

Paddle England - England Talent Programme Athlete Disciplinary Policy

OVERVIEW OF THIS POLICY

Summary of Key Principles

- Day to day management or performance progression issues (especially those that do not arise from misconduct) may be handled as part of athlete review discussions and need not be resolved using this Policy, except where it is appropriate to do so – see paragraph 2.
- First time instances of misconduct or minor issues can be addressed by following the fast track process set out in this Policy – see paragraph 5.
- Conduct or misbehaviour that amounts to gross misconduct will result in a full disciplinary process being used to establish the facts of the case and decide appropriate sanctions, including in the most serious cases deselection from the England Talent Programme – see paragraphs 7 and 8.
- It is the decision of Paddle England¹ staff to raise any complaints or review incidents that may give rise to a disciplinary issue within the scope of this Policy.
- Athletes may challenge the outcome of any disciplinary matters considered under this Policy through appeal – see paragraph 9.

¹ Paddle England is a trading name of British Canoeing which is a Company registered at Companies House with the registered number 01525484.

1. Introduction

- 1.1. This Athlete Disciplinary Policy (**the Policy**) is designed to help athletes, coaches, the Head of Talent (**HoT**), the Director of Paddlesport, and Paddle England address any misconduct that occurs whilst an athlete is a member of a Paddle England England Talent Programme (referred to in this policy as **the Talent Programme**).
- 1.2. Paddle England recommends that, wherever possible, minor discipline or conduct issues should be resolved outside this Policy. Coaches, or the HoT where appropriate, should talk about the improvement in conduct or performance that is required as part of day-to-day interactions. In some cases, additional training, coaching and advice may be what is needed.
- 1.3. There will be situations where matters are more serious or where an informal approach has failed to achieve the required results. In these cases, if informal action does not bring about an improvement, or the misconduct is considered too serious to be classed as minor, then the HoT should consider taking formal action following this Policy.

If the issue relates to:

- **an individual who is under 18 or an adult at risk of harm², the designated safeguarding lead must be informed at the start.**
- **bullying, harassment or discrimination, reference should be made to the Paddle England Equality and/or Anti-Bullying and Harassment policies.**
- **matters that might involve criminal behaviour and/or safeguarding risks, advice must be taken from the Director of Governance as the matter may need to be referred to the statutory authorities before proceeding further.**

- 1.4. All athletes have the right to be accompanied to meetings held as part of the formal disciplinary process under this Policy. All athletes under the age of 18 must be accompanied by their parents, legal guardian or representative appointed by the parent or guardian. Appropriate support must be offered to adults at risk of harm.
- 1.5. The wellbeing of the athlete during this process is vitally important. They should be offered support from the Performance Wellbeing Coach, squad Psychologist (if available), other suitable support programmes, or their parent or guardian who is not involved in the disciplinary process, especially if the process results in any period of suspension.

2. Purpose and Scope

- 2.1. This Policy applies to all English based athletes who are part of a Talent Programme activity (including Slalom Schools, Regional Development Squads, England National Talent Squad, Sprint Junior Development Squad and GB Junior Training Squad). It is a condition of participation in all such Talent Programmes

² An adult who: has needs for care and support; and is experiencing, or is at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

that the athletes agree to the provisions of this Policy as amended from time to time.

- 2.2. The purpose of this Policy is to ensure consistent and fair treatment if disciplinary matters arise and to encourage athletes to maintain appropriate standards of conduct. The HoT, coaches and athletes should ensure they all have a good understanding of this Policy.
- 2.3. This Policy does not confer contractual rights on individuals and will be reviewed in line with any legislative changes. The Policy may be changed or amended at Paddle England's discretion.
- 2.4. Where it is not possible or appropriate to manage internally, Paddle England may at its discretion appoint external parties to conduct investigations and disciplinary hearings. This may include circumstances where there is a conflict of interest, a lack of available resources, a high degree of complexity, or a requirement for specialist knowledge of the issues.
- 2.5. Wherever external parties are appointed to conduct investigations or disciplinary hearings, all parties are expected to fully cooperate with any such investigation or hearing conducted by the external party.
- 2.6. This Policy applies to misconduct. It is **not** intended to be used to address athlete performance progression issues which can be resolved and monitored as part of routine or day-to-day discussions as part of the general management of the Talent Programme.
- 2.7. For the purposes of this Policy the following persons shall have the following responsibilities:
 - **HoT** (or their delegates) shall raise any complaints or review incidents that may give rise to a disciplinary issue within the scope of this Policy.
 - **Performance Wellbeing Coach** shall work with the athletes to gather all relevant information so that disciplinary matters can be resolved swiftly and fairly.
 - **Director of Governance** shall administer and oversee the fair application of the principles of this Policy and as required shall provide guidance.
 - **Investigator** shall be an individual appointed pursuant to paragraph 7.1 to establish the facts of a disciplinary case.

