



# DISCIPLINARY POLICY

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**BRITISH TAEKWONDO® DISCIPLINARY POLICY & PROCEDURES MANUAL**

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# CONTENTS

INTRODUCTION.....	1
THE MAKING OF A COMPLAINT.....	1
THE INVESTIGATION OF THE COMPLAINT.....	1
CONSIDERATION FOLLOWING INVESTIGATION.....	2
THE BRINGING OF A CHARGE.....	<a href="#">23</a>
THE APPOINTMENT OF A DISCIPLINARY PANEL.....	3
DETERMINATION OF THE CHARGE(S).....	4
Summary Procedure.....	4
Hearing.....	4
SANCTIONS.....	6
INTERIM SUSPENSIONS.....	7
APPEALS.....	7
RECOGNITION OF OTHER BODIES' DECISIONS.....	8
MISCELLANEOUS.....	8



## DISCIPLINARY POLICY

### INTRODUCTION

- 1 This Policy applies to all members of the British Taekwondo Control Board (WTF) Limited known as British Taekwondo ('BT') including but not limited to players, coaches, officials, officers of clubs and other organisations, volunteers and parents of (or those with parental responsibility for) members under 18 years of age ('Relevant Persons').
- 2 The purpose of this Policy is to provide a mechanism for resolving complaints involving Relevant Persons. In order for a complaint to fall within the ambit of this Policy, it must relate to an alleged breach of the BT Code of Conduct or otherwise involve an allegation of misconduct against a Relevant Person within the context of WTF Taekwondo. This Policy does not apply to complaints against or involving employees or staff of BT in that capacity, which should be directed to the Board of Directors of BT.

### THE MAKING OF A COMPLAINT

- 3 Any Relevant Person may lodge a complaint.
- 4 In order to lodge a complaint, the complainant must (save in exceptional circumstances), within 3 months of becoming aware of the incident or conduct giving rise to the complaint, write to BT to set out, in as much detail as possible, the grounds for their complaint, their concerns and the outcome they are seeking (if any). If confidentiality is requested, this should expressly be stated, with reasons why.
- 5 Third parties may lodge complaints on behalf of complainants, and may act for and represent complainants, but only with the written permission of the complainant.
- 6 BT shall be permitted to lodge a complaint against a Relevant Person, or otherwise to participate in a complaint as an interested party if it considers it to be in the best interests of BT or the sport for it to do so.

### THE INVESTIGATION OF THE COMPLAINT

- 7 Upon receipt of the complaint, the officer or employee of BT with responsibility for disciplinary matters (the 'BT Disciplinary Officer') will acknowledge receipt of the complaint within 14 days. The BT Disciplinary Officer will then consider the complaint in the first instance on behalf of BT. Following such initial consideration, the BT Disciplinary Officer will decide whether:
  - 7.1 the complaint is clearly vexatious or frivolous, in which case it will not be considered further; or
  - 7.2 the complaint should be investigated by BT.
- 8 The above decision is one to be taken by the BT Disciplinary Officer in his sole discretion, acting reasonably. If the BT Disciplinary Officer is not independent of the complainant or the subject matter of the complaint (which may include cases where BT is the subject matter of the complaint) then he shall declare this to the relevant sub-committee of BT or, if no such sub-committee exists, to the Board of Directors of BT, such sub-committee / Board of Directors being referred to for convenience as the 'Sub-Committee'. The Sub-Committee will arrange for the matter to be considered by an alternative appropriate and independent person on behalf of BT (also referred to here as the 'BT Disciplinary Officer').
- 9 The decision at paragraph 8 above should be reached within 28 days of receipt of the complaint and should be communicated to the complainant as soon as reasonably practicable. If additional time is needed, the BT Disciplinary Officer should notify the

