

# Safeguarding Young People in Hockey

## Complaints and Disciplinary Regulations

August 2023

### INTRODUCTION

England Hockey is committed to ensuring that young people are able to enjoy the sport of hockey free from harm, abuse and exploitation. As part of its commitment, England Hockey has published Safeguarding Young People in Hockey (“SYP”) Regulations which everyone within the Hockey Family must comply with. England Hockey will challenge conduct that does not comply with; the policies, the regulations and any behaviour that has or is likely to pose a risk of harm to children or young people in hockey.

These regulations set out a framework for England Hockey to investigate and decide upon such matters and the disciplinary actions that may be taken. These regulations were made by the Board of England Hockey under the Articles of Association on 4 May 2021 and take effect from that date. Where any conflict arises with other regulations, rules or procedures relating to child protection/safeguarding young people and/or discipline, the regulations set out below will take precedence.

### 1. Definitions

1.1 ‘**Appellant**’ - the individual or organisation who has submitted a Notice of Appeal under 13 below.

1.2 ‘**Board**’ - the board of directors of England Hockey.

1.3 ‘**CMG**’ - Case Management Group - the Group appointed under 17 below.

1.4 ‘**Charge**’ - an allegation of grounds for disciplinary action under 5 below.

1.5 ‘**Chair of CMG**’ - the individual who has been appointed as such by the Chief Executive or the Board.

1.7 ‘**Hockey Family**’ – all individuals, clubs, associations, and other organisations involved in any capacity in the game of hockey, whether or not members of England Hockey. For the avoidance of doubt, this includes all players and anyone working within hockey (in a paid or voluntary capacity, whether as an employee or on a self-employed or other work basis) including all coaches, umpires, and other officials.

1.8 ‘**Interim Suspension**’ - a suspension imposed under regulation 8 below pending the conclusion of relevant investigations and proceedings.

1.9 ‘**Safeguarding Young People (“SYP”) Appeals Panel**’ - a Panel appointed under 20 below.

1.10 ‘**Safeguarding Young People (“SYP”) Disciplinary Panel**’ - a Panel appointed under 19 below.

1.11 **'Suspension'** - a disciplinary sanction that may be made under these regulations by the CMG (under 11.1. below) or by the SYP Disciplinary or Appeals Panels (under 14.1 below).

1.12 **'Young Person'** or **'Young People'** - anyone under the age of 18.

## **2. Delegation**

The powers of the Board to investigate and adjudicate upon complaints, and to impose suspensions or sanctions under these Regulations, shall extend to the CMG; the SYP Disciplinary Panel and the SYP Appeals Panel in accordance with these regulations. In addition, these same powers, as well as that of providing formal advice to England Hockey, shall extend to any independent investigator or organisation instructed by England Hockey to undertake an investigation in relation to any allegations that fall under these regulations.

## **3. Confidentiality**

3.1 Disclosure and/or publication is provided for in these regulations or is in accordance with the law. In addition, where appropriate the outcome of these procedures will be shared with the Statutory Authorities and other relevant bodies. Such bodies will include but are not limited to the Police, Children's Services, any national governing body or international governing body. Outside of these conditions all matters considered under these regulations, will, so far as practicable, be regarded as confidential and used only for the purposes of these regulations.

3.2 All persons considering complaints under these regulations will be expected to sign an appropriate confidentiality agreement, but in the absence of such there is reasonably held expectation that the persons hold a duty of confidentiality.

3.3 Disclosure of DBS information obtained under these regulations will be subject to the DBS Code of Practice. For the avoidance of doubt, the LSO, CMG or such other Recipient of Disclosure Information on behalf of England Hockey may disclose DBS information obtained under these regulations to persons considering complaints under these regulations in the course of their duties.

3.4 All confidential information sharing will be done in accordance with all data protection legislation.

3.5 Where CMG considers it appropriate, they can seek external legal advice for any matters relating to these Regulations.

## **4. Jurisdiction**

4.1 England Hockey has disciplinary jurisdiction under these regulations over the following:

4.1.1 all members of England Hockey and all employees, volunteers, workers, self-employed individuals and officers thereof;

4.1.2 all persons (including players, coaches, officials, umpires and officers) who are members of a club or other organisation which is a member of England Hockey;

4.1.3 all persons (including players, coaches, officials, umpires and officers) who take part in hockey in any capacity, directly or indirectly, under the jurisdiction of England Hockey or any club or other organisation which is a member of England Hockey;

4.1.4 all persons (including players, coaches, officials, umpires and officers) who have, whether by enjoying any form of licence, accreditation qualification, training or any other status from England Hockey, or otherwise, consented (expressly or impliedly) to be bound by these regulations;

4.1.5 all persons applying for a role within England Hockey's jurisdiction;

4.1.6 all employees, volunteers, contractors, and officers of England Hockey.

