



Membership Disciplinary Procedures

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Membership Disciplinary Procedures

1. Background

- 1.1. British Parachute Association (British Skydiving) is committed to providing a fair, consistent and proportionate approach to the handling of misconduct complaints and disciplinary matters.
- 1.2. In respect to these procedures a misconduct complaint is any communication to the Association from which it appears that there has or may have been a breach of the rules, regulations, policies or Codes of Conduct, and will be subsequently dealt with in line with the procedures contained herewith. Any misconduct complaint must be made within 3 months of the incident in question. Complaints made outside this timeframe will not be considered.
- 1.3. This procedure applies to all members of British Skydiving as well as others actively involved in sport parachuting in the United Kingdom, including but not limited to members, coaches, officials, national, club and regional officers and volunteers, as well as British Skydiving itself (“Relevant Persons”).
- 1.4. Where a report, following investigation is not considered a breach requiring formal disciplinary action and no further action (NF) is required, it may still be investigated for such non disciplinary action that British Skydiving deems appropriate at their absolute discretion.
- 1.5. In such cases as outlined in 1.4 where no formal action is to be taken, the Safeguarding & Compliance Manager should notify the complainant as to why there is no case to answer. Such determination is not subject to appeal.
- 1.6. These procedures do not apply to matters regarding Board of Inquiry investigations following a fatality. Such investigations are covered by the Operations Manual.

2. Jurisdiction and Powers

- 2.1. The Association’s Articles of Association, its rules and regulations and the various conditions of membership, registration and affiliation, require that all members, registered Parachute Training Organisations (PTOs), clubs and those associated with PTOs and clubs as members, comply with regulations made by the Board and all and any other relevant British Skydiving rules and regulations.
- 2.2. There are two processes that British Skydiving may consider to be a breach of misconduct:
 - Any behaviour contravening these rules, regulations, policies, Codes of Conduct, and shall be subject to the process outlined within this document.
 - Safeguarding Case Management. Behaviour contravening the British Skydiving Safeguarding Policy shall be subject to the process outlined in the relevant documentation but may also be subject to disciplinary action in accordance with this document.

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- 2.3. British Skydiving has disciplinary jurisdiction over any participant defined within these procedures and, or those under the British Skydiving Code of Conduct.
- 2.4. Where membership lapses, or a member resigns their membership, British Skydiving reserves the right to continue with a disciplinary investigation and place any relevant findings on the membership record should they wish to rejoin in the future.
- 2.5. British Skydiving shall exercise its disciplinary powers in the manner set out in this policy.

3. Statutory Authorities

- 3.1. British Skydiving reserves the right to involve the statutory authorities in appropriate matters and will support the Police and any other relevant body with any resulting investigation in line with its legal obligations.
- 3.2. If the complaint results in a Police investigation, British Skydiving will suspend our investigation until such time as the criminal investigation is concluded.
- 3.3. Upon completion of the Criminal investigation, British Skydiving may resume its own investigation where appropriate.
- 3.4. Findings of a criminal investigation will be deemed to be evident in any subsequent disciplinary matter.

4. Powers of Enquiry

- 4.1. British Skydiving requires all members to co-operate in any investigation, where requested, to participate in interviews; to provide information and/or statements or any other information believed to be in their possession or knowledge and to attend hearings to give evidence.
- 4.2. Any participant who fails to comply with these requirements, may themselves be subject to disciplinary action.
- 4.3. The Association shall delegate its power to act upon disciplinary matters to the Safeguarding & Compliance Manager, or a nominee, who has the authority under such delegation to raise charges as deemed appropriate.
- 4.4. This policy shall apply to any disciplinary matter at the sole discretion of British Skydiving.
- 4.5. This policy shall apply to any disciplinary matter which also raises Safeguarding or Child Protection concerns.
- 4.6. The Association shall also have jurisdiction to investigate any other matter which the Safeguarding & Compliance Manager, at their sole discretion, considers may constitute misconduct.
- 4.7. The Association shall also have jurisdiction at their sole discretion over appeals against decisions or rulings of any panel including those of a member

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organisation. Such appeals will be dealt with by the Appeals Board in accordance with section 12 of this policy.

