British Gymnastics

Complaints & Disciplinary Procedures

These amended Procedures, approved by the Board on 12th September 2008, apply with effect from Monday 15th September 2008. Where a complaint has already been made or disciplinary proceedings begun before that date these Procedures will apply from the stage at which the complaint handling or proceedings have reached. Nothing in these Procedures shall invalidate any action taken before 15th September 2008 under the procedures previously applicable or require any additional action in respect of steps taken before that date. Any question arising as to the transition between the previous procedure and these procedures shall be determined by the CEO.

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Part 1: Introduction

1. BG's Constitution, its Regulations and the various conditions of membership, registration and affiliation together require that:

- All Members;
- All Registered Clubs and those associated with Clubs as members or otherwise; and
- All Affiliated Associations and those associated with Affiliated Associations as members or otherwise;

are to comply with Regulations made by the Board and conduct themselves in accordance with the Standards of Conduct document and BG Policies.

Other individuals and organisations may also be subject to all or part of the Standards by agreement with BG.

2. These Complaints and Disciplinary Procedures are issued by The British Amateur Gymnastics Association. By BG Regulation 11 **"Breaches or alleged breaches of the Constitution and Regulations of British Gymnastics, of the Standards of Conduct as published on the BG Website or of Policies of British Gymnastics shall be investigated and determined in accordance with the Complaints and Disciplinary Procedures (the "Disciplinary Procedures") as published on the BG Website from time to time. The Disciplinary Procedures apply to all those to whom the Standards of Conduct apply."**

3. This document may be amended from time to time by the Board or by officers of the Association authorised by the Board to do so. The definitive text of this document in force from time to time is the version contained in the BG website. Any printed text or electronic copy held elsewhere is only a snapshot of the text at the time it is printed, copied or downloaded.

4. Some words and phrases used in this document have a particular, defined, meaning. For most purposes the meaning will be apparent from the context but some formal definitions are set out below and contained in Appendix 1 to the general Regulations of BG.

In the BG Standards of Conduct and these Complaints & Disciplinary Procedures a "Participant" includes any person or organisation the Standards and these Procedures apply to as described in paragraph 1.

This document, and the provisions contained in it, are variously referred to as the "Complaints & Disciplinary Procedures" and "these Procedures".

5. Nothing in this document overrides, amends or waives any provision in the Constitution of the Association or restricts the rights of the Association or the Board to make or amend Regulations or other Bye-Laws or to manage the business of the Association as they think fit.

Aims and Status

6. British Gymnastics is committed to providing a quality service to all Participants and to others who have reason to be concerned about the behaviour of any Participant. These Procedures are intended to ensure a fair and consistent approach to the handling of Complaints (as defined in paragraph 17) against Participants.

7. These Procedures aim to:

a) Allow Complaints to be resolved without formal disciplinary action if possible;
b) Resolve or determine Complaints within a reasonable period; and
c) Provide a fair and rigorous process for those circumstances where formal disciplinary proceedings are necessary

8. The laws of England shall apply in relation to these Procedures and to the interpretation

of the Standards of Conduct and Policies.

Summary and Scope

9. These Procedures describe

- The process by which breaches or alleged breaches are to be brought to the attention of BG or another appropriate organisation, how they are to be investigated and how they are to be considered at a preliminary stage before formal disciplinary action is taken.
- The alternative routes that may be followed before or in place of formal disciplinary proceedings.
- Who is authorised to take disciplinary action, to initiate disciplinary proceedings and to investigate and present particulars of the alleged breaches to those responsible for determining disciplinary proceedings (in more serious cases sometimes referred as "prosecuting" in the proceedings).
- Who will hear and determine formal disciplinary proceedings and the way in which those hearings and proceedings are to be conducted.
- The disciplinary sanctions and other actions which may be taken by BG where it is determined or agreed that breaches have occurred

10. These Procedures do not apply to disciplinary action taken by BG against employees of BG in the course of their employment.

11. These Procedures do not apply to complaints about BG programmes, events, services or decisions ("acts of BG") except to the extent that the primary substance of the complaint is that an individual Participant has personally been in breach of the Standards of Conduct. Any complaints concerning these matters should be addressed to the CEO. These include, but are not limited to complaints relating to

- BG Coach or Judge Education Courses and Exams
- BG Competitions/Events
- BG Squads
- BG services to members

If it appears to the Lead Officer considering a Complaint about the conduct of a Participant that the primary substance of that Complaint is a complaint about an act of BG the matter shall be referred to the CEO.

12. The basis for the exclusion of complaints about acts of BG is that it is not possible for British Gymnastics to 'determine' or 'adjudicate' on allegations that it has itself behaved improperly; it can only 'respond' to those criticisms. Where a Member alleges that BG has behaved improperly or is in dispute with BG about any matter the complaint shall be considered under Appendix 2 as a grievance against BG.

13. These Procedures are concerned primarily with misconduct involving serious breaches of the Standards of Conduct. Although the process for handling of Complaints may provide an informal process for facilitating dispute resolution these Procedures do not provide for BG to adjudicate in disputes between Members.

14. Where one or more BG Participants are in dispute with one another BG can provide Dispute Resolution services as an alternative to legal action or to the making of complaints and counter-complaints under the Standards of Conduct of BG or BG Affiliated Associations. The Dispute Resolution services which can be provided include:

a) Legally binding arbitration

b) Mediation and conciliation services

c) An independent review of the issues in dispute

either by BG employees or officers or by external service providers. Any request for such services should be addressed to BG's Member Services department. Charges are payable for these services.

15. These Procedures do not provide for BG to act as an appeal forum against decisions made by Affiliated Associations or Clubs. However, if it is alleged that an Affiliated Association or Club has, in considering a matter, itself been in breach of the Standards of Conduct these Procedures do apply to that alleged breach. If the substance of a complaint alleging such a breach concerns the process followed in reaching the decision followed or the decision reached this will be considered as an attempted appeal rather than as a complaint.

