



# AFFILIATED LEAGUES – DISCIPLINE GUIDE

This guide should assist Affiliated Leagues with applying Basketball England's new Disciplinary Code. All the latest guidance and information on the Disciplinary Code can be found on the BE website: [Disciplinary Code | Basketball England](#). In particular, the [Guide for Affiliated Leagues](#) explains in detail what Serious Cases are and how they can be identified and reported. The Disciplinary Code itself can be viewed directly [here](#).

The purpose of this additional guide is to assist Affiliated Leagues with implementing the Discipline Code and give some more practical support in making the Discipline Code successful within your League. Several additional guidance documents are included within the Appendices of this document and can also be provided, if requested, as separate documents for circulating more widely.

Get in touch at [integrity@basketballengland.co.uk](mailto:integrity@basketballengland.co.uk) to report any incidents or for further support.

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## UNDERSTANDING THE IMPACT ON THE LEAGUE

### **Separating Cases**

The biggest impact of the Disciplinary Code for Affiliated Leagues is the split of discipline cases into 'Serious Cases' that must be passed to Basketball England, and all other cases, which will remain with the League.

Basketball England will be responsible for investigating, charging and hearing any charges arising from Serious cases. The [Discipline Code Guidance](#) document goes into more detail on what constitutes a Serious case and how to identify a Serious case; in brief, these include any case with a reference to discriminatory language or behaviour, any threat or violent conduct towards a game official and any allegation of misconduct by a game official.

Cases that are not considered as Serious cases remain with the League to deal with under the League discipline process. If there is any doubt about identifying a Serious case, get in touch with Basketball England at [integrity@basketballengland.co.uk](mailto:integrity@basketballengland.co.uk) for guidance and support.

A Sanction guideline document has been produced to assist Disciplinary Commissions with their decision making and to help with consistency in the sanctions imposed. This can be found here

### **Defining Processes**

The Disciplinary Code sets out processes for charging and hearing cases, appeals, and dealing with Adults at Risk and Young People in the discipline process.

A lot of leagues will have their own process in place already, and its likely a lot of this will be similar to the processes set out in the Disciplinary Code. The Disciplinary Procedures General Provisions (point 7 in the Disciplinary Code) outlines the procedures and the processes that will be followed by Basketball England for any cases they hear. Whilst the discipline processes outlined are not mandatory for cases heard by an affiliate league, they provide a standard that can be adopted by the League, should the League choose to.

The process for any Adults at Risk or Young People involved in the Discipline Process should be followed by the League to ensure that suitable adaptations are made to any disciplinary process. This will ensure the League meets safeguarding expectations for disciplinary processes.

Guidance documents for these processes are included later in this guide.

### **Appeals**

The Discipline Code outlines the cases that can be submitted to Basketball England for appeal, and the process that will be followed. The Appeal and Complaints guidance for Leagues explains where different types of cases should be initially heard and appealed. Leagues should ensure that where a participant has a right to appeal a decision they are made aware when they are notified of the decision.

The Appeals Guidance for Participants provides information about appeals for any Clubs, coaches, players or any other participants who have been subject to a decision. It explains the limits and requirements of submitting an appeal, as well as an overview of the process.



## **IMPLEMENTING CHANGES**

### **Amending Rules and Regulations**

Leagues may need to make amendments to League Rules to make it clear that certain offences will be handled by Basketball England, and will follow the procedures outlined in the Disciplinary Code. The following example is amended from the changes to the NBL and demonstrates how straightforward this can be:

*Matters considered a Serious Offence by Basketball England and those involving match officials will be considered under the Basketball England Disciplinary Code.*

*Disciplinary matters related to misconduct by Participants, occurring during or immediately prior to, or following a Match will be considered by the League, or referred to Basketball England if appropriate.*

Changes may need to be made to remove reference to any such cases within League documents, for example if the League has recommended sanctions listed for these offences this will need removing to avoid any conflict or confusion.

### **Amending Processes and Sanctions**

Cases that remain with the League can follow current League discipline processes, but it is recommended that Leagues begin to move towards the procedures outlined by Basketball England for consistency. The paramount objective of any discipline process should be fairness to all involved. League processes and decisions will be subject to appeal so the League should be comfortable and confident that the processes being used are robust.

Appeals against decisions of the League can be appealed to Basketball England, and this should be clearly stated to clubs and participants within the League. The Appeal guidance explains this in more detail.

### **Game Day Delegate**

A new role has been created and will be implemented across the NBL. Affiliated Leagues may want to consider how they can utilise game day delegates at a local level, but it is not mandatory. The guidance document is provided for information and to support those Leagues who choose to have game day delegates. If any significant changes are made to the role within a League, please rename the position to avoid confusion.