- complainant and seek permission from the Sub-Committee for such further time to reach a decision as he considers reasonably necessary.
- 10 Any objection to a decision taken by the BT Disciplinary Officer under paragraph 8 above should be made in writing to the Board of Directors of BT, whose decision whether to uphold or alter the BT Disciplinary Officer's decision will be final.
  - 11 In the event that the BT Disciplinary Officer decides that the complaint should be investigated, the investigation shall be carried out by the BT Disciplinary Officer or a suitable person nominated by him (the 'Investigating Officer'), in a manner proportionate to the apparent gravity of the complaint. To the extent possible, all persons concerned by the complaint (including any important witnesses) should be contacted in order for their account of events to be made available and considered. The subject matter of the complaint shall always be contacted and shall be provided with a full opportunity to give his response to the complaint. The matter should be handled with a level of sensitivity and confidentiality appropriate to the complaint. The investigation should conclude with a written report that summarises the results of the investigation and which should be provided to the Sub-Committee. The written report should record the nature of the complaint, the investigations carried out and the information they produced (including the response given by the subject matter of the complaint), and should conclude with a reasoned analysis and explanation of whether or not, in the opinion of the Investigating Officer, there is a case to answer and why or why not. In reaching this conclusion the Investigating Officer is entitled to seek such advice as he reasonably considers appropriate.
  - 12 Other than in exceptionally complex or substantial cases, the investigation should conclude and the report should be provided within 3 months of its commencement (the date of commencement being the date of the decision referred to at paragraph 8 above). If additional time is needed, the Sub-Committee should be notified and permission for extra time should be sought from it.
  - 13 When conducting the investigation, the Investigating Officer shall consider whether the complaint might be capable of informal resolution through mediation or negotiation and, if so, to take such steps as might assist in achieving such a resolution. Parties are encouraged to participate in such steps and to seek to resolve their differences on a consensual basis if possible.
  - 14 When conducting the investigation the Investigating Officer shall also consider whether the complaint raises matters relating to safeguarding and equality, if so, shall notify the officers of BT responsible for safeguarding and equality of the complaint, and additional action may be taken pursuant to the BT safeguarding and equality policies.

## **CONSIDERATION FOLLOWING INVESTIGATION**

- 15 On the conclusion of the investigation and receipt of the investigation report, the Sub-Committee shall take a decision as to whether or not there is a case to answer such that disciplinary charges should be brought by BT and why or why not. This decision shall be taken within 28 days of the date of receipt of the investigation report.
- 16 Once the Sub-Committee has reached its decision it shall be notified to the complainant, the subject matter of the complaint, the Board of Directors of BT and any other interested parties as soon as reasonably practicable.
- 17 Any objection to a decision taken by the Sub-Committee under paragraph 17 above should be made in writing to the Board of Directors of BT, whose decision whether to uphold or alter the Sub-Committee's decision will be final.

## **THE BRINGING OF A CHARGE**

- 18 If the Sub-Committee decides that there is a case to answer and that a disciplinary charge shall be brought by BT, the following provisions of this Policy shall apply.
- 19 The individual responsible for prosecuting a charge on behalf of BT shall be described as

- the 'Responsible Person'. The Responsible Person may be the BT Disciplinary Officer, the Investigating Officer or another person appointed by the Sub-Committee to perform this role.
- 20 Within 28 days of the relevant decision under paragraph 16 above, the Responsible Person shall send a charge letter to the person to be charged (the 'Respondent'). This charge letter shall:
- 20.1 set out, as precisely as possible, the nature of the misconduct alleged, identifying, where appropriate, the specific rule or provision within the scope of the Code of Conduct which it is alleged has been breached;
  - 20.2 summarise the evidence supporting the charge, in sufficient detail for the Respondent to understand the basis for the charges against him; and
  - 20.3 set out, in general terms, the possible sanctions that may be imposed under the terms of this Disciplinary Policy, as set out below.
- 21 The Respondent shall have 28 days from the date of the charge letter formally to respond to the charge. In doing so, they should:
- 21.1 state whether they admit or deny the charge(s) in whole or in part;
  - 21.2 give their reasons for this. In the case of a denial, the reasons given should be as detailed as reasonably possible in the time available.