16. The Dispute Resolution services available under paragraph 14 or an appeal process are also available where a Participant wishes to appeal against a decision taken under the disciplinary procedures of an Affiliated Association or Registered Club and where the Association or Club agrees to this course. Any request for such an appeal process or Dispute Resolution should be addressed to BG's Member Services department. Charges may be payable for these services. If a Club or Affiliated Association wishes to specify such an appeal process in its rules this must be agreed with BG before rules to this effect are issued.

Part 2: Complaints

Introduction

17. A "Complaint" includes any communication to BG from which it appears that there has or may have been a breach of the Standards of Conduct whether expressed as a complaint, grievance, allegation, query, expression of concern or identification of an issue. However, wherever possible, Participants should identify whether their communication to BG concerning matters of this kind is or is not intended to be a Complaint.

18. A Complaint may be made by any person whether a Participant or not. A Complaint may be raised by BG Directors, Officers, Lead Officers, committee members or employees of their own initiative without a requirement for an 'external' complainant.

19. In these Procedures the Participant against whom a Complaint is made or against whom disciplinary proceedings are brought is referred to as the "Respondent".

Principles

20. British Gymnastics is committed to making enquiries in connection with any Complaint about conduct seriously compromising the welfare of Participants or that could do so. Conduct that could compromise the welfare of a Participant is to be broadly interpreted and, without limitation, includes any form of abuse or neglect that may have a negative effect on the health or development of a Participant. Conduct includes both acts and omissions.

21. British Gymnastics will follow up all Complaints, concerns or allegations regarding welfare matters including those that are raised anonymously. In some cases, without an identified complainant, British Gymnastics are unlikely to be able to proceed with disciplinary actions, but, in all cases, an initial assessment will be made to consider whether there is sufficient substance in the complaint to warrant some initial enquiries or risk assessment.

22. British Gymnastics wishes to promote a culture where it is safe and acceptable for Participants (or, in respect of those under 18 years, their parents or guardians) to raise any complaints or concerns including those of poor practice, abuse or misconduct. Paragraph 16 of the Standards of Conduct requires all Affiliated Associations, Clubs and Coaches to ensure good practice guidelines are followed at all times

23. No individual (or their parents, guardians or dependents) should be victimised for raising concerns or making a Complaint. Victimisation is prohibited under paragraph 11 of the Standards of Conduct.

24. Participants are required by paragraph 12 of the Standards of Conduct not to conceal or attempt to conceal evidence of poor practice, abuse or misconduct

Part 3: Parties involved in the Complaint and Disciplinary processes

Lead Officer

25. Lead Officers are senior employees, directors or officers of BG designated as having responsibility for particular issues by the CEO. The applicable Lead Officer will vary according to the nature of a Complaint as described in Appendix 1. The CEO will determine in any case of doubt which Lead Officer is applicable. A Lead Officer may further delegate part or parts of their duties.

26. If in any case the Lead Officer has a significant prior or current relationship, connection or interest (going beyond the connection inherent in their role as a Lead Officer) which could affect his impartiality in the case he shall declare it and the functions to be performed by the Lead Officer shall in that case be performed by another person designated for that purpose by the CEO or the CRMG.

CRMGs

27. The Board has established as a committee of the Board a Case Referral Management

Group ("CRMG"): to work with Lead Officers and perform additional functions under these Procedures.

Disciplinary Panel

28. The Disciplinary Panel (or the "Panel") shall hear and determine all issues arising from any matter that is referred to it pursuant to these Procedures and may impose sanctions in respect of any breach.

29. The Panel shall consist of three "Panel Members", appointed by the CEO who shall also appoint one of the Panel Members to be the "Panel Chair".

30. Each Panel Member will, so far as is reasonably practicable, have no prior knowledge of the particulars of the Complaint and have no significant prior or current relationship, connection or interest with the Respondent or the complainant nor any personal interest in the outcome which could affect their impartiality in the case. Any person selected as a Panel Member shall before the Hearing disclose to the CEO, the other Panel Members and the Respondent any circumstances which might be regarded as having the possibility of affecting their impartiality in the case. An individual who is or was a member of the CRMG or involved in the investigation of the Complaint shall not be selected for the Panel for that case. References to the "independence" of Panel Members or a Panel Chair shall be interpreted in the light of this paragraph and shall not require Panel Members or the Panel Chair to be unconnected with BG. Panel members and Panel Chairs may be employees, directors or officers of BG and may be remunerated by BG for their work as a Panel member or Panel Chair or otherwise.

31. The Panel shall be supported by the "Panel Secretary" and may be supported by a legal advisor to the Panel appointed by the CEO, if requested by the Panel Chair.

Unless otherwise determined by the CEO in any case the Panel Secretary shall be a member of the BG staff and shall not be disqualified from that role by reason of any prior involvement in the handling of a complaint or any assistance provided to the Lead Officer and Disciplinary Officer. The Panel Secretary and the legal advisor (if any) shall not have a vote on any decision of the Panel.

32. The role of BG in the handling of Complaints and the operation of these Procedures is to exercise a supervisory and disciplinary function in relation to Participants. In performing their functions a Disciplinary Panel is acting as a committee of BG, acting on behalf of BG, and is not a third party seeking to adjudicate a dispute between BG and the Respondent Participant.

Disciplinary Officer

33. The Disciplinary Officer for any Disciplinary proceedings is the person who will prepare and conduct the presentation of the allegations before a Disciplinary Panel and on any appeal. The Lead Officer will normally be the Disciplinary Officer but may appoint some other person to act as the Disciplinary Officer in any case.

34. A barrister or a solicitor may be appointed to be the Disciplinary Officer. The Respondent shall be advised if a barrister or solicitor is appointed.

35. The CEO, the CRMG or the Lead Officer may change the appointed Disciplinary Officer at any time.

The Board

36. The Board of BG has the ultimate responsibility for the management of BG and may in its absolute discretion intervene, call-in for consideration and give directions as to the consideration of a Complaint or the conduct of any disciplinary process.

The CEO

37. If in any case the CEO has a significant prior or current relationship, connection or interest (going beyond the connection inherent in the role of CEO) which could affect his impartiality in the case he shall declare it and the functions to be performed by the CEO shall in that case be performed by the Chairman of the Board or another director designated for that purpose by the Chairman of the Board.

