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Definitions

Appellant	Any person bringing an appeal against a decision or sanction which has been imposed as a result of a finding of misconduct
Appeal Hearing	Any hearing convened by the Appeal Panel to hear an appeal
Appeal Panel	An independent panel set up under section 12 of this Policy
Archery GB	The Board of Directors, the Chief Executive including national governing body/disciplinary panel/appeal panel
Case Presenter	A person appointed by the CMP or Archery GB to prepare and conduct the presentation of the complaint before the Disciplinary and Appeal Panels. This can include the appointment of a legal representative if necessary.
CMP	The Case Management Panel set up by Archery GB to oversee this Policy and subject to a separate term of reference
Chair of the Board	Chair of Archery GB Board of Directors
Chief Executive	Archery GB's Chief Executive
Child or young person	Any person under the age of 18
Complaint	Any concern or complaint raised under section 2 of this Policy
Complainant	Any person who raises a complaint against a member as set out in section 2 of this Policy
Code of Conduct	A code as amended from time to time, providing guidance as to the standards of behaviour, conduct, and integrity required from every participant, entity, or person under the jurisdiction of Archery GB
Director of Governance	The Director responsible to the Board for implementation of this Policy
Disciplinary Panel	An independent panel set up under section 11 of this Policy
Disciplinary Hearing	Any hearing convened by the Disciplinary Panel to hear a complaint
Gross Misconduct	Examples are shown in Appendix 1
Interim Suspension	A suspension issued by the CMP on a temporary basis while further information and/or evidence is gathered. An Interim Suspension will only be issued where the CMP has a reasonable believe that the continued participation in the sport carries a potential risk of harm to the Respondent or other Participants
Lower-Level Concerns	The definition is set out in a separate policy to ensure everyone meets the standards of behaviour and conduct expected of them to carry out Archery GB's vision and values to enrich lives through archery

Member	A person or organisation, corporate or unincorporated (whether that is a club, county or national organisation) who pays an appropriate fee to join Archery GB including those appointed as Honorary Members
NLSO	Archery GB's National Lead Safeguarding Officer
Officer of Archery GB	Any individual employed, engaged or contracted by or volunteering to or on behalf of Archery GB, or otherwise representing Archery GB in any capacity
Participant	Any member, officer, official, player, volunteer, spectator or member of a club, county, or regional association engaging with the sport of archery within Great Britain
Performance	Part of Archery GB which prepares, trains, and selects all international teams to represent Great Britain and oversees the performance pathway for future athletes
The laws and regulations of Archery GB	All policies, codes of conduct, procedures, terms of reference, guidelines, rules of shooting, handbooks and various conditions of membership, registration and affiliation as issued by or on behalf of Archery GB from time to time in accordance with its Articles of Association
Respondent	A member against whom a complaint or appeal is made or is subject to a disciplinary decision imposed by Archery GB
Second respondent	A club, county or regional committee, a home nation or another body whose disciplinary decision has been referred to Archery GB for review
SID	Archery GB's Senior independent director
Sport Resolutions	An independent body available to provide independent persons or panels under this Policy
Statutory Authorities	Those public bodies responsible for protecting and promoting the welfare of children and adults including the local authority, health authority and police

1 Policy Principles and Scope

- 1.1 The purpose of this policy is to ensure that everyone within archery meets the standards of conduct and behaviour expected of them to carry out Archery GB's vision to enrich lives through archery.
- 1.2 All individuals are responsible for ensuring that their behaviour meets the requirements of the Archery GB Codes of Conduct to promote its values:
 - 1.2.1 We value people for who they are and their unique contribution to archery.
 - 1.2.2 We choose to work and learn together.
 - 1.2.3 We strive for excellence across the board.
 - 1.2.4 We always act with integrity.
- 1.3 Archery GB will aim to deal with all safeguarding concerns and cases of misconduct in a prompt, consistent, fair, and transparent manner. Everyone involved in the disciplinary process is expected to work together to resolve the issue and maintain confidentiality. This policy aims to promote a culture where it is safe and acceptable for anyone to raise a complaint or concern including those of poor practice, bullying or harassment, abuse, grooming, neglect, or any other form of misconduct. No person should be victimised for raising concerns or making a complaint.
- 1.4 Archery GB requires members to co-operate in any misconduct complaint investigation, and where requested, to participate in interviews.
- 1.5 Archery GB is committed to ensure that reasonable adjustments are made where necessary so that members are able to attend meetings, read correspondence, and participate fully in the process.

Jurisdiction

- 1.6 Archery GB's Articles of Association, its laws and regulations and other conditions of membership and affiliation require all participants to comply with all applicable laws, policies, and procedures. Archery GB, as a National Governing Body has disciplinary jurisdiction over:
 - 1.6.1 All individual members of Archery GB.
 - 1.6.2 All affiliated members and officers in any associated club, county association or regional society.
 - 1.6.3 All employees, volunteers, workers, self-employed individuals, and officers of or connected to Archery GB.
 - 1.6.4 All officials including judges and coaches.
 - 1.6.5 All archers who are members or affiliated members or who participate in any archery activity organised and authorised by Archery GB or by its affiliated members.
 - 1.6.6 An individual who is no longer a member or has given up their membership once an investigation commences.
 - 1.6.7 Employees of Archery GB where the matter will be dealt with in a parallel process under the Archery GB Staff disciplinary procedures.

