SQUASH WALES

CONDUCT AND COMPLAINT PROCEDURES

(TO INCLUDE CHILD PROTECTION ISSUES)

CONTENTS

Table of Contents

1. DEFINITIONS 2
2. PRINCIPLES RELATING TO CHILD PROTECTION CASES 4
3. JURISDICTION 5
4. AUTOMATIC CONDUCT REPORT PROCEDURE 6
COMPLAINTS OR ALLEGATIONS WHICH DO NOT RAISE CHILD PROTECTION ISSUES 7
5. COMPLAINTS PROCEDURE 7
COMPLAINTS OR ALLEGATIONS OF MISCONDUCT WHICH RAISE CHILD PROTECTION ISSUES 10
6. INTERIM SUSPENSION 10
7. INVESTIGATION PROCEDURE 10
8. SUMMARY PROCEDURES 11
9. DISCIPLINARY PROCEDURE 13
10. DISCIPLINARY PROCEDURE INVOLVING UNDER 18'S 14
11. SANCTIONS 15
12. APPEALS PROCEDURE 16
13. MISCELLANEOUS PROVISIONS 17
1. INFORMAL COMPLAINTS 17
2. WHISTLE BLOWING 17
3. MEDIA INTEREST 17
4. SUPPORT SERVICES 18

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

1. DEFINITIONS

1.1. 'Squash Wales Ltd' – All references to Squash Wales Ltd should be taken where necessary to be the Management Committee to exercise their power to receive and act upon disciplinary matters on behalf of the National Governing Body.

1.2. 'Management Committee' – Shall consist of officers or employees of Squash Wales and representatives from Sport Wales. The quorum for a meeting is 3.

1.3. 'Individual', 'player' or 'organisation' – This shall be deemed to include the following: members, officials, coaches, referees, volunteers, board members, associations, clubs, committees, organisations or persons directly or indirectly affiliated to Squash Wales and their members and officers or employees of Squash Wales.

1.4. 'Child' or 'children' – Includes all persons under the age of 18 and anyone who is considered to be a vulnerable adult.

1.5. 'Complaint' or 'allegation' – An allegation or complaint against any person, persons or organisation under Squash Wales jurisdiction should be in writing, should contain first hand facts of the complaint, allegation or offence the individual is alleged to have committed and be submitted within 7 days of the incident occurring. (Off court incidents – Section 5)

1.6. 'Complaints Officer' – An adult member of Squash Wales appointed by the Management Committee whose duty shall be to investigate any complaint that is not related to child protection or misconduct and refer it to the Management Committee on a Complaints Recording Form.

1.7. 'Complaints Committee' – a committee of no more than three board members appointed to deal with a Section 5 complaint where the individual against whom the complaint has been made or the issues involved are such that the management committee considers the appointment of a single complaints officer inappropriate.

1.8. 'Conduct Report Form' – To be used for reporting a breach of the rules and conditions governing players or any conduct which is detrimental to the interest of the game or which has or may bring the game into disrepute. Completed Forms should arrive no later than 7 days from the date of the incident and should be supported, as far as possible, by independent witnesses. (On court incidents – Section 4)

1.9. 'Referee Coordinator' – To be appointed by the Management Committee at the relevant time and to need to be a Squash Wales registered referee who will review conduct report forms where a player has received an automatic ban to confirm that the sanction is reasonable for the conduct that has been reported and who will chair the Referee Review Panel.

1.10. 'Referee Review Panel' – To be appointed by the Management Committee at the relevant time and to include no less than two Squash Wales registered referees who will review conduct report forms to recommend further sanctions where a player has accumulated seven or more points over a 12 month period or where a player received an automatic ban that has been confirmed as reasonable by the Referee Coordinator.

1.11. 'Designated Safeguarding & Protecting Children Lead Officer (Designated Officer)' – The Designated Officer shall be an adult member of Squash Wales appointed by the Management Committee whose duty shall be to investigate any complaint or allegation of misconduct relating to child protection and refer it to the Case Management Panel on a Case Management Panel Recording Form.

1.12. 'Case Management Panel' – A panel appointed by the Management Committee to make immediate decisions and respond to cases reported to it by the Designated Officer and comprising three members at least two of whom should be defined as an Independent Person.

1.13. 'Independent Person' – A person who is an adult and is not a member of Squash

Wales.

