



Disciplinary Regulations

DISCIPLINARY REGULATIONS

Document Control

Version	Status	Approval Date	Approved by (Role)	Next Review Due
1.0	Live as of 5 th October 2026	March 2026	Board	March 2029

Change History

Version	Author	Summary of Changes	Date
1.0		Newly created to replace previous Complaint & Disciplinary Policy & Procedures	2026

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1. INTRODUCTION

- 1.1. These Disciplinary Regulations shall apply to any matters of Misconduct relating to Participants in Gymnastics.
- 1.2. The Disciplinary Panel and the Disciplinary Appeal Panel are not courts of law and are disciplinary bodies. In the interests of achieving a just and fair result, procedural and technical considerations must take second place to the paramount objective of being just and fair to all parties.
- 1.3. All parties involved in proceedings under these Regulations are required to co-operate and act in good faith.
- 1.4. For the avoidance of doubt these Regulations relate to disciplinary proceedings brought by British Gymnastics (hereafter “BG”/”Us”/”We”) against Participants. Regulation 4.3 below sets out all those individuals who are deemed to be Participants.
- 1.5. The applicable standard of proof shall be the civil standard of the balance of probabilities. Something is deemed to be proved on the balance of probabilities where the Disciplinary Panel or the Disciplinary Appeal Panel is satisfied that it is more likely than not to have occurred.

2. KEY DEFINITIONS

- 2.1. The following words shall have the meaning set out opposite them:

Adult at Risk	As defined in the Care Act 2014 in England and the Adult Safeguarding Prevention and Protection in Partnership 2015 in Northern Ireland.
Appellant	The party appealing a decision from the Disciplinary Panel under these Regulations.
Case Management Group	Such group as is established by BG to consider safeguarding and disciplinary matters under its Terms of Reference.
Charge(s)	The specific allegation(s) of Misconduct set out to a Charged Participant under these Regulations.
Charged Participant	The Participant who has been served with a Notice of Charge.

Child	Anyone under the age of 18.
Coach	Any person who holds membership of BG that specifically relates to coaching in any way. In addition, anyone else who holds themselves out as a coach within or as part of any Gymnastics activity.
DBS	The Disclosure and Barring Service in England and Wales, or a similar service in the remaining Home Countries.
Decision	A written decision of the Disciplinary Panel or Disciplinary Appeal Panel appointed in accordance with these Regulations.
Deemed Receipt	Where documents have been served by email it shall mean the time and date the email was sent. Where documents have been served by post it shall mean the third working day after the documents were posted.
Disciplinary Panel	The independent panel hearing a Charge(s) as set out in these Regulations.
Gymnastics	Any form of gymnastics or the operation of any part of gymnastics that is governed in any way by BG as the authorised National Governing Body for the sport.
HNGAs	The four Home Nation Gymnastics Associations in the UK.
Interim Order	A temporarily applied suspension or restriction imposed in accordance with these Regulations.
Member	Any individual who holds membership of BG.
Misconduct	As defined in Regulation 6.
Notice of Charge	As defined in Regulation 10.2
Officer of BG	Any individual who is not an employee or a consultant of BG, but who occupies any form of official role including, but not limited to, members of the Board of Directors.
Participant	As defined in Regulation 4
Person Affected	Means the individual who is affected by any matters under investigation.
Position of Trust	As defined in the Safeguarding Children Policy.
Order	A restriction, condition or penalty imposed under these Regulations, whether issued by the Resolutions Manager, the Case Management Group, the Disciplinary Panel or the Disciplinary Appeal Panel.
Referrer	The person or organisation that refers the matter to BG.
Resolutions Manager	The person who is from time to time appointed by BG to oversee discipline matters and undertake any actions or roles as set out in these Regulations.
Respondent	The party who is responding to an appeal under these Regulations.

Registered Club	Any organisation/corporate entity or body which holds registration with BG relating to their role as a gymnastics club.
Safeguarding Regulations	The BG Safeguarding Regulations operated and in force from time to time.
Sanction	As defined in Regulation 19.
Sport Integrity Service	The independent integrity service operated by Sport Resolutions to assist National Governing Bodies.
Statutory Agencies	Include the Police, Children's or Adult Care Services or any other public or other investigatory authority.
Team Members Agreement	The agreement between any member of a BG' team and BG as amended or renamed from time to time.
Welfare Officer	The person with lead responsibility for safeguarding within a club, organisation or HNGA.
World Class Programme	The UK Sport operated programme funded by the National Lottery and Exchequer.
World Class Programme Athlete Agreement	The formal contract agreed between gymnasts on the World Class Programme and BG.