Part 4: Treatment of a Complaint

Action by Lead Officer

38. Any Complaints received by BG will be referred to and considered by the applicable Lead Officer who shall:

a) Conduct initial enquiries into the matters complained of.

b) Consult with the CRMG in the decision making process, where the complaint is within the scope of these procedures.

c) Refer the matter to another organisation (See para 51); or

d) Refer the matter to the Police or Social Care Services (See para 52); or

39. After conducting initial enquiries the Lead Officer shall

a) refer the matter to another organisation; (See para 51); or

b) refer the matter to the Police or Social Care Services (See para 52); or

c) dismiss the complaint as unfounded, as more appropriately dealt with as described in paragraph 26 of the Standards of Conduct or as insufficiently serious to require any further action by BG; or

d) determine that the substance of the complaint relates to the acts of BG or to the behaviour of a BG employee and refer the matter to the CEO; or

e) ask some other person or organisation to take action to resolve the matter, in accordance with paragraph 26 of the Standards of Conduct or otherwise

f) take action to resolve the matter informally; or

g)with the agreement of the CEO, determine that formal disciplinary proceedings are appropriate and that action should be taken without delay. In such circumstances the Lead Officer shall immediately inform the members of the CRMG of the action being taken and shall have regard to any comments made by members of the CRMG.

h) impose limited sanctions where the allegation is admitted by the Respondent. Limited sanctions means any permitted sanction other than the withdrawal of membership or registration.

i) refer the matter to the CRMG. When referring a matter to the CRMG a Lead Officer may include recommendations as to the action the CRMG might take. In a serious case, with the agreement of the CEO or the chair of the appropriate CRMG, the matter may be referred directly to the Board; or

j) take action in accordance with guidance issued by the CRMG for complaints of particular kinds; or

k) require a risk assessment as described in paragraph 44.

40. The Lead Officer may take more than one of the actions listed in paragraphs 38 and 39 and may do so either simultaneously or following one another. The Lead Officer may in particular pursue options 39.a) , 39.b) and/or 39.k)as well as taking other action.

Action by CRMG

41. Where a complaint is referred to the CRMG, the CRMG shall consider the complaint and determine that

a) the matter should be referred by the Lead Officer to another organisation; or

b) the matter should be referred by the Lead Officer to the Police or Social Services; or

c) the complaint is dismissed as unfounded or insufficiently serious to require any further action by BG; or

d) the Lead Officer should take action of a specified kind to resolve the matter; or

e) some other person or organisation should be asked to take action to resolve the matter, in accordance with paragraph 26 of the Standards of Conduct or otherwise

f) the substance of the complaint relates to the acts of BG or to the behaviour of a BG employee and refer the matter to the CEO; or

g) the Lead Officer should take action of a kind to be determined by the Lead Officer to resolve the matter; or

h) further investigations should be carried out by the Lead Officer or some other person before the matter is reconsidered by the CRMG; or

i) formal disciplinary proceedings are appropriate; or

j) the matter be referred to the Board; or

k) disciplinary sanctions should be imposed, where the allegation is admitted by the Respondent. In these circumstances a CRMG may impose any sanction which would be available to a Disciplinary Panel. or

l) it will impose limited sanctions where, having considered any written representations made by the Respondent, it appears to the CRMG that the Respondent has no reasonable defence to the allegations. Limited sanctions means any permitted sanction other than the withdrawal of membership or registration. This provision shall not be applied where the allegation denied by a Respondent concerns the abuse of a child or vulnerable adult; or

m) require a risk assessment as described in paragraph 44.

42. The CRMG may take more than one of the actions listed in paragraph 41 and may do so either simultaneously or following one another. The CRMG may in particular pursue option 41.a) ,41.b) or 41k)as well as taking other action.

43. The CRMG may issue guidance to Lead Officers as to the actions to be taken in respect of complaints of a particular kind.

Risk Assessments

44. Any Participant shall, where requested or required by BG, undertake a risk assessment in relation to their current or prospective gymnastic activities by a person nominated by BG for this purpose. The results of that assessment shall be made available to the Participant, to BG and to any registered Club or Affiliated Association or to any other person or organisation that BG reasonably considers might be affected by or who should reasonably be made aware of any risks identified by that assessment or whose gymnasts or coaches might be so affected. Such an assessment may follow a Complaint made about a Participant but may also be initiated by BG without any prior complaint having been made. Participants are, by paragraph 13 of the Standards of Conduct required to cooperate with any such risk assessment.

44A Following a risk assessment the results of the assessment shall be considered by the CRMG or, if required by the CEO or the CRMG, by a Disciplinary Panel. The CRMG or Disciplinary Panel shall determine in the light of the results of the risk assessment, of any written representations made by the Lead Officer and the Respondent and of any additional material requested under paragraph 44B what action or actions should be taken to prevent, avoid or minimise any risks identified.

44B Before making a determination under paragraph 44A a CRMG or Disciplinary Panel may request any person to make written or oral representations or give written or oral evidence concerning the matters under consideration and shall allow the Lead Officer and the Respondent to comment on any such additional material considered by them.

44C The actions which may be taken under paragraph 44A are:

• Withdrawal of membership or ineligibility for any competition or other gymnastics related activity
• Withdrawal or revocation of any qualification, licence or permission associated with any gymnastic activity
• Withdrawal of some or all of any sport related financial support or other sport related benefits
• Suspension of membership for such period as the Disciplinary Panel decides
• Suspension from competitions or demonstrations for a specified period
• Expulsion from British Gymnastics (i.e. termination of membership of British Gymnastics or termination of registration or affiliation)
• Reprimand
• Advice or Directions by the Panel or by some person nominated by the Panel as to his future conduct
• Requirement to comply to a period of mentoring/supervision
• Undergo further risk assessment (at member's expense)
• Requirement to prove competence or suitability for any activity . This may specify relevant training to be undergone and a reasonable period within which it must be undertaken.
• Expulsion of a Respondent Club and/or those associated with it from competition for a specified period
• Withdrawal of GymMark status
• Requiring a Club, Affiliated Association or other body (an "organisation") to take corrective action, which may include but is not limited to requiring it to: ....
  • require a person associated with the organisation to undergo relevant training
  • suspend or remove from office one or more officials of the organisation
  • engage a relevant official, employee or other service provider
  • modify the way in which it operates

44D The chair of the CRMG or of the Panel may give directions as to the manner in which a determination under paragraph 44A is to be conducted.

