

Disrepute Offence Regulations

Effective from 31st August 2019



**ENGLAND
HOCKEY**

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1. Introduction

- 1.1 These Regulations were approved by the Board of England Hockey (EH) on 14 August 2019 and are effective from 31st August 2019. They are part of the EH Code of Ethics and Behaviour and include the procedures to be followed in the event of a Disrepute Complaint being made. References herein to these Regulations are intended to refer to these Disrepute Offence Regulations, and any reference to a numbered regulation is intended, unless otherwise stated, to be a reference to a numbered regulation in these Regulations.
- 1.2 Appendix 1 contains Definitions and Abbreviations for the purpose, so far as applicable, of these Regulations.
- 1.3 EH shall appoint a person as Head of Governance (HG) whose role shall include the functions of the HG as set out in these Regulations. EH may from time to time authorise the HG to carry out any of the functions of EH referred to in these Regulations. If the HG is unable or unavailable to carry out any of the HG's functions as set out in these Regulations, EH shall appoint a suitably qualified Deputy to perform the HG's functions.
- 1.4 Individuals appointed from time to time as the NDO, CDOs, CDAs, RDAs, and members of the EH Appeal Panel shall be appointed as such for the purpose of both these Regulations and the Red Card and MMO Regulations. The provisions of Regulations 3.2, 3.3, 3.4 and 3.8, save for 3.8.5, of the Red Card and MMO Regulations are accordingly incorporated into these Regulations.
- 1.5 EH shall appoint from time to time a panel of persons for the purposes of providing advice on the use and application of these Regulations, hereafter referred to as the Disrepute Advisory Panel.
- 1.6 There shall be a DCP consisting of the six RDAs, the members of the Disrepute Advisory Panel and such additional members as EH may from time to time decide have the necessary expertise to be members of the DCP. The DCP shall sit with an independent Chair appointed annually by EH. The Chair shall not be an officer or employee of EH or a currently serving RDA or CDA (or deputy).
- 1.7 For the purpose of any Hearing or decision to be made by the DCP, the Chair shall request at least two, and not more than four, members of the Panel to act with him as the DCP. No person who has previously been involved in adjudicating on any matter to be referred to the DCP or is a member of the affiliated body directly concerned in the incident that led to the relevant Disrepute Complaint shall be a member of the DCP for the purpose of any Hearing or decision relating to that matter.
- 1.8 For the avoidance of doubt, nothing in these Regulations or the Red Card and MMO Regulations shall preclude a Disrepute Complaint being made, whether by any umpire or otherwise, in respect of any incident occurring during a match or on a match day that has been or could have been the subject of a Red Card or a MMO, but the Disciplinary Body considering any such Disrepute Complaint shall have regard to any sanction that may have been imposed under the Red Card and MMO Regulations when considering any sanction to be imposed under these Regulations.
- 1.9 Words importing any gender include every gender.

2. Principles

- 2.1 EH is the National Governing Body for the sport of hockey in England. It is a term of membership of EH that Members agree to be bound by the provisions of these Regulations. No individual or affiliated body may play, coach, umpire, administer or otherwise participate in the sport of hockey in England within the scope of the organisation and administration of EH without also being subject to the authority of EH. In so participating all such individuals, and where the individual is a young person under the age of 18 that person's parent or guardian on the individual's behalf, and affiliated bodies agree to abide by these Regulations and to be subject to the procedures and sanctions prescribed.