- 4.8. Where an individual against whom a complaint is made is under the age of 18 years when the matter complained of occurred, the matter will be dealt with under the procedures for young people within section 9 of this document.
- 4.9. Where an individual is considered a vulnerable adult at risk, these procedures will be adapted appropriately at the sole discretion of the Association addressing the needs of the adult.
- 4.10. The Association may amend these procedures as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the Association.

5. Discipline rules

- 5.1. The Association, through the Safeguarding & Compliance Manager, may act at their sole discretion against any participant who is considered to be acting in breach of any discipline rules or any other regulation or policy of British Skydiving.
- 5.2. Members are required to ensure their behaviour is appropriate at all times and may be subject to a charge under these rules and regulations where such behaviour falls below the standard expected as outlined in the British Skydiving Code of Conduct, irrespective as to whether that misconduct was committed during participation in the sport of skydiving or at any other time.
- 5.3. Any member that makes a vexatious or frivolous report will be charged for bringing the sport into disrepute.

6. Interim Suspension

- 6.1. If the Safeguarding & Compliance Manager considers that an allegation, complaint or matter which has been drawn to their attention falls within the scope of the disciplinary jurisdiction and is of sufficient seriousness to warrant the suspension of a person or body from any aspect of involvement in the sport until such time as the disciplinary process has concluded, they may impose an Interim Suspension, they shall write to such person or body informing them of the terms of the interim suspension.
- 6.2. The Safeguarding & Compliance Manager will provide the subject of an Interim Suspension with an update, in writing every 4 weeks.
- 6.3. An Interim Suspension is not an assumption of guilt, rather it is measure taken to protect the wider membership from the potential of harm.
- 6.4. If at any time the facts or circumstances surrounding a case change, the Safeguarding & Compliance Manager may consider, either of their own motion or

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by an application brought by a person or body subject to an interim suspension, whether such interim suspension should continue.

- 6.5. In their absolute discretion the Safeguarding & Compliance Manager may lift such interim suspension or may impose such conditions as they think fit in default of which the person or body will remain subject to suspension.
- 6.6. The fact of an interim suspension being imposed may be published by British Skydiving as appropriate.

7. Discipline Procedures General Provisions

- 7.1. The bodies subject to these general provisions are not courts of law and are disciplinary as opposed to arbitral bodies.
- 7.2. It is important to reach a just and fair outcome, and any procedural or technical irregularities must come second to ensuring that parties are treated in a just and fair manner and that a just and fair outcome is reached.
- 7.3. All parties are expected to act in a manner of cooperation to ensure such proceedings are dealt with in a timely and appropriate fashion having due regard for its sporting objectives.
- 7.4. The applicable standard of proof will be the civil standard of the balance of probability unless stated elsewhere in the applicable regulations.
- 7.5. Any charge in relation to a misconduct complaint must be raised within 90 days of being notified of the incident unless written dispensation has been granted on application to the Board to extend the time limit in advance of the expiration of the 90 days.
- 7.6. Any first instance hearing must be heard within 120 days of the report being received in the first instance unless written dispensation has been granted on application to the Board to extend the time limit in advance of the expiration of the 120 days.
- 7.7. Without the written dispensation being granted within 7.5 and 7.6 above, the case will be declared void and expunged from the records.
- 7.8. Any participant subject to a charge and attending any Tribunal is entitled to be represented, including legally, by a person of their choice.
- 7.9. Any Appellant or Respondent attending an appeal board is entitled to be represented, including legally, by a person of their choice.
- 7.10. Parties are responsible for their own costs in respect to defending a charge.

8. Confidentiality and Publication

- 8.1. All disciplinary and appeal proceedings shall take place in private and only parties involved are entitled to attend.
- 8.2. British Skydiving has the authority to publish the outcome and details of any tribunal or hearing that it deems appropriate at its sole discretion. Until such

time as the Association publishes the details, they remain private and confidential.