1.14. ‘Person subject of complaint (PSC)’ – Any person or organisation that Squash Wales has jurisdiction over that has had a complaint or allegation relating to child protection issues or otherwise made against them, or a representative nominated by the PSC to act on their behalf.

1.15. ‘Interim Suspension’ – This shall be a temporary cessation of some or all duties imposed by the Designated Officer when following receipt of a complaint or allegation the Designated Officer feels that a child or vulnerable adult may be at risk of harm if the accused continues to carry out their duties whist a full investigation is carried out.

1.16. ‘Suspension’ – Issued as a result of a decision by the Case Management Panel or Disciplinary Panel and shall be deemed to be permanent or for a period of time, as specified.

1.17. ‘Summary Offence’ – Any complaint or allegation that the Case Management Panel considers is suitable to be dealt with as a Summary Offence and which is substantiated by the evidence, which the PSC admits to and agrees to abide by any sanction that is imposed, and where there is no right of appeal.

1.18. ‘Disciplinary Offence’ Any complaint or allegation that the Case Management Panel considers is not suitable to be dealt with as a Summary Offence or the PSC does not consent to the matter being dealt with as a Summary Offence, and where there is a right of appeal.

1.19. ‘Disciplinary Panel’ – Appointed by the Management Committee, comprising of 3 – 5 members who have not had any previous involvement/knowledge of the case under investigation.

1.20. ‘Appeal’ – A written application against a decision of the Disciplinary Panel/Referee Review Panel, to be received within 7 days of the decision in question.

1.21. ‘The Appellant’ – The PSC who within 7 days from the date of a decision by the Disciplinary Panel/Referee Review Panel has submitted an appeal.

1.22. ‘Appeals Panel’ – Appointed by the Management Committee and comprising of members who have not had any previous involvement/knowledge of the case under investigation.

1.23. ‘Entitlement to Complaint’ – Complaints will be accepted for consideration from adults acting on their own behalf, from adults acting on behalf of persons under a disability or otherwise at risk or from adults/parents/guardians acting on behalf of minors. For the avoidance of doubt, the phrase “persons at risk or under a disability” will be broadly interpreted for the benefit of the complainant and a minor is a person who is under the age of 18 years.

2. PRINCIPLES RELATING TO CHILD PROTECTION CASES

2.1. All safeguarding and protecting children and CRB matters must be regarded as highly confidential and not for disclosure outside the Case Management Panel, unless there is a legal requirement to disclose such information. The members of the Case Management Panel must sign a confidentiality agreement.

2.2. The Case Management Panel is empowered by Squash Wales to make decisions on allegations of misconduct without the influence of or prejudice by others either from within or outside the National Governing Body.

2.3. The Case Management Panel should include people who have not had prior involvement or material, financial or other relevant interest in the outcome of the proceedings, and who have relevant knowledge and expertise to enable the Panel to fulfil its purpose. If practical, the two Independent Persons should have current safeguarding and protecting children knowledge and experience.

2.4. The Case Management Panel will meet as and when necessary. For cases requiring immediate action the Designated Officer will consult at least two members of the Panel who have not had prior involvement or material, financial or other relevant interest in the outcome of the proceedings, and at least one must be an Independent Person.

3. JURISDICTION

3.1. Squash Wales has disciplinary jurisdiction over the following:

a. all associations, clubs, committees, organisations or persons directly or indirectly affiliated to Squash Wales and their members, officers and employees.

b. all Board members of Squash Wales.

c. all officials, coaches, referees, volunteers, officers or employees of Squash Wales.

d. all players who participate in any event, training or sanctioned tournament authorised by Squash Wales.

e. any person who enjoys any form of involvement or any other status connected with Squash Wales.

3.2. Squash Wales shall exercise its disciplinary functions in the manner set out in the Conduct Report & Complaint Procedures. Squash Wales has the capacity to delegate its power to receive and act upon disciplinary matters to a Designated Officer or, if appropriate, to a legal representative or independent expert.

3.3. The Designated Officer and the Case Management Panel have the power to impose an interim suspension.

3.4. Squash Wales shall have jurisdiction to consider any written complaint or allegation of misconduct or any matter which it considers may constitute misconduct or a breach of any appropriate Codes of Conduct or Ethics.

3.5. Squash Wales shall exercise its jurisdiction in section 3.1 above, subject to section 3.6 below.

3.6. The Board of Squash Wales may amend these Procedures as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the Board.

