

Private and Confidential

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# BOARD OF DIRECTORS CODE OF CONDUCT AND ETHICS



[www.lancashirefa.com](http://www.lancashirefa.com)

LANCASHIRE FOOTBALL ASSOCIATION



## Introduction

The purpose of this document, which is written in accordance with the Lancashire Football Association ('Lancashire FA') Articles of Association, is to provide guidance for Lancashire FA Board Members, and anyone who works on behalf of the Board in the execution of its role, responsibilities and duties. This will include, but is not limited to:

- All Directors appointed to the Board
- All members of the Football Advisory Boards
- All individuals appointed to any committee or sub-committee of the Board
- Any other individuals executing the role, responsibilities and duties of the Board

Where the word 'Director', 'Directors', 'You' or 'Your' is used throughout this document, it includes and encompasses all people referred to above.

Directors should keep Lancashire FA's Vision and Mission top of mind when conducting themselves on Lancashire FA business:

Vision	A Game for Everyone
Mission	To Become the Strategic Lead for Football in Lancashire

## Overview

Lancashire FA ('Company') is a Company limited by guarantee and as such appointment to the Board ('Board') as a Director of Lancashire FA carries considerable responsibility and the requirement to uphold and maintain high standards of exemplary ethical behaviour.

Certain obligations, including confidentiality, shall survive beyond the serving period on the Board.

This Code is supplemental to:

- The Articles of Association for Lancashire FA
- The specific terms of reference of any committee/sub-committee

No code of conduct can be all-embracing, and it is necessary to honour the spirit of the Code as well as its letter. Your behaviour should be honest, ethical, impartial and considerate, and dedicated to the development and good management of Association Football in Lancashire. Should your conduct or behaviour fall below these standards, the Code may apply, notwithstanding that such conduct or behaviour is not covered explicitly within this document.

For the avoidance of doubt and, in exceptional circumstances only, the Code may also apply in respect of historical conduct or behaviour (which shall be limited to the period of time served in any role described in the introduction above) and to actions carried out while not acting in an official Lancashire FA capacity which could reasonably be considered as bringing Lancashire FA into disrepute.

This Code shall be subject to review as required and at least every four years.



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## Key Principles

As Directors of the Company you are required to behave in a manner that befits your status as a Director of Lancashire FA, a company that receives significant public and private funding. Your conduct should not bring the Company or the sport into disrepute.

As a Director, your behaviour and actions are governed by the key principles set out in this document. It is every Director's responsibility to ensure that they are familiar with, and comply with, all the relevant provisions of the Code.

The key principles upon which this Code of Conduct is based are the same 7 key principles of public service identified by the Committee on Standards in Public Life and these principles should inform your actions and decisions as a Director. They are as follows:

1. **Selflessness:** Directors should take decisions solely in terms of the members' and Company's interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
2. **Integrity:** Directors should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
3. **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Directors should make choices on merit. When making decisions, whilst a Director may properly be influenced by the views of others, it is their responsibility to decide objectively, independently and in good faith what view to take, and how to vote.
4. **Accountability:** Directors are accountable to Lancashire FA and must exercise their powers in accordance with their legal duties (where applicable) in good faith and for the benefit of Lancashire FA, its members, shareholders, employees and the wider football family. Directors will be held accountable for their actions and part in reaching decisions, and must submit themselves to whatever scrutiny is thought to be appropriate to their office and role. On an annual basis, Directors will be required to complete an appraisal with the Chair (the Vice Chair will conduct this for the Chair).
5. **Transparency:** Directors should be as open and transparent as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider members and public interest clearly demands.
6. **Honesty:** Directors have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts of interest arising in a way that protects the public interest.
7. **Leadership:** Directors should promote and support these principles by leadership and example, always acting in such a way as to preserve confidence in Lancashire FA. You must not knowingly misrepresent the views or policies of Lancashire FA.

## Breach

Any breach of the Code of Conduct and Ethics, brought to the attention of the Chair or Chief Executive Officer ('CEO'), will be considered under the compliance disciplinary procedures, which can be found in ['8. Appendix 1 – Procedure in the Event of an Alleged Breach'](#). You should also ensure that that you notify the Chair of any violation of this code by any other person governed by this Code



## **Lancashire Football Association**

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of Conduct and Ethics. In accordance with the Articles and the Standing Orders, a breach of this Code may result in removal from office.