- 2.2. These Regulations form the framework to ensure the maintenance of an equitable and ethical sport (as laid down in the EH Code of Ethics and Behaviour) and to penalise any action or misconduct at any time which brings or is liable to bring EH, any affiliated body, or the sport of hockey itself into disrepute.
- 2.3. EH will deal with those participating in the sport of hockey in England, or abroad where any individual or affiliated body has remained subject to the jurisdiction of EH, in relation to any disrepute matters in accordance with these Regulations, save that EH will have regard, when implementing any part of these Regulations in respect of an incident occurring within the jurisdiction of any other governing body of the sport of hockey, EHF or FIH, to any procedure or sanction imposed by such other governing body, EHF or FIH, but nothing herein shall affect any other powers and rights to deal with them conferred by the Memorandum and Articles of Association of EH or by any other regulations of EH.
- 2.4. All affiliated bodies are responsible for implementing these Regulations and for the general conduct of all individuals participating in the sport of hockey or in any way connected with the particular affiliated body and within the scope of the control or supervision of such affiliated body, including players, coaches, umpires, officials and spectators.
- 2.5. It is the responsibility of each affiliated body to ensure that all individuals participating in any way in the sport of hockey as part of or connected with the affiliated body are aware of the provisions of these Regulations and of the sanctions prescribed in them. Alleged ignorance of these Regulations by any affiliated body or by any individual who is subject to these Regulations will not be a defence to any breach of these Regulations.
- 2.6. A computer database of all offences committed under these Regulations and of action taken shall be maintained by EH following the offence, in accordance with the GDPR and EH's associated policies. Any individual or affiliated body may obtain, upon written application to EH and where appropriate payment noting the provisions of the GDPR of an administration fee, a summary of the recorded details that relate to that individual or the affiliated body concerned.
- 2.7. Save that EH may if it thinks fit stay the implementation of any sanction pending the final outcome of any criminal or civil court proceedings, if a Disrepute Offence has been proved, the terms of these Regulations, including any sanctions, shall come into effect regardless of whether criminal investigations or any criminal or civil court proceedings have been instigated by any party and notwithstanding the outcome of any such investigations or proceedings.
- 2.8. EH reserves the right to impose suspension or take any other action as it may think fit against any individual or affiliated body that has been the subject of a criminal investigation or of criminal or civil proceedings.
- 2.9. EH reserves the right to deal with any matter relating to young persons under the age of 18 under the Safeguarding and Protecting Young People Regulations.
- 2.10. Neither EH, nor any body or individual who exercises powers under these Regulations in good faith, shall be liable in law, notwithstanding any neglect or failure to follow procedures or time constraints specified in these Regulations. Any body or individual exercising in good faith any powers set out in these Regulations shall be entitled to a full indemnity from EH in respect of any liability whatsoever and howsoever incurred as a consequence of the exercise of such powers.

3 Administration

- 3.1 Unless dealt with under the provisions contained in Regulation 3.2, any conduct capable of being a Disrepute Offence should be the subject of a Disrepute Complaint Form and sent to the HG for initial consideration.
 - 3.1.1 If, on initial consideration of a Disrepute Complaint Form, the HG considers that the conduct that is the subject of the Complaint may not be capable of being classified as a Disrepute Offence, the HG shall refer the Disrepute Complaint Form to the Chair of the DCP. The Chair of the DCP shall then decide whether conduct capable of being

classified as a Disrepute Offence is disclosed. If the Chair of the DCP decides that no conduct capable of being classified as a Disrepute Offence is disclosed, the Chair of the DCP shall dismiss the Disrepute Complaint and so inform the Complainant in writing. The decision of the Chair of the DCP shall be final.

3.1.2 Any affiliated body may also send to the HG details of any conduct that it considers might be the subject of a formal Disrepute Complaint, and, if the HG considers that the conduct described is capable of being a Disrepute Offence, the HG shall issue a Disrepute Complaint Form on behalf of EH as provided for in Regulation 4.3.

3.1.3 If not dismissed pursuant to Regulation 3.1.1, the HG shall decide the forum for investigation of and dealing with the Disrepute Complaint. The DCP shall be the relevant Disciplinary Body in respect of any Disrepute Complaint relating to any conduct or incident occurring:

(1) in connection with the following:

the EHL

Any EHL Play-offs

the England Hockey Cup in the round for the last 64 onwards

the EH Indoor League

any other national competition or stage of a competition as may be so designated by EH Competitions Department

any Regional or International senior or junior or youth match

(2) within one Region that is the subject of a Disrepute Complaint by/against an affiliated body in that Region against/by an affiliated body in a different Region.

3.1.4 In respect of any Disrepute Complaint not within the scope of Regulation 3.1.3, the HG will determine whether the DCP is the appropriate forum for investigation of and dealing with the Disrepute Complaint by reviewing the facts in light of the following criteria:

(1) the reference to any protected characteristics,

(2) the extent of reputational risk to the sport,

(3) the engagement of third parties including statutory authorities,

(4) any evidential complexities.

(5) whether there are disputes of fact that require oral evidence.

The HG will then refer the Disrepute Complaint to the appropriate Disciplinary Body. Such referral will be made to either the relevant CDA, RDA or the DCP.

3.2 Internal procedures of affiliated bodies:

3.2.1 It is recognised that affiliated bodies will operate within their own constitutions and as such will have their own disciplinary regulations for dealing with internal matters. Any conduct or incident reported within an affiliated Club that may be a Disrepute Offence should be dealt with initially by the Club following its own internal procedures, with the outcome being reported immediately to the HG. If an affiliated body needs advice on a disrepute issue it should refer the issue to the HG.

3.2.2 If an affiliated Club disrepute issue is not deemed by the HG to have been dealt with satisfactorily, EH may investigate the issue and if thought fit make a Disrepute Complaint.

3.2.3 If the outcome of an internal disrepute procedure of an affiliated Club results in the permanent suspension of an individual from that Club, the Club shall provide the HG and the NDO with particulars in writing of the offence and the sanction imposed.

