

# BAFA Regulations

Issue 4.2 — In effect from 1st April 2019. Incorporating what was previously called the BAFA Disciplinary Code and the BAFA Rules on Member Organisations.

## Prologue — The Spirit of American Football

The BAFA Regulations set out BAFA's expectations for the conduct of its members (both individuals and organisations).

They are deliberately couched as a set of principles rather than specific fixed procedures. The expectation is that regulatory committees that implement them will apply common sense and good judgement, and that above all else the spirit of the sport will be upheld at all times.

All participants in the sport, but especially coaches, players and officials, should expect to show appropriate levels of respect towards each other. Those participating in a situation that is physically confrontational by the nature of the sport should play hard and fair while the ball is live, but show restraint and care for their opponents at other times.

For brevity, male pronouns are used extensively in these Regulations, but the Regulations are equally applicable to female and male participants.

## 1. Basic principles

### 1.1. Scope and definitions

1. The BAFA Regulations shall be governed by the Arbitration Act 1996 (the Act) and amount to a binding arbitration agreement for the purposes of Section 6 of the Act.
2. The BAFA Regulations apply to and bind:
  - (a) BAFA participants, i.e.:
    - (i) players
    - (ii) coaches
    - (iii) officials
    - (iv) directors, officers or employees of BAFA organisations
    - (v) anyone affiliated with a BAFA organisation at a BAFA event, including persons subject to the rules (Rule 1-1-6) and other game persons
    - (vi) any other person participating in any activity sanctioned directly or indirectly by BAFA, whether or not they have explicitly registered with BAFA
  - (b) BAFA organisations, i.e.:
    - (i) the organisations that are members of BAFA
    - (ii) affiliated leagues or competitions
    - (iii) clubs and their team(s)
    - (iv) any other organisation that is involved in arranging any activity sanctioned directly or indirectly by BAFA, whether or not they are directly or indirectly affiliated to BAFA
3. A BAFA game is defined to be:
  - (a) a regular season or playoff game played by teams in affiliated leagues or competitions
  - (b) any other game played in Great Britain where at least one of the teams represents a BAFA organisation
  - (c) any "all-star" or exhibition game played in Great Britain involving BAFA participants

4. A BAFA event is defined to be:
  - (a) a BAFA game
  - (b) a controlled scrimmage
  - (c) a training session organised by a BAFA organisation
  - (d) any national programme or other representative team event, including those held overseas
  - (e) any activity overseas where the organisation or participant is representing Great Britain, BAFA or a BAFA organisation
  - (f) any other activity, including meetings, which is clearly related to American football or associated with BAFA
5. For the purposes of these Regulations:
  - (a) an employee is someone who carries out work for a BAFA organisation, whether paid or voluntary
  - (b) an officer is someone who has a formal or informal role acting on behalf of a BAFA organisation, including directors, members of a management committee, or equivalents
  - (c) an accused is a participant or organisation against whom/which a disciplinary charge has been made
  - (d) an appellant is a participant or organisation who wishes to appeal against disciplinary action taken against them
  - (e) a match official is a person appointed to supervise a game according to Rule 1-1-4
  - (f) a sideline person is anyone who is permitted in the team area during a game, including coaches, trainers and other individuals directly involved in the game, but not including officials' assistants or medical personnel not associated with a team
  - (g) a game person is anyone affiliated with a team during a game, including game management personnel of any type, officials' assistants and anyone else who is involved in assisting the team or event organisation
6. By its very nature, these Regulations must relate to football-related matters and cannot and will not be available for private civil, criminal or personal disputes which have as their substance matters unconnected with or only marginally connected with the sport, or where the substance of the dispute exists outside the participation within the sport. However, BAFA reserves the right to widen the remit of disciplinary matters in two types of case:
  - (a) where a participant's conduct may reasonably be regarded as bringing the game (i.e. the sport itself) into disrepute, taking account of any undue negative impact or publicity
  - (b) where a participant's conduct may reasonably be regarded as leading to an increased risk to the safety of any participant, or loss of or damage to property

## **1.2. Jurisdiction**

1. Clubs may be responsible for the discipline of their own members, but must notify BAFA if they take disciplinary action against a member that:
  - (a) incurs a fine of more than £25
  - (b) imposes a suspension of more than one game
  - (c) is a second or subsequent offence within a 12 month period
  - (d) the member wishes to appeal against
2. Regardless of whether a club takes disciplinary action or not, BAFA may also instigate proceedings independently or in co-operation with the club. If BAFA instigates

proceedings, it may decide to instead accept the finding and (if appropriate) sanction imposed by a club, or it may decide to consider the case afresh. BAFA may also order a club to cease disciplinary action against a member, in the interests of justice.

3. Where the jurisdiction in a case may reasonably be within the purview of more than one BAFA organisation, the BAFA Disciplinary Officer shall decide which organisation or a BAFA Disciplinary Committee shall have jurisdiction taking into account the primary role of the accused participant or organisation in connection with the breach and the seriousness of the offence.
4. Where a case falls into the jurisdiction of another American football organisation (e.g. IFAF), it will not normally be reconsidered by a BAFA Regulatory Committee.
5. For the avoidance of doubt, BAFA regulatory proceedings may progress in parallel with criminal and/or civil court action.
  - (a) Where BAFA is notified of an incident involving a participant which may amount to a breach of its regulations, it will commence an investigation immediately with a view to bringing disciplinary proceedings in a timely fashion. In light of the mutual dependency of participants within the game, it is essential that sporting justice and the imposition of any sporting sanction take place as soon as possible.
  - (b) BAFA will co-operate with the police and other legal and regulatory authorities and may suspend its investigation on request.
  - (c) BAFA acknowledges the principles set out in the [2015 agreement](#) between the Crown Prosecution Service, [National Police Chiefs' Council](#), the Football Association and the Football Association of Wales on the appropriate handling of incidents falling under both criminal and football regulatory jurisdiction.

### 1.3. Principles of natural justice

1. BAFA, as the national governing body of American Football in Britain, will be the final arbiter of discipline within the sport played in Britain.
2. All proceedings undertaken by BAFA against a BAFA participant or a BAFA organisation may be conducted at the BAFA Disciplinary Officer's discretion either by hearing or correspondence, and shall conform to the following principles of natural justice:
  - (a) the accused should be given reasonable notice about the proceedings including details of the accusation
  - (b) all persons involved in making a decision should declare any personal interest they may have in the proceedings
  - (c) all decision-makers should be unbiased, non-discriminatory and act in good faith
  - (d) proceedings should be conducted so they are fair to all the parties
  - (e) each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party
  - (f) any decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations
  - (g) justice should be seen to be done
  - (h) the accused will be found guilty only if the disciplinary authority finds that, in the balance of probabilities, the evidence proves the offence
  - (i) the balance of probabilities is a sliding scale: the more serious the allegation, the less likely it is that the event occurred and hence the stronger the evidence needed that it did occur
  - (j) where matters are dealt with by personal hearing, the accused is given a reasonable opportunity to attend the hearing and participate in it, accompanied by a friend (who is not legally qualified) if they so wish