## 1. Conduct and Behaviours

Directors should have the values of Lancashire FA in mind at all times when conducting themselves:

**Values** | Lancashire FA's Behaviour Framework:  
Caring, Integrity, Inspiration, Creativity, Teamwork



In addition, specifically the following conduct and behaviours are expected from Lancashire FA Directors:

### Compliance

- 1.1 **Uphold the Law:** You should uphold the law and, on all occasions, act in accordance with the trust that the public has placed in you.
- 1.2 **Statutory and Admin Requirements:** You must comply with any statutory or administrative requirements relating to your post as a Director of the Company.
- 1.3 **Constitutional Framework:** You must not act outside the constitutional framework of Lancashire FA.

### Integrity, Honesty and Diligence

- 1.4 **Honesty and Propriety:** As a Director of the Company, it is essential that you act honestly and with propriety. Your public duties shall be carried out in a manner that preserves and enhances public confidence in your integrity and that of the Company.
- 1.5 **Avoid Compromising Situations:** You must not place yourself in situations where your honesty and integrity or ethics may be questioned. You should not behave improperly, and, on all occasions, you should avoid the perception of such behaviour.
- 1.6 **Diligence:** You must exercise reasonable skill, care and diligence in carrying out your duties, especially (but not limited to) preparing for and attending Board, Committee, Sub-committee and other meetings. Aside from extenuating circumstances, you are expected to attend all Board Meetings and Committee Meetings, and any less than 75% attendance in a 12-month period for either Board meetings or Committee meetings, or missing 2 consecutive meetings for either Board or Committee meetings, will be considered a breach of this Code.

### Respect

- 1.7 **Peers, Colleagues and Partners:** All Board Directors, staff and people involved within the sport have a right to be treated with dignity and respect and you are required to deal with their affairs fairly, efficiently, promptly, effectively and sensitively to the best of your ability whilst exercising due care.
- 1.8 **Board Decisions:** You should respect and support the principle of collective decision-making and corporate responsibility. This means that, once the Board has made a decision and it has been passed by the relevant threshold, you should support that decision.



## Equality, Impartiality and Inclusivity

- 1.9 **Promote Equality:** Lancashire FA places great value on the varied cultures, beliefs and backgrounds of its staff and members, and Directors are expected to treat all with tolerance, impartiality and act with integrity at all times. All Directors should promote equality and inclusivity by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or any other protected characteristic. The Company operates an Equality policy and all Directors agree to abide by this policy and all related Company guidance in relation to equality.
- 1.10 **Act in Best Interests:** Each Director must act in accordance with what they believe to be in the best interests of Lancashire FA in a manner consistent with their legal duties and, as such, must not place themselves in a position in which there is a conflict between their duties to the Company and their personal interests. A Director must not act in a way that unjustifiably favours or discriminates against particular individuals or interests. In particular, a Director must exercise their duties in a way that they consider, in good faith, would be most likely to promote the success of Lancashire FA for the benefit of its members as a whole having regard, amongst other matters, to:
- the likely consequences of the decision in the long term
  - the interests of employees
  - the need to foster business relationships with stakeholders, including suppliers, customers and others
  - the impact of operations on the community and the environment
  - the desirability of maintaining a reputation for high standards of business conduct
- 1.11 **Political Statements and Activity:** On matters directly related to the work of the Company, you should not make political statements either verbally, in writing or electronically via social media networks or email, or engage in any other political activity. In your official capacity, you should be even-handed in all dealings with political parties should these arise. Subject to the above, you may engage in political activity but should, at all times, remain conscious of your responsibilities as a Director and exercise proper discretion. You should inform the Chair and CEO for approval before undertaking any significant political activity.