4.2 once an investigation has commenced under these safeguarding Regulations, even if an individual gives up their membership, jurisdiction will still exist;

4.3 if an individual was caught under jurisdiction as set out in 4.1.1 to 4.1.6 when the allegation being investigated occurred, but is no longer a member, England Hockey will still have jurisdiction over them under these Regulations.

4.4 All Members of England Hockey are required to ensure that all persons referred to at 4.1.1 to 4.1.6 above are expressly bound by, and that their attention is drawn to:

4.4.1 these Regulations;

4.4.2 England Hockey's Safeguarding Young People Policy including England Hockey's reporting procedures;

4.4.3 England Hockey's Code of Ethics and Behaviour.

4.5 Should the person involved be an employee of England Hockey, the matter will be dealt with in parallel under the Disciplinary Procedures contained in the Employee handbook.

## **5. Grounds for disciplinary action**

5.1 It shall be a ground for disciplinary action to be taken under these regulations where an organisation/person over whom England Hockey has jurisdiction is considered to have:

5.1.1 harmed the safety and/or welfare of a young person or young people either in hockey, or under any other conditions outside of hockey;

5.1.2 carried out conduct (whether in hockey or not) which is deemed to pose actual or potential risk of harm to the safety and/or welfare of a young person or young people in hockey.

5.2 In reaching a decision as to whether there are grounds for disciplinary action in accordance with paragraph 5.1 above, account will be taken of any failure to comply with:

5.2.1 England Hockey's Safeguarding Young People Policy including England Hockey's reporting procedures;

5.2.2 England Hockey's Code of Ethics and Behaviour.

### 5.3 Where a person:

5.3.1 has a criminal conviction or recorded caution, or warning for an offence against or concerning a young person or young people; this would include a juvenile caution or warning; or

5.3.2 is included on any statutory list barring, or restricting, their working with young people;

5.3.3 has a conviction for a serious offence which could or would indicate a risk to a young person (for example: murder, manslaughter or rape) the conviction or inclusion on a list shall be conclusive proof of grounds for disciplinary action.

## **6. Complaints and allegations**

6.1 A complaint, allegation or matter relating to the safety and/or welfare of a young person or young people in hockey may be made to, or drawn to the attention of, England Hockey by any person or organisation within or outside the Hockey Family and under any circumstances.

## **7. Action following receipt of a complaint or allegation**

7.1 Upon receipt of, or upon becoming aware of, a complaint, allegation or matter under 6.1, England Hockey's LSO shall decide (in consultation with the CMG if they consider appropriate), whether to:

7.1.1 refer the matter to the relevant statutory agency(ies) for further consideration (and/or to review the matter following consideration by a relevant statutory agency). This may be done now or at any stage during the investigation: or

7.1.2 instigate an investigation under these regulations; or

7.1.3 refer the matter for resolution, or to be investigated at local level by a club, association or other organisation.

7.2 Where an individual has been charged with a criminal offence or is the subject of an investigation by the Police, Children's Services or any other public or other investigatory authority, in respect of conduct which is or may be grounds for disciplinary action under paragraph 5 above, the CMG shall seek advice from the relevant agency as to whether or not England Hockey shall postpone consideration of the matter under these regulations pending the outcome of any such proceedings/investigation, and as to whether or not in the meantime, an interim suspension should be imposed under these regulations.

7.3 Where an investigation is commenced under 7.1.2 above, if CMG considers it appropriate, may cease or postpone the investigation pending consideration under 7.1.1 or 7.1.3.

7.4 It will be at the discretion of England Hockey whether or not to commence or proceed with an investigation under these regulations where the complainant does not consent to his/her identity being disclosed to the subject of the complaint.

7.5 It will be at the discretion of England Hockey whether or not to proceed with an investigation under these regulations where the complainant does not wish to pursue an allegation. England Hockey will under these circumstances give consideration to the wider issues of safeguarding in hockey.

## **8. Interim Suspension**

8.1 In the circumstances set out at 7.1.1 or 7.1.2 above, England Hockey (with the assistance of CMG where necessary, or on the recommendation of the independent investigator) has the power to impose an immediate interim suspension if they consider by reference to the factors at 8.2 below, that it is appropriate to exclude an individual concerned from any involvement in hockey under the jurisdiction of England Hockey which might involve access to young people, until the conclusion of all proceedings/investigations mentioned at 7.2 above or under these regulations.

8.2 The factors to be taken into consideration are:

8.2.1 whether the safety and/or welfare of a young person(s) may be, at risk of harm;

8.2.2 whether an interim suspension is necessary to facilitate the conduct of any investigation or proceedings by England Hockey or any other authority or body, having regard in all cases to the need for any action to be proportionate.

8.3 England Hockey shall as soon as reasonably practicable, notify the individual concerned of the interim suspension,.

8.4 An interim suspension shall be reviewed by England Hockey at appropriate regular intervals, taking into particular consideration the factors outlined at 8.2 above and whether the circumstances or facts surrounding a case justify the continuation of the interim suspension.

