.6 The conduct prohibited under the provisions of these Regulations may also be a criminal offence and/or a breach of other applicable laws and regulations. Reference is made in particular to section 42 of the Gambling Act 2005, which makes it a criminal offence if a person "(a) cheats at gambling, or (b) does anything for the purpose of enabling or assisting another person to cheat at gambling". These Regulations are intended to supplement such laws and regulations with further rules of professional conduct for those involved in Basketball. They are not intended, and may not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations. Those people set out at Regulation 1.2 above must comply with all applicable laws and regulations at all times.

PARAGRAPH NEEDS ADJUSTING

2. SPORTING INTEGRITY

2.1 A core function of Basketball England is to maintain and be seen to be maintaining the integrity of the sport.

2.2 Basketball England must take action to protect itself from the threats posed to its integrity by corrupt betting and associated activity both from within and outside the organisation. As sports betting activity has increased across all sports and disciplines, it is essential that such activity does not take place in a manner which has the potential to compromise sporting conduct and endeavour.

3. PROHIBITIONS

3.1 A player shall not:

- (i) place, accept, lay or otherwise enter into any wager or bet or any other form of financial speculation (a "Bet") with any individual, company, organisation or other body in relation to the result, progress, conduct or any other aspect of any game, league or competition in which the player is participating or in which the player has any influence, either direct or indirect;
- (ii) solicit, induce, entice, instruct, persuade, facilitate, permit or encourage any other person to enter into a Bet in connection with any aspect of his own or any other player's performance in any game, league or competition in which he is playing or in which he has any influence, either direct or indirect;
- (iii) deliberately under-perform for reward in any game, league or competition.

3.2 A person listed in Regulation 1.2(ii) to (vi) shall not:

- (i) enter into a Bet in respect of any aspect of any player's performance in any game, league or competition, if that person listed in Regulation 1.1(ii) to (vi) is connected to the player or is connected to or has any influence over the game, league or competition concerned, either direct or indirect; or
- (ii) solicit, induce, entice, instruct, persuade, facilitate, permit or encourage any other person to enter into a Bet in connection with any aspect of any player's performance in any game, league or competition, if that person, listed in Regulation 1.1(ii) to (vi), is connected to the player or is connected to or has any influence over the game, league or competition concerned, either direct or indirect.
- (iii) For the avoidance of doubt and without limitation: a person is connected to the player concerned if they are the player's coach, agent, game or competition guest, a member of the player's immediate family, a member of the player's coaching group; and, a person is connected to the game, league or competition concerned if they are a game guest, league or competition guest or is an official, or committee member of the league or competition.

3.3 No person listed in 1.2 (including a player) (a "Person"):

- (i) may contrive (in a corrupt or fraudulent manner) whether alone or with others, the result, progress, conduct or any other aspect of any game, league or competition;

- (ii) ensure the occurrence of a particular incident in any game, league or competition, which occurrence is to the Person's knowledge subject to a Bet and for which he expects to receive any reward (other than, in the case of a player, official prize money and/or contracted performance-related payments under endorsement or sponsorship contracts);
- (iii) may induce or encourage any player to under-perform for reward in any game, league or competition;
- (iv) shall offer or give (or agree to offer or give) anything of value (whether or not financial) to any other person with the intent to influence either his or another person's efforts or participation in any game, league or competition;
- (v) shall solicit or accept (or agree to solicit or accept) anything of value (whether or not financial) from any other person with the intent to influence his own or another person's efforts or participation in any game, league or competition;
- (vi) shall have any commercial arrangement (apart from a personal Betting account with a Betting operator which, for the avoidance of doubt, may not be utilised in breach of these regulations) with, or any stake (whether active or passive) in, any company or other undertaking that promotes, brokers, arranges or conducts any form of Betting activity in relation to Basketball;
- (vii) shall use in relation to Betting or providing any other person for use in relation to Betting, any information relating to any game, league or competition that the person has in his possession by virtue of their position in Basketball and that is not in the public domain or readily accessible by the public without unreasonable restriction;
- (viii) shall provide information to any person for reward, before or after any game, league or competition, regarding the players in the game, league or competition, the conditions, tactical considerations or any other aspect of the game, league or competition, unless such information is already in or will come into the public domain without unreasonable delay or is readily accessible by the public without unreasonable restriction. For example, it shall not be a breach of this clause to provide such information as opinion to a journalist for immediate publication as part of an article or column in a newspaper;
- (ix) shall engage in any conduct (i.e. beyond that specified in this Regulation) that is corrupt or fraudulent, or creates an actual or apparent conflict of interest for the Person, or otherwise risks impairing public confidence in the integrity and/or honest and orderly conduct of any game, league or competition;
- (x) shall provide or receive any reward that could bring the Person or Basketball into disrepute;
- (xi) shall fail to disclose to the Integrity Officer without delay full details of any approaches or invitations received by the Person to engage in conduct that would amount to a breach of these Regulations;

- (xii) shall fail to disclose to the Integrity Officer without delay full details of any approaches or invitations of which the Person is aware that have been received by any other Person to engage in conduct that would amount to a breach of these Regulations;
- (xiii) shall fail to cooperate with any investigation by Basketball England in relation to possible breaches of these Regulations, including failure, without reasonable excuse to provide information requested by Basketball England that is relevant to such investigation.