## Board Meeting Expectations

- 1.12 **Preparation:** Prepare well ahead of meetings, reading and digesting all papers circulated, to enable meeting time to be spent efficiently; When providing content and papers, provide these according to the date requested to ensure circulation of papers is in good time to enable all Directors to digest the contents; Arrive promptly to enable the meeting to commence on time.
- 1.13 **Contribution:** The Chair will lead the meeting, dedicating to sufficient time to each agenda item and enabling all directors to contribute. All Directors must create an inclusive culture listening respectfully and openly to alternative views, ensuring each person has sufficient time and opportunity to provide their view; Be measured and consider the best interests of the business at all times; Be mindful of the personal impact on others of their communication-style (tone and delivery); Be conscious of time management constraints during debate and decision making and respect the Chair's decision when it is time to move



on; Be calm, polite, professional and respectful when challenging, operating as a critical friend; Be mindful of the balance between support and challenge for agenda items, during meetings and with each other; Remain strategic in approach, aligned to strategy and business priorities. Remain non-parochial and generally non-operational. Note, under certain circumstances you may be required to provide a more operational approach, but this will be specifically at the request of the CEO and The Board; Ensure no undue influence is exerted within, or outside of, meetings; Use an agreed mechanism for respectfully calling out behaviours that are counter-productive to the team operating efficiently (such as talking over someone, not moving on when a decision has been reached, going off topic, not being prepared for a meeting); Once a decision has been made, it must be supported even if initially there was disagreement.

## 2. Confidentiality and Pecuniary Interests

Confidential information is any information which comes into your possession as a result of your Lancashire FA role, which you know, or ought reasonably to know, is confidential.

### Data, Information and Assets

- 2.1 **Confidential Information Handling:** You must ensure that you handle confidential information in accordance with the law and with regard to the best interests and reputation of Lancashire FA. You must not use confidential information to harm Lancashire FA or to maliciously damage the reputation of others. You must not disclose confidential information to the media or any other third party without the prior authority of the Chair or the Chief Executive Officer (or a nominee of either the Chair or Chief Executive Officer). **This obligation continues indefinitely after you cease to hold any position.**
- 2.2 **Data Usage and Disposal:** You should exercise the utmost discretion at all times with any personal data including access to member details/information and the business activities of the Company, and comply with the Company's Data Protection Policy and GDPR regulations, a copy of which you can find [here](#). Subsequently, Company property, assets, intellectual property and resources should be used with the utmost care guarding against waste and abuse.
- 2.3 **Board Meetings:** All Board meetings are confidential and details of discussions and voting etc may not be disclosed without the permission of the Chair.
- 2.4 **Disclosure of Information Now and Future:** You must not disclose any information which is confidential in nature or which is provided in confidence without authority. **This duty continues to apply after you have left the Board.**
- 2.5 **Misuse and Personal Gain:** You must not use confidential information gained in the course of your service, or use the Company's services, supplies or facilities for private purposes, personal gain or for political purpose. Use of any such resources must be in line with the Company's rules on their usage. Directors who misuse confidential information gained by virtue of their position may be liable for breach of confidence under common law or commitment of a criminal offence under insider dealing legislation.



## Conflicts of Interests

- 2.6 **Agreement:** You agree to abide by the law, the Articles of Association of Lancashire FA and relevant committee terms of reference relating to conflicts of interest. You must follow the Lancashire FA Conflicts of Interest Policy and declare all interests in advance and preclude yourself from voting participation where a material conflict of interest exists as per the policy requirements.
- 2.7 **Declaration and Updating Pecuniary Interests:** Each Director is required to disclose the nature and extent of any actual or perceived, direct or indirect conflict of interest on an ongoing basis and, as soon as reasonably practicable after becoming aware of an actual or perceived conflict when circumstances change, including when employment or other outside appointments during your term of office change. The 'Declaration of Interests' form should be completed and updated regularly, but no less than once per year or by confirming no changes from the previous year.
- 2.8 **Disclose of Pecuniary Interests on Board Matters:** Each Director is required to disclose the nature and extent of any actual or perceived direct or indirect conflict of interest in any matter being considered at a Board meeting or sub-committee meeting and, except as permitted under the Articles you will not vote on any resolution of the Board, or of one of its committees, on any matter where you have any direct or indirect interest. If interests or conflicts are found which have not been declared, a Director can be removed from post by Chair or by the majority of one vote of the Board.
- 2.9 **Promotion of Personal Interests:** You must not use, or attempt to use, the opportunity of service as a Director to promote your personal interests or those of any connected person, firm, business or other organisation.

