


ENGLAND NETBALL		
	SAFEGUARDING DISCIPLINARY REGULATIONS	
	Responsible Officer	Safeguarding & Welfare Manager
	Group Owner	Executive Team
	Date created / modified	Feb 2025
	Version	1.4
	Review date	Feb 2027
	Applicable for	These regulations are mandatory. They apply to England Netball Staff, Clubs, Regional Management Boards, County Netball Associations, volunteers and anyone carrying out Recognised and Authorised Netball Activity acting in any capacity within netball.
	Summary	England Netball is committed to ensuring netball is an inclusive sport to be enjoyed by all. We accept our responsibility to take appropriate steps to safeguard all Children, Young People and Adults at Risk who are involved in the sport, in whatever capacity that may be.

Version Control:

Person Responsible	Version and summary of changes	Date
Safeguarding & Welfare Manager	Version 1.2 addition of Sanction Table (Appendix A), Change of signatory from CMG Chair to EN LSO and general amendments to make document easier to follow.	13/05/22
Safeguarding & Welfare Manager	Version 1.3. Inclusion of EN staff in jurisdiction Minor changes to wording and links to related policies	12/2/24
Safeguarding & Welfare Manger	Version 1.4	6/2/25

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INTRODUCTION

These Safeguarding Disciplinary Regulations, provide a framework for the investigation and determination of safeguarding matters. The approach adopted by England Netball in relation to safeguarding matters will focus entirely on the need to protect the safety and welfare of Children or Young People and Adults at Risk. England Netball will take all necessary steps to ensure these protections are in place. England Netball is committed to creating and maintaining a safe and positive environment for everyone involved in the Sport. These Regulations are to be used when considering potential breaches of the Safeguarding Children & Young People in Netball Policy and Safeguarding Adults at Risk Policy.

The Safeguarding Disciplinary Regulations are effective from February 2025. These Regulations will be reviewed by the CMG on an on-going basis and, in conjunction with the England Netball Board will implement any required amendments. On a bi-annual basis, the Board of England Netball will review and amend the Regulations (during which review period they remain valid). All changes will be published on the England Netball website.

Where any conflict exists or arises between the Safeguarding Disciplinary Regulations and any other England Netball Regulations relating to investigating and determining safeguarding matters, the Safeguarding Disciplinary Regulations will take precedence.

1. INTERPRETATION

The Safeguarding Disciplinary Regulations adopt the definitions contained in the England Netball Disciplinary Regulations, save where expressly varied below.

The following words shall have the meaning set out opposite them:

Adult at Risk	someone who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and as a result of their care needs is unable to protect themselves.
Appeal Tribunal	a tribunal made up of one or three members appointed in accordance with these Regulations and the NSP Rules to hear and determine an appeal against a Decision.
Arbitral Tribunal	a tribunal made up of one or three members appointed in accordance with the NSP Rules.
Case Management Group (CMG)	any group established by the Board from time to time to oversee safeguarding cases and to make summary determinations.
Child or Young Person (Children or Young People)	is defined in law and by England Netball as anyone under the age of 18.
Club	a collection of individuals that come together from time to time in the form of a netball club through which some or all of those individuals' become members of England Netball.
Complainant	a person who makes an allegation or submits a Complaint under the Safeguarding Disciplinary Regulations.
Complaint	a formal or informal expression of dissatisfaction with the actions or behaviour of a Member, Connected Participant or any member(s) of staff under the Safeguarding Disciplinary Regulations.
Connected Participant	Any person, entity or collection of persons, whether a Member or non-Member, who from time to time participates in The Sport in any capacity whether directly or indirectly including by way of being a Volunteer. For the avoidance of doubt, this includes Regional Management Boards, County Associations, and subgroups and other Volunteers involved in The Sport, whether members or not.
County	an association of Leagues, Clubs, groups and schools as determined by the Board in accordance with the Memorandum of Association or the Articles of Association or other Membership Regulations.
DBS	the Disclosure and Barring Service.
DBS Code of Practice	the code of practice for registered persons and other recipients of disclosure information through the DBS checking service from time to time in force.
Decision	a written decision of the CMG, or an Arbitral Tribunal in relation to matters arising under the Safeguarding Disciplinary Regulations, and/or the NSP Rules.