- (k) where matters are dealt with by correspondence, the accused or a friend (who is not legally qualified) is given reasonable opportunity to view the evidence and respond to the allegations, except in safeguarding cases, where the evidence may be redacted or summarised to protect the confidentiality of informants
  - (l) where the accused is a child or an adult at risk, the accused must have an appropriate adult copied into all correspondence and attend any hearing
  - (m) where the accused refuses to answer questions or provide reasonable explanation for their actions, that refusal may be used against them
  - (n) penalties taken against a guilty party shall be proportionate to the offence
  - (o) where the accused admits to the offence at the first available opportunity, a more lenient penalty is imposed
  - (p) where any breach is proven to be motivated by or aggravated by one or more aggravating factors, a more serious penalty is imposed
  - (q) penalties for repeat offenders should be more serious than for a first offence
3. Where a case is dealt with by a BAFA organisation, the accused has the right of appeal to a BAFA Appeal Committee on the grounds that:
    - (a) significant evidence was not available to the disciplinary authority (although the appellant would have to show why any new evidence was significant to the case and why it was not submitted originally)
    - (b) the penalties imposed are unreasonably severe
    - (c) the procedure undertaken for disciplinary or appeal matters was unfair or discriminatory to a significant extent
  4. Proceedings dealt with by a BAFA organisation that do not conform to the principles of Regulations 1.3.2 or 1.3.3 may be appealed to a BAFA Appeal Committee. However, a technical breach of these principles that in the balance of probabilities did not affect a decision or the outcome of a process shall be disregarded.
  5. BAFA shall have the power to require of any participant upon reasonable notice:
    - (a) his or her attendance to answer questions and provide information; and/or
    - (b) the production of documents, information or other material in whatever form held
  6. The BAFA Disciplinary Officer or anyone authorised by him shall have the power to enter the site of any BAFA event in order to make an investigation or to collect evidence.
  7. Proceedings will not normally be commenced more than 6 months after any event to which it relates. Where the accused has taken steps to conceal the breach, the 6 months will be counted from when the breach came to light.
  8. All BAFA organisations shall recognise penalties imposed by BAFA and other BAFA organisations.
  9. BAFA may recognise the disciplinary rules and sanctions of any other sporting body (or institution which may be involved in the management of a team) so that any person suspended or banned by any other sporting or relevant professional body may be suspended or banned concurrently by BAFA. Before imposing any such concurrent suspension or ban, however, a BAFA Disciplinary Committee will grant the person the opportunity to offer an explanation.
  10. The BAFA Disciplinary Officer may provide an opinion on the interpretation of this Code. Such an opinion shall be binding unless subsequently overridden by a decision of the BAFA Board.
  11. The BAFA Disciplinary Officer may from time to time determine procedures to be followed that are not otherwise specified in these Regulations. Such procedures shall be binding on all participants.

## 2. Registration

### 2.1. Registrable categories

1. All persons in the following registrable categories shall be registered and pay the appropriate fee before participating in a BAFA event:
  - (a) players
  - (b) coaches
  - (c) officials
  - (d) officers of a BAFA organisation
  - (e) sideline person

### 2.2. Fit and proper person

1. BAFA reserves the right to prohibit someone who is not a fit and proper person from carrying out any or all of the following restricted roles:
  - (a) BAFA director
  - (b) BAFA employee or volunteer
  - (c) Officer of a BAFA organisation (including leagues and clubs)
  - (d) Coach
  - (e) Official
2. Persons may be prohibited for one or more of the following reasons:
  - (a) criminal record, particularly for crimes of violence, crimes of dishonesty, or crimes against children or vulnerable people
  - (b) safeguarding reasons
  - (c) they have been prohibited by law from being a director
  - (d) they are subject to a bankruptcy order, individual voluntary arrangement or other insolvency order
  - (e) they have been director of an organisation (BAFA or non-BAFA) while it has suffered two or more unconnected events of insolvency
  - (f) they have been a director of two or more organisations (BAFA or non-BAFA) that, while they have been director, has suffered an event of insolvency
3. The fit and proper person test will apply to persons applying for or holding any of the following positions:
  - (a) BAFA director
  - (b) Director of BAFRA or BAFCA
  - (c) the BAFA Disciplinary Officer and other members of the BAFA disciplinary team and BAFA regulatory panel
4. In addition, the fit and proper person test will apply to persons applying for or holding any other restricted role if the BAFA Disciplinary Officer is in possession of information that leads him to believe that a person may reasonably fail the test.
5. If the test is applied to a person, they must make a self-declaration. If they fail to make a declaration they will be prohibited.
6. The contents of a self-declaration, in addition to any other relevant information known to BAFA, will be considered by a Registration Committee.
7. In making a decision, the Panel will consider the following factors:
  - (a) Any BAFA policy on the registration of ex-offenders
  - (b) The seriousness of any offence and its potential relevance to the role
  - (c) The length of time since any offence occurred

- (d) Any relevant information offered by the applicant about the circumstances which led to the offence being committed
  - (e) Whether the offence was a one-off, or part of a history of offending
  - (f) The degree of remorse, or otherwise, expressed by the applicant and their motivation to change
8. If a person fails the test and is prohibited, they may appeal against the decision. See Regulation 8 Appeal Procedure.

### 2.3. Safeguarding

1. BAFA may bar an individual by imposing restrictions on their involvement in American football on such terms as may be determined by BAFA in accordance with these regulations.
2. Child means a person under the age of eighteen years as defined by the Children Act 1989. Children means more than one child.
3. Adult at risk means any adult who is or may be in need of community care services, or sufferers of mental health disorders, learning or physical disability, sensory impairment, age or illness and who is or may be unable to take care of him/herself or unable to protect him/herself against significant harm, abuse, neglect or exploitation. ×
4. The Safeguarding Review Panel (SRP) are appointed by BAFA to implement this Regulation. The SRP is made up of a panel of a minimum of 3 individuals. The members can come from the board of directors, senior volunteers with responsibility for safeguarding and expert independent members as appointed by the board.
5. An adult who works in regulated activity with children or adults at risk in American football must:
  - (a) have an enhanced Disclosure and Barring Service (DBS) check or membership of the Protecting Vulnerable Groups (PVG) Scheme in Scotland processed through BAFA within four weeks of their employment or appointment
  - (b) provide any further detail, explanation or clarification of that disclosure as may be required by BAFA
  - (c) provide, on request from BAFA, references that attest to their suitability to be involved in working in regulated activity in American football
6. While awaiting their disclosure, a person may temporarily work on a paid or voluntary basis with children provided that they are supervised at all times during any activity with children by a person who is DBS/DS cleared.
7. Any person who fails to comply with BAFA's disclosure process or is not cleared by the enhanced DBS/PVG process may be prohibited from participating in American football by being barred under this regulation.
8. An individual may be barred from any BAFA event or activity on such terms and conditions as the SRP considers appropriate on a case by case basis.
9. A bar may be imposed when the SRP receives:
  - (a) notification that an individual has been charged with an offence;
  - (b) notification that an individual is the subject of an investigation by the police, social services or any other authority relating to an offence;
  - (c) notification that an individual has been convicted of, or made the subject of a caution in respect of, an offence;
  - (d) notification of the outcome of an investigation by the police, social services or any other authority relating to an offence; and/or
  - (e) any other information which causes the SRP to believe that a person poses or may be a risk of harm to another person.