44E A determination under paragraph 44A may be appealed against in accordance with paragraph 85 by the Lead Officer or the Respondent as if it was a determination of a Disciplinary Panel under paragraph 80..

Suspension before determination of a complaint

45. The CEO may, at any time prior to the determination of a complaint, suspend the membership or registration of a Participant or any part or parts of the rights or benefits of a Participant if he reasonably believes that:-

(1) Children, young people or vulnerable adults may be at risk;
(2) It is necessary for the protection of other Participants, including the Respondent;
(3) Allegations against the Respondent would, if established and upheld, amount to gross misconduct;

(4) The reputation of British Gymnastics, an Affiliated Association or a Registered Club could be harmed if the Respondent continued to act as a Participant;
(5) The continued involvement of the Respondent might impede enquiries/investigation; or
(6) Risks identified by a risk assessment undertaken under paragraph 44 or otherwise are such that suspension is appropriate.

The power of suspension from membership shall not be exercised by any Technical Committee. A Technical Committee may however suspend a member or Club from participation in activities organised or supervised by it in the circumstances set out above.

46. Suspension in these circumstances, while a serious matter, is not a disciplinary sanction. As such suspension is sometimes viewed, incorrectly, as a sign of guilt it will only be disclosed only on a 'need to know' basis. . Disclosure will include notification to the Chair of any Affiliated Association and to officers of the Club(s) or other organisations involved in gymnastics with whose activities the Respondent is concerned. Disclosure is to be made only by the CEO, the Lead Officer or the Chair of any Affiliated Association and Club and is to be notified to the Lead Officer. The Lead Officer will maintain a record of those to whom the suspension has been disclosed. If a member who is suspended seeks during their period of suspension to participate in any gymnastic activity or misrepresents their circumstances disclosure may be made to those having a reasonable need to be aware of the circumstances..

47. The CEO may act on his own initiative or following a recommendation by a Lead Officer or a CRMG at any stage during an investigation, and pending the outcome of a disciplinary hearing.

48. A suspension may be for a defined period or for an indefinite period. By Article 14.3, a Member who is suspended for any period is deemed not to be a Member during that period for all purposes except (i) for the purposes of any disciplinary action or any appeals process in respect of the Member concerned and (ii) in respect of their liability to pay subscriptions to the Association .

49. By Article 14.4, if a Member is suspended for a period that extends beyond their annual membership renewal date their membership shall lapse, and any application which he may make for renewal of membership will only be effective, if granted, from the end of the period of suspension. Notwithstanding any such lapse of membership or any suspension, any disciplinary action may be taken against, and any disciplinary or appeals process may be commenced or continued in respect of, the Member in question and any disciplinary decision or action made or taken in respect of that Member on or before the date on which membership lapsed or suspension commenced will continue to apply unless overturned on appeal..

50. Where a suspension has been imposed pending a disciplinary hearing, the hearing shall take place as soon as reasonably practicable following notice of the suspension having been given to the member concerned.

Referral to another organisation

51. Except in matters relating to the protection of children and vulnerable adults, Complaints may be referred to a Registered Club or Affiliated Association where the matters complained of relate exclusively to events within their jurisdiction and where it is reasonably considered that if the matter continued to be handled by British Gymnastics it would be dealt with in some way other than formal disciplinary proceedings.

Referral to Statutory Authorities

52. Where it is determined that a Complaint should be referred to the Police or Social Care Services (the "Statutory Authorities"),

a) the CEO, will inform the appropriate Statutory Authority ;
b) the CEO will consider whether the membership of any Respondent should be suspended in accordance with paragraph 45 while the matter is being investigated. In cases involving the protection of children or vulnerable adults the Lead Officer is to bring the matter to the attention of the CEO without delay in order that an early decision can be made on whether to suspend. If the CEO is not available the Lead Officer may, if they consider a decision requires to be taken without delay, determine that membership shall be suspended pending a review by the CEO.
c) British Gymnastics will co-operate fully with the Statutory Authorities and may delay or suspend any investigation of its own pending the outcome of any investigation by the Statutory Authorities.
d) Once the outcome of any investigation by the Statutory Authorities is known, the CRMG must determine whether disciplinary procedures are to be implemented or further enquiries made. The Respondent will be notified of that decision within 21 days of the decision.

Part 5: Formal Disciplinary Proceedings

53. In these Procedures many actions are required to be carried out within a specified number of days. Once a Panel Chair has been appointed he may, either on the request of the Lead or Disciplinary Officer or of the Respondent or of his own volition determine that one or more of these time limits may be varied. Any time limits which apply before the appointment of a Panel Chair may similarly be varied by the CEO. Time limits shall be varied only where the particular circumstances of the matter require it.

Initial actions before a disciplinary hearing

54. Where it is determined that formal disciplinary proceedings are appropriate in connection with a matter:

a) The Lead Officer shall notify the Participant against whom disciplinary proceedings are being taken (the "Respondent") that formal disciplinary proceedings are being brought and who has determined that this should be done;

b) The Lead Officer shall determine whether they are to act as Disciplinary Officer or whether to appoint some other person as Disciplinary Officer, as described in para. 33.

c) The Panel Secretary shall convene a Disciplinary Panel, as described in paragraphs 29 to 31. The Panel Secretary shall advise the Respondent of the names and any relevant qualifications of those appointed as Panel Members. If the Respondent objects to any of the Panel Members, for good cause, these objections are to be advised in writing to the CEO within 7 days of the Respondent being advised of the Panel Members. The CEO shall consider these objections and, if he considers there are reasonable grounds for the objection, shall appoint an alternative Panel member.

d) The Disciplinary Officer shall determine the wording of the allegation(s) and advise the allegation(s) to the Respondent in writing. The Respondent shall within 14 days of delivery of the allegations to him advise the Disciplinary Officer and the Panel Secretary whether each of the allegations is admitted or denied.

e) Subject to sub-paragraphs f) and g), the Panel Secretary shall set a date for the hearing of the Disciplinary Proceedings (the "Hearing") and advise the date in writing to the Respondent at least 35 days before that date. The Panel Secretary shall seek to consult with the Respondent (or his nominated representative), the Disciplinary Officer, the Panel and potential witnesses before setting a date. Once fixed, a Hearing date shall be vacated only by a direction of the Panel Chair, which shall be given only in exceptional circumstances.

f) If the allegations are admitted by the Respondent under sub-paragraph d) or if some of the allegations have been admitted and the Disciplinary Officer elects not to proceed in respect of those allegations which have been denied it shall not be necessary for a hearing date to be set under sub-paragraph e).