England Disciplinary Regulations	Netball	the disciplinary regulations of England Netball from time to time in force.
Interim Suspension		a suspension, restriction, condition or penalty imposed in accordance with the Safeguarding Disciplinary Regulations.
LADO		Local Authority Designated Officer. Employed by the local authority, they oversee allegations of abuse to children involving people in a position of trust, including coaches and volunteers in sport.
LSO		the person who is appointed as lead safeguarding officer to receive, and act upon safeguarding matters, including investigating cases.
Member		any individual or organisation appointed as a Personal or Group Member in accordance with England Netball's Articles of Association. Where an organisation is a Member, the leader of the organisation (usually the Chair of the management group/committee) will be held to account on behalf of the organisation (Sanctions, including Interim Suspensions, may be applied to the organisation).
National Safeguarding (NSP)	Panel	<p>a panel of safeguarding experts operated by the independent arbitration and mediation body, Sport Resolutions (UK). It provides:</p> <ul style="list-style-type: none"> (i) independent investigations and reviews in relation to safeguarding matters; (ii) independent arbitration in relation to safeguarding matters; and (iii) expert risk assessment of an individual's suitability to work with Children and Young People and Adults at Risk.
NSP Rules		The procedural rules of the NSP (as amended from time to time) can be accessed here: D 2 – NSP Rules 2021.docx (sportresolutions.com) .
Notice of Appeal		A notice of appeal filed with the NSP, through Sport Resolutions, in accordance with Regulation 12.
NSP Expert Assessment	Risk	expert risk assessment of an individual's suitability to work with Children and Young People and Adults at Risk carried out by an individual or individuals with relevant and requisite expertise and as appointed by Sport Resolutions;
Recognised Authorised Activity	and Netball	means recognised versions of the game that have been authorised by England Netball.
Region		an association of County Associations as determined by the Board, in accordance with the Memorandum or the Articles or the Membership Regulations.
Respondent		the person or entity subject of a Complaint under the Safeguarding Disciplinary Regulations.

Safeguarding Officer (for the Club/County/Region)	the person with lead responsibility within a Club/County/Region for ensuring safe recruitment, that the appropriate DBS checks are completed by personnel; communicating safeguarding awareness, advising on good practice and acting on concerns, in accordance with the England Netball Safeguarding Policies.
Sanction	a restriction, condition or penalty imposed under the Safeguarding Disciplinary Regulations, whether by the CMG, an Arbitral Tribunal or Appeal Tribunal that a) reflects the conduct of the Respondent and the nature of the harm caused and b) deters others from acting in a similar way.
Sport Resolutions	The trading name of the Sports Dispute Resolution Panel Ltd (Company No. 3351039)
Working Day	<u>any</u> day other than a Saturday, Sunday or public holiday in England and Wales