3. Standards

- 3.1. Paddle England has clear standards of conduct and behaviour, which are reflected in Paddle England's Values. They are explained to athletes when they join a Talent Programme and are reinforced through regular updates. These cover such areas as:
 - the requirement for being responsible and accountable for your own conduct.
 - behaviour towards staff and fellow athletes, including respecting professional boundaries and the use of social media.
 - Health and Safety regulations.
 - the inappropriate use of facilities.

- 3.2. Athletes are responsible for representing Paddle England and this includes maintaining high standards of behaviour and adhering to all applicable policies including the Athlete Code of Conduct, as well as policies adopted for specific events or applied during travel outside the UK.

4. Principles

- 4.1. The overriding principles governing the Policy and its application are:
- consistency and fairness, with all athletes treated with respect and dignity;
 - respect for each individual's rights and responsibilities;
 - openness and transparency;
 - managing misconduct proportionately, with minor instances of misconduct initially addressed by means of informal counselling, guidance and instruction. However, if problems continue or Paddle England regards matters to be sufficiently serious, the disciplinary procedure outlined in this Policy shall be invoked;
 - except in the case of gross misconduct, no athlete will be de-selected from the Talent Programme for a first breach of discipline.
- 4.2. In order to ensure that matters are dealt with fairly the following steps shall be taken:
- the HoT, coach or the person leading the disciplinary process should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
 - the HoT or applicable coach should ensure that the facts of the case are established and all relevant persons have an opportunity to provide information to establish the facts giving rise to the disciplinary matter.
 - athletes will be informed of the basis of the problem and be given an opportunity to put their case in response before any decisions are made.
 - athletes will be allowed to be accompanied at any disciplinary meeting.
 - unless the matter is resolved via the fast track process or with consent in accordance with paragraph 5, athletes have the right to appeal any action taken against them under this Policy.

In addition to the above, the interim actions detailed in paragraph 6 may also be taken where it is appropriate and proportionate to do so.

- 4.3. Any disciplinary letters issued under this Policy are to be approved by the Director of Governance to ensure consistency and to ensure that appropriate records are maintained.

5. Fast track resolution procedure

- 5.1. Where conduct or behaviour falls short of the standards expected by Paddle England it may be dealt with by following the procedure outlined in this paragraph provided the conduct meets one or more of the following criteria:
- the athlete admits the conduct or behaviour in question; and/or
 - it is a first offence that does not constitute Gross Misconduct; and/or
 - where the appropriate outcome is anticipated to be no more than:
 - a period of informal counselling or guidance
 - mandatory attendance at a relevant training course;

