

# **WALES SQUASH & RACKETBALL LTD**



## **CONDUCT REPORT & COMPLAINT PROCEDURES**

**INCLUDING  
CONDUCT REPORTS,  
COMPLAINTS,  
ALLEGATIONS OF MISCONDUCT  
AND  
CHILD PROTECTION**

# **WALES SQUASH & RACKETBALL LTD**

## **CONDUCT REPORT & COMPLAINT PROCEDURES**

These procedures have been drawn up in order to deal with conduct reports, complaints, and allegations of misconduct, including safeguarding and protecting children issues, made against any person or organisation over which Wales Squash & Racketball Ltd has jurisdiction.

### **1 DEFINITIONS**

- 1.1 'Wales Squash & Racketball Ltd' – All reference to Wales Squash & Racketball should be taken where necessary to be the Management Committee to exercise their power to receive and act upon disciplinary matters on behalf of the National Governing Body.
- 1.2 'Management Committee' – Shall consist of officers or employees of Wales Squash & Racketball and representatives from Sport Wales. The quorum for a meeting is 3.
- 1.3 'Individual', 'player' or 'organisation' – This shall be deemed to include the following: members, officials, coaches, referees, volunteers, associations, clubs, committees, organisations or persons directly or indirectly affiliated to Wales Squash & Racketball Ltd and their members and officers or employees of Wales Squash & Racketball.
- 1.4 'Child' or 'children' – Includes all persons under the age of 19 and anyone who is considered to be a vulnerable adult.
- 1.5 'Complaints Officer' – An adult member of Wales Squash & Racketball appointed by the Management Committee whose duty shall be to investigate any complaint that is not related to child protection or misconduct and refer it to the Management Committee on a Complaints Recording Form.
- 1.6 'Complaint' or 'allegation' – An allegation or complaint against any person or organisation under Wales Squash & Racketball jurisdiction should be in writing, should contain first hand facts of the complaint, allegation or offence the accused is alleged to have committed and be submitted within a reasonable time of the incident occurring.
- 1.7 'Conduct Report Form' – To be used for reporting a breach of the rules and conditions governing players or any conduct which is detrimental to the interest of the game or which has or may bring the game into disrepute. Completed Forms should arrive no later than seven days from the date of the incident and should be supported, as far as possible, by independent witnesses.
- 1.8 'Referee Coordinator' – Reviews Conduct Report Forms where a player has received an automatic ban to confirm that the sanction is reasonable for the conduct that has been reported and chairs the Referee Review Panel.
- 1.9 'Referee Review Panel' – Reviews Conduct Report Forms to recommend further sanctions where a player has accumulated 7 or more points over a 12 month period or where a player receives an automatic ban that has been confirmed as reasonable by the Referee Coordinator.
- 1.10 'Designated Safeguarding & Protecting Children Lead Officer (Designated Officer)' – The Designated Officer shall be an adult member of Wales Squash & Racketball appointed by the Management Committee whose duty shall be to investigate any complaint or allegation of misconduct relating to child protection and refer it to the Case Management Panel on a Case Management Panel Recording Form.
- 1.11 'Case Management Panel' – A panel appointed by the Management Committee to make immediate decisions and respond to cases reported to it by the Designated Officer and comprising three members at least two of whom should be defined as an Independent Person.
- 1.12 'Independent Person' – A person who is an adult and is not a member of Wales Squash & Racketball.
- 1.13 'Accused' – Any person or organisation, that Wales Squash & Racketball has jurisdiction over, that has had a complaint or allegation relating to child protection

issues made against them, or a representative nominated by the accused to act on their behalf.

