



## **APPENDIX 4 – KENT TENNIS DISCIPLINARY RULES & PROCEDURES CHANGES**

The background is that Kent Tennis has completed its first year as a charity and reviewed its disciplinary rules and procedures. The Kent Tennis Disciplinary Rules & Procedures are contained within Appendix 11 of the Kent Tennis Rules (being revised to Appendix 5).

The main proposed changes relate to three areas:

1. The Legal & Disciplinary Officer (LDO) being replaced with Disciplinary Officer (DO)
2. Timescales for processes being amended to be in line with similar timescales in the Complaints Policy.
3. The suitability of sharing of the whole complaint with all parties at particular stages

With regard to the timescale changes, the previous timescales have been highlighted in red.

### **EXISTING WORDING (any wording being amended is in red):**

7. The DO shall assess the complaint within **3 days** of its receipt and determine its seriousness. If the DO concludes that it is a matter which he or she can and should deal with, then the following procedure will apply:
  - The DO shall inform the complainant that he/she has decided to deal with the complaint
  - The DO shall forthwith send the complaint itself and any supporting evidence to the person about whom the complaint is made (“the complainee”) and shall request any response he/she wishes to make within **7 days** or such shorter time as the DO may consider appropriate.
  - The DO may convene a meeting between the players concerned, if he/she considers it appropriate and may invite the Captain of each team and/or a representative from the venues concerned. Such a meeting will be kept as informal as possible.

### **NEW WORDING (wording amended is in red):**

- The DO shall inform the complainant that he/she **is the subject of a complaint and the DO** has decided to consider the complaint
- The DO **shall inform the person about whom the complaint is made (“the complainee”) of the nature of the complaint (including by whom it was made , but without necessarily sharing the supporting evidence at this point )** and shall request any initial response the complainee wishes to make within **7 working days** or such shorter time as the DO may consider appropriate.
- The DO **will seek to establish the facts and** may convene a meeting between **those involved jointly or singly** if he/she considers it appropriate. The DO may invite the Captain of each team and/or a representative from the venues concerned. **All such** meetings will be kept as informal as possible.

**Note: the supporting evidence may be shared if requested -eg if there is disagreement on what occurred. Where the supporting evidence is shared, the timing and extent of disclosure will be limited to the amount necessary to ensure natural justice.**



i) the appeal panel.

**EXISTING WORDING (any wording being amended is in red):**

The DO shall convene a Panel of not less than 3 members of the Kent Tennis Board, (excluding himself/herself) **all of whom shall have played tennis in a club in Kent for at least 5 years )**

**NEW WORDING (wording amended is in red):**

The DO shall convene a Panel of not less than 3 members of the Kent Tennis Board, (excluding himself/herself) **one of whom shall have played tennis at a venue in Kent for at least 5 years**

ii) **INFORMATION**

**EXISTING WORDING (any wording being amended is in red):**

The current LDO role is vacant, as at 4 September 2023, and in the interim the Jason Baker, Chair of Competitions, should be an be contacted on e-mail:  
jasonbakerp80jab@btinternet.com

**NEW WORDING (wording amended is in red):**

**INFORMATION**

The Disciplinary Officer is Paolo Cuomo who should be contacted by email on [write2paolo@gmail.com](mailto:write2paolo@gmail.com)

Any conduct that could potentially lead to legal actions will be referred to our Legal Officer Andrew Hunter .

**The entire revised document with amendments is on the following pages.**



## KENT TENNIS DISCIPLINARY RULES & PROCEDURES

1. These Rules apply to:
  - Competitions organised by Kent Tennis.
  - Competitions in which the players represent Kent Tennis wherever the matches may be played.
2. These Rules do not apply to any competition staged or approved by the Lawn Tennis Association Ltd., ("LTA Official Competitions") except where Rule 1 also applies.
3. All players in the above competitions shall accept and be bound by the LTA Code of Conduct as amended from time to time.
4. If, during a competition in which there is a referee officiating a player or one or more of his or her entourage breaches the LTA Code of Conduct, the referee shall deal with the breach at the time as follows. If the event is a competition which is an LTA Official Competition, then the referee shall deal with the matter in accordance with the LTA Competition Regulations. If the event is not an LTA Official Competition, then the referee may take, but is not limited to, one or more of the following immediate actions by:
  - taking no action
  - a warning
  - imposing a penalty point
  - awarding a game against the offending player
  - disqualifying the player from the match and awarding the match to the other side.
  - reporting the player to the Discipline Officer (DO) for consideration of further action.
5. If there is no referee officiating in the competition, then any complaint about the conduct of any player or his or her entourage which is alleged to have breached the Code of Conduct shall be made to the DO by the Captain of the team making the complaint, or if the match was a singles match only, by the other player, and the complaint shall be made within the 2 days next following the day on which the alleged breach occurred.
6. The complaint shall be made in writing (which includes e-mail but not FAX or text messages) and shall set out full details of the incident giving rise to the complaint, identifying all the players involved. Any supporting evidence from any player involved or any other person shall be submitted with the complaint.
7. The DO shall assess the complaint within **7 working days (previously 3 days)** of its receipt and determine its seriousness. If the DO concludes that it is a matter which he or she can and should deal with, then the following procedure will apply:
8.
  - The DO shall inform the complainant that he/she **is the subject of a complaint and the DO has decided to consider the complaint**
  - The DO **shall inform the person about whom the complaint is made ("the complainee") of the nature of the complaint (including by whom it was made, but without necessarily sharing the supporting evidence at this point )** and shall request any initial response the complainee wishes to make within **7 working days( previously 7 days )** or such shorter time as the DO may consider appropriate.