- 1.1 Words denoting the singular number include the plural number and vice versa, and words denoting gender neutral pronouns, include all genders.
- 1.2 Headings are inserted for convenience only and do not affect the construction of the Safeguarding Disciplinary Regulations. The order of the Safeguarding Disciplinary Regulations is not determinative of their application and is discretionary.
- 1.3 The word 'shall' is mandatory and the word 'may' is permissive.
- 1.4 Any notice or other communication required to be served or sent for the purposes of the Safeguarding Disciplinary Regulations may be delivered by hand or sent by pre-paid post addressed to the last place of residence, using first class mail, first class recorded delivery, special delivery, or electronic mail. Care must be taken to ensure that all documentation served should be done in a secure manner.
- 1.5 Service of a document sent by post shall be deemed to have been affected at the end of the second Working Day following the day of posting. A receipt of posting including proper address, prepaid and posted is sufficient to prove posting. Service of a document sent by electronic mail shall be deemed to be effective immediately. A copy of this email properly addressed, and dated is sufficient to prove it was sent.
- 1.6 Where either the Respondent or Complainant was under 14 years of age at the date of the incident to which the Complaint or matter relates, correspondence will be addressed to their parent/carer or guardian.
- 1.7 Where either the Respondent or Complainant was between 14 and 18 years of age at the date of the incident, correspondence will be copied to their parent/carer or guardian as well as to them.
- 1.8 For the purposes of calculating a period under the Safeguarding Disciplinary Regulations, such period shall begin on the day after the day when a notice or other communication is given. Non-Working Days occurring during the period are included in calculating the running of that period, unless the period, so calculated, ends on a Non-Working Day, then it shall be deemed to end on the next Working Day.
- 1.9 Proceedings, findings or decisions of the LSO, the CMG, an Arbitral Tribunal or an Appeal Tribunal shall not be invalidated by reason of any minor defect, irregularity, omission, or technicality unless this raises a material doubt as to the reliability of the proceedings, findings or decisions.
- 1.10 If any part of the Safeguarding Disciplinary Regulations is held invalid, unenforceable, or illegal for any reason, all other parts shall remain in force (apart from that part, which shall be treated as if it had been deleted to the extent to which it is invalid, unenforceable or illegal).

2. CONFIDENTIALITY

- 2.1 All matters considered under the Safeguarding Disciplinary Regulations, will be regarded as confidential and used only for the purposes of the Safeguarding Disciplinary Regulations, unless disclosure and/or publication is provided for in accordance with Regulation 14, the NSP Rules or otherwise in accordance with the law.
- 2.2 All parties considering or making a Complaint under the Safeguarding Disciplinary Regulations will be required to keep all matters confidential and may be subject to action under England Netball's Disciplinary Regulations if this is not followed.
- 2.3 Disclosure of DBS information obtained under the Safeguarding Disciplinary Regulations will be subject to the DBS Code of Practice. For the avoidance of doubt, the LSO (or such other recipient of DBS information on behalf of England Netball) may disclose DBS information to persons considering Complaints under the Safeguarding Disciplinary Regulations in the course of their duties.

3. JURISDICTION

- 3.1 The Safeguarding Disciplinary Regulations shall apply to:
 - 3.1.1 all Members and Connected Participants;
 - 3.1.2 England Netball staff; and
 - 3.1.3 all individuals, Clubs, associations, and anyone carrying out Recognised and Authorised Netball Activity in any capacity in the Sport of Netball, whether or not Members of England Netball. For the avoidance of doubt, this includes all players and anyone working within the Sport (in a paid or voluntary capacity, and whether as an employee or on a self-employed basis or otherwise) including all coaches, umpires, referees, and other officials.
- 3.2 England Netball, and where relevant the NSP, shall have jurisdiction under the Safeguarding Disciplinary Regulations to consider any matter which comes to its attention by any means (including, without limitation, the media) relating to the safety and/or welfare of a Child or Young Person or an Adult at Risk.
- 3.3 The procedures set out in these Safeguarding Disciplinary Regulations have retrospective effect and may be applied in relation to conduct which occurred prior to the implementation of these Regulations.

4. GROUNDS FOR INVOKING SAFEGUARDING DISCIPLINARY REGULATIONS

- 4.1 Action may be taken under the Safeguarding Disciplinary Regulations where a person, Club, or organisation is suspected of causing harm to a Child or Young Person or an Adult at Risk or is likely to have caused harm to a Child or Young Person or an Adult at Risk whether linked to their netball activity or not.
- 4.2 In reaching a decision as to whether there are grounds for action to be taken in accordance with Regulation 4.1, consideration will be given to any failure to comply with England Netball's policies, guidance and procedures including, but not limited to:
 - a) England Netball's Safeguarding Young People in Netball Policy
 - b) England Netball's Safeguarding Adults at Risk Policy
 - c) England Netball Policy on Employment of Ex-offenders
 - d) England's Policy on Taking and Use of Photographs and Recorded Images
 - e) England Netball's Disclosure & Barring Service (DBS) Disclosure
 - f) England Netball's Anti-Bullying and Harassment Policy
 - g) England Netball's Recognising and Responding to Concerns

