BOWLS ENGLAND

Regulation 9

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Regulation 9

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1. Introduction

1.1. Bowls England is committed to the development of Bowls and ensuring that all those involved in the sport can enjoy the game in an inclusive and welcoming environment. It is important that everyone involved in Bowls at any level understands all regulations of Bowls England and demonstrates their commitment to ensuring the highest possible standards in the sport for the enjoyment of all.

1.2. This Regulation is made in accordance with the authority of Bowls England to act as the National Governing Body for our sport of Bowls. Affiliated Club and County Association disciplinary matters must follow the rules and procedures laid out within this Regulation and must reference that all proceedings for handling complaints of misconduct will follow this Regulation within their constitution or equivalent documentation. This framework gives Bowls England the right to intervene in local cases if the process is not being followed correctly, or if the situation brings the sport into disrepute. If an Affiliated Club or County Association is found to have not followed this Regulation then relevant sanctions may be applied, including suspension of Affiliated Club or County Association membership.

1.3. This Regulation is intended to equip Affiliated Clubs, County Associations and Bowls England to deal with misconduct matters effectively, consistently and proportionately. It allows for an Affiliated Member to bring a claim of misconduct against another Affiliated Member, and for an Affiliated Club, County Association or Bowls England to bring a claim of misconduct against a member if appropriate.

1.4. If a concern is raised by non-Affiliated Members, a preliminary investigation will be conducted by the Complaint Assessor, and if valid, will be processed via this Regulation on behalf of the Affiliated Club, County Association or Bowls England.

1.5. Generally, matters of misconduct shall be dealt with at their most equivalent level, for example:

- Affiliated Club level disputes are dealt with at Affiliated Club level,
- County Association level disputes dealt with at County Association level.
- National level disputes dealt with at National level.

In the interest of Natural Justice there is an appeal stage. Each appeal stage is heard by the next level up, for example:

- Affiliated Club disputes progressing to County Association appeals,
- County Association disputes progressing to national appeals.

If this Regulation and associated guidance is followed correctly, the need for an appeal should be rare. Once an appeal has been heard in line with the applicable above level, there is no further right of appeal.

1.6. This Regulation should be read in conjunction with the education guides and templates located at www.BowlsEngland.com.

1.7. This Regulation provides a framework for how Clubs, County Associations and Bowls England handle written complaints of misconduct. Each complaint is assessed by the designated Complaint Assessor to determine its validity and severity, categorised as minor, moderate, or serious. This classification determines the route to resolution: minor misconduct is addressed informally, moderate misconduct through mediation, and serious misconduct via a formal hearing. Appeals are escalated to the next organisational level. This Regulation promotes fairness, confidentiality and proportionality, with defined responsibilities for each body involved.

2. Jurisdiction

2.1. In accordance with Bowls England Regulation 2.5.2 all participants (which include Affiliated Members) must abide by this Regulation.

2.2. Subsequent resignation from membership, or cessation from being a participant, shall not prevent disciplinary action in accordance with this Regulation if the misconduct took place, or partially took place, whilst any applicable participant has been an Affiliated Member.

2.3. Any person suspended or banned by World Bowls, or any other Member Nation Authority or National Governing Body of Bowls may be suspended or banned concurrently by Bowls England. Bowls England will not be required to grant the person the opportunity to offer an explanation at a further disciplinary hearing in accordance with the Regulation.

2.4. Bowls England may delegate proceedings to an independent external third party to assist proceedings where such delegation is reasonably considered to be required.

2.5. Where Bowls England has delegated a matter, it may at any time override what is listed within this Regulation and require the transfer of disciplinary hearings procedures.

2.6. This Regulation only applies to Affiliated Clubs and is not applicable to other codes or variants of Bowls.

2.7. This Regulation applies to any Affiliated Member who displays any of the conduct set out in clause 4:

2.7.1. whilst being engaged in or attending a Bowls England, County Association or an Affiliated Club event or function;

2.7.2. whilst at the property of any Affiliated Club;

2.7.3. as a result of being engaged in or attending a Bowls England, County Association or an Affiliated Club event or function; or

2.7.4. deemed to be representing Bowls England, a County Association or an Affiliated Club.

2.8. Bowls England reserves the right to submit a complaint of misconduct against any Affiliated Member, Affiliated Club or County Association found to be in breach of the Bowls England rules and regulations applicable to them.

2.9. The following policies and rules are not dealt with under this Regulation unless they then result in a disciplinary matter. If you want to report a concern on any of the issues below, please refer to the appropriate policy in the first instance:

2.9.1. Breach of the Anti-Doping Regulations.
2.9.2. Breach of the Bowls England and Bowls Development Alliance Safeguarding Policies.
2.9.3. Breach of the Bowls England Whistle-Blowing Policies.
2.9.4. Breach of the Bowls England Competition Rules.
2.9.5. Registering a Complaint through the Complaints Process.

2.10. This Regulation does not apply to:

2.10.1. Non-Associated Member Leagues, or any comparable body.
2.10.2. Misconduct that has taken place away from and will not have an impact on an Affiliated Club, County Association or Bowls England.

