



Safeguarding & Protecting Children in Ice Skating – Complaints and Disciplinary Regulations:

INTRODUCTION

NISA (National Ice Skating Association) is committed to ensuring that young people are able to enjoy the sport of ice skating free from harm, abuse and exploitation. As part of its commitment, NISA has published a Safeguarding and Protecting Young People in Ice Skating (“SPYP”) Policy which everyone within the ice skating family must comply with. NISA will challenge conduct that does not comply with the Policy and which is, or may be, harmful to young people in ice skating. These regulations set out a framework for NISA to investigate and decide upon such matters and the disciplinary actions that may be taken.

These regulations were made by the Board of NISA under Article 6.1.1 of the Articles of Association adopted on 21st September, 2013 and take effect from that date. Where any conflict arises with other regulations, rules or procedures relating to child protection/safeguarding young people and/or discipline, the regulations set out below will take precedence.

1. Definitions

- 1.1 ‘Appellant’ – the individual or organisation who has submitted a Notice of Appeal under 13 below.
- 1.2 ‘Board’ - the Board of directors for the time being of NISA.
- 1.3 ‘Case Management Panel (“CMP”)’ - the Panel appointed under 17 and 18 below.
- 1.4 “Charge” - an allegation of grounds for disciplinary action under 5 below.
- 1.5 ‘Designated Officer’- the individual who has been appointed as such by the Chief Executive
- 1.6 ‘Ice Skating Family’ – all individuals, clubs, associations, and other organisations involved in any capacity in ice skating, and whether or not members of the association. For the avoidance of doubt, this includes all participants and anyone working within ice skating (in a paid or voluntary capacity, and whether as an employee or on a self-employed or other work basis) including all coaches, judges, referees and other officials.
- 1.7 ‘Interim Suspension’ - a suspension imposed under regulation 8 below pending the conclusion of relevant investigations and proceedings.
- 1.8 ‘Safeguarding and Protecting Young People (“SPYP”) Appeals Committee’ - a Committee appointed under 21 below.
- 1.9 ‘Safeguarding and Protecting Young People (“SPYP”) Disciplinary Committee’ – a Committee appointed under 20.1 below
- 1.10 ‘Safeguarding and Protecting Young People (“SPYP”) Disciplinary Panel’ - A Panel appointed under 17 and 19 below.
- 1.11 ‘Suspension’- a disciplinary order that may be made under these regulations by the Case Management Panel (under 11.1.2 below) or by the SPYP Disciplinary or Appeals Committees (under 14.1 below).
- 1.12 ‘Young Person’ or ‘Young People’ – anyone under the age of 18.

2. Delegation

The powers of the Board to investigate and adjudicate upon complaints and to impose sanctions under these Regulations shall be delegated to the Chief Executive, Designated Officer or other representative of NISA; the Case Management Panel; the SPYP Disciplinary Committee and the SPYP Appeals Committee in accordance with these regulations.

3. Confidentiality

- 3.1 Save to the extent that disclosure and/or publication is provided for in these regulations, or is otherwise in accordance with the law, all matters considered under these regulations, will, so far as practicable, be regarded as confidential and used only for the purposes of these regulations.
- 3.2 All persons considering complaints under these regulations will be expected to sign an appropriate confidentiality agreement.
- 3.3 Disclosure of Disclosure and Barring Service (DBS) information obtained under these regulations will be subject to the DBS Code of Practice. For the avoidance of doubt, the Designated Officer or such other Recipient of Disclosure Information on behalf of NISA may disclose Disclosure and Barring Service (DBS) information obtained under these regulations to persons considering complaints under these regulations in the course of their duties.

4. Jurisdiction

- 4.1 NISA has disciplinary jurisdiction under these regulations over the following:
 - 4.1.1 All Members of NISA and all employees, volunteers, workers, self-employed individuals and officials thereof.
 - 4.1.2 All persons (including ice skaters, coaches, officials, referees, judges and officials) who are members of a club or other organisation which is a Member of NISA.
 - 4.1.3 All persons (including ice skaters, coaches, officials, referees, judges and officials) who take part in ice skating in any capacity directly or indirectly under the jurisdiction of NISA or any club or other organisation which is a Member of NISA.
 - 4.1.4 All persons (including ice skaters, coaches, officials, referees, judges and officials) who have, whether by enjoying any form of licence, accreditation or any other status from NISA, or otherwise, consented (expressly or impliedly) to be bound by these regulations.
- 4.2 All Members of NISA are required to ensure that all persons referred to at 4.1.1 to 4.1.3 above are expressly bound by, and that their attention is drawn to:
 - 4.2.1 these Regulations;
 - 4.2.2 NISA's Safeguarding and Protecting Young People Policy including NISA's reporting procedures;
 - 4.2.3 NISA's Code of Ethics and Behaviour.

