ENGLAND NETBALL		
	**SAFEGUARDING DISCIPLINARY REGULATIONS**	
	Responsible Officer	Safeguarding & Welfare Manager
	Group Owner	Executive Team
	Date created / modified	May 2026
	Version	1.5
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	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 polices	12/2/24
Safeguarding & Welfare Manger	Version 1.4	6/2/25
Safeguarding & Welfare Manger	Version 1.5 – amendments to the publication of sanctioned individuals and Appeals sections	Feb 26

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INTRODUCTION

These 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.

These Regulations are effective from 1st September 2026. These Regulations will be reviewed by England Netball safeguarding team on an on-going basis and, in conjunction with the England Netball Board, will implement any required amendments. The Regulations will remain valid during any review period. Any revised version of these Regulations will be published on the England Netball website.

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

1. INTERPRETATION

These 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	an application by the Appellant to have an Appeal Tribunal consider the processes or outcome of a CMG Decision, in accordance with Regulation 11.
Appeal Decision	a written decision of the Appeal Tribunal in accordance with Regulation 11.12.
Appeal Hearing	a single hearing before an Appeal Tribunal, in accordance with Regulation 11.8.3.
Appellant	the person appealing a CMG Decision, in accordance with Regulation 11.1.
Appeal Grounds	the grounds outlined at Regulation 11.2.
Appeal Panel	the England Netball Safeguarding Disciplinary Appeal Panel, comprised of individuals with legal and safeguarding experience appointed to the Appeal Panel by England Netball.
Appeal Tribunal	three individuals appointed in accordance with Regulation 11.6, to hear an Appeal under these Regulations.
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.
CMG	a case management group established by the Board of England Netball from time to time to review safeguarding cases presented to them by Netball England and make CMG Decisions.
CMG Decision	a written decision of the CMG in accordance with Regulation 10.7.
Complainant	a person who makes an allegation or submits a Complaint under these 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 these 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.
Defendant	the person or entity who is the subject of a Complaint under these Regulations.
England Netball Disciplinary Regulations	the disciplinary regulations of England Netball from time to time in force.
Interim Suspension	a suspension, restriction, condition or penalty imposed in accordance with these 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 Panel (NSP)	a panel of safeguarding experts operated by the independent arbitration and mediation body, Sport Resolutions (UK). It provides: (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.

Notice of Appeal	A notice of appeal filed with England Netball, in accordance with Regulation 11.2.
NSP Expert Risk Assessment	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 and Authorised Netball Activity	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.
Regulations	these England Netball Safeguarding Disciplinary Regulations.
Relevant Persons	those persons listed in Regulation 3.1.
Respondent	the person or entity who is the subject of an Appeal under these 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 these Regulations, whether by the CMG, or Appeal Tribunal that a) reflects the conduct of the Defendant or 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	any 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 these Regulations. The order of these 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 these 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 Defendant 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 Defendant 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 these 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 or an Arbitral 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 these 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 these Regulations, will be regarded as confidential and used only for the purposes of these Regulations, unless disclosure and/or publication is provided for in accordance with Regulation 14 or otherwise in accordance with the law.

2.2 All parties considering or making a Complaint or an Appeal under these 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 these 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 these Regulations in the course of their duties.

3. JURISDICTION

3.1 These Regulations shall apply to all Relevant Persons, being:

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 these 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 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 REGULATIONS

4.1 Action may be taken under these 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:

4.2.1 England Netball's Safeguarding Policies and Documents (available here: Safeguarding Policies and Documents - EN knowledge Centre) including:

a) Safeguarding Children and Young People in Netball Policy;

b) Safeguarding Adults Policy;

c) Policy on Employment of Ex-offenders;

d) Policy on Taking and Use of Photographs and Recorded Images;

e) Recognising and Responding to Concerns;

f) Social Media Policy;

4.2.2 England Netball's Anti-Bullying and Harassment Policy;

4.2.3 England Netball's Disclosure & Barring Service (DBS) Disclosure; and

4.2.4 These Regulations, including in respect of any Interim Suspension or Sanction imposed.

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 11.

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 **Error! Reference source not found.**.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 these Regulations where the Complainant does not consent to their identity being disclosed to the Defendant.