3. EVIDENCE

- 3.1. Disciplinary Panels and Disciplinary Appeal Panels may admit any evidence they consider fair and relevant to the case before them and shall not be bound by any rules of evidence relating to the admissibility of evidence before a court of law.

4. JURISDICTION

- 4.1. BG shall have jurisdiction over Participants for the purposes of disciplinary matters, and all Participants shall be bound by all BG Rules, Regulations, Standards and other applicable processes.
- 4.2. Each Participant:

4.2.1. must conduct themselves at all times in accordance with the highest standards of discipline and sporting behaviour and in the best interests of Gymnastics; and

4.2.2. must not commit any act(s) of Misconduct.

4.3. Participants shall include, without limitation:

4.3.1. Each individual, who holds any form of membership of BG (“Member”).

4.3.2. Each individual, engaged in any way by a Member or by a Registered Club to provide coaching, training, medical and/or officiating services to it and or its members.

4.3.3. Each individual, engaged in any way, including on a voluntary basis, by a Member or Registered Club to provide any other services within a Registered Club.

4.3.4. Each individual, who is an owner, operator, trustee, board member or holder of any other role relating to a Registered Club.

4.3.5. Each Registered Club

4.3.6. Each parent and/or carer of, or person who holds a Position of Trust over, any Member who is a child or an Adult at Risk.

4.3.7. All persons involved in competitions sanctioned by BG.

4.3.8. Any person involved in the World Class Programme (WCP) in any way, including any WCP involvement that takes place outside of the United Kingdom, including but not limited to training camps and/or competitions.

4.3.9. All employees, contractors or consultants of BG; and

4.3.10. All Officers of BG.

4.4. Where it considers it appropriate, BG 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) BG office holders as defined within the Rules of Procedure;

4.4.1. Where an individual is deemed a 'Relevant Person' under the terms of the Sport Integrity Service Rules of Procedure; and

4.4.2. They are a respondent to allegations of misconduct as defined as a 'Relevant Matter' under the same regulations.

In such circumstances they are required to cooperate with any investigation conducted by Sport Integrity.

4.5. BG shall comply with the requirements of Sport Integrity and any investigations carried out by the Sport Integrity Service in accordance with the Sport Integrity Rules of Procedure when matters are referred to the Sport Integrity Service.

4.6. Other than in relation to BG' jurisdiction under these Regulations, disciplinary jurisdiction of gymnasts and clubs will reside with HNGA under which that gymnast is a member.

4.7. BG recognises UK Anti-Doping as the national anti-doping organisation for the United Kingdom and respects its autonomy. BG also recognises the sole and exclusive jurisdiction of the National Anti-Doping Panel to hear and determine any charges brought against a Participant for Anti-Doping Rule Violations.

4.8. These Regulations shall have retrospective effect and may be applied in relation to conduct which occurred prior to the implementation of these Regulations. BG is entitled to investigate and act under these Regulations against any person regardless of when the events in question occurred. To this end, no Participant may rely on any argument or defence that an allegation, or the events connected to or giving rise to the allegation, has become barred as a result of any argument or defence based on a statute of limitation, or otherwise based on the passage of time.

4.9. For the avoidance of doubt:

4.9.1. Proceedings may be brought against a Participant (and that Participant may be sanctioned) for Misconduct even if matters have been dealt with under the Safeguarding Regulations:

4.9.2. The threshold for Misconduct might be met by multiple instances of the same or different conduct or behaviour that, taken alone, would not reach the threshold to constitute Misconduct but, when considered together, would constitute Misconduct.

5. CONFIDENTIALITY & PUBLICATION

5.1. All matters considered under these Regulations will be regarded as confidential (“Confidential Information”) and used only for the purposes of these Disciplinary Regulations save for the exceptions set out in these Regulations.

5.2. No person involved in, or with information of, any matter proceeding under these Regulations shall make any disclosure of Confidential Information. Any disclosure of Confidential Information shall constitute a separate case of Misconduct.

5.3. The provisions of Regulation 5.2 shall not apply:

5.3.1. If the information is already in the public domain other than through an unauthorised disclosure by that person.

5.3.2. If the disclosure is required by law.

5.3.3. If the disclosure is necessary to obtain legal advice, advocacy support or therapeutic support. In such cases any disclosure of Confidential Information shall remain private and confidential and those in receipt of the Confidential Information will be bound by the terms of this Regulation.

5.3.4. To any disclosures, notifications or publications made by BG under these Regulations.

5.4. BG may publish the Decision and Sanction either in full or in summary on the BG website subject to such redactions as either BG or the Disciplinary Panel/Disciplinary Appeal Panel may order. Such publication will be in line with the BG Publication Policy.

- 5.5. BG may disclose a decision or information from a Decision, including details of sanction, for the purposes of the enforcement of the sanction or in circumstances that it deems appropriate.

