



Disciplinary Process

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0.1	08/12/2019	Written by Robin Budd with review and contributions from David Cope, Gregg Cropper, Gareth Hinds, Kylie Hutchison, Ben Powell and Cari Thorpe.	Referee Manager
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1.1 Introduction

This document outlines the process for;

- 1) Making complaints against people affiliated to the ETA
- 2) Assessing these complaints and determining any sanctions
- 3) Appealing decisions made via this process

This process is not solely to complain about actions taken at an ETA event, or on field matters in general, but all matters that relate to the ETA's role in the sport of Touch. This means it can be used to deal with any misconduct by a participant in touch affiliated with the ETA (e.g. anyone holding ETA membership, any participant in an ETA tournament, or a member of ETA staff) that relates to their involvement with the game.

There is a separate policy for ETA-related interpersonal issues, and complaints which are more applicable shall be referred to it at the discretion of the Governance Director.

Complaints regarding behaviour at ETA affiliated events, e.g. regional development leagues, or within ETA affiliated clubs can be escalated to this process if required. Clubs and leagues must still have their own disciplinary processes to deal with complaints in the first instance. Clubs are expected to be proactive in dealing with behaviour by their own members. Early measures in investigating and addressing disciplinary issues will be taken into account as mitigation for any follow-up action. Equally, if a club has shown a lack of willingness to manage or sanction bad behaviour by its members, it may be viewed as an aggravating factor.

The England Touch Code of Conduct should be referred to when appraising whether behaviour should be considered acceptable or not. This process should be applied consistently with the principles of natural justice. These are;

- 1) **The Hearing Rule** - Anyone who will be substantially affected by the decision of a complaints or appeals panel has a right to present their case. This is reflected in the right of all parties to at least make a verbal case to a panel. This may mean being present at a meeting, but may be a phone call where a panel is not co-located.
- 2) **The Bias Rule** - No-one should be in a position to rule on a situation that will directly affect them. This is reflected by panel members being required to avoid conflicts of interest and parties to a complaint being permitted to challenge the composition of the panel they are dealing with.
- 3) **The Evidence Rule** - Decisions must be based on logical proof or evidence material, not conjecture. This is reflected in panels being required to log their fact-finding process and attach it to the decision made.

Finally, processes should be thorough but also run with a desire to resolve the issue as promptly as possible.



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1.2 Terms

The person making a complaint is termed the **complainant**.

The person the complaint concerns is termed the **subject**.

A complainant, a subject or a third party may appeal a decision and are termed the **appellant**.

Any action determined by a panel to be required for resolution of a complaint is called a **sanction**.

The **disciplinary group** is a collection of players and referees who have agreed in principle to form complaints or appeals panels during the season.

A **complaints panel** is a group of three members of the disciplinary group composed to review a complaint, or a group of complaints. An **appeals panel** is a group of three members of the disciplinary group composed to review an appeal.

2.1 Disciplinary group and complaints panels

A disciplinary group should be set up early in the year comprising people willing to be involved in this process. It would likely require 2-3 hours of their time once or twice a year. Members of the group should have a record of behaviour consistent with England Touch's values. This is a broad pool of people, from whom complaints panels can be drawn as required.

The group should be appointed by the ETA governance director. The members should be divided into two categories;

Refereeing representatives (anyone for whom refereeing is a primary involvement in the sport, holds at least a level 2 badge, and has attended three or more ETA tournaments in the previous season)

Playing representatives (anyone for whom playing or coaching is a primary involvement in the sport and has attended an ETA Nationals event as either a player or a coach in the last two years)

A complaints panel will be convened by the ETA governance director to review any complaints. They may consider multiple complaints at once if related to the same event, for example if more than one matter has been raised following a tournament. Once the panel has resolved the complaint it shall be dissolved. This panel must include;

A chair who is the ETA Governance Director, Referee Manager, High Performance Director, Head of High Performance, Events Manager or a third party selected by the Governance Director who has been briefed on this policy. As well as contributing to the deliberations, the chair's role is to be aware of the requirements of this policy and ensure it is followed by the panel.

One member taken from the group of playing representatives.

One member taken from the group of refereeing representatives.

While recognising that touch is a small sport and many participants will know each other well, conflicts of interest involving long standing personal relationships should be avoided. Panel members should take the



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initiative in declaring conflicts of interest which may affect their judgment, or are strongly likely to be perceived to affect their judgments, and rule themselves out of participation in the panel if appropriate.

For most matters the panel does not need to constitute more than three members, but if required for complex or particularly sensitive matters it may be increased to five. An attempt to balance gender and similar social characteristics should be made.