3.3 The provisions of these Regulations are intended to improve consistency, both in respect of the sanctions being imposed for the same offence and in the interpretation of Disrepute Complaints. It is intended that the members of the Disrepute Advisory Panel should be available to provide advice and assistance to the HG in relation to any particular incident or type of incidents that may be or may become the subject of a Disrepute Complaint.

3.4 For the purpose of considering the application and efficacy of these Regulations, the HG shall from time to time convene meetings of all RDAs; RDAs shall from time to time convene

meetings of all CDAs in their respective Regions; and CDAs shall from time to time convene meetings of all CDOs in their respective Counties.

- 3.5 All communications, notifications and correspondence relating to matters within the scope of these Regulations shall be sent to the HG who shall co-ordinate meetings of the DCP wherever held and deal with notification of any decisions required to be made by the DCP.
- 3.6 For the purposes of these Regulations notification of decisions and receipt of any communications may be by first class post or by email. Unless proved to have been received earlier, the time of receipt of any formal communication, notification or other communication shall be deemed to be no later than 24 hours after the envelope containing the communication was posted, if sent by first class post, or 24 hours after any email was sent.
- 3.7 Save as provided in Regulation 7.4(2), no appeal will be allowed in respect of a failure to comply with any time limits herein specified.

4. Disrepute Offences

- 4.1. A Disrepute Offence is committed where there is conduct by an individual or an affiliated body at any time that is contrary to the EH Code of Ethics and Behaviour or otherwise brings or is liable to bring EH, any affiliated body or the sport of hockey into disrepute (other than an Anti-Doping, Safeguarding and Protecting Young People or Red Card and Match Day Misconduct offence for which separate regulations exist – see the EH Code of Ethics and Behaviour for further details). A single Disrepute Offence may be a single act or omission, a series of similar incidents, or a course of conduct.
- 4.2. Any individual (provided such individual has the endorsement in writing of at least one affiliated body) or an affiliated body may make a Disrepute Complaint. Such a Disrepute Complaint must be in writing by completion of a Disrepute Complaint Form and received by the HG within 14 days of the conduct complained of, provided that, where the Disrepute Complaint concerns a series of similar incidents or a course of conduct, the period of 14 days shall run from the date of the last act or omission alleged to be part of the series of incidents or course of conduct alleged to be a Disrepute Offence. A Disrepute Complaint may, in exceptional circumstances, be considered after 14 days. Where the EH decides that there may be evidence of exceptional circumstances, the HG shall refer the Disrepute Complaint to the Chair of the DCP. If the Chair of the DCP decides that there are exceptional circumstances leading to a delay in referral, the Disrepute Complaint will be referred back to the HG for determination on the appropriate Disciplinary Body.
- 4.3. EH may make a Disrepute Complaint at any time upon being satisfied that it has sufficient evidence to warrant the making of a Disrepute Complaint.
- 4.4. Where a Disrepute Complaint involves or may involve a young person under the age of 18, the HG shall on receipt of the relevant Disrepute Complaint Form refer the matter to the Welfare Manager for consideration and advice before proceeding further with the Disrepute Complaint.

5. Disrepute Offence Procedure

- 5.1. A Disrepute Offence will not be investigated unless and until a Disrepute Complaint Form (and, where appropriate, the relevant endorsement required by Regulation 4.2) has been received by the HG. If a completed Disrepute Complaint Form is received by an affiliated body, the affiliated body shall immediately forward a copy of the Disrepute Complaint Form to the HG.
- 5.2. Where any Disrepute Complaint is referred to the HG that the HG decides may warrant the imposition of an interim suspension, the HG shall refer the Disrepute Complaint to the Chair of the DCP. If the Chair of the DCP decides to impose an interim suspension, thereafter the Disrepute Complaint shall in all cases be determined by the DCP.
 - 5.2.1. The sanction of interim suspension may include terms and conditions as to the extent and nature of the activities in which the offender is prevented from participating in the

sport of hockey and should only be imposed if in the opinion of the HG such a sanction is warranted for the protection of any individual or affiliated body or is otherwise required in order to prevent or reduce further prejudice to EH or the sport of hockey being brought into disrepute.

