



### A note from the Secretary to ease review of the proposed document.

On the following pages you will find the revised constitution proposed for adoption at the 2020 AGM on 08/10/20.

Undoubtedly this document represents wholesale changes to the existing document in terms of greater detail and up to date precedent, however in my opinion there is little in the way of significant policy change from the way Kent Netball was operating. I have not been able to present this with tracked changes as there were simply too many to follow.

I can advise that this document includes the same content as the existing constitution, although not always in the same words. In the few areas where this document differs in policy from the current constitution, I have highlighted the text in green for ease of review.

In addition, I particularly draw your attention to the new sections covering inclusiveness, finance and proxy voting at the AGM.

Thank you for taking the time to look at it.

## KENT NETBALL ASSOCIATION CONSTITUTION 2020-21

### 1. NAME

The County Association shall be called Kent Netball Association (hereinafter called "Kent Netball").

Kent Netball operates as an autonomous member body of the All England Netball Association (hereinafter called England Netball or "EN").

The "County" shall be the geographical area as defined by the County Boundaries in clause 4.1.

### 2. VISION AND MISSION STATEMENT

#### 2.1 Vision

High-profile, high-quality, extensive and inclusive netball opportunities throughout Kent.

#### 2.2 Mission

To advance the delivery of netball in Kent through excellence in governance. Establishing netball as a leading 'sport for life' in the County by providing easy access to the EN development pathways, supporting Registered Member Leagues, and valuing volunteers. Promoting inclusion and respect as well as inspiring commitment, teamwork, and achievement. Nurturing talent whilst challenging, encouraging, and empowering its members. Governing beyond expectations.

### 3. OBJECTS

- 3.1 To ensure robust governance procedures and high operational standards are in place by adopting the rules and regulations laid down by IFNA along with the regulations and governance laid down by EN.
- 3.2 To elect/nominate/appoint representatives from the County to serve on regional committees and advisory groups. To act as an advocate for netball and as a voting member of the London & South East Regional Management Board (RMB) and EN.
- 3.3 To co-ordinate, within the national and regional strategic framework, the implementation and monitoring of the Kent Netball County Plan.
- 3.4 To promote, encourage and enable the growth and development of netball within the County. To provide leadership with integrity whilst upholding the game's core values of teamwork, respect, enjoyment, achievement and fun. Furthermore, to value volunteers and to recognise individual and collaborative success.
- 3.5 To organise and deliver County programmes of competitions and events, arrange technical courses and assessments.
- 3.6 To promote the delivery of netball within the County in a safe, equitable and inclusive manner.
- 3.7 To keep an aspirational and strategic watching brief on netball facilities in the County to support delivery of netball, anticipating need and being ready for change.
- 3.8 To raise funds, charge such fees and offer such rights and privileges as may be determined from time to time by Kent Netball.
- 3.9 To operate bank account(s) in the name of the Kent Netball; manage Kent Netball resources in an effective and efficient manner whilst overseeing the achievement of targeted annual objectives.
- 3.10 To do all such other lawful things as are considered by the Kent Netball to further the interests of netball in the County or to be incidental or conducive to the attainment of the above

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objects.

## 4. JURISDICTION AND MEMBERSHIP

### 4.1 Boundaries

The geographical boundaries of Kent Netball shall include the County of Kent and the London Boroughs of Bexley, Bromley, Greenwich and Lewisham. Herein after known as the “County Boundaries”.

### 4.2 Membership

Kent Netball shall be a member of England Netball (EN) and the London & South East Region Netball Association.

Membership to Kent Netball is via EN and is not transferable.

Upon payment of the annual Membership Fee, the members of Kent Netball shall be:

Voting members:

- 4.2.1 Each Registered Member League situated within the County Boundaries.
- 4.2.2 **All Member Clubs of Kent Netball.**
- 4.2.3 All Member Schools situated within the County Boundaries.
- 4.2.4 Kent Netball Honorary Life Members.

Non-voting members:

- 4.2.5 All individual members.
- 4.3 Kent Netball may confer Honorary Life Membership on any person who has given special or outstanding service to Kent Netball at their discretion.
- 4.4 This Constitution is the governing document of Kent Netball and applies to all members of Kent Netball and provides the framework for the Kent Netball Management Committee (KNMC) and its Subcommittees.

## 5. KENT NETBALL MANAGEMENT COMMITTEE

- 5.1 The Kent Netball Management Committee (KNMC) shall have the power to act as required to achieve the objects and is responsible for the management of Kent Netball.
- 5.2 The KNMC shall comprise of the following members:

Elected Honorary Officers – collectively known as the Executive Committee, elected annually

- President
- Chairperson
- Vice-Chairperson
- Treasurer
- Secretary.

Other Elected Members – roles reviewed and elected annually

- Kent Membership Secretary
- Kent Disciplinary Secretary
- Kent Welfare Secretary
- Committee Members with unspecified roles, Maximum three (3).