- a verbal warning; or
 - a written warning
- 5.2. The HoT or applicable coach should notify the athlete in writing that they intend to apply the fast track procedure and invite the athlete to a meeting to discuss and resolve the matter.
- 5.3. The HoT or applicable coach should hold a meeting with the athlete, find out if there are any problems, reiterate the required standards, set out improvements expected with timescales (usually immediate and sustained) and identify any help and support that may be needed. The final outcome should be communicated to the athlete in writing. These actions are NOT part of the full disciplinary process, with the exception of a written warning which shall be issued and held on record pursuant to paragraph 8.
- 5.4. The athlete's wellbeing should be considered when arranging to meet the athlete about their conduct. Where appropriate, the purpose of the meeting should be explained to the athlete in advance. Consideration should be given to inviting a third party such as the Performance Wellbeing Coach, or to offering the athlete the option of being accompanied by a friend or other representative.
- 5.5. The HoT or applicable coach should take notes of any such discussions. These will be retained in accordance with Clause 10.9 below.
- 5.6. The HoT or applicable coach should seek the advice and guidance of the Performance Wellbeing Coach or Governance Department if the matter is to progress in accordance with this Policy.
- 5.7. In some cases, the problem may be more serious that it initially appeared at the outset, or counselling, guidance, instruction and/or prior verbal warning have not worked. If this is the case, the full disciplinary procedure should apply and this fast track process should not be followed. In addition, the HoT or the applicable coach shall have the discretion at any time to stop the fast track procedure and refer the matter to a full disciplinary hearing.

6. Interim Actions

- 6.1. Paddle England reserves the right to undertake an appropriate interim action against any athlete who is subject to this Policy, if it is considered in the interests of the individual and/or Paddle England to do so. Such circumstances include, but are not limited to, where it is necessary to:
 - ensure an unhindered investigation can take place and all facts gathered; and/or
 - safeguard other athletes, staff, or volunteers that are part of the Talent Programme.
- 6.2. An interim action may range from temporarily restricting an athlete from attending team training or activity, accessing training facilities, sending an athlete home from an event (whether in or outside the UK) or a complete interim suspension from the Talent Programme and all associated activities. An interim suspension or other action taken in this regard is a neutral act designed to protect all parties and should not be considered to be disciplinary action or sanction. It will be in place for as short a time as possible.

- 6.3. Any decision to temporarily suspend an athlete from the Talent Programme must be agreed with the Director of Paddlesport before it is confirmed. A complete interim suspension from the Talent Programme will only be enacted where it is necessary and proportionate to do so.
- 6.4. Any decision to suspend will be confirmed in writing within five working days and such written confirmation will state that the nature of the suspension is precautionary, not disciplinary, pending the outcome of the investigation and any subsequent disciplinary proceedings.

7. Disciplinary Process

- 7.1. **Establishing the facts of each case.** It is important to carry out an investigation without unreasonable delay to establish a fair and balanced view of the allegations against the athlete, before deciding whether to proceed with a disciplinary hearing. The investigation should be carried out by an independent individual, meaning an individual who has not been involved previously in the matter giving rise to the allegations and who does not coach or manage the athlete. This might be the HoT, a member of the Governance Team or other appropriate person. Consideration should be given as to who would be an appropriate and fair investigator.
- 7.2. Different people MUST carry out the investigation and disciplinary hearing.
- 7.3. If the Director of Paddlesport is not already involved in the matter, it is recommended that the Director of Paddlesport is not involved in any investigatory process. This is because in such cases the Director of Paddlesport is best placed to chair the disciplinary hearing if it is decided that there is a case to answer, and so must remain independent from any investigations.
- 7.4. Where the investigation reveals allegations of criminal conduct, the investigation will be handed over to the police and will be stayed until the conclusion of any resulting police investigation and/or criminal proceedings.
- 7.5. An investigation will usually involve interviewing the athlete concerned, the individual(s) raising the concern, and any other relevant parties. All interviewees should be offered the option of bringing a companion to the interview. Notes will be taken at all interviews which may be used as evidence in any subsequent disciplinary case. The investigator should also consider any other relevant evidence. The investigator will write up their findings based on the evidence and decide if there is a disciplinary case to answer.
- 7.6. **Informing the athlete that there is a case to answer.** If, at the end of the investigation it is decided there is a disciplinary case to answer, the athlete should be notified of this in writing by the HoT. If the investigation in fact concludes that the case can be addressed using the fast track procedure the provisions of paragraph 5 shall be followed. All the information about the alleged misconduct and its possible consequences should be provided to the athlete unless to do so would prejudice the welfare and safety of another party. This includes providing them with copies of any written evidence, such as witness statements. In some cases a witness will be anonymous and Paddle England shall be entitled to withhold part of or all of the evidence and/or redact information if disclosure would breach another person's confidentiality and/or data protection rights and/or put a child and/or vulnerable adult at risk. The athlete must be given sufficient information about the allegations against them to enable them to respond to such

allegations. The athlete must also be informed of the possible outcomes of the hearing.