- 8.3. The Disciplinary Tribunal or the Appeal Board may recommend that a complete dossier of the evidence submitted in the course of the proceedings be prepared and sent to the police and other relevant authorities, together with an expression of the view of the Disciplinary Tribunal or the Appeal Board that the matter should be investigated by such authorities to establish whether a criminal offence or other infringement has been committed.

9. Dealing with young people

- 9.1. It is important to note that when dealing with young people in an investigation or as a witness that they are dealt with in a manner considered appropriate for young people.
- 9.2. A child under the age of 12 cannot appear before any Tribunal or panel as a witness.
- 9.3. Where a child under the age of 12 would have appeared as a witness, the Association should arrange for the Safeguarding & Compliance Manager, with the permission of, and in the presence of the parents/guardians of the child, to obtain a statement from the child.
- 9.4. A child between the ages of 12 and 15 years may attend a hearing, accompanied by an adult, by video conference only and only where:
 - The evidence is considered so important to necessitate a child to attend:
 - The procedures to hear from a young person as a witness, as outlined in this document are strictly followed.
- 9.5. A child aged 16 or 17 years may attend in person, accompanied by an adult, but a Tribunal may consider it appropriate also for the young person to appear by video conference only.
- 9.6. When a young person is giving evidence, only essential personnel should be in attendance. Essential personnel are considered as the panel members, the Secretary, the person charged and their representative. All others, except for the child's parent or guardian shall leave the room whilst the young person is giving evidence.
- 9.7. Only the Chair of the Tribunal will be permitted to ask questions of the young person.
- 9.8. No cross examination will be permitted.
- 9.9. At the end of the questioning the Chair of the Tribunal will enquire from the person charged whether they had any other questions that should be asked of the young witness.
- 9.10. If so, the questions should be relayed to the Chair, outside of the hearing of the young person, and the Chair will determine the relevance.

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9.11. Once all the questions have been completed, the young person will leave the hearing, unless the young person is the participant charged.

10. Summary Procedure

10.1. The summary procedure may be applied if:

- the person or body admits the offence in the correspondence that has passed between the respondent and the Safeguarding & Compliance Manager, and
- the Safeguarding & Compliance Manager is satisfied, at their sole discretion, that:
- the offence is a summary offence (as defined in paragraph 10.2); and
- it can properly be dealt with under this paragraph.

10.2. A summary offence is one where the Safeguarding & Compliance Manager believes that, if the facts placed before them are true, the appropriate sanction should be no more than:

- i. a censure.
- ii. a suspension for a period not exceeding 28 days.
- iii. a fine not exceeding £250.
- iv. education or training
- v. a suspended penalty where, if the terms of the suspension are breached, a suspension of no more than 28 days would be appropriate: or
- vi. a combination of any of the above.

10.7 For the purposes of this paragraph, a "suspension" shall mean suspension from British Skydiving activities or British Skydiving-sanctioned events.

10.8. Where an admission in correspondence has been made and the Safeguarding & Compliance Manager considers it appropriate to invoke the summary procedure, they shall write to the person or body concerned informing them that it is their view that this is a summary offence and that the summary procedure for dealing with such offences may be applied. In such correspondence, the Safeguarding & Compliance Manager shall:

- i. seek the consent of such person or body to the matter being dealt with under the summary procedure
- ii. formally charge that participant with misconduct.