- 5.2.2. Subject to the right of review referred to in Regulation 5.3 an interim suspension shall remain in force until a final decision is made on the relevant Disrepute Complaint or the DCP otherwise directs.
- 5.2.3. The decision to impose an interim suspension and details of any terms of the suspension shall be notified in writing to the offender by the HG. Copies of such notification shall also be sent to the NDO, the relevant CDA and RDA, and, in the case of an individual, to any affiliated body of which the alleged offender is a member. Regulation 5.7 shall apply where the sanction of an interim suspension has been imposed.
- 5.3. An individual or affiliated body that is the subject of an interim suspension may at any time after the interim suspension has been imposed and before the final decision on the relevant Disrepute Complaint is made, request the Chair of the DCP to review the interim suspension and/or any terms and conditions of the interim suspension. Such a request must be made in writing to the HG who, as soon as reasonably practicable, shall place the request, together with any documents relevant to the Disrepute Complaint and any other documents that may be produced by the individual or affiliated body concerned, before the Chair.
 - 5.3.1. The Chair shall review the documents as soon as reasonably practicable after they have been placed before him. The Chair shall thereafter confirm, set aside or vary the terms and conditions of the interim suspension. The decision of the Chair shall be final and no further review shall be permitted unless there is a significant change in circumstances.
 - 5.3.2. The decision of the Chair shall be notified in writing to the alleged offender by the HG. Copies of such notification shall also be sent to the NDO, the relevant CDA and RDA, and, in the case of an individual, to any affiliated body of which the alleged offender is a member. Where the individual is a person who was under the age of 18 at the time of the offence, such notification shall also be sent to the Welfare Manager.
- 5.4. The HG shall as soon as reasonably practical after having decided on the appropriate Disciplinary Body to which to refer a Disrepute Complaint shall notify the alleged offender. Where the initial Complainant is not EH the Complainant shall not be required to take any further steps to prosecute the Complaint save that the Complainant may be asked to produce further evidence, and to give oral evidence at any Hearing.
 - 5.4.1. The HG shall send with the notification of the Disciplinary Body to the alleged offender a copy of the relevant Disrepute Complaint Form and any relevant documents attached thereto, together with copies of any witness statements and other documents relied on in support of the Disrepute Complaint.
 - 5.4.2. If the alleged offender wishes to make any representations or produce any witness statements concerning the Disrepute Complaint, such representations and witness statements must be in writing and received by the relevant Disciplinary Body within 14 days of the Disrepute Complaint Form and other documents being sent pursuant to Regulation 5.4.1.
- 5.5. As soon as reasonably practicable after consideration of any representations made and witness statements produced in due time by the alleged offender, the Disciplinary Body shall decide and inform the alleged offender and, where the Disciplinary Body is either a CDA or a RDA, the HG as follows:
 - (1) that no further action on the Disrepute Complaint is to be taken; or
 - (2) that no further action on the Disrepute Complaint is to be taken, but that the alleged offender is warned as to future conduct; or
 - (3) that it intends to proceed to adjudicate upon the Disrepute Complaint, having regard to the representations and witness statements received within the time limit

specified in Regulation 5.4.1 and 5.4.2 and consideration of written evidence and submissions only. The Disciplinary Body may, before deciding the Disrepute Complaint, investigate the matter further and obtain additional written evidence, provided always that the alleged offender shall have the opportunity to comment in writing on any additional evidence before the Disciplinary Body decides the matter.

(4) in the case of a CDA or a RDA, decide that the Disrepute Complaint cannot be fairly dealt with without an Oral Hearing, in which case the Disrepute Complaint shall be referred back to the HG for consideration and, if thought fit, for further directions from the DCP pursuant to Regulation 5.5.(5);

(5) in the case of the DCP, decide that an Oral Hearing will be held to hear the case. Such a hearing will be held as soon as is reasonably practicable and shall follow as far as possible the Guidelines for Oral Hearings set out in Appendix 2, subject to the discretion of the Chair of the DCP to adapt the procedure having regard to the circumstances of the particular case.

5.6. The Disciplinary Body shall endeavour to reach a decision on the Disrepute Complaint as soon as is reasonably practicable and, within 48 hours of any decision, notify in writing the decision and any sanction to:

(1) the individual or affiliated body that made the Disrepute Complaint.

(2) the alleged offender. The notification to the alleged offender shall include succinct reasons for the decision and any sanction imposed

(3) if the alleged offender is an individual, the affiliated body for which the alleged offender was participating at the time of the conduct complained of or with which the offender was principally connected at the time of such conduct.

(4) if the alleged offender was under the age of 18 at the time of the alleged offence, the Welfare Manager.

(5) the NDO, and the relevant RDA and CDA, if the Disciplinary Body was the DCP .

(6) the HG, the NDO and the relevant RDA, if the Disciplinary Body was a CDA.

(7) the HG, the NDO and the relevant CDA, if the Disciplinary Body was an RDA.

5.7. Where the alleged offender is an individual, the affiliated body for which the alleged offender was participating at the time of the conduct complained of or with which the alleged offender was principally connected at the time of such conduct shall be primarily responsible for implementing any sanction imposed. The alleged offender shall be responsible for informing any other affiliated body of which the alleged offender is a member of the sanction that has been imposed.

5.8. Within 7 days of receipt of notification of a decision pursuant to Regulation 5.6, the alleged offender and/or EH may appeal against all or any part of the decision.

