

Surf Life Saving Wales



Association Appeal Procedure Policy

Registered CIO 8th July 2014
Registration Number 1157762
Updated AGM 21st March 2021

1. Right of Appeal and procedure dealing with an Appeal

- 1.1 The decision of a Disciplinary Panel may be appealed by the Respondent only, once the appeal has been accepted, (the Respondent shall be referred to as the "Appellant").
- 1.2 Any appeal should be sent in writing, to the Disciplinary Panel Chair who dealt with the disciplinary matter within 10 working days of the Disciplinary Panel decision and must set out the grounds of the appeal in detail explaining why the Respondent disagrees with the decision. The grounds so stated cannot be amended except with the agreement of the Appeal Panel Chair appointed to hear the appeal.
- 1.3 Any appeal must be accompanied by the appropriate fee which will be either retained by SLSA Wales or returned if the appeal is upheld or not taken forward.
- 1.4 The monetary level of the appropriate fee shall be set by the Management Board Trustees in the first instance and reviewed every second year following its introduction; the appropriate fee may be varied only with Management Board Trustees approval.
- 1.5 An appeal may be referred by the Management Board Trustees at its discretion to an independent body such as the Sport Resolutions UK (or any subsequent successor) in exceptional circumstances.

2. Constitution of the Appeal Panel

- 2.1 The Disciplinary Chair will set up an Appeal Panel made up of three (3) members, the SLSA Wales Chair and two others and also, if required, appoint a Recorder to record committee proceedings.
- 2.2 No person who has taken part in any way with the disciplinary decision being appealed may be appointed to the Appeal Panel.
- 2.3 The Appeal Panel will hear the appeal no later than 15 working days after the receipt of the appeal by the Disciplinary Chair.

3. Notice of Appeal Hearing

- 3.1 Notice of the appeal hearing date, time and place and the names of the members of the Appeal Panel shall be sent to the Appellant no later than 10 working days prior to the date of the hearing.
- 3.2 The Appellant(s) shall be entitled, within 48 hours of being so notified, to lodge an objection with the Disciplinary Chair against any member of the Appeals Committee who can be shown to have a direct personal involvement or interest in the matter. The Appellant(s) shall provide appropriate evidence in support of any such claim. The Disciplinary Chair will review the appointment and if in agreement with the objection (consulting if appropriate with a member of the Management Board of Trustees) shall be automatically authorised to make an alternative appointment forthwith. The date of the hearing shall be postponed to a date no less than 10 working days after the date of any such alternative appointment.

It should be clearly understood that all appointed members of the Appeal Panel are deemed to be unbiased, fair and fully conversant with the principles of natural justice unless it is proved to the contrary.

4. Appeal Pre-hearing timetable and procedure

- 4.1 Not less than 5 working days prior to the date of the appeal hearing the Chair of the original Disciplinary Panel responsible for the decision which is the subject of the appeal shall provide to the Appeals Panel Chair, a written statement for the Appeals Panel use only, detailing (as appropriate):-
 - The circumstances of the alleged breach or misconduct
 - The decision taken
 - Any appropriate justification or explanation
 - The information that was considered in reaching the original decision (e.g. regulations, reports, correspondence)
- 4.2 The Disciplinary Panel Chair shall ensure that all relevant information is provided to the Appellant(s), and to all members of the Appeals Panel, in good time prior to the Appeals Panel meeting (ideally at least 10 working days prior to the meeting, but if this is not possible due to a short notification requirement then as soon as practical, but at least 2 days prior to the start of the meeting).

- 4.3 An adjournment request cannot be made by the Appellant(s), unless there are exceptional circumstances.