3.1 Complaints process

Anyone seeking to raise a complaint must use an incident form or be aided in completing it. This includes complaints raised using the fast track process. Copies of the incident report form should be available online and as blank templates at major ETA events.

Complaints should be raised within 48 hours of either the incident in question, or the end of the training camp or tournament at which it occurred – anything raised beyond this will not be considered unless the alleged behaviour is severe or compelling reasons are provided for the delay. Complaints can be referred to the fast track process at any point during the tournament in question (See section 5.1).

Complaints can be sent to any member of ETA staff and should immediately be escalated to the Governance Director in order to convene the complaints panel and pass on the complaint information. If the Governance Director is unavailable, any of the candidates nominated as suitable to serve as a panel chair should act in their stead to convene a complaints panel. If none of them are available, the complainant should be informed of the reason for the delay and suitable candidates should be chosen by the Governance Director.

The panel should be convened within a week of a complaint being received. Their process, on being passed a complaint, should be as follows;

Within 48 hours of being convened the panel should have a brief discussion to review the complaint. This may be in person, over the phone, or by any similar method. If a panel member cannot meet the 48 hour requirement, they should be replaced.

A preliminary decision should be made by the panel on whether;

- To dismiss the complaint as unsuitable to follow up
- To recognise if actions taken on the day have already resolved the complaint.
- To identify if further investigation (e.g. taking statements from relevant parties) is required. When interviewing parties to the complaint for the purpose of investigation, the parties should be informed that they are being contacted as part of the complaints process. If the game was on a televised pitch, or other video exists of the incident, the video may be consulted but should be an element of wider investigation.

Complaints about the decisions or ability of match officials are not appropriate for this process and should be dismissed as unsuitable. This does not preclude complaints about match officials conduct or any evidence of serious bias or other unprofessional behaviour.



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If a subject was not aware that a complaint was made and the panel elect to dismiss the complaint or deem it resolved by actions on the day, the subject should not be notified of the process. If the subject was already aware that a complaint was made, they should be informed of the panel's decision to dismiss or deemed resolved at the earliest possible opportunity.

The subject should be asked for their version of events as soon as possible after the complaint is made. If the complaints panel decide that the matter should involve a sanction for the subject, they should be informed of this and given another opportunity to give their version of events.

The subject and the complainant should be informed at the earliest opportunity of the composition of their panel. If they have an objection to a panel member, they can request that member be replaced subject to the discretion of the panel chair.

3.2 Potential sanctions

Once the panel has a full understanding of the details of the complaint, and if it is not dismissed or considered already resolved, the panel should identify a suitable sanction or sanctions. Standard sanctions are listed below - the panel may consider other sanctions as appropriate in exceptional circumstances but should prioritise consistency with previous complaints processes. The Governance Director or another ETA staff member should ensure that sanctions which rely on action from the subject are resolved within a reasonable time frame. If this is judged not to be the case, the complaint may be reopened and escalated.

For an individual

- Requiring an apology to the complainant
- Sending a written warning from the complaints panel to the participant
- Requiring attendance at a training event (e.g. a referee course, a diversity course) funded at the subject's expense.
- Applying a suspension for a number of games at ETA events
- Applying a suspension for a period of time from ETA events
- Removal from a high performance squad/coaching role (where an option)
- Removal from an international refereeing squad (where an option)
- Suspending membership of the ETA for a fixed period or indefinitely
- A monetary contribution to another party. N.B. This should be applied as restitution for a specific loss to a third party e.g. to pay for fixing damage caused, rather than a fine.

For a club

Action may be taken against a club where unacceptable behaviour relates to;



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- 1) A group of participants from the club which is too large for individual complaints to be applied (for example, a whole team being engaged in unacceptable behaviour during a tournament)
- 2) A situation where the leadership of a club have engaged in unacceptable behaviour (e.g. bullying or discriminatory practices)

The potential sanctions that can be applied to a club are;

- Requiring an apology from the club chairman/team captain to the complainant
- Requiring the club chairman/team captain to outline and apply procedures going forward to address similar behaviour to the complaint
- Requiring some or all club members to attend training (e.g. referee courses or diversity training)
- Sending a written warning from the complaints panel to the club
- A monetary contribution to another party. N.B. This can only be applied as restitution for a specific loss to a third party - e.g. to pay for fixing damage caused, rather than a fine.
- Removing tournament points from the relevant team
- Denying the team entry to a number of future events
- Denying the club entry to a number of future events
- Withdrawing the club's affiliation with the ETA temporarily or permanently

The panel should record and retain any additional information taken in the course of their deliberations (for example accounts from witnesses), the sanction they identified, and a brief summary of their understanding of events with any mitigating or aggravating factors. This is discussed further in the section '**Complaints log**'.

