

# **EHA DISCIPLINARY PROCESSES: FOR 2011-2012 SEASON**

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## 1.0 OVERVIEW

### 1.1.0 Introduction

1.1.2 The objective of this document is to provide an overview of The EHA's disciplinary panel and Disciplinary functions. It outlines the processes leading up to the issuing of charges, the timetable for bringing cases to a disciplinary hearing, the sanctions available to disciplinary panel(s) and the various appeals procedures. It covers the two main categories of issues:

- on-court events
- off-court matters such as; Doping, Administration & Financial irregularities, Child protection, etc.

1.1.3 The EHA's jurisdiction covers all EHA competitions, tournaments, friendly matches and international matches (which have been organised by the EHA)

*Whilst EHA may authorise regional /county associations to set regulations for competitions within the remit of their respective competitions/associations, In all cases the officials clubs and participants in the game/competition should follow those regulations and procedures and not this document . However, where disputes occur, including disciplinary matters and sanctions, the EHA may intervene and as such EHA Rules and Regulations and procedures shall take precedence.*

### 1.2.0 THE COMPETITION COMMITTEE & COMPLIANCE PANEL (CY&CP)

1.2.1 The Competition Committee & Compliance Panel (**CY&CP**) is responsible for overseeing compliance of EHA's rules and regulations, and for progressing action against players, officials, clubs, etc. that breach those rules. The **CY&CP** shall be staffed by volunteers elected/appointed to the Competition Development Group who shall in turn be responsible for appointing the **CY&CP**. The **CC&CP** shall consist of at least three persons with the appropriate knowledge and skills to ensure the rules are applied and any disciplinary actions are processed in a fair manner. They shall have the power to co-opt independent persons on to the **CY&CP**. The main roll of the CC&CP is to Investigate and where applicable bring charges.

1.2.2 The EHA's Competition Committee & Compliance Panel (**CC&CP**)

shall be responsible for the administration of Disciplinary Panel hearings and the administration of disqualifications. Notwithstanding the automatic suspensions which shall be in place.

1.2.3 If a matter involving a potential increase to an automatic ban or an alleged breach of EHA Rules arises, the **CC&CP** will decide whether to investigate, assess any evidence and decide whether the evidence warrants a charge. The CC&CP then acts of behalf of The EHA in prosecuting the charges in front of a Disciplinary Panel.

1.2.4. The CC&CP is also involved in any review of The EHA's rules and regulations in areas such as discipline, doping control, etc.

1.2.5. With regard to child protection and the sensitive nature of such issues, the designated EHA lead officer for safeguarding & child protection shall act as the investigating officer and the EHA board shall act as the disciplinary panel. All safeguarding and child protection cases shall also be reported to the local safeguarding child protection unit, located to where the allegation was made.

### 1.3.0 **Disciplinary Panel(s)**

1.3.1 Disciplinary Panel(s) shall act as independent tribunals and are convened to hear both claims for wrongful disqualification and disciplinary charges.

1.3.2 As with all charges brought by the CC&CP the investigation and disciplinary action is a confidential process between parties under investigation, the EHA's CC&CP and its representatives on the disciplinary panel. Should any party divulge or comment about any information relating to the investigation and or disciplinary hearing shall also so be in breach of the regulations.

1.3.2 Disciplinary Panel(s) shall comprise of three panel members. By virtue of the rules Governing the appointment of the Non-Executive Director (*Note; in that they should not hold any executive position of a registered EHA club*). The non Executive Director shall be responsible appointing panels and where appropriate should chair appeals.

1.3.3. The composition of each Disciplinary Panel is decided by the Non Executive Director of the EHA.

1.3.4. Notwithstanding automatic penalties which shall be in implemented for on court matters The disciplinary panel(s) effectively acts as independent tribunal considering cases, deciding on guilt or otherwise and determining penalties.

1.3.5. Where a referees submits a report describing the incident a disciplinary member shall decide the category of the offence which

are described in appendix 1. Depending on the category further sanctions on top of an automatic ban, and or, where normal disciplinary procedures apply, the **CC&CP** presents the case on behalf of The EHA in relation to these matters.

#### 1.4.0 **How does The EHA decide whether to charge?**

1.4.1. Notwithstanding automatic sanctions/penalties that may apply for on court matters, the CC&CP, on behalf of the EHA, applies the same process for all categories of cases. The procedure is as follows:

#### 1.4.2 **Step 1: Gather information/evidence**

1.4.2 **For on-court Matters** - Evidence generally comes from referee's/match officials' reports, match assessors' reports.

1.4.3 Where on such occasions referee's and or match officials issue disqualification(s) with an obligatory report describing the incident an automatic ban shall be enforced. On top of this a disciplinary member shall also decide the category of the offence committed which are described in appendix 1. Depending on the category further sanctions on top of an automatic ban, for serious unsportsmanlike behaviour respectively after the game. **automatic** sanctions shall apply.