3.4 An attempt by a Person, or any agreement by a Person with any other person, to act in breach of these Regulations shall be treated for the purposes of these Regulations as if the breach of the relevant Regulation(s) has been committed, whether or not such attempt or agreement in fact resulted in a breach.

4. INVESTIGATORY POWERS

4.1 Basketball England has designated the Safeguarding and Compliance Manager as the investigating officer.

4.2 All Basketball England staff and Board members are responsible for betting integrity issues, but the Integrity Officer has specific additional responsibilities including;

- (i) Establishing and maintaining the Betting and Anti-Corruption Regulations to support Basketball England's aims and objectives
- (ii) Nominating staff to assist in order to exercise such powers as deemed necessary to complete a full investigation
- (iii) Forming Disciplinary Panels
- (iv) Presenting investigation findings to a Disciplinary Panel
- (v) Ensuring outcomes are communicated with the British Basketball Federation, FIBA, other National Governing Bodies for Basketball and relevant third parties in accordance with Regulation 5.15.

5. RESPONSE PLAN

5.1 It is vital that, if there is any behaviour suspected to be in breach of these Regulations, immediate action is taken.

5.2 In the event that a member of Staff is concerned that the Basketball England Integrity Officer is involved in suspicious betting activity outlined in Regulation 3 above, this should be reported to one of Basketball England's Board of Directors.

5.3 The Integrity Officer will, if appropriate co-ordinate the investigation and set up a Disciplinary Panel consisting of not less than two Basketball England representatives, who may include Senior Management, Non-Executive and/or Executive Directors. The Disciplinary Panel will not include any person under investigation, or any person reasonably considered to be associated with the person under investigation.

- 5.4 In the event that the Integrity Officer is under investigation the Basketball England Non-Executive Board of Directors will nominate an Investigating Officer and the Disciplinary Panel.
- 5.5 It shall be an option of the Integrity Officer (or of the Non-Executive Board of Directors if they are called upon to appoint an Investigating Officer and Disciplinary Panel) to appoint a Chair for the Disciplinary Panel.
- 5.6 The Integrity Officer is required to:
- (i) act promptly in investigating the allegation and taking any action required
 - (ii) fully document the investigation process
 - (iii) secure evidence in a manner which does not alert suspects at the outset of the investigation
 - (iv) ensure that the evidence is secured in a legally admissible form (e.g. evidence must be carefully preserved; it should not be handled, and no marks made on original documents; a record should be kept of anyone handling evidence).
- 5.7 In particular and without prejudice, Basketball England shall seek to obtain information that is reasonably related to any alleged breach of these Regulations.
- 5.8 If the Integrity Officer reasonably believes that a Person (or a third party whose actions may be imputed to the Person for this purpose) may have committed a breach of these Regulations, the Integrity Officer may make a written demand to the Person (a "Demand") to furnish to the Integrity Officer any information that is reasonably related to the alleged breach, including (without limitation) (a) copies of or access to all records relating to the alleged breach (such as telephone records, bank statements, Internet service records, and other records stored on computer hard drives and other information storage equipment); and/or (b) a written statement made by the Person, setting out in detail all of the facts and circumstances with respect to the alleged breach.
- 5.9 Subject only to the right to object to the Demand set out at Regulation 5.11 below, the Person shall furnish the information requested in the Demand within seven days of his receipt of the Demand, or by such other deadline as may be specified in the Demand.

TABS NEED ADJUSTING

- 5.10 **If the Person** wishes to object to the Demand, they must file a formal objection with the Integrity Officer by the specified response deadline, which objection must set out with specificity the nature and scope of and grounds for the objection. Failure without good reason to make such filing shall constitute an irrevocable waiver of any objection.
- 5.11 **Any objection** duly filed in accordance with Regulation 5.10, above, will be referred by the Integrity Officer, together with any comments that the Integrity Officer may wish to make with respect to the objection, to the Chairperson of the Disciplinary Panel, who may resolve the objection himself or else may designate another person to resolve the objection. The Chairperson or their designee may in his absolute discretion invite further submissions or hold a hearing prior to making his determination, or may simply determine the matter on the basis of the objection itself and the comments of the Integrity Officer, if any, with respect to that objection. If (and to the extent that) the Chairperson or their designee determines that the Demand is fair and reasonably tailored to obtain evidence relevant to the alleged

breach, and that it is consistent with applicable law, the Chairperson or their designee shall direct the Person to produce all (or, if he believes the objection should be sustained to some degree, the remaining part) of the information specified in the Demand.