5.9. An Appeal pursuant to Regulation 5.8 shall not in itself have the effect of staying or varying the decision of the relevant Disciplinary Body. Only the Chair of the relevant Appeal Body shall have the power to stay or vary any sanction pending the hearing of an Appeal, and then only if an application is made to the Appeal Body by a party to the Appeal.

6. Sanctions

6.1. The sanctions that may be imposed for Disrepute Offences are at the discretion of the relevant Disciplinary Body. Due to the fact that Disrepute Offences are so varied in nature, it is not appropriate to have a pre-determined list of sanctions related to a specific offence, but where the conduct that is the subject of a Disrepute Offence is comparable to conduct that could be the subject of a Red Card Offence or a MMO, the Disciplinary Body should have regard to the sanctions that could be imposed for the Red Card Offence or the MMO.

6.2. Sanctions that may be imposed include, but are not limited to:

(1) warning; and/or

(2) an order specifying certain training to be undertaken; and/or

(3) an order requiring an individual to be monitored in specific matters; and/or

7.2.4; upon such terms, if any, as the Chair may think fit. The decision of the Chair shall be final.

- 7.5. Where an Appeal Notice does not expressly request an Oral Hearing, the following provisions shall apply:
- 7.5.1. Save as provided in Regulation 7.5.2 the only documents and evidence that may be considered by the Appeal Body are the documents and witness statements before the relevant Disciplinary Body when the decision appealed against was made and the documents setting out and giving the reasons for the decision appealed against, save that the Appellant may, within 14 days of the date of the Appeal Notice, send to the Appeal Body further written submissions.
- 7.5.2. If either party wishes the Appeal Body to consider further evidence not previously considered by the relevant Disciplinary Body, the Appeal Body shall consider such evidence provided that:
- (1) Such further evidence is sent to the Appeal Body and the other party within 14 days of the date of the Appeal Notice;
 - (2) Such further evidence is in the form of written statements and/or copy documents certified as being true by the person submitting the evidence;
 - (3) The other party may reply in writing to such further evidence by making representations and/or submitting further evidence, such reply to be received by the Appeal Body not later than 21 days after the date of the Appeal Notice;
 - (4) In all cases, including when the alleged offender is an Appellant, the burden shall be upon EH to satisfy the Appeal Body that the Disrepute Complaint should be upheld;
 - (5) Either party may request the Appeal Body to hold an Oral Hearing where any further evidence has been sent to the Appeal Body if such request is in writing and received by the Appeal Body within 21 days of the date of the Appeal Notice. In such a case the Appeal Body cannot decide the Appeal and must direct an Oral Hearing, and the provisions of Regulation 7.5.4(4) shall apply.
- 7.5.3. As soon as reasonably practicable after the expiration of 21 days from the date of the Appeal Notice, the Appeal Body shall consider the Appeal.
- 7.5.4. Having considered the Appeal, the Appeal Body may either:
- (1) allow the Appeal; or
 - (2) allow the Appeal in part, in which case it may impose a lesser sanction than that imposed by the Disciplinary Body appealed from; or
 - (3) dismiss the Appeal and confirm the decision appealed against including any sanction imposed; or
 - (4) if the Appeal Body decides that it cannot reach a conclusion without an Oral Hearing or is minded to increase the sanction imposed by the relevant Disciplinary Body, the Appeal Body shall direct an Oral Hearing of the Appeal, in which case the HG, on behalf of the Appeal Body, shall as soon as reasonably practicable serve on the parties to the Appeal a notice in writing stating the date, time and place at which the Appeal Body will hold the Hearing together with a copy of the Guidelines for Oral Hearings set out in Appendix 2.
- 7.5.5. The decision of the Appeal Body shall be notified in writing to the parties to the Appeal within 48 hours of the decision. Succinct reasons for the decision shall be sent to the parties to the Appeal within 7 days of the decision.
- 7.6. Where an Appeal Notice expressly requests an Oral Hearing, as soon as reasonably practicable after the Appeal Notice has been received the HG, on behalf of the Appeal Body, shall serve on the parties to the Appeal a notice in writing stating the date, time and place at which the Appeal Body will hold the hearing together with a copy of the Guidelines for Oral Hearings set out in Appendix 2.
- 7.6.1. At the conclusion of the Hearing of the Appeal, the Appeal Body may either:
- (1) allow the Appeal; or
 - (2) allow the Appeal in part, in which case it may impose a lesser sanction than that

imposed by the Disciplinary Body; or

(3) dismiss the Appeal, in which case it may impose any sanction that the Disciplinary Body appealed from could have imposed, including the imposition of a greater sanction than that imposed by the Disciplinary Body.