3. Definitions

In this Regulation the following words and expressions shall, unless the context otherwise requires, bear the following meanings:

3.1. 'Affiliated Member' means any bowler who is a member of any club which is affiliated to any County Association and Bowls England;

3.2. 'Affiliated Club' means any designated club within any County Association which is affiliated to Bowls England;

3.3. 'Appeal' means a document submitted to the Appeal Assessor, in accordance with clause 9, by any party following the outcome of a Hearing;

3.4. 'Appeal Assessor' means the person to whom Appeals are submitted which is:

3.4.1. the CDO for Appeals at Affiliated Club level;
3.4.2. Bowls England for Appeals at County Association level using the email address disciplinary@bowlsengland.com;
3.4.3. and Bowls England for Appeals at National level using the email address appeals@bowlsengland.com

At all times the person at clause 3.4.3 will be different to any person at Bowls England who dealt with a Complaint;

3.5. 'Appeal Panel' means the independent group of three people appointed on behalf of Bowls England to make a final decision further to an Appeal;

3.6. 'Appeal Report' means the document produced after an Appeal in order to clearly outline the outcome of the Appeal and why that outcome was reached, see template on our Website;

3.7. 'Appellant' means any individual who raises an Appeal in accordance with this Regulation;

3.8. 'Associated Member League' means a competition held within a specific County Association, or alternative clearly outlined region of Bowls England, the rules of which are defined by the relevant body;

3.9. 'Board' means the body appointed by the full members of Bowls England to be the managing authority for Bowls England;

3.10. 'Bowls' means the sport and pastime of flat green outdoor bowls as practised by participants in England in accordance with the Laws of the Sport;

3.11. 'Bowls England' means the governing body of Bowls in England, registered at Companies House in England and Wales with the company number 06297656;

3.12. 'Case Presenter' means an individual appointed to present a Complaint during a Hearing;

3.13. 'CDO' means County Disciplinary Officer, being an individual appointed to this position in accordance with clause 11.3.1, on a voluntary basis;

3.14. 'CE' means the Chief Executive engaged by Bowls England to manage its affairs who is answerable to, and responsible for, implementing the decisions of the Board;

3.15. 'Clerk' means a person appointed to assist the Disciplinary Hearing Panel during a Hearing;

3.16. 'Club Chair' means the individual appointed on behalf of an Affiliated Club in order to take a primary role in the management of that Affiliated Club, to include the resolution of misconduct;

3.17. 'Club President' means the individual appointed on behalf of an Affiliated Club who, in the event that the Affiliated Club does not have an appointed Club Chair, holds full responsibility for the performance of issues outlined within the Club Chair definition;

3.18. 'Complainant' means any individual or organisation which elects to issue a complaint of misconduct within the guidelines and boundaries of this Regulation;

3.19. 'Complaint Assessor' means the person to whom complaints are submitted which is:

3.19.1. the Club Chair (or Club President see clause 5.1.3) for complaints at Affiliated Club level;
3.19.2. the CDO for complaints about a Club Chair, or where the Club Chair has a conflict of interest
3.19.3. the County Chair for complaints at County Association level;
3.19.4. the CDO for complaints at County Association level where the County Chair has a conflict of interest

3.19.5. Bowls England for complaints at National level using the email address disciplinary@bowlsengland.com.

For the avoidance of doubt the Complaint Assessor should always be someone who does not have any conflict of interest regarding the complaint.

3.20. 'Complaint Report' means the document produced by the Complaint Assessor after their initial review of a complaint which sets out the seriousness of the complaint (minor, moderate or serious), which route is to be used to try and resolve it (Informal, Mediation or Hearing) together with next steps and timelines, a template of which is in Appendix

3.21. 'County Association' means each and any County Association in existence and recognised by Bowls England;

3.22. 'County Chair' means the individual appointed on behalf of a County Association in order to take a primary role in the management of that County Association, to include the resolution of misconduct complaints;

3.23. 'County Event' means any activity run under the auspices of the County, including but not limited to, meetings, representative matches and competitions;

3.24. 'County Secretary' and/or 'County Administrator' means the individual appointed on behalf of a County Association to oversee the completion of all administrative requirements, including those implemented by Bowls England;

3.25. 'Disciplinary Hearing Panel' means the group of three individuals appointed in accordance with clause 8.7 with a view to ensuring the satisfactory resolution of a complaint involving serious misconduct;

3.26. 'Disciplinary Reviewer' means the independent individual allocated by Bowls England to review the decision not to grant an Appeal, as set out in clause 10.5.

3.27. 'External Agency' means an independent organisation or entity, tasked with conducting inquiries into specific issues, incidents, or allegations.

3.28. 'Disciplinary Lead' means the designated Bowls England Disciplinary Lead;

3.29. 'Hearing' means a formal session held by a Disciplinary Hearing Panel in accordance with the terms of this Regulation;

3.30. 'Hearing Report' means the document produced subsequent to a Hearing in order to clearly outline the outcome of a Hearing, see template on our Website;

3.31. 'Informal Process' means the process set out in clause 6 which is to be followed to resolve a misconduct complaint which is determined to be minor misconduct;

3.32. 'Informal Resolution Letter' means the letter to be sent to the Respondent and Complainant in accordance with clause 6.1.2, see template on our Website;

3.33. 'Investigation Report' means the document produced by the Complaint Assessor after the investigation of a complaint of serious misconduct which clearly outlines the outcome of the investigation, see template on our Website;

3.34. 'Mediation' means the process set out in clause 7 which is to be followed to resolve a misconduct complaint which is determined to be moderate misconduct;

3.35. 'Mediator' means an independent third party appointed to manage and oversee the Mediation;

3.36. 'Natural Justice' means such principles, procedures and / or treatment as are reasonably considered to be morally correct and fair in relation to any process of resolution;

3.37. 'Neutral Venue' means a location chosen for mediation or disciplinary hearings, that is not the home base of any participating parties. It ensures fairness by providing equal access, and maintaining impartial conditions for all involved;

3.38. 'Panel Chair' means the member of the Disciplinary Hearing Panel or Appeal Panel with ultimate responsibility for the applicable performance of the body;

3.39. 'Regulation' means this Regulation 9 which sets out how Bowls England deals with complaints of misconduct;

3.40. 'Respondent' means the individual against whom a Complainant has issued a complaint in conjunction with this Regulation;

3.41. 'Website' means www.BowlsEngland.com.

