

DISCIPLINARY PROCEDURE: PLAYERS, VOLUNTEERS & PLACES TO PLAY

TENNIS WALES LTD

1. Jurisdiction

1.1 In accordance with The Lawn Tennis Association (LTA) Articles of Association, Rules, & Disciplinary Code (<https://www.lta.org.uk/494b87/siteassets/about-lta/file/lta-disciplinary-code-1-april-2022.pdf>) (LTA Code) and the Articles of Association of Tennis Wales (<https://www.lta.org.uk/4ad986/siteassets/in-your-area/tennis-wales/file/tennis-wales-limited---articles-of-association-01.05.2021-approved.pdf>) TWL has

disciplinary jurisdiction over:

- (i) All Places to Play (clubs and centres), committees, organisations or persons directly or indirectly registered with TWL and their members and officers;
- (ii) All Board Members and County Committee Members of TWL;
- (iii) All players who are members of an organisation directly or indirectly registered with TWL or who participate in any event or training authorised by TWL or by any directly or indirectly registered organisation.

1.2 These Procedures shall not apply to Safeguarding as defined at Part C of the LTA Code and the TWL Policy on Safeguarding; Registration Appeals as defined in Part D of the LTA Code, Anti Doping as defined at Part E of the LTA Code, nor Anti-Corruption as defined in Part F of the LTA Code

1.3 TWL shall exercise its disciplinary functions in the manner set out in these Procedures. The TWL Board shall delegate its power to receive and act upon disciplinary matters to a Disciplinary Officer as set out in paragraph 3 below, its power to decide disciplinary matters shall be exercised by Disciplinary Panels in accordance with paragraph 4 below, its power to impose sanctions shall be exercised by the Disciplinary Panels in accordance with paragraph 6 below, and its power to decide upon appeals against the decision of a Disciplinary Panel shall be vested in the Appeals Committees in accordance with paragraph 7 below.

1.4 TWL shall have jurisdiction to consider a formal complaint of alleged misconduct (as defined in paragraph 2 below) made in writing (by letter or email) to the Disciplinary Officer from:

- (i) Any Place to Play (club and/or centre), committee, organization, or person directly or indirectly registered with T W L;
- (ii) Any Board Member and County Committee Member of TWL;
- (iii) Any player who is a member of an organisation directly or indirectly registered with TWL or who participate in any event or training authorised by TWL or by any directly or indirectly registered organisation.

A Disciplinary Officer may in addition, investigate any other matter which the Disciplinary Officer considers may constitute misconduct and which comes to the attention of the Disciplinary Officer whether through media publicity or otherwise.

- 1.5 Although TWL has jurisdiction over the persons and organisations set out in paragraph 1.1 above, directly registered organisations, indirectly registered organisations and non-registered bodies will have their own disciplinary jurisdiction over member organisations, players and persons. Where such jurisdiction exists, those organisations shall exercise that jurisdiction, subject to paragraph 1.6 below.
- 1.6 In cases where both TWL and a directly registered organisation have jurisdiction to investigate and prosecute alleged misconduct, TWL may issue a direction to that organisation that the matter shall be heard by a TWL Disciplinary Panel. Alternatively, an organisation directly registered with TWL which considers that a matter is of sufficient seriousness that it should be dealt with by TWL, may refer the matter for decision to TWL by virtue of making a formal complaint in accordance with paragraph 1.4 above.
- 1.7 In the event of a dispute as to whether a case should be heard by the relevant TWL Disciplinary Panel the Disciplinary Officer shall consider the matter in consultation with the Chair of TWL. Their decision shall be final.
- 1.8 In cases where both the LTA and TWL have jurisdiction to investigate and prosecute alleged misconduct, the LTA may issue a direction to TWL that the matter should be heard by an LTA Disciplinary Panel. Alternatively, TWL may consider that a matter is of sufficient seriousness that it should be dealt with by the LTA in which case it shall be referred immediately to the LTA.
- 1.9 The Board of TWL may amend these procedures as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the Board.