#### **THE APPOINTMENT OF A DISCIPLINARY PANEL**

- 22 Within 28 days of the date of the charge letter, the Sub-Committee shall nominate a disciplinary panel to case manage and determine the charge. The requirements for the disciplinary panel shall be as follows:
- 22.1 a disciplinary panel shall comprise 3 members;
  - 22.2 at least one member of the disciplinary panel must be legally qualified (i.e. a solicitor or barrister) or have received formal training in disciplinary matters. This person shall serve as the chair of the disciplinary panel;
  - 22.3 at least one member of the disciplinary panel shall be a member of British Taekwondo of more than 5 years standing;
  - 22.4 at least one member of the disciplinary panel shall not be a member of British Taekwondo, but shall either have experience of competing in, coaching, officiating or administering a different sport or alternatively shall have specialist experience relevant to the subject matter of the charge if it raises issues of a specialist or technical nature; and
  - 22.5 all members of the disciplinary panel shall be independent of the complainant, the Respondent and the allegations made, and shall have no conflict of interest of any kind.
- 23 Once the Sub-Committee has identified the proposed members of the disciplinary panel (and, for the avoidance of doubt, within 28 days of sending the charge letter) the Sub-Committee shall provide their names, together with brief summaries of their background and confirmation that the proposed members consider themselves to be independent, to the complainant and the Respondent. The complainant and the Respondent shall have 7 days to object to the appointment of any of the proposed members of the disciplinary panel, failing which they shall be taken to consent to the independence and appointment of the proposed members of the disciplinary panel. Any such objection shall be made in writing to the Sub-Committee, giving reasons, and shall be determined by the Board of Directors of BT whose decision shall be final. If an objection is upheld, the matter shall be remitted to the Sub-Committee for selection of an alternative disciplinary panel member, whose identity shall then be notified to the complainant and the Respondent, who shall again have a right to object on the terms set out in this paragraph.

## DETERMINATION OF THE CHARGE(S)

- 24 Once a charge letter has been sent, a response received and a disciplinary panel appointed, the Sub-Committee shall arrange for the matter to be determined. The process shall be as follows:

### Summary Procedure

- 24.1 If the Respondent admits the charge, the Responsible Person may consider that the misconduct is such that the appropriate sanction would in all likelihood be no more than a reprimand, a 28 day suspension from BT membership and/or a £250 fine. If that is the case, then the Responsible Person should, as soon as reasonably practicable, and no later than 28 days after receipt of the response to the letter of charge, write to the Respondent. The Responsible Person should inform them that, in his view, the matter would be suitable to be dealt with summarily by the disciplinary panel without a hearing, if the Respondent consents to this.

The Responsible Person should make it clear in the letter that if the matter is dealt with summarily in this way the disciplinary panel will take a decision based on the charge letter and the response (and the admissions it contains), without a hearing, and the sanction could not exceed those referred to in this paragraph. However, if the disciplinary panel itself concludes that the matter is not appropriate to be dealt with summarily, a hearing will take place in accordance with the provisions below.

- 24.2 If the Respondent agrees to the matter being dealt with on the summary procedure, the charge letter and the response will be placed before the disciplinary panel who shall convene as soon as practicable (in person or by telephone or other electronic medium, including email) to consider the matter and either to:
- 24.2.1 conclude that the matter is suitable for summary determination, and in that case to impose a just and appropriate sanction within the limits set out at paragraph 26.1 above; or
  - 24.2.2 conclude that the matter is not suitable for summary determination and should proceed to a hearing.
- 24.3 The disciplinary panel shall, as soon as practicable, record the outcome and reasons for its conclusion in writing, which it shall provide to the Sub-Committee for onward communication to the Respondent, the complainant, the Board of Directors of BT and any other interested person. A concise statement of the outcome shall also be published on the BT website.