## Outside Interests

- 2.10 **Avoid Use of Company Material:** When engaging in any non-football outside activities you should use the utmost discretion with regards to your role as a Director of the Company ensuring no business cards, literature, training materials, apparel or any other associated material bearing the 'Lancashire FA' name or logo is used in support of that activity.

## 3. Allowances and Expenses

### Compliance

- 3.1 **Company Rules and Policies:** You must comply with the Company rules and policies regarding Allowances and Expenses and Gifts and Hospitality, and ensure that your claims are reasonable, accurate and honest, supported by appropriate documentation and that you do not use Lancashire FA resources for your own, your family's or friends' gain.
- 3.2 **HMRC:** It is your responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning any payments made to you by the Company including expenses.



## Expenses

- 3.3 **Claims:** Expenses should be claimed within one month whenever possible in order to reflect an accurate financial position of the Company each month and avoiding the build-up of large expense claims. In addition, all expenses must be logged and submitted using the Xero app, within the financial year that they are incurred (Lancashire FA financial year ends 30<sup>th</sup> June), with a grace period up until 10<sup>th</sup> July for expenses incurred between 25<sup>th</sup> and 30<sup>th</sup> June each year.
- 3.4 **Receipts and Records:** All claims require associated receipts. This should be taken to include all forms of receipts from fees, charges and other sources. A record of your expenses will be kept along with associated receipts as they are declared in the financial accounts each year. This includes any expenses incurred on behalf of the Company, not just when on Board business.
- 3.5 **Economic Efficiency:** All travel journeys and associated subsistence expenditure items are expected to be taken in the most economical and efficient way. Where possible, Any accommodation needs should not be booked individually but centrally by the office to maximise any pre-negotiated deals the Company is able to benefit from.

## Gifts and Hospitality

- 3.6 **Avoid Canvassing:** You must never canvass or seek gifts, hospitality or other benefits.
- 3.7 **Avoid Compromised Positions:** You must not accept any gifts, hospitality or other benefits which might, or might reasonably appear to, influence or be intended to influence your judgement and compromise your integrity or place you under an improper obligation or where to do so could bring discredit upon Lancashire FA. Similarly, you must not provide any gifts, hospitality or other benefits which might, or might reasonably appear to, show you trying to place someone under an improper obligation or where to do so could bring discredit upon Lancashire FA. You will comply in all respects with Lancashire FA's Anti-Fraud, Corruption and Bribery Policy, which incorporates the Gift & Hospitality Policy.
- 3.8 **Accountability:** You are responsible and accountable for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted on duly registered and can stand up to public scrutiny and do not bring the Company into disrepute. In cases of doubt, the Chair and Chief Executive should be consulted.
- 3.9 **Acceptance and Declaration:** All gifts, hospitality or gratuity, as stipulated in Lancashire FA's Anti-Fraud, Corruption and Bribery Policy, which incorporates the Gift & Hospitality Policy must be declared using the appropriate register.

## 4. Interaction and Communications

### Board

- 4.1 **Director/Committee Email Communications:** When communicating by email, be mindful of the tone and personal sensibilities. Contact the individual directly if clarification is



required on any matter before copying responses to the entire Board. You should follow the Company's Computer, Emails and Internet Use Policy, that may be updated from time to time, as found in the Employee Handbook.

- 4.2 **Respect and Value Other Directors/Committee Members:** Promote a culture of mutual respect by encouraging an inclusive environment and participating actively and harmoniously in debate during meetings, acting with integrity, ensuring effective and appropriate communication with other Directors / Committee Members and valuing and taking into account the contributions and views of other Directors/Committee Members. Treat the Chair and all Directors/Committee Members of the Company with courtesy and respect in all written and verbal communications.
- 4.3 **Be Objective:** Remain objective and measured at all times in all formal and informal Board discussions and with regard to making decisions within Board and sub-committee meetings.
- 4.4 **Best Governance Practice:** With all interaction and communication promote a culture of good governance standards and continuous improvement throughout the organisation and within the wider footballing community to embed, encourage and support the cascading of effective and inclusive governance practices that drive progress.