5. Grounds for disciplinary action

5.1 It shall be a ground for disciplinary action to be taken under these regulations where an organisation/person over whom NISA has jurisdiction is found to have harmed the safety and/or welfare of a young person or young people in ice skating or whose conduct (whether in ice skating or not) is deemed to pose actual or potential risk of harm to the safety and/or welfare of a young person or young people in ice skating.

5.2 In reaching a decision as to whether there are grounds for disciplinary action in accordance with paragraph 5.1 above, account will be taken of any failure to comply with:

- NISA's Safeguarding and Protecting Young People Policy including NISA's reporting procedures;
- NISA's Code of Ethics and Behaviour.

5.3 Where a person:

5.3.1 has an unspent criminal conviction or recorded caution for an offence against or concerning a young person or young people; or

5.3.2 is included on any statutory list barring, or restricting, their working with children or young persons

the conviction or inclusion on a list shall be conclusive proof of grounds for disciplinary action.

6. Complaints and allegations

6.1 A complaint, allegation or matter relating to the safety and/or welfare of a young person or young people in ice skating may be made to, or drawn to the attention of NISA by any person or organisation within or outside the Ice Skating Family.

7. Action following receipt of a complaint or allegation

7.1 Upon receipt of, or upon becoming aware of, a complaint, allegation or matter under 6.1 above, NISA's Designated Officer shall decide (in consultation with the Case Management Panel if he/she considers appropriate), whether to:

7.1.1 Refer the matter to the relevant statutory agency(ies) for further consideration (and/or to review the matter following consideration by a relevant statutory agency); or

7.1.2 Instigate an investigation under these regulations; or

7.1.3 Refer the matter to the National Safeguarding Panel (NSP) c/o Sport Resolutions (UK) ¹

7.1.4 Refer the matter for resolution within the ice rink at local level by a club, association or other organisation.

7.2 Where an individual has been charged with a criminal offence or is the subject of an investigation by the Police, Children's Social Care or any other public or other investigatory authority, in respect of conduct which is or may be grounds for disciplinary action under paragraph 5 above, the Designated Officer shall seek advice

¹ Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd – Company No. 3351039) in accordance with the NSP Rules, as amended from time to time.

from the relevant agency as to whether or not NISA shall postpone consideration of the matter under these regulations pending the outcome of any such proceedings/investigation, and as to whether or not in the meantime, an interim suspension should be imposed under these regulations.

- 7.3 Where an investigation is commenced under 7.1.2 above, the Designated Officer may at any stage decide (in consultation with the Case Management Panel if he/she considers appropriate), to cease or postpone the investigation pending consideration under 7.1.1 or 7.1.3.
- 7.4 It will be at the discretion of NISA whether or not to commence or proceed with an investigation under these regulations where the complainant does not consent to his/her identity being disclosed to the subject of the complaint.

8. Interim Suspension

- 8.1 In the circumstances set out at 7.1.1 or 7.1.2 above, the Designated Officer (acting with authority from the NISA Chief Executive) has the power to impose an immediate interim suspension if he/she considers by reference to the factors at 8.2 below that it is appropriate to exclude an individual concerned from any involvement in ice skating under the jurisdiction of NISA which might involve access to young people, until the conclusion of all proceedings/investigations mentioned at 7.2 above or under these regulations.
- 8.2 The factors to be taken into consideration are:
- 8.2.1 Whether the safety and/or welfare of a young person/young people is/ are, or may be, at risk of harm;
- 8.2.2 whether the matter(s) are of a serious nature;
- 8.2.3 whether a suspension is necessary or desirable to facilitate the conduct of any investigation or proceedings by NISA or any other authority or body, having regard in all cases to the need for any action to be proportionate.
- 8.2.4 Whether to refer the matter to the National Safeguarding Panel (NSP) c/o Sports Resolutions (UK)²
- 8.3 The Designated Officer shall as soon as reasonably practicable, notify the individual concerned of the interim suspension, and shall otherwise publish the decision in accordance with regulation 15 below.
- 8.4 An interim suspension shall be brought before the Case Management Panel for ratification within 15 working days.
- 8.5 If ratified, an interim suspension shall be reviewed by the Case Management Panel thereafter at appropriate regular intervals, taking into particular consideration the factors outlined at 8.2 above and whether the circumstances or facts surrounding a case justify the continuation of the interim suspension.
- 8.6 When an individual is under interim suspension, NISA shall bring and conclude any proceedings under these regulations as soon as reasonably practicable.
- 8.7 Any breach of an interim suspension shall constitute grounds for disciplinary action under these regulations.

² Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd – Company No. 3351039) in accordance with the NSP Rules, as amended from time to time.

