

BRITISH FENCING DISCIPLINARY CODE

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1. INTRODUCTION AND APPLICATION OF THIS CODE

- 1.1 This Code applies to all BF Members, Affiliated Clubs and all Associated Bodies of BF.
- 1.2 In addition, the code applies to anyone participating in Fencing Activities associated with affiliated clubs or associated bodies.

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- 1.3 In addition, this Code applies to all persons, including spectators who took part in or attended the Fencing Activity at which the matter arose.
- 1.4 This Code also applies to any other person who voluntarily submits to the disciplinary jurisdiction of BF.
- 1.5 For the avoidance of doubt, this Code does not apply to any person by virtue only of that person being an employee of BF. All complaints regarding BF Employees will be investigated and, if appropriate, dealt with under the appropriate procedure in place for employees. Where this Code does apply to a person who is an employee of BF:
 - 1.5.1 To the extent that the alleged Disciplinary Matter was committed in the course of that person's employment, he or she shall be subject to disciplinary action as an employee only and not under this Code.
 - 1.5.2 To the extent that the alleged Disciplinary Matter was committed outside the course of the person's employment, he or she shall be subject to disciplinary action under this Code. It shall then be a matter for BF as employer to decide whether any further disciplinary action should be taken under the person's terms of employment.
- 1.6 BF makes and enforces this Code to ensure compliance with BF's Articles of Association and Regulations is enforced fairly and in accordance with the principles of natural justice.

2. DISCIPLINARY MATTERS

- 2.1 A BF Member, Affiliated Club, Associated Body or person subject to the disciplinary jurisdiction of BF by virtue of paragraph 1.2 or 1.3 above shall be liable to disciplinary action in accordance with this Code if their conduct is inappropriate, incorrect, improper, unlawful or unsporting and/or has the potential to bring the sport of fencing or BF into disrepute.
- 2.2 The following non-exhaustive list are examples of conduct which may constitute a breach of this Code:
 - 2.2.1 Failing to comply with BF Articles of Association, Regulations or Policies
 - 2.2.2 Doing anything which could harm BF or bring the sport of fencing or BF into disrepute
 - 2.2.3 Failing to comply with a written agreement with or a written undertaking given to BF
 - 2.2.4 Making an untrue written statement to BF or a person or organisation acting on behalf of BF
 - 2.2.5 Committing a breach of the BF Codes of Conduct

- 2.2.6 Failing to treat others in the sport with dignity and respect
- 2.2.7 Taking any part in doping
- 2.2.8 Acting in a way that directly or indirectly adversely affects the welfare or safety of a person under 18 or places them at risk
- 2.2.9 Acting in a way that directly or indirectly adversely affects the welfare or safety of an Adult at Risk or places them at risk
- 2.2.10 Assisting or encouraging any person, Affiliated Club or Associated Body to breach this Code.

3. JURISDICTION AND POWER

- 3.1 The Board delegates power and jurisdiction to act in relation to any Disciplinary Matter, including the power to impose appropriate sanctions, to the Chief Executive Officer (CEO), and the Disciplinary Panel in accordance with the procedures in this Code except that:
 - 3.1.1 Allegations relating to doping as defined within the BF Anti-Doping Regulations as approved by the Board shall be dealt with by the UK National Anti-Doping Panel, in accordance with the provisions of the UK Anti-Doping Rules
 - 3.1.2 Allegations that a person has engaged in conduct which directly or indirectly adversely affects the welfare or safety of a person under 18 or an adult at risk and/or places them at risk (including any Appeal) shall be dealt with in accordance with the policies adopted from time to time adopted by BF in respect of Child Protection and Safeguarding
- 3.2 The CEO in turn may delegate the power to impose appropriate sanctions consistent with the procedures laid out below to a member of the Senior Leadership Team or such other person as the CEO may decide from time to time.
- 3.3 Disciplinary Action and any resulting sanction under this Code shall be separate from and may be additional to:
 - 3.3.1 Disciplinary action by an Affiliated Club or Associated Body.
 - 3.3.2 Any sanction specifically authorised by regulations (other than this Code) established by the Board.

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- 3.3.3 Action or investigation by the police or statutory authorities in accordance with criminal law or other statutory regulations, whether or not resulting in a conviction, but any action under this Code may be stayed until the outcome of any criminal or external investigation is concluded save to the extent that a Member may be precluded from participating in Fencing Activities pending determination of any criminal or external investigation.
- 3.4 The Board delegates power to the CEO to modify, from time to time and on a non-binding case specific basis, the administrative and investigative procedures only in this Code in circumstances where the CEO in his/her absolute discretion determines that such modification is necessary to ensure the efficient operation of this Code.