*(Note: automatic sanctions can only be applied if the team in question has been notified that a notice to submit a report has been recorded on the match report and signed by both teams). Clubs may where appropriate appeal against the automatic penalties to the EHA under wrongful dismissal and mistaken identity.*

1.4.4 Clubs shall also have the right to cite players/club officials etc. The use of video footage for on-court incidents may also be submitted for on court matters to the referee and or the CC&CP in regard to breaches of serious un-sportsman like behaviour.

*(Note: where a report is received from a club citing infringements as described above these shall be passed on to the CC&CP who shall follow the process for on court matters should the CC&CP decide to prosecute. Where breaches in discipline by players team official etc are reported outside the court but within the sphere of influence of the Referees and officials, these shall be dealt with as on court matters)*

1.4.5 **For Off-Court Matters** - information can come from variety of sources, including complaints from players club officials video footage and interviews as part of the investigation process.

1.4.6 External specialists (legal, investigative, financial) may occasionally be used as appropriate. Clubs shall also have the right to report players/club officials etc to the referee and or the CC&CP in regard to breaches in rules and discipline.

*(Note: where a report is received from a club, officials and or other parties citing breaches, these shall be passed on to the CC&CP who shall decide the process for off court matters should the CC&CP decide to prosecute).*

1.4.7 **Step 2: Assess information / evidence**

1.4.8 CC&CP will assess the weight and admissibility of evidence obtained.

1.4.9 **Step 3: Decision on action: charge / warning / no action**

1.4.10 Decisions taken shall be based on the realistic prospect of whether the charge will be found proven. Any policy factors are also considered. Notwithstanding automatic sanctions the CC&CP can issues the following decisions: To charge, to warn, take no action.

**2.1.0 On- Court Matters**

2.2.1 In the interests of all EHA national /regional competitions under EHA control, the EHA shall give priority to disciplinary matters concerning on court incidents and players. The is being to aim to conclude cases before the next game.

2.2.3 To aid this process the EHA shall allow video evidence by both the EHA to support charges, and by defendants for wrongful dismissal / mistaken identity claims.

2.2.3 The EHA process shall cover three main areas:

- Claims for wrongful disqualification /mistaken identity against incidents reported by a Referee and or Match Officials
- Incidents not seen by the referee's but seen by match officials/assessors and or caught but caught on video and or seen by and reported by other players/club officials(citing)
- Incidents outside the referee's jurisdiction

2.2.3 **Claims for wrongful dismissal/mistaken identity against incidents reported by a Referee and or Match Officials**

2.2.4 **How It Works**

Breaches of the rules and regulations for disqualifications with a report are report and subsequent automatic suspensions come into effect immediately.

- 2.2.5 Appeals for wrongful disqualification/ mistaken identity for red cards with a report (offences such as serious un-sportsman behaviour, violent conduct) are only permitted. Clubs must submit their appeal by 12noon on the Tuesday after game was played and any fee and or evidence to support the claim must also be submitted by this deadline.

*(Note; where a match through prior arrangements has taken place midweek, notice to appeal must be lodged within 2 days of the game being played)*

#### 2.2.6 **Disciplinary and Appeal panel(s)**

Wherever possible every effort shall be made to ensure disciplinaries and appeals are heard before the player's next match, and on this basis written/video submissions only shall be permitted. There shall be no personal representation for either the player or The EHA. If the matter cannot be considered before the next game, e.g. on bank holidays, the player may in the meantime play, subject to the EHA having received notification and fee of his/her intention to appeal.

- 2.2.7 Claims are also permitted for mistaken identity for red cards with reports. In successful cases, the card in question is transferred to the correct player. However, **"the onus rests on the player concerned to prove the dismissal was wrongful or that it was a case of mistaken identity"**.

- 2.2.8 Appeal Panels may increase the penalty if they deem a claim to be frivolous, i.e. abusing the system. Where this decision is taken, the Appeal panel has the authority to double the sanction.

- 2.2.9 The Disciplinary Panel plays no active part in claims for wrongful dismissal/mistaken identity.

#### 2.2.10 **Incidents not seen by the match officials but reported by a club and or its officials**

#### 2.2.11 **How it works**

- 2.2.12 Applies only to the more serious sending-off offences (violent conduct, serious foul play, spitting, offensive/insulting/abusive language or behaviour) where the match officials did not see the incident. This type of action shall be dealt with by a Disciplinary Panel who shall have the power to rescind a penalty for wrongful conviction

and where appropriate award it to the player identified committing the offence.