8.5 When an individual is under interim suspension, England Hockey shall bring and conclude any proceedings under these regulations as soon as reasonably practicable.

8.6 Any breach of an interim suspension shall constitute grounds for disciplinary action under these regulations.

8.7 The decision of CMG to impose an interim suspension can be appealed to the England Hockey Chief Executive whose decision will be considered to be final.

## **9. Investigation**

9.1 England Hockey, whether instigating or continuing with an investigation under these regulations, shall make all (or any further) inquiries considered necessary to establish the facts and circumstances of complaint, allegation or matter.

9.2 England Hockey shall give the respondent concerned notification of the complaint, allegation or matter under investigation. It will be a matter for England Hockey to determine at this stage how much information is given, however it must be sufficient for the respondent to know the matter(s) under investigation.

9.3 The identity of the complainant(s), shall be made known to the respondent unless England Hockey determine that there are compelling reasons not to, or if the complainant had explicitly forbidden.

9.4 England Hockey's inquiries may include, but are not limited to, contacting and obtaining information from the following:

9.4.1 the Police;

9.4.2 Children's Services;

9.4.3 any other authority involved in the protection and welfare of young people;

9.4.4 any other person or party as deemed appropriate by England Hockey. Where it is considered necessary to obtain information from a young person, contact will be made on behalf of England Hockey by an appropriately trained Child Protection specialist, this will be via a parent / guardian where possible.

9.5. In carrying out its function, England Hockey shall have the power to require:

9.5.1 the attendance, upon reasonable notice, of any individual or representative of any organisation mentioned in 4.1 above, to answer and provide information;

9.5.2 the production, upon reasonable notice, by any individual or organisation mentioned in 4.1 above, of documents, information or other material in whatever form held;

9.5.3 where considered appropriate, that a respondent undertakes a DBS Enhanced with Barred Lists check;

9.5.4 where considered appropriate to make themselves available to attend a formal interview. They will be allowed to have legal representation (at their own expense) or a person attend in support who is not in any way connected with the case. 72 hours' notice of the name and details of the accompanying person must be provided to England Hockey ahead of any formal interview.

9.5.5 if the person is under the age of 18 they must attend with an appropriate adult which could be a parent or guardian.

9.5.6 all interviews will be audio recorded and copies will be provided to the individual(s) on request.

9.6 Where England Hockey requests the respondent, or such other individual or organisation mentioned at 9.5 above, to comply with a reasonable request or requirement as part of the investigation under these regulations, any failure to do so may amount to grounds for disciplinary action under these regulations.

9.7 At the conclusion of an investigation, England Hockey (with the assistance of CMG where necessary, or on the recommendation of any independent investigator) shall decide the appropriate course of action in accordance with regulation 10 below.

## **10. Decision**

10.1 Upon conclusion of an investigation, England Hockey shall decide:

10.1.1 if satisfied that the investigation has established that there is no case to answer, the case shall be dismissed.

10.1.2 if the respondent partly or wholly admits the complaint, allegation or matter and England Hockey is satisfied that there are grounds for disciplinary action as defined at 5 above

and that it is a 'Summary Offence' (as defined at 11.1), then the Summary Procedure shall be invoked (see regulation 11 ); or

10.1.3 if the respondent does not admit the complaint, allegation or matter; or where the respondent admits the complaint or allegation and EH considers there are grounds for disciplinary action but is not satisfied that the case is appropriate for the Summary Procedure, then the Safeguarding Young People Disciplinary Procedure shall be invoked (see regulation 12 below); or 10.1.1 or 10.1.2 or 10.1.3.

10.1.4 where the matter falls outside of the scope of the regulations, England Hockey may refer the matter under the England Hockey Disrepute Complaints Regulations to be considered.

10.1.5 where the matter falls outside of the scope of the regulations, England Hockey may refer to any other governing body, authority or organisation which would be better placed to deal with the complaint.

10.2 Prior to reaching a decision under 10.1, England Hockey may direct that further inquiries be undertaken.

10.3 Where England Hockey considers it appropriate, they can seek external legal advice for any matters relating to these Regulations.

## **11. Summary Procedures**

11.1 A Summary Offence is one where England Hockey believes that the appropriate disciplinary order should be no more than:

11.1.1 a warning; and/or

11.1.2 an order specifying certain training to be undertaken; and/or

11.1.3 an order requiring an individual to be monitored in specific matters; and/or

11.1.4 a suspension for a period not exceeding 28 days; and/or

11.1.5 a Risk Assessment be undertaken (at individuals' expense)

11.1.6 that no sanction should be imposed.

11.1.7 any others sanction or conditions which are felt necessary by England Hockey

11.2 Upon a decision by England Hockey under 10.1 they shall send written notice to the respondent concerned:

11.2.1 informing them of the decision:

11.2.2 if 10.1.2 applies, confirming the charge formally, setting out a summary of the supporting facts and evidence;

11.3 When an individual against whom a charge is made was under the age of 18 years when the alleged matter occurred, correspondence will, if reasonably possible, be addressed to the individual in question and their parents or guardian or an appropriate adult.