## COMMUNICATING WITH CLUBS AND MATCH OFFICIALS

### **Clubs and Players**

It is really important to try and get the message across to Clubs and Players so they are aware of the expectations around behaviour. Support documents for Clubs and Players are included later in the document and can also be found on the Basketball England website:

[Reporting flowchart for Clubs and Players](#) – this breaks down the steps to take at the time an incident occurs

[Identifying Discrimination and Aggravated Language](#) – this one page document gives an overview of what is meant by the terms ‘aggravated language’ and ‘discrimination’.

Clubs have a responsibility to ensure spectator’s conduct themselves in an appropriate manner, and can be held accountable for this. This guidance explaining due diligence should help Clubs to understand this [Club Responsibility and Due Diligence Explained](#)

### **Match Officials**

Referees and other match officials have a crucial role to play in identifying and reporting any discipline matters and in particular any Serious incidents. Its vital that anyone taking on an officiating role at a basketball game understands the responsibilities that come with it.

The Disciplinary Code also offers greater protection to match officials, classing any threats or physical actions towards match officials as serious incidents, with significant sanctions to be imposed on any participant who has such a charge found Proven. This should act as a deterrent, with the intention of improving the behaviour towards match officials and subsequently creating a more positive environment for officials within basketball.

The [Guidance for Match Officials](#) can be shared with officials in your league to help them understand their role and the impact of the Disciplinary Code. It also includes flowcharts explaining how they can handle incidents reported to them.



## YOUNG PEOPLE AND ADULTS AT RISK IN THE DISCIPLINE PROCESS

It's vital to remember to treat children as children, this takes priority over the requirements of discipline matters. Throughout this document, the terms Young People, Children and U18s are all used to mean the same thing – they all refer to anyone under the age of 18. The adaptations outlined in this document must be applied to ensure U18s are treated appropriately.

These procedures should also be applied as necessary to any adults at risk who are involved in the discipline process. The application will depend on the needs of the adult, determined on a case-by-case basis.

### GENERAL POINTS

A child under 12, at the time of the offence, cannot be charged with misconduct. An alternative to formal disciplinary action could be considered, for example the Welfare Officer discussing the behaviour with the child.

Any U18s involved in the discipline process, either as witnesses or alleged offenders, should be supported and assisted throughout by the Club Welfare Officer or other appropriate adult. The adult should be able to explain the process to them.

U18s cannot be fined. Any monetary penalties relating to conduct by an U18 are the responsibility of their Club, and cannot be passed on to the child. This also applies to any U18s acting as Coaches or Match Officials.

### YOUNG PEOPLE AT DISCIPLINE HEARINGS

A child under 12 cannot appear at a hearing under any circumstances. Alternative arrangements can be made if the evidence from the child is crucial, for example a Welfare Officer can take a statement from the child, and then attend the hearing on behalf of the child to answer any questions.

A child aged 12 to 15 can only attend a hearing in the following limited circumstances:

- The evidence is considered sufficiently important to necessitate the attendance of the child.
- The child must only attend via video link, not in-person.
- The child must be accompanied by an appropriate adult.
- The adaptations to the hearing process (outlined below) must be strictly followed.

A child aged 16 to 17 has the option of attending a hearing either via video link or in person (if the hearing is being held in person). They must be accompanied by an appropriate adult and the adaptations to the hearing process (outlined below) must be strictly followed.

### ADAPTIONS TO THE HEARING PROCESS FOR YOUNG PEOPLE

- Only essential personnel can be present – the Commission, secretary, charged participant and their representative.



- Only the Chair of the Commission can ask questions of the young person.
- No questioning is permitted from any other individuals. If the charged participant has questions for a witness aged U18, they must be submitted in writing prior to the hearing. The Chair will ask the questions if they are necessary and relevant.
- At the end of the initial questioning, the charged participant is given an opportunity to state if they have any further questions (yes/no only).
- Any further questions must be provided to the Chair privately, usually via the secretary. They must not be provided in the presence of the young person. Again, the Chair will only ask any additional questions if they are necessary and relevant.
- The young person should leave the hearing at the conclusion of questioning. The only exception to this is if the young person is the individual who has been charged.



# A STEP-BY-STEP GUIDE TO PERSONAL HEARINGS

The document aims to explain the steps that will be followed at a personal hearing. There are definitions at the end of document for the terms highlighted in yellow. There are separate procedures for anyone under the age of 18 or any adults at risk who are attending, and the document for 'Adults at Risk and Young People in the Discipline Process' should be referred to.