- 1.14 'Interim Suspension' – This shall be a temporary cessation of some or all duties imposed by the Designated Officer when following receipt of a complaint or allegation the Designated Officer feels that a child or vulnerable adult may be at risk of harm if the accused continues to carry out their duties whilst a full investigation is carried out.
- 1.15 'Suspension' – Issued as a result of a decision by the Case Management Panel or Disciplinary Panel and shall be deemed to be permanent or for a period of time, as specified.
- 1.16 'Summary Offence' – Any complaint or allegation that the Case Management Panel considers is suitable to be dealt with as a Summary Offence and which is substantiated by the evidence, which the accused admits to and agrees to abide by any sanction that is imposed, and where there is no right of appeal.
- 1.17 'Disciplinary Offence' Any complaint or allegation that the Case Management Panel considers is not suitable to be dealt with as a Summary Offence or the accused does not consent to the matter being dealt with as a Summary Offence, and where there is a right of appeal.
- 1.18 'Disciplinary Panel' – Appointed by the Management Committee, comprising of 3 – 5 members who have not had any previous involvement/knowledge of the case under investigation.
- 1.19 'Appeal' – A written application against a decision of the Disciplinary Panel/Referee Review Panel.
- 1.20 'The Appellant' – The accused who within 7 days from the date of a decision by the Disciplinary Panel/Referee Review Panel has submitted an appeal.
- 1.21 'Appeals Panel' – Appointed by the Management Committee and comprising of members who have not had any previous involvement/knowledge of the case under investigation.

## **2 PRINCIPLES RELATING TO CHILD PROTECTION CASES**

- 2.1 All safeguarding and protecting children and CRB matters must be regarded as highly confidential and not for disclosure outside the Case Management Panel, unless there is a legal requirement to disclose such information. The members of the Case Management Panel must sign a confidentiality agreement.
- 2.2 The Case Management Panel is empowered by Wales Squash & Racketball Ltd to make decisions on allegations of misconduct without the influence of or prejudice by others either from within or outside the National Governing Body.
- 2.3 The Case Management Panel should include people who have not had prior involvement or material, financial or other relevant interest in the outcome of the proceedings, and who have relevant knowledge and expertise to enable the Panel to fulfil its purpose. The two Independent Persons should have current safeguarding and protecting children knowledge and experience.
- 2.4 The Case Management Panel will meet as and when necessary. For cases requiring immediate action the Designated Officer will consult at least two members of the Panel who have not had prior involvement or material, financial or other relevant interest in the outcome of the proceedings, and at least one must be an Independent Person.

### 3 JURISDICTION

- 3.1 Wales Squash & Racketball Ltd has disciplinary jurisdiction over the following:
- a. all associations, clubs, committees, organisations or persons directly or indirectly affiliated to Wales Squash & Racketball Ltd and their members, officers and employees.
  - b. all Board members of Wales Squash & Racketball Ltd.
  - c. all officials, coaches, referees, volunteers, officers or employees of Wales Squash & Racketball Ltd.
  - d. all players who participate in any event, training or sanctioned tournament authorised by Wales Squash & Racketball.
  - e. any person who enjoys any form of involvement or any other status connected with Wales Squash & Racketball Ltd.
- 3.2 Wales Squash & Racketball Ltd shall exercise its disciplinary functions in the manner set out in the Conduct Report & Complaint Procedures. Wales Squash & Racketball Ltd has the capacity to delegate its power to receive and act upon disciplinary matters to a Designated Officer or, if appropriate, to a legal representative or independent expert.
- 3.3 The Designated Officer and the Case Management Panel have the power to impose an interim suspension.
- 3.4 Wales Squash & Racketball Ltd shall have jurisdiction to consider any written complaint or allegation of misconduct or any matter which it considers may constitute misconduct or a breach of any appropriate Codes of Conduct or Ethics.
- 3.5 Wales Squash & Racketball Ltd shall exercise its jurisdiction in section 3.1 above, subject to section 3.6 below.
- 3.6 The Board of Wales Squash & Racketball Ltd may amend these Procedures as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the Board.
- 3.7 These Procedures shall not apply to the commission of a Doping Offence (UK Anti Doping Policy).
- 3.8 When the nature of the allegation or complaint is covered by criminal law the matter will immediately be referred to the appropriate statutory authority and the Designated Officer will decide if the matter raises any child protection issues which necessitate an interim suspension being invoked.