3.7. These Procedures shall not apply to the commission of a Doping Offence (UK Anti Doping Policy) which if alleged will be referred by the Management Committee to UKAD provided that the Management Committee is satisfied that there is reasonable evidence to support the allegation of the commission of an offence to merit investigation by UKAD.

3.8. When the nature of the allegation or complaint is covered by criminal law the matter will immediately be referred to the appropriate statutory authority and the Designated Officer will decide if the matter raises any child protection issues which necessitate an interim suspension being invoked.

3.9. When the nature of the allegation or complaint is covered by criminal law the matter will immediately be referred to the appropriate statutory authority and the Designated Officer will decide if the matter raises any child protection issues which necessitate an interim suspension being invoked.

3.10. In the event of a Complainant being unhappy with the decision of a Club or County Association, the Complainant may refer the matter for review to Squash Wales in which case it will be dealt with under the Squash Wales review procedure.

4. AUTOMATIC CONDUCT REPORT PROCEDURE

4.1. Upon receipt of a completed Conduct Report Form the Complaints Officer should check whether the player involved has received any sanctions within the preceding twelve months.

4.2. If the player has not received any sanctions within the preceding 12 months the Complaints Officer should write to the player advising the sanction that has been imposed in accordance with the Conduct Report Form.

4.3. If the sanction is an automatic ban the Referee Coordinator will review the matter to confirm that the sanction is appropriate for the conduct that has been reported. If the Referee Coordinator does not consider that an automatic ban is appropriate he will send his recommendation to the Management Committee to be ratified. The Complaints Officer will write to the player involved and any interested parties advising them of the sanction that has been imposed.

4.4. If a player commits a conduct offence after a match has ended or has accumulated 7 or more points over a 12 month period or receives an automatic ban that the Referee Coordinator has reviewed and deemed appropriate, the matter will be referred to the Referee Review Panel. The Complaints Officer will write to the player involved and any interested parties advising them that the matter has been referred to the Referee Review Panel.

4.5. The Referee Coordinator will convene a meeting of the Referee Review Panel who will make a recommendation about any further sanctions that should be taken against the player. The Referee Coordinator will advise the Complaints Officer of the outcome of the meeting.

4.6. The Complaints Officer will submit the recommendations of the Referee Review Panel to the Management Committee for ratification. The Complaints Officer will write to the player and any interested parties advising them of the outcome.

4.7. The Management Committee is not bound by any recommendations made by the Referee Coordinator or the Referee Review Panel and may make their own decisions about how a matter should be dealt with and/or what sanctions should be imposed.

4.8. If the player does not agree with any further sanctions that have been imposed, they have the right of appeal as detailed in section 11 of these procedures.

4.9. For the avoidance of doubt, this Section 4 relates to on-court behaviour whereas Section 5 which follows relates to conduct off-court.

COMPLAINTS OR ALLEGATIONS WHICH DO NOT RAISE CHILD PROTECTION ISSUES

5. COMPLAINTS PROCEDURE

5.1 On receipt of a complaint, the Management Committee will invoke this section provided no child protection issues are involved and the complaint is not subject to the automatic conduct report procedure as detailed in section 4 and provided also that there is considered to be a prima facie to answer.

5.2 Where in the opinion of the Management Committee, the complaint is frivolous, vexatious or without merit, the Management Committee has the discretion to dismiss the complaint immediately on the basis that there is no case to answer and no right of review is available to a complainant in these circumstances.

5.3 If section 5 is appropriate, the Management Committee will then decide if the nature of the complaint is suitable for the appointment of a single Complaints Officer or whether the issues involved are more suitable for consideration by a Complaints Committee.

5.4 In general terms, a Complaints Committee will be deemed appropriate where in the opinion of the Management Committee the individual or individuals against whom complaints have been made are difficult or where the issues arising from the complaint are difficult.

5.5 Once the Management Committee has appointed either a single Complaints Officer or a Complaints Committee, the Complaints Officer or Complaints Committee must first consider whether such complaint or other matter falls within the jurisdiction of section 5.

5.6 It will be the duty of the Management Committee to investigate the complaint and the duty of the Management Committee will extend only to effecting a reasonable and proportionate investigation commensurate with the issues in the case and the decision as to what is reasonable and proportionate in each case will be in the absolute discretion of the Management Committee.

5.7 Upon completion of the investigation by the Management Committee, the Management Committee will then pass the case papers relating to the complaint to the Complaints Officer or Complaints Committee for a decision to be made as to whether the complaint should be upheld and, if so, what sanction or sanctions should be imposed.

