

# *Disciplinary Hearing Guidance for Clubs*



ENGLAND  
HOCKEY

## **INTRODUCTION**

England Hockey (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 the EH Code of Ethics and Behaviour. No individual 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, agree to abide by the EH Code of Ethics and Behaviour and to be subject to the procedures and sanctions prescribed.

## **OVERARCHING INTENT**

A clearly defined disciplinary system, consistently, robustly and above all fairly applied will ensure the protection of the image, integrity and safety of the sport and all who participate.

This guidance paper is intended to assist Clubs in appoint their own disciplinary panels, understand how to convene a panel within their Club to deal with a disciplinary allegation and to understand the disciplinary process when a player is required to attend a EH Disrepute Complaint Panel or a National Disciplinary Panel.

## **REQUIREMENTS FOR A DISCIPLINARY PANEL**

Every club should have a nominated panel of people to sit on cases that arise. Those nominated should be capable of demonstrating the qualities set out below:

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- a. Possess a thorough understanding of the rules of the Game
- b. Have the ability to assess and interpret evidence and give reasoned findings
- c. Be able to work in a confidential setting
- d. Be capable of commanding the respect of the parties appearing before the panel.

A disciplinary panel should consist of the following impartial people:

- a. Chairperson
- b. Two Panel members
- c. Panel Disciplinary Secretary

**NB** There is no requirement for anyone on the Panel (including the Chairperson) to be legally or medically qualified.

The Disciplinary Secretary should not be involved (or give the impression that they are in any way involved) in the decision making. They bring the charge, obtain and serve the evidence relied upon (both from the witnesses and the accused person) and select the panel members to hear the case. They must remain impartial at all times. They provide a judgment or minute of the hearing and liaise with the relevant CDA, RDA or the NDO.

Those sitting on Club Disciplinary Panels must ensure that the principles of natural justice are followed. All hearings must be conducted fairly, by an objective panel, with the accused person given a full opportunity to answer the charge and call any evidence in support. Those accused are also entitled to be assisted or represented by a person of their choice.

The Panel Chairperson should ideally be a senior individual within the club with experience of chairing hearings and/or meetings.

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## **CLUB LEVEL DISCIPLINE HEARING PROCEDURE**

A step-by-step process to follow when holding a disciplinary hearing is set out below. This is only a template and may require to be amended depending on the set of circumstances involved in each individual case.

### **PRELIMINARY POINTS FOR ALL HEARINGS**

1. Introduction of the panel
2. Check there are no objections to the composition of the panel
3. Introduction of all the parties (names and roles etc.)
4. Chairperson then reads out the charge and asks the accused person to confirm if he/she accepts or denies the charge(s)

### **IF THE ACCUSED PERSON ACCEPTS THE CHARGE**

1. They should be asked to talk through the incident. During this time, he/she may be asked to talk through any video footage (if available)
2. The accused person will then be asked to put forward any mitigation
3. The opponent / opponent's club may wish to make submissions on any aggravating factors
4. The accused person will then be asked by the panel about their previous disciplinary record, if appropriate and relevant

### **The Panel should then clear the room to deliberate in private**

1. The panel will undertake an assessment of the seriousness of the incident and establish the entry point in line with the sanctions set out in the Red Car/ MMO Regulations, if appropriate
2. The panel will then consider whether there are any aggravating factors
3. The panel should then consider all mitigating factors

***The parties should then be called back and the decisions given to all at the same time***

***The accused person should be advised of the right to appeal (as per the Club's internal Constitution/ Rules)***

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### **IF THE ACCUSED PERSON DENIES THE CHARGE**

1. The party bringing the charge (i.e. the Club Disciplinary Secretary) should present the case including calling any witnesses in person or by phone.
2. The accused person or his/her representative should be given the opportunity to question each of the witnesses
3. The video evidence should be shown (if applicable)
4. If appropriate in the circumstances, the match referee should be called to give his/her evidence and the accused person or his/her representative given the chance to ask questions
5. The panel has the opportunity to put any questions to the accused person or any witness

**The Panel should then clear the room to deliberate in private as to whether or not there is a case to answer. The parties will then be called back**

1. If there is insufficient evidence to justify a case to answer then the charge is dismissed
2. If it is established that there is a case to answer the panel proceeds to hear evidence from the accused person
3. The accused person may give evidence on their version of events, including by reference to the video footage, if available. The Secretary bringing the charge then has the opportunity to ask any questions
4. The accused person may then call any witnesses upon which he/she relies and they can be asked questions by the Secretary
5. The panel has the opportunity to put any questions to the accused person or any witness

### **THE PANEL SHOULD THEN CLEAR THE ROOM TO DELIBERATE IN PRIVATE**

1. If the charge is not proven, the case is dismissed
2. If the charge is proven, the panel should then:
  - a. The panel will undertake an assessment of the seriousness of the incident and establish the entry point in line with the sanctions set out in the Red Car/ MMO Regulations, if appropriate
  - b. The panel will then consider whether there are any aggravating factors
  - c. The panel should then consider all mitigating factors

***The parties should then be called back and the decisions given to all at the same time***

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***The accused person should be advised of the RIGHT TO APPEAL (as per the Club's internal Constitution/ Rules)***

Having considered all of the factors, and determined the sanction, this should be clearly set out for the benefit of the accused person and the appropriate CDA, RDA and NDO.

### **TEMPLATES PROVIDED:**

1. Disciplinary Hearing – Judgment Record Template
2. Charge Sheet