

# Swim England Water Polo

## Guidance on imposition of sanctions

### Introduction

This document will provide an outline of the approach that Swim England's Judicial Commissioner will adopt when imposing sanctions following a Water Polo Complaint.

A Water Polo Complaint is a complaint made by a match referee alleging misconduct, serious misconduct or a breach of the Code of Ethics during a water polo match. Examples of such offences would include a serious breach of World Aquatics Water Polo Rules for which the referee considers an automatic sanction to be insufficient, or further offences committed after the issuing of a red card by the referee. A water polo match shall be deemed to have begun 30 minutes before the start of play, and to have ended 30 minutes after play has ended.

Any sanction imposed by the Judicial Commissioner is in addition to any automatic sanction imposed as a result of a red card issued during the match in question and will apply to matches in all water polo competitions promoted by Swim England or any other body under Swim England's jurisdiction.

### Powers

The Judicial Commissioner has the power to impose:

1. a fine of up to £500;
2. a suspension from a specified number of water polo matches, up to a limit of 12 matches; or
3. a suspension for a specified period of time from water polo matches, up to a limit of 3 months.

### Principles

Sanctions imposed must be fair, balanced and proportionate to each case. They must be no more than is necessary to achieve the purpose of such, for example, providing a deterrence. While each case is different, sanctions imposed should also be consistent with those imposed in previous decisions so far as is possible.

### Considerations

When determining the imposition of sanctions, the Judicial Commissioner will consider a number of factors, including but not limited to:

1. the nature of the behaviour;
2. the harm or distress caused to another player, coach or referee;

3. the ages of the individuals involved;
4. any representations made by the parties regarding the imposition of sanctions;
5. whether any automatic sanction imposed was a sufficient punishment for the behaviour in question; and
6. the outcomes of any previous cases with a similar factual basis.

Aggravating and mitigating factors will affect the level of sanction imposed. These may include but not be limited to:

Aggravating	Mitigating
Failure to comply with the sanctions process.	Lack of a previous disciplinary record.
Conduct occurred following the imposition of a red card.	An admission at the earliest opportunity (where the facts could be disputed).
Premeditation.	Genuine remorse.
The conduct being committed against an official or spectator.	
Complaints upheld against the individual within the preceding 6 years.	
The conduct subject to sanction was committed by a group of individuals.	
Discriminatory behaviour.	

## Deferred suspensions

The Judicial Commissioner may impose a deferred suspension, in order to encourage good behaviour. Any deferred suspension imposed by the Judicial Commissioner will last for a period of 24 months. Any automatic sanction imposed on an individual under a deferred suspension shall be notified to the Judicial Commissioner, who shall determine whether the deferred suspension shall be applied.

## Starting points

While Swim England cannot anticipate all forms of conduct which constitute a Water Polo Complaint, it may from time to time establish 'starting points' for sanctions in relation to certain categories of conduct. In such cases, the Judicial Commissioner should apply the starting point sanction for the conduct, unless they determine that aggravating or mitigating factors justify an increase or decrease.

The starting point sanctions currently in place are listed below:

Offence	Starting point
Use of foul language for an extended period.	One match suspension, plus a deferred one match suspension.
Failure to leave the poolside when instructed.	One match suspension, plus a deferred one match suspension.

Disruption of match after receipt of a red card.	One match suspension, plus a deferred one match suspension.
Questioning match officials' integrity.	Two match suspension, plus a deferred one match suspension.
Verbal threats to match officials.	Two match suspension, plus a deferred two match suspension.
Serious act of violence in the water.	Two match suspension, plus a deferred four match suspension.
Act of violence after receipt of a red card.	Two match suspension, plus a deferred four match suspension.
Act of violence against a match official not resulting in injury.	Three months' suspension.
Act of violence against a match official resulting in injury.	One year suspension.

## Reference to Judicial Committee

In the event that the Judicial Commissioner deems that their powers of sanction are insufficient for a given matter, they shall refer the matter to a Judicial Committee to determine the sanction to be imposed.

## Communication

Following the imposition of a sanction, the individual subject to the sanction shall receive a written copy of the decision to impose the sanction, including the reasons for doing so. The reasons shall include an outline of any starting points deemed to apply and any aggravating or mitigating factors which were taken into consideration by the Judicial Commissioner when deciding upon the appropriate sanction.

In addition to the individual subject to sanction, the Judicial Commissioner may notify any individual they consider necessary for the enforcement of the sanction, including the individual's club and the secretary of any leagues they participate in.