5. CRIMINAL CONVICTION AND STATUTORY LISTS

5.1 For the avoidance of doubt, where a person:

- 5.1.1 has been convicted of a criminal offence against or concerning a Child or Young Person or an Adult at Risk, or recorded a caution in respect of an offence against a Child or Young Person or an Adult at Risk; and/or
- 5.1.2 is included, or placed, on any statutory list barring, or restricting, their working with Children or Young People or Adults at Risk:

The conviction, caution or inclusion on a list shall be conclusive proof of grounds for action to be taken against that person by England Netball. This means that the CMG shall be entitled to impose an immediate Sanction, commensurate and proportionate to the severity of conviction, caution and/or the inclusion on a statutory barring list. The Sanction may be appealed in accordance with Regulation 12.3.

6. CASE MANAGEMENT

6.1 Upon receipt of a Complaint, an allegation, concern, or becoming aware that a person or organisation is suspected of causing harm to a Child or Young Person or an Adult at Risk, or is likely to have caused harm to a Child or Young Person or an Adult at Risk, or failed to attract either category, the LSO shall decide whether to:

- 6.1.1 refer the matter to the relevant statutory agencies, the police, children or adult social services, the LADO, or any other public or investigatory authority for further consideration (and to review the matter following consideration by a relevant statutory agency); Where neglect or abuse is concerned the LSO will always report to local safeguarding authorities.
- 6.1.2 instigate an investigation in accordance with Regulation 8;
- 6.1.3 refer the matter for appropriate enquiry and resolution at local level by a Club, Region, County, or other organisation,
- 6.1.4 refer the matter for investigation by an investigator with safeguarding expertise that is appointed by Sport Resolutions in accordance with Regulation 8.8; or another appropriate independent investigator,
- 6.1.5 refer the matter to Sport Resolutions for a safeguarding expert to be appointed by them to undertake an NSP Expert Risk Assessment of an individual's suitability to work with Children or Young People and Adults at Risk.

6.2 Where an individual has been charged with a criminal offence, or is the subject of an investigation by the police, Children's or Adult Care Services, or any other public or investigatory authority, in respect of conduct which is, or may be, grounds for disciplinary action under Regulation 4, the LSO may:

- 6.2.1 postpone consideration of the matter pending the outcome of any such proceedings/investigations; and/or
- 6.2.2 impose an Interim Suspension or other appropriate sanction, pending the outcome of any such proceedings/investigation.

6.3 Where an investigation is commenced under regulation 6.1.2, the LSO may at any stage decide to cease, or postpone the investigation if, during the investigation, they decide to refer the matter under Regulations 6.1.1, 6.1.3, 6.1.4, 6.1.5 or to the CMG.

6.4 It will be at the discretion of the LSO whether to commence or proceed with an investigation under the Safeguarding Disciplinary Regulations where the Complainant does not consent to their identity being disclosed to the Respondent.

- 6.5 In circumstances in which the investigation involves communicating with, taking evidence from or interviewing an Adult at Risk or a Child or Young Person, and the issues to be investigated are of a sensitive or complex nature, it shall be at the discretion of the LSO to delegate the investigation, or certain parts of the investigation, to an investigator appointed by Sport Resolutions to assist the LSO or deal with the investigation in a way that is appropriate for the sensitive or complex nature of the matter.
- 6.6 Where a person of concern is a member of staff employed by England Netball, internal Disciplinary Regulations shall also apply. These Safeguarding Regulations will take precedence in respect of ensuring the welfare and safety of Children, Young People or Adults at Risk. The CMG will be kept informed of any EN staff cases to ensure that safeguarding practices and protocols followed.