7.6.2. Where the Appellant is an individual and is directed to pay any costs and expenses the Appeal Body may impose a period of suspension from hockey activities on the Appellant, or extend any period of suspension already imposed, until such time as the costs and expenses have been paid in full.

7.6.3. The decision of the Appeal Body shall be notified in writing to the parties to the Appeal within 48 hours of the decision. Succinct reasons for the decision shall be sent to the parties to the Appeal within 7 days of the decision.

7.7. In addition to the parties to the Appeal, the details of the decision of an Appeal Body at the conclusion of an Appeal shall be notified in writing within 72 hours of the decision as follows:
(1) to the NDO, the relevant RDA, CDA and the relevant affiliated body; and
(2) to the individual or affiliated body that initially submitted the relevant Disrepute Complaint Form.

7.8. Subject to Regulation 8.1, the decision of an Appeal Body shall be final.

8. Further Appeals

8.1. Following a decision on an Appeal by the DCP either of the parties may request permission for a Further Appeal to be heard by the EH Appeal Panel. EH may request a Further Appeal notwithstanding that the DCP may have dismissed the particular Appeal in whole or in part.

8.2. Permission for a Further Appeal shall only be granted if, in the view of the Chair of the EH Appeal Panel:

(1) the circumstances of the procedure followed in the investigation or prosecution of the relevant Disrepute Complaint and/or any sanction imposed were exceptional and/or disclose a material irregularity; and

(2) it is in the general interest of the individuals and affiliated bodies involved in the sport of hockey that the particular Disrepute Complaint should be adjudicated upon by the EH Appeal Panel; and

(3) the proposed Further Appeal has a reasonable prospect of success.

8.3. A request for permission for a Further Appeal must be made within 14 days of the reasons for the decision of the DCP being sent pursuant to Regulation 7.5.5.

8.4. A request for permission for a Further Appeal must be in writing in a document headed "Further Appeal Request" sent to the HG marked for the attention of the Chair of the EH Appeal Panel together with copies of the following:

(1) the relevant Disrepute Complaint Form;

(2) the Appeal Notice to the DCP;

(3) the decisions made by the relevant Disciplinary Body and the DCP together with any written reasons;

(4) the written representations and any witness statements produced for the Disciplinary Body and/or the DCP; and

(5) any other documents relied on.

The above copy documents should be sent in an indexed and paginated bundle.

8.5. The Further Appeal Request should include a summary of the facts and matters relied upon to satisfy the requirements for permission for a Further Appeal as set out in Regulation 8.2. If permission is granted the Further Appeal Request shall become the Appeal Notice for the purposes of the Further Appeal.

8.6. As soon as reasonably practicable after receipt of the Further Appeal Request and the accompanying copy documents the Chair of the EH Appeal Panel shall consider the Request.

8.7. The Chair of the EH Appeal Panel may, upon the application in writing made by or on behalf of the Appellant:

- (1) stay or vary any sanction that is the subject of an Appeal pending determination of the Appeal; and/or
- (2) in exceptional circumstances, extend the time for making the Further Appeal Request set out in Regulation 8.3; upon such terms, if any, as the Chair may think fit.

- 8.8. The decision of the Chair shall be notified in writing to the parties to the intended Further Appeal. If the decision is to permit the Further Appeal no reasons will be given, but if the decision is to refuse permission, such notification shall include succinct reasons for the decision.
- 8.9. The decision of the Chair of the EH Appeal Panel shall be final.
- 8.10. If permission for a Further Appeal is granted, such Appeal shall be an Oral Hearing. The HG, on behalf of the EH Appeal Panel, shall serve on the parties to the Further Appeal a notice in writing stating the date, time and place at which the EH Appeal Panel will hold the Hearing. The Guidelines for Oral Hearings set out in Appendix 2 shall be followed so far as possible, subject to the discretion of the Chair of the EH Appeal Panel to adapt the procedure having regard to the circumstances of the particular case:
 - (1) both parties to the Further Appeal should prepare in advance of the Hearing a schedule containing a summary of their respective actual and anticipated costs and expenses of and occasioned by the Appeal;
 - (2) if the Further Appeal is unsuccessful, in whole or in part, the EH Appeal Panel may direct that all or a proportion of the costs and expenses of the Respondent be paid by EH, in which case the Panel shall summarily assess the amount to be paid.
- 8.11. Where the unsuccessful party to a Further Appeal is an individual or an affiliated body such party may be directed to pay all or part of the costs and expenses of the Further Appeal. If an individual committed the particular Disrepute Offence, the EH Appeal Panel may impose a period of suspension from hockey activities on such individual, or extend any period of suspension already imposed, until such time as the costs and expenses directed to be paid have been paid in full.
- 8.12. In any case the EH Appeal Panel may, at its discretion, direct that all or any part of the deposit paid for the purposes of the relevant Appeal to the DCP be refunded.
- 8.13. Regulations 7.6.1, 7.6.3 and 7.7 shall apply for the purposes of the Further Appeal.
- 8.14. The decision of the EH Appeal Panel shall be final.

