



# **British Triathlon and Home Nation Disciplinary Policy**



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## 1. Introduction

1.1 The British Triathlon Federation is committed to providing high-quality and first-class experience through swim, bike, run. In working towards this, we aim to provide an excellent professional and responsive service to our members, affiliated Clubs, partners, the public and stakeholders in line with British Triathlon's values:

- We are people centred
- We are ambitious
- We are inclusive
- We do what's right

1.2 Our values underpin the culture of British Triathlon.

1.3 This Disciplinary Policy is adopted by:

- 1.3.1 British Triathlon
- 1.3.2 Triathlon England
- 1.3.3 Triathlon Scotland
- 1.3.4 Welsh Triathlon

## 2. Policy purpose

2.1. There are standards of conduct and behaviour required of all athletes and volunteers and others engaged in triathlon. Regrettably there will be occasions when someone will breach those standards. Although such incidents are rare it is important that British Triathlon and the Home Nations deal with Serious Misconduct breaches in a fair, consistent and timely manner.

2.2. This policy provides a clear and robust mechanism for dealing with a Complaint to British Triathlon or Home Nation of Serious Misconduct (as outlined in this Disciplinary Policy) which constitutes a breach of British Triathlon or Home Nation rules, policies, regulations, codes of ethics and/or practice, conduct and values.

2.3. The Disciplinary Policy provides a framework to enable Disciplinary Action to be managed effectively within the sport of triathlon. It ensures transparent procedures are in place, disciplinary cases are investigated fairly, and the appropriate process is followed in a fair and consistent manner.

### 3. Jurisdiction and scope

- 3.1. The Disciplinary Policy applies to all British Triathlon Members, Clubs, Participants, and athletes within pathway and the world class programme.
- 3.2. British Triathlon reserves the right to refer a matter to the Sport Integrity Service under the Rules of Procedure of that service. This may involve the commission of an independent investigation or disciplinary procedure into alleged grievances, or allegations of misconduct involving: i) athletes; ii) athlete support personnel; or iii) British Triathlon and/or Home Nation office holders, who are either members of the British Triathlon World Class Programme; or funded through the UK Sport grant the following circumstances:
  - 3.2.1. where an individual is deemed a 'Relevant Person' under the terms of the Independent Disclosure and Complaints Service Pilot Regulations; and
  - 3.2.2. they are a respondent to allegations of Serious Misconduct as defined as a 'Relevant Matter' under the same regulations.
  - 3.2.3. In such circumstances they are required to cooperate with any investigation conducted by Sport Integrity, where the investigation is covered by terms of reference agreed by British Triathlon.
- 3.3. Disciplinary action may be taken under this Disciplinary Policy where an investigation conducted through the Sport Integrity Service has substantiated the allegations.
- 3.4. The Disciplinary Policy does not apply to:
  - 3.4.1. Safeguarding matters involving children, and adults at risk, unless the matter has been referred by the lead safeguarding officer for consideration under the Safeguarding Disciplinary Policy. Complaints, allegations or concerns about safeguarding should be made by contacting the lead safeguarding officer at either; British Triathlon, Triathlon England, Triathlon Scotland or Welsh Triathlon to be dealt with under safeguarding policies and procedures.
  - 3.4.2. Anti-doping violations, which shall be dealt with under the UK anti-doping rules.
  - 3.4.3. Complaints relating to the performance or conduct of British Triathlon, Triathlon England, Triathlon Scotland and Welsh Triathlon staff, should be directed to the HR department at [hr@britishtriathlon.org](mailto:hr@britishtriathlon.org).
- 3.5. Complaint(s) which do not constitute Serious Misconduct: These shall be dealt with by the relevant Club or association itself in accordance with its governing document(s) and any related internal policies. The timescales in the Disciplinary Policy will be adhered to wherever possible. However British Triathlon and the Home Nations recognise that a degree of flexibility may be required when applying timescales. Therefore, any breach of procedure by British

Triathlon and the Home Nations (including any time limit) shall not invalidate the proceedings or its outcome and the appropriate bodies pursuant to the relevant paragraphs of this Disciplinary Policy may amend, suspend, reduce, or dispense with the relevant time limits set out in this Disciplinary Policy where appropriate.

- 3.6. Panels formed under this policy may be held on paper, in person, via telephone, video conferencing facilities or any communication equipment which allows all persons participating in the meeting to hear each other.
- 3.7. The Disciplinary Policy does not replace the powers given to technical officials to penalise breaches of the British Triathlon competition rules. A Participant may receive a Sanction under this Disciplinary Policy for Serious Misconduct that relates to conduct at an event even if a technical official has already penalised a person for that conduct in accordance with the British Triathlon competition rules.
- 3.8. Disciplinary Action may be suspended until the outcome of any criminal investigation is determined, regardless of the timescales stipulated in this Disciplinary Policy.
- 3.9. Disciplinary Action may be taken against a Complainant where it is considered that a Complaint or an Appeal is frivolous, vexatious and/or malicious.
- 3.10. In the following cases a Home Nation should not handle a complaint of Serious Misconduct under this Disciplinary Policy and must refer the matter to another Home Nation or British Triathlon:
  - 3.10.1. It is a matter relating to the jurisdiction of British Triathlon such as age group triathlon.
  - 3.10.2. It is in any way subject to a Conflict of Interest.