5.12 **Subject to** any ruling made by the Chairperson of the Disciplinary Panel or their designee pursuant to Regulation 5.10 above, any failure by the Person to produce the information specified in the Demand shall have each of the following consequences, without prejudice to one another:

- (i) During any period in which the Person fails to produce such information, the Person shall be deemed ineligible to participate in and/or denied credentials for and access to any Basketball England sanctioned game, league or competition or any other BE approved event or activity;
- (ii) the Disciplinary Panel shall be entitled to draw such adverse inference against the Person as the Panel shall reasonably determine; and
- (iii) such failure may lead to the disciplinary action being taken.

5.13 **A Disciplinary** Panel convened to consider a charge of breach of these Regulations may request, at any time prior to issuing a final decision, and having first given the parties an opportunity to make any submissions on the matter, that an additional investigation be conducted into any matter reasonably related to the alleged breach. The Integrity Officer will conduct that investigation in accordance with the Chairperson's request and the Person charged and all other Persons must cooperate with that investigation.

5.14 **Where a Person** is charged with breach of these Regulations, and other relevant authorities are also conducting investigations or proceedings into the same or related matters, the Disciplinary Panel shall have discretion, where it is established to its satisfaction that clear prejudice would otherwise result, to stay the proceedings under these Regulations pending the outcome of the investigations or proceedings being conducted by the other relevant authorities.

5.15 **The Integrity** Officer shall be entitled to share any information received with other regulatory authorities including without limitation the police, National Criminal Intelligence Service, HM Revenue & Customs, the Serious Fraud Office and the Gambling Commission; other sports authorities including without limitation Basketball Wales, Basketball Scotland, Basketball Ireland, BBF, FIBA and UK Sport; and any betting organisations whether pursuant to a formal information-sharing agreements or otherwise.

5.16 **As part of any** investigation into possible breaches of these Regulations, Basketball England may seek relevant information from other regulatory authorities and/or from any third party, including bookmakers and other Betting operators, whether pursuant to formal information-sharing agreements with such authorities or third parties, or otherwise. In accordance with Regulation 5.17, below, acceptance of these Regulations shall constitute agreement by a Person to the disclosure of such information by the authority and/or third party to Basketball England. Where necessary, the Person shall confirm such consent in writing to or for the benefit of the authority and/or third party. A failure to do so without

reasonable excuse shall amount to a breach of this Regulation and may lead to disciplinary action being taken.

5.17 **Each Person** specifically consents, pursuant to data protection law and other relevant laws, as applicable, to the sharing of information relating to activities covered by these Regulations, including personal information relating to himself and his activities, both by Basketball England with the regulatory authorities and relevant third parties, and by the regulatory authorities and/or any relevant third parties (including without limitation any bookmaker or other Betting operator) with Basketball England.

5.18 **Depending** on the nature of the incident, the Disciplinary Panel may wish to contact external experts for advice. Disciplinary Panel members must first seek permission from the Chair before contacting external experts.

5.19 The Integrity Officer will prepare a report of the findings and recommendations to Disciplinary Panel. The report will include details of:

- (i) recommendations on how to deal with employees under suspicion (which may include action to suspend or dismiss an employee.
- (ii) recommendations on how to deal with third parties under suspicion;
- (iii) recommendations for mitigating the threat of future corrupt betting and associated activity by taking appropriate action to improve controls;
- (iv) recommendations for disseminating the lessons learned from the experience in cases where there may be implications for the organisation as a whole; and
- (v) recommendations on what information can be released externally if requested.

5.20 The Integrity Officer should liaise with those in Basketball England with media responsibility and inform them precisely of what information can be released if requested. Those with media responsibility should retain a record of what information was released and to whom.

5.21 If a member of Staff feels that his/her concerns have not been dealt with appropriately internally, you should also be aware that you are empowered to take any concerns to the relevant authorities and other associated external bodies including the Gambling Commission, so long as they act in good faith.

6. BASKETBALL ENGLAND NON-EXECUTIVE BOARD MEMBERS

6.1 A separate response plan will be required for Basketball England Non-Executive Board Members.

6.2 If a Basketball England Non-Executive Board Member, is concerned that a fellow Board member(s) or any employees of Basketball England, including the Chief Executive is involved in suspicious betting activity you should inform the Chair or the Vice-Chair if the concern involves the Chair.

