

BRITISH CANOEING DISCIPLINARY, DISPUTE AND APPEAL REGULATIONS **(Including appeals from Members, Clubs and Regions)**

1. INTRODUCTION

- 1.1. Unfortunately, disputes, complaints and unacceptable behaviour can occur within any sport. British Canoeing is committed to ensuring that transparent procedures are in place to ensure that where such issues do arise, action is fair and carried out expeditiously and in a consistent manner. These disciplinary, dispute and appeal regulations (the "Regulations") provide a framework to enable disciplinary, dispute and appeal matters to be managed effectively within British Canoeing.
- 1.2. These Regulations are made in accordance with the powers of British Canoeing to act as the governing body for the sport and recreation of canoeing and paddlesport.
- 1.3. Further to Article 43 of the Articles of Association of British Canoeing shall establish and be responsible for the maintenance of appropriate rules and regulations, codes and procedures for carrying out of the objects and purposes of the Company and all members are bound by these provided such Regulations are not inconsistent with the Articles of Association.
- 1.4. The Regulations are the means by which British Canoeing manages disputes and exercises disciplinary authority in relation to its rules, policies, codes and procedures and its statement of values established in the furtherance of its objects and are binding on all Members (including former Members), Volunteers, Clubs, Centres, Coaches and Participants.
- 1.5. British Canoeing is an employer and any grievance or disciplinary matter relating to a member of British Canoeing staff shall be dealt with under the procedures in its Staff Handbook.
- 1.6. British Canoeing administers the World Class Programmes for elite athletes who represent the United Kingdom. Any grievance or disciplinary matters involving elite athletes on a World Class Programme shall be dealt with under the procedures outlined in the British Canoeing Athlete Grievance Policy for grievances and the British Canoeing Athlete Disciplinary Policy for Disciplinary matters.
- 1.7. Disciplinary matters relating to anti-doping and/or safeguarding matters shall be dealt with under the British Canoeing Anti-Doping Rules and/or the British Canoeing Safeguarding Procedure (as appropriate).
- 1.8. British Canoeing is responsible for the administration and development of canoeing and paddlesport in England and therefore the laws of England and Wales apply to the Regulations.
- 1.9. The National Associations within the United Kingdom will have jurisdiction to deal with disciplinary, dispute and appeal matters in accordance with the UK Agreement.
- 1.10. The National Associations recognise and accept that each of them shall have primary jurisdiction for matters relating to their own members and shall therefore be responsible for resolving disputes or disciplinary matters concerning their own members in the vast majority of circumstances.
- 1.11. It is however recognised that there may be some circumstances where the jurisdiction for

disputes or disciplinary matters concerning the members of the National Associations in Scotland, Wales and Northern Ireland, shall vest exclusively with British Canoeing. Appendix 3 to the UK Agreement sets out the agreed circumstances where British Canoeing has exclusive jurisdiction for a matter and such Appendix 3 shall be amended by agreement in writing between British Canoeing and the other relevant parties from time to time.

- 1.12. Further to Article 43 of the Articles of Association the Board of British Canoeing shall have the power to alter, add to, revoke and or amend the Regulations at any time and such amendments shall be effective from the date stated by the Board.
- 1.13. British Canoeing will not be liable to any person, or body for any loss, however caused, whether direct, indirect, financial or consequential arising out of or in connection with any disciplinary action taken and/or not taken under the Regulations and liability is excluded to the maximum permitted in law.

2. DEFINITIONS

2.1. In the Regulations the following words shall have the meaning set out opposite them:

“Adult at Risk of Harm”	As per the definition in the Care Act 2014 an individual aged 18 or over who: <ul style="list-style-type: none"> • has needs for care and support (whether or not the authority is meeting any of those needs), • is experiencing, or is at risk of, abuse or neglect, and • as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
“Appeal”	an appeal from a decision of the Disciplinary Panel or any other body under Regulation 19 of the Regulations;
“Appeal Panel”	the panel appointed to hear an appeal from a Decision of the Disciplinary Panel or any other body under Regulation 19 of the Regulations;
“Articles of Association”	the Articles of Association of British Canoeing in force at the relevant time;
“Board”	the Board of British Canoeing in office at the relevant time under the Articles of Association;
“British Canoeing Tournaments”	any tournament, competition or event at any level promoted or administered from time to time by British Canoeing;
“Chair”	the person appointed from time to time to be the Chair of the Disciplinary Panel or the Appeal Panel under the Regulations;
“Chair of Disputes and Disciplinary”	the person appointed in accordance with Regulation 5;

“Codes of Conduct”	any British Canoeing Codes of Conduct in force from time to time including but not limited to Members Code of Conduct, Parents Code of Conduct, and Coaches Code of Conduct;
“Competent body”	any person or organisation that has the legally delegated or invested authority, capacity, or power to perform a designated decision making function;
“Complaint”	a complaint of misconduct or notification of a concern regarding particular circumstances and/or conduct that falls within the jurisdiction of these Regulations;
“Complainant”	the person or body, which may include British Canoeing, from whom a Complaint has been received by the Governance and Compliance Department;
“Contractor”	any person or organisation engaged to supply services to British Canoeing in the course of his or its own business undertaking;
“Decision”	the written decision of the Disciplinary Panel, Appeal Panel, or Decision Making Body;
“Decision Making Body”	the body who makes a Decision in a given case, including but not limited to, a Disciplinary Panel, Appeal Panel, or any other body, panel or committee of British Canoeing which has been created in accordance with the Articles of Association and/or the rules of British Canoeing from time to time;
“Disciplinary Panel”	the Disciplinary Panel appointed to hear a Complaint under these Regulations;
“Disciplinary Panel Register”	a register of persons maintained by the Head of Governance and Compliance of British Canoeing, all of whom are appropriately trained/experienced in the application of British Canoeing regulations, codes, policies and its statement of values and who may be appointed at the relevant time to a Disciplinary Panel or to an Appeal Panel under the Regulations. Persons appointed to this register need not be members of British Canoeing;
“GDPR”	means The General Data Protection Regulation (GDPR) (EU) 2016/679;
“Governance and Compliance Department”	the British Canoeing Governance and Compliance Department so designated from time to time by British Canoeing;
“Head of Governance and Compliance”	the Head of Governance and Compliance (or their designee) so appointed from time to time by British Canoeing;
“Interested Party or Parties”	any person, Member, or body that in the sole opinion of the Governance and Compliance