#### 4. **Serious Misconduct**

- 4.1. The following without limitation, are examples of Serious Misconduct:
- 4.2. Any behaviour (whether by action or omission) in a manner which British Triathlon or Home Nation considers (acting reasonably) is disgraceful or opposed to the general interests of British Triathlon or Home Nation or the sport of triathlon or is likely to bring the sport into serious disrepute.
- 4.3. Serious Misconduct: examples of Serious Misconduct include (without limitation) serious breach of British Triathlon policies, Code of Ethics, Codes of Practice, abuse<sup>1</sup>, theft, fraud, physical violence, discrimination<sup>2</sup>, serious breach of applicable health and safety rules, gambling (the act or activity of betting money), bribery, or any act or omission of the Respondent which in the opinion of British Triathlon or Home Nation, acting reasonably, brings or is likely to bring the sport of triathlon into disrepute.

#### 5. **Panels formed under the Disciplinary Policy**

- 5.1. No member of a Disciplinary Panel or Appeal Panel may be directly connected with any named party involved in the disciplinary case where there is an actual Conflict of Interest. Members of any panel formed have a duty to declare any potential or actual Conflict of Interest.
- 5.2. All members of a panel must respect the trust placed in them and shall ensure that everything disclosed to them in connection with a disciplinary case remains confidential.
- 5.3. Panel members must:
  - 5.3.1. Have no personal interest in the outcome of proceedings (other than to see that the Decision is fair) and have no previous knowledge of or involvement with the matter under consideration, be impartial and act in good faith.
  - 5.3.2. Deal with cases consistently, objectively, and fairly in accordance with this Disciplinary Policy.
  - 5.3.3. Be careful and thorough in their consideration of the evidence and procedures.
  - 5.3.4. Make their Decision based on all evidence available.

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<sup>1</sup> Physical, emotional, psychological, sexual, financial.

<sup>2</sup> Any of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.3.5. Act in a non-discriminatory manner.

5.3.6. Act in accordance with the Disciplinary Policy at all times.

## 6. Reporting Serious Misconduct

6.1. A Complaint of Serious Misconduct can be made by completing the Complaints form in Appendix B or an email sent to the Disciplinary Officer setting out all relevant information. Where someone wishes to raise a Complaint of Serious Misconduct by telephone or face-to-face, they will be asked to complete the Complaint form or send an email to the relevant Disciplinary Officer.

6.2. A Complainant must set out in writing the grounds for the Complaint and full details of the Serious Misconduct that gives rise to the Complaint. It is recommended that as much detail as possible is given with the Complaint including, but not limited to, why the Complainant feels the incident falls within the jurisdiction of this the Disciplinary policy, witnesses, times, dates and location of the incident.

## 7. Receipt of a Complaint of Serious Misconduct

7.1. On receiving a Complaint of Serious Misconduct, the Disciplinary Officer shall first declare any potential or actual Conflict of Interest and therefore be required to pass the matter to an alternative Disciplinary Officer, where there is no potential or actual Conflict of Interest the Disciplinary Officer will determine whether it falls within the jurisdiction and scope of the Disciplinary Policy.

7.2. On receiving a Complaint of Serious Misconduct, the Disciplinary Officer shall also determine if the Complaint should be referred to the Sport Integrity Service under the Rules of Procedure of that service.

7.3. Where the Disciplinary Officer considers such action justified, they will refer the Complaint of Serious Misconduct to the police for investigation and must then postpone consideration of the matter under this Disciplinary Policy until the police investigation has been concluded.

7.4. Where any Complaint received by British Triathlon or Home Nation does not amount to an allegation of Serious Misconduct and arises from one or more incidents within an affiliated Club, association or any other body that is subject to British Triathlon's or Home Nation's jurisdiction, the matter will be referred to the Club or association concerned for the affiliated Club, association or other body to deal with under their own internal procedures.

7.5. If a Complaint of Serious Misconduct is received by the incorrect Home Nation, for example Welsh Triathlon receiving a complaint in respect of Triathlon Scotland, the Complaint must be forwarded by the relevant Disciplinary Officer to the correct Home Nation (in this case Triathlon Scotland) and the Complainant shall be informed that this action has been taken.

7.6. Once the Disciplinary Officer has decided whether the Complaint of Serious Misconduct can be dealt with under the Disciplinary Policy, they will acknowledge the Complaint in writing and log details of the allegation including the date and time of the incident, name of the Complainant and of the Respondent and commence an Investigation.