4. DISCIPLINARY PANEL

- 4.1 The Board shall appoint no fewer than eight individuals who are not Directors to constitute the Disciplinary Panel, designating one of these as Disciplinary Panel Chair and one as Disciplinary Panel Deputy Chair.
- 4.2 Unless they resign, Disciplinary Panel members shall serve until the end of the third Annual General Meeting following their appointment and thereafter until their successors are appointed. Casual vacancies shall be filled by the Board.
- 4.3 A Disciplinary Panel member having an interest in a matter to be discussed must declare that interest as soon as he is aware of it and must have no involvement in his capacity as a member during the transaction of that business.

5. DISCIPLINARY SECRETARY

- 5.1 The CEO shall appoint a person to be Disciplinary Secretary.
- 5.2 The CEO can act as Disciplinary Secretary
- 5.3 The Disciplinary Secretary shall implement and administer this Code in accordance with the directions of the Disciplinary Chair or Deputy Chair
- 5.4 The Disciplinary Secretary may with the approval of the CEO (or the Disciplinary Chair in the case that the CEO is acting as Disciplinary Secretary) delegate any function in a particular case to another suitable person.

6. APPLICATION FOR INVESTIGATION

- 6.1 A Member, BF or an Associated Body (the 'Applicant') may make a written application to British Fencing that an alleged Disciplinary Matter involving a BF Member, Affiliated Club, Associated Body or person who is subject to this Code by virtue of paragraph 1.2 or 1.3 above (the 'Respondent') be investigated.
- 6.2 The written application shall be in the form specified by British Fencing and shall include the name of the Respondent, the nature and approximate date of the alleged Disciplinary Matter and any statements by the Applicant and any witnesses.
- 6.3 The Applicant does not need to be the individual (or individuals) who may have been directly impacted by the alleged Disciplinary Matter (the Person(s) Affected).

7. INTERIM SUSPENSION

- 7.1 The CEO may suspend a Member or Affiliated Club or Associated Body from any or all of the privileges of affiliation ('interim suspension') on receipt of either of the following:
 - 7.1.1 A written application for investigation of an alleged Disciplinary Matter involving an Affiliated Member, Affiliated Club or Associated Body. Such interim suspension may remain in force until not later than the final conclusion of the Disciplinary Action
 - 7.1.2 Notification by the statutory authorities that a Member is under investigation in relation to a criminal offence. Such interim suspension may remain in force until not later than the legal outcome becomes known.
- 7.2 An interim suspension shall only be imposed if and for as long as the CEO is satisfied it is necessary in the best interests of BF or the sport and will be reviewed by the CEO on a regular basis.
- 7.3 The suspended Member or Affiliated Club or Associated Body may seek a review of their suspension by identifying a material change in circumstances.
- 7.4 Interim suspension shall be a neutral action and shall not imply any prejudgment of the substantive issue.

8. DETERMINATION OF APPLICABILITY

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- 8.1 On receipt of a written application for an alleged Disciplinary Matter the CEO will be informed. This will happen automatically on completion of an online form. Should a written application be received by any other member of the BF team then they will inform the CEO.
- 8.2 Where the matter involves either U18s, adults at risk or a potential breach of the Safeguarding Policies the BE Lead Safeguarding Officer will be informed.
- 8.3 The CEO (who may delegate the decision to another appropriate person in cases of conflict or unavailability) will decide whether the matter should be dealt with under the Disciplinary Code and/or whether the matter should be referred to another procedure or agency, examples include:

- 8.3.1 UK Anti-Doping
- 8.3.2 Statutory Authorities – for allegations involving criminal matters
- 8.3.3 BF Safeguarding Procedures – for allegations involving Children and Adults At Risk
- 8.3.4 Sport Integrity Service (see 8.6)
- 8.3.5 Club or Home Country Disciplinary Procedures

In considering whether a matter is to be dealt with by the Disciplinary Code the CEO shall take into account:

- 8.3.6 whether the available evidence appears sufficient for there to be a reasonable prospect of the proposed disciplinary process leading to a disciplinary outcome - remembering that the burden is on BF to prove any allegation to the civil standard
 - 8.3.7 whether the proposed disciplinary process will benefit fencing, BF or its membership, taking into account available resources
 - 8.3.8 the seriousness of the alleged breach.
- 8.4 The CEO (or delegate) may consult the BF Anti-Doping Team, BF Lead Safeguarding Officer, a member of the Disciplinary Panel and take legal advice in making this decision.
 - 8.5 The decision will be documented with reasons.
 - 8.6 ***Sport Integrity (wording supplied by Sport Integrity)***