- 1.7 The jurisdiction for hearing the initial case depends on where the complaint arises, and the parties involved. It may be subject to the constitution of a club, county association, regional society, or the national governing body. As a general principle, matters other than safeguarding matters shall be dealt with at the most local level. The Archery GB National Lead Safeguarding Officer (NLSO) can provide advice on how a complaint or appeal can be escalated.
- 1.8 Nothing in this policy overrides, amends or waives any provision in the Archery GB's memorandum, articles of association or laws, or restricts the right of Archery GB to make or amend existing laws to ensure its vision and values can be met.
- 1.9 This policy does not apply to:
 - 1.9.1 Any complaint relating to Archery GB services which should be referred to the Customer Complaints Policy and Procedure.
 - 1.9.2 Any dispute between members which does not relate to Archery GB policies or codes of conduct e.g., dispute over car parking.

2 Starting the procedure: initial stage

2.1 A person who wishes to raise a complaint or concern should complete a complaint form which can be found on the Archery GB website and send it to safeguarding@archerygb.org. The online version which can be accessed via this link <https://archerygb.org/about/safeguarding/report-a-concern>. The complaint form will be acknowledged by Archery GB within 5 working days.

2.2 Any complaint made under the separate Archery GB policies:

- Safeguarding Policy - Children and Young People
- Safeguarding Adults Policy and Procedure
- Anti-Doping Policy

removes the requirement in some cases, to complete a complaint form.

2.3 Where a complaint arises which is directed towards the volunteer workforce, the Welfare and Safeguarding Team may lodge the complaint.

3 Triage

3.1 The Archery GB safeguarding team will consider the complaint and determine the appropriate procedure for the matter. This may include:

- 3.1.1 The disciplinary procedures in section 6 of this policy
- 3.1.2 The safeguarding procedures in section 5 of the policy
- 3.1.3 The Archery GB Customer Complaints Panel
- 3.1.4 The Archery GB Employee Disciplinary Policy
- 3.1.5 Anti-Doping Policy
- 3.1.6 Lower Lever Concerns Policy – see section 4 below

3.2 Alternatively, Archery GB may refer the matter to another body or organisation, or may decide that the matter should be dealt with by way of advice or guidance only.

3.3 In deciding which process to use, Archery GB may ask for such further information as it reasonably considers necessary and may seek advice from a 3rd party if appropriate.

4 Informal Action – Lower-level concerns

4.1 Except for safeguarding cases (including child protection) and anti-doping which must be referred to the NLSO, it is expected that the complaint will be addressed under local club, county, or regional procedures prior to referring the matter to the NLSO.

4.2 Local procedures can address concerns or complaints of misconduct quickly and informally, and members are given an opportunity to address any shortfalls in standards of behaviour.

4.3 The local club Chair should hold a discussion about expectations and standards of behaviour, clearly setting out details of the complaint and what improvement is required. The local club Chair should give the member an opportunity to explain their actions. An offer of further training, coaching or mentoring may be appropriate to

help the member to address any behavioural/conduct issues.

- 4.4 A written record of the discussion should be made setting out the complaint and informal action taken. A copy of the record should be provided to the member and a copy retained in accordance with local club procedures and by the NLSO under the Lower-Level Concern policy.
- 4.5 If during the informal discussion, it becomes clear that the complaint may be more serious, or further incidents of misconduct occur, the discussion should be suspended. The matter should be referred back to the NLSO, who will review the matter and decide on next steps in accordance with the triage process set out in section 3 of this policy.

5 Safeguarding Cases

- 5.1 Where the triage process concludes that the matter should be dealt with using the safeguarding procedures set out in this section 5 of this policy.

- 5.2 The NLSO will liaise with the CMP to review the available details and/or facts to help establish:

- 5.2.1 Whether immediate action is required to put in place interim protective measures. For example, Interim Suspension of a member or notifying statutory agencies.

- 5.2.2 What the next steps of the matter should be.

- 5.3 The role of the CMP is to provide independent oversight of and manage each case referred to the CMP including conducting initial enquires. The CMP's role and responsibilities are set out in a separate terms of reference. In safeguarding cases, the role of the CMP is to assist Archery GB in the management of risk that it considers may be posed by individuals to other participants or to the sport following Archery GB's receipt of concerns. The CMP will assess the risk posed based on the information available to it at the time of its assessment, and it will continue to do so until such time as the CMP considers it has enough information to make an informed risk assessment, at which point it will follow the process set out at section 5.6 below.