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 these 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 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 Defendant, and at the LSO's discretion, any Club, County or Region, volunteer and member of staff, with which the Defendant 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

8.1 Where the LSO undertakes an investigation under these 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 Defendant 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 Defendant, and obtain information and evidence from the Defendant, the LSO should inform the Defendant 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 Defendant;

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; or

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 use at its discretion, to require 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;

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;

8.5.3 where considered appropriate, that the Defendant or any individual to whom the matter relates, undertakes an Enhanced DBS Disclosure check;

8.5.4 that the Defendant 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 these 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 Defendant 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. CMG 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 or complexity, refer the matter to the NSP for the NSP to investigate on England Netball's behalf.

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 Defendant has a case to answer in respect of the Complaint.

9.3 The LSO will inform the Defendant 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 Defendant:

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 Defendant's consent, to request a meeting with the Defendant to clarify any points or matters raised by the Defendant 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 Defendant 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 Defendant 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 Defendant 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. APPEALS

11.1 A CMG Decision, in relation to liability or Sanction (but not interim suspension) may be appealed by the following (each becoming an Appellant):

11.1.1 The Defendant in the CMG Decision; or

11.1.2 England Netball.

11.2 An Appeal is commenced by the Appellant lodging a Notice of Appeal, which must:

11.2.1 record the decision which is being appealed;

11.2.2 identify the Appeal Grounds, in accordance with Regulation 11.3;

11.2.3 contain a statement of facts, laws or rules relied upon and any supporting documentation; and

11.2.4 be emailed to England Netball at besafe@englandnetball.co.uk within 21 days of the date on which the CMG Decision was sent to the Appellant. This deadline may be extended at the sole discretion of the Chair of the Appeal Panel.

11.2.5 be accompanied by an appeal administration fee of £50, payable at the point of making the appeal to England Netball unless waivered in line with regulation 11.3.

11.3 Upon request from an Appellant with suitable evidence, England Netball may apply special dispensation in adjusting, deferring or waiving the appeal fee.

11.4 An Appeal can only be sought against a CMG Decision on one or more of the following Appeal Grounds:

11.4.1 the CMG Decision was one that no reasonable body could have come to;

11.4.2 there was a serious procedural irregularity or an error of law, which resulted in the CMG Decision being unjust;

11.4.3 significant and relevant **new** evidence has come to light **which was not available before the CMG Decision was made and could not have reasonably been obtained earlier** but, had it been available, may have caused the relevant CMG to reach a materially different CMG Decision; or

11.4.4 the Sanction imposed by the CMG is manifestly excessive or manifestly lenient.

11.5 As soon as reasonably practicable after the Notice of Appeal has been issued, England Netball will provide the Notice of Appeal to the Chair of the Appeal Panel. Within 7 days of receiving the Notice of Appeal, the Chair of the Appeal Panel will consider if the Notice of Appeal properly identifies Appeal Grounds with a reasonable prospect of success such that the Appeal should proceed to an Appeal Hearing. The Chair of the Appeal Panel shall notify the parties of their decision in writing. This decision is final.

11.6 If the Chair of the Appeal Panel considers there to be Appeal Grounds with a reasonable prospect of success, the Chair of the Appeal Panel will then appoint an Appeal Tribunal consisting of three individuals from the Appeal Panel, which may include themselves. The Chair of the Appeal Tribunal will be legally qualified and at least one member of the Appeal Tribunal will have safeguarding experience. All members of the Appeal Panel will be independent of England Netball and will not include any individual who was involved with the CMG Decision being appealed or any prior England Netball investigation.

11.7 The parties will be advised of the identity of the members of the Appeal Tribunal. If either party wishes to object to the appointment of an Appeal Tribunal member, for example on the basis of a conflict of interest, that party shall, within 7 days of notification, submit in writing to the Chair of the Appeal Panel the basis of their objection. The Chair of the Appeal Panel will determine whether the Appeal Tribunal member should be retained or replaced. If the objection relates to the Chair of the Appeal Panel themselves, another legally qualified member of the Appeal Panel will make the determination.