Ordinarily, personal hearings will be held online, usually via Microsoft Teams. An application can be submitted for an 'in person' hearing if required. A Discipline Chair will then decide whether to go ahead online or in person.

The Commission, secretary and charged participant (and their representative if applicable) will be present throughout the hearing, except for the decision-making when the charged participant and representative will be required to leave. Other attendees will be called in as outlined in the steps below.

## INTRODUCTIONS

1. Brief introduction from the **Discipline Commission**.
2. Confirm the **charged participant** has seen the charge details and evidence.

## EVIDENCE IN SUPPORT OF THE CHARGE

3. The first **association witness** will be called in, asked if there is anything to add, amend or remove from their written statement.
4. Commission members ask questions of the witness.
5. Charged participant (or their **representative**) can ask questions of the witness. The questions must be relevant to defence of the charge.
6. When there are no further questions, the witness can leave.
7. Repeat the process for any further association witnesses.

## EVIDENCE IN DEFENCE OF THE CHARGE

8. Charged participant gives their own evidence, and answers any questions from the Commission.
9. Charged participant can call in **defence witnesses**, one at a time.
10. Commission members can ask questions of the witness.
11. Charged participant (or their representative) can ask questions of the witness.
12. When there are no further questions, the witness can leave.
13. Repeat the process for any further defence witnesses.

## FINAL SUMMARY

14. Once all the evidence has been heard the charged participant (or their representative) can make closing submissions, this should be a summary of the evidence heard and mustn't refer to any evidence that has not already been disclosed.
15. The **Discipline Chair** should confirm if the charged participant feels they have had a fair hearing and had the opportunity to present their evidence.

## DECISION

16. The charged participant (and their representative) leave the hearing and the Commission deliberate in private on the evidence they have seen and heard. They make a decision based on the **balance of probability**.
17. Once a decision has been reached, the charged participant (and their representative) are recalled to the hearing.

18. The **secretary** will announce the decision made by the Commission – either **proven** or **not proven**.
19. If the charge is not proven, the hearing concludes. The outcome will be confirmed in writing.
20. If the charge is proven, the charged participant (or their representative) can provide **mitigation**.
21. The secretary will inform the Commission of any previous offence record.

## OUTCOME

22. The charged participant (and their representative) leave the hearing and the Commission deliberate in private on what **sanction** to impose, taking account of any sanction guidelines.
23. The charged participant (and their representative) are recalled, and the secretary will announce the sanction imposed by the Commission. The charged participant will be reminded of their right to appeal the decision. The outcome will be confirmed in writing.

## DEFINITIONS:

Association Witness	Someone who has submitted information or a statement that has been used as evidence in support of the charge. This should have been provided to the charged participant at the same time that the charge was raised
Balance of Probability	This is the 'Standard of Proof' used by the Commission, they will decide, based on the evidence available to them, whether it is more likely than not that the incident occurred. It's the normal threshold for most civil disputes, but is a much lower threshold than used in criminal cases
Charged Participant	The person who the charge has been raised against, who has requested a personal hearing
Defence Witness	Someone who is providing evidence in defence of the charge
Discipline Chair (or Chair)	One of the Commission members will lead the hearing and be responsible for producing any Written Reasons that are required. This person is the Chair of the Commission
Discipline Commission (or Commission)	The panel of people (usually three) who read and listen to the evidence and can ask questions. They decide on whether the charge is proven or not proven. If it is proven they will decide on the appropriate sanction
Mitigation	Reasons that the Commission should consider that might mean they give a lower sanction
Not Proven	If a charge is found not proven, it means the Commission think there <b>is not</b> enough evidence to support that the incident happened
Proven	If a charge is found proven, it means the Commission think there <b>is</b> enough evidence to support that the incident happened as outlined in the charge
Representative	A person chosen by the charged participant to ask questions on the participant's behalf and summarise at the end. The representative cannot answer questions that the Commission may have for the person charged in relation to the alleged incident
Sanction	The penalty for the offence, often a suspension and fine. Several other options are available to the Commission, outlined in the sanction guideline document
Secretary	The individual who hosts the hearing and liaises with all individuals to ensure the correct process is followed. The secretary has no influence on the outcome of the hearing

# SUPPORT FOR CLUBS AND PLAYERS: IDENTIFYING DISCRIMINATION AND AGGRAVATED LANGUAGE



To ensure Basketball is truly a game for All, everyone has a responsibility to challenge discrimination when we see it, whether it is at a game, at training or online. Recognising it and knowing how to respond can be vital to ensuring incidents are handled appropriately and promptly.

## WHAT IS DISCRIMINATION?

Basketball England follows the definitions set out in the Equality Act 2010. Discrimination can be any of the following:

### **DIRECT DISCRIMINATION:**

Treating someone with a protected characteristic less favourably than others.