- 2.2.13 The purpose is to put the player in the same position as if the incident had been seen by the match officials. The Disciplinary panel is guided by a referee's view of whether the Incident merited a disqualification with report.
- 2.2.14 The processes mirror the timings and sanctions that would apply had any of the match officials seen the incident and the referee then disqualified the player. A report must be issued within 24 hours of the incident, with a response due from the charged party/club within 3 days of receipt of the charge.
- 2.2.15 Disciplinary Panel hearings shall be convened to hear the case. Neither the EHA nor the charged party is represented in person at the hearing – cases are dealt with on the basis of video evidence and written submissions.
- 2.2.16 Where a penalty is rescinded from one player and awarded to another. The player receiving the penalty has the right of appeal.
- 2.2.17 **Incidents outside the referee's jurisdiction**  
This applies to incidents before, during or after the game, on or around the court of play . also includes incidents where the player/official has already been disqualified.
- 2.2.18 A charge must be issued within 24 hours of the incident. A full response including evidence is due from the charged party within 3 days of receipt of the charge.
- 2.2.19 The EHA's CC&CP then has a further 3 days to assess the evidence and notify the EHA and club, whether charges should be brought. Disciplinary hearings shall be convened to hear the case. Representation at hearings is allowed for both sides, and suspensions shall apply Immediately.
- 2.2.20 **Appeals**
- 2.2.20 **General Principles**
- 2.2.21 The Appeal is a process which allows clubs, players and officials the opportunity to challenge a decision made by disciplinary panel on grounds that the decision reached was unfair.

- 2.2.22 Nevertheless, for an appeal to proceed it is of the utmost importance that the processes employed by the Disciplinary Panel and club should be confidential.
- 2.2.23 Notwithstanding an appellants right to gather evidence in support their case, any club/player/official found canvassing and or distributing material (other than to the CC&CP who is responsible for the administration of disciplinary and appeals panels) to influence a decision of disciplinary and or an appeal shall be deemed to be in breach of the disciplinary/appeal regulations and as such the sanction shall be that the appeal shall be dismissed.
- 2.2.24 **When are they allowed?**
- 2.2.25 **For incidents reported by a Referee and or Match Officials -** Appeals are only allowed for wrongful disqualification and mistaken identity with a report, and, where a disciplinary panel has increased a penalty based on the recommendations of referees and or match officials.
- 2.2.26 In regard to wrongful disqualification and mistaken identity Appeals are permitted against the decision and the sanction. Appeals against an increased penalty are allowed against the sanction only. There is no right to personal representation for either the participant or The EHA – the appeal is on submitted evidence only.
- 2.2.27 **For incidents not seen by the match officials,** appeals are against sanction only, not the decision of guilt. In addition, appeals are only permitted for suspensions. There is no right to personal representation for either the participant or the EHA – the appeal is on submitted evidence only. (**note:** where conflicting written evidence is received without the support of video evidence it is very unlikely that the appeal will succeed).
- 2.2.28 **For incidents outside the jurisdiction of the referee -** appeals are allowed against both the decision and sanction. Representation is allowed for both sides in these cases. Appeals are not permitted for claims for wrongful dismissal/ mistaken identity.
- 2.2.29 **How it works**
- 2.2.30 Appeals are heard by an Appeal Board made up of three persons, with an independent chairman ( normally EHA non-executive director), other members selected from a list of ex-players, ex-managers, ex-referees, etc. All decisions will be published on the EHa website.



2.2.31 The EHA must be notified on intention to appeal against automatic suspensions by 12 noon on the Tuesday after the game was played. In the case of games played midweek, appeals should be submitted within 48 hours of when the game was played. The appropriate fee and evidence should also be submitted at the same time.

2.2.32 **When is The EHA prevented from taking action?**

2.2.33 EHF guidelines aimed at avoiding the “re-refereeing” of matches generally prevent The EHA from taking disciplinary action on incidents which are seen and dealt with at the time by the match officials (this includes taking no action). As a general rule, if the match officials see an incident and have jurisdiction to take action, The EHA cannot act retrospectively. For instance, these guidelines prevent The EHA from upgrading/downgrading sanctions based on retrospective advice provided by the match referee.

2.2.34 **Other EHA Cases**

2.2.35 Incidents which do not fall within the above categories, and incidents involving non-players, are dealt with as quickly as possible. These include:

- Mass confrontations: typically reported by match officials, and their opinion sought on potential action
- Improper conduct: match officials’ opinions sought
- After match incidents

2.2.32 Once charges are issued, participants have 7 days to respond. Personal representation is allowed at hearings, which take place as soon as possible.

**3.3.0 OFF-COURT MATTERS**

3.3.1 **Overview**

3.3.2 The scope of the Disciplinary Panel off-field remit includes:

- Administration
- Transfers
- Doping Control
- Child Protection
- Betting
- Financial irregularities
- Spectator/Crowd control
- Racism

