

BOROUGH OF WALTHAM FOREST SWIMMING CLUB



BWFSC Procedure for a Review Panel

1. There shall be the right of appeal against (i) any decision made by the BWFSC Committee (hereinafter referred to as “the Committee”) which may affect an individual’s membership status of BWFSC, and (ii) any decision reached by the BWFSC Committee as a result of an Internal Club Dispute.
2. The appellant should provide a written statement indicating the grounds of his/her appeal with any documents as he/she feel are appropriate at this juncture to the BWFSC Club Secretary within **21 days** of the decision having been made known to the person(s) concerned.
3. The Committee will appoint, as soon as reasonably practicable thereafter, a Review Panel, which will comprise of not less than three members (who may or may not be members of the Committee). Any person or member of the Committee involved in the decision against which the appeal has been lodged shall be excluded from the Review Panel. They will also appoint a Secretary to the Panel.
4. The proceedings of the Review Panel shall be strictly private and confidential. Any documents used, statements made or heard shall not be open to be used by anyone at any time at any other venue (except in the event of a complaint to the ASA).
5. The Secretary shall arrange the date, the time and venue for the Review Panel to meet which shall normally be within **sixty days** from the lodging of the appeal.
6. The Secretary shall after receipt of the appeal give the all parties at least **21 days notice** of the arrangements via email or letter, including the date, time and place of hearing together with names of the members of the Review Panel and a copy of this document which outlines the procedures to be followed.
7. All parties will be entitled via letter or email to the Secretary within **7 days of being notified** (ref. Clause 5) to lodge an objection against any member of the Review Panel who can be shown to have a direct personal involvement or interest in the matter. The party raising the objection must provide appropriate evidence in support of any such claim. Any objection will be considered by the Chairman of the Review Panel or if the objection is to the Chairman by one of the other Review Panel Members whose decision will be final.
8. No party shall under any circumstances, address any member of the Review Panel directly either verbally, in writing, or enter into any discussion, either in person or through an intermediary, with any member of the Review Panel prior to the appeal being heard or during the course of the hearing other than by way of direct representation during the hearing. Any member of the Review Panel who is approached improperly is bound to notify the Chairman immediately and may be required to stand down as a member of the Review Panel at the discretion of the Chairman. Any willful breach of this clause by the either party shall be considered as misconduct, and may subsequently lead to separate disciplinary action (ASA Judicial Rule 162), but such action will not be considered until the outcome of the appeal is announced.
9. **At least 21 days in advance of the hearing** all parties will submit their written statement in hard copy to the Secretary together with any relevant supporting documents as applicable detailing:
 - 9.1.1. the circumstances that occurred (or the alleged offence) if applicable

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- 9.1.2. the decision taken
 - 9.1.3. any appropriate justification or explanation
 - 9.1.4. the information that was considered in reaching the original decision, (e.g. regulations reports, correspondence)
 - 9.1.5. any witness statements if applicable to the appeal to be heard
 - 9.1.6. details of any witnesses they may wish to call if applicable to the appeal to be heard
10. The Secretary will ensure that all relevant documentation is provided to the appellant and to all members of the Review Panel without modification at least **seven days** prior to the hearing of the appeal. No further documents or relevant information will be accepted after this date without the prior agreement of the Chairman.
 11. Any witness not listed will not be permitted to be heard at the hearing except at the discretion of the Chairman.
 12. The Review Panel may decide the appeal in the absence of any party.
 13. Both parties may rely on written representations made prior to the hearing and/or appear in person. They are requested to confirm **at least 14 days in advance** of the hearing date whether they intend to attend the hearing in person and whether they intend to be represented.
 14. The parties may have one person of their choice either as a friend for support or as someone to represent them and speak on their behalf. Therefore at **least 14 days in advance** of the Review Panel Hearing date the each party should advise the Secretary in writing (or via email), the name of the person who will be accompanying them and confirm in what capacity.
 15. The Chairman may, in his discretion, invite an independent adviser to be present, if he/she consider that this would be of assistance.
 16. The Rules of Natural Justice shall apply – see appendix A.
 17. The Chairman will inform all parties of the procedure to be followed.
 18. The Chairman may advise those parties present of the decision. No further discussion is permitted relating to the matter at that time.
 19. The Chairman shall notify the parties of the decision in writing via the Secretary.
 20. The decision of the Review Panel is final, subject to any possibility of a complaint to the ASA (ASA Judicial Rule 183.4).

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Appendix A

NATURAL JUSTICE

The Review Panel has an obligation to conduct the affairs of the sport fairly and reasonably in line with the constitution and rules of BWFSC and its governing body. Any member of the Review Panel should retire from the Review Panel if they are of the opinion that their membership might in any way affect the neutrality (either actual or perceived) of the Panel. Any member of the Review Panel who is approached improperly is bound to notify the Chairman of the Review Panel immediately (ref. clause 7).

The Review Panel will:

- *Act in good faith, deal with the case consistently, fairly, equitably and remain impartial*
- *Act in a non-discriminatory manner*
- *Make the decision on evidence relevant to the issue*
- *Use standards which are reasonable and appropriate to the specific case*
- *Not allow extraneous considerations to affect the judgment*
- *Perform its responsibilities without hostilities and set aside any tensions or conflicts*
- *Spend a reasonable period of time considering the evidence and arguments before making their decision*
- *Consider previous conduct and record of good behavior.*

Conclusions:

- *The parties have no right of access to the deliberations of the Panel*
- *Any specific reasons for the judgment should be stated by the Panel*
- *Any sanction as a result of the decision should fit the case*