### **HARASSMENT:**

Behaviour linked to a protected characteristic that that violates dignity or creates an offensive environment.

### **INDIRECT DISCRIMINATION:**

Provisions or practices with the effect of putting someone with a protected characteristic at a disadvantage.

### **VICTIMISATION:**

Unfair treatment of any individual because they have raised or reported an act of discrimination.

## WHAT ARE THE PROTECTED CHARACTERISTICS?

Protected characteristics are listed in the Equality Act 2010. They are as follows:

- **AGE**
- **DISABILITY**
- **GENDER REASSIGNMENT**
- **MARRIAGE OR CIVIL PARTNERSHIP**
- **PREGNANCY AND MATERNITY**
- **RACE**
- **RELIGION OR BELIEF**
- **SEX**
- **SEXUAL ORIENTATION**

## WHAT ARE 'AGGRAVATED' BREACHES?

The Disciplinary Code in Basketball describes as Aggravated the use of language of behaviour that makes reference, whether explicitly or implied, to another person's ethnic origin, colour, race, age, nationality, religion or belief, gender, gender reassignment, sexual orientation, or disability.

In most instances, Aggravated breaches could also be considered as Harassment under the Equality Act. They are comments or behaviour making reference to a protected characteristic that cause offence.

## WHAT DOES THIS LOOK LIKE IN BASKETBALL?

Discrimination and Aggravated language can be wide ranging. Isolated incidents are most likely to be dealt with as Aggravated breaches, tending to be a single comment or gesture. Direct and indirect discrimination tend to occur over a period of time.

The way a comment is received or perceived is key to identifying if it is an Aggravated breach, rather than the intent behind it. If it is reasonably deemed to be offensive, and either explicitly or implicitly makes reference to one of the listed protected characteristics, then it is likely to be an Aggravated breach. It doesn't matter if the intention of the person making the comment was not to reference a protected characteristic.



# CLUB RESPONSIBILITY – SPECTATOR BEHAVIOUR AND DUE DILIGENCE EXPLAINED

## CLUB RESPONSIBILITY

Basketball England only has jurisdiction over participants. This means individuals can only be charged for disciplinary offences if they are participants in basketball, for example coaches, referees, players, and club officials. Spectators are not classed as participants so they cannot be charged, and if spectators misbehave the Club may be charged for failure to control spectators.

## WHAT IS DUE DILIGENCE?

If a Club is charged for failure to control spectators, it can be a defence against the charge if the Club can demonstrate 'due diligence' - this means the Club took all reasonable steps to prevent and respond to incidents of misconduct by its spectators.

If a Club is charged and wants to rely on due diligence as a defence, it is the responsibility of the Club to demonstrate the steps taken, and ultimately it will be for the Disciplinary Commission to decide if the defence is applicable.

## WHAT DOES DUE DILIGENCE LOOK LIKE?

Examples of preventative steps that a Club may take could include:

- Parents/carers and spectators signing codes of conduct
- Displaying posters around a venue relating to expected behaviour
- Regular reminders to spectators and parents/carers of expected behaviour, either via electronic means or in person

Clubs should already be taking steps to reinforce the positive playing environment expected in Basketball. Remember, the Club will need to provide evidence of their actions to rely on a defence of due diligence, so it is strongly advised to keep records of steps taken. For example, keep copies of the signed codes of conduct on file, as well as copies of email reminders about expected behaviour.

Due diligence will require the Club to be proactive, so it won't be enough to show these steps have been taken after an incident has occurred (although that will be viewed positively).

As well as the proactive steps above, a due diligence defence will also require a positive reaction to be demonstrated following an incident.

Examples of responsive steps that a Club may take could include:

- Immediately removing the spectator(s) concerned if they can be or have been identified
- Monitoring closely the ongoing behaviour if the spectator(s) has not been identified
- Co-operating fully with any investigation by BE or appropriate authorities
- Working to identify the spectator(s) concerned, and taking appropriate steps to address the behaviour with the spectator(s). This may be education around the behaviour, or for more serious incidents imposing a suspension on that spectator attending matches.



Again, the Club need to be able to provide evidence that these steps have been taken.