5.8 During the investigation or during the decision-making process, the Management Committee, Complaints Officer or Complaints Committee shall have the power to require the attendance upon reasonable notice of any individual to answer questions and provide information and the production upon reasonable notice of documents, information or other material in whatever form held.

5.9 For a complaint to be upheld, the Complaints Officer or Complaints Committee only needs to be satisfied to the Civil Standard of "On the balance of probabilities".

5.10 At the completion of the investigation, the Complaints Officer or Complaints Committee shall submit a completed complaints recording form or similar document with his, her or their recommendations to the Management Committee who shall decide the appropriate course of action as follows:-

(a) Where the investigation establishes there is no case to answer the complaint shall be dismissed and the Complaints Officer or Complaints Committee shall write to the interested parties informing them of the decision;

(b) Where the investigation establishes that the complaint is justified, the Management Committee shall either accept the recommendations of the Complaints Officer or Complaints Committee or decide how otherwise the matter should be dealt with and the Complaints Officer or Complaints Committee will then write to the interested parties informing them of the decision.

5.11 If the person against whom the complaint is made (the "PSC") is not satisfied with the outcome, he or she can ask for the matter to be referred to the Squash Wales Board of Directors but must do so within 7 days of receipt of notification of the decision. The Complaints Officer or Complaints Committee will then write to all interested parties informing them that the matter has been referred to the Board.

5.12 If submitting a request for a review under paragraph 5.11 above, the request for a review must be

accompanied by a £200 fee which is non-refundable in the event that the decision of the Complaints Officer or Complaints Committee is upheld. For the avoidance of doubt, the Squash Wales Board will not begin to consider any review until the payment has been made and has cleared into the Squash Wales account and if not received within 14 days of the request for review will be dismissed.

5.13 Any request for a review will not delay or postpone any sanction/sanctions imposed which sanction/ sanctions will remain in full force unless or until overturned on review under section 5.14 unless the Complaints Officer or Complaints Committee in his, her or their absolute discretion determine otherwise.

5.14 No review of a Complaints Officer or Complaints Committee decision is available to a Complainant.

5.15 At the review, the Board will consider the complaints recording form, any associated documentation and any further information supplied by the complainant in support of his or her complaint and decide the appropriate course of action as follows:-

(a) To uphold the decision of the Complaints Officer/Complaints Committee as endorsed by the Management Committee;

(b) To increase any sanction imposed;

or (c) To overturn the decision reached.

5.16 Upon completion of the review process, the Complaints Officer or Complaints Committee will write to all interested parties informing them of the Board's decision and there will be no further right of referral or appeal.

5.17 This section is intended to cover all Squash Wales-related activities (save for on-court conduct as covered by Section 4) and matters to include Codes of Conduct and extends to the content of correspondence, emails and all forms of social media and/or any other conduct deemed detrimental to the interests of Squash Wales, its employees or volunteers.

5.18 Where there is a finding against a PSC under this section, the following sanctions are available:-

(a) A written warning;

(b) A restriction from taking part in any capacity whatsoever in any event sanctioned directly or indirectly by Squash Wales;

(c) A suspension for a specified period;

(d) A ban from participation or a ban from participation suspended for an appropriate period;

(e) A lifetime ban.

(f) Any other sanction deemed appropriate by the NGB.

5.19 Where an immediate ban is imposed on a PSC, the other sanctions may in the absolute discretion of the Complaints Officer or Complaints Committee include a requirement that the PSC should not be readmitted to Squash Wales until he has proved to the reasonable satisfaction of the Board that he or she is a fit and proper person to be re-admitted following completion of any ban.

5.20 For the avoidance of doubt, if a party is found in breach of a suspended ban, that ban will be implemented immediately and the Complaints Officer or Complaints Committee will impose an additional sanction for any further upheld complaint.

5.21 Where the Complaints Officer or Complaints Committee decides to impose a sanction on a player, the Club or Clubs for whom that player plays has/have a responsibility to the NGB to ensure full and complete compliance with any sanction imposed against an individual player and, should the NGB decide that a Club has failed to comply with its obligations under this Section following receipt of a complaint, a Complaints Officer or Complaints Committee will be appointed to investigate as above and, if a Club is found to be in default, the Complaints Officer or Complaints Committee is empowered to order that the offending Club should forfeit the affected match or matches with a 19-0 walkover being awarded to the affected Club or Clubs or to decide how otherwise to deal with the matter.