#### **4 AUTOMATIC CONDUCT REPORT PROCEDURE**

- 4.1 Upon receipt of a completed Conduct Report Form the Complaints Officer should check whether the player involved has received any sanctions within the preceding twelve months.
- 4.2 If the player has not received any sanctions within the preceding 12 months the Complaints Officer should write to the player advising the sanction that has been imposed in accordance with the Conduct Report Form.
- 4.3 If the sanction is an automatic ban the Referee Coordinator will review the matter to confirm that the sanction is appropriate for the conduct that has been reported. If the Referee Coordinator does not consider that an automatic ban is appropriate he will send his recommendation to the Management Committee to be ratified. The Complaints Officer will write to the player involved and any interested parties advising them of the sanction that has been imposed.
- 4.4 If a player commits a conduct offence after a match has ended or has accumulated 7 or more points over a 12 month period or receives an automatic ban that the Referee Coordinator has reviewed and deemed appropriate, the matter will be referred to the Referee Review Panel. The Complaints Officer will write to the player involved and any interested parties advising them that the matter has been referred to the Referee Review Panel.
- 4.5 The Referee Coordinator will convene a meeting of the Referee Review Panel who will make a recommendation about any further sanctions that should be taken against the player. The Referee Coordinator will advise the Complaints Officer of the outcome of the meeting.
- 4.6 The Complaints Officer will submit the recommendations of the Referee Review Panel to the Management Committee for ratification. The Complaints Officer will write to the player and any interested parties advising them of the outcome.
- 4.7 The Management Committee is not bound by any recommendations made by the Referee Coordinator or the Referee Review Panel and may make their own decisions about how a matter should be dealt with and/or what sanctions should be imposed.
- 4.8 If the player does not agree with any further sanctions that have been imposed they have the right of appeal as detailed in section 11 of these procedures.

## **COMPLAINTS OR ALLEGATIONS WHICH DO NOT RAISE CHILD PROTECTION ISSUES**

### **5 COMPLAINTS PROCEDURE**

- 5.1 The Complaints Officer will commence an investigation on receipt of a written complaint that does not raise any child protection issues and which is not subject to the Automatic Conduct Report Procedure as detailed in section 4 of these procedures.
- 5.2 Wales Squash & Racketball reserves the right to invoke its Complaints Procedure when notified of any matter within its jurisdiction.
- 5.3 The Complaints Officer shall also consider whether such complaint or other matter falls within the scope of Wales Squash & Racketball' jurisdiction.
- 5.4 The Complaints Officer shall have the power to require:
  - a. the attendance, upon reasonable notice, of any individual to answer questions and provide information; and
  - b. the production, upon reasonable notice, of documents, information or other material in whatever form held.
- 5.5 At the completion of the investigation the Complaints Officer shall submit a completed Complaints Recording Form with his recommendations to the Management Committee who shall decide the appropriate course of action as follows:
  - a. Where the investigation establishes that there is no case to answer the complaint shall be dismissed and the Complaints Officer will write to the interested parties informing them of the decision.
  - b. Where the investigation establishes that the complaint is justified the Management Committee shall either accept the recommendations of the Complaints Officer or decide how the matter should be dealt with and the Complaints Officer will write to the interested parties informing them of the decision.
- 5.6 If the person against whom a complaint is made ("the accused") is not satisfied with the outcome they can ask for the matter to be referred to the Wales Squash & Racketball Board of Directors within 14 days. The Complaints Officer will write to all interested parties informing them that the matter has been referred to the Board.
- 5.7 The Board will consider the Complaints Recording Form, any associated documentation and any further information supplied by the complainant in support of their complaint and decide the appropriate course of action as follows:
  - a. Uphold the decision of the Management Committee;
  - b. Decide how the matter should be dealt with.
- 5.8 In either case the Complaints Officer will write to all interested parties informing them of the decision and that there is no further right of referral.

## **COMPLAINTS OR ALLEGATIONS OF MISCONDUCT WHICH RAISE CHILD PROTECTION ISSUES**

### **6 INTERIM SUSPENSION**

- 6.1 If the Designated Officer considers that an allegation or complaint or matter which has been drawn to his/her attention is of sufficient seriousness to warrant the exclusion of a body that is listed in any of the categories in section 3.1 from involvement in any Wales Squash & Racketball activities, an interim suspension can be invoked.
- 6.2 Written notification of the reported allegation or complaint plus any interim suspension will be forwarded to the accused and any club or county with which the accused is associated, as soon as reasonably practicable.
- 6.3 Wales Squash & Racketball shall proceed with their investigation as soon as reasonably practicable.
- 6.4 All interim suspensions will be reviewed by the Case Management Panel at regular intervals but not less than every six weeks. A breach of an interim suspension shall be considered as a separate offence in addition to the original allegation or complaint.
- 6.5 If the circumstances or facts surrounding a case are subject to change the Case Management Panel may reconsider the terms of the interim suspension.

