

Complaints and Appeals Process 2023-24

Tyne & Wear



County Netball
Association

A **Competition Referee** will be appointed by TWCNA for the Winter and Spring County Leagues. The Competition Referee will have the authority and jurisdiction to make decisions on all matters arising throughout the Competition including, but not limited to:

- ✓ altering or amending the playing schedule as necessary;
- ✓ determining if there has been a breach of the Regulations and imposing an appropriate sanction (including disqualification of any individual, player or team)
- ✓ identifying and adjudicating instances of unsportsmanlike behaviour that brings the sport into disrepute including instances of team predetermining, or attempting to predetermine the outcome of the Match and/or the competition
- ✓ making recommendations to the County Committee on promotion issues and carry over of points penalties
- ✓ determine the score should any Match not be concluded due to any unforeseen circumstance
- ✓ any matter not covered specifically within the Regulations.

The Competition Referee may call upon additional persons to assist with the Competition or consult with other persons prior to making any decision. Decisions will be reported to the TWCNA and the final decision, and accountability for any decision, will rest with TWCNA.

The Competition Referee for the Tyne and Wear County League (Winter & Spring) will be **Cat Witty**. The Appeals Officer will be the County Secretary **Laura Brady**.

1. Competition Complaints Procedures

- 1.1 All queries and complaints (a Complaint) should be directed to the Competition Referee in the first instance, which will be dealt with as follows:
 - 1.1.1 Where the Complaint relates to the playing of a Match, the scoring, and/or its result, the relevant Squad member or Team Official, must do the following:
 - a) Inform their opponents and the Umpires of their complaint;
 - b) Mark the Team Sheet with the words "Under Protest" in the comments field;
 - c) Submit the Team Sheet online as normal;
 - d) Within seventy-two (72) hours of the match send an email or write to the Competition Referee to explain the issue in full;
 - e) The Competition Referee will decide what action should be taken.
 - 1.1.2 The Competition Referee (CR) will endeavour to acknowledge receipt of the query or complaint and make a decision on the matter within seventy-two (72) hours* of the receipt of the query or complaint. *Note that the acknowledgment time may be longer depending upon the impact of the complaint and the availability of the volunteer CR or County Committee members deputising for the CR in their absence. The Competition Referee's decision in relation to decisions taken under clause 1.1.1 is binding apart from where parties to the complaint have the right to appeal the decision under Section 2 below.
 - 1.1.3 Where a Complaint relates to the governance or administration of the Competition by the Tyne and Wear County Netball Association, such complaints will be dealt with under the Complaints Procedure of the Tyne and Wear County Netball Association.
- 1.2 Where the Complaint relates to the behaviour of an individual Player or Team participating, volunteering or individual attending a Match which could be considered as a Disciplinary Offence under England Netball's

Disciplinary Regulations, such complaints will be dealt with in accordance with the processes set out in England Netball's Disciplinary Regulations.

1.3 Complaints cannot be made in relation to a decision made by an umpire in line with the INF rules of netball.

2 Appeal of Competition Referees Decision

2.1 The decision of the Competition Referee in relation to a complaint submitted in accordance with section 1.1.1 shall be final and binding on all parties save that a party has a right to appeal in the following circumstances: :

- 2.1.1 If the decision has a potential impact on a match result, a league table, or the outcome of the Competition; AND -
- 2.1.2 If there has been a failure by the Competition Referee to follow or act in accordance with these Regulations and/or the Competition Referee reached a decision on the basis of an error of fact.

These are the only grounds of appeal and any appeal must be submitted in accordance with the appeals process set out below:

- 2.2 An appeal should be forwarded in writing from a Club official of the appealing Team to the Competition Referee within five (5) days of receiving the decision, who will refer it to the Tyne and Wear County Netball Association.
- 2.3 The appeal shall be accompanied by a payment of £50 via bank transfer which shall be returned if the appeal is upheld or if there are any other extenuating circumstances. The Competition Appeals Committee (CAC) will decide whether the extenuating circumstance warrant the payment being returned.
- 2.4 The TWCNA County Secretary will establish a CAC which will consist of individuals that are independent of and not connected to the Competition. One of those individuals will be appointed as the Chair.
- 2.5 The Chair of the CAC will send the appeal to the opposing Team and any other Team the CAC believe could be affected by the outcome of the appeal. These Teams will be permitted five days (5) from the date the appeal notice is sent from the CAC to submit any evidence or submission that they wish the CAC to consider.
- 2.6 All submissions and evidence must be submitted in writing. The Chair of CAC will have the discretion to determine the process, procedure and direction of the appeal.
- 2.7 The CAC shall meet and reach a determination within seven (7) days of receiving all the evidence and submissions.
- 2.8 The CAC will notify all the parties that made submissions and presented evidence of its decision and any penalties and sanctions imposed within five (5) days of it reaching its determination. The CAC shall have the discretion to publish the decision through whatever means it considers appropriate.
- 2.9 The CAC shall have the delegated power of Tyne and Wear County Netball Association to make all decisions and impose and enforce any penalties and sanctions (including but not limited to, reprimands, the deduction of points, fines, suspensions and expulsions from the Competition) relating to the appeal. There is no further right of appeal on this decision.
- 2.10 The procedures set out in this section shall be governed by the Arbitration Act 1996 (the Act) and amount to a binding arbitration agreement for the purposes of Section 6 of the Act.
- 2.11 The parties also waive irrevocably their right to any form of appeal, review or recourse to any court or other judicial authority, or under England Netball's Disciplinary Procedures Manual or otherwise, insofar as such waiver may be validly made.
- 2.12 The seat of arbitration shall be England, the language used shall be English and the governing law of the regulations and these proceedings under Section 3 shall be English Law.
- 2.13 If the circumstances require a decision to be taken sooner than provided for by this section, and all parties to the appeal consent, the timetable within which an appeal is raised, submissions made and the decision taken can be shorter than the timescales stated in this Section. In such cases the CAC shall issue a revised directions timetable which shall be binding on all parties.