6. INTERIM SUSPENSION

5.1. If the Designated Officer considers that an allegation or complaint or matter which has been drawn to his/her attention is of sufficient seriousness to warrant the exclusion of a person or body that is listed in any of the categories in section 3.1 from involvement in any Squash Wales activities, an interim suspension can be invoked.

5.2. Written notification of the reported allegation or complaint plus any interim suspension will be forwarded to the PSC and any club or county with which the accused is associated, as soon as reasonably practicable.

5.3. Squash Wales shall proceed with their investigation as soon as reasonably practicable.

5.4. All interim suspensions will be reviewed by the Case Management Panel at regular intervals but not less than every six weeks. A breach of an interim suspension shall be considered as a separate offence in addition to the original allegation or complaint.

5.5. If the circumstances or facts surrounding a case are subject to change the Case Management Panel may reconsider the terms of the interim suspension.

7. INVESTIGATION PROCEDURE

7.1. The Designated Officer will commence an investigation on receipt of written notification that an individual:

a. has been cautioned or charged with/convicted of a criminal offence; or

b. is the subject of an investigation by the Police, Social Services or any other public or investigating authority; or

c. poses or may pose risk of harm to a child or children;

d. has become the subject of an allegation or complaint which is not subject to the Complaints Procedure; or

e. has become the subject of a completed Conduct Report Form which is not subject to the Automatic Conduct Report Procedure.

7.2. Squash Wales reserves the right to invoke its procedure when notified of any matter within its jurisdiction.

7.3. The Designated Officer shall also consider whether such complaint or other matter falls within the scope of Squash Wales's jurisdiction.

7.4. Squash Wales shall establish the details of the offence, allegation or complaint by questioning, as appropriate:

a. the individual concerned, either by way of interview or correspondence

b. the Police;

c. Social Services;

d. any other authority involved in the protection and welfare of children;

e. any person or party associated with the complaint in any way whatsoever.

7.5. Squash Wales shall consider the following factors when considering an interim suspension:

a. whether a child or children are or may be at risk of harm;

b. whether the matters are of a serious nature;

c. whether a suspension is necessary to allow the conduct of any investigation by Squash Wales or any other authority or body to proceed unimpeded.

7.6. Squash Wales shall have the power to require:

a. the attendance, upon reasonable notice, of any individual to answer and provide information; and

b. the production, upon reasonable notice, of documents, information or other material in whatever form held.

7.7. The Designated Officer shall have the power to order the accused to submit to an interim suspension.

7.8. At the completion of an investigation, the Designated Officer will complete and submit Part 1 of a Case Management Panel Recording Form to the Case Management Panel who shall decide the appropriate course of action as follows:

a. If the PSC admits the charge either in correspondence or in interview and the Designated Officer is satisfied that the charge has been admitted and is a 'Summary Offence' then the Summary Procedure shall be invoked.

b. If the PSC does not consent to the Summary Procedure or the Case Management Panel considers that a case is not appropriate for the Summary Procedure, then the Disciplinary Procedure shall be invoked.

c. Where the investigation establishes to the satisfaction of the Case Management Panel that there is no case to answer, the allegation or complaint shall be dismissed and the Designated Officer will write to the PSC and the other parties involved informing them of the decision.

d. The Case Management Panel will complete Part 2 of the Case Management Panel Recording Form and may make recommendations about the appropriate course of action to take next. It is the responsibility of the Designated Officer to ensure that the recommendations are implemented.

8. SUMMARY PROCEDURES

8.1. If the PSC admits the charge either in correspondence or in interview and the Case Management Panel is satisfied that the charge has been admitted and is a 'Summary Offence' then the Summary Procedure shall be invoked.

8.2. A Summary Offence is one where the Case Management Panel believes that, if the facts placed before them are true, the appropriate sanction should be no more than:

a. a warning and/or

b. a suspension for a period not exceeding 12 months (excluding any interim suspension) and/or

c. a fine not exceeding £100 and/or

d. any other sanctions that the Panel agree are appropriate.

8.3. A matter will remain a Summary Offence unless the following applies:

a. the individual, player or organisation does not admit the offence and consent to a Summary Procedure; or

b. the nature of the offence is such that the Case Management Panel does not consider that it can properly be dealt with through the Summary Procedure;

8.4. When an admission in interview or correspondence has been made and the Case Management Panel considers it appropriate to invoke the Summary Procedure, the Designated Officer shall inform the PSC by letter, sent by recorded delivery, and seek written consent that the offence

should be dealt with under the Summary Procedure. The letter shall include the formal charge plus a summary of the evidence.