## 8. Investigation of Complaint

8.1. The Disciplinary Officer, or investigation service such as Sport Integrity, will commence an Investigation into the matter. If a referral is made to Sport Integrity, the process under this Disciplinary Policy is suspended until Sport Integrity has concluded.

8.2. To determine whether the allegation can be substantiated by the facts and relevant evidence consideration must be given to all the relevant circumstances and, where appropriate, the Disciplinary Officer may request information from any relevant person or organisation; everyone will be obliged to cooperate with those investigations. The Disciplinary Officer shall be entitled to undertake any investigation they consider necessary which may include a recorded interview(s).

8.3. As soon as practicable the Disciplinary Officer shall give the Respondent written notice of the nature of the Complaint, specify who the appointed Investigating Officer and confirm that there is to be an investigation into the Complaint.

8.4. The Disciplinary Officer will contact those involved in or who witnessed the alleged incident and ask them to provide statements and evidence. This will include informing the Respondent and requesting their written response to the Complaint and any evidence they wish to provide.

8.5. Where possible, all evidence must be written or typed so that it may be recorded. Where evidence is verbal, the Disciplinary Officer will take notes and present back to the person providing the evidence for agreement. Where relevant, Complainants, the Respondent or witnesses can submit photographs and documents as evidence.

8.6. Prior to and including the Investigation stage, the Respondent is not entitled to know the identity of the Complainant, unless the Disciplinary Officer believes this is necessary in order to properly investigate the Complaint. All Complainants have the right to be free from harassment or reprisal as a result of the complaint which has been made. Where the identity of the Complainant is revealed, the Respondent must not attempt to contact the Complainant or influence anyone connected with the investigation. Any attempt to contact the Complainant, influence the investigation, act of harassment or reprisal by a Respondent may result in Disciplinary Action being taken against them.

8.7. On completion of the Investigation the Disciplinary Officer shall complete a report in relation to the Serious Misconduct including where relevant, details of the breach of the relevant rule,



policy, procedure, or code of ethics, practice or conduct, and determine the outcome of the Complaint which will be:

- 8.7.1. To take no further action and the Complaint is not taken forward.
  - 8.7.2. To take any further actions to attempt to resolve the matter without recourse to form a Disciplinary Panel. This may include recommendations, helping to resolve conflicts between any parties, or issuing formal warnings See Paragraph 10.26; or
  - 8.7.3. Offer a Specified Sanction to the Respondent. See Paragraph 10.27; or
  - 8.7.4. Form a Disciplinary Panel as there is a case to answer under this policy. See Paragraph 10.
- 8.8. The Disciplinary Officer shall inform the Respondent and Complainant of the course of action taken. In the event that a Complaint is withdrawn by a Complainant, British Triathlon or the relevant Home Nation retains the right to take any action deemed appropriate against the Respondent or Complainant under this Disciplinary Policy.
- 8.9. Until such time as a decision and/or details of any sanctions imposed are published, all parties in the proceedings must treat such proceedings as confidential, a breach of confidentiality may result in Disciplinary Action.

## **9. Interim Suspension**

- 9.1. The Disciplinary Officer has the power to impose an Interim Suspension.
- 9.2. If the Disciplinary Officer determines that the Complaint or allegation is deemed to be sufficiently serious and it is considered appropriate, an Interim Suspension can be made at any time following the receipt of the Complaint. In some instances, an immediate interim suspension prior to investigation may be deemed necessary.
- 9.3. An Interim Suspension will be imposed where it is considered that such action is appropriate which shall include without limitation the following factors, if present, tending to support an Interim Suspension being used:
  - 9.3.1. For the protection of the Respondent, Complainant or other Participants;
  - 9.3.2. The reputation of British Triathlon or a Home Nation would be at risk of being brought into disrepute if it fails to impose an Interim Suspension;
  - 9.3.3. Where a failure to apply an Interim Suspension may impede internal or external investigations.

- 9.4. Interim Suspensions may be imposed for a defined or indefinite period. All Interim Suspensions will be reviewed on a periodic basis and the necessity and proportionality of the period and terms of the Interim Suspension shall be considered.
- 9.5. Where the Disciplinary Officer has imposed an Interim Suspension, they shall notify the Respondent advising them of the fact of the Interim Suspension, the terms and conditions of the Interim Suspension and its applicable period. Other relevant parties may be informed of the Interim Suspension to ensure that the Interim Suspension is adhered to.
- 9.6. An Interim Suspension imposed on a Respondent may include, but not limited to, British Triathlon membership, suspension or prohibition from taking part in any capacity in triathlon activity; including competing, training, officiating, coaching, managing, attending meetings, volunteering at Clubs or competitions, or entering a venue where triathlon events are being held under the British Triathlon competition rules.
- 9.7. A Respondent who has been made subject to an Interim Suspension may apply to the Disciplinary Officer for the suspension to be lifted. The Disciplinary Officer shall refer the matter to the Disciplinary Panel to determine whether the Decision to impose an Interim Suspension was and remains appropriate. The decision of the Disciplinary Panel cannot be appealed. The Disciplinary Officer shall communicate the Decision to the Respondent.
- 9.8. Any breach of the terms or conditions of an Interim Suspension shall constitute a new disciplinary offence and shall be dealt with accordingly under this Disciplinary Policy.
- 9.9. Any Interim Suspension will automatically cease if any of the following occurs (whichever is soonest):
- 9.9.1. The matter has been fully determined by the Disciplinary Panel under the Disciplinary Policy; or
- 9.9.2. The matter is resolved by way of recommendation, mediation or alternate dispute resolution; or
- 9.9.3. Following an Investigation, the Disciplinary Officer concludes that no further action is necessary.