4. Misconduct

The following non-exhaustive lists are examples of conduct which may be seen as misconduct and therefore a disciplinary matter to be dealt with under this Regulation. How a disciplinary matter moves forward depends on the level (severity) of the misconduct being complained about which will be determined by the Complaint Assessor in accordance with clause 5.2.1. When considering what level the complaint should be heard at, it may be appropriate to consider the impact of the behaviour.

4.1. Minor misconduct

Minor misconduct typically refers to behaviour that slightly disrupts the harmony, operation, or enjoyment of the sport of Bowls but does not cause significant harm, damage, or offense.

The following conduct is likely to be viewed as suitable to be dealt with by the Informal Process:

4.1.1. Breach of an Affiliated Club's Code of Conduct
4.1.2. Rude language/ gestures

4.1.3. Unsporting behaviour on the green

A repeat of such an incident following an informal process may be treated as Moderate Misconduct.

4.2. Moderate Misconduct

Moderate misconduct typically refers to behaviour that significantly disrupts the harmony, operation, or enjoyment of the sport of Bowls, causing noticeable harm, damage, or offense.

The following conduct is likely to be viewed as suitable to be dealt with by the Mediation process:

4.2.1. Disruptive behaviour
4.2.2. Inappropriate messaging/texting/social media interaction
4.2.3. Bullying
4.2.4. Harassment
4.2.5. Abuse of power / intimidation
4.2.6. Dangerous / careless behaviour

A repeat of such an incident following Mediation may be treated as Serious Misconduct.

4.3. Serious Misconduct

Serious misconduct typically refers to behaviour that poses a significant threat to the well-being, integrity or reputation of the sport of Bowls.

The following matters and conduct are likely to be viewed as serious and therefore require a Hearing:

4.3.1. Any conduct which is prejudicial to the interests of the Bowls England
4.3.2. Discriminative behaviour
4.3.3. Violence (against a person or property)
4.3.4. Sexual harassment
4.3.5. Any incident/behaviour which results in the police being involved
4.3.6. Theft
4.3.7. Fraud
4.3.8. Deliberate damage to property

Any breach of the Rules and Regulations, the Laws of Bowls England or the Safeguarding Policies is likely to be dealt with at National level through the Regulation.

5. Complaint process

5.1. Making a complaint

5.1.1. Complaints of misconduct must be submitted within 14 days of first awareness of them arising. It is recognised that there may be exceptional reasons why this

is not possible, and the Complaint Assessor will use their discretion as to whether such complaints of misconduct are accepted.

5.1.2. All complaints of misconduct should be made using the Bowls England official complaints form (see template on our Website) and submitted to the appropriate Complaint Assessor, which if it's the Club Chair is the Club Chair of the Respondent's Affiliated Club and if it's the County Chair is the County Chair of the Respondent's County Association.

5.1.3. In the case where the matter is at Affiliated Club level and the appropriate Affiliated Club has no Club Chair it should be submitted to the Club President.

5.1.4. Anonymous complaints will be treated as feedback and will not be investigated or dealt with in accordance with this Regulation.

5.1.5. All reasonable effort will be made to ensure that all complaints under this Regulation are handled confidentially in accordance with clause 12.

5.2. Triage of Complaint

5.2.1. Upon receipt of a complaint of misconduct, the Complaint Assessor will review the complaint form, and may conduct a preliminary investigation into the matter as they deem appropriate, in order to determine:

5.2.1.1. if the complaint is accepted as a disciplinary matter involving misconduct which falls under this Regulation; following the guidance on our Website.

5.2.1.2. what level the misconduct falls under, and therefore what route to resolution should be followed – Informal Process for minor misconduct, Mediation for moderate misconduct or a Hearing for serious misconduct.

5.2.2. The Complaint Assessor must determine how the complaint should proceed within 14 days of receiving the complaint, complete the Complaint Report and return it to the Complainant.

5.2.3. The Complaint Assessor may wish to request procedural guidance from the CDO.

5.2.4. If the Complaint involves an External Agency, such as the police or social services (but not limited to), the Complaint Assessor should contact Bowls England immediately using the email address disciplinary@bowlsengland.com.

5.3. Steps following triage of complaint

5.3.1. If the Complaint Assessor determines that the complaint is unfounded the Complaint Report will state this and the Complainant may seek a review of this decision in accordance with clause 5.4.

5.3.2. If the Complaint Assessor determines that the complaint should be dealt with using the Informal Process the Complaint Report will state this and the next steps will be the Informal Process in accordance with clause 6.

5.3.3. If the Complaint Assessor determines that the complaint involves moderate misconduct the Complaint Report will state this and the next steps will be Mediation in accordance with clause 7.

5.3.4. If the Complaint Assessor determines that the complaint involves serious misconduct the Complaint Report will state this and the next steps will be an Investigation followed by a Hearing in accordance with clause 8.

5.3.5. Upon the Complaint Assessor determining a matter involves serious misconduct they will inform the Disciplinary Lead in order for Bowls England to decide if any party should be suspended in accordance with clause 8.3.