## Company Staff

- 4.5 **Notice of Office Visits:** Directors should contact the CEO 24-hours prior to any office visit being made wherever possible (except for scheduled Board meetings) to ensure the timing is appropriate with regard to staff capacity, requirements and other meetings/events planned that day within the office.
- 4.6 **Mutual Courtesy and Respect:** Directors develop productive working relationships with the CEO and Senior Leadership Team ensuring effective and appropriate communication with them. The CEO and all staff employed by the Company are treated with courtesy, dignity and respect in all written and verbal communications, valuing and taking into account any contributions and views they may have. Directors/Committee Members must not bully, harass, victimise or discriminate against any person(s) or do anything which would cause them, or Lancashire FA, to breach any of the equality enactments or could reasonably be considered as bringing Lancashire FA into disrepute.
- 4.7 **Avoid Compromising Requests:** No Director will ask or encourage employees to act in any way which would conflict with their own Code of Conduct, roles and responsibilities.

## Staff Work Requests and Involvement

- 4.8 **Separation from Operations:** Each Director is responsible for continually distinguishing between the separate but complementary roles of:
- i) Board governance and responsibilities (Board)
  - ii) Operational management of the Company (CEO and Senior Leadership Team)
- Each Director is responsible for working closely with the CEO ensuring no interference with the operational responsibilities of the CEO and Senior Leadership Team. For the avoidance of doubt this is a requirement to meet the 'Code for Sports Governance' with its criteria stating that



*'The Board shall maintain and demonstrate a clear division between the Board's management and oversight role and the Executive's operational role.'*

- 4.9 **Via CEO / Senior Leadership:** From time to time you may require documents, advice, discussions or some other form of work requirement that needs doing by staff employees of the Company. You commit that all such requests are sent through the CEO or an appropriate member of the Senior Leadership Team in the first instance.
- 4.10 **Advanced Notice Where Possible:** Wherever possible, and to avoid unnecessary distractions to work programmes, you commit to plan ahead thereby avoiding last minute requests.
- 4.11 **Priority of Board and Company Business:** The business of the Company and the Board will be prioritised in all requests. For the avoidance of doubt, no preferential treatment will be given to requests for assistance that relate to other football roles outside of the Board and Company business.

## External

- 4.12 **External Press and Media Communications:** No Director/Committee Member will contact, respond to or liaise with the media regarding the Company, or make any communication statements on behalf of themselves, as a Director/Committee Member of the Company or on behalf of the Company without prior approval of the Chair and CEO unless it is specifically part of their remit. Non-compliance with this policy may result in the Director/Committee Member being removed from post by the Chair or by a majority of one vote of the Board should the Chair decide to consult the Board. If you receive any enquiries from the press or wider media about Lancashire FA you agree not to comment, and to pass on the relevant information as soon as reasonably practicable to the Lancashire FA CEO. If you are representing the views of another body when liaising with the media, as opposed to Lancashire FA, on a matter affecting Lancashire FA, then this must be made clear to the media and you should inform Lancashire FA's CEO of such media engagement.
- 4.13 **Social Media:** When using social media, you must conduct your activity with professionalism, honesty, respect and good judgement, being mindful of your tone, and ensure that such conduct is not in any way detrimental to Lancashire FA and will not bring the organisation into disrepute. You should follow the Company's Social Networking Policy, that may be updated from time to time, as found in the Employee Handbook, and the provisions relating to Confidentiality and Press and Media shall apply in respect of all social media.
- 4.14 **Complaint Procedures:** All complaints are dealt with through the formal Complaints Procedure and, unless authorised to do so by the Complaint Working Group, Chair and/or Chief Executive, do not become directly involved in any written or verbal communications with regards to complaints, either with the complainant, parties associated with the complaint, or internally between Directors and staff.

## 5. Contractual Commitments and Resources

- 5.1 **Contractual Commitments on behalf of the Company:** Unless the Board specifically authorises you to do so, you shall not enter into any legal, financial or other



commitment or contract, verbally or otherwise on behalf of the Company without first getting written approval from the Chair and CEO to ensure alignment with the Company strategy and that appropriate funding and resource is available. This approval should be declared to the entire Board for the purpose of transparency.