7. INTERIM SUSPENSION

- 7.1 Except for a member of England Netball staff (see 6.6 above), in the circumstances set out at Regulations 6.1.1, 6.1.2, 6.1.4 and 6.1.5 the LSO has the power to impose an immediate Interim Suspension if it is considered, by reference to the factors listed below that it is appropriate to exclude an individual concerned from any involvement in the sport which might involve access to Children or Young People or Adults at Risk, until the conclusion of all matters under the Safeguarding Disciplinary Regulations.
- 7.2 If a case is related to a member of England Netball staff then the LSO and Head of People agree whether an Interim Suspension is required and work to ensure that the application of internal disciplinary policy and procedure and these Safeguarding Disciplinary Regulations ensure the welfare and safety of Children, Young People or Adults at Risk takes precedence.
- 7.3 In determining whether an Interim Suspension should be imposed, the LSO shall give consideration, to the following non exhaustive list of factors:
- 7.3.1 whether the safety and/or welfare of Children or Young People or Adults at Risk are, or may be, at risk of harm;
 - 7.3.2 whether the Complaint, concern or matter is of a serious nature;
 - 7.3.3 whether an Interim Suspension is necessary or proportionate to allow the conduct of any proceedings, investigation or risk assessment (carried out by the LSO, any other authority/ body or the NSP); and
 - 7.3.4 whether the reputation of England Netball, a Member, a Connected Participant, any member or members of staff or the sport could be harmed if an Interim Suspension was not imposed.
- 7.4 Where an Interim Suspension is imposed, the LSO shall, in writing, notify the Respondent, and at the LSO's discretion, any Club, County or Region, volunteer and member of staff, with which the Respondent is associated as soon as reasonably practicable and shall otherwise publish the decision in accordance with Regulation 14.
- 7.5 The CMG shall review an Interim Suspension whenever they meet (usually every 6 weeks), in proportion with the length of the suspension, and shall take into consideration the factors set out in Regulation 7.3 in determining whether the continuation of the Interim Suspension is justified.
- 7.6 Where an Interim Suspension is imposed pending investigation by the police, Children's or Adult Care Services or any other public or other investigatory authority, or in circumstances where a criminal charge has been brought, England Netball, through the LSO, shall, where possible, liaise with and maintain an ongoing dialogue with the relevant investigating body.
- 7.7 Any breach of an Interim Suspension shall constitute grounds for disciplinary action under the England Netball Disciplinary Regulations.