9. Investigation

- 9.1 Where NISA instigates or continues with an investigation under these regulations, the Designated Officer (or other person on his/her behalf) shall make all (or any further) inquiries considered necessary to establish the facts and circumstances of complaint, allegation or matter.
- 9.2 NISA shall give the individual or organisation concerned written notification of the complaint, allegation or matter, informing them that their response is required within a specified period of time and in connection with possible proceedings under these regulations.
- 9.3 The identity of the complainant shall be made known to the individual or organisation concerned unless the Designated Officer determines that there are compelling reasons not to.
- 9.4 NISA's inquiries may include contacting and obtaining information from the following:
 - 9.4.1 the Police;
 - 9.4.2 Children's Social Care;
 - 9.4.3 any other authority involved in the protection and welfare of young people;
 - 9.4.4 any other person or party as deemed appropriate by NISA. Where it is considered necessary to obtain information from a young person, contact will be made on behalf of NISA by an appropriately trained Child Protection specialist.
- 9.5 In carrying out its function, NISA shall have the power to require:
 - 9.5.1 the attendance, upon reasonable notice, of any individual or representative of any organisation mentioned in 4.1 above, to answer and provide information:
 - 9.5.2 the production, upon reasonable notice, by any individual or organisation individual mentioned in 4.1 above, of documents, information or other material in whatever form held;
 - 9.5.3 where considered appropriate, that an individual against whom a complaint or allegation has been made, or to whom the matter relates, undertakes a Disclosure and Barring Service Enhanced level check;
 - 9.5.4 any individual against whom a complaint or allegation has been made, or to whom the matter relates, undertakes a risk assessment by a suitably qualified person appointed by NISA.
- 9.6 Where NISA requests the individual or organisation against whom a complaint or allegation is made, or such other individual or organisation mentioned at 9.5 above, to comply with a reasonable request or requirement as part of the investigation under these regulations, any failure to do so may amount to grounds for disciplinary action under these regulations.
- 9.7 At the conclusion of an investigation, the Designated Officer shall report to the Case Management Panel who shall decide the appropriate course of action in accordance with regulation 10 below.

10. Case Management Panel Decision

- 10.1 Upon receipt of a report under 9.7 above, the Case Management Panel shall decide:
 - 10.1.1 If the individual or organisation concerned admits the complaint, allegation or matter and the Case Management Panel is satisfied that there are grounds for disciplinary action as defined at 5 above and that it is a 'Summary

Offence' (as defined at 11.1), then the Summary Procedure shall be invoked (see regulation 11 below); or

10.1.2 If the individual or organisation concerned does not admit the complaint, allegation or matter; or if the Case Management Panel considers there may be grounds for disciplinary action but is not satisfied that the case is appropriate for the Summary Procedure, then the Safeguarding and Protecting Young People Disciplinary Procedure shall be invoked (see regulation 12 below); or

10.1.3 Whether to refer the matter to the National Safeguarding Panel (NSP) c/o Sports Resolutions (UK)³

10.1.4 If satisfied that the investigation has established that there is no case to answer, the case shall be dismissed.

10.2 Prior to reaching a decision under 10.1, the Case Management Panel may direct that further inquiries be undertaken.

11. Summary Procedures

11.1 A Summary Offence is one where the Case Management Panel believes that the appropriate disciplinary order should be no more than:

11.1.1 a warning; and/or

11.1.2 an order specifying certain training to be undertaken; and/or

11.1.3 an order requiring an individual to be monitored in specific matters; and/or

11.1.4 a suspension for a period not exceeding 28 days; and/or

11.1.5 a fine not exceeding £250; and/or

11.1.6 that no action be taken.

11.2 Upon a decision by the Case Management Panel under 10.1.1 above, the Designated Officer shall send written notice to the individual or organisation concerned:

11.2.1 informing him/her/it of the decision,

11.2.2 confirming the charge formally, setting out a summary of the supporting facts and evidence,

11.2.3 requesting his/her/its consent within 15 working days to the matter being dealt with under the summary procedure, and

11.2.4 requesting (if he/she/it consents to the summary procedure), any additional evidence or mitigation in relation to the appropriate disciplinary order to be submitted in writing to the Designated Officer within 15 working days.

11.3 When an individual against whom a charge is made was under the age of 14 years when the alleged matter occurred, correspondence will, if reasonably possible, be addressed to his/her parent or guardian.

11.4 When an individual is between the age of 14 and 18 years of age all correspondence will, if reasonably possible, be copied to the parent or guardian as well as to the individual.

³ Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd – Company No. 3351039) in accordance with the NSP Rules, as amended from time to time.

- 11.5 If within the period permitted, the individual or organisation concerned consents to the summary procedure, the Case Management Panel shall consider all further evidence and mitigation submitted under 11.2.4 above and shall then make such disciplinary order (as referred to at 11.1 above) as it considers appropriate.
- 11.6 The Designated Officer shall as soon as reasonably practicable notify the individual or organisation concerned of the decision and the disciplinary order, and shall otherwise publish the matter in accordance with 15 below.
- 11.7 There shall be no right of appeal against the decision and/or disciplinary order under the Summary Procedure.