- 5.2 **Signing and Authorisation of Documents:** You will not sign any documents on behalf of the Company unless this has been approved according to the Lancashire FA Scheme of Delegation and you have the appropriate authorisation to do so. If in doubt you should always consult the Chief Executive Officer.
- 5.3 **Financial Efficiency and Effectiveness:** You must carry out your fiduciary obligations responsibly; that is to take appropriate measures to ensure that the Company uses resources efficiently, economically and effectively, avoiding waste and extravagance and is in compliance with the law, Lancashire FA Articles of Association and any other internal or constitutional documents of Lancashire FA.

## 6. Safeguarding & Safety

- 6.1 **Safeguarding Compliance:** All Directors are required to comply with the Company’s Safeguarding Policy and Guidelines in all communications, behaviours and conduct. Directors will be required to attend the annual Board Safeguarding 365 Briefing as provided by the Association when requested. In addition, Directors need to complete a Safeguarding induction immediately upon joining the organisation and a Safeguarding Children workshop and online Adults At Risk training within six months of appointment. Directors should be familiar with the following safeguarding policies and procedures:
  - Affiliated Footballs Safeguarding Children Policy, that Lancashire FA has adopted in its entirety.
  - Safeguarding Children Policy.
  - Safeguarding Adults at Risk Policy
- 6.2 **Safety & Welfare:** All Directors are required to be fully committed to the safety and welfare of each other, all participants, staff and members and must raise any concerns through the Board Safety Champion.

## 7. Declaration

I agree to abide by this Code of Conduct:

Signature	Name	Date

## 8. Appendix 1 – Procedure in the Event of an Alleged Breach

In the event that an individual alleged to be in breach of the Code is an employee of Lancashire FA (including the CEO) the relevant disciplinary processes as set out in the employee’s contract and the Association’s Disciplinary Policy shall be followed in the first instance.



In the event that an individual alleged to be in breach of the Code is a Participant (pursuant to the Rules as amended from time to time), the relevant disciplinary processes as set out in the Rules shall be followed in the first instance.

Nothing shall prevent any action being taken pursuant to the Code of Conduct or these procedures following the instigation of an employment or Rules-related disciplinary process.

In the event that an individual alleged to be in breach of the Code is a Board Director and/or FAB Member, the following process will apply.

Where there are reasonable grounds to suspect that an individual has breached the Code, all relevant evidence shall be passed to the CEO. Where the allegation is against the CEO, the relevant evidence should be passed to the Chair or a Board Director designated by the Chair ('designated person'). The CEO (or designated person) shall then as soon as reasonably practicable commence a four-part process:

- 8.1 - Decision on whether there should be an Interim Suspension or other appropriate interim action;
- 8.2 - Investigation and Recommendation;
- 8.3 - Decision and Sanction; and
- 8.4 - Appeal Process.

Each part of the process is more particularly described in paragraphs 8.1 to 8.4 below. Where considered appropriate, the Chair and a Vice-Chair/Senior Independent Director or other Board Director may jointly agree to vary the process set out in paragraphs 8.1 to 8.3, and the Chair may vary the Appeal Process set out in paragraph 8.4 (except where the Chair or the relevant Vice-Chair is the subject of an ongoing disciplinary process). A variation to the process may include, but shall not be limited to, a person other than the CEO/designated person, or together with the CEO/designated person, leading the process as described below.

All parties involved in an investigation and related proceedings shall act in a spirit of cooperation to ensure that proceedings are conducted expeditiously, fairly and appropriately.

8.1 ***Decision on whether there should be an Interim Suspension or other appropriate interim action:*** Where there are reasonable grounds to suspect that an individual has breached the Code, the CEO/designated person shall have the power to order that the individual be suspended on an interim basis from his/her duties or that other appropriate interim action be taken pending an investigation. Any such power shall only be exercised in consultation with the Chair (or in the event that the Chair is the subject of the disciplinary process a suitable alternative that is agreed by the Vice-Chair). A non-exhaustive list of factors to be considered when reaching this decision include:

- The strength of the evidence available;
- The seriousness of the alleged breach;
- Whether there are any relevant safety or welfare concerns to be considered; and
- Whether the individual is to fulfil any duties on Association business prior to a final decision being reached.