## 10. **Disciplinary Panel**

- 10.1. Where the Disciplinary Officer has determined following the Investigation there is a case to answer and there is jurisdiction under this policy, a Disciplinary Panel shall be appointed.
- 10.2. The Disciplinary Panel exists to provide impartial and independent judgement on disciplinary cases. The Disciplinary Panel will be comprised of a senior leadership / executive team member, an independent trustee from British Triathlon or the relevant Home Nation handling the disciplinary case and a minimum of one independent member from the Disciplinary Panel

- Register. One of whom will act as Chair of the Disciplinary Panel. The panel will maintain an odd number so matters where needed can be decided by majority vote.
- 10.3. The Disciplinary Panel must ensure that the principles of natural justice are followed. Proceedings of the Disciplinary Panel must be conducted fairly and objectively, with the Respondent given a full opportunity to answer and call any evidence in support. The Disciplinary Panel meeting is not a judicial hearing and so evidence given will not be delivered under oath. All Parties will provide truthful evidence.
- 10.4. Where appropriate British Triathlon or the relevant Home Nation will invite the Respondent, and any witnesses to attend the Disciplinary Panel meeting.
- 10.5. A meeting of the Disciplinary Panel shall be arranged to take place. The meeting will either be face-to-face, on paper or be conducted via video conference.
- 10.6. The Disciplinary Officer will send the Respondent a Notice of Disciplinary Meeting form at least 21 days before the date of the meeting.
- 10.7. Notice of the Disciplinary Panel Meeting Form shall:
- 10.7.1. Set out the date, time, and place of the Disciplinary Panel meeting.
  - 10.7.2. Name the individuals appointed to the Disciplinary Panel.
  - 10.7.3. Inform the Respondent of the Disciplinary Charge against them along with any supporting evidence gathered against the Respondent ensuring that the Respondent is given full disclosure of the matter in dispute in writing.
  - 10.7.4. Invite the Respondent to attend and confirm that they are entitled to be represented by a legal advisor and/or another representative.
  - 10.7.5. Inform the Respondent that if no reply is received 14 days before the date of the Disciplinary Panel meeting the Disciplinary Panel will consider the Complaint on the basis of the facts and statements in its possession.
  - 10.7.6. Inform the Respondent they may seek to present to the Disciplinary Panel whatever written submission or evidence they consider appropriate and identify any witnesses they wish to call upon at the meeting or through written submissions. The Respondent shall ensure this information is received by the Disciplinary Officer no less than 14 days before the Disciplinary Panel meeting.
- 10.8. The Respondent has until 14 days before the date of the Disciplinary Panel meeting in which to submit a written reply to:
- 10.8.1. Accept or deny the Disciplinary Charge in whole or in part (and if in part, which part and why).

- 10.8.2. Where the Disciplinary Charge is accepted in whole or in part submit a response in mitigation.
- 10.8.3. Where the Disciplinary Charge is denied in whole or in part, submit a response and any evidence (including witness statements) they consider appropriate in support their denial of the Disciplinary Charge (where denied in whole or in part).
- 10.9. The Disciplinary Panel may decide:
- 10.9.1. that the Disciplinary Panel meeting takes place on paper;
- 10.9.2. that the Disciplinary Panel meeting is convened by telephone or video conference (provided that all information has been supplied to both parties and each has had the opportunity to respond to information supplied by the other).
- 10.10. The Disciplinary Panel may also rely upon a written and or oral submission by the Disciplinary Officer, which may include a recommendation as to disposal of the case.
- 10.11. Where the Respondent has accepted the Disciplinary Charge, the Disciplinary Panel will meet to agree a Sanction only. See paragraph 11.
- 10.12. If the Respondent has requested that the matter is dealt with in their absence or does not attend the Disciplinary Panel meeting, provided that notice of the hearing was properly served the Disciplinary Panel may proceed in the absence of the Respondent.
- 10.13. The Disciplinary Officer will send the case file to the Disciplinary Panel 7 days before the date of the Disciplinary Panel meeting. The case file will outline the Disciplinary Charge, and a description of the incident. The file will be accompanied by the evidence collated and submissions from the Respondent.
- 10.14. The standard of proof in all cases before the Disciplinary Panel is the balance of probabilities. The Disciplinary Panel will base their decisions on the contents of the case file and any evidence given during the Disciplinary Panel meeting only.
- 10.15. The Disciplinary Panel will decide any issue by majority. No member of the Disciplinary Panel may abstain from voting.
- 10.16. The Disciplinary Panel meeting may be audio-recorded or transcribed.
- 10.17. Where the facts in the case are contested by the Respondent, the Disciplinary Panel may resolve the matter by considering all the evidence made available to it including oral and written evidence from any Party. It may question any Party present in relation to the matter.
- 10.18. The Disciplinary Panel will review the information, case file, evidence and submissions and make a Decision, which will be one of the following:

- 10.18.1. The Disciplinary Charge has been proven and the Disciplinary Panel impose a Sanction for the Respondent. See paragraph 11.
- 10.18.2. The Disciplinary Charge has been proven and the Sanction imposed is a permanent suspension or ban. The Sanction is referred to a British Triathlon Panel to determine if the Sanction should be applied across Britain and all other Home Nations. See paragraph 11.4.
- 10.18.3. The Disciplinary Charge has not been proven but there have been examples of poor practice. The Disciplinary Panel will send through a list of recommended actions to the Disciplinary Officer. See paragraph 10.26.
- 10.18.4. The Disciplinary Charge has not been proven and the case is dismissed.
- 10.18.5. The Disciplinary Panel decide that there is not enough evidence to make a Decision and ask the Disciplinary Officer to investigate further with a view to looking at whether more evidence exists before re-convening.
- 10.19. When reaching their Decision, the Disciplinary Panel will assess whether there has been any aggravating or mitigating factors.
- 10.20. Mitigating factors may include:
- 10.20.1. admission of guilt and/or existence of remorse;
  - 10.20.2. an unintentional breach of rules;
  - 10.20.3. a track record of exemplary behaviour; and/or
  - 10.20.4. a previously good disciplinary record.
- 10.21. Aggravating factors may include:
- 10.21.1. lack of remorse;
  - 10.21.2. an intentional breach of rules;
  - 10.21.3. a history of repeated or similar conduct; and/or
  - 10.21.4. actions resulted in or could have resulted in serious injury to others.
- 10.22. The Disciplinary Officer will inform the Respondent of the decision of the Disciplinary Panel using the Disciplinary Panel Decision form. The Decision shall be accompanied by details of any disciplinary action that has been agreed by the Disciplinary Panel. It shall also set out the right to Appeal the Decision of the Disciplinary Panel.

- 10.23. Any suspension, disqualification or expulsion shall, unless otherwise stated, start with immediate effect from the date of the Disciplinary Hearing. The Disciplinary Panel may take into account any period of suspension served prior to the date of the Disciplinary Hearing.
- 10.24. In the event that a Respondent fails or refuses to comply in whole or in part with the sanctions imposed by the Disciplinary Panel, the Disciplinary Panel may reconvene and treat the failure or refusal as a fresh Complaint and deal with the matter and impose any Sanction in accordance with these Disciplinary Procedures.
- 10.25. British Triathlon or Home Nation shall keep a record of the Disciplinary Panel proceedings and Decision.
- 10.26. Recommendation;
- 10.26.1. The Disciplinary Officer, The Disciplinary Panel, British Triathlon or the relevant Home Nation may provide a list of recommendations along with expected timeframes for completion to the relevant parties.
- 10.26.2. If either party disagrees with the recommendations, the matter will be referred to the Disciplinary Panel.
- 10.26.3. British Triathlon or Home Nation via the Disciplinary Officer will agree a review date with the Respondent to assess whether they have taken on board the recommendations. If the actions are not completed within the agreed timeframe, the case will be referred to the Disciplinary Panel.
- 10.27. Specified Sanction
- 10.28. The Disciplinary Officer may offer a Specified Sanction to the Respondent, giving them an opportunity to:
- 10.28.1. admit the Complaint;
- 10.28.2. forego their right to a hearing with the Disciplinary Panel and the right to an appeal;  
and
- 10.28.3. Fully accept the terms of a Specified Sanction.
- 10.29. If the Respondent fails fully to accept the terms of a Specified Sanction within fourteen days of receipt the Disciplinary Complaint will proceed to a hearing.
- 10.30. If the Respondent fully accepts the terms of a Specified Sanction within fourteen days of receipt, no hearing will be held.