12. Safeguarding and Protecting Young People (“SPYP”) Disciplinary Procedure

Notification

- 12.1 Upon a decision by the Case Management Panel at 10.1.2 above, or if the individual or organisation concerned does not within the period permitted at 11.2.3 above consent to the summary procedure being followed, the Designated Officer shall send written notice to the individual or organisation concerned:
 - 12.1.1 informing him/her/it that the matter will be dealt with under the SPYP Disciplinary Procedure,
 - 12.1.2 confirming the charge formally, setting out a summary of the supporting facts and evidence, and
 - 12.1.3 requiring his/her/its written response to the charge within 15 working days.
- 12.2 When an individual against whom a charge is made was under the age of 14 years when the matter alleged occurred, correspondence will, if reasonably possible, be addressed to his/her parent or guardian.
- 12.3 When an individual is between the age of 14 and 18 years of age all correspondence will, if reasonably possible, be copied to the parent or guardian as well as to the individual.

Pre-hearing procedures

- 12.4 Once the reply to the charge has been received, or if no reply is received within the prescribed period under 12.1.3 above, the matter shall be referred to the Chair of the Safeguarding and Protecting Young People (“SPYP”) Disciplinary Panel who will appoint an SPYP Disciplinary Committee to hear the matter (in accordance with regulation 20.1 and 20.2 below).
- 12.5 the individual or organisation concerned shall be given at least 30 working days’ written notice of the date, place and time of the hearing.
- 12.6 At least 20 working days before the hearing the individual or organisation concerned must provide details of any witnesses and/or further evidence that the he/she/it intends to bring before the SPYP Disciplinary Committee. If without good reason such evidence is not furnished to NISA at least ten working days before the hearing, the individual or organisation concerned will not be permitted to rely upon that evidence at the hearing without permission from the chair of the SPYP Disciplinary Committee.

Presenting the case

- 12.7 The Designated Officer (or legal or other representative on his/her behalf) shall present the case to the SPYP Disciplinary Committee on behalf of NISA.

Representation

- 12.8 The individual or organisation charged, appearing before the SPYP Disciplinary Committee shall have the right to be represented by a legal or other representative of his/her/its choice at his/her/its own expense .
- 12.9 If a charge against an individual under 18 years of age results in a hearing, the parents or guardian shall also be entitled to be present and make such representations as he/she thinks fit on the young person's behalf.

Hearing procedures

- 12.10 The SPYP Disciplinary Committee shall have the power to regulate its own procedures. Subject to that power, the hearing shall generally be conducted in accordance with the following regulations.
- 12.11 A breach of procedure under these regulations shall not invalidate the proceedings unless, in the opinion of the SPYP Disciplinary Committee, such breach seriously prejudices the position of the person or organisation charged.

Private Hearing

- 12.12 All proceedings of the SPYP Disciplinary Committee shall take place in private. The public and press shall have no right of access. The SPYP Disciplinary Committee shall not issue any press statement or conduct any press conferences. All press/media announcements in relation to any decision of the SPYP Disciplinary Committee shall be approved by the Chief Executive of NISA.

Proof and Evidence

- 12.13 The burden of proving the charge, on the balance of probability, rests with NISA.
- 12.14 The SPYP Disciplinary Committee shall not be obliged to follow strict rules of evidence and may admit evidence as it sees fit and accord such weight to the evidence as it thinks appropriate in all the circumstances.
- 12.15 Where the charge relates to:
- 12.15.1 a criminal conviction or caution not falling within 5.3 above, or
 - 12.15.2 a previous finding of guilt in any other judicial or quasi-judicial proceedings, including that of another sport's national governing body or statutory agency proceedings
- it shall be presumed that the individual was guilty of the offence for which he was convicted or cautioned, or of the charge for which he was found guilty, and/or that the facts and matters upon which the conviction/caution/finding of guilt was made were correct.
- 12.16 A young person will not be required to attend a hearing before the SPYP Disciplinary Committee to give evidence in person. A young person's statement obtained under 9.4.4 above may be read to the SPYP Disciplinary Committee to constitute his/her evidence. .

Adjournment

- 12.17 The SPYP Disciplinary Committee may, on request or on its own volition, adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, if it considers it just to do so.

The absence of the individual/organisation charged

- 12.18 If, at the hearing, the individual or organisation charged is not present or represented, the SPYP Disciplinary Committee may proceed to hear the matter in his/her/its absence if satisfied that, following receipt of notification of the matter under 9.2 above, all reasonable steps have been taken to give notice of the hearing to the individual or organisation concerned.