8.2 ***Investigation and Recommendation:*** The CEO/designated person shall carry out an investigation into all alleged breaches of the Code, which shall include (where practicable) giving the individual an opportunity to answer any allegations made. The CEO/designated person shall be entitled to request any reasonable support in conducting the investigation



including, for example but without limitation, the appointment of a third party to assist in the investigation. The CEO/designated person or the alternative competent investigator assisting the CEO/designated person in the investigation will interview the individual and any witnesses to produce statements, which will be used in the formation of the recommendation. At the end of any investigation, the CEO/designated person shall consult with the Chair (or if the Chair is the subject of the disciplinary process a suitable alternative that is agreed by the Board (as appropriate) and then provide a written report (the 'Report') to the individual which shall include the following:

- (a) Details of which section(s) of the Code are alleged to have been breached;
- (b) Details of relevant evidence to support the allegation(s); and
- (c) The CEO/designated person's conclusion on whether there is sufficient evidence for the matter to proceed.

Upon receipt of the Report from the CEO/ designated person, the individual shall be granted a reasonable opportunity to provide any further written submissions that they may wish to put forward prior to a final decision being reached by the 'Deciding Panel' (see 8.3 below).

- 8.3 **Decision and Sanction:** The Chair (or if the Chair is the subject of the disciplinary process a suitable alternative that is agreed by the Vice-Chair) shall constitute a 'Deciding Panel' which shall comprise of at least two members and may include the Chair, the Vice-Chair, the Senior Independent Director or other persons (including persons independent from Lancashire FA). No person shall participate in the Deciding Panel where they have a conflict of interest.
- 8.3.1 Bearing in mind the nature of the matter before them, the Deciding Panel may appoint any third party, such as, but not limited to, an expert in one of the protected characteristics under the Equality Act 2010, to provide them with guidance on any matter involving the alleged breach including for example but without limitation:
- (i) Whether a breach may have occurred;
  - (ii) The severity of the breach; and/or
  - (iii) If relevant, an appropriate sanction.
- 8.3.2 The individual against whom the allegations are made shall have the opportunity to appear before the Deciding Panel if so requested by the individual. The Deciding Panel may also request that the individual appear before it if the Deciding Panel consider this to be necessary and appropriate. The individual may choose to be accompanied by a representative, who is not a Lancashire FA staff member (including the CEO, Board of Directors or any workforce). If the individual chooses to have formal legal representation, this shall not be at Lancashire FA's cost.
- 8.3.3 The Deciding Panel may speak directly with a complainant or witness or other persons as it may choose.
- 8.3.4 The Deciding Panel shall collectively decide, after considering the Report provided by the CEO/designated person, together with any written or oral submissions by the individual, complainant and any witnesses as well as the views of any third party whose guidance is sought, whether there has been a proven breach of the Code, and on any appropriate sanction.
- 8.3.5 The Deciding Panel shall consider the admissibility of anonymous evidence on a case by case basis in the context of the fairness of the proceedings as a whole and on the assumption that such anonymous evidence shall only be admissible in exceptional circumstances. In doing so, the



Deciding Panel shall consider the significance of such evidence (for example, if the evidence is new or is available from other sources) and the reason(s) for the witness wishing to provide the evidence anonymously.