11.8 The Appeal Tribunal may determine its own procedure and deal with the Appeal in any way that it considers fair, reasonable and in accordance with natural justice. However, unless otherwise directed by the Appeal Tribunal, the following standard directions will apply to an Appeal:

11.8.1 the Respondent may lodge a written response to the Appeal. The Respondent will serve any such written response, together with any supporting documentation, on the Appellant and the Appeal Tribunal within 21 days of receipt of the Notice of Appeal;

11.8.2 the Appellant may lodge a written reply to the Respondent's written response. The Appellant will serve any such reply on the Respondent and the Appeal Tribunal within 7 days of receipt of the written response. The reply will be limited to new points raised in the written response that are not already addressed in the Notice of Appeal;

11.8.3 the Appeal will be determined at an Appeal Hearing, at which the parties shall make oral submissions. Witnesses of fact will not usually be permitted to attend an Appeal Hearing, but the Appeal Tribunal may determine whether or not it requires oral evidence at the Appeal Hearing;

11.8.4 the Appeal Hearing will usually take place via a secure video conference as soon as reasonably practicable after the reply is served, but may, at the sole discretion of the Appeal Tribunal, take

place in person. The Appeal Tribunal will decide and inform the parties in writing of the date, time and place of the Appeal Hearing;

11.8.5 England Netball will prepare and provide a file of all documents relevant to the Appeal to all the relevant parties and the Appeal Tribunal at least three 3 days before the Appeal Hearing;

11.8.6 the parties to an Appeal shall have the right to be represented by a representative (legal or otherwise) of their choice at their own expense;

11.8.7 the parties have no right to a rehearing of the case, and the Appeal Tribunal will confine its review to the Appeal Grounds only unless exceptional circumstances, in the Appeal Tribunal's sole discretion, require an alternative approach.

11.8.8 these standard directions may be varied (including to add or remove a procedural step) by the Chair of the Appeal Tribunal, whether following an application by either party, agreement by both parties of the Chair's own volition. This may include, but is not limited to, variations to ensure the safety and wellbeing of any vulnerable person participating in the Appeal.

11.9 The burden of establishing that one or more of the Appeal Grounds are proven, on the balance of probabilities, lies with the Appellant.

11.10 Any decision of the Appeal Tribunal will be made by a majority vote.

11.11 In determining the Appeal, the Appeal Tribunal may:

11.11.1 dismiss the Appeal and affirm the CMG Decision;

11.11.2 vary, reverse or set aside the CMG Decision, in whole or in part, and substitute its own Appeal Decision and/or Sanction. Available Sanctions are set out at Appendix A.

11.12 The Appeal Decision, including reasons, must be communicated to the parties as soon as practicable after the conclusion of the Appeal Hearing. The Appeal Tribunal may direct that appropriate and proportionate disclosure of the Appeal Decision may be made to relevant third parties, which may include an individual's Club, other parties within the jurisdiction of England Netball or a Local Authority Designated Officer.

11.13 The Appeal Decision is final and binding and may not be appealed further.

11.14 Any Sanction imposed at first instance will be upheld and enforced by England Netball until the Appeal has been determined by the Appeal Tribunal.

For visual process diagram of the Appeals process see Appendix B

12. ENFORCEMENT OF DECISIONS

12.1 Members and Connected Participants must take all steps necessary to ensure compliance with any Interim Suspensions, CMG Decisions, Appeal Decisions Sanction imposed under these Regulations.

12.2 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.

13. PUBLICATION OF DECISIONS

13.1 England Netball is, with appropriate consideration to relevant matters of confidentiality, if any, entitled to publish, or cause to be published on its website or elsewhere, the outcome of a CMG and/or an Appeal decision and will notify the Complainant, Respondent and any affected club(s), affiliated associations or other persons or organisations, as appropriate, of the outcome

13.2 All Relevant Persons are deemed to have provided their full and irrevocable consent to such publication.

13.3 When considering whether to publish an Interim Suspension, CMG Decision, Appeal Decision or Sanction, England Netball will consider whether the publication is necessary to safeguard Children or Young People, or Adults at Risk within the sport. It will also consider any views in relation to publication of the CMG in the CMG Decision or the Appeal Tribunal in the Appeal Decision.

13.4 There is no right to Appeal a decision to publish or notify 3rd parties of CMG or Appeal decisions

14. EXCLUSION OF LIABILITY

England Netball shall not be liable to any individual or organisation for any loss arising out of action taken, CMG Decision(s), Appeal Decision(s) or Sanctions imposed under these Regulations.