55. In carrying out its investigation, British Gymnastics may require a Participant to provide a statement or any evidence believed to be in the Participant's possession. If their evidence is required as part of a disciplinary or appeals hearing, British Gymnastics may require any Participant to attend (or send a representative in the case of a Participant organisation) to answer questions relating to the statement. A Participant who fails to comply with this requirement, may themselves be subject to disciplinary action.

56. A Respondent is entitled to be represented by a barrister or a solicitor or by any other representative he may wish. This may include a representative of a staff association or trade union. Any representative will be at the expense of the member. BG will not meet any fees or expenses of or associated with the use of a representative or their attendance at any hearing.

57. Within 7 days after a date has been advised for the Hearing the Disciplinary Officer shall send to the Respondent and the Panel Secretary:

a) A statement of the facts or alleged facts which the Disciplinary Officer intends to present to the Panel as demonstrating the breaches described in the allegation(s).

b) Copies of any documents which Disciplinary Officer intends to present to the Panel which have not been either provided by the Member or previously sent to the member

c) Details of the names and any relevant qualifications of any person who the Disciplinary Officer intends to call as a witness and the nature of their evidence.

58. Within 14 days after delivery of the statement under paragraph 57 the Respondent shall send to the Disciplinary Officer and the Panel Secretary

a) Details of the name and any legal or other relevant qualifications of any person who will represent the Respondent at the Hearing or of any person who will accompany them to provide assistance.

b) A statement of whether the allegation(s) or any of them are admitted by the Subject

c) A statement identifying (i) which of the facts or alleged facts that the Disciplinary Officer has stated will be presented to the Panel are admitted, which are not admitted and those which are disputed and (ii) any additional facts or alleged facts which the Respondent will present to the Panel.

d) Details of the names and any relevant qualifications of any person who the Respondent intends to call as a witness and the nature of their evidence.

e) A statement identifying any documents which the Respondent intends to present to the Panel together with copies of any documents which are not already available to the Disciplinary Officer.

f) A reasoned statement of any objections that the Subject has to the process or jurisdiction of the Hearing or to any Panel Member being a part of the Panel.

g) A reasoned statement of any assertion or argument to be made by the Respondent, or his representative, that the facts as alleged by the Disciplinary Officer would, even if accepted by the Panel, not establish the allegation(s).

59. The Panel Secretary shall prepare for the Panel a complete bundle of documents including the material provided under paragraphs 57 and 58 and provide a copy of that bundle to the Disciplinary Officer and the Respondent.

60. If, after delivering the documents as required by paragraphs 57 and 58, the Disciplinary Officer or the Respondent identify any additional material (which was not previously available) which they wish to present to the Panel they shall forthwith deliver particulars of that material to the Panel Secretary and to the Respondent or Disciplinary Officer as applicable. Other than in exceptional circumstances, and with the consent of the Panel Chair, all such material shall be delivered by at least 5.00pm on the third business day before the day of the hearing.

61. No witnesses of whom notice has not been given in accordance with paragraphs 57 or 58 may be called at a disciplinary hearing without the consent of the Panel Chair and without submission of a statement of the evidence to be given

62. The Disciplinary Officer and the Respondent shall each contact all witnesses whose presence is required by him at the hearing and ask them to confirm their attendance. It will be the responsibility of the member concerned to ensure the attendance at the hearing of any witnesses whom he/she may wish to give evidence.

The Hearing

63. The hearing will be held in accordance with the following procedure, unless the Respondent has stated that all the allegation(s) are admitted.

a) The Respondent, or a responsible officer of a Respondent that is not an individual, shall attend the hearing in person.

b) If the Respondent fails to appear at the time fixed for hearing, the hearing may be conducted in his or her absence if the Panel Chair is satisfied that he has been duly notified of the Hearing and that there is no reasonable excuse for the failure to attend.

c) Where neither a Respondent nor their representative is present at the hearing the Panel Chair shall ensure that the evidence presented by the Disciplinary Officer is critically examined and questioned either by the Panel Chair or by some other person appointed by the Panel Chair for this purpose.

d) With the prior consent of the Panel Chair evidence may be presented in writing or by telephone or video conference without a requirement for the witness to attend in person. Where evidence is presented only in writing the Panel shall specifically consider the weight to be given to that evidence in view of the lack of any opportunity for the witness to be questioned.

e) The Panel Chair may determine, of his own volition or on application by the Respondent or the Disciplinary Officer, that a person under the age of eighteen on the date of the hearing, or a vulnerable adult, should not be required to attend in person as a witness but may request an individual to attend on behalf of the child or vulnerable adult.

f) The Disciplinary Officer shall present the allegation(s) and evidence in support of them. Evidence shall not be required of any fact which the Respondent has admitted under paragraph 58.c)

g) The Respondent, or their representative, shall have an opportunity to question any witnesses presented by the Disciplinary Officer. These witnesses may then be further questioned by the Disciplinary Officer.

h) The Respondent, or their representative, shall summarise the nature of their response to the allegation(s) and adduce evidence in support of that response and to rebut any evidence presented by the Disciplinary Officer. Evidence shall not be required or permitted of any fact that the Disciplinary Officer indicates is not in dispute.

