# Stoke Green Cricket Club – Internal Disciplinary Procedure

**1. Procedure**

* 1. Any alleged breach of the Club Code of Conducts shall be notified in writing along with supporting evidence and names of witnesses (to be known as ‘a Complaint’) to the Club Safeguarding Officer.
	2. Upon receipt of such complaint, and as soon as reasonably practicable the Club Safeguarding Officer shall consider the complaint and resolve either;
		1. To take no action except to record the complaint and notify the Club Committee; or
		2. To refer the matter for a Disciplinary Hearing which shall be convened by the Club Safeguarding Officer as soon as practicable. The Club Committee shall be notified of the decision to refer to a Disciplinary Hearing.

**2. Disciplinary Hearing**

2.1 The Club Safeguarding Officer shall appoint a Disciplinary Sub Committee and convene a hearing as soon as is practicable within 21 days of the decision to refer. The Club Committee shall be made aware of the appointment of the Disciplinary Sub Committee.

2.2 In any case which is referred for a Disciplinary Hearing, at least seven days’ notice in writing of the hearing and of the offence(s) alleged shall be given to the reported person.

2.3 The Hearing shall be conducted by the Disciplinary Sub Committee which shall consist of not less than three Club Committee Members. None of whom shall be related to the reported person, or involved in making the complaint in any capacity

2.4 The reported person shall be entitled to attend the hearing, state their case, be supported by a friend and to call witnesses.

2.4.1 The Disciplinary Sub Committee shall call the complainant to the Hearing for any further evidence or witnesses, if the complainant so wishes

2.5 Each member of the Disciplinary Sub Committee will be responsible for taking their own notes, and must form an impartial opinion based on the evidence supplied during the Disciplinary Hearing. A silent minute taker will be appointed to provide a transcript of the hearing.

**3. Outcome – Please refer to Annex 1 for recommended penalties**

3.1 If at the hearing the Disciplinary Sub Committee finds the alleged offence proved it shall have the power to impose one or more of the following penalties;

3.1.1 To require the reported person to submit appropriate letter(s) of apology within a specified time frame. ***Recommended for minor first offences such as verbal disagreements between two reported persons which cannot be resolved reasonably.***

3.1.2 To record a reprimand and to give a warning as to future conduct**. *Recommended for repeat minor offences.***

3.1.3 To suspend the reported person from the club and/or all associated roles and responsibilities for a specified time frame or limitation of use of facilities.. ***Only to be considered in cases of serious misconduct and low-level safeguarding breaches for example (but not limited to); behaviour that infringes upon protected characteristics, violent or intimidating behaviour and use of banned substances.***

3.1.4 To expel the reported person from the club. ***Only to be considered for gross misconduct and repeated offences where previous penalties have not been successful in remedying the behaviour.***

3.2 The Disciplinary Committee shall have the power to suspend the operation of any part, or all, of the penalty it imposes for such period and subject to such terms and conditions it deems appropriate.

3.3 Decisions of the Disciplinary Sub Committee (a finding that a complaint is proved or not proved or a decision on penalty) shall be by majority vote; where necessary the Club Safeguarding Officer shall have a casting vote.

3.4 Should the Disciplinary Sub Committee have a concern that the complainant has raised a false, vexatious claim or has themselves fallen foul of the Code of Conduct a counter complaint shall be raised, and separate Disciplinary Hearing convened (following the same guidelines as outlined above).

3.5 The Reported person, the Complainant and the Club Committee shall be notified of the outcome of the Disciplinary Hearing in writing no later than 21 days after the Hearing is concluded.

**4. Appeals**

4.1 The reported person will have the right to appeal within 14 days of the outcome of a Disciplinary Hearing.

4.2 If Notice of Appeal is given the penalty shall not take effect pending the hearing of the Appeal, which shall take place as soon as is practicable.

4.3 The Appeal shall be by way of re-hearing before a different Appeals Committee. The composition of the Committee shall be at the discretion of the Club Safeguarding Officer and shall consist of not less than three persons, none of whom shall be related to the reported person, the complainant or in any way involved with original complaint. The reported person shall have the same rights of attendance and representation, and to call witnesses as they had before the Disciplinary Sub Committee.