	Department, will or is likely to be, affected by the outcome of any Complaint under the Regulations;
“Member”	a Member of British Canoeing as defined in the Rules and Articles of Association of British Canoeing;
“National Association”	any of British Canoeing, The Scottish Canoe Association, Canoe Wales or The Canoe Association of Northern Ireland;
“Notice of Complaint”	the notice of the Complaint received by the Head of Governance and Compliance by the Complainant in whatever form the Head of Governance and Compliance reasonably considers constitutes a Complaint;
“Official”	any person acting on behalf of British Canoeing in the administration of an British Canoeing Tournament or acting on behalf of British Canoeing in any other manner from time to time, including but not limited to, the administration, coaching and organisation of an British Canoeing team or any promotional or coaching activity whatsoever;
“Participant”	any Member (including former Member) Official, Spectator, Volunteer or Contractor from time to time participating in any activity promoted or administered by British Canoeing;
“Respondent”	the person who is the subject of the Complaint under the Regulations;
“Spectator”	any person who is admitted at a British Canoeing Event/Tournament other than as a Competitor, Official or Volunteer or who is attending a British Canoeing Event/Tournament as a spectator only;
“UK Agreement”	formal agreement between British Canoeing, The Scottish Canoe Association, Canoe Wales and the Canoe Association of Northern Ireland establishing a framework determining governance and other arrangements between them;
“Volunteer”	any person providing assistance or support to British Canoeing from time to time otherwise as an employee or Director and including but not limited to any person providing assistance at British Canoeing Events/ Tournaments;
“World Class Programme”	British Canoeing World Class Programme which is funded by UK Sport with the purpose to win Olympic & Paralympic Medals. This includes Podium and Podium Potential Programmes in Sprint, Slalom and Paracanoe;
“Young Person”	any person under 18 years of age.

3. INTERPRETATION

- 3.1. Any reference to the singular includes the plural (and vice versa), and references to persons includes bodies corporate, unincorporated associations and partnerships (whether or not any of them have a separate legal personality).
- 3.2. Headings are inserted for convenience only and do not affect the construction of the Regulations.
- 3.3. Any reference to “working days” in the Regulations refers to a normal working day in England, i.e. Monday to Friday, excluding public holidays. For further clarification of the interpretation of dates for service of documents please refer to Regulation 13.
- 3.4. If any part of the Regulations is held invalid, unenforceable or illegal for any reason, they shall remain in force apart from that part, which shall be treated as if it has been deleted to the extent to which it is invalid, unenforceable or illegal.

4. JURISDICTION AND DISCIPLINARY MATTERS

- 4.1. The Regulations are binding on all Participants and relate to all British Canoeing’s rules, policies, codes and procedures and its statement of values as are from time to time established in the furtherance of its objects (other than its anti-doping and safeguarding policies and procedures). Subsequent resignation from membership or cessation from being a Participant shall not prevent British Canoeing taking disciplinary action in accordance with the Regulations in relation to a Complaint that took place, or partially took place, whilst the Respondent was a Participant.
- 4.2. The jurisdiction of the Regulations shall include without limitation the following:
 - 4.2.1 Complaints regarding the behaviour or conduct of a Member (or a former Member) in or in relation to a British Canoeing Tournament or British Canoeing team;
 - 4.2.2 Complaints regarding alleged breaches of British Canoeing policies, regulations, codes of conduct, and practices and its statement of values.
 - 4.2.3 Any matter in which a Participant engages in any conduct which is incorrect, inappropriate, unlawful, unsporting or behaves in a manner which is unacceptable or opposed to the general interests of British Canoeing or paddlesports more generally or which brings the sport into disrepute including without limitation where a Participant;
 - 4.2.3.1 engages in misconduct, cheating and / or an act of dishonesty;
 - or
 - 4.2.3.2 fails to co-operate with the operation of the Regulations either in so far as it relates to him or her or any other person.
- 4.3. Any person suspended or banned by the ICF and/or one of the National Canoe Associations within the United Kingdom may be suspended or banned concurrently by British Canoeing. British Canoeing shall not be required to grant the person the opportunity to offer an explanation at a further disciplinary hearing in accordance with the Regulations.

- 4.4. A Complaint can be notified to the Head of Governance and Compliance by any person or body which shall include, without limitation, a Member (or a former Member), Club, Region, Official or Volunteer.
- 4.5. For the avoidance of doubt, these Regulations would not ordinarily deal with “on the water” “canoeing specific” disputes which arise at tournaments/competitions or events. Any complaints arising out of such events/tournaments should be directed at first instance to the relevant tournament officials /organising body. If following a full investigation such officials or organising body consider the matter is serious and if it is deemed appropriate they may refer it as a Complaint to the Head of Governance and Compliance of British Canoeing.
- 4.6. For the avoidance of doubt these Regulations would not ordinarily deal with selection/inclusion disputes which would be dealt with in accordance with the relevant selection/inclusion policy. The matter would only fall under the Regulations if the relevant selection/inclusion policy allows.
- 4.7. As a general rule, disciplinary matters or disputes shall be dealt with at their most local level, so that club or regional disciplinary matters or disputes shall be dealt with at a club or regional level as appropriate, with any appeal to the next level so that matters shall be dealt with as follows:

<u>Level at which disciplinary matter or dispute arises</u>	<u>Disciplinary body at first instance</u>	<u>Appeal level</u>
Club	Club and internal Club Appeal, where that exists.	British Canoeing
Region	Region	British Canoeing
Tournament/Event	Tournament/Event Organisers	British Canoeing
Discipline	Discipline	British Canoeing

- 4.8. For the avoidance of doubt, once an appeal has been heard in line with the levels above, there is no further right of appeal within British Canoeing.
- 4.9. Club or regional disciplinary matters are expected to follow rules and procedures consistent with these Regulations.

5. ROLE OF THE CHAIR OF DISPUTES AND DISCIPLINARY

- 5.1. The British Canoeing Board shall approve the appointment an independent person, legally qualified and suitably experienced to be the Chair of Disputes and Disciplinary.
- 5.2. The Chair of Disputes and Disciplinary may sit on a Disciplinary Panel or on an Appeal Panel if required.

6. COMPLAINT AND ROLE OF THE HEAD OF GOVERNANCE AND COMPLIANCE

- 6.1. Notice of all Complaints to British Canoeing nationally shall be forwarded for the attention of the Governance and Compliance Department. The Notice of Complaint shall be made in writing as soon as is reasonably practicable. It shall set out details of the Complaint. British Canoeing shall acknowledge receipt of the Complaint in writing within a reasonable period of receipt of the Notice of Complaint.
- 6.2. The Head of Governance and Compliance may, having consulted with the Chair of Disputes and Disciplinary decide, acting reasonably in the exercise of this power, that too long has elapsed since the event giving rise to the complaint and therefore no action will be taken.
- 6.3. Subject to Regulation 6.2 above, on receipt of the Notice of Complaint, the Head of Governance and Compliance having consulted with the Chair of Disputes and Disciplinary, may, in conjunction with the Governance and Compliance department determine the best course of action and:
 - 6.3.1. commence an initial investigation into the matter to source information and evidence as soon as practicable;
 - 6.3.2. forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent within a specified period;
 - 6.3.3. undertake any further investigation they see fit in order to ascertain the best course of action to resolve the Complaint. Such an investigation may include but is not limited to:
 - 6.3.3.1. appointing an independent investigator to gather further information and if necessary interview a person or persons involved in the matter;
 - 6.3.3.2. a requirement on the Respondent to submit character references;
 - 6.3.3.3. if permissible in law, request the Respondent completes a new criminal record check;
 - 6.3.3.4. making enquiries with any potentially relevant statutory agencies or Competent body;
 - 6.3.4. refer the Complaint to any other relevant body which has a legitimate interest in the subject of the Complaint for action; and/or
 - 6.3.5. commence disciplinary action.
- 6.4. Upon completion of any applicable steps set out in Regulation 6.3 the Head of Governance and Compliance may take any of the following steps:

- 6.4.1. decide that no further action is required and notify the Respondent, where they have been notified, and Complainant in writing;
 - 6.4.2. reject the Complaint because it does not fall within the jurisdiction of British Canoeing, and if appropriate refer it to another relevant body;
 - 6.4.3. dismiss the Complaint on the grounds that there is not enough evidence to warrant further action being taken and notify the Respondent, where they have been notified, and Complainant in writing;
 - 6.4.4. dismiss the Complaint on the grounds that it is vexatious or malicious and notify the Respondent, where they have been notified, and Complainant in writing;
 - 6.4.5. refer the Complaint to another body deemed more appropriate in practice or in law to handle it, including, but not limited to, independent arbitration, social services or other agencies or the police for criminal matters;
 - 6.4.6. refer the complaint under the British Canoeing Safeguarding Procedure or Anti- Doping Regulations, or selection policies;
 - 6.4.7. on the agreement of the Complainant and the Respondent, deal with the Complaint by arranging mediation in accordance with Regulation 7 of this Policy.
 - 6.4.8. deal with the Complaint informally by way of advice or information because it is not serious enough to warrant full disciplinary proceedings; and
 - 6.4.9. refer the Complaint to the Disciplinary Panel, to be constituted in accordance with Regulation 11 whereupon the case against the Respondent may be presented by the Complainant, British Canoeing, or any other person or body appointed by British Canoeing.
- 6.5. As soon as is practicable, the Governance and Compliance Department shall inform the Complainant and the Respondent, where they have been notified, and any Interested Party or Parties of the course of action taken.
- 6.6. In the event that a Complaint is withdrawn by a Complainant, British Canoeing retains the right, at its absolute discretion, to take any action deemed appropriate against the Respondent under the Regulations.

7. MEDIATION

- 7.1. In accordance with Regulation 6.4.7, where the Head of Governance and Compliance decides the complaint or dispute may be resolved by mediation without the need for recourse to formal disciplinary proceedings, the matter shall be referred to a qualified mediator or independent mediation service appointed by the Governance and Compliance Department to be dealt with in accordance with such mediation procedure as they see fit or the mediation procedure of that organisation (as appropriate).

- 7.2. Should mediation fail to settle the matter, the Head of Governance and Compliance reserves the right to reconsider the matter and elect to proceed with one of the alternative actions outlined in Regulation 6.4.

8. DISCIPLINARY MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK OF HARM

- 8.1. Where a disciplinary matter involves a Young Person or an Adult at Risk of Harm, but does not otherwise fall within the scope of the British Canoeing Safeguarding Procedure in accordance with Regulation 1.7, the Governance and Compliance Department, the Chair of Disputes and Disciplinary, and the Disciplinary Panel and/or Appeal Panel must be mindful of the needs of the person in question and take these into account when deciding upon the format of proceedings or indeed whether any action is taken against such a person.
- 8.2. Where a disciplinary matter involves a Young Person or Adult at Risk of Harm, the Chair of Disputes and Disciplinary will ordinarily ensure that the Panel will include at least one member who is suitably trained at dealing with such Young Person or an Adult at Risk of Harm.
- 8.3. Any interviews of a Young Person or Adult at Risk of Harm shall only be conducted by suitably trained and experienced persons nominated by British Canoeing and the Young Person or Adult at Risk of Harm shall be afforded the opportunity to be accompanied by any parent or legal guardian.
- 8.4. Written permission should be obtained from any parent or legal guardian of a Young Person or Adult at Risk of Harm where such person is asked to provide evidence and / or attend a hearing. Where a Young Person or Adult at Risk of Harm is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by any parent or legal guardian and the Disciplinary Panel and / or Appeal Panel shall make sure that the Young Person or Adult at Risk of Harm fully understands the process taking place. In exceptional circumstances, where written permission is not obtained from a parent or legal guardian, assessment should be made of the ability of the Young Person or Adult at Risk of Harm to understand and make their own decisions.
- 8.5. In all proceedings involving a Young Person or Adult at Risk of Harm the Chair of Disputes and Disciplinary, the Chair of the Disciplinary Panel or the Appeal Panel or the Head of Governance and Compliance may vary the standard directions set out in the Regulations in order to take into account the needs of such Young Person or Adult at Risk of Harm. This may include without limitation conducting any hearing on paper or providing for evidence to be given by video link.
- 8.6. For the avoidance of doubt, the refusal of the parent, legal guardian, Young Person or Adult at Risk of Harm to co-operate shall not preclude British Canoeing from taking disciplinary action against the Young Person or Adult at Risk of Harm in accordance with the Regulations.

9. SUSPENSION BEFORE DETERMINATION OF THE COMPLAINT

- 9.1. In the event that the Complaint is deemed to be sufficiently serious, the Head of Governance and Compliance shall consult with the Chair of Disputes and Disciplinary and following this consultation, may seek at any time following the receipt of the Notice of Complaint to impose an interim suspension upon the Respondent.

- 9.2. An interim suspension shall be deemed a neutral act without prejudice and aims to protect all parties from further potential risk and allegations.
- 9.3. Further to Regulation 9.2 an interim suspension shall not be deemed to be a disciplinary sanction until such time as the matter is determined by the Disciplinary Panel, when it may be taken into account in respect of the imposition of any further sanctions.
- 9.4. Interim suspension orders will be made where it is considered by the Head of Governance and Compliance that such action is appropriate which shall include without limitation the following reasons:
 - 9.4.1. For the protection of the Respondent or other Participants;
 - 9.4.2. In cases involving allegations of gross misconduct;
 - 9.4.3. Where there is a risk to the reputation of British Canoeing if it fails to suspend; and
 - 9.4.4. Where a failure to suspend may impede internal investigations or prejudice investigation by external organisations.
- 9.5. Suspensions may be imposed for a defined or indefinite period. The nature of the suspension will be communicated to the Respondent in writing. All suspensions will be reviewed on a periodic basis by the Chair of Disputes and Disciplinary.
- 9.6. A Respondent who has been issued with an interim suspension may apply to the Chair of Disputes and Disciplinary for the suspension to be lifted. The Chair of Disputes and Disciplinary shall refer the matter to an independent and legally qualified member of the Disciplinary Panel Register (who shall have had no prior involvement in the matter) to determine whether the decision to impose a temporary suspension was and remains appropriate in the circumstances and shall subsequently direct the Head of Governance and Compliance to communicate the decision to the Respondent within 10 working days of the application for appeal of the original decision.
- 9.7. The Governance and Compliance Department may communicate the fact of the interim suspension to any relevant third parties strictly on a need to know basis.
- 9.8. An interim suspension imposed on a Respondent will apply such conditions that are deemed appropriate, including but not limited to, stating a person will not paddle, coach, spectate or participate in any British Canoeing activities and/or some or all activities of a Member as indicated in the notice of suspension anywhere in England during the period of suspension.
- 9.9. Any suspension under this Part will automatically cease if any of the following occurs (whichever is soonest):
 - 9.9.1. The matter has been determined by the Disciplinary Panel under the Regulations; or
 - 9.9.2. The Complaint is withdrawn and no further action is taken; or
 - 9.9.3. The matter is resolved by way of mediation or alternate dispute resolution.