APPENDIX 1

Definitions and Abbreviations

- “Affiliated body” means any Member of EH, other than an individual Member, and includes the National Programme Umpires Association and any club, school, corporation, association, umpiring association or organisation for which an individual may participate or with which an individual may be principally connected at any material time and which is part of an affiliated body that is a Member of EH
- “Appeal Body” means the body appointed under these Regulations for the purposes of an Appeal in any particular case
- “CDA” means a County Disciplinary Administrator
- “CDO” means a Club Disciplinary Officer or person deemed to be a CDO
- “County” means a County Association as referred to in EH’s Articles of Association
- “Disciplinary Body” means the appropriate individual, committee, panel or other body responsible in the circumstances of any particular case for imposing and/or enforcing any of the provisions of these Regulations
- “Disrepute Advisory Panel” means a panel of persons appointed from time to time by EH for the purposes of providing advice on the use and application of these Regulations
- “Disrepute Complaint” means the description of conduct which must be set out in a Disrepute Complaint Form pursuant to Regulation 4.2 of these Regulations and is alleged to be a Disrepute Offence
- “Disrepute Complaint Form” means a formal EH Disrepute Complaint Form
- “DCP” means the EH Disrepute Complaint Panel
- “Disrepute Offence” means an offence as more particularly described in Regulation 4.1 of these Regulations
- “EH Appeal Panel” means the England Hockey Appeal Panel
- “EH” means England Hockey Limited, the National Governing Body for hockey in England
- “EHF” means the European Hockey Federation
- “EHL” means the English Hockey League
- “FIH” means the International Hockey Federation
- “GDPR” means the General Data Protection Regulation which came into force on 25 May 2018 and any subsequent amendment of the Regulation
- “HG” means the EH Head of Governance
- “Member” means an individual, corporation, association or organisation admitted to membership (of any class or category) of EH whether entitled to vote at a General meeting of EH or not
- “MMO” means a Matchday Misconduct Offence
- “NDO” means the National Disciplinary Officer
- “PNF” means a Penalty Notification Form
- “RCC” means the Regions’ Consultative Committee as defined in EH’s Articles of Association
- “RCRF” means a Red Card and Match Day Misconduct Report Form
- “RDA” means a Regional Disciplinary Administrator
- “Red Card Offence” means an offence during a game as more particularly referred to in Part 4 of the Red Card and MMO Regulations
- “Region” means a Regional Association as defined in EH’s Articles of Association
- “These Regulations” means these England Hockey Disrepute Offence Regulations
- “The Red Card and MMO Regulations” means the England Hockey Red Card and Match Day Misconduct Offence Regulations
- “The Welfare Manager” means the England Hockey Equity, Ethics and Welfare Manager appointed from time to time by England Hockey