- Media / comments

- 3.3.3 Timetables for investigation and assessment of evidence differ on a case-by case basis, and will inevitably be longer than those for on-field misconduct where video evidence may be available and the amount of evidence is usually small and straightforward. Powers of inquiry shall enable the EHA to require participants in the game to provide documents and other information, and to attend personal interviews if appropriate. External experts shall be used as required. The EHA has jurisdiction over domestic matters. Where there are international aspects, The EHA shall refer to EHF/IHF as appropriate.
- 3.3.4 It is important to recognise that the appropriate burden of proof has to be satisfied in all cases in a similar way to the court system.
- 3.3.5 Once charges are issued, participants have 7 days to respond. Personal representation is allowed at hearings. Where participants are found by a Disciplinary Panel to have breached any of The EHA's Rules and Regulations in these areas, the Disciplinary Panel is responsible for making any decision regarding possible sanction.
- 3.3.6 It should be noted that not all cases result in charges being brought. Certain cases will not proceed due to lack of evidence due to the fact that the conduct simply does not constitute a breach of EHA Rules or Regulations.
- 3.3.7 Certain other cases may result in the EHA via the CC&CP writing to a participant to remind them of their responsibilities. This is not a formal warning (which can only be delivered by a Disciplinary panel) but is generally an indication that the conduct may be in breach of the Rules and Regulations but formal disciplinary action is not justified and or appropriate in the circumstances.
- 3.3.8 **Appeals**
- 3.3.9 Appeals are permitted against both decision and sanction, and the EHA's Appeals panel chaired by an independent person (normally the Non Executive director of the EHA).
- (Note: for Board members to sit on an appeals panel they cannot not be a member of a club from the league in which the player is participating in. Participants have 7 days to appeal from date of receipt of the decision or written reasons).*
- 3.3.10 **Administration, Transfers and International transfers**
- 3.3.11 The CC&CP is responsible for investigating and charging any administrative and transfer relating to infringements, player contract

status and the enforcement of EHF and IHF Regulations. Cases involving an international dimension are generally governed by EHF and IHF regulations respectively. EHA disciplinary panel shall be responsible for

### 3.3.12 **Doping Control**

3.3.13 The Disciplinary Panel (which in the case of doping control regulations shall be the EHA board) is responsible for enforcing the EHA Doping Control Regulations. CC&CP shall be responsible for any subsequent alleged breaches, including investigations arising from positive tests. Doping offences range from positive tests, to interference with the testing process. Testing of players shall be carried out by an organisation approved by either WADA, BOA / UK Sport / Sport England or by another organisation (with delegated responsibility to test individuals under EHA and world doping rules regulations on behalf of the EHA.

### 3.3.14 **Financial irregularities**

3.3.15 The term “financial irregularities” covers any number of possible matters involving finances that may constitute a breach of EHA Rules (e.g. the payment of non contracted players and or rules that breach EHF /IHF regulations relating ton non contract/ contract/professional players. Fraudulent insurance claims and or fraud etc.

3.3.16 The CC&CP shall be responsible for the investigation of any such matters that are brought to the attention of The EHA and may seek the services of a specialist to support the process. The Disciplinary Panel shall be responsible for deciding and setting sanctions where appropriate.

### 3.3.17 **Betting**

3.3.18 Whilst this might seem remote from the current game, with the advent of betting in sport becoming more prevalent The EHA needs to set Rules on betting. These are set out below;

3.3.19 The CC&CP is responsible for the enforcement of these rules and investigating any alleged breaches of them.

3.3.20 Participants are not permitted to bet (either directly or indirectly) on matches involving their own team. In addition, players are not permitted to bet (either directly or indirectly) on domestic and or EHF competitions involving their own team.

3.3.21 This means that, for example, a National League Player cannot bet on any National league game whatsoever. Also, if his Club is in The EHA

Cup, he cannot bet on any EHA Cup game either. It is also an offence to provide insider information and to use such information, or to provide such information to anyone else for, or in relation to, betting.

3.3.22 EHA Rule states that;

*A Participant shall not, either directly or indirectly, bet, or instruct, permit or enable any person for the Participant's benefit to bet, on the result, progress or conduct of a game or competition in which the Participant is participating or in which the Participant has any influence, either direct or indirect .*

*A Participant shall not use or provide to any other person any Information relating to handball which the Participant has by virtue of his or her position within the game and which is not publicly available for, or in relation to, betting. It shall not be a breach of the above provisions if the Participant can prove that the bet was on authorised and registered football pools.*

3.3.23 **Racism**

3.3.24 EHA Rule states that:

*A Participant shall not carry out any act which is discriminatory by reason of ethnic origin, colour, race, nationality, religion, sex, sexual orientation or disability.*

*The rule applies to spectators who are deemed to be under the supervision of the home team when playing in a designated home game.*

3.3.25 The EHA treats any form of racism or discrimination as a serious offence and such matters shall be investigated by the CC&CP and dealt with accordingly by the EHA board who in all racism shall act as the Disciplinary Panel.

3.3.26 The ultimate sanction could result in their membership being suspended indefinitely.

3.3.27 **Spectators and crowd control**

3.3.28 The EHA's Rules relating to crowd control are set out below:

*A) Each Affiliated Association, Competition and Club shall be responsible for ensuring that its executive officer/directors, players, officials, employees, servants, representatives, spectators and all persons purporting to be its supporters or followers,*

*conduct themselves in an orderly fashion and refrain from any one or a combination of the following: racist, violent, threatening, abusive, obscene or provocative behaviour, conduct or language whilst attending at or taking part in a Match in which it is involved, whether on its own ground or elsewhere;*

*and*

*b) That no spectators or unauthorised persons are permitted to encroach onto the court area, save for reasons of crowd safety, or to throw missiles, bottles or other potentially harmful or dangerous objects at or on to the court.*

3.3.29 Whilst the onus is on all clubs to comply with the above requirements, the rules incorporate a “due diligence” defence, whereby a club can discharge its responsibilities relating to crowd behaviour where it can demonstrate that it has used all due diligence, or where events were the result of circumstances over which it had no control.

