

DISCIPLINARY PROCEDURES FOR PERSONAL HEARINGS DEALT WITH BY AFFILIATED ASSOCIATIONS

APPENDIX II: AFFILIATED ASSOCIATIONS –HEARINGS BEFORE DISCIPLINARY COMMISSIONS

Disciplinary Commission Members and Secretaries

- 1 A Disciplinary Commission must be chaired by a Chairman that has completed The FA Chairman training and passed the online assessment within the previous two years.
- 2 At least one member of the Disciplinary Commission shall be independent.
- 3 Members of a Disciplinary Commission may be appointed from outside of the Affiliated Association Council. Members of the National Serious Case Panel and Regional Discipline Panel are eligible for all Disciplinary Commission appointments.
- 4 All Disciplinary Commission members must have completed and passed the relevant online assessment as communicated by The Association from time to time.
- 5 A Disciplinary Commission Secretary must attend all Disciplinary Commissions. Neither the Chairman of the Disciplinary Commission nor any of the members of the relevant Disciplinary Commission may act as Disciplinary Commission Secretary.
- 6 The Disciplinary Commission Secretary must have completed The FA Secretary training and passed the online assessment within the previous two years.

Attendance of Children at Personal Hearings

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 - 7.1 A child aged under 12 must not appear at a Disciplinary Commission as either a witness or the Participant Charged.
 - 7.2 Where a child aged under 12 would otherwise have been charged with a disciplinary offence, alternative options should be considered to address the issues arising from any incident or behaviour. These could include:
 - 7.2.1 convening a meeting to bring the parties together to talk through the issues.
 - 7.2.2 the Affiliated Association Welfare Officer talking to the child to warn them about their behaviour and/or requesting the child undertake an education programme which is deemed relevant to the incident or behaviour. A parent/carer should be present at any meeting.
 - 7.3 Where a child aged under 12 would have been a witness before a Disciplinary Commission, the following options should be considered:
 - 7.3.1 the Affiliated Association Welfare Officer obtaining a written statement from the child, with the Disciplinary Commission proceeding on the basis of written submissions. The Affiliated Association Welfare Officer may need to write the statement in conjunction with the child and parent/carer.
 - 7.3.2 convening a private meeting between the child and Affiliated Association Welfare Officer to establish the child's version of events, with the Affiliated Association Welfare Officer reporting verbally to Disciplinary Commission. The Affiliated Association Welfare Officer should make a contemporaneous note of the meeting and a parent/carer should be present throughout.

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- 8** A child aged 12 or over may attend a Disciplinary Commission provided that:
- 8.1** they understand it is their duty to speak the truth;
 - 8.2** their evidence is sufficiently important to justify it being heard;
 - 8.3** the appropriate procedures relating to minors are adopted. The child must be accompanied by a parent/carer;
 - 8.4** a child between the ages of 12 and 15 shall only give evidence via an electronic platform, or any method other than in person; and
 - 8.5** a child between the ages of 16 and 17 shall be permitted to give evidence in person but a Disciplinary Commission may permit evidence to be given by another method if it is considered appropriate in the circumstances of the case.
- 9** Where a Disciplinary Commission is considering matters in adult football involving a child between the ages of 16 and 18 (inclusive), best practice would be to follow the guidance established for adults, except in cases where the individual has learning development needs. Those with learning development needs should be treated in a manner consistent with their mental capacity. If the suggestion is that the Participant has the cognitive reasoning of a child of a particular age, that age appropriate guidance should be followed.

Young people as witnesses

- 10** Evidence should only be received from young people (accompanied by a responsible adult) in front of the Disciplinary Commission, the Disciplinary Commission Secretary, the Participant Charged and their representative.
- 11** All others present at a hearing must remove themselves from the hearing whilst a young person is giving evidence.
- 12** Questions are to be asked by the Chairman of the Disciplinary Commission only.
- 13** At the end of the questioning the representative or Participant Charged will be asked whether there are any other questions that they believe should be asked of the witness.
- 14** If required additional questions may be put to the witness but only by the Chairman of the Disciplinary Commission.
- 15** Once all the questioning has been completed the young person will then leave the Disciplinary Commission room and will not be required to remain for the remainder of the hearing.