10. DISCIPLINARY HEARING

- 10.1. Where the Head of Governance and Compliance determines that a Complaint shall be dealt with by way of a disciplinary hearing the Governance and Compliance Department shall inform the Respondent of the disciplinary charge against him/her with specific reference to the rules, regulations or codes alleged to have been breached (the 'Notice of Charge') and shall be required to state the charge and, and subject to Regulation 25.2 and Regulation 25.3, produce an overview of the evidence in support of the Notice of Charge.
- 10.2. The Respondent has 15 working days from receipt of the Notice of Charge to submit a written reply to the Notice of Charge either:
 - 10.2.1. accepting the charge acknowledging that Regulation 14.4 shall govern proceedings; or
 - 10.2.2. denying the charge in which case the matter will be dealt with by a full disciplinary hearing.
- 10.3. If the Respondent accepts the charge, the Chair of Disputes and Disciplinary shall appoint a Disciplinary Panel in accordance with Regulation 11. The Disciplinary Panel shall then consider the case in accordance with Regulation 14.4. The Respondent is permitted to make written representations in relation to mitigation within 7 working days from accepting the charge.
- 10.4. If the Respondent does not accept the charge the Chair of Disputes and Disciplinary shall appoint a Disciplinary Panel in accordance with Regulation 11. This appointment should be made within 15 working days from the response from the Respondent made in accordance with Regulation 10.2.
- 10.5. The Disciplinary Panel shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons / bodies subject to the Regulations.
- 10.6. The Head of Governance and Compliance or another selected member of the Governance and Compliance Department shall act as the secretary and administrator for the Disciplinary Panel and to ensure a separation of powers, no member of the Governance and Compliance Department shall be a member of the Disciplinary Panel.

11. COMPOSITION OF THE DISCIPLINARY PANEL

- 11.1. A Disciplinary Panel will ordinarily consist of three members but may, at the discretion of the Chair of Disputes and Disciplinary consist of any odd number of members. The members of the Disciplinary Panel shall be appointed from the individuals listed on the Disciplinary Panel Register. The Disciplinary Panel shall be formed by the Chair of Disputes and Disciplinary, who shall also nominate the Chair of the Disciplinary Panel, who shall be legally qualified. The Chair of Disputes and Disciplinary shall appoint those individuals from the Disciplinary Panel Register who it is deemed are the most appropriate/qualified to hear the specific Complaint.
- 11.2. Notwithstanding the provisions detailed in Regulation 11.1 the Chair of Disputes and Disciplinary shall retain the right to appoint persons not listed on the Disciplinary Panel Register where it is appropriate and where the circumstances dictate it necessary.

- 11.3. Upon formation of the Disciplinary Panel, the Governance and Compliance Department shall inform the Respondent of its composition.
- 11.4. The Respondent may object to the composition of the Disciplinary Panel by notifying the Governance and Compliance Department in writing of the objections and setting out the reasons for such objections no later than 5 working days from the date of being informed of the composition of the Disciplinary Panel.
- 11.5. The Governance and Compliance Department shall immediately forward any objection received in accordance with Regulation 11.4 to the Chair of Disputes and Disciplinary who shall consider the objections and determine whether they are valid in their opinion, or that there are no grounds for objection, in which case the Chair of Disputes and Disciplinary shall reject the objection.
- 11.6. The Governance and Compliance Department shall notify the Respondent in writing within 5 working days from the date of receipt of any objection to the composition of the Disciplinary Panel that either:
 - 11.6.1. the composition of the Disciplinary Panel has changed (in which case the Governance and Compliance Department shall provide details of the new Disciplinary Panel); or
 - 11.6.2. the composition of the Disciplinary Panel has not changed (in which case the Governance and Compliance Department will give reasons why the Respondent's objection has not been sustained).
- 11.7. The decision by the Chair of Disputes and Disciplinary on the composition of the Disciplinary Panel under this provision shall be final.

12. PRE-HEARING PROCEDURE

- 12.1. Where the Respondent disputes the charge then the Governance and Compliance Department shall, within 10 working days of the appointment of the Disciplinary Panel, inform all parties of the hearing date, place and time.
- 12.2. Except where otherwise set out in the Regulations, the Chair of the Disciplinary Panel shall have final adjudication of matters relating to the timetable following the appointment of the Disciplinary Panel in accordance with Regulation 10.4.
- 12.3. All parties must notify the Chair of the Disciplinary Panel of any evidence, including all documents, witness statements and witnesses to be called to give evidence (if any), relating to the Complaint that they wish the Disciplinary Panel to consider in relation to the matter.
- 12.4. The Chair of the Disciplinary Panel shall determine a timetable for any steps to be taken prior to hearing and for the production and exchange of any evidence and what evidence shall be permitted at the hearing. No witness shall give evidence in person unless the Chair of the Disciplinary Panel reasonably believes it is necessary for the witness to do so in the interests of fairness and justice.
- 12.5. The Chair of the Disciplinary Panel shall have the power to make such further directions relating to the provision of evidence or the conduct of the hearing as, in their sole discretion, are deemed necessary. These may include, but shall not be limited to:

- 12.5.1. pre-hearing meetings of the Disciplinary Panel to agree procedural issues;
 - 12.5.2. production, inspection and/or exchange of documents, witness statements and other evidence;
 - 12.5.3. exchange of skeleton arguments;
 - 12.5.4. any direction concerning the determination of any issue on paper in advance of the hearing or the extent to which evidence shall be agreed;
 - 12.5.5. whether it is necessary to protect the identity of the complainant(s) or any witnesses in accordance with Regulation 25.2 and Regulation 25.3.
 - 12.5.6. if it is deemed appropriate, rule that the hearing will take place entirely on paper.
- 12.6. If no evidence and/or documentation is received by either party within any time limit imposed, the Disciplinary Panel may consider the Complaint in the absence of such evidence, and upon on the basis of the facts and statements in its possession.
- 12.7. Each party shall inform the Chair of the Disciplinary Panel no less than 5 days before the hearing if they will be legally represented or accompanied by another third party; and
- 12.8. It shall be the duty of the parties at their own cost to notify and arrange the attendance of any legal representation and/or any witnesses they may wish to call.
- 12.9. Time limits referred to in the Regulations can be extended at the discretion of the Chair of Disputes and Disciplinary or Head of Governance and Compliance before the appointment of a Chair of the Disciplinary Panel and thereafter only by the Chair of the Disciplinary Panel. Either party may apply to the Chair of the Disciplinary Panel to extend or vary any time limits set out in the regulations including retrospectively.

