

DISCIPLINARY PROCEDURES FOR HEARINGS DEALT WITH BY COUNTY AND OTHER AFFILIATED ASSOCIATIONS

HEARINGS BEFORE A DISCIPLINARY COMMISSION

- A. Subject to the Rules of The Association, a Disciplinary Commission may adopt such procedures at a hearing of a Charge as it considers appropriate and expedient for the just determination of the Charge brought before it.
- B. A Disciplinary Commission 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. A Disciplinary Commission must be chaired by a Chairman that has completed The FA Chairman training and passed the online assessment within the previous 2 years.
- D. 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.
- E. The Disciplinary Commission Secretary must have completed The FA Secretary training and passed the online assessment within the previous 2 years.
- F. A Disciplinary Commission may appoint members from outside of the Affiliated Association Council. Members of the County Local Football Association Anti-Discrimination Panel are eligible for all Disciplinary Commission appointments and are co-opted members to the County Disciplinary Committee.
- G. For all personal hearings all case papers must be distributed to the Participant Charged and the Disciplinary Commission at least 3 days prior to the hearing and for non-personal hearings all papers must be distributed to the Disciplinary Commission at least 1 day prior to the hearing.
- H. For any personal hearings taking place on or after 1 January 2018, at least one member of the Disciplinary Commission shall be independent.

Attendance of Children at Personal Hearings

CHILDREN

- I. A child aged 13 or under must not appear at a Disciplinary Commission as either a witness or the person charged. An alternative method should be adopted which could include:
 - o A meeting - bring the parties together to talk through the issues.
 - o County FA (CFA) Welfare Officer (CFA WO) to talk to the child to warn them about their behaviour. A parent/carer should be present at any meeting.
 - o CFA WO to obtain written statement from child and Disciplinary Commission to then proceed on paper basis only – the CFA WO may need to write the statement in conjunction with the child and parent/carer.
 - o Private meeting between child and CFA WO to establish child's version of events, CFA WO to report verbally to Disciplinary Commission. The CFA WO should make a contemporaneous note of the meeting and a parent/carer should be present throughout.
 - J. A child between the ages of 14 and 16 years inclusive can attend a Disciplinary Commission provided that:
 - o he/she understands it is his / her duty to speak the truth.
 - o his/her evidence is sufficiently important to justify it being heard.
 - o the appropriate procedures relating to minors are adopted. The child must be accompanied by a parent/carer.
 - K. When dealing with a Disciplinary Commission involving those aged 16 and 17 years in Adult Football, 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, follow that guidance.
 - o Where a child is aged 17, consent of the parent should be sought for the child to attend the Disciplinary Commission where possible / appropriate. A 17 year old is still a child and if they choose to have adult representation this should be allowed.
 - L. Young people as witnesses
 - i. 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 his/her representative.
 - ii. All other occupants present at a hearing must remove themselves from the hearing whilst a young person is giving evidence.
 - iii. The asking of questions will be restricted to the Chairman of the Disciplinary Commission only.
 - iv. 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.
 - v. If required additional questions may be put to the witness but only by the Chairman of the Disciplinary Commission.
 - vi. 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.
1. A person must be appointed to the Disciplinary Commission to act as its Secretary, whose duty shall be to call the evidence to be submitted in support of the Charge and generally assist the Disciplinary Commission in its determination of the Charge.
 2. A Participant may be represented by one individual. (For instance, a Player may be represented by a Club Official of a Club with which he/she is associated or by a representative of the Professional Footballers' Association, and a Referee may be represented by a representative of the Referees Association except when he/she is acting as a witness.) A Participant appearing before a Disciplinary Commission may be legally represented. An individual acting as representative for a Participant shall not be allowed to give evidence at a Disciplinary Commission.
 3. 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.
 4. 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.
 5. The Participant Charged or his/her representative shall have the right to ask questions relevant to the matters in issue of any witness in support of the Charge.

6. 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 his/her own behalf and in such event he/she may have questions asked of him/her by the Disciplinary Commission. The Participant Charged or his/her representative may then submit evidence and call witnesses.

7. 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 him/her.
8. 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 such witness. The person charged or his/her representative may also ask questions as at paragraph 5 above.
9. The evidence having been completed to the satisfaction of the Disciplinary Commission, the Participant Charged or his/her 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.
10. At the conclusion of the closing submissions, all persons shall withdraw 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 his/her representative. The Disciplinary Commission Secretary shall announce whether the Charge has been found proven or not proven.
11. If the Charge is found not proven the hearing will be declared closed.
12. If the Charge is found proven details of the Misconduct (as defined in and pursuant to the Rules of The Association) record of the Participant Charged shall be received by the Disciplinary Commission. The Participant Charged, or his/her representative, may then make a plea in mitigation.
13. At the conclusion of the plea in mitigation the Participant Charged and his/her representative shall again withdraw and the Disciplinary Commission shall determine what order or orders, if any, shall be made under Regulation 6.1 of the Disciplinary Regulations.
14. The Participant Charged and his/her 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. (In cases of an Assault on a Match Referee, the findings of the Disciplinary Commission will be sent to the Match Official if requested by the Match Official, in writing).
15. As an alternative to the above, a Disciplinary Commission may, where it considers it appropriate, not announce its decision at the meeting but inform the Participant Charged that such decision will be communicated to him/her in writing through his/her Club Secretary.

BOARD HEARINGS

The Appeal Board will be conducted in accordance with the General Provisions Relating to Appeal Boards and the Appeal Regulations.