3.3.30 This essentially means that where crowd disorder occurs, The EHA (through the CC&CP) will generally only be in a position to take formal disciplinary action against a Club where the Club has failed to exercise due diligence. This may mean that disciplinary action is not taken even where serious disorder has occurred.

### 3.3.31 **Public/Media/Internet/Forums in the Public Domain – Comments**

3.3.32 Recognising that the Handball is increasing in popularity and that handball is a professional sport in Europe attracting TV coverage for major events such as; National League, EHA Cup, European, World and Olympic events, sponsorship interest is growing in Handball, hence, there is a need to ensure that the game is seen in the best light possible. As the sport grows, public interest will be interested to hear from Handball players, managers and others. To this end the EHA expects certain standards to be upheld in relation to public comments by participants.

3.3.33 Whilst in other sports, the most commonly associated comments are with post-match interviews it is not limited to such considerations. By way of general guidance, the following types of public comment may lead to disciplinary charges (although this is obviously not exhaustive):

- **Implication of bias** - where a comment implies bias by another participant.

- **Questioning integrity** - where a comment calls into question the integrity of another participant referee and match official etc..
- **Personal/offensive** - where a comment is personal in nature such that it causes, or may cause, offence.
- **Detriment to the Game** - the concepts of "disrepute" and "best interests of the game" are inherently broad and cannot be precisely defined. Charges may be brought where comments cause, and/or may cause, damage to the wider interests of handball and or to the image of the Game.

3.3.34 The CC&CP is responsible for investigating such matters and deciding whether or not charges should be brought. Consideration will be given to the actual comments made (rather than any media reporting of such).

### 3.3.35 **Child Protection**

3.3.36 Cases involving a Child Protection Case shall be referred to the EHA's nominated Child Protection Welfare Officer (Board Member and or full time employee) who oversees all cases relating to Child Protection in Handball.

3.3.37 This involves:

- The implementation of The EHA's Child Protection Policy;
- Referring the assessment and any subsequent investigation of allegations involving child protection concerns in Handball to the appropriate local authorities.
- Overseeing The EHA's Criminal Records Bureau checking programme

3.3.38 This work is extremely important in seeking to ensure that people with access to children through Handball are suitable to perform their role.

3.3.39 The nominated Welfare Officer shall also contribute to policy-making within handball on how best to manage child protection issues within our sport.

3.3.40 In All child protection cases the person(s) shall be referred to the appropriate Local Authority Children's Services Child protection Unit.

- 3.3.41 The accused person(s) shall have their membership suspended from the EHA until their case has been reviewed both by the EHA and or LA children's services. The outcome from the Local Authorities Child Protection Unit should be sought, however, if this is not available and or the Local Authorities Child Protection Unit are prevented from giving such information. The Disciplinary Panel shall make a decision regardless based on the evidence before them.
- 3.3.42 Where decision is proven without the support of the LACSU, the case shall be referred to the **EHA's Solicitors** to provide the appropriate legal advice and help to determine the appropriate sanction prior to informing the alleged of the decision of the disciplinary panel.
- 3.3.43 The ultimate sanction could result in their membership being suspended indefinitely.
- 3.3.44 In relation to child protection issues and doping controls the EHA reserves the right to, from time to time, amend such regulations o relating to doping and child protection issues without seeking the

## **4.4.0 SECTION 4 ASSUALTS ON OFFICIALS/PLAYERS/SPECTATORS**

### **4.4.1 INTRODUCTION**

4.4.2 This note addresses the range of potential criminal offences to which Officials players and spectators may be subject on the court of play and or in or around an arena and the issue of compensation. The note is not exhaustive and is intended to provide general guidance only. It should not be relied upon in place of specific legal advice which should always be sought where appropriate on particular incidents as they arise. Relevant criminal offences are:

- Common Assault, contrary to Section 39 Criminal Justice Act 1991;
- Threatening Behaviour, contrary to Section 4 Public Order Act 1986;
- Assault occasioning Actual Bodily Harm, contrary to Section 47 Offences Against Person Act (OAPA) 1861;
- Unlawful Wounding, contrary to Section 20 OAPA 1861;
- Assault occasioning Grievous Bodily Harm, contrary to Section 20 OAPA 1861;
- Unlawful Wounding or Assault occasioning Grievous Bodily Harm with intent, contrary to Section 18 OAPA 1861;
- Racially aggravated Assaults contrary to Section 29 Crime and Disorder Act 1998.