8. INVESTIGATION (UNDER SAFEGUARDING DISCIPLINARY REGULATIONS)

- 8.1 Where the LSO undertakes an investigation under these Safeguarding Disciplinary Regulations, the LSO shall make all inquiries necessary to establish the facts and circumstances of the matter being addressed under Regulation 6.1.
- 8.2 Where the LSO decides to undertake an investigation, in accordance with Regulation 6.1.2, the LSO shall determine when it is necessary to inform the Respondent of the Complaint. In determining the appropriate course of action in this regard, the LSO shall have regard to, and liaise with, the Complainant.
- 8.3 Where it is necessary, as part of the investigation process, to inform the Respondent, and obtain information and evidence from the Respondent, the LSO should inform the Respondent that their response is required within a specified period of time.
- 8.4 In conducting the inquiries set out at Regulation 8.1, the LSO may contact and obtain information from the following (non-exhaustive) list of individuals and relevant sources:
 - 8.4.1 the Complainant and the Respondent.
 - 8.4.2 the police.
 - 8.4.3 Children's Services or Adult Care Services.
 - 8.4.4 any other relevant public investigating authority.
 - 8.4.5 any authority involved in the protection and welfare of Children or Young People and Adults at Risk.
 - 8.4.6 any other person or party as deemed appropriate in the discretion of the LSO
- 8.5 In carrying out their function, the LSO (or an investigator with safeguarding expertise appointed by Sport Resolutions on the LSO's behalf) shall have the power to require, but not limited to, the following:
 - 8.5.1 the attendance, upon reasonable notice, of any individual or representative of any organisation referred to in Regulation 3.1 to answer questions and provide information; and/or
 - 8.5.2 the production, upon reasonable notice, by any individual or organisation referred to at Regulation 3.1, of documents, information or other material in whatever form held; and/or
 - 8.5.3 where considered appropriate, that the Respondent or any individual to whom the matter relates, undertakes an Enhanced DBS Disclosure check;
 - 8.5.4 that the Respondent or any other individual to whom the matter relates, undertakes an NSP Expert Risk Assessment; and/or
 - 8.5.5 anything else that the LSO and/or investigator may considered relevant to their investigation.
- 8.6 Any failure to comply with a reasonable request or requirement as part of the investigation carried out under the Safeguarding Disciplinary Regulations may amount to grounds for disciplinary action under the England Netball Disciplinary Regulations and an interim suspension under the England Netball Disciplinary Regulations may be imposed until that person has complied with any outstanding requests.
- 8.7 At the completion of an investigation, the LSO, or the Sport Resolutions appointed investigator, shall produce a written report summarising the investigation undertaken and the recommendations that arise. The written report shall be provided to the CMG who shall decide upon the appropriate course of action to take in relation to the Respondent that is the subject of the investigation in accordance with Regulation 9.
- 8.8 At any stage of the investigation, the LSO may use the services of, or delegate the remainder of an investigation to, an investigator with safeguarding expertise appointed by Sport Resolutions.

9. CASE MANAGEMENT GROUP DECISION

- 9.1. Upon receipt of a report under Regulation 8.7, the CMG shall determine the appropriate steps to resolve the Complaint being investigated. The steps that the CMG may take are:
- 9.1.1 Make a determination of the Complaint, in accordance with Regulation 10, on the basis of the information contained in the report the CMG has received.
 - 9.1.2 In circumstances where the LSO has prepared the report in accordance with Regulation 8.7, refer the Complaint to an investigator with safeguarding expertise appointed by Sport Resolutions for further investigation prior to the CMG making a determination of the Complaint in accordance with Regulation 9.11 and Regulation 10.
 - 9.1.3 Where a Complaint is, in the discretion of the CMG, at a high level of seriousness, refer the matter to the NSP for the NSP to determine the appropriate outcome .
 - 9.1.4 Refer the matter to Sport Resolutions for an NSP Expert Risk Assessment
- 9.2 In order to proceed under Regulations 9.1.1 and 9.1.3 above, the CMG shall determine whether the Respondent has a case to answer in respect of the Complaint.
- 9.3 The LSO will inform the Respondent of the steps to be taken.
- 9.4 The CMG may at any stage, and in its absolute discretion, refer the matter to:
- 9.4.1 the police; or
 - 9.4.2 any relevant statutory agency or social services.
- 9.5 The CMG cannot make suspension or sanction decisions in respect of a member of England Netball staff in relation to their employment contract. Internal Disciplinary Policy and Procedure will be followed in those circumstances.

10. CMG DETERMINATION

- 10.1 Prior to any such determination by the CMG, the LSO, in agreement with the CMG, shall send written notice to the Respondent:
- 10.1.1 confirming that the matter has been referred to the CMG.
 - 10.1.2 including a summary of the supporting facts and evidence; and
 - 10.1.3 requesting any additional evidence or mitigation to be submitted in writing to the LSO, for the attention of the CMG within 14 days.
- 10.2 The CMG shall be entitled, in its discretion, and subject to the Respondent's consent, to request a meeting with the Respondent to clarify any points or matters raised by the Respondent in accordance with Regulation 10.1.3.
- 10.3 The CMG may, in its discretion, appoint an expert to assist or advise the CMG on a specific issue.
- 10.4 The CMG shall consider all further evidence and mitigation submitted by the Respondent pursuant to Regulation 10.1.3 and shall then consider whether it is appropriate to uphold the Complaint. The standard of proof shall be the balance of probabilities. Some possible mitigations and aggravating factors are listed at Appendix A
- 10.5 If a Complaint is upheld, the CMG shall consider whether it is appropriate to impose a Sanction upon the Respondent and, if so, what the appropriate Sanction is. The CMG shall also consider whether there is a safeguarding risk that requires management. If the CMG determines that there is such a risk, the CMG shall put in place the appropriate risk management measures.