- 7.7. **Holding a Disciplinary hearing.** Where a formal disciplinary hearing is required, the hearing should be held without unreasonable delay whilst allowing the athlete reasonable time to prepare their case. The athlete should be given the details of the time, venue, and panel members for the hearing normally a minimum of 10 working days in advance of the hearing and be advised of the right to be accompanied. Paddle England will seek to ensure that the date, time and location of any disciplinary hearings are reasonable and it will take place as soon as is reasonably practicable (what is judged to be reasonable will depend on the complexity of the case but will not be less than 10 working days from the date the athlete is notified).
- 7.8. The disciplinary hearing will be arranged by the Governance team. It will usually involve a panel of three independent members. An independent member is an individual that was not involved in raising the concern or the behaviour itself, and was not involved in the investigation. The person chairing the hearing will be the Director of Paddlesport, a member of the Governance Team, or other appropriate person in the circumstances. Consideration should be given as to who would be an appropriate and fair person to chair the hearing. In the most egregious cases it is likely that the Chair shall be a member of the Governance Team or a legally qualified individual chosen from the Paddle England Disciplinary and Appeal Panel Register.
- 7.9. Other panel member(s) will be 'independent' (as described above) which may be a member of the Performance Leadership Team, or in serious cases of alleged gross misconduct (as defined in paragraph 8.6 below) must include a minimum of one external independent person selected from the Paddle England Disciplinary and Appeal Panel Register, or an individual from another NGB with experience of Talent Programmes.
- 7.10. The athlete shall have the opportunity to challenge the composition of the Disciplinary Panel by submitting written objections to the Governance Department no later than 5 working days of being informed of the Disciplinary Panel. Paddle England shall review the objection, consider the issues raised and decide in its absolute discretion whether it is appropriate to alter the composition of the Disciplinary Panel.
- 7.11. The athlete and - where applicable - their companion must take all reasonable steps to attend. Where the athlete persistently fails to attend a disciplinary hearing without good cause, Paddle England may make a decision in the athlete's absence on the basis of the evidence available.
- 7.12. At the hearing, the chair will introduce everyone present and explain the role of all those attending and the allegation(s) against the athlete and will then go through the evidence that has been gathered. The athlete will be allowed to set out their case and answer any allegations that have been made. The athlete will also be given a reasonable opportunity to:
 - ask questions;
 - present evidence;
 - call relevant witnesses; and
 - raise points about any information provided by witnesses.

- 7.13. Where the chair or the athlete intend to call relevant witnesses they should give advance written notice that they intend to do this. Any written statements, witness statements or other documentary evidence should be exchanged at least 5 working days in advance of the hearing.
- 7.14. The main points of the discussion will be summarised and the athlete will be asked if they have anything further to say.
- 7.15. **Athlete's companion** - Athletes may be accompanied by a companion at any formal disciplinary, investigative or appeal hearing or meeting. Such a companion may be: another athlete; a member of the coaching/support staff of their choice; a parent or guardian; an Athlete Representative. Athletes may not choose a companion whose presence would prejudice the outcome of any hearing. If the chosen companion cannot attend the original date, an alternative date will be offered within the following 5 working days.
- 7.16. The companion may address the hearing to present and/or sum up the athlete's case, respond on their behalf to any views expressed at the hearing and confer privately with them at any stage during the hearing. The companion does not have the right to answer questions on the athlete's behalf, address the hearing if the athlete does not want them to or prevent anyone, including the athlete, from explaining their case.
- 7.17. Any companion who attends a hearing with an athlete in connection with this disciplinary policy shall not be penalised in any way. No one shall be obliged to act as a companion if they do not wish to so.