5.4 Assessing the level of misconduct

- 5.4.1 The CMP will inform the member as soon as practicably possible about the details of the complaint involving them and on what grounds the alleged misconduct is a breach of Archery GB Memorandum, Articles or laws including Codes of Conduct.

- 5.4.2 The level of seriousness of the alleged misconduct may fall under 1 or more of the categories set out in Appendix 1. Some examples include:

- 5.4.2.1 an isolated incident which falls short of the standards expected.

- 5.4.2.2 Either repeated incidents or significant breaches of the standards expected
or

- 5.4.2.3 Repeated serious incidents and conduct serious enough to result in significant harm to reputation and/or others.

- 5.4.3 The CMP will review the likely level of the alleged misconduct and notify the Member of:
 - 5.4.3.1 The likely sanction if misconduct is found to have occurred on the facts known to the CMP at that time;
 - 5.4.3.2 The investigation that needs to be carried out;
 - 5.4.3.3 The welfare support available to the member during this process; and
 - 5.4.3.4 Where applicable, the grounds for Interim Suspension.
- 5.5 The CMP will write to the parties, setting out the progress of the case within 14 working days of the receipt of the complaint unless external agencies advise otherwise.
- 5.6 When the CMP considers that it has enough information to make an informed risk assessment in respect of the matter, it will decide on the next steps in the matter, which may include (without limitation):
 - 5.6.1 That no further action is necessary, in which case the CMP will inform the Member and any Interim Suspension will be lifted.
 - 5.6.2 That the Member may only participate in the sport of archery if certain conditions are met. Such conditions may include (without limitation) completion of specified training, participating only with a chaperone, or only at certain identified clubs.
 - 5.6.3 That the Interim Suspension should continue. This may be where there is an ongoing investigation by another organisation or agency.
 - 5.6.4 That the matter should proceed under the formal disciplinary process set out in section 6 of this policy.
- 5.7 In each case, the CMP will inform the Respondent of its decision and, so far as possible, the reasons for it.

6. Disciplinary Matters – Preliminary Review

- 6.1. Where the triage process concludes that a matter should be dealt with using the disciplinary process set out in this policy, the following process will be followed. The CMP will conduct a preliminary review of the matter to determine:
 - 6.1.1.1. The appropriate level of seriousness of the case, taking into account all relevant circumstances
 - 6.1.1.2. The proportionate level of investigation and whether it is appropriate to use the Fast Track process (set out in section 7 of this policy)
 - 6.1.1.3. To consider whether an Interim Suspension should be issued.
- 6.1.2. In all other cases of alleged misconduct not deemed suitable for the Fast Track, the Formal Process will be followed.
- 6.2. The CMP considers all preliminary matters including but not limited to, the following:
 - 6.2.1. To create a timetable for action to be taken;

- 6.2.2. How best to gather the relevant evidence;
- 6.2.3. Whether any other parties should be informed of or involved in the action;
- 6.2.4. To decide whether a Disciplinary Panel hearing should be convened (Section 11);

7. Fast Track Process

- 7.1. In straightforward complaints, where the facts are not disputed and/or evidence is readily available, and the conduct does not amount to Gross Misconduct, the CMP may decide that the Fast Track Process can be pursued to move the case to a conclusion as quickly as possible.
- 7.2. The Fast Track Process is appropriate where the CMP and the respondent agree that the process is suitable for the specific facts of the case. It allows for a simple fact-finding process by the CMP instead of pursuing a full investigation and Formal process (section 11).
- 7.3. The Fast Track Process should never be used for safeguarding cases, or misconduct cases where there is alleged gross misconduct and the outcome could result in the respondent's removal from Archery GB. For example, it is not appropriate in cases relating to a breach of Archery GB Safeguarding Policy - Children and Young People or Safeguarding Adults policy, criminal offences or Anti-Doping Policy.
- 7.4. In Fast-Track cases, the CMP will undertake a simple fact-gathering exercise and complete the following disciplinary procedure steps:
 - 7.4.1. Write to the respondent with details of the alleged misconduct, a brief description of the evidence and the likely sanction if misconduct is found to have occurred;
 - 7.4.2. Invite the respondent to respond within 14 days on whether it is accepted that this is a Fast Track case or whether the respondent requests that the complaint is referred to the Formal Process;
 - 7.4.3. If it is a Fast Track case, the respondent should respond in writing setting out the details of any matters to be considered including evidence and any mitigation;
 - 7.4.4. If the respondent does not respond, the CMP will proceed to consider the complaint under the Formal Process;
 - 7.4.5. The CMP will consider the respondent's response and advise the respondent in writing of the decision and sanction within 14 days of receipt of the respondent's response; The decision letter will include an opportunity for the respondent to appeal against the sanction within 14 days of the decision letter to the CMP;
 - 7.4.6. The Fast Track process can be stopped by the CMP if at any stage it is evident that the scope of the misconduct is more serious or complex than initially set out. The complaint should then be considered under the Formal Process; and
 - 7.4.7. The Fast Track process may also be stopped by any party at any point if it is considered that the party is being disadvantaged by the process. The complaint should then be considered under the Formal Process.

