

THE BASKETBALL ENGLAND DISCIPLINARY COMMISSION

Sitting on behalf of Basketball England to hear the case against;

CLIFFORD CHEN (“The Participant” “CC”)

THE WRITTEN REASONS OF THE COMMISSION (“The Panel”)

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

INTRODUCTION

1. Basketball England convened a Panel to consider at first instance the case against Clifford Chen, a match official in respect to his behaviour towards a fellow match official whilst carrying out his mentoring duties.
2. The Panel Members appointed were as follows:
 - Mark Ives (Independent Chairman)
 - Robert Kingdon
 - Nik Bedwell

 - Rachel Scase (Secretary)
3. Clifford Chen was charged by letter dated 30th May 2023 under Discipline Code 5.2 Inappropriate behaviour falling below the standard expected.
4. It was alleged that inappropriate behaviour was used that constitutes violent conduct towards a match official; alternatively, it is alleged that the behaviour constitutes threatening and/or unacceptable behaviour towards a match official.

5. This refers to grabbing the clothing of, and/or pulling the match official, and/or the use of inappropriate behaviour towards the match official including the manner in which the 16 year old match official, ██████████ (“██████”), was spoken to.
6. The Panel had before them statements from:
 - a. Mr Jeffrey Skinner – Chairman South Region Basketball League
 - b. Mr ██████████ – Referee aged 16 at the time of the incident
 - c. Mr ██████████ – Father of ██████████
 - d. Mr Timothy Routledge – Chairman Wessex Basketball Association
7. The Panel also had a letter from Mr Clifford Chen – Participant Charged, accepting the charge and offering points in mitigation. The matter was to proceed on correspondence only.
8. Having considered all submissions and any aggravating or mitigating factors, the Panel ordered that CC be:
 - a. Suspended from all basketball activity sanctioned by and under the jurisdiction of BE until 1st September 2024
 - b. Fined the sum of £200
 - c. A recommendation was also made that safeguarding consider a permanent suspension from mentoring young officials.
 - d. The above relates to the Discipline element and not any matter that falls under the safeguarding remit due to the age of the young official. This is dealt with separately.
9. This document forms the written reasons of the decisions and orders of the Board, which sat on 13th July 2023, to hear consider the charge.

Background

10. In the summer of 2022, ██████████ applied to take a Basketball Referee course and his participation in the tournament in question was part of his practical training.
11. ██████████ was aged 16 at the time.
12. At the event, the trainee officials were partnered with senior officials to act as mentors for the junior match officials. ██████████ was partnered with two senior officials, one of which was CC.
13. CC is a senior Basketball Official with significant experience within the game.

14. ■ reported that at a post-match debrief/discussion with CC where CC became angry towards him and as the discussion continued, ■ was becoming anxious, and CC became angrier.
15. CC grabbed ■'s shirt and pulled him towards himself, and it was reported that CC then began to raise his voice and was saying that ■ should treat the sport and people with respect.
16. ■ reported that CC was right in his face, and he was so close he could feel CC's spittle hitting his face whilst he was shouting.
17. The other statements corroborated the above actions and CC was charged for his behaviour including violent conduct for the physical contact that was reported.
18. The charge letter confirmed that the Panel would consider the Disciplinary matter as well as from a Safeguarding perspective. The latter does not form part of these reasons.
19. He accepted the charge, and the Commission ordered the sanction as outlined above.

Reasons

20. As CC had accepted the charge the Panel were not required the matter of liability and could move straight to sanction and any Safeguarding safeguards that would be put into place.
21. The Panel recognised the difference between Discipline and Safeguarding and that they were to be treated separately.
22. Generically a Discipline process require a sanction for misconduct where Safeguarding consider whether a threshold has been passed that showed a person posed or may pose an inherent risk to children.
23. Dealing solely with the Discipline factor, the Panel considered the Aggravating and Mitigating factors as follows:

24. The mitigating factors included:

- a. the previous history of CC, which was clean.
- b. The acceptance of the charge and assistance given to BE throughout the process.

25. In contrast the aggravating factors were as follows:

- a. Not only was ■■■ only 16 years of age, CC would have been aware that he was young and legally a child. This was a serious aggravating factor.
- b. The use of physical contact.
- c. The impact of the behaviour including the aggressive nature and tone of the voice that caused anxiety to ■■■.
- d. The abuse of authority towards a minor.

26. Having considered the above the Panel were unanimous in their view that this was an extremely serious offence that would require a significant sanction. The Panel were of the view that the sanction should see a suspension of greater than one season from the game.

27. Using this behaviour against any new Official that is being mentored is unacceptable but to do it knowing the new official is also a child seriously increases the sanction.

28. The game expects Participants to show respect to Officials at all times and for another match official to show such level of contempt to a fellow official is damaging to the game.

29. For the Discipline offence alone, the Panel ordered that a sporting sanction until 1st September 2024 was appropriate.

30. It also felt that a fine of £200 was proportionate.

31. The Panel considered costs and decided that no costs would be awarded.

32. There is a right of appeal against the decision.

Mark Ives

Chairman

16th August 2023