i) The Disciplinary Officer shall have an opportunity to question any witnesses presented by the Respondent. These witnesses may then be further questioned by the Respondent, or their representative

j) The Disciplinary Officer and the Respondent, or their representative, shall each have an opportunity to make a final statement to the Panel.

k) At any point during the Hearing any Panel Member may put any questions to any witness, to the Disciplinary Officer, to the Respondent and to his representative.

l) The Disciplinary Panel shall consider the issues and reach a conclusion as to whether the allegations are proved. The Panel may elect to adjourn the Hearing and to communicate

the decision of the Panel in writing to the Respondent and the Disciplinary Officer at a later date.

m) The decision of the Panel shall be delivered in the form of a reasoned judgment. A copy in writing of the decision will be sent to the Respondent and the Disciplinary Officer no later than 21 days following the completion of the hearing.

n) The Panel will apply the civil standard of proof and determine any matter on the balance of probabilities. Any matter to be decided by the Panel may be decided by a majority of the Panel.

o) The hearing may be recorded and any recording taken shall be retained by the Panel Secretary for a period of at least 6 months following the conclusion of the proceedings.

p) If the allegation(s) or any of them are found by the Panel to have been proved, the Panel shall proceed to determine what sanction(s) (if any) are appropriate. The Panel shall, before making its determination, consider any representations the Disciplinary Officer may wish to make and any representations or statement in mitigation made by the Respondent or their representative. Evidence may be given of any previous finding of misconduct or of any other matter or matters relevant to the imposition of any sanction, subject to the provisions of the Rehabilitation of Offenders Act 1974 so far as applicable.

64. If the Respondent admits the allegation(s) the Panel shall at the Hearing consider the written statement previously provided by the Disciplinary Officer under paragraph 57.a) and then proceed to determine the appropriate sanction in accordance with paragraph 63.p)

65. If the Respondent admits the allegation(s) before the date fixed for the hearing the Panel Chair may direct that the Panel should deal with the matter without a hearing and on consideration only of written representations by the Disciplinary Officer and by or on behalf of the Respondent or that the CRMG should deal with the matter and decide upon the appropriate sanction. This may not be done in anti-doping cases if the member, though admitting the allegation, is asserting “no fault or negligence” or “no significant fault or negligence” for the purposes of British Gymnastics’ Anti-Doping Policy and Rules from time to time in force.

66. The Respondent has the option of either being assisted by a companion or of having a representative. A companion (who shall not be a witness in the proceedings) may assist and support the Respondent but shall not address the Panel on the Respondent’s behalf. If a representative is appointed the presentation of the Respondent’s arguments and the examination of witnesses shall be performed only by that representative.

67. Control over the way in which the proceedings are conducted is to be regulated by the Panel Chair. The Panel Chair may, in the course of proceedings, make any ruling concerning the admissibility of evidence or any other matter and may regulate the conduct of the hearing or of any appeal as he thinks fit, within the framework of these procedures. The Panel Chair may adjourn the hearing at any time, for any purpose and for any reasonable period.

68. Without limitation to paragraph 67 the Panel Chair may set time limits for the presentations of arguments and evidence and the questioning of witnesses by the

Disciplinary Officer and the Respondent and may limit the number of witnesses that may be presented and the scope of evidence.

69. If, for any reason, after the start of the Hearing a single Panel member is unable to continue as a member of the Panel the remaining two members of the Panel shall continue to hear the case. If the remaining two Members of the Panel cannot agree on the matters to be determined the matter shall be re-heard.

70. These Disciplinary Procedures aim to provide every person who becomes subject to them with a fair hearing within a reasonable period of time and to be consistent with the principles of natural justice as they apply to disciplinary proceedings and the Panel Chair shall in making any directions comply with these principles.

71. If any of the circumstances relating to the allegation(s) are or become the subject of any criminal investigation or charge or any civil claim or proceedings, the investigation into any complaint may at any stage, at the discretion of the Panel Chair or the CEO, be restricted or suspended, and/or the disciplinary procedure may be suspended and any disciplinary hearing or appeal may be postponed pending the outcome of any such criminal investigation or charge or any civil claim or proceedings.

72. In anti-doping cases, UK Sport and FIG may send one or more representatives to attend the Hearing as observers.

73. Hearings of Disciplinary Panels will be open hearings unless the Panel Chair has determined, of his own volition or on application by the Respondent or the Disciplinary officer, that the hearing should be conducted in private.

74. British Gymnastics may publish, or cause to be published, in “The Gymnast”, on its website or elsewhere, that a hearing is to take place and the outcome of the hearing, and will notify any affected Clubs, Affiliated Associations or other persons or organisations, as appropriate, of the outcome. Where it has been determined that a hearing is to be closed the Panel Chair may give directions concerning what information may be published.

Disciplinary Sanctions

75. Where a Disciplinary Panel or in permitted circumstances a Lead Officer or the CRMG determines that any allegation (or complaint where the matter has not proceeded to a formal Disciplinary Hearing) has been found to be proved they may impose one or more of the following sanctions on the Respondent.

• Withdrawal of membership or ineligibility for any competition or other gymnastics related activity
• Withdrawal of some or all of any sport related financial support or other sport related benefits
• In relation to allegations relating to conduct occurring on or after 1 October 2008 the imposition of a Fine (of an amount to be determined by the Panel) payable to a sports charity to be nominated by BG.
• In relation to allegations relating to conduct occurring on or after 1 October 2008 the payment of compensation to a Participant or other person for any loss, damage or injury (including injury to feelings) suffered by them.
• Invalidation of results from relevant competitions or events

• Suspension of membership for such period as the Disciplinary Panel decides
• Suspension from competitions or demonstrations for a specified period
• Expulsion from British Gymnastics (i.e. termination of membership of British Gymnastics or termination of registration or affiliation)
• Reprimand
• Advice or Directions by the Panel or by some person nominated by the Panel as to his future conduct
• Requirement to comply to a period of mentoring/supervision
• Undergo risk assessment (at member's expense)
• Any sanction outlined in the relevant BG Policy
• Requirement to prove competence. This may specify relevant training to be undergone and a reasonable period within which it must be undertaken. If a participant fails, without good reason, to comply with such a requirement, the Panel shall reconvene and consider alternative or additional sanctions or it may refer the case for consideration by another Disciplinary Panel.
• Expulsion of a Respondent Club and/or those associated with it from competition for a specified period
• Withdrawal of GymMark status
• Requiring a Club, Affiliated Association or other body (an "organisation") to take corrective action, which may include but is not limited to requiring it to: ....
  • require a person associated with the organisation to undergo relevant training
  • suspend or remove from office one or more officials of the organisation
  • engage a relevant official, employee or other service provider
  • modify the way in which it operates

76. Participants will not be entitled to the refund of any fees paid to the Association for the duration of the sanction.