13. SERVICE OF DOCUMENTS

- 13.1. Each party must send all communications to the Governance and Compliance Department who shall distribute copies as appropriate to the Disciplinary Panel and any Interested Parties.
- 13.2. Any notification, correspondence or any other document submitted under the Regulations may be delivered in person, by first class post or registered post or by facsimile or email transmission.
- 13.3. Any document served under the Regulations will be deemed to be received (the "Date of Receipt") by the relevant party:
- 13.3.1. in person: on that day, if it is delivered on a business day before 17:00 hours, failing which it will be deemed to be served on the next following business day after it is delivered;
 - 13.3.2. by first class post or by registered post: on the second business day after the date of posting; or

- 13.3.3. by email transmission: on that day, if it is transmitted on a business day before 17:00 hours, failing which it will be deemed to be served on the next following business day after it is transmitted.
- 13.4. Any time periods stipulated in the Regulations are deemed to commence from the Date of Receipt.
- 13.5. All correspondence addressed to the Governance and Compliance Department shall be sent to: Private and Confidential; For the attention of the Governance and Compliance Department, British Canoeing, National Water Sports Centre, Holme Pierrepont, Nottingham, NG12 2LU.

14. THE CONDUCT OF HEARINGS

- 14.1. The conduct of disciplinary proceedings will be in accordance with the principles of natural justice as determined by and consistent with the laws of England and Wales.
- 14.2. Proceedings, findings or decisions of a Disciplinary Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality amounts to a material irregularity and forms a ground of appeal.
- 14.3. The standard of proof in all disciplinary cases (including appeals) is the balance of probabilities.
- 14.4. Where a Complaint is referred to the Disciplinary Panel and the Respondent admits the offence in accordance with Regulation 10.2.1, the matter may be dealt with summarily (i.e. without a hearing) by the Disciplinary Panel who may impose any sanction which a Disciplinary Panel could have imposed had the alleged breach been referred to it and a breach been established to its satisfaction. The conditions for the imposition of such a sanction shall be that:
 - 14.4.1. the Respondent must consent to the matter being dealt with summarily under this Regulation;
 - 14.4.2. the Disciplinary Panel shall give due consideration to any arguments provided in mitigation by the Respondent in accordance with Regulation 10.3; and
 - 14.4.3. there is no appeal against a decision imposed under this provision notwithstanding that a person subject to a summary decision may appeal against the sanction imposed if the Respondent considers it to be disproportionate to the facts of the Complaint.
- 14.5. A Disciplinary Panel may be conducted by teleconference or videoconference where appropriate and individual Panel members may join a physical hearing remotely via teleconference or videoconference and be regarded as present.
- 14.6. Any Disciplinary Panel or Appeal Panel will not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord such evidence such weight as they think appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Disciplinary Panel or Appeal Panel has been the subject of previous civil or criminal proceedings, or has been heard previously by any other competent body, the result of such proceedings and the facts and matters upon which such result is based will be

presumed to be correct and the facts presumed to be true unless it is shown by clear and convincing evidence that this is not the case.

- 14.7. The Disciplinary Panel shall decide any issue by majority but shall not be required to indicate whether a decision has been taken unanimously or not. No member of the Disciplinary Panel may abstain from voting.
- 14.8. If the Chair of the Disciplinary Panel feels it is necessary, bearing in mind all the circumstances surrounding the case, the Disciplinary Panel may, at its discretion, request an Independent Person to act as adviser to the Disciplinary Panel.
- 14.9. The procedure for the hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Panel, who may make such directions as are necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Disciplinary Panel will then outline the basic procedure of the Hearing.
- 14.10. Subject to the potential variations outlined in Regulations 14.11 – 14.19 the basic procedure of the Hearing will be as follows:
 - 14.10.1. the case against the Respondent will be presented by the complainant or British Canoeing, together with relevant evidence, including witness evidence, if appropriate. Such disclosure will be subject to the provisions detailed in Regulation 25.2 and Regulation 25.3. In such cases where it is deemed appropriate to do so, British Canoeing may appoint a third party to present the case against the Respondent;
 - 14.10.2. the Respondent or their representative will be asked to admit or deny the disciplinary charge and will then have the opportunity to speak, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary Panel. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the absolute discretion of the Chair of the Disciplinary Panel;
 - 14.10.3. before being called, witnesses will not be allowed in the room while evidence is being given;
 - 14.10.4. questions may be put by the Disciplinary Panel to the Respondent, the person or body presenting the case against the Respondent in accordance with Regulation 14.10.1 and each witness on conclusion of their evidence;
 - 14.10.5. the Respondent and the person or body presenting the case against the Respondent in accordance with Regulation 14.10.1 may be able to raise questions in cross-examination;
 - 14.10.6. the Respondent and the person or body presenting the case against the Respondent in accordance with Regulation 14.10.1 will be allowed to make a closing statement to the Panel;
 - 14.10.7. those representing a Respondent at a Hearing may present and sum up their case, but they are not permitted to answer questions put to the Respondent.

- 14.10.8. the room will be cleared and the Panel will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proved, unless the Chair of the Disciplinary Panel deems it fit to defer the Disciplinary Panel's decision in accordance with Regulation 15.1.2;
 - 14.10.9. if the Disciplinary Panel decides the disciplinary charge has been proved, the Panel will review the Respondent's previous disciplinary record, where relevant, to consider sanctions and costs;
 - 14.10.10. following consideration of the factors in Regulation 14.10.9, the Panel shall determine the appropriate sanction in accordance with the Regulations;
 - 14.10.11. if the Respondent is still present at the hearing, then at the discretion of Chair of the Disciplinary Panel the outcome of the Hearing may be communicated to them in accordance with Regulation 15.1.1;
 - 14.10.12. if the Respondent is no longer present at the hearing, then the Decision will be communicated to them in accordance with Regulation 15.3.
- 14.11. The Chair of the Disciplinary Panel has the authority to adjourn the Hearing to allow additional evidence to be presented only if they consider it important and relevant in reaching a decision.
- 14.12. The Chair of the Disciplinary Panel may determine that persons other than the parties shall be permitted to attend the hearing where this is in the interests of justice.
- 14.13. The Chair of the Disciplinary Panel may determine that attendance by the Complainant, Respondent and any witnesses involved may be via conference call, video link or any other suitable method. The Chair of the Disciplinary Panel may also determine that any written evidence may be admitted where giving evidence and being cross examined in person is not reasonably possible or desirable but the Disciplinary Panel should take the relative weight of such evidence into account when making its determinations.
- 14.14. If the Respondent does not attend the arranged Hearing, then provided that the Disciplinary Panel is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence in the absence of the Respondent.
- 14.15. In the light of the evidence presented to it, the Disciplinary Panel may find a Respondent guilty of a different disciplinary charge than originally set out in the Notice of Charge. This charge may be either more or less serious than the original charge.
- 14.16. If the alleged disciplinary charge has not been proved, the Chair of the Disciplinary Panel shall confirm this and the Disciplinary Panel shall dismiss the Complaint.
- 14.17. The Chair of the Disciplinary Panel has the discretion to adjourn the Hearing if at any time they think the interests of justice require it (for example to secure the attendance of a key witness or other important evidence).
- 14.18. The Disciplinary Panel may limit cross-examination particularly where the witness is a Young Person or is otherwise deemed to be in some way vulnerable.