### **4.4.3 THE OFFENCES**

4.4.4 Common Assault  
The term "Common Assault" embraces both an 'assault' and a 'battery'. Strictly speaking an assault is committed when a person intentionally or recklessly causes the victim to apprehend the immediate infliction of unlawful force. A battery is committed when a person actually inflicts unlawful force either intentionally or recklessly (i.e. contact is made).

Examples of acts which would constitute common assault on the Field of Play would be a Player pushing or barging an Official, or throwing a ball at or spitting at an Official.

Any form of accidental contact as regularly occurs would not amount to an offence. Common assault is typically charged in cases where the



unlawful force is of a relatively trivial nature and has left no physical mark. The offence is triable only in the Magistrates Court and the maximum penalties are six months' imprisonment, a fine not exceeding £ 5,000, or both. Compensation is dealt with as a matter of course as part of the sentencing process.

The prosecuting lawyer will usually invite the Court to make such an order but the Court should consider it in any event. In most cases modest compensation of up to £ 500 will be ordered by the Court in the victim's favour. The maximum order of a Magistrates Court is £ 5,000.

#### 4.4.5 Threatening Behaviour

It is unclear whether words alone are sufficient for an offence of Common Assault. However, an alternative offence within the same bracket of seriousness is 'Threatening Behaviour'. This offence is committed if a person uses towards another person threatening, abusive or insulting words or behaviour, with the intention of causing the person to believe that immediate unlawful violence will be used against him. Verbal threats alone, or such threats accompanied by gestures, are sufficient to commit the offence. The critical element in this offence is the immediacy of the threat. The threatened violence must be imminent or at least the intention must be to cause the victim to believe such violence is imminent. Empty words or gestures, where it is understood that no real threat exists, would not constitute an offence however unpleasant the language.

This is triable only in the Magistrates Court with the same maximum penalties and compensation provisions as for common assault.

#### 4.4.6 Assault Occasioning Actual Bodily Harm ('A.B.H.')

This offence is committed when an assault takes place (see definition at 2.1) but with the additional element that the victim suffers some physical harm. This goes beyond mere touching. Physical harm such as a bruise, a graze, a broken tooth or a broken finger, is required.

This offence embraces a wide band of factual situations. Examples might include a punch, kick or a knee to the groin, minor injuries resulting from a head butt, etc. It can be tried in the Magistrates Court or the Crown Court. The Crown Court will hear the case if a defendant exercises the right to trial by Judge and jury, or if the Magistrates take the view that the case is too serious to be dealt by them. Upon conviction or a guilty plea in the Magistrates Court, the same sentences apply as for Common Assault. In the Crown Court this offence carries a maximum sentence of five years' imprisonment and an unlimited fine. For compensation, the same considerations as set out in 2.1 apply, except that in the Crown

Court there is no theoretical maximum and awards are significantly higher.

- 4.4.7 Assault Occasioning Grievous Bodily Harm ('G.B.H.').  
Whilst this is considered a more serious offence than A.B.H., the elements of the offence and the penalties are the same. The difference is in the nature of the injury caused.
- 4.4.8 Unlawful Wounding  
A 'wound' for these purposes involves the breaking of the continuity of the skin, most obviously a cut or laceration. Unlawful Wounding requires an unlawful (i.e. not in self defence) and malicious intention to do the act which would result in the wound, foreseeing that some harm would result from the act. The approach to compensation is the same as applies in cases of A.B.H.
- This is the most serious type of assault and can only be tried in the Crown Court. It carries a maximum penalty of life imprisonment. This offence is committed if really serious harm or a wound is caused and the offender intended that really serious harm or the wound be caused. Use of a knife or broken glass or bottle would normally indicate intent. Substantial prison sentence follows conviction. Compensation is unlimited and will usually be ordered where the offender has financial means available.
- 4.4.9 Racially Aggravated Assault  
An offence of racially-aggravated assault is committed if at the time of committing an offence of Common Assault or S.47 (A.B.H.) or S.20 (G.B.H. or wounding) or immediately before or after the offender demonstrates towards the victim hostility based on (presumed) membership of a racial group or the offence is motivated by such hostility. The offence carries the same penalties in the Magistrates Court but carries seven years imprisonment in the Crown Court.

#### **5.5.0 POLICE/ CROWN PROSECUTION SERVICE PRACTICE**

Generally there is a reluctance on the part of the police to become involved in what they would consider to be minor infringements of the criminal law on the Field of Play. For reasons of policy (time, cost, public interest and likely outcome), the police will not be interested in investigating every incident of a technical Common Assault or Threatening Behaviour. The general view is that in the absence of any injury, such incidents are more appropriately dealt with by the football authorities applying their own disciplinary rules.

The Crown Prosecution Service ('C.P.S.')

 will only allow a case to proceed if there is a realistic prospect of conviction. This acts as a second filter on the decision to prosecute. Nevertheless, the police and the C.P.S. will not hesitate to become involved in appropriate cases – particularly where an injury has been caused and clear, consistent accounts of the incident are available from witnesses. As a general rule, the Courts take an extremely serious view of assaults on Officials. Any incident of sufficient seriousness should be reported to the police in person as soon as possible.