11.4 England Hockey shall as soon as reasonably practicable notify the respondent of the decision and the disciplinary order, and shall otherwise publish the matter in accordance with 15 below.

11.5 The respondent must have signed to confirm that they will comply with the disciplinary order, failure to do so will immediately involve regulation 12.

11.6 If under 18 then their parent / guardian or an appropriate adult should countersign to confirm compliance with the sanction and that they have been read and fully explained to the young person concerned.

11.7 Failure to comply with and complete the sanction with amount to a breach of these Disciplinary procedures.

11.8 There shall be no right of appeal against the decision and/or sanction under the Summary Procedure.

## **12. Safeguarding Young People (“SYP”) Full Disciplinary Procedure**

### **Notification**

12.1 Upon a decision by England Hockey at 10.1.3 above, or if the respondent does not consent to the summary procedure being followed, England Hockey shall send written notice to the respondent:

12.1.1 informing them that the matter will be dealt with under the SYP Full Disciplinary Procedure;

12.1.2 confirming the charge formally, setting out a summary of the supporting facts and evidence; and

12.1.3 enclosing the evidence in support of the charge, or if not available at that time when the evidence will be submitted.

12.1.4 requiring their written response to the charge within 15 days.

12.2 When a respondent is under the age of 18 years when the matter alleged occurred, correspondence will, if reasonably possible, be addressed to the individual and will also be copied to their parent or guardian or appropriate adult. The parent or guardian or appropriate adult may respond on the respondent’s behalf.

### **Pre-hearing procedures**

12.3 Once the reply to the charge has been received, or if no reply is received within the prescribed period under 12.1.4 above, the matter shall be referred to the Chair of the Safeguarding Young People (“SYP”) Disciplinary Pool who will appoint Panel members to hear the matter (in accordance with regulation 20.1 and 20.2 below).

12.4 The respondent shall be given at least 30 days’ written notice of the date, place and time of the hearing. All hearings will be conducted remotely by secure video link. Should there be exceptional circumstances or following a request for an in-person oral hearing, consideration to such a request will be given by the SYP Disciplinary Panel and notification to the parties be given as soon as practicably possible.



12.5 At least 15 days before the hearing the respondent must provide details of any witnesses and/or supply evidence that they intend to bring before the SYP Disciplinary Panel. If without good reason such evidence is not furnished to England Hockey at least 15 days before the hearing, the respondent will not be permitted to rely upon that evidence at the hearing without permission from the Chair of the SYP Disciplinary Panel.

### **Presenting the case**

12.6 England Hockey or their appointed representative (legal or otherwise) will present the case to the SYP Disciplinary Panel.

12.7 The Chair of the Panel reserves the right to call the respondent and England Hockey to a prehearing meeting (phone, video or in person) should any matters require a determination and action prior to the hearing.

### **Representation**

12.8 The respondent, appearing before the SYP Disciplinary Panel, shall have the right to be represented by a legal or other representative of their choice at their own expense.

12.9 In addition, if a charge against a respondent under 18 years of age results in a hearing, the parents or guardian or appropriate adult shall also be entitled to be present in support and may make additional representations as the Chair of the panel thinks fit.

### **Hearing procedures**

12.10 The SYP Disciplinary Panel shall have the power to regulate its own procedures. Subject to that power, the hearing shall generally be conducted in accordance with the following regulations.

12.11 A breach of procedure under these regulations shall not invalidate the proceedings unless, in the opinion of the SYP Disciplinary Panel, such breach seriously prejudices the position of the respondent.

### **Private Hearing**

12.12 All proceedings of the SYP Disciplinary Panel shall take place in private. The public and press shall have no right of access. The SYP Disciplinary Panel shall not issue any press statement or conduct any press conferences. All press/media announcements in relation to any decision of the SYP Disciplinary Panel shall be approved by an Executive Director of England Hockey.

### **Proof and Evidence**

12.13 The burden of proving the charge, on the balance of probability, rests with England Hockey.

12.14 The SYP Disciplinary Panel shall not be obliged to follow strict rules of evidence and may admit evidence as it sees fit and accord such weight to the evidence as it thinks appropriate in all the circumstances.

12.15 Where the evidence for the charge relates to:

12.15.1 a criminal conviction or caution falling within 5.3 above, or

12.15.2 a previous finding of guilt in any other judicial or quasi-judicial proceedings, including that of another sports national governing body or statutory agency proceedings related to the

welfare of children, it shall be presumed that the respondent was guilty of the offence for which they were convicted or cautioned, or of the charge for which they were found guilty, and/or that the facts and matters upon which the conviction/caution/finding of guilt was made were correct.

12.16 A previous finding of fact under Clauses 12.15.1 and/or 12.15.2 shall be conclusive proof that the individual does pose a risk to young people and the charge is proven.