8. Disciplinary Matters – Formal Process

- 8.1. In all disciplinary matters which are not suitable for the Fast Track Process, and for safeguarding cases which the CMP has determined should proceed under a formal disciplinary process, the Formal Process contained in this section 8 will be used.
- 8.2. The CMP will liaise with the NLSO to take prompt and appropriate action to address any serious complaint in accordance with Archery GB policies. For example, under the Safeguarding Children and Young People/Adults or Anti-Doping policies. This may include reporting a case to statutory agencies including the police or seeking external support from Sport Resolutions to provide expert advice and support.
- 8.3. Where it is suspected that a criminal offence has been committed, the CMP and NLSO will co-operate with other statutory agencies which may include suspension of any internal investigation pending the outcome of other statutory enquires.
- 8.4. However, the Formal Process will not necessarily wait for the outcome of statutory enquires before commencing an investigation. Where a respondent is subject to a criminal investigation, is held in custody or is linked to a child protection enquiry, the CMP can seek advice from statutory agencies on whether it can consider the next steps in the Formal Process.
- 8.5. The CMP will also consider whether Interim Suspension of the respondent may be necessary whilst the complaint is investigated.

9. Interim Suspension

- 9.1. In serious cases, the respondent may be suspended from Archery GB premises and from participating in any activity organised by or under the jurisdiction of Archery GB if it is reasonable to believe at any point during the process that:
 - 9.1.1. Children, young people, or adults may be at risk;
 - 9.1.2. There is a risk to other members, property or visitor;
 - 9.1.3. The alleged misconduct is serious and may amount to gross misconduct; or
 - 9.1.4. The respondent may interfere with evidence and/or influence witnesses required for the investigation.
- 9.2. The decision to suspend the respondent will be made by the CMP Chair (or Deputy Chair in the absence of the Chair) in conjunction with the NLSO. The power of suspension is not exercisable by any associated club, county organisation or regional society.
- 9.3. In exceptional cases, the CEO or a departmental director may authorise the NLSO issue an Interim Suspension in respect of a member for up to 30 days where there are reasonable grounds to believe that it is necessary to protect Archery GB's reputation.
- 9.4. The Respondent will be notified of the suspension as soon as possible. Where possible, attempts will be made to ensure that the Respondent is supported during notification. However, it is recognised that this is not always possible where the suspension is urgent. The suspension decision and arrangements will be confirmed in writing. A further offer of welfare support to the respondent will be made.

- 9.5. Interim Suspension is not a sanction. It should be made clear to the respondent that suspension is not a disciplinary action and does not assume any guilt on behalf of the Respondent being suspended.
- 9.6. The period of Interim Suspension should be as brief as possible and kept under regular review by the CMP no later than three months from the date the decision to suspend was made. On review, the CMP may confirm, modify or lift any suspension if there is a material change in the circumstances in which the suspension was made.
- 9.7. During the period of Interim Suspension, the respondent forfeits their membership rights except:
 - 9.7.1. For the purposes of any disciplinary action or any appeals process involving the respondent and/or
 - 9.7.2. To continue to pay subscriptions, fines, or other indebtedness to Archery GB.
- 9.8. If membership lapses during the Interim Suspension, any application to renew will be considered after the period of suspension is lifted.
- 9.9. Archery GB will continue to provide welfare support to the member.

10. Investigation

- 10.1. Complaints not suitable for the Fast Track Process may require a formal investigation to be undertaken. The aim of the investigation is to collect and record facts necessary to decide whether there is a case to answer or not.
- 10.2. The CMP in conjunction with NLSO advice will appoint the investigator who must be independent of the process and equipped with the appropriate skills to undertake the investigation. Archery GB can request Sport Resolutions or another independent body to carry out the investigation.
- 10.3. An appropriate level of investigation will be carried out in accordance with terms of reference agreed with the respondent as far as possible. How the investigation is achieved depends on the individual circumstances of each case. If the respondent is invited to an investigation meeting, it must be made clear that the member can be accompanied by a representative and is expected to co-operate with the process (see para. 1.5)
- 10.4. The investigator will compile a written report for the CMP, indicating whether they believe that there is a case to answer or not. It is not their role to make a finding on whether the complaint has occurred or to recommend an appropriate sanction. The CMP should decide if there is a case to answer and identify appropriate next steps.
- 10.5. It is expected that wherever possible, investigations should conclude within 30 days.

11. Formal Hearing Process

- 11.1 If the respondent does not agree to the Fast Track Process or if the CMP considers that the complaint is not suitable for the Fast Track process, the formal disciplinary hearing process will commence.