2. Misconduct

- 2.1 In any case where a Disciplinary Panel or an Appeals Committee sits to decide a disciplinary matter, the function of such Panel/Committee shall be to decide whether “misconduct” has taken place and if so to impose sanction/s in accordance with paragraph 7 below. “Misconduct” is defined as:
- (i) Any breach of LTA Rules or regulations;
 - (ii) Any breach of any of the regulations concerning match fixing, financial speculation and betting as detailed in Appendix 3 of the LTA Disciplinary Code;
 - (iii) Any breach of any of the conditions governing players as set out the LTA Rules;
 - (iv) Any conduct which is detrimental to the interests of the game of lawn tennis.
 - (v) Misconduct does not cover any failure in governance by any organisation under paragraph 1.4 above unless it would otherwise constitute bringing the game into disrepute
- 2.2 Before making a complaint those involved should make every effort to resolve the issue amicably but if this cannot be achieved a complaint of misconduct shall be made as follows:

(i) At an event where there is a referee, the complaint shall be made immediately to the referee who shall be responsible for reporting the matter to the LTA at an LTA sanctioned event or to the Disciplinary Officer of TWL at a TWL sanctioned event. In the latter case the report shall be in writing (by letter or email) and sent to the Disciplinary Officer at the Tennis Wales address to arrive no later than seven calendar days from the date of the alleged incident;

(ii) At an event where there is no referee, the complaint shall be made in writing (by letter or email) and sent to the Disciplinary Officer at the Tennis Wales address to arrive no later than seven calendar days from the date of the alleged incident. The complaint shall be supported, as far as possible, with the details of all the persons involved and the names and addresses of any independent witnesses;

(iii) In all other situations, the complaint shall be made within a reasonable time in writing (by letter or email) to the Disciplinary Officer at the Tennis Wales address.

2.3 Those making a complaint and those against whom a complaint is made, should be aware that they and their witnesses may be required to give evidence in person at a disciplinary hearing and that refusal to do so may in itself be construed as misconduct.

3. Disciplinary Officer

3.1 Disciplinary Officer(s) shall be appointed and may be replaced by the Board of TWL. The function of the Disciplinary Officer shall be to receive complaints made about the alleged conduct of those subject to the disciplinary jurisdiction of TWL. The Disciplinary Officer shall have full power and authority to consider and investigate all matters that the Disciplinary Officer believes constitute or are capable of constituting misconduct. The Disciplinary Officer shall have sole discretion to determine whether or not to investigate any matter. If the Disciplinary Officer considers it appropriate, the Disciplinary Officer shall have the power to lay disciplinary charges for misconduct upon any person or organisation against whom a complaint has been made, before a Disciplinary Panel. In relation to proceedings before the Disciplinary Panel, the Disciplinary Officer shall discharge the formal role of prosecutor (subject to the powers to delegate such role pursuant to paragraph 3.2 below). The Disciplinary Officer shall also be entrusted with all matters related to the administration of the TWL's disciplinary regime and all other matters specifically set out in these Procedures.

3.2 The Disciplinary Officer may be assisted in discharging the functions of the Disciplinary Officer by other officers and in any case, may delegate those functions to other officers or where considered appropriate in the absolute discretion of the Disciplinary Officer, to external legal counsel. All references to the actions of the Disciplinary Officer in these Procedures shall be taken to include action taken on behalf of the Disciplinary Officer by any person authorised so to do under this paragraph 3.2.

4. Initial Investigation

- 4.1 The Disciplinary Officer shall with the person/s who has/have made the complaint (hereinafter referred to as the Complainant), commence the procedure by investigating whether or not the alleged conduct constitutes misconduct in accordance with paragraph 2.1 above. Provided, in the absolute discretion of the Disciplinary Officer, it is decided that the alleged conduct constitutes misconduct, the Disciplinary Officer shall investigate the complaint. The Disciplinary Officer shall then as soon as practicable provide to the person or body against whom the charge has been made (hereinafter referred to as the Chargee) a typed Notice of Charge, a summary of the alleged misconduct, and a short factual summary of the evidence supporting the charge. These documents shall be sent to the Chargee at the same time.
- 4.2 The Chargee shall have 14 days from the date of the Notice of Charge to answer the charge in writing and to provide that answer to the Disciplinary Officer. Failure to do so shall render the Chargee liable to suspension from TWL, TWL activities or from TWL sanctioned events until an answer has been received. Alternatively, the Disciplinary Officer may ask the Disciplinary Panel to schedule a hearing of the charge.
- 4.3 Once the answer to the charge has been received, the Disciplinary Officer shall investigate the matter and determine whether it should proceed to a disciplinary hearing.
- 4.4 If the Disciplinary Officer determines that it is inappropriate to proceed to a disciplinary hearing, the Disciplinary Officer shall provide written reasons for that determination to both parties (the Complainant and the Chargee). If the Complainant is not satisfied with the determination of the Disciplinary Officer, the Complainant may request in writing within seven days of the Disciplinary Officer's determination, that the investigation is reviewed by a different Disciplinary Officer. The determination of the second Disciplinary Officer shall be final and unappealable.