12.17 Anyone under the age of 18 years when the allegation/incident occurred is not required to attend a hearing before the SYP Disciplinary Panel to give evidence in person. A young person's statement may be read to the SYP Disciplinary Panel to constitute their evidence.

12.18 No witnesses (whether they have given evidence or not) will be allowed to sit in on the hearing, other than where express permission has been given by the SYP Disciplinary Chair.

12.19 The SYP Disciplinary Panel may at its discretion consider anonymous evidence provided the limitation of such evidence is taken into account by the Panel.

### **Adjournment**

12.20 The SYP Disciplinary Panel may, on request or on its own volition, adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, if it considers it just to do so.

### **The absence of the respondent charged**

12.21 If, at the hearing, the respondent is not present or represented, the SYP Disciplinary Panel may proceed to hear the matter in their absence if satisfied that, following receipt of notification of the matter under 9.2 above, all reasonable steps have been taken to give notice of the hearing to the respondent.

### **Order of proceedings**

12.22 The order of proceedings, unless the Chair otherwise directs, shall be as follows:

12.22.1 Submissions by England Hockey.

12.22.2 Hearing of witnesses called by England Hockey, followed by cross-examination, provided that if a young person is called by England Hockey, (subject to 12.15) they may only be cross examined on behalf of the respondent charged, by a suitably qualified person or qualified solicitor or barrister. If the respondent charged is not legally represented, the SYP Disciplinary Panel will, at their sole discretion, ask questions relevant to the issues in the case, requested by the respondent charged.

12.22.3 Submissions by the respondent.

12.22.4 Hearing of any witnesses called by the respondent, followed by their cross examination by England Hockey.

12.22.5 closing submissions by England Hockey.

12.22.6 closing submissions by the respondent.

12.22.7 Members of the SYP Disciplinary Panel may themselves at any time question witnesses, parties or their representatives.

12.22.8 The SYP Disciplinary Panel shall then retire to consider in private whether it finds the charge proved and shall return to announce its decision.

#### **Order of proceedings following a finding that the charge is proven**

12.23 If the SYP Disciplinary Panel finds the charge proved, it shall seek recommendations as to the appropriate sanction from England Hockey's representative. For the avoidance of doubt, the SYP Disciplinary Panel is not, at this stage, required to provide a written report on finding the case proven.

12.24 The respondent against whom the charge has been found proved may make any mitigation to the SYP Disciplinary Panel. Once the SYP Disciplinary Panel have heard the mitigation, they shall then retire in private to consider the appropriate sanction.

#### **Order of proceedings where charge is admitted**

12.25 Where the respondent appearing before the SYP Disciplinary Panel admits the charge, England Hockey will outline the case and then the respondent admitting the charge shall make any mitigation to the SYP Disciplinary Panel either in person or in writing. Once the mitigation has been given, England Hockey shall then have the opportunity to present to the SYP Disciplinary Panel its recommendations for the appropriate sanction.

#### **Risk assessment**

12.26 The SYP Disciplinary Panel at their own direction may adjourn prior to reaching a decision on the appropriate sanction, after a finding, in order to obtain a risk assessment on the respondent.

12.27 The cost of any Risk Assessment will be borne by the respondent.

#### **Decision on disciplinary sanctions**

12.28 The SYP Disciplinary Panel may make any one or more disciplinary sanctions in accordance with regulation 14 below.

#### **Notification of decision**

12.29 The SYP Disciplinary Panel having decided on the disciplinary sanctions shall communicate its decision to the respondent either at the time of the hearing or as soon as reasonably practicable thereafter. In all cases the SYP Disciplinary Panel shall produce a summary of written reasons relating to its decision. This summary shall be conveyed to the respondent (and, where deemed appropriate by England Hockey, to the complainant) as soon as possible, and in all events within 14 working days of the date of notification of the decision.

12.30 England Hockey shall otherwise publish the matter in accordance with 15 below.

### **13. Appeals**

#### **Right of Appeal**

13.1 A respondent may submit a Notice of Appeal with supporting evidence against a finding of guilt and/or disciplinary sanctions by the SYP Disciplinary Panel only on the following grounds:

13.1.1 that the SYP Disciplinary Panel misdirected itself in its conduct of the matter; or

13.1.2 that the SYP Disciplinary Panel's finding was based on error of fact; or

13.1.3 that the SYP Disciplinary Panel exercised its discretion wrongly in reaching its decision.

13.2 England Hockey has a full right of appeal in the same terms as the respondent.

13.3 The burden of proving the appeal, on the balance of probability, lies with the appellant.

13.4 The appellant is responsible for fully preparing their case including preparing and providing the bundles and case files to all the relevant parties, and the Appeals Panel.

### **Notice of Appeal**

13.5 The individual or organisation submitting a Notice of Appeal shall be known as the "Appellant" and shall have 30 days from the date of notification of the SYP Disciplinary Panel's decision to submit the Notice of Appeal to England Hockey. The other party shall be known as the "Respondent".