6. MISCONDUCT

- 6.1. BG may prosecute and conclude disciplinary proceedings against any Participant for Misconduct.

- 6.2. “Misconduct” shall mean:

6.2.1. Any breach of BG’ Rules, Regulations, Standards & Expectations or any other published procedures.

6.2.2. Any Anti-Doping Rule Violation committed by a Participant, as defined in the UK Anti-Doping Rules issued by UK Anti-Doping (as amended from time to time).

6.2.3. Any breach of the World Class Programme Athlete Agreement or Team Members Agreement.

6.2.4. Any failure or refusal to cooperate with any investigation conducted by BG, an independent body, and/or UK Anti-Doping.

6.2.5. Any conduct, behaviour, statements and/or practices including verbal, physical or emotional abuse or other violent, threatening, intimidating, harassing or deliberately provocative behaviour, or behaviour which may reasonably be interpreted as intended to offend, insult, humiliate, ridicule or cause harm or fear.

6.2.6. Any act or statement (including any statement made online, on social networking platforms or on group chat or messaging applications or sites) that is unlawful or discriminatory by reason of age, disability, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation.

6.2.7. Any conduct, behaviour, statement (including any statement made online, on social networking platforms or on group chat or messaging applications or

sites) that is dishonest or contrary to the integrity of Gymnastics and/or brings or has the potential to bring Gymnastics, another Participant, BG or any commercial partner of BG, into disrepute.

6.2.8. Any act of Malpractice and/or Maladministration (as defined in BG policy) in line with the applicable policy from time to time in force.

6.2.9. A breach of the terms of any sanction or Interim Order imposed by BG or any of the independent panels operating under these Regulations or the Safeguarding Regulations.

6.2.10. A refusal or failure to fully cooperate with:

6.2.10.1. Any investigation under these Regulations, the Safeguarding Regulations or any other Regulations of BG.

6.2.10.2. Any directions issued by any of the independent panels operating under these Regulations or the Safeguarding Regulations.

7. INVESTIGATION

7.1. BG will have full authority to consider and investigate all and any matters where information is received which causes BG reasonably to believe that such matters constitute or can constitute Misconduct.

7.2. The Resolutions Manager may nominate another person to act in their place for the purposes of these Regulations and any reference to the Resolutions Manager should be read as including their nominee.

7.3. The Resolutions Manager will be entitled to undertake such investigations as they may deem appropriate, including:

7.3.1. Requiring the provision of information, documentation, written statements and/or answers, and other material that the Resolutions Manager considers relevant, including but not limited to any social media posts or digital messages and/or

7.3.2. Requiring attendance at meetings to answer questions in person.

- 7.4. Each Participant must cooperate fully and promptly with any investigation and provide comprehensive, honest and accurate information and responses.
- 7.5. A failure or refusal by a Participant to cooperate with any investigation where a request has been made for their cooperation may itself constitute Misconduct under these Regulations.
- 7.6. BG will maintain guidance they will share with any Participant wishing to obtain pro bono legal support.

8. INTERIM ORDERS

- 8.1. If the matter is sufficiently serious, the Case Management Group may, at any time, impose an Interim Order on the Participant pending investigation or the issuing of a Notice of Charge and determination of the matter.
- 8.2. In determining whether an Interim Order should be imposed the Case Management Group shall have the discretion to consider any factors they believe relevant including the following non-exhaustive list of factors:
 - 8.2.1. Whether the alleged Misconduct is of a serious nature.
 - 8.2.2. Whether the safety and/or welfare of anyone involved in Gymnastics is or may be at risk.
 - 8.2.3. Whether an Interim Order is necessary or proportionate to allow the conduct of any proceedings or investigation, and/or
 - 8.2.4. Whether the reputation of the sport of Gymnastics generally or BG could be harmed if an Interim Order were not imposed.
- 8.3. Where an Interim Order is imposed, the Resolutions Manager shall notify the Participant in writing as soon as reasonably practicable.
- 8.4. The Participant who is subject to an Interim Order shall have the immediate right to appeal the Interim Order. The right to appeal may be exercised at any time during the period covered by the Interim Order. Where a Participant exercises their right to appeal, they shall have no further right to appeal the Interim Order save for

where any amendment is made to the Interim Order further to review by the Disciplinary Panel.

8.5. Any appeal of an Interim Order shall be considered by the Disciplinary Appeal Panel and the appeal provisions set out in Regulations 23 and 24 shall apply.

8.6. The Resolutions Manager may consider which other individual or organisation should be notified of the Interim Order and shall make such notifications.

REVIEW OF INTERIM ORDERS

8.7. The Disciplinary Panel shall meet to review all Interim Orders in place bi-annually, meeting approximately once every six months.