10. In determining whether a bar should be imposed the SRP shall give consideration to, but not limited to, the following factors:
  - (a) whether a person may be at risk of harm;
  - (b) whether the matters or offences alleged are of a serious nature; and/or
  - (c) whether a bar is necessary or desirable to protect a person or persons from harm.
11. If the SRP bars an individual they will be promptly notified by BAFA. The notification shall be copied to those who need to know on a confidential basis including any relevant authorities. The notification shall:
  - (a) set out the reasons why the bar has been imposed;
  - (b) advise that the individual has 14 days from the date of the notification in which to appeal the decision under Regulation 8; and
  - (c) that BAFA will notify the relevant statutory authorities once the appeal period has passed or if any appeal is unsuccessful.
12. A bar may be imposed for:
  - (a) an interim period (before, during and pending the outcome of an investigation); or
  - (b) a specified period (if, after further investigation, the conduct is such that it merits a sanction and/or criminal proceedings or investigations are underway); or
  - (c) indefinite period (if it is considered that the conduct and potential ongoing risk to a person or persons is such that it is considered necessary, reasonable and proportionate).
13. The SRP may review a bar at any time if it chooses to do so. When imposing a bar, the SRP may specify that the bar will be reviewed after a certain period of time determined by the SRP, or upon a certain event (such as the completion of an investigation by another agency, or a criminal prosecution).
14. An individual who has been barred for an indefinite period may also request that a bar be reviewed at the stated review point stipulated in the bar notification, and BAFA will review the bar if it is satisfied that there is new evidence not previously considered by BAFA which shows that the risk posed to a person or persons by the individual has reduced.
15. The SRP can decide to end a bar at any time if it decides that the circumstances justify this. Such ending of a bar is effective upon the SRP confirming this in writing. If a bar is for a fixed term, the bar will lift at the expiry of that term (unless ended earlier by BAFA under these regulations).

### **3. Code of conduct**

#### **3.1. Bring the game into disrepute**

1. A BAFA participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute, including but not limited to:
  - (a) participating in a game in a registrable category without being registered with BAFA (Exception: participants representing a team from outside Great Britain) or participating while suspended
  - (b) being disqualified from a game
  - (c) being removed from the playing enclosure during a game under the provisions of Rule 9-2-7
  - (d) misconduct before, during or after a BAFA event, including violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour or any breach of playing rules where the penalty imposed by rule is judged to be insufficient

- (e) committing a criminal offence
  - (f) involvement in betting on any game or competition in which the participant has any involvement, or providing information to any other person that is not publicly available in relation to betting
  - (g) selling, offering or exposing for sale, either directly or indirectly, a ticket for a game in excess of the face value of the ticket
  - (h) incurring financial or other costs to the sport as a result of their disregard for BAFA policies and procedures
  - (i) making or accepting payments to participants that are not explicitly permitted, or causing or encouraging others to do so
  - (j) discriminating by reason of ethnic origin, colour, race, nationality, religion, age, gender, sexual orientation, disability, parental or marital status, pregnancy, class or social background, trade union membership or political belief
  - (k) persistent criticism, disputing or questioning by a participant of calls made by a match official
  - (l) conduct by a coach that is contrary to the BAFCA Code of Ethics
  - (m) conduct by an official that is contrary to the BAFRA Code of Ethics
  - (n) breaching the BAFA safeguarding policy, including failing to report a safeguarding concern
  - (o) breaching the WADA World Anti-Doping Code
  - (p) making inappropriate and unauthorised public statements (including on social media) about matters relating to British American football
  - (q) attempting to breach these Regulations
  - (r) inciting or abetting anyone to breach these Regulations
  - (s) obstructing or showing disrespect for any proceedings held under these Regulations
  - (t) an officer or employee of a BAFA organisation permitting their organisation to breach any provision of Regulation 3.1.2 below
2. A BAFA organisation shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute, including but not limited to:
- (a) a breach of any provision of Regulation 3.1.1 by a director, officer or employee of the organisation while acting on behalf of the organisation
  - (b) making a verbal or written agreement in the reasonable knowledge that it cannot or will not be kept
  - (c) failing unreasonably to provide game management facilities for a BAFA game that meet the minimum requirements of Rules 1 and 13
  - (d) failing to keep proper financial, membership or other relevant records as required by law or BAFA policy
  - (e) failing to ensure that a participant associated with the organisation complies with a penalty or order imposed pursuant to these Regulations
  - (f) a breach of Regulation 4.
  - (g) a breach of any provision of Regulation 3.1.1 by a supporter of a club or similar organisation, where that breach was reasonably preventable by the BAFA organisation
  - (h) having a director or officer (or equivalent) who is not registered with BAFA
  - (i) permitting an individual to participate in a game in a registrable category without being registered with BAFA and/or without appearing on the team's roster<sup>x</sup>



3. An aggravating factor in any breach is any reference to any one or a combination of:
  - (a) ethnic origin
  - (b) colour
  - (c) race
  - (d) nationality
  - (e) religion
  - (f) age
  - (g) gender
  - (h) sexual orientation
  - (i) disability
  - (j) parental or marital status
  - (k) pregnancy
  - (l) class or social background
  - (m) trade union membership
  - (n) political belief

### 3.2. Penalties

1. All fines specified in these Regulations are reduced in youth, junior and student leagues but with no reduction applicable to appeal and any other administrative fees.
2. All fines and fees shall be paid to BAFA.
3. A club is responsible for the payment of any fine or fee incurred by a participant registered with it. It is then up to the club whether or not to reclaim the money from the individual, but that process is not part of the BAFA Regulations. (A club may regard an unpaid amount by a participant as a club debt and prevent that person registering for another club.)
4. A club must pay all fines and fees within 28 days of becoming due (and regardless of whether an invoice is issued or not). A fine for a disqualification or a person removed from the playing enclosure becomes due on the day of the offence. Other fines/fees become due when notified to the club.
5. A 50% discount is automatically applicable for a fine resulting from a fixed penalty provided BAFA receives full payment within 14 days of the offence. The full fine is due after 14 days.
6. Where a fine or fee relates to a suspended participant or organisation, that person or organisation's suspension will automatically continue until the fine or fee is paid. If not paid within 28 days, the fine or fee will be automatically doubled and the person or organisation suspended for a further one game. A further one game suspension will be added for each further 28 days the fine or fee remains unpaid.

### 3.3. Fixed penalty offences

1. The following breaches of the Code of Conduct may be regarded as fixed penalty offences:
  - (a) participating in a game without being registered with BAFA
  - (b) permitting an individual to participate in a game without appearing on a team's roster  
x
  - (c) being disqualified from a game
  - (d) being removed from the playing enclosure during a game under the provisions of Rule 9-2-7
  - (e) misconduct before, during or after a BAFA event, including violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour

2. In the event of any of the above, the BAFA Disciplinary Officer may determine that the breach was so severe that the case should be dealt with under full disciplinary proceedings.
3. The fixed penalty offences involve suspensions and fines as follows:

Offence	Suspension	Fine if paid within 14 days	Fine (paid within 28 days)	Fine if not paid within 28 days
First offence	Minimum 1 game	£20	£40	£80
Second offence	Minimum 2 games	£50	£100	£200
Third offence	Minimum 12 months	£100	£200	£400