8.5. The PSC shall have 21 days from the date of certified posting to confirm that they agree with the matter being dealt with as a Summary Offence and that they will abide by any sanctions imposed by the Case Management Panel.

8.6. The Case Management Panel shall consider all the evidence that has been gathered and shall then impose the appropriate sanction(s).

8.7. The Designated Officer shall then communicate the imposed sanction to the PSC.

8.8. There is no right of appeal or right to vary the imposed sanction.

9. DISCIPLINARY PROCEDURE

9.1. If consent to the matter being dealt with as a Summary Procedure is not obtained, the Designated Officer will inform the individual, member or organisation by letter, sent by recorded delivery, that the Disciplinary Procedure has been invoked. The letter will also include the formal charge, plus a summary of the evidence.

9.2. The PSC shall have 21 days from the date of certified posting to answer the charge. Failure to do so without reasonable excuse shall render the PSC liable to suspension from all Squash Wales activities until a reply has been received.

9.3. Once the reply to the charge has been received, the Designated Officer shall liaise with the Chairman of the Disciplinary Panel to schedule a date for the hearing. At least 21 days' notice shall be given of the date, place and time of any hearing.

9.4. All proceedings of the Disciplinary Panel shall take place in private. The public and press shall have no right of access. The Disciplinary Panel shall not issue any press statement or conduct any press conferences. All press/media announcements in relation to any decision of the Disciplinary Panel shall be approved by Squash Wales.

9.5. The PSC shall have the right to be represented by a legal representative of his/her choice and at his/her own expense or by a person they have nominated to speak on their behalf.

9.6. The Designated Officer, or other authorised representative, shall present the evidence to the Disciplinary Panel which may include calling witnesses.

9.7. The PSC or their representative will then answer the charge and this may include calling witnesses.

9.8. The standard of proof shall be the civil standard, i.e. the balance of probability.

9.9. Where the PSC has completed his or her case, the Designated Officer or authorised representative shall make concluding remarks in support of the charge. The PSC shall then have the right to make brief concluding remarks. The Disciplinary Panel shall then retire to consider its verdict in private.

9.10. If the Disciplinary Panel finds that the charge is proved they shall return to hear the recommendation from the Designated Officer or authorised representative and any mitigation from the PSC before retiring to consider the appropriate sanction.

9.11. If the Disciplinary Panel decides that the charge has not been proved it will return and announce its decision. The Panel shall produce a short written decision setting out the reasons for reaching its conclusions. This shall be conveyed to all parties as soon as possible and in all events within seven days of the date of the hearing.

9.12. The decision of the Disciplinary Panel must be by majority and no minority opinion shall become part of the written decision.

9.13. The decision, reasons and sanction(s) shall be communicated in writing, to all parties connected to the case, at the hearing or within 7 days of the conclusion.

9.14. When the matter has been upgraded from the Summary Procedure the allegation shall become the subject and follow the Disciplinary Procedure.

9.15. The Disciplinary Panel shall have the power to regulate its own procedure and also have the power:

a. to adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing to allow time for the submission of further evidence or for any other reason;

b. to ask questions directly of any party or witness to any proceedings before the Panel;

c. to admit or exclude evidence on the grounds of relevance or failure to comply with directions;

9.16. Where, at any time in the course of any disciplinary proceedings, there has been a breach of procedure or failure to follow any direction given, this shall not invalidate the proceedings unless such breaches have been such as to seriously and immediately prejudice the position of the accused.

9.17. The Disciplinary Panel shall not be obliged to follow the strict rules of evidence and may admit evidence as it sees fit and accord such evidence such weight as it thinks appropriate in all the circumstances. Where the allegation has been the subject of a previous finding of guilt in criminal proceedings or any other judicial or quasi-judicial finding that constitute a finding of guilt, the result of such proceedings and the facts and matters upon which such result is based shall be presumed to be correct and the facts presumed to be true. This will also be deemed to be the case where the individual is placed on any statutory list barring, or restricting, working with children or young persons.

9.18. For the disciplinary procedure to be adopted in connection with PCSs or witnesses under the age of 18 years, please see Section 10 below.

10. DISCIPLINARY PROCEDURE INVOLVING UNDER 18'S

10.1. The following will apply where an under 18 is a witness, alleged victim or a PSC.

10.2. This guidance applies to all settings where an under-18 is involved in disciplinary matters as a witness, alleged victim, alleged offender or any other way.