## 11. **Sanctions**

- 11.1. Where the Disciplinary Charge is admitted or proven the Disciplinary Panel shall have the power to determine and pronounce Sanctions. Sanctions must be reasonable and proportionate in all the circumstances.
- 11.2. The Disciplinary Panel will follow the recommended Sanctions set out in Appendix C.
- 11.3. Sanctions will be effective immediately, unless determined otherwise by the Disciplinary Panel (at its sole discretion) including where considered appropriate to take account of any Interim Suspension imposed.
- 11.4. A Sanction applied by a Home Nation which amounts to a suspension or permanent ban may be referred to a British Triathlon panel, where it is deemed appropriate and necessary by the Disciplinary panel. The Disciplinary Panel will request a British Triathlon panel to determine if the Sanction should be extended and applied across Britain and all other Home Nations.
- 11.5. A British Triathlon panel will be convened to consider the matter and will consist of:
  - 11.5.1.1. The Chair of British Triathlon, who will act as chair of the panel
  - 11.5.1.2. The CEO of British Triathlon and each Home Nation
  - 11.5.1.3. A director from each Home Nation Board
- 11.6. No member of the panel may be directly connected with any named party involved in the disciplinary case where there is an actual Conflict of Interest and members of the panel have a duty to declare any potential or actual Conflict of Interest.
- 11.7. The panel will review the case file and recommended Sanction and consider (in their absolute discretion) if it is fair, reasonable and proportionate for the Sanction to be applied across Britain and all other Home Nations taking into the account the severity of the disciplinary offence.
- 11.8. The panel will decide any issue by majority. No member of the panel may abstain from voting.
- 11.9. The Chair of the panel will inform the Disciplinary Officer of the Decision.
- 11.10. The Disciplinary Officer will inform the Respondent of the decision of the panel using the Disciplinary Panel Decision Form.
- 11.11. If no Appeal is made against the Decision of the Disciplinary Panel in accordance with paragraph 12, the Decision will be final.

## 12. **Appeal**

- 12.1. An Appeal against a Decision of the Disciplinary Panel can be made by the Respondent (but not the individual(s) or organisation(s) who originally made the Complaint) on one or more of the following grounds:

- 12.1.1. The Decision of the Disciplinary Panel was based on error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it.
  - 12.1.2. There was serious procedural or other irregularity in the proceedings before or during the Disciplinary Panel.
  - 12.1.3. Significant and relevant new evidence has come to light, which was not available before the Disciplinary Panel and, had it been available, may have caused the Disciplinary Panel to reach a materially different Decision.
  - 12.1.4. The Sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.
- 12.2. An Appeal should be set out in writing using the Appeal form to the Disciplinary Officer within 7 days of the date of the Disciplinary Panel Decision and should identify the reason for Appeal.
- 12.3. Appeal Panel
- 12.4. An Appeal Panel will be appointed to hear the Appeal. The Appeal panel will comprise a senior leadership / executive team member, an independent trustee from British Triathlon or the relevant Home Nation handling the Appeal, and a minimum of one independent member from the Disciplinary Panel Register one of which will act as Chair of the Appeal Panel. None of the members of the Appeal Panel may have previously been involved in the matter being heard. The panel will maintain an odd number so matters where needed can be decided by majority vote.
- 12.5. The Appeal Panel meeting may be audio-recorded or transcribed only at the determination of the Appeal Panel.
- 12.6. Following the appointment of an Appeal Panel, notice of the Appeal Panel Meeting shall be sent to the Appellant via a Notice of Appeal Panel meeting form at least 21 days before the date of the Appeal meeting.
- 12.7. The Notice of the Appeal Panel meeting form shall:
- 12.7.1. Set out the date, time, and place of the Appeal meeting.
  - 12.7.2. Name the individuals appointed to the Appeal Panel.
  - 12.7.3. Invite the Appellant to attend and state that they are entitled to be represented by a legal advisor and/or another representative.
  - 12.7.4. Inform the Appellant they may seek to present to the Appeal Panel whatever written submission or evidence they consider appropriate in line with their request for an



appeal. The Appellant shall ensure this information is received by the Disciplinary Officer dealing with the Appeal no less than 14 days before the Appeal Panel meeting.

- 12.8. The Appellant may request that the Appeal Panel meet in their absence. If the Chair of the Appeal Panel agrees, then the Appellant shall be entitled to make representations in writing to the Appeal Panel.
- 12.9. If the Appellant does not attend the Appeal, provided that the Appeal Panel is satisfied that notice of the hearing was properly served, it may proceed to hear written submission or evidence in the absence of the Appellant.
- 12.10. The Chair of the Appeal Panel should ensure that the Appeal is heard in a manner that allows the Appellant to state their case fairly and shall consider all the evidence made available.
- 12.11. Any Appeal of the Decision by the Disciplinary Panel shall be way of review only unless significant and relevant new evidence has become available in accordance with paragraph 12.1.3.
- 12.12. The Appellant may not, without the express consent of the Appeal Panel, advance any ground of challenge that was not specified in the Notice of Appeal.
- 12.13. The standard of proof in all cases before the Appeal Panel is the balance of probabilities. The Appeal Panel will decide any issue by majority. No member of the Appeal Panel may abstain from voting.
- 12.14. British Triathlon or Home Nation shall keep a record of Appeal Panel proceedings and Decision.
- 12.15. An Appeal Panel has the power to:
  - 12.15.1. Dismiss the Appeal.
  - 12.15.2. Overturn the Decision, its findings and any Sanction imposed by the Disciplinary Panel;
  - 12.15.3. Substitute an alternative Decision, findings and Sanctions;
  - 12.15.4. Reduce, increase or substitute the original Sanction;
  - 12.15.5. Order that the case is reheard by a different Disciplinary Panel in the light of new evidence produced; and/or
  - 12.15.6. Make such further order as it considers appropriate.
- 12.16. For the avoidance of doubt, Sanctions may be increased as well as decreased on appeal.