13.6 The Notice of Appeal must contain a statement of the grounds upon which the appeal is brought, either 13.1.1 or 13.1.2 or 13.1.3 and the supporting facts and matters including the evidence upon which the Appellant intends to rely.

### **Appeals Panel**

13.7 Having received the Notice of Appeal the Chair of the SYP Appeals Panel will consider whether the Notice of Appeal satisfies regulation 13.1 and if it does a SYP Appeals Panel shall be appointed to consider the matter in accordance with regulation 21 below.

13.8 If the Chair of the SYP Appeals Panel deems the grounds are not met the Appellant will be advised of this, setting out the reason(s) for rejecting the appeal.

### **Powers of the Appeals Panel**

13.9 The SYP Appeals Panel will consider all of the documents and evidence submitted to the hearing before the SYP Disciplinary Panel and, subject to any explanation given pursuant to 13.5, shall receive fresh evidence and may, at its discretion, re-hear any witness called before the SYP Disciplinary Panel.

13.10 The SYP Appeals Panel may uphold vary or set aside the decision of the SYP Disciplinary Panel and may substitute any other finding or order (on such terms and conditions if any) as it considers appropriate in accordance with regulation 14 below.

### **Notification of hearing and exchange of information**

13.11 Following the formation of a SYP Appeals Panel, the Appellant shall be given at least 30 days' written notice of the date, time and place of the appeal hearing. In exceptional circumstances and if all parties agree, the hearing can take place via a secure video conference facility.

13.12 At least 15 days prior to the date of the hearing, the Appellant must submit, consistent with the grounds of appeal set out in 13.1;

13.12.1 any such fresh evidence that he/she/it wishes to rely upon which must be directly related to the grounds for the appeal; and

13.12.2 the names and addresses of any witnesses whom they wish to call in person, and an outline of what each witness is expected to say.

13.12.3 the appellant is responsible for full case file preparation and circulation to England Hockey and SYP Appeals Panel

13.13 At least 7 days prior to the date of the hearing, the Respondent shall, if they intends to rely on fresh evidence or to seek the agreement of the SYP Appeals Panel to the rehearing of any witness called before the Disciplinary Panel, provide the Appellant with the fresh evidence which they wish to rely upon, together with the names and addresses of any witnesses which wishes to call in person and an outline of what each witness is expected to say.

13.14 Neither party shall without the consent of the other or the permission of the SYP Appeals Panel rely on any fresh evidence or call any witness.

13.15 The Chair of the Panel reserves the right to call the appellant and respondent to a prehearing meeting (phone, video or in person) should any matters require a determination and action prior to the hearing.

#### **Presenting, or responding to, the appeal**

13.16 England Hockey will appoint a representative (legal or otherwise) on their behalf to present, or respond to, the appeal.

#### **Representation**

13.17 The individual or organisation appealing or responding to an appeal, shall have the right to be represented before the SPYP Appeals Panel by a representative (legal or otherwise) of their choice at their own expense.

13.18 If the individual concerned is under 18 years of age, the parent or guardian shall also be entitled to be present and make such representations as he/she thinks fit on the young person's behalf.

#### **Hearing procedures**

13.19 The SYP Appeals Panel will consider whether the grounds for appeal set out in 13.1, 13.2 and/or 13.3 have been met and shall have the power to regulate its own procedures. Subject to that power, the hearing of an appeal shall generally be conducted in accordance with the following regulations.

13.20 A breach of procedure under these regulations shall not invalidate the proceedings unless, in the opinion of the SYP Appeals Panel, such breach seriously prejudices the position of the person or organisation appealing or responding to an appeal.

#### **Private hearing**

13.21 All proceedings of the SYP Appeals Panel shall take place in private. The public and press shall have no right of access. The SYP Appeals Panel shall not issue any press statement or conduct any press conferences. All press/media announcements in relation to any decision of the SYP Appeals Panel shall be approved by an Executive Director of England Hockey.

#### **Adjournment**

13.22 The SYP Appeals Panel may, on request or on its own volition, adjourn the appeals hearing if it considers it just to do so.

13.23 If, at the appeals hearing, the party appealing or responding is not present or represented, the SYP Appeals Panel may proceed to consider the matter in their absence if it is satisfied that all reasonable steps have been taken to give notice of the hearing to the party concerned.

### **Order of proceedings**

13.24 The order of proceedings for the appeals hearing, unless the Chair otherwise directs, shall be as follows:

13.24.1 Submissions by the Appellant;

13.25.2 Hearing of any witnesses called by the Appellant, followed by cross-examination (subject to the proviso at 12.18 above is);

13.25.3 Submissions by the Respondent;

13.25.4 Hearing of any witnesses called by the Respondent, followed by cross-examination (subject to the proviso at 12.18 above);

13.25.5 Closing submissions by the Appellant.

13.26 If the appeal is against the disciplinary order only, the procedure shall be as set out at 12.22 and 12.23 above.

13.27 The SYP Appeals Panel may adjourn for a risk assessment as set out at 12.26 and 12.27 above.

### **Decision of SPYP Appeals Panel**

13.28 The decision of the SYP Appeals Panel shall be notified to the parties concerned as soon as practicable after the conclusion of the hearing and may be published in accordance with 15 below.