### **7 INVESTIGATION PROCEDURE**

- 7.1 The Designated Officer will commence an investigation on receipt of written notification that an individual:
  - a. has been cautioned or charged with/convicted of a criminal offence; or
  - b. is the subject of an investigation by the Police, Social Services or any other public or investigating authority; or
  - c. poses or may pose risk of harm to a child or children;
  - d. has become the subject of an allegation or complaint which is not subject to the Complaints Procedure; or
  - e. has become the subject of a completed Conduct Report Form which is not subject to the Automatic Conduct Report Procedure.
- 7.2 Wales Squash & Racketball reserves the right to invoke its procedure when notified of any matter within its jurisdiction.
- 7.3 The Designated Officer shall also consider whether such complaint or other matter falls within the scope of Wales Squash & Racketball's jurisdiction.
- 7.4 Wales Squash & Racketball Ltd shall establish the details of the offence, allegation or complaint by questioning, as appropriate:
  - a. the individual concerned, either by way of interview or correspondence
  - b. the Police;
  - c. Social Services;
  - d. any other authority involved in the protection and welfare of children;
  - e. any person or party associated with the complaint in any way whatsoever.
- 7.5 Wales Squash & Racketball Ltd shall consider the following factors when considering an interim suspension:
  - a. whether a child or children are or may be at risk of harm;
  - b. whether the matters are of a serious nature;



- c. whether a suspension is necessary to allow the conduct of any investigation by Wales Squash & Racketball Ltd or any other authority or body to proceed unimpeded.
- 7.6 Wales Squash & Racketball Ltd shall have the power to require:
- a. the attendance, upon reasonable notice, of any individual to answer and provide information; and
  - b. the production, upon reasonable notice, of documents, information or other material in whatever form held.
- 7.7 The Designated Officer shall have the power to order the accused to submit to an interim suspension.
- 7.8 At the completion of an investigation, the Designated Officer will complete and submit Part 1 of a Case Management Panel Recording Form to the Case Management Panel who shall decide the appropriate course of action as follows:
- a. If the accused admits the charge either in correspondence or in interview and the Designated Officer is satisfied that the charge has been admitted and is a 'Summary Offence' then the Summary Procedure shall be invoked.
  - b. If the accused does not consent to the Summary Procedure or the Case Management Panel considers that a case is not appropriate for the Summary Procedure, then the Disciplinary Procedure shall be invoked.
  - c. Where the investigation establishes to the satisfaction of the Case Management Panel that there is no case to answer, the allegation or complaint shall be dismissed and the Designated Officer will write to the accused and the other parties involved informing them of the decision.
  - d. The Case Management Panel will complete Part 2 of the Case Management Panel Recording Form and may make recommendations about the appropriate course of action to take next. It is the responsibility of the Designated Officer to ensure that the recommendations are implemented.

## **8 SUMMARY PROCEDURES**

- 8.1 If the accused admits the charge either in correspondence or in interview and the Case Management Panel is satisfied that the charge has been admitted and is a 'Summary Offence' then the Summary Procedure shall be invoked.
- 8.2 A Summary Offence is one where the Case Management Panel believes that, if the facts placed before them are true, the appropriate sanction should be no more than:
- a. a warning and/or
  - b. a suspension for a period not exceeding 12 months (excluding any interim suspension) and/or
  - c. a fine not exceeding £100 and/or
  - d. any other sanctions that the Panel agree are appropriate.
- 8.3 A matter will remain a Summary Offence unless the following applies:
- a. the individual, player or organisation does not admit the offence and consent to a Summary Procedure; or
  - b. the nature of the offence is such that the Case Management Panel does not consider that it can properly be dealt with through the Summary Procedure;
- 8.4 When an admission in interview or correspondence has been made and the Case Management Panel considers it appropriate to invoke the Summary Procedure, the Designated Officer shall inform the accused by letter, sent by recorded delivery, and seek written consent that the offence should be dealt with under the Summary Procedure. The letter shall include the formal charge plus a summary of the evidence.