12.17. The Chair of the Appeal Panel shall report the Decision on the Appeal Panel Decision Form to the Disciplinary Officer. The Disciplinary Officer shall inform the Appellant of the decision of the Appeal Panel.

12.18. The decision of the Appeal Panel shall be final and there is no further right of Appeal.

### 13. **Publication of decisions**

13.1. British Triathlon or the relevant Home Nation reserve the right to publish details of any disciplinary case, including publication of any Decision made a panel where a Complaint is upheld. Publication will only be made following the expiry period in which an Appeal may be made by the Respondent or conclusion of any Appeal taken.

### 14. **Disclosure and confidentiality of witnesses**

14.1. During the process of Disciplinary cases considered under this policy it will normally be necessary to identify the Complainant and any other applicable witnesses to provide the Respondent with a clear understanding of the allegations against them and ensure procedural fairness.

14.2. In some circumstances, it may be deemed necessary and reasonable to keep the details of the Complainant or any witness confidential. Such circumstances may include, but are not limited to, where the identity of the Complainant or witness where it is not material to the case, where there is a reasonable belief that disclosure would put the Complainant or witness at risk, and/or where anonymity is required in accordance with legislation.

14.3. Where there are legitimate and reasonable reasons to preserve the anonymity of the Complainant or witnesses then any evidence or documentation provided to the Respondent will be sufficiently redacted to seek to preserve this anonymity.

14.4. A Complainant or witness should be aware that even in circumstances where it is deemed reasonable and necessary to preserve the anonymity of the Complainant or witness, British Triathlon or the relevant Home Nation cannot completely guarantee anonymity. Even where British Triathlon or the relevant Home Nation has taken all reasonable steps the Respondent may be able to ascertain who has submitted a Complaint or provided evidence. In addition, if the matter is sufficiently serious as to subsequently result in civil/criminal proceedings then British Triathlon or Home Nation may also be required by law to disclose or provide certain confidential information.

### 15. **Safeguarding**

15.1. It is the responsibility of all concerned to protect the welfare of all Participants involved in a disciplinary case. Where children or adults at risk are involved in a disciplinary case, every effort should be undertaken to ensure their welfare is considered and protected.

- 15.2. Where a Complainant, Respondent or witness is under the age of 18, any contact will be made through their parent or guardian. Except for where the complaint is being made by someone under the age of 18 about their parent or guardian then contact will be made through an alternative appropriate adult. An appropriate adult must also be present during any interviews or phone calls.
- 15.3. If, at any time during the investigation, British Triathlon or the relevant Home Nation believes there has been a breach of safeguarding policies, this it will be treated as a safeguarding incident and handled under the Safeguarding Policy and Procedures.

**16. Record keeping and data protection**

- 16.1. All personal data held in connection with a disciplinary case will be held in accordance with British Triathlon's Data Protection Policy.
- 16.2. In accordance with British Triathlon, Triathlon England, Triathlon Scotland, and Welsh Triathlon Data Protection Policies the Disciplinary Officer will determine how long any offences should be retained on record, including the Sanctions imposed and any related documentation.

**17. Contact Details**

British Triathlon:

[concern@britishtriathlon.org](mailto:concern@britishtriathlon.org)

British Triathlon, PO Box 25, Loughborough, LE11 3WX

Triathlon England:

[concern@britishtriathlon.org](mailto:concern@britishtriathlon.org)

Triathlon England Head Office, PO Box 25, Loughborough, LE11 3WX

Welsh Triathlon:

[welfare@welshtriathlon.org](mailto:welfare@welshtriathlon.org)

Welsh Triathlon, Sport Wales, Sophia Gardens, Cardiff, CF11 9SW

Triathlon Scotland:

[welfare@triathlonscotland.org](mailto:welfare@triathlonscotland.org)