The panel should base their decision on their judgement of 'the balance of probabilities' (i.e. "Is this what likely happened?") this is in contrast to the higher standard of 'beyond reasonable doubt' (i.e. "I am close to certain that this is what happened").

A suspended player or coach must remain outside of the field of play, using the same guidelines as in the FIT playing rules. Suspension applies to all possible involvements with the game – for example, a suspended referee may not play during their period of suspension, nor could a suspended player coach or officiate.

Suspensions can be applied for a specific number of games or tournaments or a specific period of time. Due to the increased complexity involved, panels should look to use bans for a specific period of time for any long-term suspension.

Suspensions for a specified number of games are applied in the following way;



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- 1) Suspensions following behaviour at an ETA tournament are applied within the same category of series. This means that suspensions following behaviour in the Elite National Touch Series or Elite Mens and Womens National Touch Series are applied within those tournaments. Suspensions following behaviour in the Development National Touch Series or Emerging Mens and Womens National Touch Series are applied within those tournaments.
- 2) Suspensions due to behaviour outside of an ETA tournament series are applied to the tournament series the participant was last involved in.
- 3) Any suspensions that have not been served by the start of the Nationals series are carried into that series.

Bans are only considered served during a tournament if the participant's club enter a team to the tournament.

During suspensions for a defined period of time rather than number of games, a player may not participate in any events regardless of the series they have been involved in.

Attempting to circumvent a suspension will be grounds for further review by a complaints panel and is likely to result in the suspension being lengthened or a more severe sanction being applied.

3.3 Mitigation and aggravation

It is likely that submission to a complaints or appeals panel will cite factors which try to contextualise or excuse behaviour.

Panel members should consider these factors while trying to be consistent with previous decisions that are judged to relate to similar cases.

Provocation and escalation may be considered as a mitigating factor when identifying sanctions for a complaint, but can never be considered to excuse unacceptable behaviour.

3.4 'Both sides' incidents

Panels may consider situations where subject A complains about complainant B and complainant B complains about subject A (i.e, both participants have complained about the other). These situations should be considered in a single complaints process and a sanction may be applied to either and/or both participants.

If investigation into a complaint reveals unacceptable behaviour related to the incident in question by others, the other participants may also be subject to a sanction. These other participants should first be contacted to give their version of events.

3.5 Complaints log

A complaints panel should record the following information for any complaints which are not dismissed.

- A. A brief narrative of their understanding of events.



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- B. The sanction they chose to apply (not required if the sanction on the day was sufficient)
- C. Their justification for that sanction with reference to any aggravating or mitigating factors

A duplicate version of this log should be made available on the ETA website with participant names redacted. This is designed to serve two purposes; first to allow other parties to a complaint to refer to previous incidents if they wish in order to preserve consistency and second to demonstrate the ETA's commitment to applying their process as openly as possible.

This log should also be consulted when a player is subject to a complaint in order to identify if this reflects a pattern of behaviour.

4.1 Appeals process

Either the complainant and/or the subject may elect to appeal the decision of the panel.

Third parties may not appeal a decision. The only exceptions to this are:

- 1) The parents or carer of an under 18 participant who was the subject or complainant.
- 2) If the original complainant was working on behalf of another participant, that participant may appeal.

If an appeal is made, an appeals panel with the same structure as the complaints panel but different members should be convened. The composition should reflect an escalation of seniority if at all possible - e.g. the Governance Director or another established ETA board member serving as chair. The appellant must provide a compelling reason to revisit the decision – this includes;

- A. A clear, identified and substantial conflict of interest on the part of one of the complaints panel which was not considered at the time.
- B. Provision of evidence not considered by the panel (e.g. new video of the incident, a witness who was not originally spoken to)
- C. Information that the complaints panel did not correctly apply this process (e.g. Did not give the subject a chance to provide an account of events)
- D. The sanction applied is clearly inconsistent with similar situations since the introduction of this policy.
- E. The complaints panel's recorded version of events falls clearly below the balance of probabilities for what happened
- F. The sanction applied is dramatically disproportionate to the severity of the behaviour, or unworkable for the subject.

The appellant must make their appeal in writing and clearly refer to which of the above reasons is being used as grounds for their appeal.



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Appeals should be made within seven days of the complaints panel communicating their decision. Appeals made after this date can only be considered if the appeals panel judges there is a compelling reason for the delay. Once the appeal has been received, a panel should be convened with the following timelines;

- 1) If the sanction involves a suspension at a multi-day tournament, a panel should be formed following the end of play on the day the appeal is made. If circumstances make this impossible an ETA board member should be contacted to consider deferring the suspension.
- 2) If the appeal does not involve a suspension at a multi-day tournament, a panel should be formed within seven days of the appeal being made.