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- The DO **will seek to establish the facts and** may convene a meeting between **those involved jointly or singly** if he/she considers it appropriate. The DO may invite the Captain of each team and/or a representative from the venues concerned. **All such** meetings will be kept as informal as possible.

**Note: the supporting evidence may be shared if requested -eg if there is disagreement on what occurred. Where the supporting evidence is shared, the timing and extent of disclosure will be limited to the amount necessary to ensure natural justice.**

- The DO shall inform the complainant that he/she has decided to deal with the complaint
  - The DO shall forthwith send the complaint itself and any supporting evidence to the person about whom the complaint is made ("the complainee") and shall request any response he/she wishes to make within **7 working days (previously 7 days)** or such shorter time as the DO may consider appropriate.
  - The DO may convene a meeting between the players concerned, if he/she considers it appropriate and may invite the Captain of each team and/or a representative from the venues concerned. Such a meeting will be kept as informal as possible.
  - Alternatively, the DO may deal with the complaint by reading the documents submitted.
  - The DO may then take any of the following actions:
    - No action at all
    - A reprimand
    - Awarding the match to the complainant or the complainant's team
    - Suspending the complainee for a maximum period of 4 weeks, or two matches
9. If the DO determines that the complaint involves matters which are sufficiently serious to be dealt with by a Disciplinary Panel of the Kent Tennis Board, he or she shall inform the complainant and the complainee immediately, and the following procedure shall apply:
- The DO shall convene a Panel of not less than 3 members of the Kent Tennis Board, (excluding himself/herself) **one of whom shall have played tennis at a venue in Kent for at least 5 years (previously all of whom shall have played tennis in a club in Kent for at least 5 years).**
  - The DO shall gather all such information as he or she considers necessary and shall ask the complainee to respond to the complaint within **7 working days (previously 7 days)** of notification of it. Any response should include evidence in writing from the complainee and any other person.
  - A date shall be fixed for the hearing of the complaint, which shall be not more than 28 days from the date the DO decides to refer the matter to a Disciplinary Panel.
  - The DO shall present the evidence to the Panel.
  - The Panel may decide the complaint on the written evidence if both parties agree, but otherwise the panel shall hear oral evidence from the complainant first and then oral evidence from the complainee. Either party shall be entitled to ask questions of the other party and their witnesses.
  - The procedure at the hearing as set out above may be varied or otherwise determined by the Panel. The complainant and the complainee may be accompanied by a friend who may speak for them, but advocates engaged on a professional basis will not be permitted



- If the Panel finds the case proved, it may apply such sanction as it considers appropriate in the circumstances of the case, including but not limited to the sanctions available to the DO under Rule 7 above.
10. The DO or, as the case may be, the Disciplinary Panel shall make their decisions on the balance of probabilities. There shall be no rules of evidence applying. All decisions shall be communicated in writing, whether or not the parties are told orally of the decision immediately.
  11. If any complaint involves bribery, drug-taking, match fixing or any other matter which the DO and/or a Disciplinary Panel considers to be of similar seriousness, then the complaint shall be referred in the first instance to the LTA for them to deal with.
  12. If any person who is a member of any venue or other entity which is a Member of Kent Tennis conducts themselves so as to bring Kent Tennis into disrepute, then that person shall be subject to disciplinary action also. This Rule is intended to cover off-court conduct, which has or may cause distress or embarrassment to or other detrimental effect on any other player, official or volunteer. An example may be abusive or threatening messages sent to or about such a person, harassment, or defamatory comments, communicated personally or generally through any social medium. The procedure for such a matter will generally follow that set out above, but the DO or any member of the Kent Tennis Board may initiate such a complaint. Such a complaint will only be dealt with by a Disciplinary Panel of the Kent Tennis Board which may:
    - Take no action.
    - Reprimand the individual and/or his/her venue.
    - Require the individual and/or the venue to apologise to the injured party.
    - Require the individual and/or the venue to undertake to refrain from similar conduct in future.
    - Suspend the individual and/or the venue from competitions for a specified period.
    - Terminate the membership of the venue with Kent Tennis.
    - Barring the individual concerned from selection for the County teams for a specified period.
    - Impose any other sanction it considers appropriate.
  13. These Rules do not cover infringements of the Competition Regulations which are a matter for the Competitions Committee.
  14. **APPEALS**
    - If either party is dissatisfied with the decision of the DO, they may appeal to a Disciplinary Panel of the Kent Tennis Board. Notice of appeal shall be made in writing and shall be delivered to the DO within **the 14 working days next (previously within 3 days next)** following the receipt of the written decision. The DO shall convene a Panel within 28 days of receiving the Notice of Appeal and thereafter Rule 8 shall apply wherever appropriate. The reasons for the appeal shall be briefly set out in the Notice.
    - The decision of the Disciplinary Panel shall be final, whether it is dealing with a matter referred to it by the DO or an appeal.



15. All time limits within these Rules may be varied at the discretion of the DO or the Disciplinary Panel, and any dispute about their interpretation or application shall be decided by the DO or the Disciplinary Panel if the matter is referred to them, and such decision shall be final.
16. If the DO cannot for any reason fulfil his/her duties under these Rules or carry out any function, then any person designated by the Kent Tennis Board shall do so in his/her place.

#### INFORMATIVE

The current LDO role is vacant, as at 4 September 2023, and in the interim the Jason Baker, Chair of Competitions, should be an be contacted on e-mail:  
[jasonbakerp80jab@btinternet.com](mailto:jasonbakerp80jab@btinternet.com)

#### 17. INFORMATION

The Disciplinary Officer is Paolo Cuomo who should be contacted by email on  
[Paolo\\_Cuomo@ajg.com](mailto:Paolo_Cuomo@ajg.com)

Any conduct that could potentially lead to legal actions will be referred to our Legal Officer Andrew Hunter.