5.4. Review of unfounded complaint

5.4.1. If the Complaint Assessor determines that there is no cause behind the complaint, the Complainant can, within 14 days of notification from the Complaint assessor, challenge this decision, and ask for it to be reviewed by the person set out below using the template in Appendix and upon payment of the fee of £50, to be paid in accordance with clause 10.3.

5.4.2. The person to review the decision in accordance with clause 5.4.1 above will be:

5.4.2.1. The CDO if the complaint was at Affiliated Club level;
5.4.2.2. The Disciplinary Lead if the complaint was at County Association level; and
5.4.2.3. The CE if the complaint was at National level.

5.4.3. If the person in clause 5.4.2 above decides that the original decision was incorrect and that the complaint is valid, they will inform all parties and determine the level of misconduct involved and the process to be followed (Informal Process, Mediation or Hearing) as set out in this Regulation. In addition, the fee of £50 will be returned to the Complainant.

5.4.4. If the person in clause 5.4.2 above decides that the original decision was correct and that the complaint was not valid, they will inform all parties and no further action will be taken. The decision of the person in clause 5.4.2 is final. The fee paid in accordance with clause 10.3 will not be returned.

6. Informal Process

6.1. Assessment

6.1.1. The Complaint Assessor will discuss the complaint with the Respondent and the Complainant to determine how the conduct was inappropriate and how it breached the organisation's Code of Conduct.

6.1.2. Following discussions with both parties, the Complaint Assessor will determine the most appropriate course of action and inform the Complainant and the Respondent of this using the Informal Resolution Letter template, see template on our Website.

6.1.3. The Informal Resolution Letter constitutes the only stage of the Informal Process and there is no option to appeal.

6.1.4. The Complaint Assessor will ensure a record of the Informal Process is kept for 12 months from the date of the Informal Resolution Letter.

6.1.5. If during the 12 months there are no further complaints against the Respondent, the Informal Resolution Letter will be considered spent.

6.1.6. If during the 12 months there are further complaints against the Respondent, then this will be deemed to constitute moderate misconduct and Mediation will be required in accordance with clause 7.

6.2. Types of penalty

6.2.1. The Informal Resolution Letter will contain details of the penalty (if any) which is likely to be the requirement of a written apology to the Complainant in cases of minor misconduct.

7. Mediation

7.1. Introduction

7.1.1. As documented on the official complaints form, the Complainant accepts Mediation as the first step to resolving the dispute if their Complaint is determined to involve moderate misconduct.

7.1.2. All parties involved in the dispute, must comply with the mediation process or disciplinary procedures will be implemented against those parties.

7.1.3. If at any point during the process the Mediator is confident that Mediation is highly likely to fail, they can halt the process and recommend that the matter be dealt with by way of a Hearing.

7.2. Mediator

7.2.1. The Mediation is a negotiation between all the involved parties within the dispute, assisted by the Mediator.

7.2.2. The Mediator is to assist all parties during the dispute and will explore how the dispute can be resolved without a Hearing.

7.2.3. The Mediator shall be appointed by the Complaint Assessor. Upon appointment the Complaint Assessor shall write to the Respondent and Complainant to notify them who the Mediator will be.

7.2.4. The Mediator must be independent from the dispute and all parties involved. Consequently, they should usually sit outside of the organisation's management or executive committee.

7.2.5. If the parties disagree with the Mediator selected, they shall inform the Complaint Assessor as soon as possible and in any event within 14 days of receipt of the notification from the Complaint Assessor.

7.2.6. If the Complaint Assessor is notified that a party does not agree with the Mediator appointed, they shall ask the CDO to appoint a Mediator. This appointment will be final; the parties will not be able to challenge this appointment.

7.2.7. The Mediator will not at any time advise a party or offer an opinion. Independence and impartiality must be maintained throughout the process.

7.2.8. None of the parties concerned can call the Mediator as a witness, consultant, arbitrator or expert in any Hearing, litigation or arbitration to the dispute, nor require them to produce any evidence that may be used in such proceedings.

7.3. Process

7.3.1. The process of the Mediation will be determined by the Mediator, in consultation with all parties and can be changed with the consent of the Mediator and all parties at any point.

7.3.2. The Mediator can hold such meetings as they deem appropriate. These meetings can be held in person or by telephone, video conference or other virtual means. If a face-to-face meeting is preferred, it can be held at the Club if suitable facilities are available. Alternatively, a Neutral Venue can be chosen if deemed more appropriate.

7.3.3. Reasonable efforts shall be made for mediations to be scheduled at a time and place convenient to all the parties usually, but not essentially, with a day set aside for the purpose.

7.3.4. To assist the Mediator each party must produce a case summary, using the template, and any other associated systems or facilities, see template on our Website.

7.3.5. Case summaries must be returned to the Mediator and exchanged with all parties in accordance with timelines specified by the Mediator.

7.3.6. The Mediator will then follow the process they have determined.

7.3.7. If the Mediator halts the process in accordance with clause 7.1.3 they shall write to the Complaint Assessor as soon as reasonably practicable to inform them of this decision. The Complaint Assessor will then write to both parties informing them of the next steps and confirming that the misconduct is still being treated as moderate, but it is to be dealt with by way of a Hearing.

7.3.8. Within 14 days of completion of the Mediation, the Mediator will prepare a written agreement, with input from both parties, setting out how the matter is to be resolved and any other points agreed during the Mediation, including any sanctions to be applied. See template on our Website.

7.3.9. The final agreement will be presented to the Complaints Assessor by the Mediator, to determine if any penalties should be issued.

Both parties will receive the final agreement once it is finalised and accurately reflects the agreed position. They will be requested to sign and return one copy to the Mediator within 7 days of a date set by the Mediator.