#### **6.6.0 PRIVATE PROSECUTION**

Whilst in theory it is open to any victim of a criminal offence to bring a private prosecution by applying to the local Magistrates Court to issue a summons, it hardly ever happens. It is rarely advisable as the outcome is likely to be uncertain and the proceedings time consuming and very expensive. Legal Aid is not available and if the action is unsuccessful, the private prosecutor may be liable for the defendant's costs. The police/ C.P.S. are the public body charged with the function of prosecuting criminal offences. Even if a private prosecution is embarked upon, once it reaches Crown Court, the Director of Public Prosecutions (the head of the C.P.S.) has the legal power to intervene, take the prosecution over and discontinue it. Furthermore, a defendant may often be able to exploit in court a police/C.P.S. decision not to prosecute.

#### **7.7.0 CRIMINAL INJURIES COMPENSATION BOARD PRACTICE AND PROCEDURE**

Any official who sustains personal injury directly attributable to a crime of violence on the field of play can apply to the Criminal Injuries Compensation Board (C.I.C.B.) for compensation (as can any victims of violence).

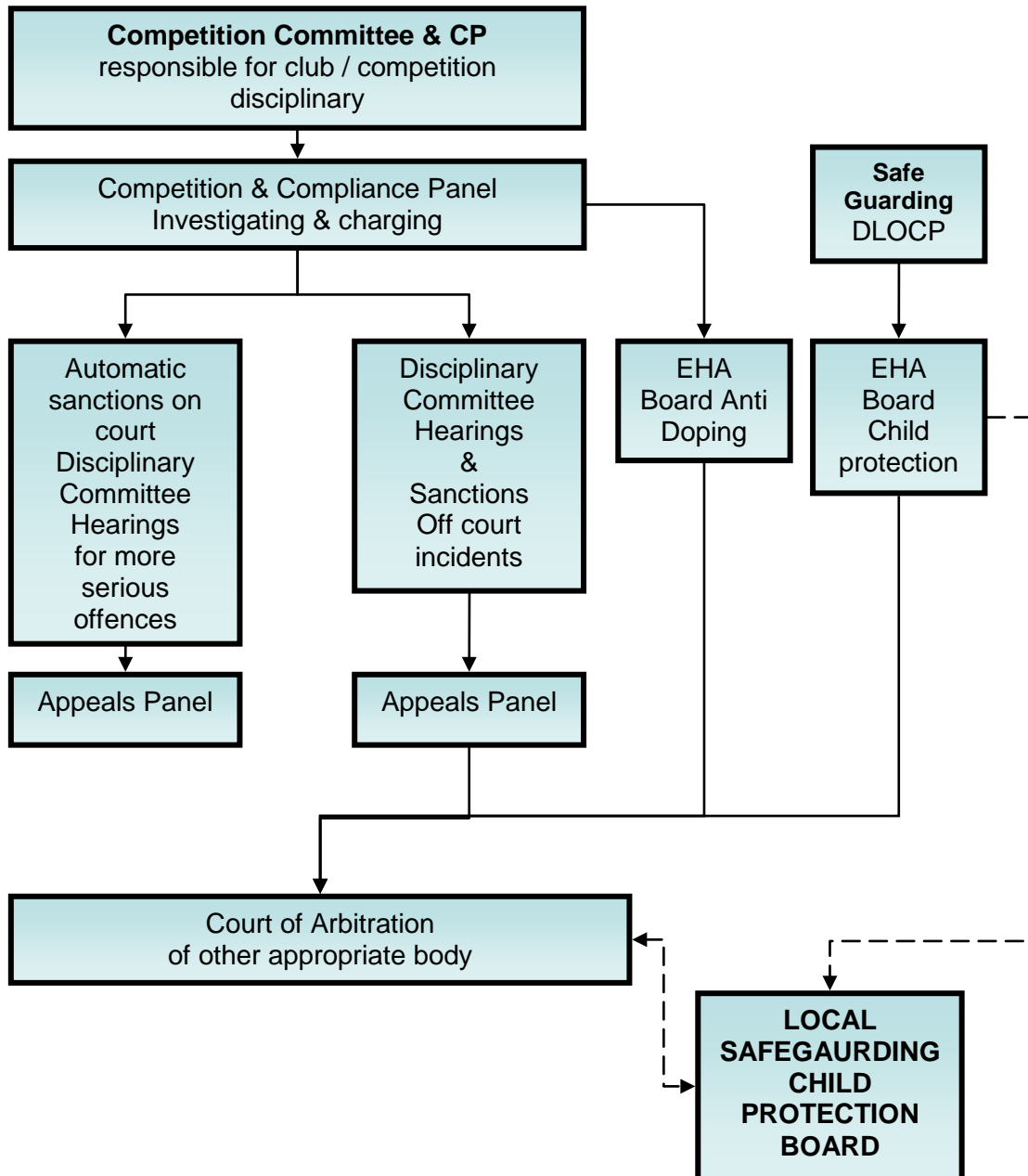
#### **8.8.0 CIVIL ACTION**

A civil action for damages for personal injury suffered as a result of an assault may be brought in addition to any criminal proceedings. If a civil action for damages is contemplated, specific legal advice should always be sought. A civil action for damages for personal injury suffered as a result of an assault may be brought in addition to any criminal proceedings. If a civil action for damages is contemplated, specific legal advice should always be sought.