5. Disciplinary Panel

- 5.1 If the Disciplinary Officer determines that it is appropriate to proceed to a disciplinary hearing, the Disciplinary Officer, in consultation with the Chair of the appropriate County Committee (and the Chair of TWL in all cases), shall select a Disciplinary Panel from the TWL Board to consider complaints at a National level and from the respective County Committees to consider complaints at a County level, subject to the requirements of paragraph 5.5 below. The function of each Disciplinary Panel shall be to hear and decide disciplinary matters referred to it by the Disciplinary Officer.
- 5.2 When a Disciplinary Panel sits to hear a disciplinary matter referred to it by the Disciplinary Officer it shall consist of 3 panel members.
- 5.3 If a vacancy occurs in a Disciplinary Panel, it shall be filled in accordance with Paragraph 5.1 above.

- 5.4 The Chair of TWL for National matters and/or the respective Chairs of the County Committees for County matters, may in consultation with the Disciplinary Officer, appoint an external independent legal or other expert to advise but not to sit on the panel in any case. Such independent external expert shall advise the panel members upon the evidence placed before them by the Disciplinary Officer but shall not count as part of the quorum and shall not be entitled to exercise any decision-making functions within the Disciplinary Panel.
- 5.5 No member of a Disciplinary Panel may sit on a panel where that member has had what is, or may reasonably be considered to be, any prior involvement with the case or matter before the Panel, or has any material, financial, familial or any other relevant interest in the outcome of the proceedings. Any member of the Disciplinary Panel who is asked to sit on a panel and who may have any grounds for considering that such involvement or interest may exist, shall at the first opportunity notify the Disciplinary Officer of this, whereupon, arrangements will be made to replace that member in accordance with Paragraph 5.1 above.

6. Disciplinary Procedure

- 6.1 The Disciplinary Officer shall liaise with the Disciplinary Panel to schedule a date for the hearing. At least 14 days' notice will be given of the date, place and time of any personal hearing and the Disciplinary Officer shall pay due regard to the locations and availability of all involved. At least seven days before the date of the hearing, the Disciplinary Officer shall indicate to the Chargee, the nature of the evidence in support of the charge upon which the Disciplinary Officer intends to rely at the hearing before the Disciplinary Panel. The Disciplinary Officer will also request details of all witnesses and/or evidence that the Chargee wishes to call/put before the Disciplinary Panel. If such evidence is not provided to the Disciplinary Officer in a timely manner, the Disciplinary Officer may request that the hearing be adjourned upon such terms (including costs) as the Disciplinary Panel shall determine.
- 6.2 All proceedings of the Disciplinary Panel shall take place in private. The public and the press shall have no right of access to the room where the hearing is taking place. The Disciplinary Panel shall not issue any press statement or conduct any press conferences. All media announcements in relation to any decision of the Disciplinary Panel shall be approved by the Chief Executive of TWL.
- 6.3 Every person or body responding to enquiries made by the Disciplinary Officer or giving evidence before the Disciplinary Panel and/or the Appeals Committee is under a duty to give full and truthful evidence. If the Disciplinary Officer believes that a person or body has not given full and truthful evidence, this conduct may be the subject of a further charge, being misconduct contrary to LTA Rule 30.
- 6.4 Any person or body appearing before the Disciplinary Panel or the Appeals Committee shall have the right to be represented by legal counsel of that person's or body's choice; or may be accompanied by a person who may speak on behalf of that person or body.