7.3.10. This agreement is final and cannot be appealed as it will have been reached with the agreement of both parties.

7.3.11. If, following completion of the whole process Mediation fails , then it will be the decision of the Complaint Assessor, in consultation with the CDO, as to whether the complaint can proceed to a Hearing and be dealt with in accordance with clause 8 or not. If, following completion of the whole process, Mediation fails at National level then it will be the decision of the Complaint Assessor, in consultation with the Disciplinary Lead, as to whether the complaint can proceed to a Hearing and be dealt with in accordance with clause 8 or not.

7.4. Types of penalty

7.4.1. The Complaints Assessor will determine if any penalties should be issued, which are likely to be the requirement of a written apology to the Complainant and loss of privileges such as access to Clubhouse facilities, social activities or benefits for a set period of time, it may be appropriate to issue a short-term exclusion from activities or from positions of authority.

7.5. Costs

7.5.1. We do not envisage any costs being encountered, but should any reasonable costs be incurred with this process they should be split equally between the parties involved within the dispute.

7.5.2. All costs should be provided in writing, in advance and confirmed by each party.

7.5.3. Mediation will not be undertaken until such time as the costs have been paid.

8. Hearing Process

The Hearing Process shall be followed for complaints of Moderate Misconduct when Mediation is deemed unsuitable or where the Mediation Process has failed, and for all complaints of Serious Misconduct. Matters of misconduct are to be dealt with at their most equivalent level.

Stage 1 –Investigation

8.1. Investigation

8.1.1. If the Complaint Assessor determines that the complaint involves serious misconduct then prior to a Hearing, they must conduct an investigation, see template on our Website. This is further to any preliminary investigation undertaken to determine if the complaint is valid as set out in clause 5.2.1.

8.1.2. The aim of the Investigation is to gather further facts and information and to determine whether the misconduct complained of has been correctly categorised as serious misconduct.

8.1.3. The Complaint Assessor aims to conclude the investigation and prepare an Investigation Report within 21 days of the date of the Complaint Report. If this is not possible the Complaint Assessor will notify the parties of this and provide them with an explanation for the delay and a revised timeframe

8.1.4. Procedural guidance may be sought from the CDO on how to conduct a thorough investigation for complaints at Affiliated Club or County Association level.

8.1.5. If, following the Investigation, the Complaint Assessor determines that the misconduct has been incorrectly categorised as serious and that it should be moderate, they will write to all parties to inform them of this notifying them that the matter will now proceed using Mediation in accordance with clause 7.

8.1.6. If, following the Investigation, the Complaint Assessor determines that the misconduct should be treated as serious, they will write to all parties to inform them of this notifying them that the matter will continue to a Hearing in accordance with this clause 8.

8.2. Counterclaim

8.2.1. If, upon receipt of notification that the matter will continue to a Hearing, the Respondent wishes to raise a counter claim it must be submitted within 7 days of this notification. Any counter claim submitted after this time will be forfeit.

8.3. Temporary Suspensions

8.3.1. In the case of matters involving the police or serious criminal offences, suspension from Bowls England will normally be imposed and these procedures will be held postponed as set out in clause 13.1.

8.3.2. Suspensions of this nature can only be put in place by Bowls England, it is the duty of the Affiliated Club or County Association to inform Bowls England of such instances as soon as they come to light in accordance with clause 5.2.4.

8.3.3. Suspension will only be used where necessary for protection, or to comply with safeguarding and anti-doping procedures.

8.3.4. Correspondence regarding the suspension will be directly with the suspended party. All other parties will only be notified if the suspension is lifted or the terms altered.

8.3.5. In addition to these charges, the Affiliated Club, County Association and/or Bowls England reserves the right to initiate internal disciplinary proceedings against any damage of reputation.

Stage 2 – In advance of a Hearing

8.4. Hearing

8.4.1. It is essential for each party to note that a Hearing is not confirmation of guilt. The Hearing is a meeting that will allow all parties to hear all the evidence.

8.5. Arranging Dates

8.5.1. Dates for the Hearing should be arranged to take place between 40 and 90 days following the receipt of the Investigation Report where possible. See timeline guidance on our Website.

8.5.2. Five dates, over a two-week period should be offered to both the Complainant and Respondent.

8.5.3. Both parties have 7 days to respond, if neither party agrees then the decision will be made by the Complaint Assessor and communicated to all parties.

8.5.4. To ensure a fair and unbiased environment, careful consideration should be given to the setting of the chosen Hearing location such as a Neutral Venue.

8.6. Witness Statements

8.6.1. The Complaint Assessor will request written witness statements in support of the positions held by the Complainant and the Respondent, in advance of the Hearing. The content of the statements is not specified and, for example, could include:

- Statements in support of the Complainant
- Statements in support of the Respondent

- Any evidence that came to light in the preliminary investigation stage.

8.6.2. Witness statements must be first hand and should not contain hearsay.

8.6.3. Witnesses that are found to have knowingly given false statements will be subject to disciplinary measures.

8.6.4. Witnesses must be made aware that they may be requested to attend a Hearing, in order to provide oral evidence.

8.6.5. All witness statements must be submitted to the Complaint Assessor within 10 days of the request in clause 8.6.1. When all statements in support of the Complainant and the Respondent have been received, the Complaint Assessor will forward copies to the opposing parties, as soon as reasonably practical.

8.6.6. All witness statements will be shared via email with all parties and the Disciplinary Hearing Panel within 14 days of the request in clause 8.6.1.

8.6.7. Both the Complainant and the Respondent then have 3 days from receipt of the statements, to advise which witnesses they require to attend the Hearing, in order to provide oral evidence.