10.3. The processes that are followed must pay due consideration to safeguarding and welfare issues.

10.4. No part of the processes should be oppressive or intimidating for the young person.

10.5. As soon as it becomes apparent that the process involves an under-18, the Club and/or NGB's Welfare Officer must be informed.

10.6. Any Panel should consider whether they need the child to attend in person, and may discuss this with the Club or NGB Welfare Officer. When making this decision consideration should be given to:

- The age of the child;

- The seriousness of the offence;
- The evidence likely to be given;
- The possible effect on any child.

Parents should be included in this invitation.

10.7. The Club or NGB Welfare Officer will ensure that the child is properly supported, and will either act as, or appoint a suitable "Welfare Chaperone" for the investigative/disciplinary process, in consultation with the child's parent(s).

10.8. The Welfare Chaperone is likely to be the child's Club Welfare Officer (WO) unless there is potential conflict of interest (e.g. the Club WO is the parent, or the Club WO is also involved in the incident.) If this is the case then a Club WO from another club may be asked to assist, or a League WO, or the NGB Welfare Officer will undertake the role.

10.9. The Welfare Chaperone should have no other role in the proceedings – their involvement is purely in regard to the welfare of the child. The Welfare Chaperone should liaise with the child and his/her family throughout, making sure that the child is kept fully informed. He or she can act for more than one child at the same hearing if this is thought appropriate.

10.10. If a child does not wish to attend, they cannot be compelled to do so.

10.11. The Welfare Chaperone will discuss the process with the child and his/her family to ensure they fully understand the procedure.

10.12. If the child chooses to give a statement to the panel then ordinarily the statement should be prepared in advance in written format. This can be written by the child or any other person. It is important that this statement is the child's view and words.

10.13. If, when attending the Panel, the child is to be questioned regarding their behaviour or what they have witnessed, all involved should bear in mind the age and the potential vulnerability of the child in such a setting. Questioning should be conducted in a considerate matter, and must not be oppressive, persistent, lengthy or demeaning. The Welfare Chaperone should ask the Chair of the panel to suspend proceedings immediately if they have any concerns about the manner or duration of the questioning.

10.14. Where a child is found to have committed a disciplinary offence requiring potential sanction, consideration should be given to the child's age and understanding, as well as their experience of life and of squash, before any sanctions are issued.

10.15. Where it is necessary for a report to be circulated (either within the relevant squash community or even to the press), any individual under 18 years of age must not have their details published.

11. SANCTIONS

11.1. The Disciplinary Panel may impose upon the PSC one, or a combination, of the following sanctions:

a. a written warning;

b. restriction from taking part in any capacity whatsoever in any event sanctioned directly or indirectly by Squash Wales;

c. suspension for a specified period as in section 8.2;

d. permanent exclusion;

e. expulsion, suspension or exclusion from standing for, or holding, any office with Squash Wales, either for a temporary period or permanently;

f. a fine not exceeding £1,000;

g. any additional training as specified by the Disciplinary Panel;

h. a risk assessment;

i. where appropriate, referral of the case to a statutory list which bars or restricts working with children or vulnerable adults.

j. any other sanctions that the Panel agree are appropriate.

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

12. APPEALS PROCEDURE

12.1. The PSC may submit an appeal against the decision of the Disciplinary Panel/Referee Review Panel within 7 days of being notified of the decision, on the following grounds only:

a. that the Disciplinary Panel/Referee Review Panel misdirected itself in its conduct or conclusion; or

b. that the Disciplinary Panel/Referee Review Panel reached a conclusion that no reasonable Panel having heard the evidence could have reached in the circumstances; or

c. that a procedural error was fundamental to the decision reached by the Disciplinary Panel/Referee Review Panel.

12.2. Any appeal must be in writing and must be accompanied by a payment of £200 which is non-refundable if the decision is upheld by the Appeals Panel. For the avoidance of doubt, the Appeals Panel will not begin to consider any appeal until the payment has been made and has cleared into the Squash Wales account and if not received within 14 days the appeal will be dismissed.

12.3. Squash Wales has a full right of appeal in the same terms as the PSC.

12.4. The Management Committee shall appoint an Appeals Panel of three members which should be two members of the Disciplinary Panel/Referee Review Panel who have not had prior involvement or material, financial or other relevant interest in the outcome of the proceedings plus one Independent Person.