8.8. Save for the mandatory review within 14 days as outlined at Regulation 8.7, the Disciplinary Panel will not review an Interim Order prior to the next scheduled bi-annual meeting except in exceptional circumstances and/or where there is a material change in the circumstances in which the Interim Order was made. This Regulation shall not apply in relation to cases being investigated by the Police or where a Respondent is charged with a criminal offence, until such time as those investigations or proceedings are complete.

8.9. The Disciplinary Panel shall take into consideration the factors set out in Regulation 8.2 above and may maintain, modify or remove any Interim Order.

9. INVESTIGATION OUTCOMES

9.1. Further to the Resolution Manager's investigation, the Resolution Manager may:

9.1.1. Decide no further action is required due to BG not having jurisdiction.

9.1.2. Refer a matter to be dealt with by a Registered Club under that Registered Club's complaints and/or disciplinary policies.

9.1.3. Dismiss a matter on the grounds that there is not enough evidence to warrant further action being taken and, if appropriate, informing the Participant.

9.1.4. Refer a matter to any authority deemed more appropriate in practice or in law to handle it, including local authorities, other sports governing bodies, statutory bodies and law enforcement agencies.

9.1.5. Refer the matter to be dealt with under the Safeguarding Regulations or any other BG Regulations or processes.

9.1.6. Deal with the matter as a low-level issue that requires guidance but does not meet the threshold of Misconduct.

9.1.7. Refer the matter to the Case Management Group for advice.

9.1.8. Bring a Charge(s) if there is a case to answer; and/or

9.1.9. Take any other action in accordance with these Regulations.

9.2. Where the Resolutions Manager refers the matter to the Case Management Group for advice under Regulation 9.1.7 the Resolutions Manager may then exercise any one of the regulations set out in Regulation 9.1 having received the advice of the Case Management Group.

9.3. A decision of the Resolutions Manager (including whether or not to instigate an investigation and, if an investigation is instigated, whether or not to take any action) will be final and will not be subject to appeal. However, written submissions further to any such decision can be made to the Case Management Group who will review any such decision. The decision of the Case Management Group will be final. In the event that the Case Management Group is of the view that the decision of the Resolutions Manager was incorrect in light of written submissions they can direct the Resolutions Manager to reconsider their decision.

9.4. The Resolutions Manager will, where it is appropriate to do so and in line with any guidance, notify or otherwise update or respond to:

9.4.1. Any person who reported the matter to BG.

9.4.2. Any Participant who is the subject of an investigation; or

9.4.3. Any third party.

10. CHARGE

10.1. If, as a result of an investigation carried out under these Regulations, the Resolutions Manager concludes that the Participant under investigation has a case to answer in respect of Misconduct, then the Resolutions Manager will serve a Notice of Charge to the Participant who from this point will be known as the Charged Participant. Service of the Notice of Charge shall be either by email and/or post.

10.2. The Notice of Charge shall:

10.2.1. Set out the Charge(s) against the Charged Participant.

10.2.2. Set out the Rule(s), Regulation(s), Standard(s) or Code(s) that are alleged to have been breached by the Charged Participant.

10.2.3. Set out a summary of the facts relied upon by BG.

10.2.4. Include copies of the evidence, information and/or documentation relied upon by BG.

10.2.5. Require a response from the Charged Participant within 14 days (the "Deadline for Reply").

11. REPLY

11.1. The Charged Participant must serve on BG a Reply within 14 days of the Deemed Receipt of the service of the Notice of Charge which:

11.1.1. Admits or denies the Charge(s) or any part of the Charge(s).

11.1.2. Where the Charge(s) is denied, states whether they wish the matter to be dealt with:

11.1.2.1. On written submissions alone; or

11.1.2.2. At a personal hearing.

11.1.3. The Reply must include:

11.1.3.1. A clear explanation of the nature and extent of the Charged Participant's admission or denial of the Charge(s) or any part of the Charge(s).

11.1.3.2. A signed written statement of each witness upon whom the Charged Participant intends to rely, which sets out their evidence in full.

11.1.3.3. Copies of any documentation, evidence, mitigation or other relevant material on which the Charged Participant intends to rely.

11.1.3.4. In the event that the Charged Participant elects to have a personal hearing then full reasons as to why a hearing should take place in person should be set out.

11.1.3.5. Confirmation of an email address and/or postal address for service.

11.2. If the Charge(s) is admitted by the Charged Participant, the matter will be referred to the Disciplinary Panel to determine the applicable sanction. The Charged Participant may make any submissions on sanction as part of their admission response. In such circumstances the Disciplinary Panel will deal with the case on the papers.