Order of proceedings

- 12.19 The order of proceedings, unless the Chair otherwise directs, shall be as follows:
- 12.19.1 submissions by NISA
 - 12.19.2 hearing of witnesses called by NISA, followed by cross-examination, provided that if a young person is called by NISA, he/she may only be cross examined on behalf of the individual or organisation charged, by a qualified solicitor or barrister. If the individual or organisation charged is not legally represented, the SPYP Disciplinary Committee will, at their sole discretion, ask questions relevant to the issues in the case, requested by the individual or organisation charged.
 - 12.19.3 submissions by the individual or organisation charged
 - 12.19.4 hearing of any witnesses called by the individual or organisation charged, followed by their cross examination by NISA
 - 12.19.5 closing submissions by NISA
 - 12.19.6 closing submissions by the individual or organisation concerned
 - 12.19.7 Members of the SPYP Disciplinary Committee may themselves at any time question witnesses, parties or their representatives
 - 12.19.8 The SPYP Disciplinary Committee shall then retire to consider in private whether it finds the charge proved and shall return to announce its decision.

Order of proceedings following a finding that the charge is proven

- 12.20 If the SPYP Disciplinary Committee finds the charge proved, it shall seek recommendations as to the appropriate disciplinary order from NISA's representative. For the avoidance of doubt, the SPYP Disciplinary Committee is not, at this stage, required to provide a written report on finding the case proven.
- 12.21 The individual or organisation against whom the charge has been found proved may make any mitigation to the SPYP Disciplinary Committee. Once the SPYP Disciplinary Committee have heard the mitigation they shall then retire in private to consider the appropriate disciplinary order.

Order of proceedings where charge is admitted

- 12.22 Where the individual or organisation appearing before the SPYP Disciplinary Committee admits the charge, NISA will outline the case and then the individual or organisation admitting the charge shall make any mitigation to the SPYP Disciplinary Committee. Once the mitigation has been given, NISA shall then have the opportunity to present to the SPYP Disciplinary Committee its recommendations for the appropriate disciplinary order.

Risk assessment

- 12.23 The SPYP Disciplinary Committee may adjourn prior to reaching a decision on the appropriate disciplinary order, in order to obtain a risk assessment on the individual or organisation concerned

Decision on disciplinary order

- 12.24 The SPYP Disciplinary Committee may make any one or more disciplinary orders in accordance with regulation 14 below.

Notification of decision

- 12.25 The SPYP Disciplinary Committee having decided on the disciplinary order shall communicate its decision to the individual or organisation charged either at the time of the hearing or as soon as reasonably practicable thereafter. In all cases the SPYP Disciplinary Committee shall produce a summary of written reasons for its decision. This shall be conveyed to the individual or organisation charged (and, where deemed appropriate by NISA, to the complainant) as soon as possible, and in all events within 10 working days of the date of notification of the decision.
- 12.26 NISA shall otherwise publish the matter in accordance with 15 below.
- 12.27 Where the matter has been referred to the National Safeguarding Panel (NSP) c/o Sport Resolutions (UK), the decision will be communicated from the NSP secretariat

13. Appeals

Right of Appeal

- 13.1 An individual or organisation may submit a Notice of Appeal against a finding of guilt and/or a disciplinary order by the SPYP Disciplinary Committee on the following grounds:
- 13.1.1 that the SPYP Disciplinary Committee misdirected itself in its conduct of the matter; or
- 13.1.2 that the SPYP Disciplinary Committee's finding was based on error of fact; or
- 13.1.3 that the SPYP Disciplinary Committee exercised its discretion wrongly in reaching its decision.
- 13.2 NISA has a full right of appeal in the same terms as the individual or organisation.
- 13.3 Whether to refer the matter to the National Safeguarding Panel (NSP) c/o Sports Resolutions⁴

Notice of Appeal

- 13.4 The individual or organisation submitting a Notice of Appeal shall be known as the "Appellant", and shall have 30 working days from the date of notification of the SPYP Disciplinary Committee's decision to submit the Notice of Appeal to NISA. The other party shall be known as the "Respondent".

⁴ Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd – Company No. 3351039) in accordance with the NSP Rules, as amended from time to time.

- 13.5 The Notice of Appeal must contain a statement of the grounds upon which the appeal is brought and the supporting facts and matters including where applicable any new evidence upon which the Appellant intends to rely with an explanation of why it was previously unavailable.
- 13.6 Where cases have been referred to the National Safeguarding Panel (NSP), all information for procedures will be provided by the National Safeguarding Panel (NSP) c/o Sport Resolutions.⁵

Appeals Committee

- 13.7 Having received the Notice of Appeal, an SPYP Appeals Committee shall be appointed to consider the matter in accordance with regulation 21 below.