### **HAVE WE DONE ENOUGH?**

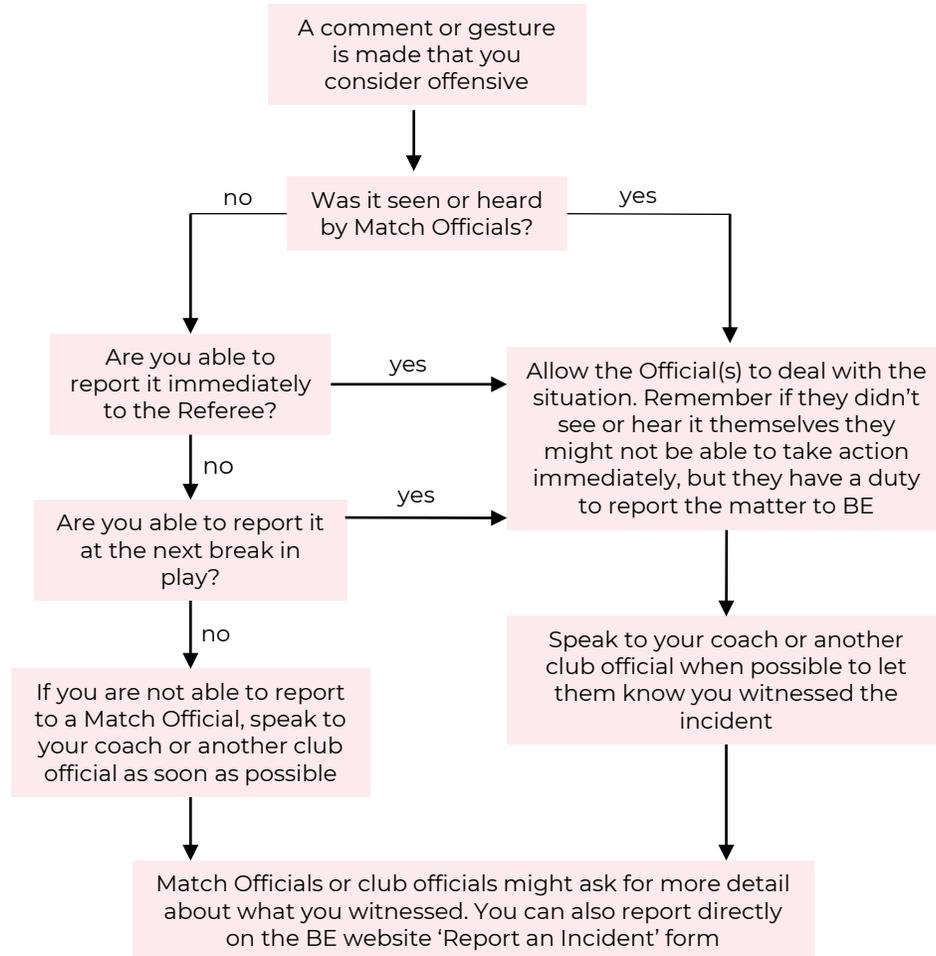
It will be for a Disciplinary Commission to decide if the threshold for demonstrating due diligence has been met. It will depend on the incident that has occurred, and how this relates to the steps taken by the Club. Some actions may be relevant for demonstrating an attempt to prevent certain behaviours, but not others. Each case will be considered individually and on its own merits so there is no definitive guidance that can be provided.

