

LANCASTER BOWLING LEAGUE DISCIPLINARY REGULATIONS

1. INTRODUCTION

- 1.1 This policy aims to establish a clear, transparent and accountable system for dealing with discipline issues.
- 1.2 Any timescales or deadlines set in respect of matters dealt with under these Regulations may be amended by the League Secretary in light of all material circumstances of the case. The League Secretary will provide an explanation for any delays to all interested parties.

2. WHO CAN RAISE A COMPLAINT UNDER THESE REGULATIONS?

- 2.1 Anyone witnessing conduct at a bowling event under the jurisdiction of the Lancaster Bowling League, either as a participant, spectator or official, may raise a complaint about the conduct of anyone else at such an event.
- 2.2 Anyone who has concerns about the conduct of anyone involved with the Lancaster Bowling League, but not necessarily in respect of a particular event.
- 2.3 Complaints should be lodged within 28 days of the matter giving rise to the complaint.

2. WHO IS BOUND BY THESE REGULATIONS

- 2.1 These Regulations apply to all participants, spectators and officials in respect of any bowling events associated with the Lancaster Bowling League.

3. JURISDICTION OVER DISCIPLINARY MATTERS

- 3.1 These Regulations will apply to alleged breaches of the Lancaster Bowling League's Code of Conduct.
- 3.2 Any incidents involving young persons, or adults at risk, must be referred in the first instance to the Safeguarding Officer at the club where the conduct occurred or the Safeguarding Officer at North Lancs & Fylde County Bowling Association.

4. INITIAL ACTION

- 4.1 When the Lancaster Bowling League Committee becomes aware of conduct which falls to be dealt with under these Regulations, the League Secretary will, within five days, appoint a Disciplinary Panel to deal with the matter.
- 4.2 The League Secretary will, within five days of the appointment of the Disciplinary Panel, inform the complainant that the matter will be dealt with under these Regulations.
- 4.3 The League Secretary will provide the complainant with the opportunity to submit a written statement for consideration by the Disciplinary Panel. The statement must then be provided to the League Secretary within 10 days.
- 4.4 The League Secretary will also inform the complainant that they may call witnesses at the disciplinary hearing. The complainant should provide details of those witnesses within 10 days.
- 4.5 The League Secretary will, within five days of the appointment of the Disciplinary Panel, send a notice of charge to the respondent clearly setting out:-

- a) The alleged breach of the Code of Conduct
- b) A summary of the facts or circumstances that led to the complaint and the charge
- c) A description and copies of the evidence that is being relied upon to support the charge, and
- d) Details of those appointed to the Disciplinary panel

4.6 The League Secretary will inform the respondent that they may object to the appointment of any Disciplinary Panel.

4.7 The League Secretary will provide the respondent with the opportunity to submit a written statement for consideration by the Disciplinary Panel. The statement must then be provided to the League Secretary within 10 days.

4.8 The League Secretary will also inform the respondent that they may call witnesses at the Disciplinary Hearing. The respondent should provide details of those witnesses within 10 days.

4.9 The League Secretary shall collate all evidence and ensure that all interested parties have sight of all relevant documents at least seven days in advance of the hearing.

5. **DISCIPLINARY PANEL**

5.1 The Disciplinary Panel will be made up of three individuals, none of whom will have had any prior involvement with the matter. The League Secretary will appoint one member of the Disciplinary Panel to act as Chair.

5.2 Should any member of the Disciplinary Panel have a conflict of interest or any previous involvement in the matter subject to complaint, they must inform the League Secretary immediately. In such circumstances the League Secretary will replace said member.

5.3 Should the respondent object to the appointment of any member of the Disciplinary Panel, they should inform the League Secretary in writing immediately, or in any event within 3 days, providing reasons for their objection. The League Secretary will make a decision on whether to replace any member of the Disciplinary Panel and will inform the respondent within five days of receiving the objection. The League Secretary will also update the original and new Disciplinary Panel members.

6. **SUSPENSIONS**

6.1 The League Secretary may make an application to the Chair of the Disciplinary Panel to temporarily suspend the respondent.

6.2 A temporary suspension shall not be deemed to be a disciplinary sanction until such time as the matter is determined by the Disciplinary Panel, when it may be taken into account in respect of the imposition of any sanctions.

6.3 Temporary suspensions may be imposed for a defined or indefinite period and will be reviewed by the Chair of the Disciplinary Panel on a periodic basis at their discretion.

6.4 The League Secretary will inform the respondent, and any interested parties, in writing of the suspension as soon as is reasonably practicable, together with any associated timeframes and reviews.

7. **DISCIPLINARY HEARING**

7.1 The Chair of the Disciplinary Panel shall arrange a date for the hearing which is convenient for all parties concerned and they will confirm the date, time and place of the meeting in writing at least seven days in advance of the scheduled hearing.