13.29 The decision by the SYP Appeals Panel is final and shall be deemed to be the final decision of England Hockey.

## **14. Disciplinary Sanctions**

14.1 If the SYP Disciplinary Panel or SYP Appeals Panel finds a charge to have been proved or admitted, it may make any one of, or a combination of, the following disciplinary sanctions and on such terms and conditions as it considers appropriate having regard to the nature and seriousness of the offence, the individual's character, the individual's/organisation's past record and any other relevant circumstances (including the outcome of any risk assessment undertaken):

### **Individuals**

14.1.1 a warning;

14.1.2 an order to undertake specified training;

14.1.3 an order requiring an individual to be monitored in specific matters;

14.1.4 a fine not exceeding £1,000;

14.1.5 suspension for a specific period of time from involvement in hockey in any capacity directly or indirectly under the jurisdiction of England Hockey which might involve access to young people;

14.1.6 permanent exclusion from involvement in hockey in any capacity directly or indirectly under the jurisdiction of England Hockey which might involve access to young people;

14.1.7 suspension for a specific period of time from involvement in hockey in any capacity directly or indirectly under the jurisdiction of England Hockey;

14.1.8 permanent exclusion from involvement in hockey in any capacity directly or indirectly under the jurisdiction of by England Hockey;

14.1.9 termination of England Hockey membership and/or any England Hockey licence or accreditation;

14.1.10 where the appropriate criteria are met, referral of the case to any statutory list barring or restricting work with children or young people;

14.1.11 a variation of the current sanctions, increase or decrease;

14.1.12 any other sanction considered appropriate.

### **Organisations**

14.1.13 a warning;

14.1.14 a fine not exceeding £1,000;

14.1.15 a requirement to make specified changes or actions;

14.1.16 termination of England Hockey membership;

14.1.17 a variation of the current sanctions, increase or decrease;

14.1.18 Any other sanction considered appropriate;

14.2 The SYP Appeals Panel may where it considers it appropriate when an appeal has been dismissed order the appellant to pay a sum in respect of the costs reasonably incurred by the other party in the proceedings (such sum not to exceed the maximum figure set by the Board from time to time);

14.3 Where the SYP Disciplinary Panel imposes any period of suspension, that period shall run from the date of the decision, notwithstanding that any Notice of Appeal is submitted;

14.4 In imposing or reviewing a suspension, the SYP Disciplinary Panel or SYP Appeals Panel shall take into account the length of suspension (whether interim or otherwise) served by the individual in deciding the appropriate period of any further suspension.

### **15. Publication of decisions**

15.1 England Hockey may choose to publish interim suspensions (under 8 above) and disciplinary decisions and orders made under these regulations, (whether under the Summary Procedure or under the SYP Disciplinary Procedure) on a 'need to know' basis, in such form and manner, and to such extent, as it deems necessary for the purposes of enforcement of/compliance with such decisions and orders.

15.2 For the avoidance of doubt, in addition to providing notice to the parties concerned as provided for above in these regulations, England Hockey will, at its discretion, publish interim suspensions and disciplinary decisions and orders as follows:

15.2.1 to the Welfare Officer (or other relevant senior official) of any club, association or other organisation within the Hockey family through which the individual is known, or reasonably believed to have access to young people in hockey;

15.2.2 to the Welfare Officer (or other relevant senior official) of the County and Regional Association within whose district(s) the individual is known or reasonably believed to have access to young people in hockey;

15.2.3 to the Welfare Officer (or other relevant senior official) of any other organisation through which the individual is known or reasonably believed to have access to young people;

15.2.4 to any statutorily authorities that require notification;

15.2.5 as deemed necessary by the CMG for the protection and welfare of children;

15.3 England Hockey will also inform the complainant of an interim suspension and/or disciplinary decision and order where it is deemed appropriate.

## **16. Enforcement of Disciplinary Orders**

16.1 Members of England Hockey must take all steps necessary to ensure compliance with any interim suspension (under 8 above) and any disciplinary order made under these regulations, whether ordered under the Summary Procedure or under the SYP Disciplinary Procedure.

16.2 If a Member of England Hockey fails to comply with its obligations under 16.1 above, such conduct shall be grounds for disciplinary action against the member, and or organisation under these regulations.

## **17. CMG**

17.1 The CMG shall consist of between 3 and 5 people, at least one of whom shall be an independent member and include the Chair of the Group appointed by the CEO of England Hockey.