8.6.8. Following this request, the Panel Chair has a further 3 days to request additional witnesses to attend the Hearing to provide oral evidence.

8.6.9. Attendance of witnesses to the Disciplinary Hearing is not mandatory.

8.7. Composition of a Disciplinary Hearing Panel

8.7.1. Following the agreement of a hearing date, the Complaint Assessor should appoint a Disciplinary Hearing Panel, consisting of three people.

8.7.2. The Disciplinary Hearing Panel can be formed from either inside or outside of the Affiliated Club membership in the case of complaints at Affiliated Club level, and inside or outside of the County Association membership in the case of complaints at County Association level, but no one should have had any previous involvement or material knowledge of the complaint.

8.7.3. Once formed the Disciplinary Hearing Panel will choose which of them is to be the Panel Chair. See criteria guidance on our Website.

8.7.4. The Disciplinary Hearing Panel has the delegated responsibility for the body dealing with the complaint i.e. any of Affiliated Club, County Association or Bowls England and should not be influenced in anyway.

8.7.5. The Complainant and the Respondent will be informed of who is on the Disciplinary Hearing Panel at least 14 days prior to the Hearing. Each party will

be able to make one challenge in respect of the personnel on the Disciplinary Hearing Panel. The challenge should be made in writing to the Complaint Assessor, who will deal with it accordingly.

8.8. Assistance/Representation

8.8.1. The Complaint Assessor should arrange for a note-taker to be present. The role is to take the minutes of the Hearing. There are no requirements for this person to be independent. They cannot be part of the Disciplinary Hearing Panel and cannot have any input into the decision making of the Disciplinary Hearing Panel.

8.8.2. The Complaint Assessor may appoint themselves as Case Presenter, presenting the complaint against the Respondent, alternatively they may appoint a representative to do so, who may be legally qualified.

8.8.3. The Complaints Assessor may appoint a person to act as Clerk to the Disciplinary Hearing Panel, who may be legally qualified, to give assistance to the Disciplinary Hearing Panel as it thinks fit.

8.8.4. Either party is welcome to bring a supporter with them to the Hearing. The supporter can witness but not participate in the proceedings. The supporter is bound by the confidentiality of the Hearing.

8.9. Joint Hearings

8.9.1. If two or more members are involved in the same misconduct, the Complaint Assessor may opt to deal with their case together. This decision must consider the wishes of all the Respondents.

8.9.2. If the Respondent submitted a counter claim within the timeframes, then the Hearing will cover both complaints.

8.9.3. If the Respondent submitted a counter claim after the timeframes, then the counter claim will be rejected and not considered.

Stage 3 – The Hearing

8.10. Hearing Procedures

8.10.1. The Disciplinary Hearing Panel will conduct the Hearing. A guidance document has been produced to assist Affiliated Clubs, County Associations and Affiliated Members in the procedures for Hearings at Affiliated Club and County Association levels.

Stage 4 – Penalties

8.11. Imposition of penalties

8.11.1. If the Respondent is found guilty of misconduct, penalties can be imposed by the Disciplinary Hearing Panel.

8.11.2. Any penalty must be communicated in the verbal verdict on the day and contained in the Hearing Report.

8.11.3. Consideration must be given by the Disciplinary Hearing Panel into the seriousness of the misconduct, the circumstances surrounding it and the general personal circumstances of the Respondent.

8.12. Types of penalty

8.12.1. The types of penalty available for the Disciplinary Hearing Panel, are listed below:

- Absolute discharge: The Respondent is found guilty, but no blame will be attached to their actions.
- Conditional discharge: No penalty is imposed, subject to certain stipulated conditions. This could be on receipt of a letter of apology within a certain period. There must be provisions provided for what happens if this condition is not met.
- Community Service: A suggestion of giving back to the Affiliated Club.
- Expenses Contribution: Required to contribute to the reasonable costs incurred in direct relation to the Hearing. At Affiliated Club and County Association level this must not exceed £200.
- Excluded from certain activities: Such as not playing in same leagues as the Complainant for a period.
- Suspended and or excluded from the Affiliated Club or County Association for a defined period: this can be subject to review after the period has elapsed. Only Bowls England are eligible to impose an indefinite or lifelong exclusion.

8.12.2. If the penalty relates to a contribution towards expenses the Respondent shall have all membership rights forfeited and be deemed to be suspended until the amount is paid in full.

8.12.3. If a temporary suspension was imposed under clause 8.3, this shall expire at the final verdict of the Disciplinary Hearing Panel.

Stage 5 – Post Hearing

8.13. Post Hearing Steps

8.13.1. Following any Hearing, a Hearing Report should be compiled by the Panel Chair.

8.13.2. The Hearing Report must give information on how to submit an Appeal and set out details of any costs to be paid.

8.13.3. The Hearing Report must be sent to the Complainant, Respondent, Complaint Assessor, CDO and the Disciplinary Lead via email within 10 days of the Hearing.

This is exceedingly important should an appeal be registered. If Hearing Reports are not received by all parties, then in the case of complaints at Affiliated Club level, the County Association or Bowls England reserves the right to temporarily suspend the affiliated status of the Affiliated Club until the Hearing Report is received and apply a fine.