10.9. If the person or body rejects the decision, the case will proceed to full disciplinary procedure.

10.10. There shall be no right of appeal from the imposition of a sanction imposed under the summary procedure.

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11. Full Disciplinary procedure

- 11.1. If the person or body who is the subject of the matter does not consent to the summary procedure or if the Safeguarding & Compliance Manager considers that a case is not appropriate for the summary procedure, the full disciplinary procedure of the Association, as set out below, shall be invoked.
- 11.2. The Association shall commence the procedure by sending to the person or body the charge in writing, setting out a summary of the alleged misconduct, together with a short factual summary of the evidence supporting the charge.
- 11.3. A copy of all evidence to support the charge shall also be included.
- 11.4. The person or body against whom the charge has been made shall have 14 days following the date of issue of the written communication setting out the charge to answer the charge where they may:
 - i. Accept the charge and request the matter be dealt with by correspondence only; or
 - ii. Accept the charge and request to appear before a disciplinary Tribunal to enter a plea in mitigation; or
 - iii. Deny the charge and request the matter be dealt with by a correspondence hearing; or
 - iv. Deny the charge and request the matter be dealt with by a personal hearing.
- 11.5. Should the person or body against whom the charge was raised elect to appear in person for a plea in mitigation or a personal hearing, they will be required to pay a hearing fee of £100.
- 11.6. Failure to respond shall render the person or body concerned to forfeit the right to a personal hearing and the matter will be referred to the next Disciplinary Tribunal to be considered as a denial of the charge in writing.
- 11.7. The Safeguarding & Compliance Manager will schedule a date for the hearing and appoint a discipline Tribunal to adjudicate the case.
- 11.8. A Disciplinary Tribunal shall consist of no less than three members and no more than five members, made up of suitably experienced British Skydiving staff and/or Board members.
- 11.9. The Safeguarding & Compliance Manager will also act as secretary to the Tribunal.
- 11.10. At least 7 days' notice will be given of the date, place, and time of any hearing under the full disciplinary procedure unless all parties consent to a shorter timeframe.
- 11.11. Tribunals may also be held online by video conference at the discretion of the Tribunal Chair.
- 11.12. At least 5 days before the date of the hearing, the Safeguarding & Compliance Manager shall serve on the person or body charged a panel pack including the

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charge letter, evidence to support that charge and any response from the charged party.

- 11.13. The panel pack will also be served on the Tribunal at the same time as it being served on the parties.
- 11.14. The Safeguarding & Compliance Manager will also be required to arrange attendance for all witnesses in support of the charge to attend any personal hearing.
- 11.15. It will be the responsibility for the party charged to arrange attendance of any witness they require to defend the charge.
- 11.16. In all cases, British Skydiving shall face the burden of proving that the charge has been made out. The standard of proof shall be the balance of probability.
- 11.17. All witnesses in support of the charge will give their evidence first.
- 11.18. The person or body subject to the charge shall have the right to cross-examine any witnesses called by British Skydiving, save for any witnesses under the young person or vulnerable adult procedures (Section 9).
- 11.19. The person or body subject to the charge shall give their evidence before any defence witnesses are called and after which they will be entitled (subject to considerations of relevance) to call all any witnesses that they wish to call.
- 11.20. Disciplinary Tribunal members shall have the right to question any witnesses at any stage of the process.
- 11.21. Once the person or body subject to the charge has completed their submissions, the person or body subject to the charge shall then have the right to make closing arguments.
- 11.22. The Disciplinary Tribunal will adjourn to consider liability and shall consider its decision in private.
- 11.23. It shall first consider whether the charge of misconduct is proved, and any decision shall be found by a majority verdict.
- 11.24. The fact that a person charged has been convicted of a criminal offence or issued with a formal police caution in relation to the same incident shall be deemed to be conclusive evidence of a conviction or caution and of the facts and circumstances surrounding it.
- 11.25. The Tribunal shall reconvene and
 - i. in the event of any case being found proven,
 - ii. the Safeguarding & Compliance Manager will be required to outline any previous disciplinary history on the record of the party charged.
 - iii. The party charged shall be given the opportunity to enter a plea in mitigation against sanction.
 - iv. The Disciplinary Tribunal will retire to consider sanction as outlined in the sanction and costs guidance.
 - v. In the event the charge is found not proven:

