

BASKETBALL ENGLAND DISCIPLINARY CODE AT A GLANCE



This is a brief overview of some of the information that can be found in the Disciplinary Code. It does not cover everything contained within the Disciplinary Code. If further detail or clarity is needed, the Disciplinary Code should be referred to.

PURPOSE

Improve Process – Provide a clear, consistent and transparent framework for discipline complaints. A just and fair process is paramount.

Improve Confidence – Ensure members trust the system to address complaints and concerns appropriately.

APPLICATION

Participants – The Disciplinary Code applies to all members of BE; organisations, members of organisations, players, officials and officers. It applies at all times, and includes online behaviour.

Offences – The Disciplinary Code covers serious breaches of BE rules, regs and standards of conduct. Including:

- Discriminatory language or behaviour;
- Violence or threats to match officials;
- Actions by members in a position of trust or authority
- Any other matter as deemed appropriate by BE

Less serious breaches will be handled by Leagues or Member Organisations, unless otherwise instructed by BE



KEY POINTS

Summary Procedures – when an offence is admitted and the appropriate sanction is deemed to be 28 days or less (or equivalent, eg 4 matches), the charge can proceed summarily. BE propose a summary resolution and sanction, if this is rejected by the participant being charged, it proceeds to full discipline procedure.

Club Responsibility – Clubs are responsible for spectator conduct. Separate guidance on due diligence has been produced.

Timings – Any charge must be raised within 90 days of BE receiving the allegation, and any hearing must be within 180 days of receiving the allegation. These can only be extended if dispensation has been granted to BE by an independent Chair.

Outcomes – BE can publish outcomes, and Written Reasons will be produced for all serious cases.

Young People and Adults At Risk – specific procedures are detailed for young people and adults at risk involved in the discipline process. Separate guidance has been produced.



THE DISCIPLINE PROCESS

What is it? The discipline process is in place as a way to investigate and resolve an alleged breach of BE rules or regulations. It sets out the steps that will be taken.

Investigation

- Any allegation that could potentially be deemed as a serious case must be passed to BE without delay. Clubs, League and Match Officials have a vital role to play in ensuring this happens.
- BE will begin an investigation, obtaining evidence. This will usually be statements from individuals who witnessed the incident.

Charge

- If there is sufficient evidence a charge will be raised, detailing the allegation and setting out the evidence.

Response

- The participant has 14 days to respond - accepting or denying the charge, and choosing either a personal or correspondence hearing. There is a £100 fee for the personal hearing option.

Hearing

- A commission is appointed, and they will consider all the evidence, and the response from the participant.
- Guidance for the procedures applicable to a personal hearing has been produced separately.

Decision and sanction

- Cases are decided on 'Balance of Probability' - is it more likely than not to have occurred?
- Commissions will refer to the Sanction guidelines when deciding an appropriate sanction.



THE APPEAL PROCESS

What is it? *The appeal process is the second step, it is the process for challenging a decision that has been made.*

When can appeals be made to an Appeal Board?

- Against a decision of a Disciplinary Commission
- Against a decision of BE Competitions Committee
- Against a decision of a Safeguarding panel
- Against a decision of a Local League or Region

What are the grounds for an appeal

- Failed to give the appellant a fair hearing
- Came to a decision that no reasonable body should have reached
- Failed to comply with the necessary rules and regulations pursuant to the charge
- Imposed an award or sanction that was excessive
- BE may also appeal on the ground that the sanction was so unduly lenient as to be unreasonable

Process

- The appeal process is outlined more fully in the Discipline Code.
- There is a £250 fee to lodge an appeal (this is £100 for an appeal against a decision of a Safeguarding panel).