- 10.6 The list of Sanctions available to the CMG are listed at Appendix A, as well as potential mitigating and aggravating factors.
- 10.7 Following determination by the CMG, the CMG shall record its decision in writing. The written decision shall confirm why the CMG is the appropriate forum, the rationale for the decision as to whether or not to uphold the Complaint and, if necessary, the basis for any Sanction or risk management measures that are imposed.
- 10.8 The LSO will inform the Respondent of the CMG's determination as soon as reasonably practicable once the decision is available. The LSO will publish the outcome of the matter in accordance with Regulation 14.

11. REFERRAL TO THE NSP FOR DETERMINATION

- 11.1 If the matter is referred to the NSP in accordance with these Regulations, England Netball shall submit a Request for Arbitration in accordance with the NSP Rules, to Sport Resolutions.
- 11.2 As soon as the case is submitted to Sport Resolutions the jurisdiction of the NSP will be immediately invoked and the NSP Secretariat, President and members of the NSP shall deal with the matter in accordance with the roles ascribed to each of them respectively in the NSP Rules.
- 11.3 All parties that are bound by these Regulations (as set out in Regulation 3 above), shall be taken to have agreed that the case shall be heard and resolved in accordance with the NSP Rules and have agreed to be bound by a determination made in accordance with the NSP Rules. This shall constitute an agreement to arbitrate and proceedings under the NSP Rules shall constitute arbitration proceedings with a seat or legal place in London, England, for the purposes of triggering the application of the Arbitration Act 2010.
- 11.4 The LSO (or any legal or other representative on the LSO's behalf) shall present the case to the Arbitral Tribunal or Appeal Panel on behalf of England Netball.

12. APPEALS

- 12.1 The Respondent and/or England Netball (as applicable) may appeal against a Decision or Sanction imposed by the CMG or the Arbitral Tribunal (as applicable), through the filing of a Notice of Appeal,
- 12.2 The Notice of Appeal must be in writing and state which of the grounds set out below form the basis of the appeal, together with the provision of any relevant information or supporting documentation referred to in these Regulations and/or the NSP Rules. The Notice of Appeal must be addressed to Sport Resolutions, with a copy to England Netball/the Respondent, and be received by it within 21 days of the Decision.
- 12.3 Appeals may be issued on the basis of the following grounds only:
 - 12.3.1 the Decision reached by the CMG, or the Arbitral Tribunal, was one that no reasonable body could have reached;
 - 12.3.2 there is new evidence (in which case the Notice of Appeal must state why the evidence could not be presented during the first instance process);
 - 12.3.3 there was a serious procedural irregularity or an error of law, which resulted in the Decision being unjust; and/or
 - 12.3.4 the Sanction imposed was manifestly excessive or manifestly lenient.
- 12.4 The NSP Rules shall govern the procedural elements of any appeal.
- 12.5 The appeal shall be heard by an Appeal Tribunal and any references in the NSP Rules to the Arbitral Tribunal shall also be understood to mean the CMG where the CMG handed down the first instance Decision.

13. ENFORCEMENT OF DECISIONS

- 13.1 Members and Connected Participants must take all steps necessary to ensure compliance with any Interim Suspensions, Decisions made, or Sanction imposed under the Safeguarding Disciplinary Regulations (whether by the CMG, an Arbitral Tribunal or an Appeal Tribunal).
- 13.2 If a Member or Connected Participant fails to comply with its obligations under Regulation 13.1, such conduct shall itself be grounds for disciplinary action under the England Netball Disciplinary Regulations.