17.2 The functions of the CMG shall be to:

17.2.1 decide, in consultation (and where consulted by) action to be taken under 7 above following receipt of, or upon becoming aware of a complaint or allegation or matter relating to the safety and/or welfare of a young person or young people in hockey;

17.2.2 issue and review Interim Suspensions under 8 above;

17.2.3 decide whether the summary procedure should be invoked under 10 above and, if so, to apply the summary procedure (with the consent of the respondent concerned);

17.2.4 monitor and review progress on all cases and to identify any trends or actions which may require a review/revision of existing policies/procedures;

17.2.5 decide on the appropriate course of action following DBS disclosures.

17.3 CMG will meet as and when necessary, dependent on cases but not less than 6 times a year.

17.4 The quorum for all meetings of the CMG shall be three, of whom at least one shall be an independent panel member and at least one shall be an England Hockey panel member. For cases requiring immediate action, the Chair may consult with (or delegate authority in his/her absence) a minimum of one other member of the CMG with any decision ratified by the full CMG.



## **18. Safeguarding Young People Disciplinary Pool**

18.1 The Safeguarding and Protecting Young People (“SYP”) Pool shall consist of between 3 and 15 people, including a Chair appointed by the Chief Executive.

18.2 The Safeguarding and Protecting Young People (“SYP”) Disciplinary Panel and the SYP Appeals Panel shall be drawn from the SYP Disciplinary Pool as provided at 19 and 20 below.

## **19. Safeguarding Young People Disciplinary Panel**

19.1 The Safeguarding Young People (“SYP”) Disciplinary Panel shall consist of 3 people but where considered necessary a legal advisor can sit as an additional member and advisor to the Panel but has no voting power.

19.2 Where a matter is referred to the Chair of the SYP Disciplinary Pool under 12.3 above, he/she shall appoint a SYP Disciplinary Panel consisting of 3 members of the SYP Disciplinary Pool.

19.3 The Chair of the SYP Disciplinary Pool may him/herself sit on the SYP Disciplinary Panel if he/she consider appropriate, in which case he/she shall act as the Panel’s chair. In all other cases, the Chair of the SYP Disciplinary Pool shall appoint one of the 3 members of the SYP Disciplinary Panel to act as the Panel’s Chair.

19.4 No SYP Disciplinary Pool member may sit on a SYP Disciplinary Panel where he/she has had any prior involvement with the case or matter or has any material financial or other relevant interest in the outcome of the proceedings.

19.5 Decisions may be made by a majority of the members of the SYP Disciplinary Panel.

19.6 The function of the SYP Disciplinary Panel shall be to hear and decide upon disciplinary cases and, where appropriate, to make disciplinary orders as provided at paragraphs 12 and 14 above.

19.7 The SYP Disciplinary Panel shall meet as and when necessary, dependent on cases.

## **20. Safeguarding Young People Disciplinary Appeals Panel**

20.1 Where an appeal is received under 13 above, a SYP Appeals Panel comprising 3 members shall be appointed by the Chief Executive of England Hockey as follows:

20.1.1 an independent lawyer (who shall Chair the SYP Appeals Panel); and

20.1.2 two members of the SYP Disciplinary Pool; and

20.2 No SYP Disciplinary Pool member may sit on an SYP Appeal Panel where he/she has had any prior involvement with the case or matter, or has any material financial or other relevant interest in the outcome of the proceedings.

20.3 Decisions may be made by a majority of the members of the SYP Appeals Panel.

20.4 The function of the SYP Appeals Panel is to consider and decide upon appeals submitted to it and, where appropriate, to make disciplinary orders, as provided at regulations 13 and 14 above.

## **21. Exclusion of liability**

21.1 England Hockey shall not be liable to any respondent for any loss, or costs arising out of action taken under these regulations. This includes any form or suspensions of restriction.

## **22. Service of notices**

22.1 Any notice or other documents required by these regulations to be given to a respondent who is the subject of an allegation or charge may be delivered either personally or by post (save that any notice required to be given under paragraphs 8.3, 9.2, 11.2, 11.6, 12.1, 12.5, 12.25, 13.8 and 13.23 shall, if sent by post, be sent by recorded delivery).

22.2 Where any such notice or any document is served by post or recorded delivery, it shall be sent to the last known address of the respondent concerned which is recorded by him/her/it with England Hockey or with a member of England Hockey or as notified by the police or social services to England Hockey, and (unless returned to England Hockey), it shall be deemed that wherever that address may be, to have been served on the second day following that on which it was posted unless at the place of receipt that latter day is a Sunday or a public holiday in which case service shall be deemed to have occurred on the first day thereafter which is not one of such exceptional days.

22.3 Service by email will be accepted as a means of notification.

Document Name	Safeguarding Young People in Hockey : Complaints and Disciplinary Regulations
Version	2
Date Approved buy EH Board	July 2023
Editor / Owner	Head of Legal & Governance / Governance
Next review	July 2026