- 14.19. In circumstances where a person other than the parties is present and it appears to Chair of the Disciplinary Panel that any person giving evidence may expose themselves to unnecessary risk the Chair may require a non-party to withdraw whilst that evidence is given.
- 14.20. The Head of Governance and Compliance may audio record Disciplinary Panel proceedings.
- 14.21. The Disciplinary Panel shall not be bound by the rules of a Court of Law (or any legislative provision) governing procedures. All hearings shall be conducted in a fair and orderly manner, with each party having a reasonable opportunity to give and call evidence, address the Disciplinary Panel and present their case.
- 14.22. Except in the case of appeals, a failure to observe the time limits specified in the Regulations shall not nullify any proceedings, but such failure may be a cause for a hearing to be adjourned.

15. THE DISCIPLINARY PANEL'S DECISION

- 15.1. The Chair of the Disciplinary Panel may:-
 - 15.1.1. Announce the decision of the Disciplinary Panel on the date of the hearing and any sanction to be imposed in accordance with Regulation 16; or
 - 15.1.2. Defer the Disciplinary Panel's decision to a later date.
- 15.2. Any deviation from these regulations by a Disciplinary Panel shall not invalidate any finding, procedure or decision unless that deviation raises material doubt as to the reliability of the finding, procedure or decision.
- 15.3. The Disciplinary Panel shall provide the written reasons for the Decision to the Respondent and British Canoeing within 20 working days of the hearing or otherwise inform them when the Decision will be made available.
- 15.4. The written reasons of the Decision shall ordinarily include:
 - 15.4.1. The identity and composition of the Disciplinary Panel;
 - 15.4.2. The names of the parties;
 - 15.4.3. A brief summary of the facts;
 - 15.4.4. The Rule/Regulation on which the Decision is based;
 - 15.4.5. The grounds of the Decision;
 - 15.4.6. The sanction (if any) to be imposed on the Respondent in accordance with the Regulations;
 - 15.4.7. Any order for costs; and
 - 15.4.8. The appropriate appeals procedure in accordance with the Regulations.
- 15.5. At the discretion of the Chair of the Disciplinary Panel, the Disciplinary Panel may also provide the written reasons for the Decision, or an abridged version thereof, to the Complainant.

- 15.6. Where the Disciplinary Panel has found in favour of the Respondent and against the Complainant, the full written reasons as detailed in Regulation 15.4 should be provided to the Complainant.

16. AVAILABLE SANCTIONS

- 16.1. The Disciplinary Panel may reject the Complaint or where the Complaint is upheld, impose such sanctions upon the Respondent as it thinks fit including without limitation:
- 16.1.1. A warning or reprimand in respect of the misconduct or rule breach committed;
 - 16.1.2. Suspension from British Canoeing activities including Tournaments, teams, meetings or other events as a Competitor, Official, Spectator or Volunteer for a specified or indefinite period;
 - 16.1.3. Exclusion from British Canoeing activities including British Canoeing Tournaments, teams, meetings or other events as a Competitor, Official, Spectator or Volunteer;
 - 16.1.4. Suspension for a specified period or removal from any office held within British Canoeing;
 - 16.1.5. Exclusion from holding office within British Canoeing for a specified or indefinite period of time;
 - 16.1.6. A recommendation that the respondent should not hold a position of authority within a British Canoeing affiliated Club.
 - 16.1.7. Withdrawal of some or all of any canoeing related financial support or benefits;
 - 16.1.8. A fine not exceeding £1,000;
 - 16.1.9. A requirement to undertake training or be subject to a period of monitoring / mentoring; and
 - 16.1.10. A combination of any of the above or any other disciplinary action as considered appropriate and in accordance with the Rules and Articles of Association of British Canoeing.
- 16.2. The decision taken by the Disciplinary Panel in relation to the sanction to be imposed must be reasonable and proportionate in all circumstances.
- 16.3. The Disciplinary Panel may order that any part of a sanction be suspended for a specified period (not exceeding twelve months). If the person benefiting from a suspended sanction commits another breach of the Rules and regulations of British Canoeing or is the subject of a further Complaint during the period of such suspended sanction which is subsequently upheld, then the suspension of the sanction is automatically revoked and that sanction is added to the sanction pronounced for the new breach.
- 16.4. Any suspension imposed by a Disciplinary Panel may be backdated to take into account any period of suspension already served under any interim suspension that may have been imposed in accordance with Regulation 9.

- 16.5. All fines and financial sanctions should be paid within 28 days from the notice of the fine or financial sanction being applied or this failure to pay will be classed as a disciplinary matter and action will be taken by British Canoeing in accordance with the Regulations. Interest shall be paid at the rate applicable to judgment debts in England from the end of the 28 day period until the actual date of payment.
- 16.6. Further to Regulation 16.5, if the respondent provides evidence of a genuine inability to pay any fine or financial sanction, an alternative sanction may be imposed instead at the absolute discretion of the Disciplinary Panel.

17. PUBLICATION OF DECISIONS

- 17.1. British Canoeing reserves the right to publish details of any disciplinary action taken, including publication of any decision made by the Disciplinary Panel where a Complaint is upheld. Any such publication will only be made following the expiry of the period in which an appeal may be brought by the Respondent.
- 17.2. The Disciplinary Panel in giving a Decision may provide that part of the Decision will be redacted or that details of or the Decision itself may not be published.
- 17.3. British Canoeing may at any time during the disciplinary or dispute resolution process notify any other relevant person(s) or body of any details relating to the Complaint or Dispute in so far as such person(s) or body may need to know for the proper exercise of its functions. This may include, but is not limited to other Members.
- 17.4. Where it appears that public knowledge of a Complaint exists, prior to its determination, British Canoeing reserves the right to confirm the details of such complaint subject to the consent of the Complainant and the Respondent.

18. COSTS

- 18.1. The Disciplinary Panel may, at its discretion, make an order for the costs relating to the disciplinary action to be paid in such proportion as they may decide by any of the parties. The Disciplinary Panel will not ordinarily make an order for costs without first considering submissions from the relevant parties on the question of costs.
- 18.2. These costs may include travel and accommodation expenses reasonably incurred by the Disciplinary Panel and the Head of Governance and Compliance in the preparation and holding of the Disciplinary Hearing and any legal costs incurred by the Disciplinary Panel. In calculating the amount, any legal representation or professional charges incurred by the Complainant (unless the Complainant is British Canoeing) or the Respondent will not be included.
- 18.3. Such orders for payments of costs shall not form any part of or influence any fines or other sanctions.