British Fencing reserves the right to refer a matter to the Sport Integrity Service under the Rules of Procedure of that service. This may involve the commission of an independent investigation or disciplinary procedure into alleged grievances, or allegations of misconduct involving: i) athletes; ii) athlete support personnel; or iii) British Fencing office holders as defined within the Sport Integrity Service Rules of Procedure;

(i) where an individual is deemed a 'Relevant Person' under the terms of the Sport Integrity Service Rules of Procedure; and

(ii) 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.

- 8.7 Where the CEO decides that a matter is not to be dealt with under the Disciplinary Code, the Applicant will be informed of the reasons where there is no risk to a safeguarding process by doing so. If there is an ongoing safeguarding concern the Applicant will where possible be told of the decision. Where the matter has not been referred under 8.3.1 to 8.3.5, the Applicant will be entitled to appeal a decision not to proceed with a disciplinary process to a member of the Disciplinary Panel (who was not involved in the original decision to not pursue the matter). That appeal shall be started by writing to Head Office within 21 days of receipt of the decision and shall be a reconsideration of the entire decision.
- 8.8 Where a matter is not referred or progressed under the Disciplinary Code, British Fencing may offer access to a mediation service, noting that this is separate from the Mediation Route that falls within this Code.

9. INITIAL REVIEW - DETERMINATION OF ROUTE AND DISCIPLINARY LEAD

- 9.1 Should the matter be deemed to be appropriate to be dealt with under this Code, the CEO will determine the appropriate Disciplinary Route based on the factors set out below. These will be one of:
- 9.1.1 Mediation Route
 - 9.1.2 Black Card Fast Route
 - 9.1.3 Fast Route
 - 9.1.4 Multi Route
- 9.2 The decision as to which route will be taken, along with the person responsible for operating the route (the 'Disciplinary Lead') will be documented with reasons.
- 9.3 More information may be sought from the Applicant or Person(s) Affected to assist this decision-making.

- 9.4 The CEO may consult the Disciplinary Chair and/or Deputy Disciplinary Chair in making these decisions.
- 9.5 The CEO may also take into account any route requests made by the people affected.
- 9.6 Once the Route has been determined the Disciplinary Lead will be notified. They will inform the Applicant that they are dealing with the matter and inform them that the details of the application may be disclosed to the Respondent, along with their identity where that is appropriate. (For example the identification of the Applicant may need to be kept confidential for safeguarding reasons).

10. PRINCIPLES APPLICABLE TO ALL ROUTES

Children and Adults at Risk

- 10.1 The BF Lead Safeguarding Officer (LSO) will be informed if the Applicant, Respondent, Person(s) Affected or Witnesses are Children or Adults at Risk. The LSO may choose to put in additional protection measures which might include process changes. Such process changes should be communicated to all parties.
- 10.2 Adults at Risk should be consulted and be given the opportunity to nominate an appropriate adult who can act in support and receive and send communications on behalf of the Adult at Risk.
- 10.3 Written communications with Children and Adults at Risk should be copied into:
 - 10.3.1 the BE Lead Safeguarding Officer, or a nominated member of the BF Safeguarding team.
 - 10.3.2 Parent/guardian for communications with Children.
 - 10.3.3 Any nominated appropriate adult for communications with Adults at Risk.
- 10.4 Children and Adults at Risk may be accompanied by a parent, carer or nominated appropriate adult at any meeting or proceedings.
- 10.5 Any right or obligation to Children or Adults at Risk under this Code may be exercised on their behalf by their parent, carer or nominated appropriate adult.
- 10.6 Where a Child turns 18 during the proceedings rights and obligations under this Code will transfer to them from their parent/guardian, unless they are now deemed an Adult at Risk.

Case Transfer

- 10.7 At any time, based on new information arising, a disciplinary case may be suspended and the matter transferred to Statutory Services, the BF Safeguarding Procedures, BF Anti-Doping Procedures or the Sport Integrity Service.

Conflicts

- 10.8 Conflicts must be raised and documented at the earliest opportunity and may result in a change to those operating the procedure.