The appellant and the other directly involved parties should be informed at the earliest opportunity of the composition of their panel. If they have an objection to a panel member, they can request that member be replaced subject to the discretion of the panel chair.

Multiple appeals of a decision can only be made for the reason listed above as B (i.e. further new information has come forward).

The appeals panel should limit their work to the grounds of appeal, and only revisit the broader incident if they accept the grounds of appeal, and decide re-investigation is needed.

If the sanction identified by a complaints panel involved a match suspension, or withdrawal from a regional or international squad, it remains in place during the appeals process. It can only be lifted in exceptional circumstances with the approval of the ETA Governance Director, or another member of the ETA board.

The appeals panel may re-interview the subject, the complainant and any third parties as required if it relates to the reason for the appeal being made. If they choose not to uphold the original panel's decision, they have the same range of options as the original complaints panel, including dismissing the complaint or deeming that existing sanctions applied are already sufficient. They can both reduce and increase the severity of the original applied sanction.

If the appeals panel does not uphold the complaints panel's decision, they should add their decision as a supplement to the panel's entry in the complaints log as appropriate.

5.1 Fast track tournament process

Complaints made at a tournament can be dealt with via the fast track process defined here. It may be requested by a participant in the tournament, but using this process is at the discretion of the tournament's lead referee in consultation with the events manager (or event lead if the manager is not present).

Typical appropriate examples would be;

- A player complaining about behaviour towards them by another player during a game where the on field action by the referee is felt to be insufficient.
- A player or coach being involved in behaviour contrary to the code of conduct outside of a game situation (e.g. verbal abuse towards another participant).



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The process is administered by one of the following; the lead referee designated to the tournament, or the national referee manager or the referee tournament coaching coordinator if they are present. If the referee who would be responsible has a substantial conflict of interest, all elements of the process should be delegated to a suitable alternative - this would be either a member of the England Touch Referee Committee, or another senior referee present at the tournament.

The person administering the process must select a second person with whom they will form a fast track complaints panel. This may be any member of the playing representatives of the Disciplinary Group present at the tournament, or a senior player or coach if none of them are available. Decisions by this panel must be unanimous - otherwise no action is taken via the fast track process and the complaint is escalated to the standard complaints process.

The panel should hear face-to-face information from the complainant, the subject and any relevant third parties in the immediate time after receiving a complaint or appeal. Some notes on the key elements of this information should be taken and retained.

Following this stage the panel may:

- Apply or extend a suspension to any proportion of the remaining games of the tournament if they judge it to be a proportionate response to the behaviour reported to them.
- Rule that no further action is needed.
- Refer the complaint to a full complaints panel to be resolved after the tournament day is done.

Their decision and sanction identified should be added to the complaints log in the same way as any other complaint, with a note specifying that it was dealt with via the fast track process.

6.1 Rest of Game Dismissals

Complaints panels and fast track complaints panels can also consider complaints from players who have been sent for a rest of game dismissal which carries further suspension. A referee who sends a player for a rest of game suspension must write a report of what happened as soon as the game is finished, to be prepared for this eventuality.

In that scenario the panel should seek information on what happened in the game from the referee team and the players present. They may then;

- Affirm the on field decision.
- Lift the two-game suspension applied after a rest of game suspension if they believe the on field decision was mistaken or disproportionate in the extreme.
- Rule that no further action is required at the tournament but the incident should be referred to a complaints panel following the event's conclusion.



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In order to overturn an on field decision, the panel must believe beyond a reasonable doubt that the on field decision was factually incorrect in its basis or disproportionate to an extreme degree. Support should be offered to the referee whose decision is being overturned if necessary.

Dismissals cannot be appealed due to the decision being considered 'too harsh' as this is too subjective a measure to consider. The decision must be a long way short of acceptable for dismissal in order to be overturned.

7.1 Complaints involving juniors

Where a complaint involves a participant aged 18 or under (whether as a subject, a complainant or a third party witness), a parent or guardian must be informed alongside the junior. Once the parent or guardian is informed, all information regarding the process should be distributed to both the parent or guardian and the junior participant.

If the parent or guardian chooses, the junior is not required to engage in the process themselves beyond providing a first-hand record of events. The parent or guardian should be discouraged from coaching or guiding this record as much as possible, and it should be noted against the record if they have done so.

Where a complaint has been found to include unacceptable behaviour directed at a junior by an adult, this should always be considered as an aggravating factor when considering a sanction.