19. APPEAL OF THE DISCIPLINARY PANEL'S DECISION

- 19.1. Under these Regulations Appeals can only be only brought against the following:
 - 19.1.1. Decisions of a Disciplinary Panel;

- 19.1.2. Decisions from Regions, Tournaments/Events, and Disciplines in accordance with Regulation 4.7 where these involve Disciplinary matters or Complaints not related to “on the water” matters; and
- 19.1.3. Decisions of any other body, panel or committee of British Canoeing which has been created in accordance with the Articles of Association and/or the Rules of British Canoeing from time to time including but limited to the British Canoeing Safeguarding Case Management Group.

(for the purposes of this Regulation, Decision shall include any Decision as set out above)

- 19.2. Appeals can only be brought against a Decision on one or more of the following grounds:
 - 19.2.1. the Decision was based on error of fact or could not have been reasonably reached by a Decision Making Body when faced with the evidence before it;
 - 19.2.2. the Decision Making Body has shown bias or the appearance of bias;
 - 19.2.3. serious procedural or other irregularity in the proceedings before the Decision Making Body;
 - 19.2.4. significant and relevant new evidence has become available which was not available before the conclusion of the Hearing but, had it been available, may have caused the Decision Making Body to reach a materially difference decision; and/or
 - 19.2.5. the sanction imposed was manifestly unreasonable in the light of the facts before the Decision Making Body.
- 19.3. In accordance with Regulation 14.4.3 a Respondent whose case was dealt with summarily may only appeal on the grounds set out in Regulation 19.2.5.
- 19.4. The party seeking leave to appeal (the ‘Appellant’) shall serve a Notice of Appeal in writing upon the Head of Governance and Compliance within 10 working days following receipt of the written grounds of the Decision against which the appeal is being made.
- 19.5. The Notice of Appeal shall:
 - 19.5.1. state the date and decision of the Decision Making Body against which the appeal is lodged;
 - 19.5.2. state the grounds of appeal relied upon in accordance with Regulation 19.2;
 - 19.5.3. set out the statement of facts upon which the appeal is based, specifying whether the appeal is against finding and sanction or just sanction alone and include any supporting documentation upon which the Appellant will rely; and
 - 19.5.4. be accompanied by a cheque for £50 made payable to British Canoeing (“the Deposit”). This Deposit shall be held by British Canoeing and re-paid to the Appellant in the event that the Appeal Panel so decides.

- 19.6. Upon receipt of the Notice of Appeal, the Chair of Disputes and Disciplinary will consider the matter and decide if the Notice of Appeal shows that one or more of the grounds for appeal as established in Regulation 19.2 have been sufficiently met for the appeal to be determined under the Regulations. If the Chair of Disputes and Disciplinary is satisfied that there are grounds to do so the matter shall be referred to the Appeal Panel.
- 19.7. A decision as to whether to grant leave to appeal shall be taken within 10 working days from receipt of the Notice of Appeal. Such decision will be notified to the Appellant and any Interested Parties.
- 19.8. In the case of appeals the time limits specified in the Regulations must be complied with.

20. COMPOSITION AND POWERS OF THE APPEAL PANEL

- 20.1. An Appeal Panel will normally consist of three members but at the discretion of the Chair of Disputes and Disciplinary can comprise of a single individual. The Head of Governance and Compliance or a member of the Governance and Compliance Department shall act as the secretary or administrator for the Appeal Panel and shall not be a member of the Appeal Panel. The Chair of Disputes and Disciplinary shall appoint the Appeal Panel within 10 working days from notification of the decision to grant leave to appeal in accordance with Regulation 19.6.
- 20.2. The member(s) of the Appeal Panel shall be appointed from the individuals listed on the Disciplinary Panel Register. The Appeal Panel shall be formed by Chair of Disputes and Disciplinary, who shall also nominate the Chair of the Appeal Panel.
- 20.3. No member of the Appeal Panel (including the Chair of the Appeal Panel) shall have been a member of the original Disciplinary Panel or Decision Making Body which considered the case or had any other previous involvement in the case.
- 20.4. British Canoeing may appoint a legal representative to assist with any Appeal Panel. They shall be permitted to be involved in all stages of the process but shall not be considered to be a member of the Appeal Panel.
- 20.5. The Chair of the Appeal Panel is empowered to decide:
 - 20.5.1. The time and place of any hearing;
 - 20.5.2. That the appeal hearing shall be paper based or that the hearing be carried out by teleconference subject to the consent of all parties;
 - 20.5.3. The nature of the evidence (if any) that it requires to be adduced;
 - 20.5.4. Who (if anybody) should be invited to appear at any hearing; and
 - 20.5.5. How and when any decision it takes should be acted upon.

21. PRE-APPEAL PANEL PROCEDURES

- 21.1. Where the Appeal Panel has been convened, the Head of Governance and Compliance shall send a copy of the Notice of Appeal along with confirmation of the composition of the Appeal Panel to the Appellant, the Complainant and any other Interested Party;

- 21.2. The Chair of the Appeal Panel shall then decide the appropriate course of action for the appeal in accordance with Regulation 20.5. Upon making its decision, which shall be no longer than 10 working days after the Appeal Panel has been convened, the Head of Governance and Compliance will send notice to all the parties including:
- 21.2.1. the decision of the Chair of the Appeal Panel as to the appropriate course of action for the appeal in accordance with Regulation 20.5;
 - 21.2.2. notification to all parties of the date, time and place of the hearing ensuring that that all parties are given at least 10 working days' notice of the hearing
 - 21.2.3. asking the Appellant whether they will be represented or accompanied by an advocate or other third party, whether they wish to call witnesses to give evidence, and who they intend to have present at the hearing;
 - 21.2.4. inviting Interested Parties to attend the hearing and make any submissions deemed necessary; and
 - 21.2.5. subject to Regulation 25.2 and Regulation 25.3 supply copies of any evidence and / or information previously provided to the Head of Governance and Compliance in relation to the case, including the initial Complaint, the Decision Making Body's Decision, and any further evidence and / or information deemed necessary.
- 21.3. The Chair of the Appeal Panel shall have power to make such further directions relating to the provision of information/evidence or the conduct of the hearing as, in his or her sole discretion, are deemed necessary.
- 21.4. The Appellant may object to the composition of the Appeal Panel by notifying the Head of Governance and Compliance of the objections and setting out the reasons for such objections no later than 5 working days from the date of being informed of the composition of the Appeal Panel.
- 21.5. The Head of Governance and Compliance shall immediately forward any objection received in relation to the members of the Appeal Panel to the Chair of Disputes and Disciplinary who shall consider the objections and determine whether they are valid or in their opinion, the grounds for objection are frivolous, unfounded or ill informed, in which case the Chair of Disputes and Disciplinary shall reject the objection.
- 21.6. If the objection is made against the Chair of Disputes and Disciplinary then another member of the Disciplinary Panel Register must assess the objection.
- 21.7. The Head of Governance and Compliance shall notify the Appellant in writing within 5 working days from the date of receipt of any objections that either:
- 21.7.1. The composition of the Appeal Panel has changed (in which case the Head of Governance and Compliance shall provide details of the new Appeal Panel); or
 - 21.7.2. The composition of the Appeal Panel has not changed (in which case the Head of Governance and Compliance will give reasons why the Appellant's reasons for objecting have been rejected).