4. A player is given an automatic playing suspension. Any other participant is given an automatic game day suspension.
5. A fixed penalty shall be considered as "spent" 12 months after it takes place.
6. Fixed penalties arising from disqualifications and being removed from the playing enclosure will have immediate effect and fines will become immediately due unless an appeal is lodged with the BAFA Disciplinary Officer within the limits set in Regulation 8. Any appeal not so notified will be void.
7. Fixed penalties arising for other reasons will take effect from when notified to the relevant club and fines will become immediately due unless an appeal is lodged with the BAFA Disciplinary Officer within the limits set in Regulation 8. Any appeal not so notified will be void.
8. The appeal may be made either by the participant himself or on his behalf by his organisation.
9. Appeals against a fixed penalty may only be made on the grounds that:
  - (a) the person penalised was not the one who committed the breach (mistaken identity), or
  - (b) no breach was committed (there must be evidence that, in the balance of probabilities, the breach did not take place, or (in the case of a disqualification) the match officials misapplied a rule)
  - (c) while a breach was technically committed, the penalty was clearly disproportionately severe
10. All appeals must be supported by video or other evidence.
11. Appeals will be considered by an Appeal Committee, normally within no less than 3 and no more than 14 days of the fixed penalty, provided all parties have had a reasonable opportunity to submit evidence.
12. Serving the suspension and payment of the fine means that no further proceedings may then be brought against the participant in respect of the breach.
13. A team that permits a suspended person to participate will normally forfeit the game and be subject to disciplinary action.

### 3.4. Penalties for other breaches

1. A disciplinary authority may impose one or more of the following penalties against a BAFA participant:
  - (a) issue them with a written warning concerning their conduct
  - (b) issue a fine, which can be of no more than £100 for a first offence
  - (c) issue a playing or game day suspension for a stipulated number of games

- (d) issue a total suspension from all or certain specified BAFA events for a stipulated period of time or number of games
  - (e) prohibit them serving as an officer of a BAFA organisation for a stipulated period of time
  - (f) issue them with a compensation order requiring them to make restitution for their breach
  - (g) reduce, remove or suspend for a period of time any BAFA-related qualification or membership category, or BAFA's recognition of a qualification issued outside the sport
2. A disciplinary authority may impose one or more of the following penalties against a BAFA organisation:
    - (a) issue it with a written warning concerning their conduct
    - (b) issue a fine of no more than £500 for a first offence
    - (c) if a club, disqualify any of its teams from a competition (or part thereof), suspend it from playing games, deduct a stipulated number of league points, prohibit it from entering international competition or playing overseas for a stipulated period of time, or prohibit it from organising or attending BAFA events for a stipulated period of time
    - (d) suspend it from a parent organisation for a stipulated period of time
    - (e) impose any of the penalties listed in 3.4.1 above on any of the officers of the organisation
    - (f) issue them with a compensation order requiring them to make restitution for their breach
  3. An individual or organisation not affiliated to BAFA may be excluded from BAFA affiliation for a period of time and/or have any of the above penalties imposed on them as a condition of future registration.
  4. Any penalty may be deferred for a stipulated period. The penalty will become applicable if the accused is found guilty of any further offence within that period, unless there is a good reason not to impose it. Deferred penalties will normally only be used where there is evidence of extenuating circumstances that mitigate the accused's actions or intentions.
  5. A written warning alone may be imposed only for a first offence and where the offence is determined to be minor.
  6. The penalty for a second offence in any category will normally be double the penalty for a first offence. The penalty for a third offence in any category will normally be treble the penalty for a first offence. The penalty for a fourth offence will normally involve a period of suspension from the sport for a number of years.
  7. For appeals against disqualifications and appeals against other disciplinary decisions, a participant's penalty shall normally be doubled where a disciplinary or appeal authority denies an appeal and believes that the appeal was made:
    - (a) on unreasonable or substantially mistaken grounds; or
    - (b) substantially in order to permit a participant to participate in a game for which he was otherwise suspended; or
    - (c) for vexatious reasons.

### 3.5. Suspensions

1. There are four types of suspension:
  - (a) A playing suspension is where a player is suspended from playing in a game. While suspended, he may stand in his team area during the game, provided that he is not in uniform (exception - he may wear a jersey in his team's colours) and that he is wearing any necessary credentials. Note: a playing suspension cannot be imposed on any participant who is not a player.
  - (b) A game day suspension is where a participant is suspended from any participation in a game. While suspended, he may not enter the playing enclosure (as defined in Rule 2-31-5), communicate in any way with anyone who is in the playing enclosure, or otherwise draw the attention of anyone in the playing enclosure from two hours before kickoff until two hours after the game has finished.
  - (c) A total suspension is where a participant is suspended from any participation in a BAFA event. Unless stated otherwise, this includes all games played by the participant's team or any other team, any coaching activity, any officiating activity, or any activity at a BAFA event. While suspended, for a game he may not enter the playing enclosure (as defined in Rule 2-31-5), communicate in any way with anyone who is in the playing enclosure, or otherwise draw the attention of anyone in the playing enclosure from two hours before kickoff until two hours after the game has finished. While suspended, for any other BAFA event, he may not enter the site of the event or otherwise draw the attention of anyone at the event from two hours before the event's start until two hours after the event's finish.
  - (d) An organisational suspension is where an organisation is prohibited from playing games, entering international competition, or playing overseas or organising or participating in other BAFA events.
2. The general principle is that a participant who is suspended (or any club or other organisation with which they are affiliated) cannot influence to their advantage the game(s) in which the suspension shall be served.
3. Normally, a suspension for a stipulated number of games applies to the next scheduled game(s).
  - (a) This will normally be the next game on the team's schedule.
  - (b) However, suspensions resulting from a competitive game (i.e. a regular season or playoff game) will apply only to competitive games.
  - (c) If there is any question as to a team's schedule, the one notified to BAFRA will take precedence.
4. A suspension for a stipulated period of time applies to all relevant BAFA events that occur before the period of suspension ends.
5. Schedules cannot be rearranged to alter the game(s) for which a suspension is served. The recognised schedule at the time of the incident that led to the suspension shall apply.
  - (a) If a regular season or playoff fixture is arranged to take place before the date of the game, the suspension will apply to the original game and the person will be eligible to participate in the re-arranged game.
  - (b) Further, if a fixture is cancelled at any time up to its kickoff, the suspension will carry forward to the next scheduled game.
6. A suspended participant who has not completed a suspension, and who wishes to transfer organisation, carries their suspension with them to their new organisation. If there is a hiatus between the end of membership of one organisation and the beginning of membership of the other, and during this time, the new organisation plays games, these games shall be counted towards meeting the suspension unless the BAFA Disciplinary Officer

rules this to be unfair. If a suspended participant is registered with more than one organisation (e.g. more than one team in the same club or more than one team in different competitions), the suspension shall normally be served with the team he was with when the suspension was imposed, but the BAFA Disciplinary Officer has the power to vary this in the interests of justice.

### **3.6. Pro tem suspension**

1. In cases where the BAFA Disciplinary Officer believes that a serious breach of these Regulations has been committed, he may at his discretion impose pro tem a suspension (of any of the four types) on a participant or organisation, if he believes any of the following conditions hold:
  - (a) There are reasonable grounds to believe a suspension will reduce the risk of a further breach being committed.
  - (b) There are reasonable grounds to believe a suspension will reduce the risk to the safety of any participant.
  - (c) The police or another agency is investigating the case with a view to criminal charges or civil proceedings in court.
  - (d) The incident in question resulted in serious harm to an individual.
  - (e) The incident in question resulted in a large amount of damage to property.
2. Appeals against a pro tem suspension may be made to the BAFA Disciplinary Officer, who may revoke or amend the terms of the suspension if he is persuaded it is unreasonable.
3. Where a pro tem suspension is imposed, the period of such suspension shall be counted as "time served" if a suspension is subsequently imposed by a Disciplinary Committee. If the Disciplinary Committee does not impose a suspension, there is no compensation due to the accused.