In all cases of verbal and or common/violent assaults on an official(s), England Handball take appropriate disciplinary action against the

offender and will encourage officials where appropriate to involve the police and pursue a court prosecution.

## England Handball Disciplinary Flow Chart



Referee decision		Disqualification (red card)	
Applicable to		Player, club official	
Classification of penalty on court	Examples	Sanction (min, up to)	Financial penalty
Inappropriate Conduct	<ul style="list-style-type: none"> <li>• Repetitive complaints towards referee(s)</li> <li>• 3<sup>rd</sup> 2 min suspension of same player</li> </ul>	<p>None</p> <p>1 match suspension for two disqualification in one season</p>	None
Unsportsmanlike Conduct Red card with report	<ul style="list-style-type: none"> <li>• Protests</li> <li>• Loudness</li> <li>• Provocative behaviour</li> </ul>	2 match automatic suspension. This will increase for by one match for every subsequent suspension awarded in the season under the totting up rule.	None
Seriously Unsportsmanlike Conduct Red Card with report	<ul style="list-style-type: none"> <li>• Insults</li> <li>• Obscene gestures</li> </ul>	2 match automatic suspension which could be increased to 4 matches. This will increase by one match for every subsequent suspension awarded in the season under the totting up rule	£10 - To be paid by the offender A disciplinary Panel can increase penalties to 12 month suspension
Extremely Unsportsmanlike Conduct * Red Card with report	<ul style="list-style-type: none"> <li>• Threatening behaviour (verbal/physical)</li> <li>• Attempt to hit someone</li> <li>• Racist or discriminatory abuse</li> </ul>	2 match automatic suspension which could be increased to 4 matches. This will increase by one match for every s subsequent suspension awarded in the season under the totting up rule	£10 - To be paid by the offender A disciplinary Panel can increase penalties to 12 month suspension
Common Assault * Red Card with report	<ul style="list-style-type: none"> <li>• Unlawful use of force (Pushing, barging, Hitting, spitting...)</li> </ul>	4 match automatic suspension which could be increased to 8 matches. . This will increases for by 2 match for every subsequent suspension awarded in the season under the totting up rule	£20 To be paid by the offender  The EHA shall cooperate with any investigation and legal proceeding where applicable
Actual Bodily Harm * Red Card with report	<ul style="list-style-type: none"> <li>• Repetitive acts of violence (punching 3<sup>rd</sup> party)</li> <li>• Assault leading to physical harm (bruise, broken tooth, finger...)</li> </ul>	8 match automatic suspension which could be increased to 24 months suspension.  (NB: Possibility of life ban)	£50, increased by £10 for each additional match ban.  The EHA shall cooperate with any investigation and legal proceeding where applicable

<b>Classification of penalty on court</b>	<b>Examples</b>	<b>Sanction (min, up to)</b>	<b>Financial penalty</b>
<b>Failing to meet deadlines</b>	• Late membership entry to competition	none	£25.00 - £100 for repeat offences
	• Late match reports	None	
<b>Failing to sign official match documents</b>	• Failing to sign a match report		• £15.00 – 25.000 for every subsequent offense
	• Withdrawing from a leagues match competition	• Point deduction	• Re-imburement of 2 x hours hall time • Re-imburement of 100% referee expenses and match fees • Suspension for the league for 2 <sup>nd</sup> offense • Repayment of bond
<b>Non regulation shirts</b>	• No numbers on the front of shirts	• 1 Points deduction for third offense	• £10.00 -£15 for every consecutive match
<b>Failure to provide official match documentation</b>	• Missing player licenses		• 5.00 – 10.00 for every consecutive match
	• Ineligible player participating in a game • No registration	• 3 match suspension • 2 points deduction	• Fine equivalent to registration fee
<b>Spectator infringements</b>	• Racist or discriminatory abuse • Throwing objects • Encroaching on to the court	• 2- 4 Point deduction	• £20-50 paid by the club  • (Possible suspension from all competition)
<b>Betting infringement</b>	• Directly betting directly or indirectly on their own team • Providing information to a third party • To provide Insider information to a third party ( from another person and then to pass this on)	• Registration suspended from 24 months to possible life suspension.	• £150 fine to be paid by the offender.
In the pursuance of fair play and upon where these rules may not cover an incident which warrants investigation and the disciplinary action the CC&CP and disciplinary panel shall have the right to assess and apply a sanction/penalty against a player, coach, official, club and spectators as they as appropriate to the incident. The appellant shall have the right to appeal subject to the appropriate fees and deadlines being met..			