11.3. If the Charged Participant fails to respond or refuses to respond to the Notice of Charge by the stipulated deadline, or by any extended timeline that the Resolutions Manager may, at the Resolutions Manager's sole discretion, deem appropriate, and has notified to the Charged Participant, the Resolutions Manager will pass the matter to the Disciplinary Panel in line with the procedures set out in Regulations 12-20 to determine whether the Charge is proved based on the evidence available. In such circumstances the Disciplinary Panel will deal with the case on the papers.

11.4. If the Charge(s) is denied either in full or in part, the matter will be referred to the Disciplinary Panel and the procedures set out in Regulations 12-20 below shall apply.

12. THE DISCIPLINARY PANEL

- 12.1. The Disciplinary Panel will be composed of three individuals who are independent of BG. No person shall be appointed a member of the Disciplinary Panel if they have any connection with the Charged Participant. The Chair of the Disciplinary Panel will be legally qualified and at least one of the other two members will have experience of gymnastics.
- 12.2. The Disciplinary Panel will be appointed by BG within 14 days of the Notice of Charge being issued to the Charged Participant.
- 12.3. BG shall write to the Charged Participant to confirm the details of the Disciplinary Panel that has been appointed to hear the Charge(s).
- 12.4. The Disciplinary Panel shall determine all procedural matters for the conduct of the case.

13. PRE-HEARING PROCEDURE

- 13.1. Notwithstanding the Disciplinary Panel's powers to determine all procedural matters, ordinarily cases will proceed as follows:
 - 13.1.1. Within 14 days after the Deadline for Reply the Resolutions Manager will prepare and circulate to the Charged Participant and the Disciplinary Panel a bundle (in either paper or electronic form) containing a copy of:
 - 13.1.1.1. The Notice of Charge and accompanying evidence provided with it to the Charged Participant pursuant to Regulation 10;
 - 13.1.1.2. The Reply, if any, and all other written material submitted by the Charged Participant pursuant to Regulation 11.

14. DIRECTIONS

- 14.1. The Disciplinary Panel may issue any directions considered necessary for the proper conduct of the case, including but not be limited to:

14.1.1. Where there is to be an oral hearing, establishing the date, time and place of the hearing and whether it is to be in person, by video link or hybrid.

14.1.2. Extending or reducing any time limit.

14.1.3. Amending or dispensing with any of the procedural steps set out in these Regulations.

14.1.4. Requiring that the parties make written submissions or submit skeleton arguments in advance of the hearing.

14.1.5. Requiring the disclosure of specific and identifiable documents in the possession of BG, the Charged Participant or any other Participant which are considered by the Disciplinary Panel to be relevant to the Charge(s).

14.1.6. Determining who shall attend the hearing.

14.2. All and any Directions issued by the Disciplinary Panel shall be notified in writing to the parties.

14.3. The Disciplinary Panel may order that there be a directions hearing which shall operate as it so directs.

15. DETERMINATION ON WRITTEN SUBMISSIONS

15.1. Where the Charge(s) is admitted by the Charged Participant the Disciplinary Panel, in accordance with Regulation 11.2 shall determine the appropriate sanction based on written submissions.

15.2. Where the Charged Participant has failed to respond or refuses to respond to the Notice of Charge the Disciplinary Panel, in accordance with Regulation 11.3 shall determine the case and if appropriate any Sanction based on the written material that is available.

15.3. Where the Charged Participant states, in accordance with Regulation 11.1.2.1 that they wish the matter to be dealt with on written submissions, or where the

Disciplinary Panel determine it should be dealt with by way of written submissions pursuant to Regulation 16.1 the Disciplinary Panel shall determine the Charge(s), and the Sanction if the Charge(s) is found proven on the written submissions and shall make such order as it deems appropriate.

16. HEARING PROCEDURE

16.1. Where the Charged Participant states, in accordance with Regulation 11.1.2.2 that they wish for the matter to be dealt with at a hearing it will be for the Disciplinary Panel to determine, bearing in mind the reasons given pursuant to Regulation 11.1.3.4, whether the case should be by way of a hearing or on written submissions. For a hearing, ordinarily proceedings will proceed as follows:

16.1.1. BG (or their representative) shall present the Charge(s) and make submissions. It may call any evidence on its behalf, subject to any limits on evidence imposed by the Disciplinary Panel. The Charged Participant (or their representative) shall have the right to cross-examine any witness giving evidence in person for BG, subject to any limits imposed by the Disciplinary Panel.

16.1.2. The Charged Participant (or their representative) may make submissions on the Charge(s) and may call witnesses. BG (or their representative) shall have the right to cross-examine any witness giving evidence in person for the Charged Participant, subject to any limits imposed by the Disciplinary Panel.