77. The Association retains the right to refuse registration or renewal of registration in respect of any Club.

78. Clubs should note that if BG determines that a Club has failed to abide by any BG Policy, which has resulted in a claim against the Club (or a BG member) under insurance arranged by BG, the insurance cover may be invalidated, which may leave the Club (or Member) personally liable for the events giving rise to the claim.

Part 6: Sanctions imposed by Affiliated Associations

79. Where a formal disciplinary sanction is imposed by an Affiliated Association in respect of a matter that could have been the subject of a complaint to BG under these procedures the Affiliated Association shall provide details of the matter to the appropriate Lead Officer who shall bring the matter to the attention of the CRMG.

80. The CRMG, having considered any written representations made by the Affiliated Association and the Participant on whom the sanction has been imposed may determine that any sanction applied by the Affiliated Association which is limited to the area of jurisdiction of the Affiliated Association may be extended to all or part of the area of jurisdiction of BG.

81. Action under paragraph shall not extend to the expulsion or suspension of an

individual Participant's membership of BG. If an Affiliated Association hearing a complaint considers that such action is likely to be an appropriate sanction it shall refer the complaint to BG for determination under these Procedures.

82. Where a formal disciplinary sanction imposed on a Participant after a reasonable process by a reputable body outside the sport of gymnastics (including but not limited to an employer of a Participant or the governing body of another sport) is brought to the attention of BG in respect of relevant behaviour the appropriate Lead Officer shall bring the matter to the attention of the CRMG. Relevant behaviour is a matter that could have been the subject of a complaint to BG under these procedures or which is of a kind which could justify a risk assessment in relation to the Participant's gymnastics activities.

83. The CRMG, having received notification under paragraph 82 and having considered any written representations made by the Participant on whom the sanction has been imposed may determine that the matter should be treated as a Complaint under these procedures.

84. Under the Articles, where a Member is also a member of an Affiliated Association, or has a status within an Affiliated Association which is the same as or similar to Associate Membership of BG, is subjected to disciplinary action (including, without limitation, suspension or expulsion) by that Affiliated Association, the decision of the Affiliated Association will be deemed to be a resolution of a Disciplinary Panel of BG unless the Board shall otherwise resolve.

Part 7: Appeals

85. The Respondent shall have the right to appeal against any decision of a Disciplinary Panel or of the CRMG under paragraph 80 or paragraph 44A. The CRMG shall have the right to appeal against any decision of a Disciplinary Panel.

86. Notice of any appeal by a Respondent or CRMG under paragraph 85 must be made in writing and delivered to the CEO within 14 days of the issue of the written reasons for the decision of the Disciplinary Panel. The notice of appeal must set out the grounds for the appeal and a brief summary of the reasons why it is considered those grounds apply but should not contain detailed arguments or enter into the merits of the case. The only grounds for appeal will be:-

• that in a material respect (to be specified in the notice of appeal) the hearing was not conducted in accordance with the relevant disciplinary procedure and that there are reasonable grounds for believing that such non-conformity affected the decision reached;
• that, in respect of any finding of fact (to be specified in the notice of appeal), no reasonable panel having heard the evidence put before the Disciplinary Panel or the CRMG would have reached the conclusion reached by the Disciplinary Panel or the CRMG; or
• that material new evidence is available which was not, and could not with the exercise of due diligence have been, available at the original hearing; or
• that a decision of the Disciplinary Panel or the CRMG was wrong in law; or
• that the sanction(s) imposed was/were not reasonable in all the circumstances.

87. A potential appellant should note that a test based on reasonableness does not mean simply that another panel would have reached a different conclusion but that the decision reached was outside a range of reasonable decisions open to the original Panel or CRMG.

Any person wishing to make an appeal is recommended to take legal advice before proceeding.

88. After receiving notice of an appeal, the CEO shall arrange for the Secretary to the Disciplinary Panel to provide, within 14 days of his receiving the notice, a copy of the transcript, minutes or other record of the proceedings to the Disciplinary Officer, the CRMG, the CEO and the Respondent (or his/her representative). This record will not include any notes made by Panel Members during the hearing or in the preparation of their written decision, which shall not be admissible in any hearing of the Appeal. Copies of those documents shall not be required by the Disciplinary Officer, the Respondent or any other Participant.

89. Within 14 days of the date of service of that record, the appellant shall deliver a full written statement detailing the appeal of his case to the CEO and to the Disciplinary Officer or Respondent as the case may be. Within 14 days of receiving that statement, the Respondent or Disciplinary Officer shall deliver to the appellant and the CEO a statement in response to the appeal. The statements shall state as concisely as possible the arguments on which the relevant party intends to rely and any new evidence adduced pursuant to paragraph 92 below.

90. An appellant may at any time withdraw an appeal by notice in writing to the CEO.

91. Within 14 days of receiving notice of an appeal, the CEO will convene an Appeal Panel and appoint a Panel Secretary, as described in paragraphs 29 to 31. The Panel Secretary shall advise the Respondent and the Disciplinary Officer of the names and any relevant qualifications of those appointed as Panel Members. Any objections to any of the Panel Members, for good cause, are to be advised in writing to the CEO within 7 days of being advised of the Panel Members. The CEO shall consider these objections and, if he considers there are reasonable grounds for the objection, shall appoint an alternative Panel member. Neither the CEO nor any person who was a member of the Disciplinary Panel which reached the decision the subject of the appeal will be selected as a member of the Appeals Panel.

