



English Pool Referee's Association

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ENGLISH POOL REFEREE'S ASSOCIATION

BYELAW 4

DISCIPLINARY & COMPLAINTS PROCEDURE

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1. General

- 1.1. Any reference to a post/position in this entire procedure at league, county, region or national level will automatically revert to “or designated officer” where required to avoid vacancies frustrating the disciplinary process.
- 1.2. Any reference to “member” includes Officers, Regional Delegates and Referees.
- 1.3. Any references to an Officer refers to the 6 (six) named Officers of the Association where they are in office.
- 1.4. Any member whose membership has been suspended or who has been expelled will not be allowed to referee at any event organised by the Association, until that party has been re-admitted to the Association by the body that suspended or expelled the member.
- 1.5. Suspension of membership does not imply guilt – it merely allows any investigations to proceed whilst protecting the member and the Association.
- 1.6. Any member expelled from the Association will forfeit the whole of any subscriptions paid for the current affiliation year, and any right or entitlement formally accorded to them as members of the Association.
- 1.7. Any reference to ‘he’ or ‘him’ or any other gender pronoun is used only for ease of reference and shall be deemed to include all human persons regardless of gender.

2. Complaints Procedure

- 2.1. All complaints must be made within 14 (fourteen) days of the incident, in writing, to the secretary (or other officer) of the relevant committee; either Region, or National.
- 2.2. The secretary (or other officer) will assess the complaint following the Disciplinary and Complaints procedure.
- 2.3. A complaint can be made in person on the day but must be followed up in writing, Email or via the Association’s website Contact Us form within 14 days.
- 2.4. All complaints will be dealt with in the first instance under the strictest privacy, within 7 (seven) days from the date of receipt.

3. Disciplinary Proceedings

- 3.1. It is stated and decreed that any disciplinary procedure conducted against any member of the EPRA whether lay or officer must comply with the requirements of natural justice. This shall include, but not be limited to:
 - 3.1.1. No officer may sit on a disciplinary issue in which they have any vested interest or are impacted by directly.
 - 3.1.2. A person has the right to be informed of all charges against them within a reasonable period of time before having to answer said charges.
 - 3.1.3. person has the right to be presented with all evidence against him within a reasonable period of time before having to answer said charges.
 - 3.1.4. A person has the right to present evidence and challenge the evidence against him.
 - 3.1.5. The burden of proof is not on the accused. If there is a benefit of the doubt, then it must be afforded to the accused.

4. Disciplinary Procedure

- 4.1. Whilst regions are given autonomy to adopt their own processes, they must achieve the same general aims as follows:
 - 4.1.1. The National Secretary or Officer (referred to as Administrator) will send to the accused a separate document labelling in numerical order the particulars of the offences that are to be put to the member. This to be actioned within 14 (fourteen) days of the allegation(s). The Administrator will also provide all evidence that it is suggested supports those charges.
 - 4.1.2. The member shall then, within 14 days, reply to the Administrator in writing, their full and detailed written response to the charges with any evidence in support.
 - 4.1.3. The Administrator will then arrange a meeting of the disciplinary committee. This committee will be made up of 1 (one) officer as chairperson plus 1 (one) other officer plus 1 (one) regional delegate and will be held within 14 days of receipt of the member's written response to any charges.
 - 4.1.4. The chairperson shall read out the allegations and invite the member's response to each. The accused may put their defence, call their witnesses - maximum of 2 (two) - and to make submissions in relation to the charges against them.
 - 4.1.5. The disciplinary committee shall be entitled to ask questions of the accused in relation to all evidence presented by them, including any witnesses that may be called.
 - 4.1.6. Nothing in these rules shall prevent the Administrator and/or chairperson from organising such a meeting on any platform available including, but not limited to, Teams, telephone, or in-person.
 - 4.1.7. The disciplinary committee will then adjourn to consider its verdict and shall provide a written decision to the member within 7 days of the meeting.
 - 4.1.8. If the charges are found to be proven, then the penalty/sanction shall also be stated in said communication and the member shall be informed of their right to appeal the decision to the appropriate committee.
 - 4.1.9. A failure to follow these rules relating to the disciplinary procedure shall not render any decision void so long as the rules of natural justice have been adhered to and the member has suffered no unreasonable prejudice.

5. Evidence at Disciplinary Hearings

- 5.1. It shall be for the chair of the disciplinary committee to control the evidence that is placed before the committee. Only evidence relevant to the issues at hand may be presented.
- 5.2. Any evidence not served at least 7 days before the disciplinary hearing shall not be considered without the permission of the disciplinary committee.
- 5.3. Any letter or statement provided in support of the accused must be signed and dated and include the following phrase:

'I confirm the facts in this statement are true.'
- 5.4. The starting point is that any witness who provides a letter and/or statement for use in a disciplinary hearing is to give live evidence to the committee. Should such a person refuse or, for whatever reason, fail to give live evidence then that statement shall be included at the committee's discretion but the question of what weight the committee should attach to the statement shall be determined by the committee.

6. Appeal Process

- 6.1. If a penalty/sanction is imposed upon any member then they must first appeal, in accordance with the rules of the Association, to determine whether or not the sanction should be upheld.
- 6.2. No-one involved in an original Disciplinary Committee's decisions process shall sit on an associated Appeal Committee.
- 6.3. Should a member or officer wish to challenge the decision of any disciplinary committee then they shall have a final right to appeal that decision to the Committee which shall appoint an Appeal Committee consisting of 2 (two) Officers, and 1 (one) regional delegate from the National Committee.
- 6.4. Any appeal must be received in writing within 7 days of the decision made by any of the previous disciplinary/appeals committees. The Committee shall have the absolute power to extend the time for filing an appeal if they are satisfied that there are exceptional circumstances that warrant such behaviour.
- 6.5. The appeal from the member must contain an explanation and/or evidence of why the decision of the previous disciplinary/appeals committees were wrong in fact or law.
- 6.6. The Administrator will then arrange an appeal hearing that shall take place within 14 days after the appeal has been filed.
- 6.7. The role of the Committee in such appeals is not to rehear any disciplinary matter afresh but to establish whether the national or regional disciplinary committee reached a decision that was based on the facts against the law or in breach of the rules of natural justice.
- 6.8. Evidence that was not presented to the national, or regional disciplinary committee may not be presented to the Committee unless it can be shown by the member that the evidence was not reasonably available at the time of the initial disciplinary hearing.
- 6.9. The Appeal Committee shall have the right to ask questions of the member, witnesses, and other individuals as necessary.
- 6.10. The Appeal Committee shall then adjourn and provide a written reasoning of their decision within 7 days of the appeal hearing or as soon as practicable thereafter.
- 6.11. The Appeal Committee shall have the unreserved right to quash, uphold or amend (including increasing) any penalty/sanction imposed by any national or regional disciplinary or appeal committees.
- 6.12. Unless and until a penalty/sanction is overturned, it shall take full effect.
- 6.13. The decision of the appeals committee shall be final and binding.