8. Decide on the appropriate action

- 8.1. The panel conducting the disciplinary hearing must decide whether or not disciplinary action (or any other action) is justified and proportionate and inform the athlete accordingly in writing giving the reasons for the imposition of any sanction, including any mitigating and/or aggravating factors. Save for cases in which the athlete persistently fails to attend a disciplinary hearing without good cause, disciplinary action should not be imposed without a hearing.
- 8.2. Where misconduct is confirmed, the possible outcomes include:
 - **Written warning.** For a first offence, which does not amount to Gross Misconduct (as defined in paragraph 8.6), a written warning is appropriate.
 - **Final written warning.** Where the athlete is already subject to a written warning, and the misconduct is not Gross Misconduct, then a final written warning is appropriate.
 - **Suspension.** To suspend and/or withdraw the athlete for a reasonable period of time from:
 - attending Talent Programme training or related activity, and/or
 - accessing training, facilities and benefits (whether offered by Paddle England or a third party on behalf of Paddle England), and/or,
 - selection for or attendance at competitions, events or travel.

- **De-selection from the Talent Programme.** Where the misconduct is considered to be Gross Misconduct, or the athlete is already on their final written warning, then it may be appropriate to de-select the athlete from the Talent Programme.
- 8.3. A written warning or final written warning should set out:
- the nature of the misconduct and the change in behaviour required (with timescale);
 - how long the warning will remain current; and
 - the consequences of further misconduct within the set period (that it may result in deselection or some other penalty).
- 8.4. A record of the warning will be kept by Paddle England for the following periods, following which the warning will expire and shall not be considered in any future disciplinary case under this Policy:
- 6 months (written warning).
 - 12 months (final written warning).
- 8.5. **De-selection from the Talent Programme** Some acts amounting to Gross Misconduct are so serious in themselves or have such serious consequences that they may require de-selection from the Talent Programme without notice for a first offence. However, the disciplinary process should still be followed in such circumstances.
- 8.6. The following are non-exhaustive examples of **Gross Misconduct** which may result in immediate de-selection from the Performance Programme:
- Actual or attempted theft, fraud or dishonesty.
 - Betting that breaches Paddle England Anti-Betting policy, corrupt conduct, and race fixing.
 - Fighting, physical or sexual assault, violence, threatening behaviour or deliberate and serious damage to people or property.
 - Gross insubordination, including repeated failure to comply with reasonable requests/instructions.
 - Incapacity for training owing to the use of alcohol and/or illegal drugs.
 - Serious breaches of Paddle England Values.
 - Deliberate actions or omissions that bring Paddle England's name into serious disrepute.
 - Gross negligence or incompetence which causes serious loss, damage or injury.
 - Serious breaches of Paddle England's rules relating to Health & Safety (and hygiene).
 - Serious breaches of Paddle England's mobile phones and driving policies.
 - Bullying or harassment on the grounds of sex, race, disability, age, sexual orientation, religion or belief or any other protected characteristic of another athlete, employee, volunteer or visitor or any other third party to whom Paddle England has a duty to prevent such discrimination.
 - Indecent, offensive or immoral behaviour.
 - Offensive use of social media, including unauthorised use or hacking of another person's account.
 - Disclosure of confidential information pertaining to Paddle England.

- Deliberate telephone, computer and e-mail misuse, including hacking and/or the access, downloading or transmission of any pornographic or otherwise offensive material.
- Serious violations of the rules outlined in the Athlete Code of Conduct and/or Athlete Agreement (if applicable).
- Encouraging or supporting a Para athlete to intentionally misrepresent themselves to a classification panel.
- Failure or refusal to cooperate with an anti-doping investigation or any act of misconduct which does not amount to an Anti-Doping Rule Violation in accordance with Paddle England Anti-Doping Rules.

Anti-Doping rule violations which have been proven in accordance with Paddle England Anti-Doping rules will constitute Gross Misconduct but will be dealt with under the Paddle England Anti-Doping rules.