Powers of the Appeals Committee

- 13.8 The SPYP Appeals Committee will consider all of the documents and evidence submitted to the hearing before the SPYP Disciplinary Committee and, subject to any explanation given pursuant to 13.4, shall receive fresh evidence and may, at its discretion, re-hear any witness called before the SPYP Disciplinary Committee.
- 13.9 The SPYP Appeals Committee may uphold vary or set aside the decision of the SPYP Disciplinary Committee and may substitute any other finding or order (on such terms and conditions if any) as it considers appropriate in accordance with regulation 14 below.

Notification of hearing and exchange of information

- 13.10 Following the formation of an SPYP Appeals Committee, the Appellant shall be given at least 30 working days' written notice of the date, time and place of the appeal hearing.
- 13.11 At least 20 working days prior to the date of the hearing, the Appellant must:
- if he/she/it intends to rely on fresh evidence, or to seek the agreement of the SPYP Appeals Committee to the re-hearing of any witness called before the Disciplinary Committee, submit:
- (a) any such fresh evidence that he/she/it wishes to rely upon; and
 - (b) the names and addresses of any witnesses whom he/she/it wishes to call in person, and an outline of what each witness is expected to say.
- 13.12 At least 7 working days prior to the date of the hearing, the Respondent shall, if he/she/it intends to rely on fresh evidence or to seek the agreement of the SPYP Appeals Committee to the re-hearing of any witness called before the Disciplinary Committee, provide the Appellant with the fresh evidence which he/she/it wishes to rely upon, together with the names and addresses of any witnesses which he/she/it wishes to call in person and an outline of what each witness is expected to say.
- 13.13 Neither party shall without the consent of the other or the permission of the SPYP Appeals Committee rely on any fresh evidence or call any witness other than those provided or identified under paragraphs 13.9 and 13.10 above.

Presenting, or responding to, the appeal

- 13.14 The Designated Officer (or legal or other representative on his/her behalf) shall present, or respond to, the appeal (as appropriate) on behalf of NISA.

⁵ Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd – Company No. 3351039) in accordance with the NSP Rules, as amended from time to time.

Representation

- 13.15 The individual or organisation appealing or responding to an appeal, shall have the right to be represented before the SPYP Appeals Committee by a legal or other representative of his/her/its choice at his/her/its own expense .
- 13.16 If the individual concerned is under 18 years of age, the parents or guardian shall also be entitled to be present and make such representations as he/she thinks fit on the young person's behalf.

Hearing procedures

- 13.17 The SPYP Appeals Committee shall have the power to regulate its own procedures. Subject to that power, the hearing of an appeal shall generally be conducted in accordance with the following regulations.
- 13.18 A breach of procedure under these regulations shall not invalidate the proceedings unless, in the opinion of the SPYP Appeals Committee, such breach seriously prejudices the position of the person or organisation appealing, or responding to an appeal.

Private hearing

- 13.19 All proceedings of the SPYP Appeals Committee shall take place in private. The public and press shall have no right of access. The SPYP Appeals Committee shall not issue any press statement or conduct any press conferences. All press/media announcements in relation to any decision of the SPYP Appeals Committee shall be approved by the Chief Executive of NISA.

Adjournment

- 13.20 The SPYP Appeals Committee may, on request or on its own volition, adjourn the appeals hearing if it considers it just to do so.

The absence of the individual or organisation

- 13.21 If, at the appeals hearing, the individual or organisation appealing is not present or represented, the SPYP Appeals Committee may proceed to consider the matter in his/her/its absence if it is satisfied that all reasonable steps have been taken to give notice of the hearing to the individual or organisation concerned.

Order of proceedings

- 13.22 The order of proceedings for the appeals hearing, unless the Chair otherwise directs, shall be as follows:
- (i) Submissions by the Appellant;
 - (ii) Hearing of any witnesses called by the Appellant, followed by cross-examination (subject to the proviso at 12.19.2 above);
 - (iii) Submissions by the Respondent;
 - (iv) Hearing of any witnesses called by the Respondent, followed by cross-examination (subject to the proviso at 12.19.2 above);
 - (v) Closing submissions by the Appellant.
- 13.23 If the appeal is against the disciplinary order only, the procedure shall be as set out at 12.22 above.
- 13.24 The SPYP Appeals Committee may adjourn for a risk assessment as set out at 12.23 above.

Decision of SPYP Appeals Committee

- 13.25 The decision of the SPYP Appeals Committee shall be notified to the individual or organisation concerned as soon as practicable after the conclusion of the hearing, and shall be otherwise published in accordance with 15 below.

- 13.26 The decision by the SPYP Appeals Committee is final and shall be deemed to be the final decision of NISA.