- 6.5 Where an individual against whom a complaint is made is under the age of 14 years when the matter complained of occurred, correspondence will be addressed to that person's parent or guardian only. Where an individual is between 14 and 18 years of age a copy of all correspondence will be forwarded to a parent or guardian. Where a complaint of misconduct by a minor results in a hearing, a parent or guardian of the minor shall be entitled to be present and make such representations as the parent or guardian thinks fit on the minor's behalf.
- 6.6 At the hearing of the charge of misconduct, the Disciplinary Officer shall present the evidence to the Disciplinary Panel. The standard of proof shall be that of comfortable satisfaction. In all cases, TWL shall bear the burden of proving that the charge has been made out. The Chargee shall have the right to cross-examine all and any witnesses called by TWL to give evidence.
- 6.7 Once the Disciplinary Officer has completed the presentation on behalf of TWL, the Chargee shall then have the right to present the Chargee's case to the Disciplinary Panel. The Chargee shall be entitled (subject to considerations of relevance) to call all and any witnesses that the Chargee wishes to call. The Disciplinary Officer shall have the right to cross-examine all witnesses called to give evidence by the Chargee.
- 6.8 Once the Chargee has completed the Chargee's presentation, the Disciplinary Officer shall make concluding remarks in support of the charge. The Chargee shall then have the right to make concluding remarks or to have such remarks made on behalf of the Chargee. Upon the conclusion of the closing remarks, the Disciplinary Panel will retire to consider its decision.
- 6.9 The Disciplinary Panel shall consider its decision in private. It shall first consider whether or not the charge of misconduct is proved. If it is so proved, then the Disciplinary Panel shall rise and inform the Chargee of this decision and invite the Chargee to raise matters in mitigation. Having heard such mitigation, the Disciplinary Panel shall retire to consider the appropriate sanction.
- 6.10 In reaching its decision, there is no requirement that the Disciplinary Panel be unanimous. No minority opinion or dissenting judgment shall be produced and no indication shall be given by the Disciplinary Panel or any member thereof, to any party that its decision was other than unanimous.
- 6.11 Having reached its decision as to whether or not the charge has been proved, the Disciplinary Panel shall communicate that decision to the Chargee either at the time of the hearing or within 14 days thereafter. In all cases the Disciplinary Panel shall produce a typed determination setting out the reasons for reaching its decision. The typed determination will be provided to the parties to the proceedings and their representatives (if any) as soon as possible and by no later than 14 days from the date of the hearing by recorded delivery. The period for filing an appeal shall run from the date of dispatch of the written decision to the Chargee.

6.12 In exercising its functions under these Procedures the Disciplinary Panel shall have the power to regulate its own procedure. Without prejudice to the generality of this power the Disciplinary Panel has the power:

- (i) to extend or vary any time limit set out in these Procedures;
- (ii) to adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, to allow time for the submission of further evidence or for any other reason;
- (iii) to ask questions directly of any party or witness to any proceedings before the Disciplinary Panel;
- (iv) to admit or exclude evidence on grounds of relevance or failure to comply with directions;
- (v) to make appropriate directions (whether in advance of the hearing or at the start or during the hearing) with respect to the conduct of proceedings before the Disciplinary Panel.
- (vi) to order that the costs of and/or in connection with the hearing either in whole or in part be paid by a party.

6.13 In the course of any proceedings before the Disciplinary Panel, the Disciplinary Panel shall not be obliged to follow the strict rules of evidence and may admit such evidence as it thinks fit and accord such evidence such weight as it considers appropriate in all the circumstances.

6.14 Subject to paragraph 8 below, a decision of the Disciplinary Panel shall be deemed to be a decision of TWL and be binding on all those set out in paragraph 1.1 above.

7. Outcomes

7.1 If the matter is brought to the attention of the Disciplinary Officer and/or the Disciplinary Officer investigates any matter and/or the matter is referred to the Disciplinary Panel and or the Appeals Committee, the Disciplinary Officer and or the Disciplinary Panel and or the Appeals Committee as the case may be shall have the power to decide whether or not to take further action against or impose sanction upon any party and if so, such action and or sanction might include:

7.1.1 deciding no further action is required and if appropriate, informing the subject of the investigation;

7.1.2 rejecting a report because it does not fall within the authority of the LTA and/or, if appropriate, referring it to another relevant body (such as a Member or Registered Organisation);

7.1.3 dismissing a report on the grounds that there is not enough evidence to warrant further action being taken and if appropriate, informing the subject of the investigation;

7.1.4 dismissing a report on the grounds that it is vexatious or malicious and if appropriate, informing the subject of the investigation;

7.1.5 referring a report to any authority deemed more appropriate in practice or in law to handle it, including local authorities, other sports governing bodies, statutory bodies and law enforcement agencies;