Decisions and Sanctions (Fast, Black Card and Multi Routes)

- 10.9 If the Respondent admits an allegation or an allegation is found proved any one or more of the following actions may be imposed:
- 10.9.1 Suspension from some or all of the privileges of affiliation either indefinitely or for a stated period;
 - 10.9.2 A fine to be paid within 28 days;
 - 10.9.3 Censure;
 - 10.9.4 A requirement to give an undertaking in such terms as the Disciplinary Committee may decide; failure to give the undertaking within 14 days or a breach of it within two years shall be deemed a breach of this Code and upon such breach the offender shall be liable to a sanction in addition to the sanction for the original Disciplinary Matter;
 - 10.9.5 In the case of a former Member or former Affiliated Club or Associated Body which has subsequently resigned or otherwise ceased to be affiliated a stipulation that they may not re-affiliate without the express permission of the Board or CEO.
- 10.10 Where a sanction includes a ban on fencing activity, the executive team should be consulted in respect to unintended operational impact.
- 10.11 If the respondent is a Child or Adult at Risk this will be taken into account in sanctions
- 10.12 Where a sanction is being considered that includes a ban on competition activity for a period of time, consideration should be given in respect to the number of competitions falling within that period and the associated impact on a fencer's season.
- 10.13 Proceedings, findings or decisions of the Disciplinary Committee or the Disciplinary Lead shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless it raises a material doubt as to the reliability of the proceedings, findings or decisions.

Refusal to Engage

- 10.14 In the case of a Respondent that refuses to engage in the Disciplinary process there will be a decision whether to suspend the process or complete the process in their absence.
- 10.15 Refusal to engage in the Disciplinary process will result in the suspension of any membership or affiliation with the stipulation that they may not re-affiliate without the express permission of the Board or CEO.

Records and Confidentiality

- 10.16 Records relating to a Disciplinary Matter shall be kept for a period of time as set out in the BF Privacy policy (<https://www.britishfencing.com/policy-zone/gdpr-data-protection/>) after any investigation, proceedings and sanction imposed are all completed.
- 10.17 The outcome (proved/not proved) and sanctions imposed may be shared to
- 10.17.1 BF staff and representatives where appropriate eg there are operational or welfare implications.
 - 10.17.2 Individuals and organisations who are required to assist in enforcing sanctions and supporting the welfare of those involved in the case (Applicant, Respondent, Person(s) Affected)
- 10.18 A decision on whether or not a case is found proved and the sanction imposed shall not be considered confidential save where the Respondent is under 18 or an Adult at Risk and the sanction imposed does not involve a suspension in which case the provisions of paragraph 10.19 below apply.

10.19 Suspensions

- 10.19.1 Suspensions will be communicated to Clubs and Home Nations.
- 10.19.2 Where the Respondent is also a member of the FIE or EFC (or was at the time of the offence), BF will inform those organisations in accordance with the statutes and regulations of those organisations that BF, as the recognised National Governing Body for Fencing is required to sign up to.
- 10.19.3 Where the Respondent is undertaking activities under the jurisdiction of another Sport Federation (both within and outside the UK) BF may inform those organisations where the suspensions relate to those activities.

10.20 Persons Affected

Following the conclusion of a case, BF reserve the right to inform the Person(s)

Affected and any other Affiliated Member or Associate Body involved in the disciplinary investigation of the summary outcome.

11. MEDIATION ROUTE

11.1 Best suited where

- 11.1.1 There is early insight, willingness to apologise
- 11.1.2 There is opportunity for mediation between parties
- 11.1.3 There is no/limited imbalance of power
- 11.1.4 Not a repeat breach
- 11.1.5 No formal sanctions necessary
- 11.1.6 No interim suspension imposed

11.2 Operated by

- 11.2.1 Typically run by the CEO or a senior member of the Executive Team (ET).
- 11.2.2 Can be delegated outside the ET by the CEO.
- 11.2.3 Where a complaint is brought by an employed member of the Executive team any investigation and mediation must be done by a more senior member of the team.

11.3 Change of Route

At any time, the matter can be transferred from the Mediation Route to one of the alternative routes. This might be due to new information coming to light or the inability to arrive at a mediated outcome.

11.4 Summary Allegations

The Respondent will be contacted informally in writing (text, email) with a summary of the complaint and given the opportunity to have participate in a mediation route with the person (or people) who have been negatively impacted by the alleged breach (which may or may not include the Applicant) which would typically start with the offer of a conversation with the Disciplinary Lead, either in person or on the telephone.

