



# INDICATIVE SANCTIONS GUIDE

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## 1. Introduction

The purpose of this guide is to assist Disciplinary Panels in deciding the appropriate sanction when an offence has been either admitted or proved. Where an offence is being dealt with by the CEO under the powers delegated by the Board, the term 'Panel' is to be interpreted as CEO. Each case will inevitably involve a unique set of facts and will require individual assessment, however it is intended that this guide will provide a framework for Panels who are deciding what, if any, sanction should be imposed.

## 2. The Purpose of Sanctions

- The protection of all those who have involvement, or contact with, British Fencing
- The maintenance of the reputation of the Sport of Fencing
- The maintenance of proper standards of behaviour

*(Note: The fact that a sanction has a subsidiary punitive effect does not make such a sanction inappropriate when it is designed to address one of the fundamental principles as set out in this paragraph.)*

## 3. General Principles

When assessing the appropriate sanction the Disciplinary Panel has to exercise discretion, and should have regard to the principles of fairness, proportionality and reasonableness. The Panel should consider the purpose of sanctions, as set out in paragraph 2 above, and carefully weigh that against the interests of the Respondent. In determining the appropriate sanction the Panel may be assisted by the following:

- a) Any mitigating or aggravating features of the facts found proved.
- b) The age and other personal circumstances of the Respondent.
- c) Any character references or testimonials in support of the Respondent.
- d) Any statement of views provided to the Panel by any person affected by the conduct of the Respondent.
- e) Any statement and/or views provided to the Panel by British Fencing.

4. The application of the doctrine of proportionality is to ensure that any sanctions imposed are no more restrictive upon a Respondent than is necessary to meet the desired objective. Thus, in order to ensure that proportionality is achieved the Panel should usually consider the available sanctions in ascending order of severity.

## 5. Code of Conduct and Prescribed Sanctions

- 5.1 When deciding upon the appropriate sanction, if any, the Panel will have regard to the extent to which the actions of the Respondent have contravened the BF Code of Conduct.
- 5.2 Where BF rules prescribe a fixed sanction, the Panel must apply the prescribed sanction.

6. **Aggravating Features**

The factors listed below might be regarded by the Panel as being aggravating features though the list is not exhaustive. Some of the below may amount to the offence itself.

Violent misconduct
Sexual misconduct
Taking advantage of, or abusing, a minor or other vulnerable person
Dishonesty
Abuse of trust
Cheating
Drug abuse/doping
Corruption
Making false allegations
Failing to comply with an order from a previous Disciplinary Panel
Failing to co-operate with an investigation or complaint
Repeated nature of misconduct or sustained over a long period of time
Concealment of misconduct
Previous findings of misconduct
Breach of a ban imposed by a disciplinary body

6. **Mitigating Features**

The factors listed below might be regarded by the Panel as being mitigating features though the list is not exhaustive.

Open and frank admissions at an early stage demonstrating insight
No actual harm to other members of British Fencing or members of the public
Single, isolated incident
Ill health at the time of the incident where relevant
No previous disciplinary history
Steps taken to rectify misconduct such as apology or repayment of misappropriated funds
Genuine insight into misconduct
Genuine steps taken to remedy, ameliorate or prevent re-occurrence of the misconduct
Young age
Respondent having been subject to provocation

7. **Cases where a warning, reprimand or additional education may be appropriate.**

Misconduct alleged is of a minor or transient nature
Momentary loss of temper or ill judged behaviour
Misconduct unlikely to be repeated
Insight into misconduct
Steps taken to rectify misconduct
Early apology

8. **Cases where retrospective removal of any title trophy medal prize, points or other benefit, may be appropriate.** *This will apply automatically in the case of a black card; see paragraph T.120 of the Rules for Competitions, and also, in relation to*

domestic competitions, the notes on the Black Cards in the BF Offences and Penalties Sheet, which can be found here: <http://britishfencing.com/governance/rules/>

Misconduct which fundamentally undermines the reputation of British Fencing
Dishonesty
Cheating
Drug abuse/doping
Corruption
Violence
Sexual abuse

9. **Cases where banning may be appropriate**

Serious misconduct which falls short of requiring permanent expulsion
Repeated misconduct or failure to heed a warning or reprimand
Serious misconduct, but genuine insight and remorse
Serious misconduct but isolated in nature
Serious misconduct but little chance of repetition
Serious misconduct but clear indication that Respondent can and will address offending issues
Serious misconduct, but falls short of being fundamentally incompatible with continued membership of British Fencing
The duration of the ban may be conditional on the Respondent fulfilling conditions

10. **Cases where expulsion may be appropriate**

Continuing risk to members of the public or other fencers
Serious potential harm caused
Serious misconduct plus lack of insight on the part of the Respondent
Misconduct is such that it calls into question the Respondent's ability to safely engage in the Sport of Fencing
Dishonesty
Violent or sexual misconduct
Behaviour is fundamentally incompatible with being a member of British Fencing
Public confidence in the Sport demands no lesser sanction
Serious departure from the Code of Conduct

11. **Cases where fines or financial restitution may be appropriate**

Dishonesty cases requiring restitution
Misconduct which public confidence in the Sport requires should be marked by a financial penalty
Misconduct which has resulted in the Respondent having a financial benefit

12. **Other Sanctions**

It should be noted that, in appropriate circumstances, the Panel also has the power to declare a Respondent to be ineligible to serve on the British Fencing Board or to have no involvement in British Fencing affairs. Further, the Panel may withdraw or reduce any grant which is within the control of British Fencing. Finally the Panel may order the Respondent to make an apology.

13. **Suspension of sanction**

Sanctions may be totally or partially suspended for any such period as the Panel may determine. A sanction so suspended shall not be enforced if no further offence is committed by the Respondent during the period of suspension. If a further offence is committed within such period, then upon proof of the second offence, the initial sanction automatically comes into effect unless the Panel dealing with the second offence decides otherwise. The original sanction may be activated in whole or in part and will be added, if applicable, to the sanction imposed for the new offence.

14. **Reasons**

The Panel should give reasons as to why a particular penalty (or combination of penalties) has been imposed.

15. **Conflict with the Disciplinary Code**

In the event of any conflict between this Guide and the main body of the Disciplinary Code, the latter shall prevail.

**Version History**

Version Number	Date Updated	Updated by	Comments	Approved by Board
	04/06/2015	TC		June 2015
	06/03/15	GU	Updated to correct weblink to penalties sheet	