Case Presenter

- 11.2 The CMP will appoint a case presenter who will summarise the complaint and send the respondent a written account of the alleged misconduct. This will include a short factual summary of the evidence and copies of any statements and other evidence referred to.
- 11.2.1 The respondent will have 14 days following the issue of the written summary of the complaint to advise the case presenter whether the respondent:
 - 11.2.2 accepts the written summary and admits the alleged misconduct, and requests that the matter is dealt with by correspondence only;
 - 11.2.3 accepts the written summary and admits the alleged misconduct, and requests to appear before the Disciplinary Panel to enter a plea in mitigation; or
 - 11.2.4 denies the alleged misconduct, and requests that the matter is dealt with by the Disciplinary Panel.
- 11.3 Failure by the respondent to accept or deny the written summary of alleged misconduct will be considered as a denial of the alleged misconduct, and the case will proceed to a Disciplinary Panel hearing.

The Disciplinary Panel

- 11.4 The Disciplinary Panel members may be employees, directors, officers or members of Archery GB or suitably qualified people who have no prior knowledge of the respondent or facts of the case. They may be remunerated by Archery GB for their work as a panel member.
- 11.5 The Disciplinary Panel hearing is not a judicial hearing and so evidence will not be given under oath. All parties will provide open and truthful evidence and they may choose to be legally represented or accompanied by a supporter (at their own expense). The Disciplinary Panel will follow the principles of natural justice to conduct a timely, fair and transparent hearing.
- 11.6 The CMP will appoint the Disciplinary Panel and can request Sport Resolutions or another independent body to appoint up to 3 independent panel members to either sit as the Disciplinary Panel or provide members for the panel. An administrator to the panel will be appointed by the Archery GB safeguarding team to advise and support the panel who will not be the case presenter and may be legally qualified.

Role of Archery GB

- 11.7 The role of Archery GB within this process is to exercise a supervisory and disciplinary function in relation to members. In performing their functions, the Disciplinary Panel act as a committee of Archery GB and not a 3rd party seeking to adjudicate a dispute between Archery GB and the respondent.
- 11.8 The CMP on the authority of Archery GB will advise the respondent of the professional details of the proposed panel members. The respondent can object to the appointment of any panel member. For example, if a conflict of interest is identified. The CMP will consider any reasonable objections under preliminary matters and may agree to appoint an alternative panel member.

- 11.9 The administrator will obtain all parties' availability and schedule a date for the Disciplinary Panel hearing. At least 28 days' notice of the hearing will be given to the respondent.
- 11.10 At least 21 days before the Disciplinary Panel hearing, the case presenter will provide to the respondent and Disciplinary Panel the statement of facts/alleged facts relied on and copies of any documents not previously provided to the respondent.
- 11.11 Within 14 days of receipt of the statement of facts, the respondent will provide to the case presenter and Disciplinary Panel any response including whether any allegations are admitted, witness statements and any defence relied on including any argument that there is no case to answer.
- 11.12 Each party is responsible for ensuring that their witnesses attend the hearing (at their own expense).
- 11.13 All evidence must be received by Archery GB no later than 5:00pm 14 working days prior to the date of the Disciplinary Panel hearing.
- 11.14 The administrator will distribute the hearing bundle to all parties no later than 10 working days prior to the hearing date.
- 11.15 Prior to the hearing, the case presenter and the respondent will provide details of any legal or other representative who will appear on behalf of either party at the Disciplinary Panel hearing or any person who will accompany them to provide support.
- 11.16 The CMP and NLSO will regularly review the progress of the case to ensure there is not unnecessary delay and that the parties are kept up to date.

The disciplinary panel hearing

- 11.17 It may be appropriate for the Chair of the Disciplinary Panel to hold a preliminary hearing to agree directions prior to the full hearing where all parties can make representations. The procedure to be followed at the hearing will be at the discretion of the Chair, provided always that the hearing is conducted in a fair and transparent manner. In particular, the directions will consider whether:
 - 11.17.1 Evidence can be admitted in writing or via video conference call without the need for the witness to attend in person. Where evidence is presented in writing only, the Disciplinary Panel will specifically consider the weight to be given to that evidence in view of the lack of opportunity for the witness to be questioned;
 - 11.17.2 To adjourn the hearing where other criminal or civil investigations are ongoing;
 - 11.17.3 To admit or exclude evidence presented during the hearing or other appropriate directions;
 - 11.17.4 To set a witness timetable; and
 - 11.17.5 To consider any appeal against current suspension.
- 11.18 In anti-doping cases, UK Sport, World Doping Agency, UK Anti-Doping and World Archery may send one or more representatives to the disciplinary hearing as observers.