4.3.1 The Appeals Committee shall decide if they wish to call the complainant to the Hearing for any further evidence or witnesses outside of the original complaint, evidence and grounds for appeal.

4.4 The Appeals Committee may confirm, vary, or reverse the decision of the Disciplinary Sub Committee. Decisions of the Appeal Panel shall be by majority vote.

4.5 The Reported person, the Complainant and the Club Committee shall be notified of the outcome of the Appeal Hearing in writing no later than 21 days after the Appeal Hearing is concluded.

4.6 The decision of the Appeal Committee is final

**Annex 1**

**Recommended Penalties**

The following are guidelines to sentencing policy which may be used by Disciplinary Panels in determining the appropriate sentence in any individual case. The guidelines provide a method of considering individual cases but are not a tariff and should not be considered as such. Only a Disciplinary Panel can decide on the penalty appropriate to any individual case.

**Violence**

* There is no place for any act of violence on or off the field of play.
* Proven cases of violent conduct against an official will inevitably result in a lengthy term of suspension.
* Violence against a spectator or another player will also normally result in suspension, the length depending upon the circumstances.
* If suspension is the penalty, this should take effect immediately.

**Racial & Homophobic Abuse**

* Members must not make discriminatory or abusive comments towards any protected group nor abusive actions against fellow players, officials, members, supporters and guests.
* Abusive comments or actions will normally result in suspension, the length depending upon the circumstances.

**Drugs**

* The use of illegal substances is not only a breach of the SGCC code of conduct, but also the ECB code of conduct. Use of illegal substances will normally result in a suspension, the length depending on the circumstances.

**Appropriateness of Penalties**

In all cases and for all offences, an admission of guilt will almost certainly result in a lesser sentence being imposed than if the matter is contested – credit being given for the admission. Plainly, the extent of the credit to be given will depend upon all the circumstances of the case, including how early the admission of guilt is made, but save possibly in the most trivial of cases, it will not normally be such as to change the nature of the penalty or to bring about total suspension of the penalty.

Whatever penalties are applied should be applied with consistency. Apologies are normally more appropriate for minor disagreements between two individuals, with those involved encouraged to resolve their dispute amicably without needing to involve a potentially lengthy disciplinary process.

It is likely that cases of accumulated bad behaviour and cases of violent conduct will result in a suspension of at least four weeks. Suspensions of four weeks’ duration should be reported by the League to their nominated County Board for national circulation. Players should understand that suspensions of this length will normally apply to all cricket played under the auspices of ECB.

**Annex 2**

**Guidelines on the conduct of Hearings and Appeals**

**Natural Justice**

The rules of natural justice are the minimum standards of fair decision-making imposed on persons or bodies acting in a judicial capacity. The standard of proof shall be on the balance of probabilities rather than the criminal standard of beyond reasonable doubt. The rules of natural justice consist of the following elements:

(1) The right to a fair hearing

(2) The rule against bias.

**1. The right to a fair hearing**

The right to a fair hearing requires that an individual shall not be penalised by a decision affecting his rights or legitimate expectations unless he has been given prior notice of the case against him and a fair opportunity to answer the case against him and to produce his own case.

**(a) Prior notice of the hearing**

The accused person should be given adequate notice of the allegations against him and of the procedure to be followed so that he may be in an position to make representations on his own behalf, to appear at the hearing, to prepare his own case and to answer the case against him. The time and location of the hearing must also be properly notified to the reported person.

**(b) Opportunity to be heard**

The reported person has a right to attend the hearing and be allowed to present his case. If the Disciplinary Panel is satisfied that the reported person has been given adequate notice of the alleged breach and of the time and location of the hearing, they may allow the hearing to proceed if the reported person fails to attend. However, it may not be justifiable to proceed if the time or location fixed for the hearing is such that the person cannot reasonably be expected to attend.

**2. The rule against bias**

A person adjudicating on a dispute must have no pecuniary or proprietary interest in the outcome of the proceedings and must not reasonably be suspected, or show a real likelihood, of bias. The rule against bias also provides that a party should not normally be judged by his accuser.

**Annex 3**

**Process Overview**

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