### Hearing

- 24.4 If a charge is not, for any reason, suitable for the summary procedure above, the matter shall proceed to a hearing.
- 24.5 The procedure and timetable for the service of evidence and written submissions in advance of the hearing shall be in the discretion of the disciplinary panel who shall manage the matter in accordance with the principles of natural justice and to whom the Responsible Person and the Respondent may make written representations if they so wish. The overriding objective is for the matter to be dealt with fairly and expeditiously but with the parties having a reasonable opportunity in all the circumstances to prepare their cases. Save in exceptional circumstances the following deadlines should be adhered to:
- 24.5.1 The Sub-Committee shall schedule a hearing, which should, if possible, take place within 3 months of the letter of response being received. The Responsible Person and the Respondent should be given at least 28 days' notice of the date, time and place of the hearing;

- 24.5.2 No later than 21 days before the hearing, the Responsible Person shall serve on the Respondent copies of all of the evidence that BT is intending to rely upon in support of the charge(s) brought (e.g. witness statements, exhibits, photographs etc) and shall notify the Respondent of the witnesses that it intends to call before the disciplinary panel at the hearing;
- 24.5.3 No later than 14 days before the hearing, the Respondent shall serve on the Responsible Person copies of all of the evidence that he intends to rely on in his defence and shall notify the Responsible Person of the witnesses he intends to call before the disciplinary panel at the hearing;
- 24.5.4 No later than 7 days before the hearing, the Responsible Person shall produce a hearing bundle containing all of the documents relating to the charge, including the charge letter and response, and the evidence served on behalf of BT and the Respondent, and shall provide a hard copy of that bundle to each member of the disciplinary panel as well as to the Respondent;
- 24.5.5 No later than 3 days before the hearing, the Responsible Person and the Respondent shall serve on each other any additional written representations or submissions to be relied upon at the hearing and shall notify one another whether they (i.e. BT or the Respondent) intend to be legally represented at the hearing (such legal representation being permitted, but at the relevant party's own cost), or whether they intend to represent themselves or be represented by a third party who is not legally qualified (and if so who that third party is);
- 24.5.6 In advance of the hearing, the Responsible Person shall in any event consult with the BT Disciplinary Officer (if he is not the Responsible Person) or the Sub-Committee (if the BT Disciplinary Officer is the Responsible Person) to agree who shall present the charges on BT's behalf. The ultimate decision in that regard shall be in the discretion of the Board of Directors of BT in the event of any disagreement. The Respondent shall be notified of the identity of the person presenting the charges at least 3 days before the hearing.
- 24.6 As to the hearing itself:
- 24.6.1 Save in exceptional circumstances it shall take place in private, and the press and public shall have no right of access to the hearing room;
- 24.6.2 The procedure at the hearing shall be at the discretion of the disciplinary panel, subject always to compliance with the principles of natural justice and ensuring that both BT and the Charged Person have a proper opportunity to be heard. Formal rules of evidence shall not apply. Typically:
- 24.6.2.1 at the outset, the charges will be formally presented and summarised on behalf of BT, and the Respondent will have an opportunity to summarise their position in response;
- 24.6.2.2 BT will then call such witnesses as it considers appropriate, to give evidence. The Respondent and the disciplinary panel will have an opportunity to ask questions of BT's witnesses;
- 24.6.2.3 the Respondent will then call such witnesses as he considers appropriate, to give evidence. BT and the disciplinary panel will have an opportunity to ask questions of those witnesses;
- 24.6.2.4 BT will then make closing representations, and the Respondent will conclude the hearing with his closing representations. Such representations should include representations regarding whether

the charge(s) in question are made out, as well as regarding what any appropriate sanction might be (i.e. including aggravating or mitigating matters) if the charge is made out;

24.6.2.5 If the Respondent does not attend, the hearing may proceed in his absence;

24.6.3 At the end of the hearing the Chairman of the disciplinary panel shall ask both BT and the Respondent to confirm that they consider that they have had a fair hearing and, if not, to explain why not.