### **3.7. Parole**

1. Applications for parole from a suspension may be made at any time after half the period of suspension has been served. A participant suspended for a period of more than 5 years (including "for life") may appeal for reinstatement at any time after 5 years of their sentence has elapsed.
2. An application will be considered by an Appeal Committee and its decision will be final for a period of at least one year.
3. An application will only be successful if it:
  - (a) shows evidence of remorse
  - (b) provides details of how the individual or organisation will be reintegrated back into football while minimising the risk of reoffending
  - (c) provides a plan for how the conduct of the individual or organisation will be monitored during their period of parole
4. An individual or organisation may be granted parole on such terms and conditions as the Appeal Committee considers appropriate on a case by case basis.
5. An individual or organisation that breaches the terms or conditions of their parole is subject to having their suspension reinstated.
6. A period of parole will normally end when the original term of suspension was scheduled to end, if there has been no further breach. A Disciplinary Committee may extend the period of parole when imposing penalties for a breach committed during a period of parole.

## **4. Regulations on organisations**

### **4.1. Introduction**

1. A BAFA organisation is required to conform to the following regulations.
2. Where a BAFA organisation itself has member organisations, these regulations apply recursively to the relationship between the BAFA organisation and its member organisations.
3. Where an organisation changes any details as required or requested below, it must give notice to BAFA within 28 days. Such notice will be deemed given when received and acknowledged by a designated BAFA officer.

### **4.2. Corporate governance**

1. A BAFA organisation must on request notify BAFA of the organisation's governance arrangements, and provide BAFA copies of all governance documents including but not exclusive to constitutions, articles and memoranda of association, byelaws, rules, regulations, etc.
2. A BAFA organisation must on request notify BAFA of the officers of the organisation (e.g. directors) and their contact details.
3. A BAFA organisation must prohibit anyone acting as a director or officer who is prohibited by BAFA.
4. A BAFA organisation must on request report to BAFA giving details of its implementation of these regulations.
5. A BAFA organisation must implement risk management policies and procedures that are compatible with any BAFA risk management policy in force at the time.

### **4.3. Human resources and welfare**

1. A BAFA organisation must ensure persons acting in any appointed capacity on behalf of the organisation abide by all rules, regulations and guidelines for conduct.
2. A BAFA organisation must ensure all persons acting in a coaching capacity are qualified members of BAFCA.
3. A BAFA organisation must abide by any BAFA Equality Policy.
4. A BAFA organisation must implement child protection policies and procedures that are compatible with any BAFA safeguarding policy in force at the time.

### **4.4. Financial management**

1. A BAFA organisation must on request notify BAFA of the organisation's financial year.
2. A BAFA organisation must have an independent examination or audit of its accounts performed at least once a year.
3. A BAFA organisation must on request provide BAFA with a copy of its most recent accounts.
4. A BAFA organisation must on request report to BAFA any financial problems (e.g. unpaid debtors or creditors above £500 outstanding for more than 2 months).

### **4.5. Marketing and communication**

1. A BAFA organisation must maintain the integrity and reputation of BAFA in all communications.
2. A BAFA organisation must not make public statements that are contrary to BAFA regulations.
3. A BAFA organisation must not engage in sponsorship or similar arrangements that are judged by BAFA to be contrary to the interests of the sport.

#### 4.6. Regulations and discipline

1. A BAFA organisation must implement disciplinary policies and procedures that are compatible with any BAFA Regulations in force at the time.
2. A BAFA organisation that takes disciplinary action against a member must comply with Regulation 1.3.2.

#### 4.7. Games and playing rules

1. A BAFA organisation must conduct all contests according to the BAFA playing rules in force at the time, unless they are granted exemption in writing by the Chair of the BAFA Rules Committee or his deputy.
2. BAFA may sanction teams that do not comply with football-playing rules that do not have a designated penalty.
3. A BAFA organisation must use only BAFRA officials wherever possible, unless they are authorised by the BAFRA Director of Operations or his deputy.
4. A BAFA organisation must not schedule any games on dates that clash with National Programme games or mandatory training camps, unless they are authorised in writing by the BAFA Director of [Operations](#) or his deputy.
5. A BAFA organisation must not schedule any games on dates that clash with BAFA "designated events" (e.g. the BAFRA Convention), unless they are authorised in writing by the organisers of the designated event.

#### 4.8. International participation

1. A BAFA organisation must seek BAFA's prior approval for the organisation of any team, game or other event where the name "United Kingdom", "Great Britain", "Britain", "England", "Scotland", "Wales", "Northern Ireland", "National", "International", "Europe" or derivations therefrom is used.
2. A BAFA organisation must seek BAFA's prior approval for the use of the nickname "Lions", "Crusaders", "Chieftains", "Dragons", "Giants", "Bulldogs", "Allstars" or derivations therefrom by a member team, club or other organisation. Existing teams using these names (on 3rd October 2008) shall be allowed to continue to do so. [Birmingham Lions]
3. A BAFA organisation must seek BAFA's prior approval for teams to participate in any game:
  - (a) outside Great Britain or
  - (b) involving a team from outside Great BritainApproval is unlikely to be granted if the game or opponent does not have recognition from an IFAF member governing body or equivalent.
4. A BAFA organisation must ensure that all player transfers to or from countries outside Great Britain must abide by the rules of the IFAF International Transfer Card.

#### 4.9. Liaison with external bodies

1. A BAFA organisation must on request keep BAFA informed of discussions with:
  - (a) IFAF or its affiliated or successor bodies
  - (b) any professional sports organisation
  - (c) other UK sports governing bodies or their offshoots
  - (d) other representative bodies
2. A BAFA organisation must not enter into any contracts or agreements with any of the bodies listed above without prior consultation with BAFA.
3. A BAFA organisation must on request inform BAFA of any application made for public funding.

4. A BAFA organisation must seek BAFA's prior approval for any funding application to any scheme which requires NGB approval.
5. A BAFA organisation must on request inform BAFA of any sponsorship agreement valued at £1000 or more.
6. A BAFA organisation must seek BAFA's prior approval for any agreement made with an external body where that may have an effect on the sport as a whole or another BAFA organisation.

#### **4.10. Disputes between BAFA organisations**

1. If any difference of opinion shall arise between BAFA organisations relating to the performance by either party of its obligations or entitlements, such dispute shall be referred in the first instance to be resolved by mediation at each party's equal expense.
2. If not resolved by this means within 30 Business Days, then it (or any remaining issue/s arising from any such dispute or difference on which agreement cannot be reached) shall be referred to be dealt with and determined by arbitration, the costs of which shall be borne and payable by the party against whom any relevant award is then made.
3. Any such mediation or arbitration shall be referred to and conducted by such person as shall be appointed by agreement between the parties or in the absence of such agreement:
  - (a) In the case of a referral for mediation, by the Chairman or governing body for the time being of the ADR or CEDR group (or its or their equivalent at any given time).
  - (b) In the case of a referral for arbitration, by the Chairman or governing body for the time being of the Royal Institute of Chartered Arbitrators (or its equivalent at any given time).
4. Any person so appointed to arbitrate shall act as an expert and their decision shall accordingly be binding for all purposes on the parties.
5. Any such referral for mediation or arbitration shall be deemed to be commenced by either party giving notice to the other requiring such a referral.