9. Appeal from Disciplinary Hearing Panel decision

9.1. Following the Hearing, all parties have a right to appeal if one or more of the following grounds has been met.

9.1.1. the decision of the Disciplinary Hearing Panel was based on error of fact or could not have reasonably been reached by a relevant body when faced with the evidence before it;

9.1.2. new evidence has come to light which was not available or known about by any party prior to the Hearing and which would have an impact on the outcome of the Hearing;

9.1.3. there was injustice because of a serious procedural or other irregularity in the procedure followed;

9.1.4. the penalty imposed by the Disciplinary Hearing Panel was manifestly unreasonable considering the facts presented to it.

9.2. Appeals must be submitted to the Appeal Assessor using the template, (see template on our Website) within 14 days of receiving the Hearing Report, any appeals after this time will not be acted upon.

9.3. The Appeal Assessor must, within 3 days of receipt of the Appeal, provide acknowledgement of receipt to the Appellant.

9.4. The Appeal Assessor will, within 21 days of acknowledging receipt of the Appeal, review the Appeal and decide whether the Appeal meets any of the grounds in clause 9.1.

9.5. If the Appeal Assessor is the CDO they may wish to seek procedural guidance and advice from the Disciplinary Lead when making their decision under clause 9.4.

9.6. If the decision is that the Appeal is not in accordance with this Regulation, the Appeal Assessor will write to the Appellant prior to the expiration of the 21 days noted in clause 9.4 above to inform them of this together with an explanation of why the appeal failed. The Appellant will not be permitted to submit a new Appeal, but they can request that Bowls England review the decision as provided for in clause 10.

9.7. If it is decided that the Appeal is in accordance with this Regulation, the Appeal Assessor will:

9.7.1. prior to the expiration of the 21 days noted in clause 9.4 above write to inform all parties involved that the Appeal is valid and inform them of the next steps and any proposed timelines;

9.7.2. within 14 days of the decision being made, appoint an Appeal Panel of three people and provide the Appeal Panel with the Appeal and any other relevant documents.

9.8. The Appeal Panel can be formed from either inside or outside of the Affiliated Club membership, but no one should have had any previous involvement or material knowledge of the complaint or Hearing.

9.9. Once formed the Appeal Panel will choose which of them is to be the Panel Chair. See criteria guidance on our Website.

9.10. The Appeal Panel will review the Appeal and in consultation with the Appeal Assessor, decide how best to manage the Appeal. This will then be communicated to all parties, along with proposed timelines.

9.11. The Appeal Panel can decide to either reject or uphold the Appeal. They should prepare an Appeal Report to be completed and distributed to all parties, the Affiliated Club Chair, County Association Chair and Disciplinary Lead within 10 days of the Appeal Panel Hearing.

9.12. If the Appeal is rejected, the Appeal Assessor will inform all parties, and the matter will be deemed closed.

9.13. If the Appeal is upheld, the Appeal Panel will also decide what changes should be made to the decision and/or penalty made at the Hearing.

9.14. The Appeal Panel's decision is final.

For the avoidance of doubt an Appellant may ask for a review of an Appeal Assessor's decision under clause 10.

10. Application for Review of Appeal Assessor's Decision

10.1. If an Appeal Assessor determines that an appeal should fail because none of the grounds in clause 9.1 have been met, the appellant can ask Bowls England for a review of the decision in accordance with this clause 10.

10.2. The Appellant complete the Application for Review Template and send to the Disciplinary Lead within 14 days of the decision date, attaching all paperwork previously submitted and pay the £50 fee in accordance with clause 10.3 below. If payment is not received within 14 days, the Appeal will not be reviewed.

10.3. The fee should be paid to Bowls England as per guidance on the Application for Review Template.

10.4. The Appellant cannot submit new evidence as part of the reason for asking for a review.

10.5. The Disciplinary Lead will acknowledge receipt of the request and payment of the fee and will assign the review to a Disciplinary Reviewer who has was not involved in the misconduct case.

10.6. The Disciplinary Reviewer will be provided with all papers relevant for the review, including the CDO's communication to the Appellant under clause 9.6, and they will provide Bowls England with their decision, using the template set out in Appendix [to be added], within 14 days of their assignation to the review.

10.7. Within 7 days of receipt of the decision the Disciplinary Lead will write to the Appellant setting out the outcome of the review and any next steps to be taken.

10.8. If the Disciplinary Reviewer agrees with the original decision, there shall be no further action to take. The £50 fee will be forfeited.

10.9. If the Disciplinary Reviewer reviewing the decision disagrees with the original decision and finds that an Appeal should be heard, then Bowls England will ask the Appeal Assessor to follow the steps set out in clause 9.7. The £50 fee will be returned.

10.10. Bowls England may decide that in the case of an Appeal from an Affiliated Club complaint, it should be heard by a neighbouring County Association. If so, they will ask the CDO of that County Association (who will therefore be the Appeal Assessor) to follow the steps set out in clause 9.7.

10.11. The decision of the Disciplinary Reviewer is final.

11. Roles and Responsibilities

All parties involved in this section of this Regulation must act fairly in all processes and will not be swayed by bias or prejudice.

11.1. Affiliated Clubs

11.1.1. Affiliated Clubs must take all reasonable measures to ensure that all Affiliated Members whilst under their jurisdiction conduct themselves in accordance with any rules, regulations or codes of conduct the Affiliated Club has in place.

11.1.2. Affiliated Clubs must adopt this Regulation. This Regulation must be quoted within the Affiliated Club's governing documents and followed in all cases of misconduct.

11.1.3. Affiliated Clubs shall use all reasonable endeavours to ensure that Affiliated Members understand that this Regulation applies to them and is to be followed in all cases of misconduct.

11.1.4. Complaints of misconduct can be made against Affiliated Members from either other Affiliated Members or other Affiliated Clubs, or County Associations. Members of the public or any other applicable source can raise a concern of misconduct. It is the Affiliated Clubs' responsibility to conduct a preliminary investigation and to apply this Regulation, if appropriate.