# SUPPORT FOR CLUBS AND PLAYERS: REPORTING DISCRIMINATION AND AGGRAVATED LANGUAGE

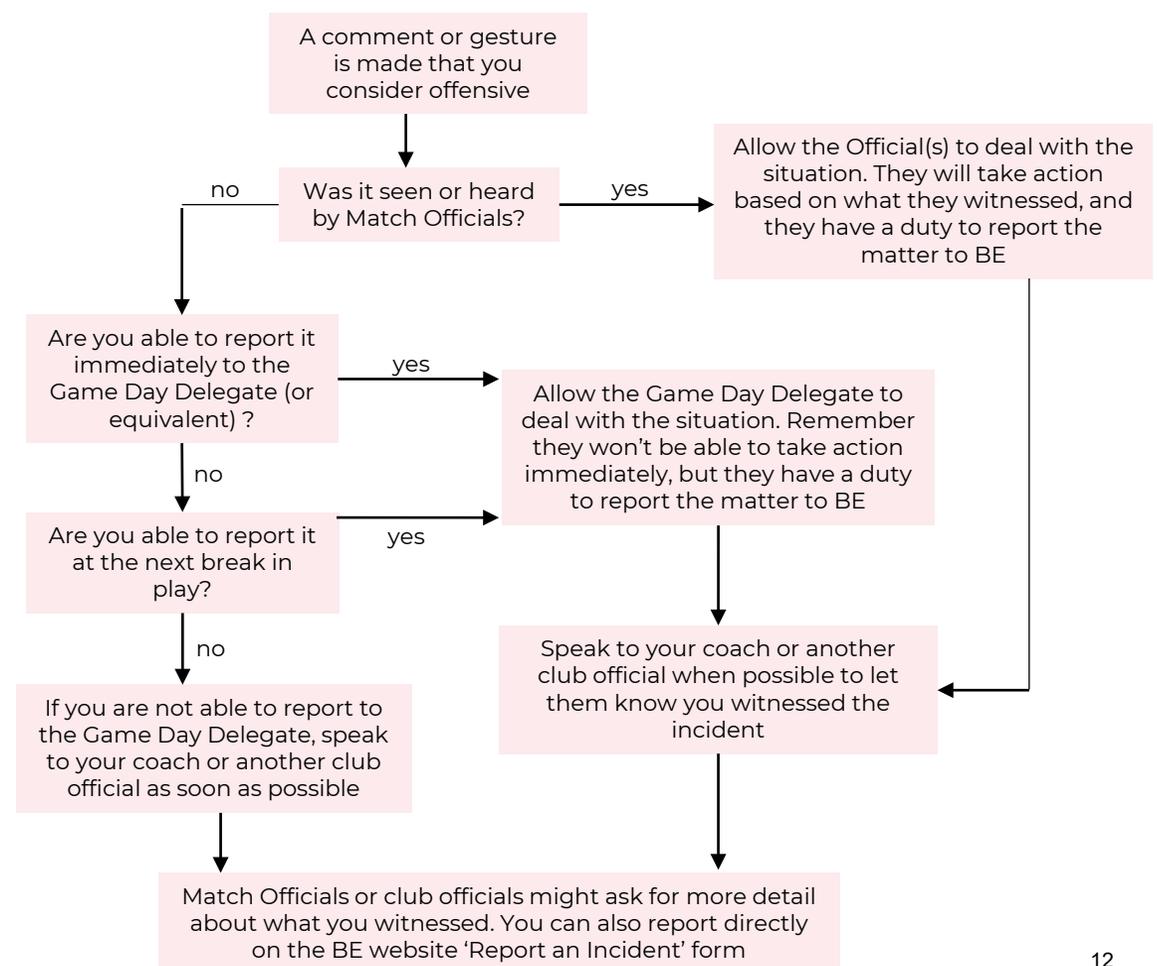


It can be difficult to know the best way to react when we witness discrimination or aggravated language. The impulse might be to challenge it, but this could escalate the situation; however not saying anything might feel like we are condoning it. The following aims to give guidance on how to respond appropriately. Remember that we all have a responsibility to report anything that we see or hear that causes us concern. If you're not sure what to do, speak to a Club Official who you trust for support.

## ON-COURT PLAYERS – STEPS TO FOLLOW:



## OFF-COURT PLAYERS AND CLUB OFFICIALS – STEPS TO FOLLOW:





## APPEALS AND COMPLAINTS

There are several different issues that may be challenged, which are dealt with via different routes.

### UNDERSTANDING THE DIFFERENT ISSUES

**In Game Incident** – an incident that occurs during or shortly after the game, actioned and/or reported by the referee, and with a standard or automatic sanction imposed by the League.

**League Rule Breach** – a matter related to the competition rules, such as failure to fulfil a fixture or failure to submit a team sheet. Some will have automatic sanctions, others may be heard and considered by a league Committee.

**League Discipline Charge** – a discipline matter beyond the scope of in-game processes, dealt with as a discipline charge and adjudicated on by a Discipline Commission or Sub-Committee.

**Summary Discipline Charge** – this could be either a League or BE charge, and relates to an offence that has been accepted, and a sanction that has been proposed when charging, which is accepted by the offender. If the charge is not admitted, or the sanction not accepted, the case cannot proceed summarily.

**Basketball England Discipline Charge** – a discipline matter defined as a Serious Case under the BE Disciplinary Code, including offences against, or by, a Match official and any offence with a discriminatory element. These cases must be passed to BE as soon as they are identified.

**Complaint** – dissatisfaction with the service provided. These should be resolved through a complaints process, and are separate from disciplinary procedures.

### WHERE AN APPEAL IS HEARD

ISSUE	FIRST INSTANCE	APPEAL	FURTHER APPEAL OR CHALLENGE
<b>In Game Incident</b>	Automatic League sanction	to League	No, unless explicitly permitted under League rules
<b>League Rule Breach</b>	Automatic League sanction	to League	No, unless explicitly permitted under League rules
	League Committee decision	to Regional Association*	No
<b>League Discipline Charge</b>	League Discipline Committee or Commission decision	to Regional Association*	No
<b>Summary Discipline Charge</b>	Offence is admitted, and sanction proposed at time of charge	No	No
<b>BE Discipline Charge</b>	Independent National Discipline Commission	to Independent Appeal Board	No
<b>Complaint</b>	As detailed in League or Organisation's Complaints process	Escalation should be detailed within the Complaints process	Escalation should be detailed within the Complaints process

\*Regional Association will refer to BE, and BE will either appoint a national Appeal Board or delegate back to the Region

If there is a concern that an affiliated league or association has breached either their own rules and regulations, or Basketball England's rules or regulations, this should be passed to BE for investigation as a disciplinary matter. The actions of the league or association are dealt with as a separate matter from any original case that may have led to the complaint.