- 7.2 The Disciplinary Panel may deal with a disciplinary matter by way of an oral hearing either conducted in person or by audio or video conference call, or deal with the matter by way of written submissions, whichever method is most appropriate and proportionate to the issues at hand, and considering the needs and wishes of the respondent and any other witnesses in deciding how to deal with the hearing.
- 7.3 The respondent may be represented by a third party at any oral hearing, whether or not that person is a member of the Lancaster Bowling League, and the representative may make submissions but not give evidence on behalf of the respondent.
- 7.4 The respondent may be accompanied by another 'friend', but the friend may not make submissions or give evidence on behalf of the respondent.
- 7.5 The respondent shall be given the opportunity to call witnesses to support their case.
- 7.6 The procedure for an oral hearing will be at the discretion of the Chair. A standard hearing procedure is set out at Appendix 1 of this document, which may be followed by the Chair of the Disciplinary Panel.
- 7.7 Regardless of the procedures followed, the respondent must be given a fair opportunity to make representations and present evidence in their defence. The respondent must also be given the opportunity to review and challenge evidence in support of the complaint and charge.
- 7.8 If the respondent does not attend the hearing as arranged above, provided that the Disciplinary Panel is satisfied that notice of the hearing was received, it may proceed and decide the case in the absence of the respondent.
- 7.9 The Disciplinary Panel has the right to call independent witnesses should they consider this appropriate.

8. **SANCTIONS AND DECISIONS**

- 8.1 The Disciplinary Panel may reach such decision and/or impose such sanctions as it sees fit, including without limitation, to:
- a) Dismiss the Charge as unproven;
 - b) Issue a written warning
 - c) Issue a fine
 - d) Suspend, for a given timeframe, the respondent from League membership
 - e) Expel the respondent permanently from League membership and/or
 - f) a combination of the above or any other disciplinary action considered appropriate by the Disciplinary Panel
- 8.2 The decision taken by the Disciplinary Panel in relation to sanctions must be reasonable and proportionate in all the circumstances. The Disciplinary Panel will give reasons for its decision.
- 8.3 The decision of the Disciplinary Panel may be communicated orally at any oral hearing, but the League Secretary must, in any event, communicate the decision to both the respondent and the complainant in writing within seven days of the hearing.
- 8.4 The League Secretary must inform both the respondent and the complainant of their right of appeal.

8.5 Appeals must be lodged with North Lancs & Fylde County Bowling Association within 21 days of receiving written notification of the decision of the Disciplinary Panel, and should clearly set out the grounds for appeal.

8.6 The grounds of appeal are as follows:

- a) The decision was based on error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it;
- b) Serious procedural or other irregularity in the proceedings before the Disciplinary Panel;
- c) Significant and relevant new evidence has become available which was not available before the conclusion of the hearing but, had it been available, may have caused the Disciplinary Panel to reach a materially different decision; and/or
- d) The sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

8.7 North Lancs & Fylde County Bowling Association Disciplinary Regulations will apply to any appeal.

9. **SUSPENSIONS**

9.1 When a suspension is imposed, the Disciplinary Panel should consider whether they intend to recommend to the North Lancs & Fylde County Bowling Association that the area of suspension be extended either to their level or to the BCGBA.

9.2 In any event, the League Secretary shall inform the North Lancs & Fylde County Bowling Association of the suspension, together with any recommendation made by the Disciplinary Panel in accordance with paragraph 9.1.

9.3 For the period determined by the Disciplinary Panel, anyone suspended must not;

- a) play for, represent, or officiate at any event or activity associated the Lancaster Bowling League
- b) attend, manage or organise any event or activity associated with the Lancaster Bowling League

10. **MISCELLANEOUS PROVISIONS**

10.1 The Disciplinary Panel will make decisions by a simple majority of over 50%. The Disciplinary Panel may give a single decision and is not obliged to disclose how individual members of the Disciplinary Panel voted or whether the decision was a majority decision or a unanimous decision.

10.2 The standard of proof in all cases before the Disciplinary Panel is the balance of probabilities.

10.3 The Disciplinary Panel may, where they deem it to be appropriate bearing in mind all the circumstances of the matter, request an independent person to act as adviser to the Panel.

10.4 The Disciplinary Panel are not obliged to follow strict rules of evidence. They may admit such evidence, and attribute such weight to any piece of evidence, as they deem fit in the circumstances.

APPENDIX 1

STANDARD DISCIPLINARY HEARING PROCEDURE

The case against the respondent will be presented by the League Secretary, together with relevant evidence, including witness evidence, if appropriate.

The respondent will be granted the opportunity to present their case, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary Panel. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the discretion of the Chair of the Disciplinary Panel.

A representative representing a respondent at a hearing may present and sum up their case, but they may not answer questions put to the respondent.

Before being called, witnesses will not be allowed in the room while evidence is being given. This does not apply in relation to the complainant or respondent.

Questions may be put by the Disciplinary Panel to the respondent and each witness on conclusion of their evidence.

The respondent will have the opportunity to raise questions in cross-examination.

The Disciplinary Panel may limit cross-examination as it deems appropriate.

The respondent and the League Secretary will be allowed to make a closing statement to the Disciplinary Panel.

The room will be cleared and the Disciplinary Panel will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proven.

The hearing will re-convene and the Chair of the Disciplinary Panel may communicate the Panel's decision but must in any event communicate the decision in writing within seven days.

Where a charge is proven the respondent will have the opportunity to present arguments in mitigation.

The Disciplinary Panel will review the respondent's previous disciplinary record, where relevant, to consider sanctions.

The room will again be cleared and the Disciplinary Panel will determine the appropriate sanction.

The hearing will re-convene and the Chair of the Disciplinary Panel may communicate the Panel's decision on sanction but must in any event communicate the decision in writing within seven days.

A record shall be kept of all disciplinary proceedings and decisions by the League Secretary.

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