Triathlon Scotland, Airthrey Castle, University of Stirling, Stirling, FK9 5NS

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## Appendix A

### Definitions

Appeal	means an application by a Respondent or Complainant to have an Appeal Panel consider the processes, deliberations and/or Decisions of the Disciplinary Panel.
Appeal Panel	means a body of three individuals who hear and consider an Appeal.
Appellant	means a person who submits an Appeal.
Chair	means the person appointed to be the Chair of the Disciplinary Panel or the Appeal Panel.
Club	a Triathlon club or Single Discipline club affiliated to British Triathlon
Complainant	means the person or body from whom a Complaint has been received.
Complaint	means a Complaint regarding Serious Misconduct which alleges a breach of a rule, policy, procedure, code of ethics, practice or conduct that falls within the jurisdiction of the Disciplinary policy.
Conflict of Interest	means a situation in which an individual has competing interests or loyalties or there may be a perception of or actual bias.
Decision	means the Decision of a panel's deliberations, arrived at by a majority.
Disciplinary Action	means proceedings in accordance with the Disciplinary Policy.
Disciplinary Charge	means the allegations made against the Respondent which are the subject of investigation and determination by the Disciplinary Panel.
Disciplinary Officer	means the person nominated by British Triathlon or a Home Nation and appointed internally to acknowledge Complaints and handle all administration matters concerning the operation of the Disciplinary Policy for British Triathlon or a Home Nation.
Disciplinary Panel	means a body of three individuals who will hear the evidence and make a judgement as to whether the allegation is proven or not.
Disciplinary Panel Register	means a register of persons all of whom are appropriately trained/experienced and who may be appointed at the relevant time to a Disciplinary Panel or to an Appeal Panel.
Disciplinary Policy	means the British Triathlon Disciplinary Policy and any amendments or updated

	versions thereof that may be made from time to time.
Home Nation	means Triathlon England, Triathlon Scotland, and Welsh Triathlon respectively, or any successor body in each case, being the bodies responsible for Triathlon in their respective country.
Interim Suspension	means a suspension, restriction or condition placed on any person by the Disciplinary Officer.
Investigation	means an Investigation conducted by the Disciplinary Officer.
Member	means an individual, Club or organisation granted Membership of British Triathlon.
Membership	means being a Member of British Triathlon granted in accordance membership terms and conditions.
Participant	means any person participating in an event or other triathlon related activity promoted or administered by British Triathlon or a Home Nation .
Respondent	means the person who is the subject of the Complaint under this Disciplinary policy.
Sanction	means a penalty, restriction or condition imposed on a Respondent by a Disciplinary, or Appeal Panel.
Serious Misconduct	means matters of criminality or any matter specified in paragraph 4 of this Disciplinary Policy.

**Appendix B**

**Form 1 - Complaint Form**

If you require further guidance, please contact the relevant Home Nation and speak to the Disciplinary Officer for further advice.

Your Name	
Date	
Address	
Post Code	
Email Address	
Tel or Mobile	
Date, time and place of your complaint	
Please give details of your Complaint.	



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Please provide any witnesses' accounts of the incident

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Please provide witness(es) contact information

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What actions, if any, have you taken, to date, to resolve the situation?

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Have you previously spoken to anyone about your complaint?

Print name:  
Your Signature:  
Date:

## Appendix C

### Recommended Sanctions

Note: The Recommended Sanctions below are guidelines and always subject to the discretion of the Disciplinary Panel taking into the account the severity of the disciplinary offence

<b>Table of recommended Sanctions</b>
Caution, reprimand, warning as to future conduct
A requirement to undertake education/training and or be subject to a period of monitoring / mentoring
<p>Suspension of British Triathlon Home Nation Membership for a specified period of time.</p> <p>Recommended specified period of time based on scale of seriousness</p> <p><b>Minimum (minor breaches)</b></p> <p>1 month to 12 months</p> <p><b>Maximum (Serious, severe, multiple, or repeated breaches)</b></p> <p>1 year to 3 years</p>
<p>Suspension from participation in all British Triathlon or Home Nation activities including Clubs, meetings, events/competition run under the British Triathlon Competition Rules, or other activities, as a competitor, coach, official, volunteer or spectator for a specified period of time.</p> <p>Recommended specified period of time based on scale of seriousness</p> <p><b>Minimum (minor breaches)</b></p> <p>1 month to 12 months</p> <p><b>Maximum (Serious, severe, multiple, or repeated breaches)</b></p> <p>1 year to 3 years</p>
<p>A suspension from participation in holding office in a British Triathlon or Home Nation Club or affiliated organisation, regional association or national level association board/committee for a specified period of time.</p> <p>Recommended specified period of time based on scale of seriousness</p> <p><b>Minimum (minor breaches)</b></p> <p>1 month to 12 months</p>

**Maximum (Serious, severe, multiple, or repeated breaches)**

1 year to 3 years

Permanent ban from one or more of the following;

- British Triathlon Home Nation Membership;
- Participation in all British Triathlon or Home Nation activities including Clubs, meetings, events/competition run under the British Triathlon Competition Rules, or other activities, as a competitor, coach, official, volunteer or spectator;
- Participation in holding office at a British Triathlon Home Nation Club or affiliated organisation, regional association or national level association board/committee.

A combination of any of the above or any other disciplinary action as considered appropriate