11.5 Investigation with Mediated Outcome

Involved parties (Applicant, Respondent, Person(s) Affected) will be given the opportunity to speak separately and confidentially to the person operating the process. These will be done informally with no minutes taken. Where appropriate there will be options to facilitate exchange of information between the parties involved eg the opportunity to apologise directly (in writing, or in person) for impact, clear up any misunderstandings, clarify lack of intent.

11.6 Reporting outcome

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- 11.6.1 Parties will be notified that the mediation procedure has been completed.
- 11.6.2 Mediated outcomes will not be listed on public sanction records.
- 11.6.3 Mediated outcome is a confidential outcome except for 'apology accepted, matter closed' type communications.

11.7 Appeal

No route to appeal

12. FAST ROUTE

12.1 Best suited where

- 12.1.1 Minor code breaches
- 12.1.2 Behaviour was witnessed by third parties, or recorded (eg video, CCTV) or is (in the main) undisputed by both/all parties
- 12.1.3 Sanctions available in defined tables
- 12.1.4 Maximum sanction – 2 month period of temporary exclusion (2 months) from some or all fencing related activity
- 12.1.5 No interim suspension imposed.

12.2 Operated by

- 12.2.1 Typically operated (run and determined) by the CEO or Senior Executive Team Member.
- 12.2.2 Can be passed by the CEO to the Disciplinary Chair or Deputy Disciplinary Chair.
- 12.2.3 Where a complaint is brought by an employed member of the Executive team the process cannot be operated by a more junior member of the Executive team.

12.3 Change of Route

At any time the matter can be transferred from the Fast Route to the Multi Route. This might be due to new information coming to light or disputes arising over significant point of fact.

12.4 Summary Allegations

The Respondent will be contacted formally in writing. Summary allegations will be clearly stated with reference to specific code of conduct and any related policy. Respondent is provided with the opportunity to respond on guilt, facts and mitigation and the opportunity to object to the person operating the process.

12.5 Investigation

Where the Applicant is not the only person affected by the alleged breach those Person(s) Affected may also be given the opportunity to provide a statement. Should additional material allegations arise as a result of these statements the Respondent will be informed of the updated allegations in writing and given a further opportunity to respond.

12.6 Determination – Sanctions & Costs

Determination of sanctions and costs will be made by the person operating the process (item 12.2 above) by considering items 10.9 through 10.13 above and any relevant published sanction table.

12.7 Reporting outcome

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- 12.7.1 Respondents will receive a confirmation of the outcome in writing
- 12.7.2 Fast Route outcomes will be listed on public sanction records but may be redacted
- 12.7.3 Other parties will be informed that the process has been concluded

12.8 Appeal

Appeals may be made within 10 working days on point of material fact or incorrect application of sanctions. (See section on Appeals)

13. BLACK CARD ROUTE

13.1 Best suited where

- 13.1.1 Black card given in competition with no aggravating factors
- 13.1.2 Sanctions available in defined tables
- 13.1.3 Maximum sanction – 2 month period of temporary exclusion from competition (2 months)
- 13.1.4 No interim suspension imposed.

13.2 Additional Notes

- 13.2.1 Black cards should be reported within 48 hours to BF using the form available on the BF website.
- 13.2.2 The awarding of a Black card does not affect a fencer's ability to participate in training.
- 13.2.3 If a black card is awarded in a competition under BF jurisdiction, the two month ban on competition fencing will be automatically suspended pending the completion of this process.
- 13.2.4 Failure to engage in a timely manner with the process can result in the ban being unsuspended, backdated and any points gained in the interim period also removed.
- 13.2.5 If a black card is awarded in EFC or FIE competition, sanctions on competitive activity will be imposed in accordance with the FIE and EFC rules.
- 13.2.6 This process is not to be used to investigate the merit or validity of the original back card (which has an in-competition appeal route). This process is to confirm suspension of ban or re-impose along with any other appropriate sanction.

13.3 Operated by

- 13.3.1 Typically operated (run and determined) by the Disciplinary Chair or Deputy Disciplinary Chair.
- 13.3.2 Can be passed to the CEO or a member of the Senior Executive Team by the Disciplinary Chair or Deputy Disciplinary Chair.

13.4 Change of Route

At any time, the matter can be transferred to the Multi Route. This might be due to new information coming to light or disputes arising over significant point of fact.

13.5 Summary Allegations

The Respondent will be contacted in writing. Summary allegations will be clearly

stated with reference to specific code of conduct and any related policy. The Respondent will be provided with the opportunity to respond on guilt, facts and mitigation and the opportunity to object to the person operating the process.