- 8.5 The accused shall have 21 days from the date of certified posting to confirm that they agree with the matter being dealt with as a Summary Offence and that they will abide by any sanctions imposed by the Case Management Panel.
- 8.6 The Case Management Panel shall consider all the evidence that has been gathered and shall then impose the appropriate sanction(s).
- 8.7 The Designated Officer shall then communicate the imposed sanction to the accused.
- 8.8 There is no right of appeal or right to vary the imposed sanction.

## **9 DISCIPLINARY PROCEDURE**

- 9.1 If consent to the matter being dealt with as a Summary Procedure is not obtained, the Designated Officer will inform the individual, member or organisation by letter, sent by recorded delivery, that the Disciplinary Procedure has been invoked. The letter will also include the formal charge, plus a summary of the evidence.
- 9.2 The accused shall have 21 days from the date of certified posting to answer the charge. Failure to do so without reasonable excuse shall render the accused liable to suspension from all Wales Squash & Racketball activities until a reply has been received.
- 9.3 Once the reply to the charge has been received, the Designated Officer shall liaise with the Chairman of the Disciplinary Panel to schedule a date for the hearing. At least 21 days' notice shall be given of the date, place and time of any hearing.
- 9.4 All proceedings of the Disciplinary Panel shall take place in private. The public and press shall have no right of access. The Disciplinary Panel shall not issue any press statement or conduct any press conferences. All press/media announcements in relation to any decision of the Disciplinary Panel shall be approved by Wales Squash & Racketball.
- 9.5 The accused shall have the right to be represented by legal representative of his/her choice and at his/her own expense or by a person they have nominated to speak on their behalf.
- 9.6 If the accused is under the age of 14 years at the date the offence is alleged to have occurred, all correspondence will be addressed to his/her parent(s) or guardian.
- 9.7 If the accused is between the age of 14 and 18 years of age all correspondence will be copied to the parent(s) or guardian.
- 9.8 If a charge against an individual under 18 years of age results in a hearing, the parents or guardian shall be entitled to be present and make such representations as he/she thinks fit on the young person's behalf. Where possible, bringing a young individual (under 18 years) before a Disciplinary Panel should be avoided. Where this is necessary, specialist safeguarding and protecting children advice should always be sought.
- 9.9 The Designated Officer, or other authorised representative, shall present the evidence to the Disciplinary Panel which may include calling witnesses.
- 9.10 The accused or their representative will then answer the charge and this may include calling witnesses.
- 9.11 The standard of proof shall be the civil standard, i.e. the balance of probability.
- 9.12 The accused shall have the right to cross-examine witnesses called by Wales Squash & Racketball Ltd to prove the charge. Wales Squash & Racketball shall have the right to cross-examine witnesses called by the accused.
- 9.13 When the accused has completed their case, the Designated Officer or authorised representative shall make concluding remarks in support of the charge. The accused shall then have the right to make brief concluding remarks. The Disciplinary Panel shall then retire to consider its verdict in private.
- 9.14 If the Disciplinary Panel finds that the charge is proved they shall return to hear the recommendation from the Designated Officer or authorised representative and any mitigation from the accused before retiring to consider the appropriate sanction.