16.1.3. BG (or their representative) may make closing submissions.

16.1.4. The Charged Participant (or their representative) may make closing submission.

16.1.5. The Disciplinary Panel may ask questions at any point during the hearing; and

16.1.6. The Chair of the Disciplinary Panel will close the hearing, and the Disciplinary Panel will deliberate in private.

17. WITNESS SUPPORT AND PARTICIPATION MEASURES

17.1. The Disciplinary Panel has a responsibility to ensure that any witness who might be deemed to be vulnerable in any way is provided with the appropriate special measures to allow them to give evidence appropriately.

17.2. The Disciplinary Panel shall have the power to order special measures for the giving of evidence where it deems it appropriate and this can include but is not limited to:

17.2.1. Ordering that evidence is given over video link rather than in person.

17.2.2. Ordering that cross examination is directed through the Chair of the Disciplinary Panel.

17.2.3. Ordering that cross examination be carried out in advance of the hearing with only limited persons present.

17.2.4. Ordering that cross examination is carried out in writing with questions put to the witness and answered in writing prior to the hearing.

17.2.5. Ordering any special measures it considers are required for the protection of the witness and their mental and/or physical wellbeing or to ensure that the witness is able to give their best evidence to the Disciplinary Panel.

17.3. A vulnerable person is any person:

17.3.1. Who is defined as vulnerable, a vulnerable witness, a child or an Adult at Risk in law.

17.3.2. Who has (actually or allegedly) suffered abuse (sexual or otherwise) or any form of bullying or harassment; or

17.3.3. Who the Disciplinary Panel considers is vulnerable for any other reason.

18. DECISION ON CHARGE

- 18.1. Having considered all the relevant evidence, the Disciplinary Panel shall reach a decision on whether the Charge(s) is proven either in whole or in part.
- 18.2. Each member of the Disciplinary Panel shall have one vote, save that the Chair shall have a second and casting vote in the event of deadlock.
- 18.3. The Disciplinary Panel shall notify the parties of its decision as to whether the Charge(s) is proven. The Disciplinary Panel must notify the parties as soon as reasonably practicable. Where such decision is reached at a hearing at which the Charged Participant is present they should be notified immediately, save where the Disciplinary Panel considers it appropriate to act otherwise.

19. SANCTION

- 19.1. Where a Charge(s) is found proven in whole or in part, the Disciplinary Panel will be entitled to impose any one or more of the following sanctions on the Charged Participant as the Disciplinary Panel deems appropriate having regard to all the circumstances of the case:
 - 19.1.1. A caution, reprimand and/or warning as to future conduct.
 - 19.1.2. A fine (payable within 30 days after the date the parties are notified of the Disciplinary Panel's decision, unless an alternative period is specified).
 - 19.1.3. Require the Charged Participant to undertake specific training, as identified by BG, within a certain period of time.
 - 19.1.4. Require the Charged Participant to complete a period of mentoring and/or supervision.
 - 19.1.5. Require the Charged Participant to undergo a risk assessment on such terms as the Disciplinary Panel believe are appropriate.
 - 19.1.6. A suspension for a specified period (up to a lifetime) from all or any specific Gymnastics activity on such terms and conditions as the Disciplinary Panel feels appropriate.

- 19.1.7. Determine that the Charged Participant should have their Membership revoked and set any limits on eligibility to hold Membership in the future up to and including a lifetime ban.
- 19.1.8. Such other sanction or order as the Disciplinary Panel deem to be appropriate, including but not limited to any order regarding publication and/or notification.
- 19.2. Where a Charge(s) is proven following determination at a hearing, the parties shall be invited to address the Disciplinary Panel as to any matter relevant to its consideration of Sanction.
- 19.3. Where a Charge(s) is proven following determination on written submissions the Disciplinary Panel shall consider any information they believe relevant to the consideration of Sanction including the Charged Participant's disciplinary record and any written submissions made by the parties under Regulations 10 and 11.
- 19.4. When assessing the applicable Sanction, the Disciplinary Panel may (at its sole discretion) take into account factors such as:
 - 19.4.1. The seriousness of the Misconduct.
 - 19.4.2. The Charged Participant's prior record in respect of any matters of Misconduct or Safeguarding.
 - 19.4.3. The demonstration of genuine remorse by the Charged Participant.
 - 19.4.4. The Charged Participant's youth and/or inexperience.
 - 19.4.5. The impact or effect of the Misconduct on any other person.
 - 19.4.6. The need for a deterrent and to see change in the future behaviour of the Charged Participant; and/or
 - 19.4.7. Any other factor(s) that the Disciplinary Panel considers relevant
- 19.5. The Disciplinary Panel should also have consideration of the BG Disciplinary Sanctioning Guidelines.

