
ENGLAND SQUASH LIMITED

CODE OF CONDUCT

1. Introduction

- 1.1. The purpose of this Code of Conduct is to set out the rules that will govern the conduct of the following individuals with responsibility for the governance of England Squash Limited (England Squash): the Chair, the Chief Executive, the Directors, Committee members and the Council Representatives (all as defined under the Articles of Association of England Squash). For the purposes of this Code of Conduct, each of these individuals shall be referred to as an Official, and all Officials shall be bound by and required to comply with this Code of Conduct whenever they are acting in an England Squash capacity.
- 1.2. The Code of Conduct is adopted in accordance with the principles set out in Sport England's Code for Sports Governance (as published on 31 October 2016), which requires organisations to be transparent, accountable and to uphold high standards of integrity.
- 1.3. This Code of Conduct will come into full force and effect on 23rd May 2017.
- 1.4. The overriding objectives of this Code of Conduct are to safeguard the integrity and reputation of England Squash and to foster public confidence in England Squash's governance and administration. Officials are expected to conduct their affairs in a manner consistent with the trust that has been placed in them.

2. General Duties

- 2.1. Each Official shall act at all times in such capacity honestly, fairly, impartially and in accordance with the highest ethical standards of integrity and transparency. Officials shall not engage in any conduct that gives the appearance of impropriety or in any way denigrates England Squash or harms its public image or brings it or the sport into disrepute. Officials must also avoid any conduct that is inconsistent with or which undermines in any way the objectives of this Code of Conduct.
- 2.2. Each Official shall owe to England Squash a duty of care and loyalty. Specifically, each Official shall discharge their duties (a) in good faith, (b) with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and (c) in a manner that the Official reasonably believes to be in the best interests of England Squash and the promotion of its objectives.
- 2.3. Each Official shall comply with all statutory and common law duties which are applicable to the discharge of their duties to England Squash. Furthermore, each Official shall comply with all England Squash rules, regulations, policies, procedures and guidance in place from time to time.

3. Conflicts of Interest

- 3.1. Officials must be free from any influence which might interfere or appear to interfere with the proper and efficient discharge of their duties in the best interests of England Squash,

or which might be inconsistent with their duty of loyalty to England Squash. It is also the duty of Officials not to use their position with England Squash for personal advantage or gain (whether arising directly or through a related third party).

- 3.2. Circumstances in which a potential conflict of interest would arise include, but are not limited to, material and direct personal involvement with sponsors, suppliers, contractors, venues, or broadcasters, including ownership of a material interest in such an entity, acting in any material capacity in such an entity, or acceptance of material payments, services or loans from such an entity.
- 3.3. Where an Official, either directly or indirectly, has an actual, apparent or potential conflict of interest, he/she shall promptly disclose that interest to the Board of England Squash and, subject to the relevant provisions in the England Squash Articles of Association, must not participate in the discussions of or vote in respect of a matter in which they have a conflict of interest.

4. Confidentiality

- 4.1. Officials shall not disclose any facts, data or other information entrusted to them in confidence by virtue of their position within England Squash. This duty of confidentiality applies (without limitation) to agendas and accompanying papers, the content of discussions during relevant meetings and the minutes of relevant meetings, provided, however, that Council representatives may, where permitted, disclose such facts, data and other information to representatives of the organisations which they represent, and third party professional advisors solely for the purposes of receiving advice in connection with such facts, data and other information. However, Officials must notify such persons that the information is confidential and must use their best endeavours to ensure that the information is not distributed to any unauthorised third party.
- 4.2. These duties of confidentiality will continue indefinitely or unless and until such time that such information comes into the public domain (other than by breach of the above confidentiality obligation), or an Official is required, by law, to disclose such information or until England Squash agrees in writing to such disclosure.

5. Integrity (bribery, gifts and hospitality)

All Officials are bound by the England Squash Anti-Bribery and Corruption Code of Conduct (as amended from time to time) (*the Anti-Bribery Code*). Any Official who infringes (or is suspected of infringing) the Anti-Bribery Code shall be subject to the disciplinary procedure set out in Articles 7 and 8 below.

6. Match Related Integrity

No Official shall engage in any of the following: (a) match-fixing; (b) spot-fixing; (c) betting on squash matches; (d) disclosing information relating to squash matches which the Official knows could be used in relation to betting; (e) approaching players, player support personnel or match officials to get involved in match-fixing or spot-fixing; and (f) soliciting, inducing, encouraging, enticing, persuading, or facilitating any other person to engage in any of the foregoing conduct.

7. Enforcement

- 7.1. Any Official who infringes (or is suspected of infringing) this Code of Conduct shall be subject to the disciplinary procedure set out in this Article 7 and Article 8 below. Conduct prohibited under this Code of Conduct may also amount to a criminal offence and/or a breach of other applicable laws or regulations.
- 7.2. For the avoidance of doubt, this Code of Conduct shall not replace or in any way affect or alter England Squash's ability to pursue appropriate disciplinary action against Officials under the terms of any employment or consultancy contract.
- 7.3. Each Official has the obligation not only to abide by this Code of Conduct, but also to report any suspected or actual infringements of this Code of Conduct to the Chief Executive or Chair of England Squash when they become aware of them. Any knowing failure to report any such infringements of this Code of Conduct will itself amount to an infringement of this Code of Conduct.