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- vi. All details of the charge shall be withdrawn from the person charged record and any monies paid refunded.
- 11.26. Having reached its conclusion, the Tribunal shall communicate that decision either at the time of the hearing or within 5 days thereafter.
- 11.27. In all cases the Tribunal shall produce a written decision setting out the reasons for reaching its conclusions, including whether the decision was unanimous or by a majority verdict.
- 11.28. Any such decision will be subject to a right of appeal in accordance with the appeal procedures (Section 12).
- 11.29. In the course of any proceedings before the Disciplinary Tribunal, the Tribunal shall not be obliged to follow the strict rules of evidence and may admit such evidence as it thinks fit and accord such evidence such weight as it thinks appropriate in all the circumstances.
- 11.30. Subject to the right of appeal, a decision of the Disciplinary Tribunal shall be deemed to be a decision of British Skydiving and be binding.

12. Appeals procedure

- 12.1. Appeals may be made to an Appeals Board in the following circumstances:
- i. any appeal against a decision of a Disciplinary Tribunal.
 - ii. any other decision considered appropriate by British Skydiving save for where the relevant rules properly declare there is no right of appeal.
- 12.2. The grounds of appeal applicable are that the body appealed against.
- i. failed to give the appellant a fair hearing; and/or
 - ii. came to a decision that no reasonable body should have reached; and/or
 - iii. failed to comply with the necessary rules and regulations pursuant to the charge; and/or
 - iv. imposed an award that was excessive.
 - v. in addition to 12.2 (ii) and (iii) above, British Skydiving may also appeal that the sanction imposed was so unduly lenient as to be unreasonable.
- 12.3. An Appellant shall have 14 days from the date of the relevant decision to submit a notice of appeal (“The Notice”) along with a £100 fee.
- 12.4. The Notice submitted by the Appellant shall include:
- i. the precise details being appealed against.
 - ii. the grounds of appeal
 - iii. the precise basis of the appeal
 - iv. any application to submit new evidence to the Appeal Board
 - v. the relevant appeal fee.
- 12.5. The Appeal Respondent shall within 21 days submit:
- i. the case papers considered in relation to the case
 - ii. the response to the Notice of Appeal

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- iii. the response to any application by the Appellant to include New Evidence
- 12.6. New evidence will only be admitted by the Appeal Board where they are satisfied that there is an exceptional reason why such evidence was not available to be submitted previously to the original body.
- 12.7. The original order will remain in force unless an application is received by either party to the Appeal Board for it to be set aside pending the outcome of the Appeal. This decision is at the sole discretion of the Appeal Board or Appeal Board Chair sitting alone.
- 12.8. An Appeal Board will be appointed in accordance with British Skydiving procedures in force from time to time. The Appeal Board will consist of a minimum of three but no more than five members who were not previously members of a Disciplinary Tribunal who ruled on the case in question.
- 12.9. British Skydiving will be responsible for preparing the panel pack for the Appeal Board and the pack must be distributed to all parties no less than 5 days prior to the Appeal hearing.
- 12.10. Appeal Boards shall be by a review of all correspondence; however, the parties have the right to attend an Appeal Board hearing to make oral submissions to support their written submissions if they so desire.
- 12.11. An Appeal can only be withdrawn with the approval of an appointed Appeal Board Chair.
- 12.12. The following procedures will be adopted unless the procedures are amended by either the Appeal Board Chair or the Appeal Board:
 - i. The Appellant will set out their case summarising their submission
 - ii. Any new evidence will be considered, if accepted by the Appeal Board, and any witnesses included as part of the new evidence may be questioned and cross examined by all parties.
 - iii. The Appeal Respondent will set out their response summarising their submission.
 - iv. Any new evidence will be considered, if accepted by the Appeal Board, and any witnesses included as part of the new evidence may be questioned and cross examined by all parties unless they are a young person in which case Section 9 will apply.
 - v. The Appeal Board may pose questions at any time, but the Appellant and Appeal Respondent are not permitted to pose questions other than to witnesses submitting new evidence.
 - vi. The Appeal Respondent will make closing submissions.
 - vii. The Appellant will make closing submissions.
 - viii. The Appeal Board will then retire to consider the merits of the appeal.
- 12.13. Appeal Board shall have power to:
 - i. Allow the appeal
 - ii. Dismiss the appeal