20. WRITTEN DECISION

20.1. Within 14 days after the conclusion of the hearing, the Disciplinary Panel will provide to the parties its written decision, which will ordinarily contain:

20.1.1. Details of the Charge(s) considered, and whether it/they are admitted or denied.

20.1.2. A summary of the relevant evidence heard.

20.1.3. The findings made by the Disciplinary Panel.

20.1.4. The reasons for the Disciplinary Panel's decision; and

20.1.5. The sanction and/or other order (if any) imposed.

20.2. The Chair of the Disciplinary Panel will provide the written decision to BG who will serve it on the Charged Participant either by email and/or post. The decision will take effect immediately.

20.3. If no appeal is filed in accordance with the appeal provisions in these Regulations the decision will be final and binding.

21. COSTS

21.1. Each party shall bear its own costs, and the Disciplinary Panel shall have no jurisdiction to make any order as to costs.

APPEALS

22. RIGHT OF APPEAL

- 22.1. A Charged Participant or BG may appeal to a Disciplinary Appeal Panel a decision of the Disciplinary Panel made under these Regulations on any one or more of the Grounds of Appeal in Regulations 23.1 and 23.2.
- 22.2. A Participant may appeal to a Disciplinary Appeal Panel a decision of the Case Management Group on the Grounds of Appeal in Regulation 23.3.

23. GROUNDS OF APPEAL

- 23.1. The Grounds of Appeal available to BG shall be that the Disciplinary Panel:
 - 23.1.1. Misinterpreted or failed to comply with the Disciplinary Regulations.
 - 23.1.2. Came to a decision to which no reasonable such body could have come; and/or
 - 23.1.3. Imposed a sanction that was so unduly lenient as to be unreasonable.
- 23.2. The Grounds of Appeal available to the Charged Participant shall be that the Disciplinary Panel:
 - 23.2.1. Failed to give the Charged Participant a fair hearing.
 - 23.2.2. Misinterpreted or failed to comply with the Disciplinary Regulations.
 - 23.2.3. Came to a decision to which no reasonable such body could have come; and/or
 - 23.2.4. Imposed a sanction that was excessive.
- 23.3. The Grounds of Appeal available to a Participant subject to an Interim Order shall be that the Case Management Group:

23.3.1. Misinterpreted or failed to comply with the Disciplinary Regulations.

23.3.2. Came to a decision to which no reasonable such body could have come;
and/or

23.3.3. Imposed an Interim Order that was excessive.

24. APPEAL PROCESS

24.1. Appeal timings shall run from the Deemed Receipt of the written decision of the Disciplinary Panel or in the case of Interim Orders, the written decision of the Case Management Group, that is being appealed against.

24.2. For all appeals the Appellant, where it is the Charged Participant or Participant, shall lodge a Notice of Appeal to BG or where the Appellant is BG, it shall lodge a Notice of Appeal to the Charged Participant or Participant, within 14 days following the deemed date of receipt of the written decision of the Disciplinary Panel or Case Management Group that is being appealed against.

24.3. The Notice of Appeal shall set out:

24.3.1. The identity of the Appellant.

24.3.2. Details of the decision being appealed, including the date of that decision and by whom

24.3.3. The ground(s) of appeal and the reasons why it would be substantially unfair not to alter the original decision.

24.3.4. A statement of facts on which the appeal is based.

24.3.5. Copies of any documents or other material referred to.

24.4. Failure to lodge a Notice of Appeal within the specified time limit and/or failure to comply with all the associated requirements set out in Regulation 24.3 shall result in forfeiture of a right of appeal. The Disciplinary Appeal Panel may reject any Notice of Appeal that is not filed in accordance with Regulation 24.

24.5. For any appeal by a Charged Participant under these Regulations a deposit fee of £250 is required to be paid at the time of lodging the Notice of Appeal. The Appellant will forfeit their right of appeal and any Notice of Appeal lodged will be void if payment is not received at that time. Payment

Should the appeal be successful, the deposit fee will be refunded no later than 14 days following notification of the decision of Disciplinary Appeal Panel.

24.6. Unless directed otherwise the Respondent to the appeal shall serve a written Response to the Notice of Appeal (the Response) on the Appellant and the Disciplinary Appeal Panel within 21 days of Deemed Receipt of the Notice of Appeal.

25. The Disciplinary Appeal Panel

25.1. Following receipt of a Notice of Appeal, BG shall appoint a panel of three members independent of BG to be the Disciplinary Appeal Panel. BG may, at its sole discretion, refer the matter to a Disciplinary Appeal Panel appointed by Sport Resolutions. The Chair of the Disciplinary Appeal Panel shall be legally qualified and at least one of the other two members shall have experience of gymnastics.