- 11.19 The Disciplinary Panel hearing will be held in private. At the discretion of the Chair of the Panel and with the agreement of all parties, an external observer may be permitted to attend.
- 11.20 The burden of proving the case, on the balance of probabilities, rests with Archery GB. The case presenter sets out the allegation and supporting evidence. Evidence is not required of any fact which is undisputed by the respondent.
- 11.21 The respondent, or their representative, will have the right to question any witness presented by the case presenter, except for any witness identified under the Safeguarding Children and Young People/Adult Policy.
- 11.22 The respondent, or their representative, will give their evidence including a summary of their response and supporting evidence. This includes witnesses that they wish to call in support of their case and to rebut evidence presented by the case presenter. The case presenter will have the opportunity to question the respondent and witnesses.
- 11.23 The Disciplinary Panel may put questions to any party or witness at any stage of the hearing.
- 11.24 The case presenter and then the respondent, or representative, will have the opportunity to make any closing comments to the Disciplinary Panel.

Deciding the outcome

- 11.25 In all cases, the outcome is determined on the civil burden of proof - whether on the balance of probabilities, it is more likely than not that the complaint is substantiated.
- 11.26 The Disciplinary Panel will adjourn to consider the issues in private and to reach a decision. It will first consider whether the complaint is substantiated or not, and any decision will be found by a majority verdict.
- 11.27 The Disciplinary Panel may announce the decision on the day of the hearing and/or within 7 days in writing.

Deciding the appropriate sanction

- 11.28 If the complaint is found to be substantiated, the Disciplinary Panel will determine the appropriate sanctions under Appendix 2, having considered:
 - 11.28.1 Any representations by the case presenter including any previous disciplinary history on the respondent's record.
 - 11.28.2 Any statement in mitigation provided by the respondent either at the time of the hearing or within 14 days of the Disciplinary Panel's decision.

Informing the respondent of the decision

- 11.29 Within 14 days of the respondent's statement of mitigation or where there is no response from the respondent, the Disciplinary Panel will produce a report setting out its decision, the level of sanction imposed and rationale for those decisions.
- 11.30 A copy of the disciplinary decision will be made available to the respondent, the CMP, the Director of Governance and NLSO. A redacted copy may be made available to any other interested party as deemed appropriate by the Chair of the Disciplinary Panel. For example, a copy may be sent to any of UK Sport, the British Olympic Association,

the British Paralympic Association, UK Anti-Doping, World Anti-Doping Agency and/or World Archery.

12 Dealing with children

- 12.1 Where children and young people are involved in the investigation process or as a witness, they should be involved in an appropriate manner which meets their individual needs to fully participate in the process.
- 12.2 No person under the age of 18 years can be fined. Any financial penalties will be the responsibility of the associated club as appropriate.
- 12.3 A child under the age of 12 years cannot appear before the Disciplinary Panel either as a witness or respondent subject to a complaint. An alternative resolution to the Formal Process should be considered, such as group or individual training.
- 12.4 Where a child under 12 is a witness to a complaint, the welfare officer (defined in the Safeguarding Policy) should, with the permission of the parents/carers, obtain a statement from the child and if required, deliver the statement at the Disciplinary Panel hearing.
 - 12.4.1 A child over the age of 12 may provide a statement and consideration will be given to the child attending a Disciplinary Panel hearing – usually remotely with their parent/carer where: the evidence is critical to enable the case to proceed in a fair and transparent manner;
 - 12.4.2 the Disciplinary Panel make sure that only essential people are present at the hearing where only the Chair will be permitted to ask questions of the child;
 - 12.4.3 if the respondent has any questions, those will be agreed with the Chair outside the hearing of the child, and the Chair will determine the relevance; and
 - 12.4.4 Once the questioning is completed, the child/young person will leave the hearing.

13 Appeals

- 13.1 Any party known as the appellant may appeal against a Disciplinary Panel decision or sanction or both.
- 13.2 The grounds for appeal are likely to be that the Disciplinary Panel:
 - 13.2.1 Failed to give the appellant a fair hearing;
 - 13.2.2 Came to a decision that no reasonable panel should have reached;
 - 13.2.3 Failed to comply with the necessary rules and regulations pursuant to the misconduct allegation; or
 - 13.2.4 Imposed a sanction that was excessive or - depending on who is appealing - was so unduly lenient as to be unreasonable.
- 13.3 The appellant has 14 days from the date of receipt of the Disciplinary Panel's written decision and sanction to submit the appeal form to Archery GB.
- 13.4 The appeal form must include:

- 13.4.1 The precise details being appealed against with reference to paragraph 12.6;
- 13.4.2 The supporting facts and matters including the evidence on which the appellant relies; and
- 13.4.3 Any application to submit new evidence to the appeal panel.
- 13.5 The respondent to the appeal (being either Archery GB or the respondent before the Disciplinary Panel) will within 21 days submit:
 - 13.5.1 The response to the appeal form; and
 - 13.5.2 The response to any application to include new evidence.
- 13.6 On receipt of the appeal form, Archery GB will set up an Appeal Panel. The panel will consist of 3 members who are entirely independent of the Disciplinary Panel, and one of the members must be independent from Archery GB. Archery GB may approach Sport Resolutions or other independent 3rd party to be a panel member.
- 13.7 The appellant can make a written objection including rationale to the appointment of any member of the Appeal Panel within 7 days of notification. Archery GB may replace a member of the Appeal Panel where an objection has been lodged if it is reasonable and proportionate to do so.
- 13.8 Each party may appoint a legal representative (at their own expense).
- 13.9 Unless the Chair of the Appeal Panel agrees at a directions hearing, the parties will not submit any further written material after the above time limits for submissions concluded.
- 13.10 The original decision will remain in force unless an application is received by either party to the Appeal Panel for it to be set aside pending the appeal. The decision is at the sole discretion of the Appeal Panel.