Plus, the Chairs of the following Subcommittees:

- Coaching
- Communication
- Competition
- Events
- Finance
- Officiating
- Performance
- Registered Member Leagues

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- Schools.

### Non-elected/non-voting Member

- Kent & SE London Netball Development Officer.

- 5.3 The Honorary Officers shall consider the suitability of nominations received against the published role description and role profile via a fair and equitable recruitment procedure. All elected members of the KNMC must be members of EN via Kent Netball, throughout their term on the KNMC.
- 5.4 All elected members on the KNMC may serve for one year and may offer themselves for re-election at the AGM at the end that term.
- 5.5 Recruitment to the KNMC will be made against the skills required to deliver the vision, mission and objects of Kent Netball.
- 5.6 Any member of the KNMC (as defined in 5.2 above) may nominate person(s) to be an elected person of the KNMC. Completed nominations must be confirmed by the nominee indicating consent to their nomination. A member of the KNMC may nominate only one candidate for each vacant post. The KNMC may also request that all nominations should be accompanied by a Curriculum Vitae highlighting appropriate experience.
- 5.7 Nomination forms will be made available to members of Kent Netball by the Secretary and completed forms must be returned no later than 21 days before the date of the AGM of Kent Netball. Elections will be by a simple majority vote at the AGM.
- 5.8 The Honorary Officers may co-opt a maximum of 2 members in a non-voting capacity to fill any vacancies that occur during the year.
- 5.9 If this involves filling an elected position, then it will be on an interim basis and that person may offer themselves for re-election at the next AGM following their appointment.
- 5.10 A person will no longer be a member of the KNMC, and the position shall be vacated if she/he:
- 5.10.1 resigns the post by giving notice to the Chairperson; or
  - 5.10.2 is absent for more than three consecutive KNMC meetings, without justifiable reason being accepted by the Honorary Officers and the Honorary Officers resolve that her/his position be vacated; or
  - 5.10.3 is required to resign by a majority vote of all other persons on the KNMC; or
  - 5.10.4 becomes incapable, by reason of mental disorder, illness or injury, of managing her/his own affairs; or
  - 5.10.5 discloses an unspent conviction or is found to have a conviction for fraud, dishonesty, or theft. The KNMC reserve the right to make a decision based on the perceived reputational risk to Kent Netball and the game.

### Treasurer

- 5.10.6 The Treasurer will no longer be a member of the KNMC and the position shall be vacated if she/he becomes bankrupt or is subject to bankruptcy proceedings or makes arrangement or composition with her/his creditors generally (including entering into an individual voluntary arrangement).
- 5.11 The KNMC shall meet not less than three times a year on dates determined by the KNMC members. A quorum shall be a simple majority of five (5) voting members of the KNMC which must include at least three (3) Honorary Officers. The dates, venues and start times of meetings shall be determined by the KNMC collectively.
- 5.12 The Chairperson is responsible for ensuring KNMC members receive accurate, timely and clear information.
- 5.13 The Chairperson shall chair all meetings of the KNMC. In the absence of the Chairperson, the Vice-Chairperson will chair the meeting and failing that, KNMC members present at the meeting will appoint one of their number to be chair of the meeting.
- 5.14 The KNMC, collectively, may invite other people, including representatives of EN, to attend and speak at KNMC meetings (or a specific part thereof) from time to time and may also invite observers to such meetings for training purposes. Such attendance shall be in a non-voting capacity and the content of the meeting shall remain confidential and must not be shared with

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any third party outside of the meeting.

- 5.15 Subject to the over-riding principle of one person one vote, each voting member present at a meeting of the KNMC shall have one vote. A matter will be carried if supported by a simple majority of the KNMC voting members present. In the event of equal votes, the Chairperson shall have a (further) casting vote.
- 5.16 KNMC members must not vote or participate in any discussion on any matter in which they have, or it is possible they may have, a conflict of interest or a conflict of loyalty (either direct or indirect personal interest or any loyalty they owe to another person or another body) which may, or may appear to, influence or affect their decision making.
- 5.17 Any KNMC member absenting themselves from any discussion and/or voting in accordance with clause 5.16 above will not be counted as part of the quorum in any decision of the KNMC on the matter under consideration.
- 5.18 The minutes of meetings of the KNMC will be taken by the Secretary.
- 5.18.1 No minutes of meetings or copies of correspondence shall be passed to a third party without the prior permission of the Chairperson.
- 5.18.2 The minutes of meetings shall be stored digitally for a minimum of 7 years in a secure location approved by the KNMC.
- 5.19 The KNMC may establish Technical Support Groups (TSG) and Working Groups (WG) to assist and advise the KNMC as appropriate.
- The KNMC may form the following Subcommittees as appropriate:
- Coaching
  - Communication
  - Competition
  - Events
  - Finance
  - Officiating
  - Performance
  - Registered Member Leagues
  - Schools.
- The formation and responsibilities of the Subcommittees shall be documented in the Kent Netball Byelaws.
- 5.20 The KNMC may from time to time delegate certain areas of responsibility to a person who may or may not be a member of the KNMC and/or to TSG/WG. The Honorary Officers may also appoint authorised intermediaries for the purposes of assisting with bookkeeping and other forms of administration, on such conditions as the Honorary Officers may determine and may at any time remove such appointment.
- 5.21 Members of the KNMC/TSGs/W's shall act in an honest and ethical manner and shall discharge their duties:
- 5.21.1 in good faith;
- 5.21.2 with care and integrity;
- 5.21.3 in a manner that they reasonably believe to be in the best interests of Kent Netball in keeping with the values of the sport mentioned above.
- 5.22 Members of the KNMC, its TSGs/WGs and any person duly appointed by the KNMC to act with its authority shall be reimbursed by Kent Netball, in accordance with rates set out in Kent Netball's Expenses Regulations, for reasonable travel, accommodation and other expenses properly incurred by them in carrying out their duties or in attending meetings, events or otherwise in connection with the discharge of their duties as directed by the KNMC.