25.2. The three individuals appointed to the Disciplinary Appeal Panel shall appoint one of their number to act as the Appeal Chair. The Appeal Chair shall make such directions as they consider are necessary for the proper conduct of the proceedings.

25.3. BG shall write to the Charged Participant to confirm the details of the Disciplinary Appeal Panel that has been appointed to hear the appeal.

25.4. The Disciplinary Appeal Panel shall determine all procedural matters for the conduct of the case.

26. NEW EVIDENCE

26.1. The Disciplinary Appeal Panel shall hear new evidence only where it has given leave that it may be presented. An application for leave to present new evidence must be made in the Notice of Appeal or the Response. Any application must set out the nature and the relevance of the new evidence, and why it was not

presented at the original hearing. The Disciplinary Appeal Panel shall not grant leave to present new evidence unless satisfied with the reason given as to why it was not, or could not have been, presented at the original hearing and that such evidence is relevant. The Disciplinary Appeal Panel's decision shall be final. Where leave to present new evidence has been granted, in all cases the other party will be given an opportunity to respond.

27. DISCIPLINARY APPEAL PANEL PROCEEDINGS

27.1. An appeal shall be by way of a review on documents only and shall not involve a rehearing of the evidence considered by the Disciplinary Panel. The parties shall however be entitled to make oral submissions to the Disciplinary Appeal Panel. Oral evidence will not be permitted, except where the Disciplinary Appeal Panel gives leave to present new evidence under Regulation 26.

27.2. The Disciplinary Appeal Panel may give any directions considered necessary for the proper conduct of the proceedings.

27.3. Once an appeal has been commenced it may only be withdrawn by leave of the Disciplinary Appeal Panel.

27.4. The Appellant shall prepare a set of documents which shall be provided to the Disciplinary Appeal Panel and the Respondent at least 7 days prior to the hearing and which shall comprise the following:

27.4.1. All documents that were referred to at the Disciplinary Panel or in the case of Interim Orders, by the Case Management Group.

27.4.2. The Disciplinary Panel written Decision or in the case of Interim Orders the decision of the Case Management Group.

27.4.3. The Notice of Appeal.

27.4.4. The Response.

27.4.5. Any new evidence allowed by the Disciplinary Appeal Panel further to Regulation 26.

27.5. The following procedures shall be followed at an appeal hearing unless the Disciplinary Appeal Panel thinks it is appropriate to amend them:

27.5.1. The Appellant (or their representative) to address the Disciplinary Appeal Panel, summarising its case.

27.5.2. Any new evidence to be presented, by the Appellant.

27.5.3. The Respondent (or their representative) to address the Disciplinary Appeal Panel, summarising its case.

27.5.4. Any new evidence to be presented, by the Respondent.

27.5.5. The Disciplinary Appeal Panel may put questions to the parties at any stage.

27.5.6. The Respondent (or their representative) to make closing submissions.

27.5.7. The Appellant (or their representative) to make closing submissions.

27.6. The Disciplinary Appeal Panel may, in the event of a party failing to comply with an order, requirement or instruction of the Disciplinary Appeal Panel, take any action it considers appropriate.

28. DISCIPLINARY APPEAL PANEL DECISIONS

28.1. A decision by the Disciplinary Appeal Panel shall be determined by a majority. Each member of the Disciplinary Appeal Panel shall have one vote, save that the chair shall have a second and casting vote in the event of deadlock.

28.2. The Disciplinary Appeal Panel shall have the power to:

28.2.1. Allow or dismiss the appeal.

28.2.2. Exercise any power that was available to the Disciplinary Panel.

28.2.3. Remit the matter for a re-hearing before a differently constituted Disciplinary Panel.

28.2.4. Make such order as it considers appropriate.

28.2.5. Order that any appeal fee be forfeited or returned.

28.3. Decisions of the Disciplinary Appeal Panel shall be final and binding and there shall be no right of further appeal.

28.4. The Disciplinary Appeal Panel shall provide written reasons for its Decision which are to be provided to all parties within 14 days of the Decision.

29. APPEAL COSTS

29.1. The same provisions as to costs shall apply before the Disciplinary Appeal Panel as before the Disciplinary Panel.

30. GOVERNING LAW & ARBITRATION

30.1. All proceedings before the Disciplinary Panel and the Disciplinary Appeal Panel shall be governed by the law of England.

30.2. The proceedings before both the Disciplinary Panel and the Disciplinary Appeal Panel shall constitute Arbitrations for the purposes of Part 1 of the Arbitration Act 1996.

30.3. Sections 44, 45 and 69 of the Arbitration Act 1996 are excluded from these proceedings.

30.4. The seat of the Arbitration shall be England.