24.6.4 The disciplinary panel shall then retire privately to consider its decision on whether the charge(s) is or are made out and if so what sanction is appropriate (having regard to the provisions below). The burden of proof to establish facts shall lie on BT, who must establish such facts on the balance of probabilities. The panel may reach its decision by a majority if necessary.

24.6.5 The disciplinary panel may, if it is able to, render its decision orally to the parties on the day of the hearing. If it does so, it should make clear that it will be recording its decision and its reasons in writing which will be communicated to the parties in due course;

24.6.6 The disciplinary panel should subsequently, as soon as practicable and no later than 28 days after the date of the hearing, record its decision and the reasons for it in writing and provide this document to the Sub-Committee, for onward communication to the Responsible Person, the Respondent, the complainant and the Board of Directors of BT.

24.6.7 BT shall publish a concise summary of the outcome on its website.

## SANCTIONS

- 25 If the disciplinary panel finds a charge to be proven following a hearing, it may impose upon the Respondent one or more of the following sanctions, as it considers just, proportionate and appropriate in all the circumstances (recognising that persons guilty of previous disciplinary offences may, if appropriate, attract more onerous sanctions)
- 25.1 a reprimand;
  - 25.2 a fine not exceeding £10,000
  - 25.3 a ban from participating in the sport (members consider the "sport" to be fighting, so perhaps this needs to be clarified earlier as involvement in any NGB Taekwondo activity) or certain specific aspects of it (such as officiating, coaching, or holding office at club, regional or national level), for a period of time or for life;
  - 25.4 a ban from membership of BT, for a period of time or for life, such ban preventing any form of participation in or attendance at BT events including competitions, training, coaching or other involvement with BT;
  - 25.5 the imposition of any such conditions on participation in the sport (or in any specific aspects of it), or on membership, as it considers fit;
  - 25.6 a requirement to attend appropriate training;
  - 25.7 a requirement to pay a contribution to, or all of, the costs of the disciplinary hearing and/or of the investigation and prosecution of the charge (not exceeding a total of £10,000).
- 26 The disciplinary panel may suspend any penalty, such that that penalty is only effective if and when the Respondent commits another disciplinary offence within a stated time of the date of the decision.
- 27 Where the disciplinary panel imposes a ban of any kind, that ban shall take effect from

- the date of the decision, unless the Respondent has been subject to an interim suspension, in which case credit shall be given for the time served pursuant to that interim suspension, unless there is a good reason for not doing so.
- 28 The disciplinary panel may also, in appropriate cases, recommend to the Board of Directors of BT that a dossier of the materials relating to the offence be compiled and provided to the police or other relevant authorities for further investigation.
- 29 The disciplinary panel may also notify the BT National Lead Safeguarding Officer responsible for safeguarding issues of its findings if it believes that they may be relevant and that in such circumstances further action may be taken against the Respondent under BT's safeguarding policy.

## INTERIM SUSPENSIONS

- 30 Where the BT Disciplinary Officer considers that the conduct raised within a complaint is of sufficient severity or concern as to risk irreparable damage to the sport, the integrity of competition, the financial position of BT or its members or the safety of individuals, he may at any time impose an interim suspension from participation in any or all aspects of the sport on the person subject to the complaint, investigation or charge, with reasons.
- 31 In such circumstances, the BT Disciplinary Officer shall notify the person concerned in writing of the imposition of such as suspension as soon as possible, giving brief reasons. He shall also notify the Sub-Committee of the suspension as soon as possible.
- 32 If the suspended person wishes to challenge the imposition of the interim suspension, he may do so in writing to the Sub-Committee, giving reasons. The Sub-Committee will invite written submissions in response from the BT Disciplinary Officer and will, as soon as practicable, decide whether to continue the interim suspension or discharge it and its decision shall be final. If the interim suspension is continued, it shall be continued until the underlying complaint has been determined in accordance with this Policy.