6.3 If a Basketball England Non-Executive Board member believes that the issue cannot be considered objectively by any member of the Board of Directors or senior management, they

should take their concerns to UK Sport / Sports Resolution Panel in the first instance. Concerns can also be reported to FIBA, as per their Internal Regulations.

6.4 If a Basketball England Non-Executive Board member feels that their concerns have not been dealt with appropriately internally or by UK Sport /Sports Resolution Panel, they should be aware that they are empowered to take any concerns to the relevant authorities and other associated external bodies including the Gambling Commission, so long as they act in good faith.

7. SANCTIONS

7.1 If, as a result of an investigation, a person is found to have breached these Regulations, the following sanctions may be applied;

(i) Prohibited Betting

Minimum: reprimand and/or warning

Maximum: Life Suspension

(ii) Corruption Related Fixing

Minimum: reprimand and/or warning

Maximum: Life Suspension

(iii) Misuse of Inside Information

Minimum: reprimand and/or warning

Maximum: Life Suspension

(iv) General Corruption Offences

Minimum: reprimand and/or warning

Maximum: Life Suspension

These are all the same – why not list all 4 and say that the Min v Max applies to all?

7.2 AND (in all cases) The Disciplinary Panel shall have the discretion to impose a fine on the Person arising out of, or in connection with the Betting and Anti-Corruption Breach(es)

7.3 AND (in all cases) Appropriate further options including without limitation the cancellation of sports results/events, demotion, points reduction, return of rewards, replay of fixtures (for example in cases of Match Official corruption) where risk of fraud has been established or

identified, withdrawal of accreditation, withdrawal of affiliation, withdrawal of membership, exclusion from Basketball venues and/or official Player environs, as appropriate.

8. APPEALS

- 8.1 The appeals procedure is available to anyone under investigation as part of natural justice. Anyone wishing to appeal against decisions by the Basketball England must do so in writing, to be received by Basketball England within the specified period of the original decision being made.
- 8.2 **An** appeal may be made against any decision (involving disciplinary action against the club or individual making the appeal), to the Integrity Officer of Basketball England within 7 days of the decision being made, unless otherwise specified.
- 8.3 **A fee** of £250 for the appeal must be paid by 5:00 pm on the 7th working day after the initial decision.
- 8.4 **The** letter of appeal should set out the grounds for the appeal in full. Only the grounds for the appeal as listed in the letter of appeal will be considered.
- 8.5 All statements and/or referee/official reports that have been submitted will be sent to the appellant within 7 working days of submission of their written appeal. This is done via email. Statements will be redacted where appropriate. Some statements will not be sent to the appellant if there is a legal reason preventing the statements from being shared (for example, third party information, data protection, confidentiality agreements or laws, Local Authority advice or instruction, advice from statutory agencies).
- 8.6 **At the conclusion** of the appeal hearing, the Appeals Panel shall determine whether the appeal fee is returned to the appellant in full, part, or not at all. In addition, the Appeals Panel may award costs and expenses against the appellant as it deems appropriate.
- 8.7 **If no** appeal is submitted and the appeals deadline has passed, the outcome will be deemed as final and the outcome will, (where appropriate and to the degree necessary), be disclosed to the party who made the initial complaint (if a complaint was made by an individual or club) for the purposes of transparency.
- 8.8 **Any decision** of the Appeals Panel made in accordance with these regulations shall be final and binding on the parties. There is no further course of appeal and when launching an appeal all parties agree to these terms & conditions.
- 8.9 **The Appellant**, together with any other party or parties who may be affected by the decision, may be permitted to attend a personal hearing, but solely at the discretion of the Appeals Panel and not as a right.
- 8.10 The Appeals Chair sets the Appeals Panel. The Appeals Panel has the power to overturn outcomes or add additional sanctions where it deems necessary by reviewing judgements made by Basketball England.

9 COMPLIANCE

- 9.1 Basketball** England Board of Directors shall appoint from time to time a Compliance Officer to monitor compliance with these Regulations. The Director or Human Resources and Governance shall usually be appointed as the Compliance Officer, unless the Main Board otherwise directs.
- 9.2 The Basketball England Board of Directors shall have power to amend these Regulations as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the Board.
- 9.3 Employees who breach these Regulations may be subject to disciplinary action as well as face criminal investigation.

10 INTERPRETATION

10.1 For the avoidance of doubt, nothing in these Regulations is intended to prevent the payment of prize money and/or any other official incentive to participants in any game, match or tournament and/or contracted performance-related payments under endorsement or sponsorship contracts.

10.2 These Regulations shall be governed by and construed in accordance with English law.