13.6 Investigation

Where the Applicant is not the only person affected by the alleged breach those Person(s) Affected may also be given the opportunity to provide a statement. Should additional material allegations arise as a result of these statements the Respondent will be informed of the updated allegations in writing and given a further opportunity to respond.

13.7 Determination – Sanctions & Costs

Determination of sanctions and costs will be made by the person identified in 13.3, in consideration of 15 and any relevant published sanction table.

13.8 Reporting Outcome

13.8.1 Respondent will receive a confirmation of the outcome in writing.

13.8.2 Black Card Route outcomes will be listed on public sanction records but may be redacted.

13.9 Appeals

Appeals may be made within 10 working days on point of material fact or incorrect application of sanctions. (See section on Appeals.)

14. MULTI ROUTE

14.1 Best suited where one or more of:

- 14.1.1 Major code breaches
- 14.1.2 Behaviour disputed by both/all parties
- 14.1.3 Unlimited Sanctions
- 14.1.4 Interim suspensions imposed

14.2 Operated by

- 14.2.1 Typically operated (run) by the Disciplinary Chair or Deputy Disciplinary Chair.
- 14.2.2 Can be passed to the CEO or a member of the Senior Executive Team by the Disciplinary Chair or Deputy Disciplinary Chair.
- 14.2.3 Determination by Disciplinary Committee.

14.3 Change of Route - N/A

14.4 Summary Allegations

The Respondent will be contacted formally in writing. Summary allegations will be clearly stated with reference to specific code of conduct and any related policy. The Respondent will be notified that an Investigation will take place. Respondent is provided with an initial opportunity to respond on guilt, facts and mitigation and the opportunity to object to the person operating the process.

14.5 Investigation

- 14.5.1 For multi-route cases the CEO may appoint an Investigator. The Investigator may be any person or organisation that does not have an interest in the case other than a Director, a Disciplinary Panel member, the CEO and the Disciplinary Secretary. The Investigator may be internal or external to BF. The Applicant and Respondent will be informed that an Investigator has been appointed.
- 14.5.2 The Investigator will conduct an investigation that is thorough, proportionate, relevant and fair to all parties. Contact with the Applicant, the Respondent, the Person(s) Affected and all witnesses will usually be via telephone, email or online but may be by face-to-face meetings. The Applicant, the Respondent, the Person(s) Affected and any witnesses shall give the Investigator all reasonable assistance, including promptly supplying signed statements if necessary, making themselves available for interview, answering any questions and supplying documentary or other information

- 14.5.3 The Investigator shall make a written report which shall include the documentary evidence and a recommendation as to whether the Respondent has a case to answer.
- 14.5.4 The Investigator's report shall be submitted to the CEO who shall either confirm the recommendation or arrange for further investigation by the same or a different Investigator.
- 14.5.5 If the CEO confirms a recommendation that there is no case to answer the Disciplinary Lead shall inform the Applicant and the Respondent accordingly. There shall be no appeal against a decision that there is no case to answer but a case may be re-examined if further evidence is later forthcoming.
- 14.5.6 If the CEO confirms a recommendation that there is a case for the Respondent to answer the Investigator shall then be responsible for presenting the case to answer to the Disciplinary Committee as set out below.
- 14.5.7 Where the Applicant is not the only person affected by the alleged breach those people affected may also be given the opportunity to provide a statement.
- 14.5.8 Should additional material allegations arise as a result of these statements the Respondent will be informed of the updated allegations in writing and given a further opportunity to respond.

14.6 Case to Answer - Detailed Allegations

- 14.6.1 If the CEO confirms a recommendation that there is a case to answer the Respondent will be contacted formally in writing.
- 14.6.2 Detailed allegations will be clearly stated with reference to specific code of conduct and any related policy together with the Investigator's report.
- 14.6.3 The Respondent will be provided with a further opportunity to respond on guilt, facts and mitigation.
- 14.6.4 The Respondent shall be given at least 14 days from the sending of the notice to respond and, if desired, supply any signed statements from any witnesses.
- 14.6.5 The Respondent will be given the opportunity to request a Disciplinary Hearing.

14.7 Case to Answer – Disciplinary Committee

A Disciplinary Committee shall be formed, comprising of three members of the Disciplinary Panel and will usually be chaired by the Disciplinary Panel Chairman. If the Disciplinary Panel Chairman is unwilling, unable or unavailable to chair the Committee, then the Disciplinary Panel Deputy Chairman shall chair the

Committee. If the Disciplinary Panel Deputy Chairman is unwilling, unable or unavailable to chair the Committee, then the remaining members of the Disciplinary Panel shall appoint a Committee chair from amongst their number.