- 7.1.6 referring the matter to be dealt with under the Safeguarding Regulations, Registration Appeal Regulations and/or Anti-Doping Regulations;
 - 7.1.7 dealing with a report informally by way of advice, information, warning or reprimand because it is not serious enough to warrant the issuing of a Misconduct charge;
 - 7.1.8 bringing a Misconduct charge if there is a case to answer; and/or
 - 7.1.9 taking any other action in accordance with this Code.
 - 7.1.10 Suspension from competition or from taking part in any other capacity in any event sanctioned by TWL;
 - 7.1.11 Permanent exclusion from competition or taking part in any other capacity in any event sanctioned by TWL;
 - 7.1.12 Exclusion or suspension from coaching or playing at a registered organisation or at any event organised by a registered organisation;
 - 7.1.13 Expulsion, suspension or exclusion from standing for, or holding, any office within TWL, either for a temporary period or permanently;
 - 7.1.14 A fine not exceeding £1,000;
 - 7.1.15(vi) The withholding of all or a proportion of any prize money earned by a player from an event or tournament;
 - 7.1.16) A caution and/or censure in respect of his or her or its conduct;
 - 7.1.16 Payment of a contribution to the costs of the disciplinary hearing;
 - 7.1.17 A suspended penalty, being a penalty which is only invoked in the event that a person or body subject to TWL's disciplinary power commits another disciplinary offence within a stated time of the date of the decision;
 - 7.1.18) A requirement to attend appropriate training.
 - 7.1.19 Refer the complainant to the LTA to be dealt with under the LTA Disciplinary Code
- 7.2 Where the Disciplinary Panel imposes any period of suspension, that period of suspension shall run from the date of the decision, notwithstanding that any Notice of Appeal is submitted.
- 7.3 In addition, the Disciplinary Panel, in consultation with the Chair of TWL, may recommend that a complete dossier of the evidence submitted in the course of the proceedings be prepared and sent to the criminal authorities, together with an expression of the view of the TWL Panel that the matter should be investigated by such authorities to establish whether a criminal offence has been committed.

8. Appeals Committee Procedure

- 8.1 Appeals may be made in the following circumstances:
- (i) A party found guilty of a charge of misconduct may appeal as of right against the decision of the Disciplinary Panel sitting as a first instance tribunal to an Appeals Committee on the ground that the Disciplinary Panel in its conduct or conclusions misdirected itself or otherwise reached an erroneous conclusion;
 - (ii) Any directly affected person who disputes any decision reached may refer such matter for final decision to an Appeals Committee.

- 8.2 An appellant shall have 21 days from the date of dispatch of the relevant decision to submit a Notice of Appeal to the Disciplinary Officer. The Notice of Appeal shall set out the decision appealed against and the grounds upon which it is submitted that the Disciplinary Panel misdirected itself or otherwise reached an erroneous conclusion. The Notice of Appeal should be accompanied by all relevant documents.
- 8.3 Having received the Notice of Appeal, the Disciplinary Officer in consultation with the appropriate Chairs (including the Chair of TWL in all cases), shall select an Appeals Committee to consider appeals at a National level from the TWL Board and at a County level from the respective County Committees. In the event that there are insufficient members available from the Board or County Committees respectively, members may be selected from the County Committees for appeals at a National level and from the Board for appeals at a County level.

No member of the original Disciplinary Panel may be a member of the Appeals Committee and members shall be subject to the requirements of paragraph 5.5 above. A date shall then be set for the hearing of the appeal.

- 8.4 When an Appeals Committee meets to hear a matter referred to it by the Disciplinary Officer it shall consist of a panel of three.
- 8.5 If a vacancy occurs in an Appeals Committee, it shall be filled in accordance with Paragraph 8.3 above.
- 8.6 The Appeals Committee will consider all of the documents and evidence submitted to the Disciplinary Panel and may request the recall of any witnesses heard before the Disciplinary Panel. The Appeals Committee shall have power to admit new evidence.
- 8.7 In the light of the evidence received by it, the Appeals Committee will reach its decision. It may cancel, reduce, confirm or increase the penalty under appeal.
- 8.8 A decision of the Appeals Committee is final and binding and shall be deemed to be a decision of TWL and be binding on all those persons set out in paragraph 1.1 above.
- 8.9 In exercising its functions the Appeals Committee shall have the power to regulate its own procedure. Without prejudice to the generality of this power it shall have the power:
- (i) to extend or vary any time limit set out in paragraph 6.1 above;
 - (ii) to adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, to allow time for the submission of further evidence or for any other reason;
 - (iii) to ask questions directly of any party or witness to any proceeding before the Appeals Committee;
 - (iv) to admit or exclude evidence on grounds of relevance or failure to comply with directions;

(v) to make appropriate directions (whether in advance of the hearing or at the start or during the hearing) with respect to the conduct of proceedings before the Appeal Committee;

(vi) to order that the costs of and/or in connection with the hearing either in whole or in part be paid by a party.

9. Waiver of Minor Procedural Irregularities

9.1 Without prejudice to the right of the Disciplinary Panel or the Appeals Committee to regulate its own procedure, where at any time in the course of any disciplinary proceeding carried out under these Procedures there has been a breach of procedure or failure to follow any direction given, this shall not invalidate the proceedings unless such breaches have been such as to seriously and irredeemably prejudice the position of the person against whom an allegation of misconduct is made.

10. Governing Law

10.1 These Procedures shall be governed by and construed in accordance with the law of England and Wales