92. There may be instances where new evidence, which was not adduced at the disciplinary hearing, comes to light. If any party wishes to adduce any new evidence to the Appeals Panel, they must give written notice of that fact, an explanation of why the evidence was not available at the original hearing and a full written statement of the proposed evidence to the Appeals Panel Secretary and to the other party no later than 42 days after the date of the appeal notice. The Appeal Panel chair shall determine, in the light of any written representations received, whether such evidence shall be admitted and whether it is necessary for it to be presented at a hearing with the opportunity for examination and cross examination of the witness.

93. An Appeal will not be a re-hearing of the original hearing. The Appeals Panel will meet as soon as possible after the service of the statements provided by the Respondent and the Disciplinary Officer under paragraph 89 and shall consider the record of proceedings and the statements provided by the Respondent and the Disciplinary Officer under paragraph 89 and any new evidence provided in accordance with paragraph 92 and shall consider and determine whether the appeal on the stated grounds has been made out. The Panel may if it wishes, but shall not be obliged to, invite the Respondent and the Disciplinary to make further oral representations, to answer questions concerning their

statements and to present any permitted new evidence.

94. Paragraphs 66 to 72, concerning the Disciplinary Hearings and the work of a Disciplinary Panel, shall apply, with any necessary adjustment, to any Appeal Hearing and to the work of the Appeal Panel.

95. The decision of the Appeals Panel shall be advised to the parties in writing, and shall include the reasons for the decision. The Appeals Panel may:-

• uphold the decision of the Disciplinary Panel in whole or in part;
• vary any decision made by the Disciplinary Panel;
• vary any sanction imposed by the Disciplinary Panel;
• itself re-hear the matter in whole or in part before upholding or varying and decision of the Disciplinary Panel; or
• remit the case back for a full re-hearing by a different Disciplinary Panel with such recommendations as it shall think fit.

96. British Gymnastics may publish, or cause to be published, in "The Gymnast", on its website or elsewhere, the outcome of the appeal, and will notify any affected Clubs, Affiliated Associations or other persons or organisations, as appropriate, of the outcome.

96A Article 13.2 provides that a person who ceases to be a member or Associate Member by virtue of article 13.1.6 or 13.1.7 may appeal against the cessation of his membership as specified in these Regulations. Written notice of any appeal shall be delivered to the CEO within one month of the appellant being notified that their membership has ceased.

96B A notice of appeal under Article 96A shall state the grounds for the appeal and shall be accompanied by any written representations or statements of evidence that the appellant wishes to be considered.

96C An appeal under paragraph 96A shall be considered and determined by the Board, or by a committee of the Board appointed for this purpose, having regard to the written representations and evidence of the appellant and to any representations made by or on behalf of the CEO. The Board, or its committee, may require the appellant and any other person to attend in person and answer any questions it may have concerning the matter.

96D The Board may, as an alternative to allowing or denying the appeal, permit membership to be reinstated only upon conditions determined by it or subject to qualifications or limitations and may determine the time at which membership may be reinstated.

Part 8: General

97. No BG Disciplinary or Appeals Panel will have the power to make an award of costs against either party. British Gymnastics shall, however, meet reasonable travel costs of any witnesses who may be required by BG to attend any hearing as part of the disciplinary or appeal process and of any witness who the Panel Chair determines were reasonably called by the Respondent. BG shall not be liable for any other travel, subsistence or accommodation costs of the Respondent, any witnesses who may be required by the Respondent to attend any hearing or of his or her representative nor for any fees which may be payable to any such representative.

98. Any notice or other document which is required by these Procedures to be given or delivered to or by any person shall be in writing but may be given either by hand delivery to the Participant or by hand delivery, post or courier service or using electronic communications to the Participant's physical or electronic address as registered with BG at the time of despatch or to an address notified by the Participant for that purpose.

Appendix 1
Lead Officers and CRMGs

Type of Complaint	Lead Officer	CRMG
Breaches of the Standards of Conduct and the Policies referred to in them	Safeguarding and Compliance Officer	
Breaches of BG Anti-doping Policy 2005	Anti-doping Officer	
Complaints relating to • - the quality of any coaching or • - any matter involving technical gymnastic practices (i.e. excluding cases of abuse or ethical misconduct) or • - misconduct in the operation of coaching courses or examinations • - misconduct (excluding cases of abuse or serious ethical misconduct) within BG gymnastic squads, teams or delegations	Head of Education or Technical Performance Director	
Breaches of Duty by an Affiliated Association, by a member of the Board or by a member of a Board committee including technical committees. In any such case the role of the CRMG shall be performed by a committee of the Board consisting of the Chairman, the President and the non-executive director with a designated competency in Ethics and Welfare matters.	Board or by Chief Executive Officer	

Appendix 2
Complaints or grievances against BG
(see paragraph 11)

1. Where

• a Participant, or some other person, (a "complainant") raises a grievance about the way in BG, or one of its employees, officers, delegates, committee member or other person acting as a representative of BG has acted in relation to the complainant; or to others; or

• a Complaint against an individual Participant appears to amount to a grievance about BG,

BG cannot deal with or determine the grievance of the complainant as a disciplinary body (though it may subsequently need to take disciplinary action against an employee or other person).

2. Instead BG will, normally, consider the grievance and respond to the Complainant in accordance with this procedure. In some circumstances the Board or CEO may determine that BG should consider and respond to the grievance in some other manner. In particular, but without limitation, BG may respond to grievances which represent a legal claim or challenge against BG outside the framework of this procedure.

3. This procedure does not apply to a grievance raised by an employee of BG concerning their treatment as an employee, which will be dealt with by BG in accordance with its internal Human Resources procedures and statutory provisions.

4. Following receipt of a grievance the CEO shall nominate himself or some other director, officer or senior employee to consider, investigate and review the matters raised in the grievance.

5. The person nominated under paragraph 4 shall respond to the complainant in writing setting out BG's considered position on the matters concerned. Except in exceptional or complex matters BG will seek to respond within 28 days of the grievance being received.

Last Updated on Friday 24th February 2012