14. Disciplinary Orders

- 14.1 If the SPYP Disciplinary Committee or SPYP Appeals Committee finds a charge to have been proved or admitted, it may make any one of, or a combination of, the following disciplinary orders and on such terms and conditions as it considers appropriate having regard to the nature and seriousness of the charge, the individual's character, the individual's/organisation's past record and any other relevant circumstances (including the outcome of any risk assessment undertaken):

Individuals

- 14.1.1 a warning
- 14.1.2 an order to undertake specified training
- 14.1.3 an order requiring an individual to be monitored in specific matters
- 14.1.4 a fine not exceeding £10,000
- 14.1.5 suspension for a specific period of time from involvement in ice skating in any capacity directly or indirectly under the jurisdiction of NISA which might involve access to young people.
- 14.1.6 permanent exclusion from involvement in ice skating in any capacity directly or indirectly under the jurisdiction of NISA which might involve access to young people.
- 14.1.7 suspension for a specific period of time from involvement in ice skating in any capacity directly or indirectly under the jurisdiction of NISA.
- 14.1.8 permanent exclusion from involvement in ice skating in any capacity directly or indirectly under the jurisdiction of by NISA.
- 14.1.9 termination of NISA membership and/or any NISA licence or accreditation.
- 14.1.10 where the appropriate criteria are met, referral of the case to any statutory list barring or restricting work with children or young people.

Organisations

- 14.1.11 a warning
 - 14.1.12 a fine not exceeding £10,000
 - 14.1.13 termination of NISA membership
- 14.2 The SPYP Disciplinary Committee or SPYP Appeals committee may where it considers appropriate and it finds the charge proved (or admitted), order the individual or organisation concerned to pay a sum in respect of the costs reasonably incurred by NISA in the proceedings (such sum not to exceed the maximum figure set by the Board from time to time).
- 14.3 Where the SPYP Disciplinary Committee imposes any period of suspension, that period shall run from the date of the decision, notwithstanding that any Notice of Appeal is submitted.
- 14.4 In imposing or reviewing a suspension, the SPYP Disciplinary Committee or SPYP Appeals Committee shall take into account the length of suspension (whether interim or otherwise) served by the individual in deciding the appropriate period of any further suspension.

15. Publication of decisions

- 15.1 NISA shall publish interim suspensions (under 8 above) and disciplinary decisions and orders made under these regulations, (whether under the Summary Procedure or under the SPYP Disciplinary Procedure) on a 'need to know' basis, in such form and manner, and to such extent, as it deems necessary for the purposes of enforcement of/compliance with such decisions and orders.
- 15.2 For the avoidance of doubt, in addition to providing notice to the individual or organisation concerned as provided for above in these regulations, NISA will, at its discretion, publish interim suspensions and disciplinary decisions and orders as follows:
- 15.2.1 to the Welfare Officer (or other relevant senior official) of any club, association or other organisation within the Ice skating family through which the individual is known, or reasonably believed to have access to young people in ice skating.
- 15.2.2 to the Welfare Officer (or other relevant senior official) of the County and Regional Association and/or County (or equivalent) Schools and Youth Association within whose district(s) the individual is known or reasonably believed to have access to young people in ice skating.
- 15.2.3 To the Welfare Officer (or other relevant senior official) of any other organisation through which the individual is known or reasonably believed to have access to young people.
- 15.3 NISA will also inform the complainant of an interim suspension and/or disciplinary decision and order where it deems appropriate.

16. Enforcement of Disciplinary Orders

- 16.1 Members of NISA must take all steps necessary to ensure compliance with any interim suspension (under 8 above) and any disciplinary order made under these regulations, whether ordered under the Summary Procedure or under the SPYP Disciplinary Procedure.
- 16.2 If a Member of NISA fails to comply with its obligations under 16.1 above, such conduct shall be grounds for disciplinary action against the member under these regulations.

17. Panels

- 17.1 The Chief Executive shall appoint the panels set out at 18 and 19 below.
- 17.2 Each Panel shall have at least two members who are not, and who have never been, employees, contractors or directors of NISA, and who have child protection or other relevant knowledge and experience (the "independent panel members").
- 17.3 The remaining members of the Panel, if employees, consultants or directors of NISA, shall be known as the "NISA panel members".

18. Case Management Panel

- 18.1 The Case Management Panel shall consist of between 5 and 8 people, at least two of whom shall be independent panel members, and including the Designated Officer who shall act as the chair of the Panel.
- 18.2 The functions of the Case Management Panel shall be to:
- 18.2.1 decide, in consultation with (and where consulted by) the Designated Officer, action to be taken under 7 above following receipt of, or upon becoming aware of a complaint or allegation or matter relating to the safety and/or welfare of a young person or young people in ice skating

- 18.2.2 ratify and review Interim Suspensions under 8 above
 - 18.2.3 decide whether the summary procedure should be invoked under 10 above and, if so, to apply the summary procedure (with the consent of the individual or organisation concerned)
 - 18.2.4 monitor and review progress on all cases and to identify any trends or actions which may require a review/revision of existing policies/procedures.
 - 18.2.5 decide on the appropriate course of action following DBS disclosures.
- 18.3 The Panel will meet as and when necessary, dependent on cases but not less than 4 times a year.
- 18.4 The quorum for all meetings of the Case Management Panel shall be three, of whom at least one shall be an independent panel member and at least one shall be an NISA panel member. For cases requiring immediate action, the Designated Officer may consult with a minimum of one other member of the Case Management Panel.
- 18.5 No Case Management Panel member may be involved in a case where he/she has any material financial or other relevant interest in the outcome of the proceedings.