The Appeal Panel hearing will be set down for hearing with a minimum of 28 days notice.

Directions hearing

- 13.11 The Chair of the Appeal Panel may hold a directions hearing to consider whether any preliminary matters can be addressed with the parties to prepare for the Appeal Panel hearing. This hearing can take place by video conference with the parties and can decide:
 - 13.11.1 To confirm the proposed date of the Appeal hearing and whether it will be conducted in person, by video link or in writing;
 - 13.11.2 To agree the list of documents to be produced;
 - 13.11.3 To agree whether any witnesses are required to attend; and
 - 13.11.4 To agree any other preliminary directions.

The appeal panel hearing

- 13.12 The Appeal Panel will hear the appeal and make a decision based on the civil test of balance of probabilities.
- 13.13 By agreement, each party to the appeal can present the appeal in writing, in person or via video link.

- 13.14 The appellant or representative will set out their case and the respondent will respond.
- 13.15 The appeal will be limited to a review of the decision of the Disciplinary Panel or previous disciplinary decision. Any new evidence from the appellant will be considered, if accepted by the Appeal Panel, and any witnesses included as part of the new evidence may be questioned by all parties.
- 13.16 The Appeal Panel may ask questions at any time, but the parties are not permitted to ask questions other than to witnesses submitting new evidence.
- 13.17 The Appeal Panel may impose time limits on verbal submissions.
- 13.18 The Appeal Panel will retire to consider the merits of the appeal.

Appeal Panel Decision

- 13.19 A written report setting out the decision and reasons will be produced within 14 days of the date of the hearing. A copy of the report will be sent to the parties, CMP, Director of Governance and NLSO, and a redacted copy may be sent to any other party with a material interest in the outcome.
- 13.20 Where the misconduct concerns the Anti-Doping policy, a copy may also be sent to UK Sport, the British Olympic Association, the British Paralympic Association, UK Anti-Doping, World Anti-Doping Agency and/or World Archery.
- 13.21 The Appeal Panel has the power to:
- 13.21.1 Dismiss the appeal in which case the decision of the Disciplinary Panel (or disciplinary decision) is final and binding;
 - 13.21.2 Grant the appeal in which case the allegation in respect of the appellant will be recorded as not substantiated;
 - 13.21.3 Order a re-hearing; and/or
 - 13.21.4 Overturn the decision where they consider it is just to do so. In particular, a decision where:
 - The Disciplinary Panel hearing was not conducted fairly;
 - The Disciplinary Panel decision was unreasonable considering the findings of fact; or
 - There is new evidence, which was not and could not have been available, with proper investigation and enquires, at the Disciplinary Panel hearing.

Appeal against sanction

- 13.22 The Appeal Panel may:
- 13.22.1 Dismiss the appeal, in which case the original sanction will stand; or
 - 13.22.2 Dismiss the appeal and impose a greater or lesser sanction, considering:
 - whether the original sanction was fair and reasonable; and
 - taking into account the details of the circumstances, mitigation, or representations.

14 Costs and Expenses of Disciplinary or Appeal hearings

- 14.1 Each party will be responsible for their own costs and expenses.
- 14.2 At the discretion of the Disciplinary/Appeal Panel, it may be directed that all or part of the costs incurred by a party should be paid by the other party.

15 Confidentiality, data collection and information sharing

- 15.1 Archery GB will keep a written record at all stages within the disciplinary and appeal process, including any investigation.
- 15.2 All records will be retained in line with GDPR (General Data Protection Regulations) requirements.
- 15.3 Whilst Archery GB will seek to keep all relevant parties appropriately informed, there may be circumstances in which it is not able to share certain information with all parties involved in a case being dealt with under this policy. For example, disclosure of information may be prevented by data protection legislation, or where their disclosure may prejudice the work of other organisations or statutory services. At all times Archery GB must act within the law, and this must be respected by members and participants.
- 15.4 Where information has been shared with any individual involved in a case under this policy subject to a duty of confidentiality, any breach of that duty of confidentiality will be considered misconduct and may be dealt with under this policy.

16. Other useful information

- Safeguarding policy - Children and Young People
- Safeguarding Adults Policy and Procedure
- Customer Complaints Policy and Procedure
- Anti-Doping Policy
- Equality and Diversity Policy
- Codes of Conduct
- Complaint Form
- Lower-Level Concerns Policy

Appendix 1 – Levels of misconduct including safeguarding complaints

The following examples are a guide only. The examples are not always exclusive to one level of misconduct and any of the following non-exhaustive list can constitute misconduct, whether occurring at an archery meeting under the auspices of Archery GB or elsewhere, whether involving archery directly or otherwise.