14.8 Determination – No Disciplinary Hearing

If the Respondent does not request a personal hearing within the prescribed time, the Disciplinary Committee shall adjudicate the matter, taking into consideration the report of the Investigator, the written statements of the Applicant, Respondent and witnesses and any other evidence it thinks appropriate. The Disciplinary Committee may decide to adjudicate a case by correspondence.

14.9 Determination –Disciplinary Hearing

14.9.1 If the Respondent requests a personal hearing the Disciplinary Secretary shall give the Respondent at least 14 days' notice of the date, place and time of the hearing, which shall be held as soon as practicable and wherever possible within 42 days of receipt of the application for a personal hearing.

14.9.2 A Disciplinary Hearing can take place virtually.

14.9.3 The Respondent may be represented or accompanied at a personal hearing by one other person of the Respondent's choice, who shall not be a witness. This right shall be in addition to the right of a Respondent who is under 18 or an Adult at Risk to be accompanied by a parent or carer.

14.9.4 The Investigator shall be responsible for presenting the case to answer and may:

- Call evidence from witnesses.
- Cross-examine the Respondent and witnesses who give evidence on the Respondent's behalf.
- Address the Committee for up to 10 minutes or such longer period as the chair decides is necessary to provide a fair opportunity to present the case.

14.9.5 The Respondent or the Respondent's representative shall have the right to:

- Call evidence from the Respondent and other witnesses to rebut the allegation.
- Cross-examine any witness who gives evidence in support of the allegation.
- Address the Committee to sum up the answer to the allegation for up to 10 minutes or such longer period as the chair decides is necessary to provide a fair opportunity to sum up the answer.

- 14.9.6 Failure of any person to attend the hearing, or to answer any question, or to produce any necessary papers, shall not prevent the Disciplinary Committee from proceeding to a decision.
- 14.9.7 The Disciplinary Committee shall consider its decision in private. If the allegation is contested the Disciplinary Committee shall first decide whether or not it is proved on the balance of probabilities and inform the respondent accordingly.
- 14.9.8 If the allegation is admitted, or if the Disciplinary Committee finds the allegation proved, the Respondent or the Respondent's representative may speak for up to 10 minutes in mitigation before the Disciplinary Committee decides on any sanction to impose or the Disciplinary Committee can request this mitigation input is provided by the Respondent in writing.
- 14.9.9 The Disciplinary Committee will provide the Executive team an opportunity to input into the proposed Sanction, in particular consideration of the operational management and consequences of the proposed Sanction.
- 14.9.10 The Disciplinary Committee is entitled absolutely to determine the procedures that will be adopted at any personal hearing.
- 14.9.11 The Chair of the Disciplinary Committee shall procure that minutes of each hearing which shall contain a record of the procedural business of the meeting and a record of each hearing (which shall be contained in a separate document) are taken.

14.10 Reporting outcome

- 14.10.1 The chair of the Disciplinary Committee shall provide written reasons for any findings made by the Disciplinary Committee including the sanction, if any, and the factors that were taken into consideration when imposing such sanction.
- 14.10.2 Applicant and Respondent will receive a confirmation of the outcome in writing
- 14.10.3 Outcomes will be listed on public sanction records but may be redacted.

14.11 Appeal

Appeals may be made within 10 working days on point of material fact or incorrect application of sanctions. (See section on Appeals)

Costs

If the Respondent admits an allegation or if the Disciplinary Committee finds an allegation proved the Disciplinary Committee shall have the power to require a Respondent to pay a contribution towards the costs of the Disciplinary Hearing on term terms as the Committee deems appropriate.