15. 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

Appendix A – Available Sanctions and Mitigating/Aggravating Factors

Sanctions Available;

15.1.1 No sanction given due to mitigating circumstances.
15.1.2 Corrective Advice given to Defendant or Respondent
15.1.3 Agreed Letter of Apology from Defendant or Respondent
15.1.4 Mediation (where both parties agree)
15.1.5 Education – compliance with recommended courses/refresher training/specific training where available (and completed in a given timeframe)
15.1.6 Written warning outlining the areas of concern which must be addressed by the Defendant or Respondent
15.1.7 Monitoring/Supervision of Defendant or Respondent for a specified period of time
15.1.8 Interim suspension from one or more of the following for a specified period of time:
a) Playing netball (in either all circumstances or specific cases e.g. with under 18's)
b) Coaching (in either all circumstances or specific cases e.g. under 18's)
c) Umpiring (in either all circumstances or specific cases e.g. under 18's)
d) Volunteering (in either all circumstances or specific cases e.g. under 18's)
e) Attendance at competitions/club activity/local netball events
f) Attendance at International or Ticketed Events

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

15.1.9 A Permanent Suspension/Lifetime Ban, or removal of Membership must be ratified by the England Netball Board.
15.1.10
15.1.11 Extending period of suspension until Defendant or 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

15.2 Decisions will be made on a case-by-case basis, taking into consideration
15.2.1 any mitigating and/or aggravating factors (see below);
15.2.2 the level of harm caused by the individual's actions; and
15.2.3 to the need to deter others from similar actions and/or causing harm.

15.3 Mitigating factors could include:
15.3.1 remorse expressed by the Defendant or Respondent
15.3.2 reparation or apology provided by the Defendant or Respondent
15.3.3 a willingness to learn and change
15.3.4 one off or trivial nature of the concerning behaviour
15.3.5 provocation by the victim
15.3.6 the Defendant or Respondent had a reduced level of responsibility (eg. was young or suffered a mental illness or disability)

15.4 Aggravating factors could include:
15.4.1 numerous victims
15.4.2 a lack of understanding of harm or the reasons for concern
15.4.3 a lack of remorse

15.4.4	an unwillingness to learn from the harm caused or mistakes made
15.4.5	a pattern of harmful behaviour
15.4.6	abuse of position of trust
15.4.7	further offences carried out while suspended
15.4.8	proven lack of compliance with an interim suspension
15.4.9	attempts to threaten witnesses or conceal evidence
15.4.10	any evidence of a sexist, misogynistic, disablist or racial motivation

Appendix B – visual diagram of Appeals process (Paragraph 11)

CMG Decision issued
Liability or Sanction decision sent to relevant party
Interim suspensions are not appealable under this route

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Can the decision be appealed?
Appellant may be the Defendant in the CMG Decision or England Netball

↓

Notice of Appeal submitted
Within 21 days of CMG Decision being sent
Includes appealed decision, Appeal Grounds, supporting facts/documents and £50 fee unless adjusted, deferred or waived

↓

England Netball sends Notice to Chair of Appeal Panel
Chair reviews whether permitted Appeal Grounds have a reasonable prospect of success within 7 days

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DECISION POINT: Reasonable prospect of success?

NO	**YES**
Appeal does not proceed Chair's decision is final	Appeal Tribunal appointed Three independent members, including legal and safeguarding expertise

↓ if YES

Parties notified of Tribunal members
Any objection must be made within 7 days
Chair determines whether member is retained or replaced

↓

Written submissions and bundle
Respondent response: within 21 days
Appellant reply: within 7 days, limited to new points
England Netball bundle: at least 3 days before hearing

↓

Appeal Hearing
Usually secure video conference
Oral submissions heard
Witnesses only if required by Tribunal

↓

Tribunal determines Appeal
Appellant must prove Appeal Grounds on balance of probabilities
Decision by majority vote

↓

DECISION POINT: Appeal outcome

Appeal dismissed	**Appeal upheld in whole or part**
CMG Decision affirmed	CMG Decision varied, reversed or set aside Appeal Decision and/or Sanction substituted

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Appeal Decision communicated
Reasons sent to parties as soon as practicable
Tribunal may direct proportionate disclosure to relevant third parties

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Final and binding
No further appeal
First-instance Sanction remains in force until Appeal determined