5. Procedure at Appeal Hearing

- 5.1 The Appellant(s) may present to the Appeals Panel whatever written submission they consider appropriate. The Appellant(s) shall ensure that the members of the Appeals Panel receive this information at least 5 working days prior to the meeting, to give them an opportunity to study the submission.
- 5.2 The Appellant(s) shall not, under any circumstances, enter into any discussion with any member of the Appeal panel, either in person or through an intermediary, prior to the appeal being heard. Any member of the Appeals Panel who is approached improperly is bound to notify the Panel Chair immediately and may be required to stand down as a member of the Panel at the discretion of the Panel Chair. Any wilful breach of this clause by the Appellant(s) shall be considered as misconduct and may subsequently lead to disciplinary action, but such action should not be considered until the outcome of the appeal is heard.
- 5.3 When the Appellant is an individual they may be accompanied by one person of the Appellant's choice. Where the Appellant is a Club it may be represented by two of its members.
- 5.4 The Chair of the Appeals Panel should ensure that the appeal is heard in a manner that allows all parties to state their case fairly and the Panel may, if they so choose, invite a technical adviser (for example, a respected senior official, lawyer or accountant) to be present, if they consider that this would be of assistance to the hearing of the appeal.
- 5.5 During the course of the hearing the Appellant is allowed to provide direct representation to the Panel and/or to answer Panel questions, the Appellant is not allowed to ask questions of the Panel or any other party.
- 5.6 It is not appropriate for the Appellant(s) and the other parties to be present simultaneously. No form of cross-examination should be permitted.
- 5.7 If any of the parties do not attend the hearing, the matter may be dealt with by the Appeal Panel in the absence of that party taking into account any written representations that may have been received.

6. Appeal Decisions

- 6.1 Once the appeal has been heard, the Appeals Panel will consider its decision and will, upon the making of the decision, recall the Appellant(s) into the meeting and advise the Appellant(s) of that decision. No further discussion is permitted at that time, and the Appellant(s) will then leave the meeting.
- 6.2 In exceptional circumstances the Appeals Panel may decide that they are unable to reach a decision at the time and decide to reconvene to consider further on a subsequent occasion. However, the decision should be reached within 5 working days and reported to the Appellant within 10 working days of the decision being made.
- 6.3 The decision of the Appeals Panel (and a decision of the Disciplinary Panel that is not appealed) is final and there is no further right of appeal.
- 6.4 The Appeal Panel may decide that the allegations against the Appellant are upheld. If so, the record of previous offences, if any, of the Appellant shall be opened and read out before the Appeal Panel considers the imposition of a penalty.
- 6.5 The Appeal Panel shall have the power to reduce increase, quash, or confirm the penalty imposed by the Disciplinary Panel and/or may substitute for it any other sanction which would have been available to the Disciplinary Panel; and/or make such other order or determination as it may think right or just.
- 6.6 The Appeal Panel may direct any party to the Appeal to bear the administrative costs of holding the Appeal where it considers it fair and just to do so.

7. Procedure following an Appeal Hearing

- 7.1 The Appeal Panel, supported by the Disciplinary Chair, should following their notification of the decision to the Appellant then advise other interested parties who have been present at the appeal of the decision. No further discussion is permitted related to the matter at that time.

7.2 The Appeals Panel will confirm to the Appellant(s) and the other interested parties, including the Disciplinary Panel Chair, if appropriate, the decision in writing as quickly as possible, by facsimile, e-mail or post.

7.3 SLSA Wales will be entitled to publish the decision of the Appeal Panel in such a manner as it considers appropriate 10 working days following the notification of the decision to the Appellant.

7.4 SLSA Wales shall maintain a record of all decisions of the Appeal Panel; all correspondence, documents, witness statements and minutes of the hearing shall be kept in secure conditions for a period of at least three years.

8. Shortening of the Appeal Process

8.1 Where it is necessary to expedite the consideration of the appeal, the Chair of the Appeal Panel may vary certain of the above conditions but if this action is intended, then the Appellant(s) should be advised and given an opportunity object to the proposal to modify the procedure.

8.2 Normally, the modification should not be carried through against the wishes of the Appellant(s), except where the objection by the Appellant(s) is without just cause.

Policy information		
Organisation	SLSA Wales	Additional notes
Scope of policy	This policy as adopted applies to all persons involved with the business operations, national teams and decisions of the CIO.	
Policy operational date	First Draft circulation November 2014	Add policy to website
Date approved/reviewed by the Trustees	21 st March 2021	Circulation prior to meeting, Trustees to return comments to Secretary to be adopted immediately following approval.
Policy review date	Every 3 rd year following its approval date or sooner if required	