15. APPEALS (FAST, BLACK & MULTI)

- 15.1 If an allegation is found to be proved the Respondent may appeal against the finding or the sanction imposed or both.
- 15.2 Any Appeal must be made within ten working days in writing to the CEO and include a £100 non-refundable administration fee.
- 15.3 The notification of Appeal must contain the grounds for the Appeal. The only grounds for an Appeal are:
 - 15.3.1 That there was a material error, either factual or procedural in the original proceedings.
 - 15.3.2 That there is material new evidence that, had it been known at the time of the original proceedings would have affected the decision of the Panel.
- 15.4 Any Appeal that does not meet one of the criteria in 15.3 above may be refused by the CEO.
- 15.5 The Appeal shall be heard by an Appeal Panel that shall usually consist of three members of the Disciplinary Panel who were not involved in the original proceedings. If three such individuals cannot be identified then the CEO shall appoint such individuals as he/she thinks appropriate taking into account the nature of the Appeal. In such circumstances, the members of the Appeal Panel can be drawn from both inside and outside the sport.
- 15.6 The three individuals appointed to the Appeal Panel shall appoint one of their number as the Appeal Chair. An Appeal is not a re-hearing of the original proceedings and whilst it will be necessary for the Appeal Panel to review the evidence by reading the statements and any reports, it will not involve the calling of new witnesses unless the Appeal is based upon the ground specified in 14.3.2 above only.
- 15.7 The Appeal Chair shall determine the manner in which the Appeal is dealt with, including inviting representations either in writing or in person from the Investigator and/or the Respondent. Once the Appeal Chair is satisfied that the Appeal Panel has sufficient information on which to decide the appeal, they will retire to consider whether the Appeal is upheld or dismissed.
- 15.8 The Appeal Panel shall have the following powers:-
 - 15.8.1 To dismiss the Appeal.
 - 15.8.2 To alter or vary the original decision.
 - 15.8.3 To quash any sanction and/or substitute it for any other penalty; or
 - 15.8.4 To make any such other order or determination as it may think right or just.

- 15.9 The decision of the Appeal Panel will be communicated to the Appellant, the original Applicant and the Chief Executive Office by the Appeal Chair in writing within seven days of the Appeal Hearing.
- 15.10 The decision of the Appeal Panel will be final and binding and there lies no other form of Appeal.

16. AFFILIATED CLUB OR ASSOCIATED BODY

- 16.1 If a Respondent is an Associated Body:
- 16.1.1 Any communication shall be addressed to its General Secretary or CEO.
- 16.1.2 Its General Secretary or CEO may exercise its rights and shall carry out its obligations under this Code on its behalf unless and until it notifies the Disciplinary Secretary in writing that it has nominated another person to do so.

17. DEFINITIONS

'Affiliated Club'	means a club affiliated to BF
'Appeal'	means an appeal in accordance with paragraph 14 of the Code
'Appeal Chair'	means the person so appointed in accordance with the Code
'Appeal Panel'	means the panel so appointed in accordance with the Code
'Associated Body'	means a body associated with BF
'BF'	means British Fencing
'BF Anti-Doping Regulations'	means the anti-doping regulations of BF in force from time to time
'BF Member'	means a member of BF
'the Board'	means the Board of BF
'CEO'	means the chief executive of BF at the relevant time, or the person performing an equivalent function if there is no chief executive at the time, or their duly appointed deputy
'the Code'	means this Disciplinary Code

BF DISCIPLINARY CODE

'the Code of Conduct'	means the code of conduct from time to time in force, which may consist of one or more separate documents.
'Director'	means a company director of BF
'Disciplinary Committee'	means the committee appointed in accordance with the Code
'Disciplinary Matter'	means a breach of the Articles of Association or Regulations or the Code or the Code of Conduct or any act, omission, statement or circumstance which consists of anything which is, in any way, contrary to the general law or the rules governing the sport of fencing including the Regulations or detrimental to BF or to the interests of the sport of fencing
'Disciplinary Panel'	means the panel appointed in accordance with the Code
'Disciplinary Panel Chair'	means the person so appointed in accordance with the Code
'Disciplinary Panel Deputy Chair'	means the person so appointed in accordance with the Code
'Disciplinary Secretary'	means the person so appointed in accordance with the Code
'Fencing Activity'	means any activity over which BF exercises jurisdiction, being the sport of fencing and any activity connected with fencing.
'Investigator'	means the person so appointed in accordance with the Code
'Regulations'	means any regulations from time to time in force as set out by BF
'Rules for Competitions'	means the BF's Rules for Competitions current at the time of the Disciplinary Matter or alleged Disciplinary Matter, provided that where this Code refers to a specific rule of the Rules for Competitions, and the numbering of the Rules for Competitions has changed since this Code was published, the reference shall be deemed to be to the rule as renumbered in the Rules for Competitions, or the nearest equivalent rule, if applicable
'Adults at Risk'	means an individual aged 18 or over who is or may be in need of community care services by reason of mental or other disability, age or illness; or who is or may be unable to take care of himself or herself or unable to protect himself or herself against significant harm or exploitation.

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