Additional Official Obligations

- 7.4. Officials must cooperate fully with all investigations carried out in relation to infringements of this Code of Conduct, including, without limitation, by providing any information and/or documentation requested as part of that investigation.
- 7.5. All suspected infringements of this Code of Conduct must be reported directly in writing to the Chief Executive (a **Report**), save where a Report relates to an alleged infringement by the Chief Executive, in which case a Report should be made to the Chair of England Squash.

Reporting and Assessment Process

- 7.6. All Reports will be considered by the Chief Executive or Chair (as applicable) who shall decide in his/her ultimate discretion to:
 - 7.6.1. take no further action;
 - 7.6.2. treat the infringement as minor in nature and address it in accordance with Article 7.7; or
 - 7.6.3. refer the matter to the England Squash Disciplinary Committee (the **Disciplinary Committee**) in accordance with Article 7.9.

Minor infringements

- 7.7. Where, having received a Report, the Chief Executive or Chair (as applicable) considers the alleged infringement to be minor in nature and capable of being adequately addressed by a warning and/or reprimand, and the allegation of infringement and proposed sanction are not contested by the Official in question, the Chief Executive or Chair (as applicable) may dispose of the matter by way of agreed outcome, which may be made public.
- 7.8. Where the Chief Executive or Chair (as applicable) considers an alleged infringement of this Code of Conduct by an Official to be minor in nature and capable of being dealt with

by a warning and/or reprimand, but the Official in question disputes his/her assessment, the Chief Executive or Chair (as applicable) will refer the matter to the Disciplinary Committee for determination in accordance with Article 7.9.

Referral to Disciplinary Committee

- 7.9. Any allegation of an infringement of this Code of Conduct and/or any determination of sanction for such infringement that cannot be resolved in accordance with Article 7.7, shall be referred by the Chief Executive or Chair (as applicable) to the Disciplinary Committee to hear and determine the matter

Notice of Charge

- 7.10. Where the Chief Executive or Chair (as applicable) determines that an Official has a case to answer for an infringement of this Code of Conduct in accordance with Article 7.6.3, he will send the Official a written notice (**Notice of Charge**) setting out full details of the alleged infringement, the procedure for responding to the Notice of Charge and an overview of the disciplinary process.
- 7.11. The Official must respond to the Notice of Charge in writing to the Disciplinary Committee within 14 days of the date of the Notice of Charge (or by such other extended deadline as the Disciplinary Committee agrees) stating whether he disputes the charge(s) against him and on what basis (in summary), and request a hearing before the Disciplinary Committee to have the charge and (if appropriate) any sanction(s) determined. If the Official fails to file such written response by that deadline, the Disciplinary Committee shall be entitled to determine the matter and/or any sanctions without further reference to the Official.

Hearings

- 7.12. Where the Official requests a hearing, the Disciplinary Committee shall be entitled to issue directions for the hearing and to determine the procedure to be followed at the hearing, provided that the hearing must be conducted in a manner which offers the Official a fair and reasonable opportunity to present their case.
- 7.13. The standard of proof in all cases brought under this Code of Conduct shall be whether the Disciplinary Committee is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged infringement has been committed.
- 7.14. Where it determines that an infringement of the Code of Conduct has been committed, the Disciplinary Committee will also decide what sanction(s), if any, should be imposed, in accordance with Article 8, and also has the power to make a costs order against any party in respect of the costs of the Disciplinary Committee and of staging the hearing and/or in respect of the costs incurred by the parties in relation to the proceedings.
- 7.15. Subject only to the right of appeal as set out below, the Disciplinary Committee's decision will be the full, final and complete disposition of the matter and will be binding on all parties. The Disciplinary Committee will announce its decision in writing, including its reasons and the rights of appeal, to the parties as soon as reasonably practicable after the conclusion of the hearing.

Right of appeal

- 7.16. The final decisions of the Disciplinary Committee may be appealed to Sports Resolutions UK (**SRUK**), which will resolve the dispute definitively in accordance with SRUK's Appeal Arbitration Procedure and accompanying Rules, save that the appeal will only take the form of a de novo hearing where required in order to do justice (for example to cure procedural errors at the hearing of first instance). In all other cases, the appeal will not take the form of a de novo hearing but will be limited to consideration of whether the decision being appealed was erroneous.
- 7.17. The appeal must be filed with SRUK in writing within 21 days of the party's receipt of the written reasoned decision in question.
- 7.18. Pending the resolution of the appeal by SRUK, the decision being appealed shall remain in full force and effect unless SRUK orders otherwise.
- 7.19. Decisions of SRUK on the appeal shall be final and binding.

8. Sanctions

- 8.1. Any one or more of the following sanctions may be imposed for a proven infringement of this Code of Conduct:
- 8.1.1. a warning as to future conduct (i.e. a reminder of the substance of the provision of the Code of Conduct that has been infringed, together with a threat of sanction in the event of further infringement);
 - 8.1.2. a reprimand (i.e. an official written pronouncement of disapproval);
 - 8.1.3. a fine (subject to a maximum fine of £1,000);
 - 8.1.4. forfeiture of any individual awards or benefits (whether financial or otherwise) received as a consequence of the conduct that gave rise to the offence or is related thereto;
 - 8.1.5. removal from office;
 - 8.1.6. suspension from carrying out activities on behalf of England Squash for a specified period; and/or
 - 8.1.7. such other sanction(s) as may be deemed appropriate.
- 8.2. The sanction(s) to be imposed in a particular case shall be determined by reference to all of the relevant circumstances of that case, including an assessment of the seriousness of the infringement, and any mitigating or aggravating factors that may be present (including the Official's prior record).