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- iii. Make any decision that was open to the original panel which includes the ability to increase, decrease or vary any order of the original panel
 - iv. Order a re-hearing
 - v. Order costs to contribute towards the actual costs of the Appeal Board
 - vi. Order the refund or forfeit of the appeal fee
 - vii. Any other order deemed appropriate
- 12.14. A decision of the Appeals Board is final and binding, save for the ability to appeal the quantum of costs.
- 12.15. An appeal on the quantum of costs will be heard by a different Chair of Appeal Boards sitting alone and on correspondence only.
- 12.16. Any appeal on the quantum of costs must be submitted within 14 days of the Appeal Board decision.

13. Sanctions and Costs

- 13.1. If the Disciplinary Tribunal finds a charge of misconduct to have been proven under the full disciplinary procedure, it may impose upon the person or body concerned:
- i. suspension from competition or from taking part in any other capacity in any activity sanctioned by British Skydiving.
 - ii. permanent exclusion from competition or taking part in any other capacity in any activity sanctioned by British Skydiving.
 - iii. exclusion or suspension from coaching, participating or volunteering at a member organisation or an Associate or at any event organised by a member organisation or an Associate.
 - iv. exclusion or suspension from officiating at a member organisation or an Associate or at any activity organised by a member organisation or an Associate.
 - v. exclusion or suspension from attending any activity sanctioned by British Skydiving or organised by a member organisation or an Associate.
 - vi. expulsion, suspension, or exclusion from standing for, or holding, any office, either for a temporary period or permanently.
 - vii. a fine not exceeding £500.
 - viii. a caution and/or censure in respect of his, her or its conduct.
 - ix. a suspended penalty, being a penalty, which is only invoked if a person or body, subject to the disciplinary power, commits another disciplinary offence within a stated time of the date of the decision.
 - x. the removal of an accreditation either for a temporary period or permanently.
 - xi. the imposition of any such conditions on an accreditation as it sees fit.
 - xii. a requirement to attend appropriate training at the cost of the Appellant.

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- xiii. a requirement to pay a contribution, either in part or in full to the costs of the disciplinary hearing.
- 13.2. An Appeal Board may also apply any sanction open to a Discipline Tribunal to apply.
- 13.3. In imposing or reviewing a suspension, the Disciplinary Tribunal or the Appeal Board shall consider the amount of interim suspension and/or suspension served by the person or body in deciding the appropriate period of such further suspension (if any) that should be imposed.
- 13.4. Where the Disciplinary Tribunal imposes any period of suspension, that period of suspension shall run from the date set by the Tribunal panel which shall not be:
- i. before the deadline for the submission of an appeal or, if earlier, when the person or body subject to the suspension confirms that they will not be submitting an appeal
 - ii. where the person or body subject to the suspension submits an appeal in accordance with this policy before the conclusion of such appeal process (should a suspension still be imposed).

14. Offences in Other Sports

- 14.1. Any member found guilty of any of the following offences in other sports proceedings may be charged under British Skydiving regulations for not acting in the best interest of the sport:
- i. Any doping offence under WADA or UKAD rules
 - ii. Any offence in connection with discriminatory behaviour.
- 14.2. The findings of the other sport will be deemed to be correct unless any appeal to that sport has been lodged and upheld.
- 14.3. A Discipline Tribunal may impose a sanction in line with British Skydiving sanctions as if the offence had been committed within the sport of skydiving.

15. Interim Suspensions – Criminal Action.

- 15.1. In addition to the powers outlined in these procedures, British Skydiving may order that a member be suspended from all or any specific activity on terms it deems appropriate where the member has been convicted of a criminal offence and where British Skydiving considers it appropriate to safeguard the sport.