- 8.3.6 In reaching a decision the Deciding Panel shall apply the civil standard of proof being 'the balance of probabilities'.
- 8.3.7 The following non-exhaustive list of matters may be taken into account when considering the appropriate sanction:
- The severity of the breach of the Code;
  - The manner in which the individual has acted following the alleged breach, including, for example, the manner in which the individual has co-operated with the investigation;
  - Any other mitigating factors; and
  - Whether the individual can continue to represent Lancashire FA, including fulfilling his/her duties on the Board, or on any Lancashire FA Committee(s) with integrity and credibility.
- 8.3.8 Available sanctions may include, but are not limited to, any one or more of: a warning, censure, suspension of any nature and duration or removal from office. The factors that the Deciding Panel shall consider when determining the appropriate sanction are set out in paragraph 8.3.7 above.
- 8.3.9 The individual shall be notified of the decision in writing with reasons.
- 8.4 **Appeal Process:** The individual may appeal against any finding that they have breached the Code, and/or against any sanction imposed following such a finding.
- 8.4.1 The notice of an appeal must be lodged with the Chair within 14 days of notification of the decision appealed against.
- 8.4.2 The notice of appeal must:
- (a) Identify the specific decision(s) being appealed;
  - (b) Set out the grounds of appeal;
  - (c) Set out a statement of all of the facts and submissions upon which the appeal is based; and
  - (d) Confirm whether the individual requests an oral hearing.
- 8.4.3 The available grounds of appeal shall be only that:
- (a) The Deciding Panel misinterpreted or failed to comply with the Code or any rules or regulations relevant to its decision;
  - (b) New evidence has come to light that was not available at the time of the original hearing, and there are exceptional circumstances as to why it was not presented at the original hearing. Save in exceptional circumstances, the Appeal Board shall not grant leave to present new evidence unless satisfied with the reason given as to why it was not, or could not have been, presented at the original hearing and that such evidence is relevant.
  - (c) The Deciding Panel came to a decision to which no reasonable such body could have arrived at; and/or
  - (d) The Deciding Panel issued a sanction which is excessive.



- 8.4.4 The Appeal shall be considered and finally determined by the Chair unless
- i) The Chair has been a member of the Deciding Panel in which case the appeal shall be considered by a nominee of the Chair; or
  - ii) The appellant specifically requests that the appeal is determined by an Appeals Panel, in which case the Chair shall constitute such an Appeals Panel and the provisions of paragraphs 8.3 and 8.3.1 of this procedure shall apply.

In the event that an oral hearing is requested:

- (a) The Chair shall have the right to appoint other persons to act as their advisers during the hearing. Such persons shall not, however, vote on the final decision which shall be the Chair's.
  - (b) The Chair may adopt such procedures as they consider appropriate and expedient for the just determination of any appeal, and shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before a court of law.
  - (c) The individual appearing before the Chair may be accompanied by a representative (as per paragraph 8.3.2 above). Any such representative shall not be permitted to give evidence as a witness. The Chair may, in their discretion, appoint any person (who shall not be a professional legal adviser) ('the Respondent') to present the case against the individual. The Chair may also proceed in the absence of any party, unless they are satisfied that there are reasonable grounds for the failure of the party to attend, and shall do so in such manner as they consider appropriate.
- 8.4.5 Following consideration of the submissions of the parties (whether at an oral hearing or in writing), together with all documentary evidence presented, the Chair may:
- (a) Allow or dismiss the appeal;
  - (b) Remit the matter to be considered again by the Deciding Panel;
  - (c) Exercise any power which the Deciding Panel could have exercised; or
  - (d) Make any further or other order considered appropriate, either generally, or for the purpose of giving effect to their decision.
- 8.4.6 In the event that the Chair is the subject of the disciplinary procedures, the Vice-Chair shall be responsible for the application of the relevant procedures set out in 8.4 and the notice of appeal shall be lodged with the CEO.

## **8.5 Confidentiality/Publication of proceedings:**

- 8.5.1 Subject to paragraph 8.5.2 below, the investigation and any related proceedings shall be confidential between Lancashire FA and the individual concerned.
- 8.5.2 Lancashire FA shall have the power to publish in the public press, on a web site or in any other manner considered appropriate:
- i) The outcome of any investigation and related proceedings;
  - ii) The details of any decision; and
  - iii) The representations, submissions, evidence and documents created in the course of the investigation and related proceedings. Subject to their duty of confidentiality as set out in the Code, the individual may choose to make a public statement following the published outcome of the disciplinary process.



## **8.6 Arbitration**

- 8.6.1 Subject to paragraph 8.6.2 below, any dispute or difference arising out of the Code of Conduct or these procedures shall be referred to The Football Association.
- 8.6.2 Where there has been an alleged breach of the Code the individual that is alleged to have committed the breach may not commence an arbitration until such time as the process set out in paragraphs 8.1 to 8.4 above has been concluded.