### **5. Game regulations**

#### **5.1. Registration and rosters**

1. All players, coaches, sideline persons and match officials participating in a BAFA game must be registered with BAFA at the time of the game (Exception: participants representing a team from outside Great Britain). Regulation 2 covers the registration process.
2. Teams shall provide the referee with a roster of their players, coaches and other sideline persons (showing BAFA registration number, forename, surname and jersey number or sideline role) before each game. A player may appear on the roster under more than one jersey number to enable him to change number during the game (informing the referee when he does so).
3. The roster must clearly state the names and (where required) registration numbers of all team coaches, and indicate who is the head coach.
4. Persons serving a suspension or for whom an appeal has been lodged must be included and clearly marked. If a suspended person is not so marked, he may not be considered as having served the suspension. It is a team's responsibility to know who is suspended and to correctly mark them.
5. Additions to the roster<sup>x</sup> shall not be permitted after the game has kicked off. Competitions may set an earlier deadline.
6. The referee shall provide each team with a list of the match officials.



7. The game shall not commence until all lists have been provided and meet the requirements above.
8. The game shall not commence (or proceed if suspended) if there are fewer than 3 licensed officials (or licensed coaches acting as officials).
9. The game shall not commence (or proceed if suspended) if each team does not have at least one licensed coach.
10. If a squad member in uniform does not appear on his team's roster<sup>x</sup> then, upon discovery, he shall be disqualified from the game.

## 5.2. Incident reports

1. The referee (or another match official) for each game shall report all incidents of:
  - (a) disqualified players
  - (b) persons removed under Rule 9-2-7
  - (c) persons not appearing on the roster<sup>x</sup>
  - (d) allegations that teams played unregistered or suspended players
  - (e) breach of mandatory game management requirements as set out in Rules 1 and 13
2. Any match official (including an assessor who has been officially appointed to attend the game) may report any incident of:
  - (a) misconduct by any BAFA participant (including suspected breaches of this code)
3. The referee (or another match official) or an authorised officer of a BAFA organisation<sup>†</sup> may, after viewing a video (or other record) of a BAFA event, report any incident of:
  - (a) foul play that in their opinion should have resulted in disqualification of a player, including a player called for a foul for initiating contact/targeting an opponent (under Rules 9-1-3 or 9-1-4) or a flagrant personal foul or flagrant unsportsmanlike conduct that game officials did not call
  - (b) a person participating in the game who did not appear on the roster<sup>x</sup>
  - (c) a person participating in the game while suspended
  - (d) misconduct by any BAFA participant (including suspected breaches of this code)
  - (e) a player who is disqualified from the game due to a flagrant personal foul or flagrant unsportsmanlike conduct so serious that it may merit an additional penalty
4. Any match official who has made a report (or an authorised officer of BAFRA acting on their behalf) may, with the consent of the BAFA Disciplinary Officer, withdraw a report submitted as above if, after viewing a video (or other record) of a game, it is realised that the report was submitted in error, or that the foul committed was not on reflection flagrant enough to warrant disqualification.
5. Referees' reports shall normally be made in the first instance by 8pm on the Monday following a weekend game, or within 48 hours of any other game. Further reports must be submitted to arrive normally within 7 days. Reports arising from viewing video must be submitted normally within 7 days of the video becoming available to the viewer.
6. Reports shall be made to the BAFA Disciplinary Officer.

---

<sup>†</sup> The list of authorised persons is:

BAFA Disciplinary Officer or his deputy

BAFRA President or his deputy

BAFCA President or his deputy

BAFA Director of [Operations](#) or his deputy

## **6. Competition complaints and appeals**

1. Complaints about the governance or administration of a BAFA-sanctioned competition shall be directed to the competition authority in the first instance. If the complainant is not satisfied with the response, or does not receive a response within 72 hours (or 14 days outside the competition period), then the following appeal procedure may be used.
2. An authorised officer of a club or team in a BAFA-sanctioned competition may lodge an appeal on behalf of their club against a decision made by the competition authority. A joint appeal on behalf of several clubs or teams can also be made.
3. An appeal may be made against (but is not limited to) decisions about:
  - (a) qualification or entry into competition
  - (b) fixture arrangement
  - (c) eligibility of teams and personnel
  - (d) results where they have been determined by the competition authority
  - (e) the imposition of sanctions
4. An appeal can be made about a decision impacting one team directly but that affects the appealing team(s) indirectly.
5. An appeal is likely to be upheld if it can be shown that:
  - (a) the competition authority did not correctly apply a BAFA rule, regulation or its own competition regulations
  - (b) the competition regulations or policies under which the decision were made are not in accordance with BAFA rules, regulations or in the best interests of the game as a whole
6. An appeal is likely to be rejected if it can be shown that:
  - (a) there is no impact on a match result, league table or the outcome of the competition
  - (b) the affected team(s) approved the decision or the process by which the decision was made
  - (c) the decision was made by a qualified match official in the context of a BAFA game
7. A competition appeal that relates to the conduct of an individual or club and which could be considered as a breach of Regulation 3 will be dealt with as a disciplinary case.
8. Appeals are dealt with under the procedure set out in Regulation 8.

## **7. Procedures for regulatory cases**

### **7.1. General principles**

1. A BAFA regulatory proceeding is a proceeding of a sports association and not of a Court.
2. The Convener shall normally be the BAFA Disciplinary Officer or one of his deputies.
3. Once notified of a matter, and having assured that the matter is within BAFA's jurisdiction, the Convener shall constitute a Regulatory Committee to deal with the case. A Regulatory Committee may be a Disciplinary Committee, a Registration Committee, a Safeguarding Committee, or an Appeal Committee considering matters within the scope of Regulation 8.
4. The Convener shall:
  - (a) appoint a chair of the Committee
  - (b) appoint at least two other persons to be members of the Committee
  - (c) in consultation with the chair and the accused/appellant, decide whether the matter is best dealt with by hearing or correspondence
5. The chair and members of the Committee shall be persons who have had no previous major involvement in the matter under consideration. They shall not be excluded solely because they have heard a case against the accused/appellant before.

6. The chair or members of the Committee shall declare any sporting, personal or other relationship they have or had with any party to the case, and the accused/appellant may raise any objections to their involvement, but will not normally be excluded from consideration of a case unless that relationship is/was particularly close or the objection is a serious one. The BAFA Disciplinary Officer's decision is final.
7. The Convenor is not a member of the Regulatory Committee, but shall attend any hearing and be copied in on all correspondence relating to a matter. The Convenor's advice may be sought by the Committee or any party on interpretation of these regulations or any other matter relating to the proceedings.
8. Any BAFA Regulatory Committee business will normally be conducted by correspondence. Exceptionally, the BAFA Disciplinary Officer may decide that business will be conducted by means of a hearing attended by relevant parties. In either case, any reasonable technology may be used to facilitate the business and the input of the participants provided the principles of natural justice are maintained.
9. The costs of conducting a hearing or correspondence shall be borne by BAFA except:
  - (a) where the costs of the hearing or correspondence are caused or increased due to a request or action by the accused/appellant; AND
  - (b) the Committee finds against the accused/appellantIn such cases, the Committee may order that the accused/appellant shall pay all or part of the costs.
10. All Regulatory Committee matters shall be dealt with as soon as is practically possible.