- 9.15 If the Disciplinary Panel decides that the charge has not been proved it will return and announce its decision. The Panel shall produce a short written decision setting out the reasons for reaching its conclusions. This shall be conveyed to all parties as soon as possible and in all events within seven days of the date of the hearing.
- 9.16 The decision of the Disciplinary Panel must be by majority and no minority opinion shall become part of the written decision.
- 9.17 The decision, reasons and sanction(s) shall be communicated in writing, to all parties connected to the case, at the hearing or within 7 days of the conclusion.
- 9.18 When the matter has been upgraded from the Summary Procedure the allegation shall become the subject and follow the Disciplinary Procedure.
- 9.19 The Disciplinary Panel shall have the power to regulate its own procedure and also have the power:
- a. to adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing to allow time for the submission of further evidence or for any other reason;
  - b. to ask questions directly of any party or witness to any proceedings before the Panel;
  - c. to admit or exclude evidence on the grounds of relevance or failure to comply with directions;
- 9.20 Where, at any time in the course of any disciplinary proceedings, there has been a breach of procedure or failure to follow any direction given, this shall not invalidate the proceedings unless such breaches have been such as to seriously and immediately prejudice the position of the accused.
- 9.21 The Disciplinary Panel shall not be obliged to follow the strict rules of evidence and may admit evidence as it sees fit and accord such evidence such weight as it thinks appropriate in all the circumstances. Where the allegation has been the subject of a previous finding of guilt in criminal proceedings or any other judicial or quasi-judicial finding that constitute a finding of guilt, the result of such proceedings and the facts and matters upon which such result is based shall be presumed to be correct and the facts presumed to be true. This will also be deemed to be the case where the individual is placed on any statutory list barring, or restricting, working with children or young persons.

## **10 SANCTIONS**

- 10.1 The Disciplinary Panel may impose upon the accused one, or a combination, of the following sanctions:
- a. a written warning;
  - b. restriction from taking part in any capacity whatsoever in any event sanctioned directly or indirectly by Wales Squash & Racketball Ltd;
  - c. suspension for a specified period as in section 8.2;
  - d. permanent exclusion;
  - e. expulsion, suspension or exclusion from standing for, or holding, any office with Wales Squash & Racketball Ltd, either for a temporary period or permanently;
  - f. a fine not exceeding £1,000;
  - g. any additional training as specified by the Disciplinary Panel;
  - h. a risk assessment;
  - i. where appropriate, referral of the case to a statutory list which bars or restricts working with children or vulnerable adults.
  - j. any other sanctions that the Panel agree are appropriate.

- 10.2 Where the Disciplinary Panel imposes a period of suspension, that period of suspension shall run from the date of the decision. The Disciplinary Panel shall take into account the amount of any interim suspension served by the accused.

## **11 APPEALS PROCEDURE**

- 11.1 The accused may submit an appeal against the decision of the Disciplinary Panel/Referee Review Panel within 7 days of being notified of the decision, on the following grounds only:
- a. that the Disciplinary Panel/Referee Review Panel misdirected itself in its conduct or conclusion; or
  - b. that the Disciplinary Panel/Referee Review Panel reached a conclusion that no reasonable Panel having heard the evidence could have reached in the circumstances; or
  - c. that a procedural error was fundamental to the decision reached by the Disciplinary Panel/Referee Review Panel.
- 11.2 Any appeal must be in writing and must be accompanied by a payment of £100 which is non-refundable if the decision is upheld by the Appeals Panel.
- 11.3 Wales Squash & Racketball Ltd has a full right of appeal in the same terms as the accused.
- 11.4 The Management Committee shall appoint an Appeals Panel of three members which should be two members of the Disciplinary Panel/Referee Review Panel who have not had prior involvement or material, financial or other relevant interest in the outcome of the proceedings plus one Independent Person.
- 11.5 The Appellant and the Appeals Panel members shall be notified of the date of the hearing within 21 days of the date of receiving the appeal. The Chairman of the Appeals Panel shall be selected prior to commencement of the hearing.
- 11.6 The Appeals Panel will consider all of the documents and evidence submitted to the hearing and may request the recall of any witnesses who appeared before the Disciplinary Panel. The Appeals Panel shall have power to admit new evidence and adjourn the proceedings for the purpose of taking any new evidence.
- 11.7 The Appeals Panel may uphold the initial decision, cancel or amend it, impose a greater sanction or make such variations as it considers appropriate.
- 11.8 The decision by the Appeals Panel is final and shall be deemed to be the decision of Wales Squash & Racketball Ltd and there is no further right of appeal.
- 11.9 The Panel shall produce a short written decision setting out the reasons for reaching its conclusions. This shall be conveyed to all parties as soon as possible and in all events within seven days of the date of the hearing.