- 21.8. The decision by the Chair of Disputes and Disciplinary or other member of the Disciplinary Panel Register on the composition of the Appeal Panel under this provision shall be final.
- 21.9. The Appeal Panel shall have the power to hear evidence from any third party not directly involved in the appeal if the Appeal Panel is of the view that such third party may be materially or adversely affected by any decision it may make.
- 21.10. Where the Appellant wishes to rely upon any new evidence it must notify the Chair of the Appeal Panel at least 72 hours ahead of the hearing. The Chair of the Appeal Panel will then give any other party to the hearing as much notice of the new evidence as is reasonably possible. The Chair of the Appeal Panel shall determine the weight to be given to such evidence.

22. THE CONDUCT OF APPEAL PANEL HEARINGS

- 22.1. Any appeal of a Disciplinary Panel Decision shall be by way of review only and not a re-hearing unless significant and relevant new evidence has become available in accordance with Regulation 19.2.4.
- 22.2. The conduct of Appeal Panel proceedings will be in accordance with the principles of natural justice as determined by and consistent with the laws of England and Wales
- 22.3. The standard of proof in all cases before the Appeal Panel is the balance of probabilities.
- 22.4. Proceedings, findings or decisions of an Appeal Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality amounts to a material irregularity and forms a ground of appeal.
- 22.5. The Governance and Compliance Department shall keep a record Appeal Panel proceedings (either in writing or by audio or visual recording).
- 22.6. If the Appellant does not attend the Appeal Hearing, provided that the Appeal Panel is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence in the absence of the Appellant.
- 22.7. Appeal Panels will not be obliged to follow strict rules of evidence. It may admit such evidence as it deems fit and accord such evidence such weight as they think appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Appeal Panel has been the subject of previous civil or criminal proceedings, or has been heard previously by any other competent body, the result of such proceedings and the facts and matters upon which such result is based will be presumed to be correct and the facts presumed to be true unless it is shown by clear and convincing evidence that this is not the case.
- 22.8. In the case of appeals, a failure to observe the time limits specified in the Regulations may nullify any proceedings where this is considered reasonable in all the circumstances by the Chair of Disputes and Disciplinary.
- 22.9. At the hearing the Appeal Panel shall consider all the evidence made available to it by all parties to the appeal, including the written and/or oral testimony of any witnesses supporting that evidence. It may question any relevant party including any witnesses present in relation to the matter. Each party to the appeal may be entitled to question the

other's witnesses. The Appeal Panel may call upon a party to the appeal to supply additional evidence and may adjourn the hearing for that or any other purpose.

- 22.10. The Appeal Panel shall decide any issue by majority and no member of the Appeal Panel may abstain from voting.

23. POWERS OF AN APPEAL PANEL

- 23.1. An Appeal Panel has the power to:
- 23.1.1. dismiss the Appeal;
 - 23.1.2. overturn any finding and any sanction imposed by the original Decision Making Body;
 - 23.1.3. substitute an alternative finding;
 - 23.1.4. reduce or increase the original sanction; and/or
 - 23.1.5. make such further order as it considers appropriate.
- 23.2. For the avoidance of doubt, sanctions may be increased as well as decreased on appeal.
- 23.3. Any sanction imposed, confirmed or varied by the Appeal Panel shall normally commence on the day following the date of the appeal or with immediate effect.
- 23.4. The Chair of the Appeal Panel may:
- 23.4.1. announce the decision of the Appeal Panel on the date of the hearing;
- or
- 23.4.2. defer the Appeal Panel's decision to a later date.
- 23.5. In any event, the Chair of the Appeal Panel shall, within 10 working days of the Appeal hearing, deliver a written decision to the Head of Governance and Compliance who will distribute the written decision to the Appellant and all Interested Parties.
- 23.6. The decision of an Appeal Panel shall be final and binding upon the parties, and there shall be no further right of appeal from it.
- 23.7. The decision of the Appeal Panel and sanction imposed, if any, may be made public after it has been notified to all the parties. All parties to an appeal hearing are deemed to have consented to such publication.

24. COSTS OF AN APPEAL PANEL

- 24.1. The Appeal Panel shall have discretion in this regard, however an unsuccessful Appellant may be required to pay the costs of the appeal which may include:
- 24.1.1. The administration costs of the Appeal Panel less the Deposit paid with the Notice of Appeal;
 - 24.1.2. The travelling expenses of any witnesses; and/or
 - 24.1.3. The legal costs incurred by the Appeal Panel; and/or

24.1.4. The legal costs of the successful party.

25. DISCLOSURE AND CONFIDENTIALTY OF WITNESSES

- 25.1. In the course of disciplinary matters and Complaints considered under these Regulations it will normally be necessary to identify the complainant(s) and any other applicable witnesses to provide the Respondent with a clear understanding of the allegations against them and ensure procedural fairness.
- 25.2. Notwithstanding Regulation 25.1, in some limited circumstances, it may be deemed necessary and reasonable to keep the details of a complainant(s) or witness confidential. Such circumstances may include, but are not limited to, the identity of the complainant or witness is not material to the case, there is a reasonable belief that disclosure would put the complainant or witness at risk, and/or where anonymity is required in accordance with Data Protection legislation.
- 25.3. Where the Chair of Disputes and Disciplinary, the Chair of the Disciplinary Panel, or the Chair of the Appeal Panel (as is applicable in the circumstances) decides there are legitimate and reasonable reasons to preserve the anonymity of a complainant(s) or witnesses in accordance with Regulation 25.2, then any evidence or documentation provided to the Respondent will be sufficiently redacted to preserve this anonymity. For the avoidance of doubt, the Respondent must still be provided with sufficient information to allow them to respond to the allegations against them.
- 25.4. A complainant or witness should be aware that even in circumstances where it is deemed reasonable and necessary to preserve the anonymity of a complainant(s) or witness in accordance with Regulation 25.2, British Canoeing cannot completely guarantee anonymity. Even where British Canoeing has taken all reasonable steps in accordance with Regulation 25.3, the Respondent may be able to ascertain who has submitted a complaint or provided evidence. In addition, if the matter is sufficiently serious as to subsequently result in civil/criminal proceedings then British Canoeing may also be required by law to disclose or provide certain confidential information.

26. RECORD KEEPING AND DATA PROTECTION

- 26.1. All personal data held in connection with a dispute or disciplinary matter will be held in accordance with British Canoeing's Data Protection Policy, the GDPR, and the Data Protection Act 2018 or any applicable Data Protection legislation in effect at the time of the dispute or disciplinary matter or coming into effect during the course of the dispute or disciplinary matter.
- 26.2. Save where the Disciplinary Panel provides otherwise in accordance with Regulation 17, Decisions may be published on the British Canoeing website. British Canoeing may notify appropriate third parties of the outcome of any disciplinary matter and will ordinarily inform the other National Associations.
- 26.3. In accordance with British Canoeing Data Protection Policies the Head of Governance and Compliance will determine how long any offences should be retained on record, including the sanctions imposed and any related documentation.