11.1.5. No penalties can be implemented by an Affiliated Club without having followed the provisions of this Regulation in full.

11.1.6. Failure to follow this Regulation, including failure to adhere to or implement any Hearing outcome, could lead to relevant sanctions being placed upon the Affiliated Club, including, but not restricted to, fines or suspension of membership of/affiliation to Bowls England.

11.2. County Associations

11.2.1. County Associations are responsible for all Affiliated Clubs that fall under their jurisdiction.

11.2.2. County Associations must take all reasonable measures to ensure that all Affiliated Clubs under their jurisdiction directly reference Bowls England Regulation 2.5.2 in their governing documents.

11.2.3. County Associations must take all reasonable measures to ensure that all Affiliated Clubs under their jurisdiction abide by this Regulation in all cases of misconduct.

11.2.4. County Associations are responsible for addressing any misconduct that happens at a County Event. It is the applicable County Association's responsibility to investigate complaints and apply the provisions of this Regulation.

11.2.5. County Associations must have read, understood, and adopted this Regulation. This Regulation must be quoted within the County Associations' governing documents and followed in all cases of misconduct.

11.2.6. No penalties can be implemented by a County Association without having followed this Regulation.

11.2.7. Failure to follow this Regulation could lead to relevant sanctions being placed upon the County Association, including fines or suspension of membership.

11.2.8. Each County Association must use reasonable endeavours to appoint a CDO to regulate the application and performance of this Regulation.

11.2.9. Any complaints of misconduct or misconduct queries received by the County Association must be referred to the CDO.

11.2.10. If at any point in time there is no CDO in place, then any complaints of misconduct or misconduct queries received by the County Association must be referred to the County Secretary/County Administrator and references in this Regulation to CDO shall be taken to include County Secretary/County Administrator.

11.3. County Disciplinary Officer (CDO)

11.3.1. The CDO should be appointed by the County Association, in line with the job description found on our Website.

11.3.2. The CDO, in conjunction with Bowls England and any applicable Disciplinary Hearing Panel(s), must provide procedural guidance to Affiliated Clubs within their jurisdiction in matters relating to this Regulation.

11.3.3. The CDO has the right to intervene should an Affiliated Club within their jurisdiction not be reasonably considered to be abiding by this Regulation.

11.3.4. The CDO must keep accurate and confidentially stored records of any Hearings at Affiliated Clubs within their jurisdiction.

11.3.5. The CDO must act as facilitator for the disciplinary process applied by the applicable County Association.

11.3.6. The CDO must agree, if reasonably required in relation to the applicable matter, to represent any other County Associations on its Disciplinary Hearing Panel in relation to a specific scenario.

11.3.7. The CDO must attend training sessions organised by Bowls England where any such sessions are reasonably required. Any such applicable training sessions will be provided by Bowls England.

11.3.8. The CDO must provide timely reports to Bowls England in relation to the disciplinary function within their jurisdiction.

11.4. Bowls England

11.4.1. Bowls England will take reasonable steps to ensure that each County Association abides by this Regulation in all cases of misconduct. Bowls England has the right to intervene should a County Association not be reasonably considered to be abiding by this Regulation.

11.4.2. Bowls England will ensure that each County Association references Bowls England Regulation 2.5.2 in its governing documents.

11.4.3. Bowls England will employ a Governance and Compliance Officer who will uphold and fulfil this Regulation and provide procedural guidance where required.

11.4.4. Bowls England will commit to supporting the CDO by providing regular training and education resources.

11.4.5. Bowls England will continually review this Regulation, seeking to improve the experience for all involved.

11.4.6. Bowls England is responsible for the resolution of misconduct that happens at a Bowls England event. It is Bowls England's responsibility to investigate complaints and apply this Regulation.

11.4.7. Bowls England will act as the final appeal stage and shall remain independent at all stages. Any applicable documentation shall be anonymised prior to being forwarded to Bowls England to ensure that the independence of the matter is fully upheld.

12. Confidentiality

12.1. All reasonable effort will be made to ensure that all complaints under this Regulation are handled confidentially. Any information shared will only be shared with an appropriate authority such as an External Agency.

12.2. All Hearings and Mediations shall take place in private conditions and remain confidential. It may be appropriate to host the discussions in a Neutral Venue.

12.3. The public have no right of access to any Hearings or mediations, and/or any of the statements or other documents provided in connection with Hearings or mediation process.

12.4. Any information shared will be subject to relevant laws and regulations governing data protection and confidentiality.

12.5. All press/media announcements in relation to a decision of any Disciplinary Hearing Panel and/or Appeal Panel must be approved by the CE, a nominated deputy or the Chairperson of the Board.

13. External Agency Investigation

13.1. Where a complaint has been made under this Regulation and the subject matter of the complaint is the subject of an investigation by the police, social services or any other public or investigatory authority the disciplinary process must be postponed, pending the outcome of any such proceedings/investigation.

13.2. In these instances, the matter must be brought to the attention of Bowls England in connection with the provision of clause 5.2.4.

13.3. Bowls England will exercise discretion to decide whether an interim suspension should be imposed whilst the proceedings/investigations are ongoing including how long any suspension is for and how regularly it will be reviewed.

14. Financial implications

14.1. It may be deemed appropriate to impose financial penalties to those who have not complied with the process. This Regulation allows for the following penalties to be imposed at each level:

14.1.1. Affiliated Club

14.1.2. County Association

14.1.3. National