Archery GB adopts guidance set out in the Child Protection in Sport Unit (CPSU) in relation to safeguarding case management thresholds. [case-management-thresholds-guidance.pdf](#) Levels 1 – 3.

In relation to Level 2 concerns - this may include cases where there have been more than one Level 1 Lower-Level concern. See the Lower-Level Concerns Policy for further guidance.

Level 3 serious complaints /gross misconduct include:

- 1.1 Breach of the Archery GB Memorandum, Articles, Regulations, Policies, and procedures, and/or Codes of Conduct
- 1.2 A serious criminal conviction, criminal investigations.
- 1.3 Physical violence or threatening behaviour, indecent, intimidating, or offensive behaviour or language at any archery event shot under the auspices of Archery GB or at any premises used by the Archery GB.
- 1.4 Sexual harm including rape and sexual assault.
- 1.5 Discriminatory harm on grounds of race, gender and gender identity, disability, sexual orientation, religion, and other forms of harassment, slurs, or similar treatment of any member of Archery GB or any visitor to Archery GB.
- 1.6 Cheating at any archery event shot under the auspices of Archery GB.
- 1.7 Misuse or unauthorised use of premises used by Archery GB.
- 1.8 Damage to Archery GB property or property of staff employed by Archery GB or its members caused intentionally or recklessly.
- 1.9 Action likely to cause injury or impair safety on premises including shooting grounds for the time being used by Archery GB.
- 1.10 Failure to comply with a reasonable instruction relating to archery matters including shooting, issued by a person authorised by the Board or by the Rules of Shooting.
- 1.11 Fraud, deceit, deception, or dishonesty in relation to Archery GB or its members or visitors.
- 1.12 Theft, misappropriation or misuse of Archery GB property or the property of its members.

Appendix 2 – levels of sanctions

Where the Respondent admits misconduct and/or the Disciplinary Panel determines that any allegation has been found to be proved or a complaint has been admitted, the Disciplinary Panel, after taking into account any mitigation or representations made by the Respondent and the Case Presenter, may impose one or more of the following sanctions on the Respondent:

- 1.1 A written warning as to their conduct which shall remain on the Respondent's record for a period of 3 years.
- 1.2 A fine for such amount as the Disciplinary Panel shall in their sole discretion direct.
- 1.3 Order the payment of compensation to a Member or other person for any loss, damage, or injury (including injury to feelings) suffered by them.
- 1.4 Order that any results of the Respondent from either past or future competitions or events shall not count.
- 1.5 Suspend the Respondent from membership of Archery GB for such period and/or from such specified competitions and/or events as the Disciplinary Panel decides.
- 1.6 Expel the Respondent from Archery GB.
- 1.7 Require the Respondent to comply with a period of mentoring/ supervision/training.
- 1.8 Require the Respondent to prove competence. This may specify relevant training to be undergone and a reasonable period within which it must be undertaken. If a participant fails, without good reason, to comply with such a requirement, the Panel shall reconvene and consider alternative or additional sanctions, or it may refer the case for consideration by another Disciplinary Panel.
- 1.9 Withdrawal of **ontarget** status.
- 2.0 Where applicable, when determining sanctions, the Disciplinary Panel will refer to the rules, regulations, and codes of standards from any other relevant external bodies.
- 2.1 Anti-doping sanctions will be administered in accordance with the current UK Anti-Doping Rules and Regulations.
- 2.3 Members will not be entitled to the refund of any fees paid to Archery GB for the duration of the sanction.
- 2.4 Any member who fails to pay a fine or compensation imposed by the CMP or the Disciplinary Panel by the date stipulated or who fails to pay for goods or services provided by Archery GB, including the processing of memberships etc. may be notified by Archery GB of his/her indebtedness. If such indebtedness is not fully settled by the date stipulated or within 30 days of the dispatch of such notification, the members shall automatically be suspended from all rights and privileges of membership of Archery GB and no further transactions will be processed on their behalf until such payment has been received.
- 2.5 Archery GB retains the right to refuse membership or renewal of membership in respect of any member.
- 2.6 Where a disciplinary sanction imposes a suspension or expulsion on a Member and the Member submits an Appeal Form regarding that decision, such suspension or expulsion shall continue until the Appeal is heard unless, in the sole discretion of the CMP, there are exceptional circumstances which indicate that such suspension or

expulsion should be lifted pending the outcome of the Appeal. The Appellant should notify the CMP of any exceptional circumstances that they consider to apply.

- 2.7 It should be noted that, if the Memorandum, Articles and Laws of Archery GB and/or the Regulations and Codes of Conduct of Archery GB are not complied with, insurance cover may be invalidated. This then may leave the Club (or Member) liable for events giving rise to a claim.



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