## **7.2. Procedures for reviewing cases**

1. The BAFA Disciplinary Officer may, in exceptional circumstances where in his view a sanction imposed by a disciplinary authority is wholly inappropriate, appeal against the sanction imposed.
2. Additionally, in exceptional circumstances, where a participant or organisation has been cleared of the charges faced, the BAFA Disciplinary Officer shall have the right to appeal against that finding.

## **7.3. Appointments**

1. The BAFA Disciplinary Officer and his deputies shall be appointed from time to time by the BAFA Board.
2. Where the BAFA Disciplinary Officer is unavailable for a significant period of time, or involved in a case as a complainant, one of his deputies shall act for him. The BAFA Board may make a temporary appointment if neither the Disciplinary Officer nor any of his deputies is available or able to act.
3. Members of the BAFA Regulatory Panel shall be appointed from time to time by the BAFA Board. Members of the Regulatory Panel may have specialisms in
  - (a) discipline
  - (b) registration
  - (c) safeguarding
  - (d) competitions
4. A Regulatory Committee shall, wherever practicable, include at least one member with the relevant specialism.
5. Wherever practicable, the chair and members of a BAFA Regulatory Committee shall be persons who have been trained in the Regulations and their application.

#### **7.4. Notices**

1. Any notice or other communication required to be given by a party pursuant to these Regulations must be given in writing and must be sent by first class post or transmitted by facsimile or e-mail. If sent by first class post, the notice or other communication shall be deemed to have been given on the "Working Day" following the day it is sent. If transmitted by facsimile or email before 5pm (London time) on a Working Day, the notice of communication shall be deemed to have been given on that Working Day. If transmitted on a non-Working Day, or at or after 5pm (London time) on a Working Day, the notice or other communication shall be deemed to have been given on the next Working Day.
2. A party's last-known residence, place of business, email address or facsimile number shall be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to BAFA.
3. BAFA reserves the right to publicise the results of disciplinary cases via the media or its own publications. Such notices will normally be maintained for at least one year and no more than two years.

#### **7.5. Evidence**

1. All relevant data will be retained during any investigation and data collected during an investigation will be retained as supporting evidence in any regulatory process.
2. Evidence used in a regulatory cases will be retained for up to seven years or two years beyond the end of a suspension (whichever is longer) and then destroyed. This information will be kept for the purpose of informing decisions on repeat offences.
3. All retained evidence will be held securely. It will only be accessible by the BAFA Disciplinary Officer and his deputies.

## 8. Procedures for appeals

### 8.1. Scope of the appeal procedure

1. This procedure applies to the following:
  - appeals against fixed penalties issued in accordance with Regulation 3.3
  - appeals against other cases brought in accordance with the Code of Conduct (Regulation 3)
  - appeals against registration and safeguarding decisions (Regulation 2)
  - appeals against decisions made by competition authorities (Regulation 6)
  - applications for parole (Regulation 3.7)
  - appeals arising from decisions made under any other BAFA policy, procedure, rule or regulation

### 8.2. Form and deadline for appeals

1. A notice of appeal shall be notified to BAFA within the following timescale:

for appeals against fixed penalties arising from disqualification or removal from a game	before 9pm on the third day following the game
for appeals against other fixed penalties	before 9pm on the third day following notification in writing of the fixed penalty
for appeals against other disciplinary decisions	within 14 days following notification in writing of the verdict
for appeals against registration and safeguarding decisions	within 14 days following notification in writing of the decision
for appeals against decisions made by competition authorities	before 9pm on the third day following notification in writing of the decision or when no response has been received within 72 hours of a complaint to the competition authority
applications for parole	at any time after half a suspension has been served or after 5 years of a longer suspension
for other appeals	within 14 days following notification in writing of the decision

2. This notice must be in writing and contain or be accompanied by:
  - (a) the appellant's name, address and relevant contact details (and date of birth if under 18)
  - (b) what the appellant is appealing against, and what remedy they request
  - (c) if applicable, an application to stay the execution of the decision appealed against, together with reasons
  - (d) a £50 administration fee, which will be retained if the appeal is unsuccessful
3. Within 10 days of sending the notice, the appellant must submit a statement of appeal (failing which the appeal will be deemed to be withdrawn) containing or accompanied by:
  - (a) a statement of the facts and relevant elements of the Regulations upon which the appellant is relying
  - (b) copies of any evidence upon which the appellant is relying
4. Appeals that do not relate to any subsection of Regulation 8.2.7 (below), or specific appeal provisions of other Regulations, will be void.

5. Where an appeal is made against the decision(s) of a Regulatory Committee, that Committee shall make a submission to the Appeal Committee justifying its decision(s).
6. An Appeal Committee will be formed from members of the BAFA Regulatory Panel, excluding any involved previously in the case in question.
7. An Appeal Committee shall not substitute its judgement for that of any Regulatory Committee (or the SRP acting as a Regulatory Committee), except that it may:
  - (a) Order that a Regulatory Committee shall reconsider a case in the light of new evidence that could not reasonably have been available to the Regulatory Committee at the time it considered the case.
  - (b) Determine that the procedure in a regulatory case was conducted so incorrectly as to bring into reasonable doubt the finding of a case, and order that the case be reconsidered either by the original Regulatory Committee or by a new one.
  - (c) Determine that the sanction imposed in a case was unreasonably severe or unreasonably lenient, and order that the case be referred back to the Regulatory Committee for a reasonable sanction to be imposed. (The Appeal Committee may recommend a reasonable sanction, or recommend a range within which a sanction would be thought reasonable).
8. A BAFA Appeal Committee shall not normally consider any case dealt with by a BAFA organisation until it has been dealt with by the final appeals process of that BAFA organisation. This can be waived with the agreement of the BAFA organisation concerned.
9. Any appeal against the decision of any BAFA Appeal Committee shall be made within 28 days to a tribunal of arbitrator(s) appointed in accordance with the Arbitration Rules (as amended from time to time) of Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd - Company No. 3351039). The Appeal shall be governed by the Arbitration Act 1996 and Sport Resolutions (UK)'s Appeal Arbitration Rules, which Rules are deemed to be incorporated by reference to this clause. The decision of the tribunal shall be final and binding on all concerned. BAFA may require an appellant to pay all or part of its costs should the arbitrator find against the appellant.

## **9. Grievance Procedure**

### **9.1. Purpose and scope**

1. The key aim of a grievance procedure is to provide an internal mechanism for dealing with concerns raised by any participant about their treatment whilst involved in BAFA sanctioned activity. It should aim to deal with these issues quickly, fairly, and at the lowest level possible within the organisation. The most satisfactory solution to a problem results when agreement is reached between a member and their immediate contact (possibly Head Coach or Team Manager). A genuine effort should therefore be made to resolve the matter at the first stage in a prompt and amicable way.
2. The scope of the procedure applies to BAFA participants plus the parents, guardians or representatives for children or adults at risk who are BAFA participants.
3. Examples of issues that may give rise to a grievance are listed below:
  - Health and safety
  - Relationships
  - Coaching/Training practices
  - Unfair treatment e.g. discrimination, bullying, harassment
  - Any other form of unfair discrimination

## **9.2. Procedure**

### **9.2.1. First Stage (Informal Resolution)**

1. Raise the grievance with a person who has influence over the alleged perpetrator.
2. Most routine complaints and grievances are best resolved informally in discussion with a person with influence over the situation who is closest to the situation (possibly for example a Head Coach or Team Manager). Dealing with grievances in this way can often lead to speedy resolution of problems.
3. N.B. Even though this is an informal stage it may be helpful for both the complainant and the person who deals with it to keep a note of such a meeting.
4. Where the grievance cannot be resolved informally it should then be dealt with under the formal grievance procedure.