9. Appeal

- 9.1. Where the athlete disputes the outcome of any disciplinary hearing, including the sanction imposed, they may appeal the decision. Appeals should be heard without unreasonable delay. The athlete should let the CEO or their designee (which may be the Director of Governance if they have not been previously involved in the case) know the grounds (reason) for the appeal in writing within 10 working days of receiving written confirmation of the disciplinary warning or de-selection.
- 9.2. The grounds for an appeal are as follows:
 - the correct process was not followed;
 - the decision maker has shown actual bias when making the decision;
 - the decision was made on the basis of a factual error; or
 - the decision was not one a reasonable person could ever have made.
- 9.3. Where the appeal is against:
 - a written warning, it should be heard by the Chief Executive Officer provided they have had no previous involvement in the case. The athlete will be given the opportunity to approve this appointment (if they reasonably disapprove a mutually agreed member of the Paddle England Board of Directors will be chosen); or
 - de-selection (Gross Misconduct), Paddle England will refer the matter to an independent panel of one or three appropriately qualified persons selected from the Paddle England Disciplinary and Appeal Panel Register.
- 9.4. The athlete will be given the opportunity to raise any objections against the composition of the Panel in accordance with the provisions of paragraph 7.10.
- 9.5. The athlete has the right to be accompanied at an appeal hearing and will be informed in writing of the outcome of the appeal hearing in a reasonable timeframe.
- 9.6. An independent appeal is final and binding and concludes Paddle England's procedure.

10. Additional Information

- 10.1. **Criminal Offences:** Where allegations are made that may be of a criminal nature, Paddle England will co-operate fully with any police investigation. Where these issues are related to the potential conduct of an athlete whilst overseas, athletes should note that the laws of the United Kingdom will not apply to overseas training events and competitions which will, therefore, be subject to the legislation and legal proceedings of the country in which the alleged offence occurred.
- 10.2. **Confidentiality:** Athletes should only discuss disciplinary matters with the HoT (or any applicable members of staff involved in the process) and their companion. Breaching confidentiality may result in further disciplinary action being taken.
- 10.3. **Publication of Decisions:** The outcome of a disciplinary hearing will remain confidential to the parties involved. Disclosure may be made in accordance with Paddle England's legal, contractual or regulatory obligations.
- 10.4. **Time limits:** In cases where it is not practical to implement the disciplinary procedure fully and expeditiously, for example in the absence of the HoT, matters will be dealt with as expeditiously as possible in the circumstances and adhering as closely as is possible to this policy.
- 10.5. **Irregularities:** Any deviation from any provision of this Policy or any irregularity or technicality will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable.
- 10.6. **Likely Timeframe:** Under normal circumstances the disciplinary process should be concluded in no more than 3 months. However, it is recognised that more complex cases could take longer. When any disciplinary process takes more than 20 working days, the HoT or applicable member of staff conducting the process shall provide a written update to all parties at the 20 working day point, and every 20 working days thereafter until the process is concluded. A copy of the update shall be sent to the Director of Governance.
- 10.7. **Note taking and records:** Should an investigation lead to a criminal investigation (or be drawn upon as part of any appeal procedures), all material obtained in the course of applying this policy that is considered relevant will be made available to the police and, where applicable, to the athlete.
- 10.8. **Audio Recordings:** wherever possible, audio recordings of any investigations or meetings will be taken for the purpose of providing accurate records for use within the disciplinary process including any appeals.
- 10.9. **Written Records:** Paddle England requires meeting notes/minutes to be taken at all meetings to record decisions and outcomes. First party evidence will be given more credence over hearsay or speculation. The athlete will be sent a copy of the interview or meeting notes produced, which will constitute the record of proceedings. The athlete will be given the opportunity to correct any obvious errors of fact in the record. All records from the process, both formal and informal resolution, will be retained in a secure and confidential manner by Paddle England in accordance with the relevant data protection laws in effect at the time of the matter, and in accordance with the Paddle England Data Retention Policy. In some cases notes may be anonymised in order to preserve confidentiality.

- 10.10. **Retention of Records:** All records detailing the nature of any sort of misconduct, the athlete's defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments, will be kept confidentially in the Governance Department. Likewise, the HoT or applicable member of staff may also keep records relating to an athlete's conduct, the implementation of corrective actions and progression of learning.

11. Amendments

The Board of Paddle UK reserves the right to update this policy at any time.