Disciplinary Commission Procedures

Case Papers

- 16** Case papers shall ordinarily be distributed:
 - 16.1** in the case of a personal hearing, to the Participant Charged and the Disciplinary Commission at least three days prior to the hearing; and
 - 16.2** in the case of hearing being conducted on written submissions, to the Disciplinary Commission at least one day prior to the hearing.

Personal Hearings

- 17** The duties of the Disciplinary Commission Secretary at a personal hearing shall include calling the evidence to be submitted in support of the Charge and generally assisting the Disciplinary Commission in its determination of the Charge.
- 18** A Participant Charged may be represented in accordance with, and subject to, paragraphs 10 and 11 of Part A: General Provisions.

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- 19 The Participant Charged and any representative shall be admitted to the hearing. The Disciplinary Commission shall satisfy itself that the Participant Charged has had details of the Charge.
- 20 Evidence (including witness evidence) in support of the Charge shall be received by the Disciplinary Commission. In cases concerning a report from a Match Official, that report shall be received in evidence first. This report may have been submitted by email or through a web-site, in accordance with accepted procedures of The Association.
- 21 Subject to the confirmation of the Disciplinary Commission, the Participant Charged or their representative shall have the right to ask questions relevant to the matters in issue of any witness in support of the Charge.
- 22 After evidence in support of the Charge has been received by the Disciplinary Commission, any written statement made by the Participant Charged shall be considered by the Disciplinary Commission. The Participant Charged may then give evidence on their own behalf and in such event they may have questions asked of them by the Disciplinary Commission. The Participant Charged or their representative may then submit evidence and call witnesses.
- 23 At any time the Chairman and members of the Disciplinary Commission may ask questions of any witness or any representative. The Disciplinary Commission may draw such inferences as it considers appropriate from the failure of the Participant Charged to give evidence or answer a question put to them.
- 24 In the event of the evidence submitted in answer to the Charge disclosing a point which the Disciplinary Commission considers was not covered in the evidence of, or not put to, any witness in support of the Charge, the Disciplinary Commission may recall any witness and ask questions of them. The Participant Charged or their representative may also ask questions as at paragraph 21 above.
- 25 The evidence having been completed to the satisfaction of the Disciplinary Commission, the Participant Charged or their representative shall be entitled to make closing submissions based upon the evidence, but this may not include reference to facts not disclosed in the evidence presented to the Disciplinary Commission.
- 26 At the conclusion of the closing submissions, all persons shall withdraw from the Disciplinary Commission room whilst the Disciplinary Commission considers the evidence and submissions presented to it and determines whether the Charge has been proven or not. After reaching its decision, the Disciplinary Commission shall recall the Participant Charged and their representative. The Disciplinary Commission Secretary shall announce whether the Charge has been found proven or not proven.
- 27 If the Charge is found not proven the hearing will be declared closed.
- 28 If the Charge is found proven details of the record of Misconduct of the Participant Charged shall be received by the Disciplinary Commission. The Participant Charged, or their representative, may then make a plea in mitigation.
- 29 At the conclusion of the plea in mitigation, the Participant Charged and their representative shall again withdraw from the Disciplinary Commission room and the Disciplinary Commission shall determine what order or orders, if any, shall be made under paragraph 41 of Part A: General Provisions Section Two.
- 30 Subject to paragraph 31 below, the Participant Charged and their representative shall then be re-admitted and informed of the decision of the Disciplinary Commission by the Disciplinary Commission Secretary. This shall subsequently be confirmed in writing.
- 31 A Disciplinary Commission may, where it considers it appropriate, not announce its decision at the hearing but inform the Participant Charged that such decision will be communicated to them in writing through their Club Secretary.