19. Safeguarding and Protecting Young People Disciplinary Panel

- 19.1 The Safeguarding and Protecting Young People (“SPYP”) Panel shall consist of between 8 and 12 people, at least 2 of whom shall be independent panel members (as defined at 17.2), and including a Chair appointed by the Chief Executive.
- 19.2 The remaining members of the Panel, if employees, consultants or directors of NISA, shall be known as the “NISA panel members”.
- 19.3 The Safeguarding and Protecting Young People (“SPYP”) Disciplinary Committee and the NISA member of the SPYP Appeals Committee shall be drawn from the SPYP Disciplinary Panel as provided at 20 and 21 below.

20. Safeguarding and Protecting Young People Disciplinary Committee

- 20.1 Where a matter is referred to the Chair of the SPYP Disciplinary Panel under 12.4 above, he/she shall appoint a SPYP Disciplinary Committee consisting of 3 members of the SPYP Disciplinary Panel, at least one of whom shall be an independent panel member and at least one of whom shall be an NISA panel member.
- 20.2 The Chair of the SPYP Disciplinary Panel may him/herself sit on the SPYP Disciplinary Committee if he/she consider appropriate, in which case he/she shall act as the Committee’s chair. In all other cases, the Chair of the SPYP Disciplinary Panel shall appoint one of the 3 members of the SPYP Disciplinary Committee to act as the Committee’s Chair.
- 20.3 No SPYP Disciplinary Panel member may sit on an SPYP Disciplinary Committee where he/she has had any prior involvement with the case or matter, or has any material financial or other relevant interest in the outcome of the proceedings.
- 20.4 Decisions may be made by a majority of the members of the SPYP Disciplinary Committee.
- 20.5 The function of the SPYP Disciplinary Committee shall be to hear and decide upon disciplinary cases and, where appropriate, to make disciplinary orders as provided at paragraphs 12 and 14 above.
- 20.6 The SPYP Disciplinary Committee shall meet as and when necessary, dependent on cases.
- 20.7 The Chairman of the SPYP Disciplinary Panel may, where he/she considers appropriate, appoint an external independent legal or other expert to advise, but not

sit upon, an SPYP Disciplinary Committee in any individual case. Such independent adviser shall advise the SPYP Disciplinary Committee but shall not count as part of the Committee and shall not be entitled to exercise any decision-making functions in relation to the Committee.

21. Safeguarding Young People Disciplinary Appeals Committee

- 21.1 Where an appeal is received under 13 above, an SPYP Appeals Committee comprising 3 members shall be appointed by the Chief Executive of NISA as follows:
- 21.1.1 an independent lawyer (who shall Chair the SPYP Appeals Committee); and
 - 21.1.2 an independent person; and
 - 21.1.3 an NISA panel member of the SPYP Disciplinary Panel.
- 21.2 For the purposes of 21.1 above, “independent” means an independent person as defined at 17.2 above, and also excluding any person who is a member of NISA or a coach, judge, referee or other officials within the ice skating Family.
- 21.3 No SPYP Disciplinary Panel member may sit on an SPYP Appeal Committee where he/she has had any prior involvement with the case or matter, or has any material financial or other relevant interest in the outcome of the proceedings.
- 21.4 Decisions may be made by a majority of the members of the SPYP Appeals Committee.
- 21.5 The function of the SPYP Appeals Committee is to consider and decide upon appeals submitted to it and, where appropriate, to make disciplinary orders, as provided at regulations 13 and 14 above.

22. Exclusion of liability

- 22.1 NISA shall not be liable to any individual or organisation for any loss arising out of action taken under these regulations.

23. Service of notices

- 23.1 Any notice or other documents required by these regulations to be given to an individual or organisation who is the subject of an allegation or charge may be delivered either personally or by post (save that any notice required to be given under paragraphs 8.3, 9.2, 11.2, 11.6, 12.1, 12.5, 12.25, 13.8 and 13.23 shall, if sent by post, be sent by recorded delivery).

Where any such notice or any document is served by post or recorded delivery, it shall be sent to the last known address of the individual or organisation concerned which is recorded by him/her/it with NISA or with a member of NISA or as notified by the police or Children’s Social Care to NISA, and (unless returned to NISA), it shall be deemed that wherever that address may be, to have been served on the second day following that on which it was posted unless at the place of receipt that latter day is a Sunday or a public holiday in which case service shall be deemed to have occurred on the first day thereafter which is not one of such exceptional days.