### **9.2.2. Second Stage (Formal Resolution)**

1. The individual must put their grievance in writing. In particular they must detail the key issues that they are unhappy with and say if they want the matter dealt with in writing or at a hearing.
2. The appropriate Commission Lead in the new BAFA structure should deal with the grievance, unless it is against that individual. In this case the BAFA Director responsible for that area should deal with the grievance. The first step should be to immediately acknowledge receipt of the grievance.
3. When appropriate the BAFA Commission Lead/Director should arrange a grievance hearing at which the individual has the right to be accompanied by a friend, colleague or family member (who is not legally qualified). This meeting may be face to face but can if necessary be conducted by videoconferencing. The hearing should be arranged as quickly as possible.
4. It is the responsibility of the person hearing the grievance to respond in writing to the grievance within 7 working days of the hearing or, where no hearing has taken place, within 14 working days of receiving written notice of the grievance. If it is not possible to respond within the specified time period individuals will be given an explanation for the delay and told when a response can be expected.

### **9.2.3. Third Stage (Review/Appeal)**

1. If the individual does not feel the matter has been resolved at stage two, they have the right to ask for a further review of the complaint.
2. In this case if a Commission Lead has dealt with Stage 2 then the BAFA Director responsible for the area concerned will deal with Stage 3. If a BAFA Director has considered Stage 2 then an alternative BAFA Director who has not previously been involved with the case will deal with Stage 3.
3. The individual should raise their grievance in writing within 7 working days of receipt of the decision made at Stage 2 being communicated to them and explain why they are appealing from the previous stage.

### **9.2.4. Final Decision**

1. The Director, who handles the grievance review (Stage 3), must consider whether a review hearing is required. If a hearing is required, the individual must be informed within 7 days of the receipt of the review request when the hearing will take place (and their right to be accompanied).
2. If no hearing is required they must inform the individual in writing of their final decision within 14 working days of receipt of the written request for a review being received. If it

is not possible to respond within the specified time period individuals will be given an explanation for the delay and told when a response can be expected. The Director's decision at Stage 3 is the final stage in the grievance procedure.

### **9.3. Vexatious/Malicious Grievances**

1. Malicious complaints are rare and individuals with genuine grievances are encouraged to bring them forward for resolution through this process.
2. Not all grievances will be upheld through the process. If an individual had genuine concerns and good reasons for bringing the complaint forward however, the rejection of the grievance does not automatically mean the complaint was malicious.
3. In cases where there is doubt about the motivation of a complainant then the benefit of that doubt will be given to the individual and the complaint will be considered to have been genuine.
4. There are unfortunately rare occasions where vexatious or malicious complaints are made. Such misuse of this procedure is in itself a form of bullying and harassment and will not be tolerated. Where there is clear evidence of such abuse of this process therefore BAFA will disallow the grievance and will consider referring the matter to the BAFA Disciplinary Officer for action for a breach of BAFA Regulations.

### **9.4. Advice and Confidentiality**

1. At any stage any individual involved in this process may seek advice on this procedure from a BAFA Director who is not involved in the case. When seeking advice, the individual should request a confidential interview and refer to the Grievance procedure.
2. Those dealing with matters associated with this process will keep anything dealt with entirely confidential. As an organisation, BAFA takes these matters very seriously and all complaints raised through the process will be thoroughly investigated.
3. In order to complete their investigations, the investigating Commission Lead/Director will need to question the person who is the subject of the complaint — that person will be made aware of the details of the complaint against them in order to be able to put their view of the situation.
4. It may also be necessary to question witnesses. In such cases the witnesses will only be made aware of the information that is required to enable them to respond to the investigator's questions.

### **9.5. Precautionary action in cases of bullying or harassment**

1. Where a complaint of bullying or harassment is made, the alleged offender will be removed from any activity involving the complainant on a precautionary basis. It is important that emphasis is given to the precautionary nature of this action — it is not in any way an indication of guilt being apportioned. It does not imply any prejudgement of the case and it must be made clear to all concerned that it is a precautionary measure.
2. In such cases it is essential that the complaint is thoroughly investigated and resolved as quickly as possible. Contact and the offer of support will be maintained with both the complainant and the alleged offender during this period.
3. The precautionary separation will be maintained until the internal grievance procedure is exhausted.



### 9.6. Disciplinary Action

1. In cases where the outcome of the grievance hearing requires the consideration of disciplinary action, the grievance procedure investigation will constitute the fact finding stage of that process.
2. In such cases the investigating Commission Lead/Director will refer the matter and the appropriate evidence to the BAFA Disciplinary Officer for immediate attention.
3. In cases where disciplinary action is being considered as a result of the outcome of the grievance, the complainant will be told about the intention to deal with the matter through the disciplinary process.

### Grievance Procedure Summary

Individual Action	Response	Timescale
Individual verbally raises grievance with the a person with influence over the situation who is closest to the situation (possibly for example a Head Coach or Team Manager )	Coach/Team Manager should discuss matter and seek mutual agreement to resolve the matter	7 working days
If the matter is unresolved the individual should put the grievance in writing to a BAFA Commission Lead/Director asking for it to be dealt with in writing or requesting a hearing.	Commission Lead/Director arranges to hear the grievance in writing or at a hearing (advising the individual of their right to be accompanied ) as appropriate.	If a hearing is requested it must be arranged as soon as possible.
Present grievance at grievance hearing or in writing.	Commission Lead/Director listens to/considers the grievance and undertakes any necessary further investigation and based on the evidence makes a decision. Prepares and sends written response to the Grievance and advises of right to seek a further review if the individual is not satisfied. If appropriate after the decision on the grievance is made the Commission Lead/Director instigates disciplinary action by referring the matter to the BAFA Disciplinary Officer.	Within 7 working days from grievance hearing. A response must be given within 14 working days of receipt of written grievance if it is dealt with in writing.

<b>Individual Action</b>	<b>Response</b>	<b>Timescale</b>
Individual notifies the Commission Lead/Director of request for review in writing and give reasons for their request for the decision to be reviewed.		Within 7 working days of receipt of the Stage 2 decision letter
	Commission Lead/Director to arrange review at Stage 3	Within 7 working days of receipt of review request letter
Individual presents reasons for requested review at hearing or in writing	Director conducts review (including if necessary further investigation) and considers findings. Sends written response of final decision to employee	Within 7 working days of review hearing or within 14 days of receiving the request for a review if it is dealt with in writing.

### **Important**

If during any stage of investigation BAFA determines an act to be potentially unlawful, we withhold the right to immediately suspend the Grievance process and request the complainant to approach the appropriate law enforcement agency (with our support). This is necessary because any further action from BAFA may hinder a potential criminal investigation. If legal proceedings do not result from the complaint BAFA will recommence the grievance process at the request of the complainant.