## APPEALS

- 33 It shall be open to both BT and the Respondent to seek to appeal the disciplinary panel's decision.
- 34 Any appeal shall proceed as follows:
- 34.1 In the case of an appeal by the Respondent, a written Notice of Appeal shall be sent by them to the BT Disciplinary Officer within 21 days of the written decision of the disciplinary panel. The Notice of Appeal shall summarise the grounds of appeal and why the Respondent considers that the disciplinary panel's decision was wrong. The Respondent shall also submit a fee of £250, which shall be refunded if their appeal is successful but shall otherwise be forfeited towards the costs of the appeal;
- 34.2 In the case of an appeal by BT, the decision whether or not to appeal shall be taken by the Board of Directors of BT. Should it decide to appeal, it shall serve a Notice of Appeal on the Respondent (containing the information set out above) within 21 days of the written decision of the disciplinary panel;
- 34.3 In the case of any appeal, the Sub-Committee will instruct Sport Resolutions UK:
- 34.3.1 to appoint an independent appeal panel of 3 members to hear the appeal, including one qualified lawyer as chairman (BT and the Respondent will have the opportunity to object to the proposed members of the appeal panel, with any such objection to be ruled upon by Sport Resolutions UK or someone appointed to do so by them); and
- 34.3.2 to case-manage the appeal process;
- 34.4 Thereafter, BT will ensure that the chairman of the appeal panel is provided with a

bundle of the papers provided to the disciplinary panel, a copy of the decision of the disciplinary panel and the Notice of Appeal. The chairman of the appeal panel will set a deadline for the respondent to the appeal to provide a written response to the Notice of Appeal, which shall be provided to the appeal panel as well as to the appellant, and will rule on whether the Notice of Appeal raises arguments which have a real prospect of success, or whether there is some other compelling reason why the appeal should proceed, in which case he shall grant permission to appeal. In all other cases the chairman of the appeal panel shall decline permission to appeal. His decision shall be final and the appeal shall not proceed further;

34.5 If the chairman of the appeal panel grants permission to appeal, he shall set such further directions for the determination of the appeal as he considers fit, in order to ensure a fair and just disposal of the appeal at a hearing. The appeal shall ordinarily proceed by way of review of the disciplinary panel's decision, but may proceed by way of rehearing if either of the parties to the appeal so requests and the chairman of the appeal panel considers it appropriate in the interests of justice;

34.6 When determining the appeal, the appeal panel may uphold the decision of the disciplinary panel or may substitute its own decision for that of the disciplinary panel, with the sanctions available being those set out above.

### RECOGNITION OF OTHER BODIES' DECISIONS

- 35 Save in exceptional circumstances, BT will recognise and respect disciplinary decisions and sanctions imposed by the ETU, the WTF, UK Anti-Doping and World Anti-Doping Agency..
- 36 Save as set out above, BT shall not be bound by the disciplinary decisions or sanctions imposed by other entities or bodies, although it is entitled to recognise and respect such decisions and sanctions if it considers it appropriate to do so.

### MISCELLANEOUS

- 37 Any reference in this Policy to the masculine shall also be treated as referring to the feminine.
- 38 The Board of Directors of BT may amend the provisions of this Disciplinary Policy at any time, at its discretion, save that any such changes shall not apply to any complaint, investigation or charge that has already been initiated.
- 39 Any deviation from any provision of this Disciplinary Policy shall not invalidate any finding, procedure or decision unless that deviation seriously and irremediably prejudices the position of one of the parties or the fairness of the process or outcome.
- 40 The procedures in this Policy are governed by the Arbitration Act 1996 and amounts to a binding agreement to arbitrate for the purposes of Section 6 of that Act. The seat of the arbitration shall be England.
- 41 This Policy shall be governed by and construed in accordance with English Law and subject to the exclusive jurisdiction of the English Courts.