## APPEALS PROCESS - GUIDANCE FOR PARTICIPANTS

Appeals are used to challenge a decision, and must be heard by an appeal board who are independent from those who made the original decision. In general, appeals are a review of the procedures and decision-making, ensuring the right processes were followed and that the original decision-makers were sound in their judgement. Appeals are not a re-hearing, and an appeal won't be successful just because an appeal board might have come to a different decision.

Before deciding whether to submit an appeal it is worth understanding the scope and limits of an appeal. This document should help, and if any further information is needed please contact [integrity@basketballengland.co.uk](mailto:integrity@basketballengland.co.uk).

This document is produced for guidance and support, full details of the Appeals Procedure can be found in the [Basketball England Disciplinary Code](#). If there is any discrepancy, the Disciplinary Code takes precedence.

### CIRCUMSTANCES WHEN AN APPEAL CAN BE SUBMITTED

Under the provisions of the Basketball England Disciplinary Code, an appeal can be submitted following a decision made by any of the following:

- A Disciplinary Commission
- Basketball England Competitions Committee
- A Safeguarding Panel
- An Affiliated League or Competition, or other relevant organisation
- Any other decision that is considered appropriate by Basketball England, unless the relevant rules properly declare there is no right to appeal.

### GROUND OF APPEAL

When submitting an appeal, the 'grounds of appeal' should be stated, this means the reason for the appeal, which are limited to the following:

- 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

Basketball England also has the right to appeal on the ground that the sanction imposed was so unduly lenient as to be unreasonable.

It is important to understand what each of the grounds mean so a decision can be made about whether it will be worth appealing on that ground. An appeal can be based on more than one of the grounds if appropriate.

**Failed to give the appellant a fair hearing** relates to the way that the hearing was conducted, and could include anything that seems unfair with the process and conduct of the hearing. For example, it could be unfair not to disclose the evidence for the charge to the person charged ahead of the hearing, because they would not have a chance to enter a defence.

**Came to a decision that no reasonable body should have reached** means that the decision was 'unreasonable'. This is a high threshold and is based on a legal principle called



the Wednesbury test. There are two strands, first is ensuring that the correct information was considered when making the decision, and second is determining if the outcome was reasonable – this simply means there is sound justification provided for the decision that has been made. Just because a different outcome could have been reached on the same evidence doesn't mean the original decision was unreasonable.

**Failed to comply with the necessary rules and regulations.** This could be applicable if the process and hearing hasn't been conducted in line with the relevant rules. It is worth remembering that there is a provision in the Disciplinary Code (7.3) stating that a just and fair outcome takes priority over procedural and technical irregularities, so to successfully appeal on this ground it may be necessary to demonstrate the impact of any failure to comply with rules and regulations, rather than simply highlighting them.

**Imposed an award or sanction that is excessive** simply means the sanction is higher than what would be considered reasonable and proportionate for the offence that has been committed. It is worth referring to the sanction guidelines to understand the range of the sanction that would usually be considered for the relevant offence.

## **THE APPEAL PROCESS – INCLUDING TIMINGS AND COSTS**

An appellant (the person submitting the appeal) has 14 days from the date they are notified of the original decision to submit their 'notice of appeal'. The notice of appeal has to include the following in order to be accepted:

- The precise details being appealed against
- The applicable ground(s) of appeal
- The precise basis of the appeal
- An application to submit new evidence (if applicable)
- The appeal fee

If an application to submit new evidence is made, it will usually only be granted where the appeal board are satisfied there is an exceptional reason that the evidence had not been made available for the original hearing.

For an appeal against a decision of a safeguarding panel the fee is £100, for any other appeal the fee is £250. The relevant fee must be paid within the same 14 day time limit. The appeal board will decide about any refund or partial refund of the appeal fee. It is usual practice for the appeal fee to be retained if the appeal is dismissed.

Once the notice of appeal (including all the requirements listed above) has been submitted, the respondent (the body/organisation who made the initial decision) will provide a response. This will include all the information that was considered by the original panel, and any response to the notice of appeal submitted. The appeal will then proceed as a review of all the papers submitted, however either/both parties are entitled to attend in person (via an online meeting platform such as Teams or Zoom) to support their written submissions.