14. PUBLICATION OF DECISIONS

- 14.1 Where an individual receives a Sanction which includes any form of suspension, England Netball shall publish the Decision recording the Sanction. This will include the name of a suspended individual, the offence and the sanction. Other details will not be published to maintain confidentiality of others involved.
- 14.2 England Netball may publish Interim Suspensions, Decisions and other Sanctions made or imposed under the Safeguarding Disciplinary Regulations on a 'need to know' basis, in such form and manner, and to such extent as it deems necessary, for the purposes of enforcement of, or compliance with the Decision or Sanction (whether by the CMG, an Arbitral Tribunal or an Appeal Panel appointed by the NSP) and having considered the overriding obligation of whether publication ensures that Children or Young People or Adults at Risk within the sports are sufficiently safeguarded.
- 14.3 For the avoidance of doubt, in addition to providing notice to the Respondent, England Netball will, at its discretion, advise the relevant Safeguarding Officer for the Club, County or Region with which the Respondent is associated, or through which the Respondent is known, or reasonably believed, to have access to Children or Young People or Adults at Risk of any Interim Suspensions, Decisions and Sanctions.
- 14.4 England Netball will also inform the Complainant of an Interim Suspension, Decision and/or Sanction where it deems appropriate.

15. EXCLUSION OF LIABILITY

England Netball shall not be liable to any individual or organisation for any loss arising out of action taken, Decisions, or Sanctions imposed under the Safeguarding Disciplinary Regulations.

16. CONTACT

All correspondence should be marked private and confidential and sent to;

Lead Safeguarding Officer, England Netball, 3rd Floor, Sport Park, 3 Oakwood Drive, Loughborough, LE11 3QF
Or besafe@englandnetball.co.uk

Sanctions Available;

No sanction given due to mitigating circumstances.

Corrective Advice given to Respondent

Agreed Letter of Apology from Respondent

Mediation (where both parties agree)

Education – compliance with recommended courses/refresher training/specific training where available (and completed in a given timeframe)

Written warning outlining the areas of concern which must be addressed by the Respondent

Monitoring/Supervision of Respondent for a specified period of time

Interim suspension from one or more of the following for a specified period of time:

- Playing netball (in either all circumstances or specific cases e.g. with under 18's)
- Coaching (in either all circumstances or specific cases e.g. under 18's)
- Umpiring (in either all circumstances or specific cases e.g. under 18's)
- Volunteering (in either all circumstances or specific cases e.g. under 18's)
- Attendance at competitions/club activity/local netball events
- Attendance at International or Ticketed Events

Permanent exclusion from any or all England netball activities on any terms considered appropriate.

A Permanent Suspension/Lifetime Ban, or removal of Membership must be ratified by the England Netball Board.

Extending period of suspension until Respondent has complied with any requirements made by EN

Suspend, revoke or place any restrictions on a club or organisation for a specified period of time

Any other decision which the LSO/CMG/NSP deem appropriate having regard to the circumstances in the case

Decisions will be made on a case-by-case basis, taking into consideration

- (i) **any mitigating and/or aggravating factors (see below);**
- (ii) **the level of harm caused by the individual's actions; and**
- (iii) **to the need to deter others from similar actions and/or causing harm.**

Mitigating factors could include:

- remorse expressed by the Respondent
- reparation or apology provided by the Respondent
- a willingness to learn and change
- one off or trivial nature of the concerning behaviour
- provocation by the victim
- the Respondent had a reduced level of responsibility (eg. was young or suffered a mental illness or disability)

Aggravating factors could include:

- numerous victims
- a lack of understanding of harm or the reasons for concern
- a lack of remorse
- an unwillingness to learn from the harm caused or mistakes made

- a pattern of harmful behaviour
- abuse of position of trust
- further offences carried out while suspended
- proven lack of compliance with an interim suspension
- attempts to threaten witnesses or conceal evidence
- any evidence of a sexist, misogynistic, disablist or racial motivation