APPENDIX 2

Guidelines for Oral Hearings

1. Unless otherwise expressly stated these Guidelines are intended to be followed both when the DCP is sitting as the first Disciplinary Body and when the DCP and the EH Appeal Panel are sitting as Appeal Bodies. "The Panel" means either the DCP or the EH Appeal Panel. "The Chair" means the Chair of the DCP or the Chair of the EH Appeal Panel as the case may be.
2. The parties to any Hearing are EH on the one hand and the Alleged Offender on the other. EH should be represented by the HG but may appoint another individual as its representative. The Alleged Offender may appear in person and/or be represented at the Hearing. If under the age of 18 years, the Alleged Offender is entitled to be accompanied by a person having parental responsibility as defined in the Children Act 1989 or nominated as a representative by such a person.
3. In all cases, including when the Alleged Offender is an Appellant, the burden shall be upon EH to satisfy the Panel that the Complaint that is the subject of the Hearing should be upheld. Where any fact is required to be proved the Panel shall regard it as proved if proved on the balance of probabilities.
4. The Chair may postpone the Hearing on his own initiative, or upon the application in writing of EH or the Alleged Offender, as he may think fit, in which case notice in writing stating the new date, time and place at which the Panel will hold the hearing will be served on the Alleged Offender not less than **7 days** before the new hearing.
5. Where appropriate, and in the discretion of the Chair, two or more Hearings may be heard together.
6. Save in exceptional circumstances, and subject to the discretion of the Chair, no person may give evidence before the Panel unless a signed witness statement has previously been produced in accordance with these Guidelines.
7. Unless otherwise directed by the Chair, if either party wishes to rely on any witness statements or other documents, or in the case of an Appeal any witness statements or documents in addition to those before the Disciplinary Body whose decision is the subject of the Appeal, copies thereof must be sent to the other party not less than **14 days** prior to the Hearing.
8. Any witness statement must be signed by the maker of the statement but the witness (unless also a party) will not be required to attend the Hearing unless, not less than **72 hours** before the hearing, a party informs the HG that the presence of the witness is required, in which case the HG shall so inform the witness. Where a witness statement has been produced but the witness does not appear at the Hearing having been requested to attend, the witness statement may be admitted as evidence at the discretion of the Chair, subject to the Panel giving such weight to the statement as it thinks fit having regard to the fact that there will have been no opportunity to question the maker of the statement.
9. Procedure at Oral Hearings shall be informal, the details being in the discretion of the Chair. The Chair may amend and adapt the procedure in order to do justice in the particular case.
10. The attendance of the Alleged Offender (or its duly appointed representative if an affiliated body) is required at the Oral Hearing, but, if the Alleged Offender nevertheless fails to attend, the Hearing may proceed in the absence of the Alleged Offender if the Panel is satisfied that all relevant procedures requiring the attendance of the Alleged Offender have been complied with and that no acceptable explanation for the absence has been provided. Should the Panel not be so satisfied, it shall have power to adjourn the Hearing to such time and date as it may think fit.
11. A record of each Oral Hearing shall be taken and retained by EH for not less than 2 years.
12. The Panel may adjourn the Hearing from time to time and upon such terms as it may think fit.
13. In respect of a Disrepute Offence where the Complaint was made by an umpire, the umpire who made the Disrepute Complaint as the case may be is entitled to be independently represented at the Hearing.
14. Unless otherwise directed by the Chair prior to the hearing, the HG shall prepare a bundle of documents ("the Bundle") for use at the Hearing. The Bundle should contain copies of all documents and witness statements intended for use at the Hearing, paginated and indexed. Sufficient copies of the Bundle should be produced to include: one for each member of the Panel, one for the Alleged Offender, one for the EH representative, one for the umpire in the case of a Disrepute Complaint made by an umpire, and one for the use of witnesses at the hearing. Copies of the Bundle should be supplied to the members of the Panel, the Alleged Offender, the EH representative and the umpire (if appropriate) not less than **48 hours** before the Hearing.
15. Subject to the discretion of the Chair in any particular case, the procedure at the Hearing will be as follows:
 - i. The Chair will introduce the members of the Panel and ascertain the identity and role of all those

- present.
- ii. The Complaint that is the subject of the hearing shall be read out by the EH representative. Unless the Panel indicates that the documents and witness statements in the Bundle have been read, the EH representative shall read out, or invite the members of the Panel to read, the documents and witness statements in the Bundle.
 - iii. The Chair shall then invite the Alleged Offender to make a statement and the EH representative shall be entitled to ask the Alleged Offender questions.
 - iv. Any witness giving oral evidence against the Alleged Offender shall be asked to verify his witness statement. The witness shall be asked to correct any mistakes or omissions in his witness statement and may, with the permission of the Chair, be asked questions by the EH representative supplementing his evidence. The Alleged Offender or the Alleged Offender's representative may then question the witness. With the permission of the Chair, the EH representative may then question the witness further upon any new matter arising out of the Alleged Offender's or the Alleged Offender's representative's questions.
 - v. Any witness giving oral evidence on behalf of the Alleged Offender shall be asked to verify his witness statement. The witness shall be asked to correct any mistakes or omissions in his witness statement and may, with the permission of the Chair, be asked questions by the Alleged Offender or the Alleged Offender's representative supplementing his evidence. The EH representative may then question the witness. With the permission of the Chair, the Alleged Offender or the Alleged Offender's representative (if any) may then question the witness further upon any new matter arising out of the EH representative's questions.
 - vi. Where the Hearing is concerned with a Disrepute Complaint made by an umpire, the umpire or the umpire's representative may, if and when permitted by the Chair, question any witness.
 - vii. The Chair and any member of the Panel, with the consent of the Chair, may at any stage of the Hearing question any witness, the EH representative, the Alleged Offender and the Alleged Offender's representative if any.
 - viii. At the conclusion of the evidence the Alleged Offender or, if represented, the Alleged Offender's representative shall be invited to make final submissions.
 - ix. If so required by the Chair, the EH representative may be invited to make submissions concerning whether the Complaint should be upheld.
 - x. At the conclusion of the Hearing the Chair will either ask the parties to withdraw or the Panel will withdraw to consider its decision.
 - xi. The Panel may either invite the parties to wait for its decision, or state that the announcement of the decision will be deferred and put in writing to be sent to the parties.
16. Where a decision is announced at the conclusion of the Hearing, the decision shall be confirmed in writing within **48 hours**. Succinct reasons for the decision shall be sent to the parties within **7 days** of the decision.