## **WHAT HAPPENS AT A BOARD OF APPEAL**

If the appeal takes place on the written submissions only, the appeal board will meet online and discuss the submissions made, before coming to a decision that will be notified to both parties.



The appeal board will be assisted by an individual appointed as secretary. This person makes the arrangements for the appeal and will be the point of contact for all parties. They will ensure the correct process is followed and will not have any say in the decision making.

If either or both parties are present at the appeal, the following process will usually apply (the appeal board can amend this process if they need to):

- The appeal board Chair will make introductions, outlining the matter being appealed and may ask the parties to briefly introduce themselves.
- The appellant (person who submitted the appeal) outlines the basis of their appeal, highlighting areas from the written submissions that they think are most relevant.
- The respondent (person representing the organisation/body that made the original decision) will give a response, detailing how and why the decision was reached.
- The appeal board members may ask questions of either party. This may happen throughout the above two points, or they may prefer to ask questions after hearing from both parties. The appellant and respondent cannot ask each other questions.
- After questions have been answered, the respondent sums up their submissions.
- The appellant has the final word, summing up their submissions.
- The appeal board will then deliberate in private. They may recall the parties in person to announce the decision, or they may prefer to notify the parties in writing.

The appeal board have several options when making a decision, including:

- Dismissing the appeal
- Upholding, or partially upholding, the appeal
- Imposing any sanction or order that was open to the original panel
- Ordering a rehearing of the original case
- Imposing costs on either or both parties
- Any other order deemed appropriate

There is no further right of appeal after this, other than challenging the quantum of costs.

## **FURTHER STEPS**

If you remain dissatisfied with the original decision-making process and/or the appeals process, Basketball England have a complaints procedure that can be utilised. Please be aware that this is not a means to further challenge the outcome – it will be a review of the process to identify any shortcomings, with the aim of recognising and acknowledging where improvements can be made in future. Complaints can be submitted through the Basketball England website: [Make a Complaint | Basketball England](#).

It is the intention of Basketball England to introduce a disciplinary review group for the 2022/23 season, who will look at the processes and decisions made. This is important for ongoing progress and development, as well as accountability. To provide feedback to this group about your experience, or to provide any suggestions to improve the service provided by Basketball England, please email [integrity@basketballengland.co.uk](mailto:integrity@basketballengland.co.uk)



# ROLE OF THE GAME DAY DELEGATE - AMENDED GUIDANCE FOR AFFILIATED LEAGUES

**(NBL TEAMS MUST REFER TO THE FULL REQUIREMENTS STATED IN THE [NBL REGULATIONS](#))**

Both the home team and away team should nominate a responsible adult/member of their club to act as Game Day Delegate on the day of the game.

This should not be the team manager or coach, but if there is no other person is available, this role can be the responsibility of the team manager.

The Game Day Delegate should be confirmed in the communication between the two teams prior to the fixture, or if that is not possible, on the day of the fixture.

The Game Day Delegate needs to fully understand the schedule and logistics of the day to be able to respond to any questions/queries during the pre-match meeting and event.

## **The responsibilities of the Game Day Delegate are as follows:**

1. Upon arrival at the venue, the Game Day Delegate from the home team will ask their opponents who their Game Day Delegate is and make introductions to each other.
2. Together, they will then report to the match referee at least 15 minutes before the start of the game and introduce themselves to him or her.
3. The primary responsibility of the home team Game Day Delegate is to look after the referee before, during and after the game until they leave the venue. It would be appropriate if the home and away team delegates did the job together.
4. This would include, showing the referee where the changing rooms and toilets are, directing them to the correct court, possibly offering a drink at half time and after the game and ensuring that their fees are paid.
5. During the game, each delegate will be responsible for the behaviour of all club members and spectators. If the referee needs to he/she will, during a stoppage in play, approach the Game Day Delegate to assist him/her in dealing with any problems that may occur. The Game Day Delegate is not exempt from being reported for misconduct.
6. The home team Game Day Delegate is responsible for ensuring the scoresheet is submitted as required by the League, or is given to the club administrator who is responsible for this task immediately after the game.
7. The Basketball England Code of Ethics and Conduct and Disciplinary Code must be considered by the delegate at all times, and any Serious Incidents must be reported by emailing [integrity@basketballengland.co.uk](mailto:integrity@basketballengland.co.uk). The Referee and the League should also report any Serious Incidents directly to Basketball England,
8. Basketball England is totally committed to promoting anti-discrimination and the Basketball England Equality and Equity policy must be emphasised and observed at all times.