12.5. The Appellant and the Appeals Panel members shall be notified of the date of the hearing within 21 days of the date of receiving the appeal. The Chairman of the Appeals Panel shall be selected prior to commencement of the hearing.

12.6. The Appeals Panel will consider all of the documents and evidence submitted to the hearing and may request the recall of any witnesses who appeared before the Disciplinary Panel. The Appeals Panel shall have power to admit new evidence and adjourn the proceedings for the purpose of taking any new evidence.

12.7. The Appeals Panel may uphold the initial decision, cancel or amend it, impose a greater sanction or make such variations as it considers appropriate.

12.8. The decision by the Appeals Panel is final and shall be deemed to be the decision of Squash Wales and there is no further right of appeal.

12.9. The Panel shall produce a short written decision setting out the reasons for reaching its conclusions. This shall be conveyed to all parties as soon as possible and in all events within seven days of the date of the hearing.

13. MISCELLANEOUS PROVISIONS

1. INFORMAL COMPLAINTS

a) Should it be established by the Complaints Officer or Complaints Committee that the Complainant does not wish to make a formal complaint and is seeking to resolve the concerns amicably, the Complaints Officer or Complaints Committee may agree a course of action with the Complainant which may include:

- Speaking to the person(s) about whom the concerns relate to allow a response. Highlighting expected behaviours that support upholding codes of conduct if appropriate.
- Considering a discussion with all parties together to ascertain if there are any concerns or problems affecting the relationship between them.
- Speaking to coaches/relevant club personnel to see if they have any knowledge that would support the concerns raised.
- Keeping a watchful eye and addressing any concerns.

b) NGB's and Clubs retain at all times the right to refer investigations if necessary, to external panels if they deem appropriate.

c) All referrals to Statutory Agencies by Clubs must be reported to the NGB.

2. WHISTLE BLOWING

a) It is acknowledged that individuals are often very reluctant to report concerns through fear of negative reprisal.

b) The NGB will take action against anyone who has harassed or victimised a whistle blower. The identity of individuals who wish to remain anonymous will not be disclosed without first taking time to explain the circumstances in which disclosure may be desirable.

c) In some instances, particularly those involving child protecting issues, it may be necessary to refer the matter to other agencies such as the Police or Social Services. Any person who reports a genuine concern will not be disadvantaged or discriminated against in any way because of the disclosure.

d) However, the NGB will take a serious view and act accordingly, including taking disciplinary action against appropriate parties, should it be found that the allegations are untrue or have been raised maliciously. Individuals are encouraged not to report matters anonymously and allegations that are made anonymously may be investigated depending on the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.

e) In the first instance, poor practice concerns that relate to a club should be referred to the Club Welfare Officer or a member of the Management Committee except where:

- The whistle blower believes that there would be a risk of victimisation, either to the whistle blower or child/children, if the matter was raised internally within the club.
- The whistle blower has already raised the matter internally and the matter was covered up or no action was taken and the situation remains unchanged.

3. MEDIA INTEREST

a) Incidents of child abuse and some other situations can generate significant media interest. When a strategy meeting is convened this will very often be one of the issues discussed and a lead agency will be identified to manage this process, particularly in high profile cases.

b) Any employee or volunteer involved with the NGB should refrain from making any comment to the media unless or until the content has been agreed by the NGB's Board of Directors.

c) Anyone approached from the media should refrain from providing information and should follow the guidance below:

- Do not make any initial comment until advice is sought.
- Take note of the journalist's name and contact details and whom they represent.
- Establish exactly what information the journalist requires.
- Establish whether the journalist is working to any deadlines and inform them that the matter will be referred to the NGB to discuss a response.
- Inform the appropriate Welfare Officer or person in charge who must refer the matter to the NGB's Welfare Officer or person in charge who must refer the matter to the Management Committee and to the Board of Directors who will assist in formulating an appropriate response in consultation with the Communications Department of Sport Wales.
- Once approved at Board level, the approved press release may be sent to the journalist and other relevant individuals.

4. SUPPORT SERVICES

a) Both the victim of abuse and anyone investigated for allegations of abuse may benefit from information about support services.

b) The same may apply to PSCs in cases not involving abuse and also to Complainants in such other situation.

c) In the above scenarios, it may be useful to provide information about available support services to the above and to anyone else affected by an incident of abuse or other complaints, including family members, those involved in responding to the incident, and sometimes other children, parents or club members.