## **6. ROLE AND POWERS OF THE KENT NETBALL MANAGEMENT COMMITTEE (KNMC)**

- 6.1 The KNMC has the following authority, powers and principal roles:
- 6.1.1 Make key decisions relating to strategy, policy, finance and business management so that the objects set out in Section 3 above can be achieved.

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- 6.1.2 Make, amend or revoke regulations, procedures, codes of behaviour, terms of reference, and byelaws for the better administration of Kent Netball.
  - 6.1.3 Adopt those rules, regulations, policies and resolutions of EN as applicable to members of EN.
  - 6.1.4 Review and set the annual Membership Fee and present at the AGM.
  - 6.1.5 Create an environment conducive to high achievements.
  - 6.1.6 Establish policy and oversee its implementation in a safe, equitable and inclusive manner.
  - 6.1.7 Be responsible for the management of the affairs and for the success of the Kent Netball.
  - 6.1.8 Implement an organised approach to succession planning for the KNMC and each TSG/WG so as to ensure an appropriate level of stability and continuity of Kent Netball.
  - 6.1.9 Adopt those rules, regulations, policies and resolutions of EN as applicable to members of EN.
- 6.2 The members of KNMC shall, on a joint and several basis:
- 6.2.1 Ensure that Kent Netball complies with the terms of any contract with a third party; and
  - 6.2.2 Indemnify any member of the KNMC who enters into a contract, approved by the appropriate budget holder, under 6.2.1 in respect of any reasonable expenses and reasonable costs, losses or liabilities, judgments, fines and amounts paid in settlement, which she/he may reasonably incur or sustain because of entering into such contract.
- 6.3 The KNMC will provide direction, support and guidance to its constituent Member Leagues to enhance the development of the sport.
- 6.4 The KNMC has the power to make, amend or revoke Byelaws and Competition Regulations of Kent Netball and all changes thereto, shall not be effective until the earlier of:
- i. the date of approval at a General Meeting of Kent Netball; or
  - ii. one month after the passing of an appropriate resolution by the KNMC.
- 6.5 Any action that may be taken by the KNMC at a meeting may also be taken by a resolution consented to in writing or email by a simple majority of the KNMC members provided that a copy of the resolution is sent to all voting members of the KNMC.
- 6.6 Where a resolution has been circulated to a KNMC member pursuant to clause 6.5 above and has not been received back by the Secretary within the deadline set or within 14 calendar days (whichever is the earliest) of being sent out, that KNMC member will be deemed to have abstained the resolution.
- 6.7 Members of the KNMC must act in accordance with the powers set out in this Constitution and must exercise independent judgement taking reasonable care, skill and diligence, whilst avoiding conflicts of interest and conflicts of loyalty.

### **7.0 GENERAL MEETINGS OF KENT NETBALL**

- 7.1 The Annual General Meeting (AGM) shall be held before **30 September** in each year unless in the event of exceptional circumstance. The KNMC shall determine the date and location of the AGM and formal notification will be posted on Kent Netball's website at least **42** days in advance of the date of such meeting which will be deemed notice to all members.
- 7.2 All nominations and proposals must be received by the KNMC at least **21** days prior to the date of the AGM.
- 7.3 Formal Notice of the AGM together with a copy of the Agenda, together with all proposals and details of nominations for office, shall be circulated in writing not less than **14** days prior to the date of such a meeting, to each member of the KNMC and members listed in 4.2 above.
- 7.4 EN members who are members of Kent Netball and representatives of member schools, are entitled to attend general meetings. They may speak but are not entitled to vote unless they

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are:

- i. the representative of a member club; or
- ii. the representative of a member school paying the higher rate school's Membership Fee; **or**
- iii. Kent Netball Honorary Life Members' nominated representative.
- iv. The representative or proxy of i, ii or iii above as laid out in clause 7.8 below.

7.5 At all General Meetings, the President will preside over (chair) the meeting. If the President is not present, the Chairperson will preside over the meeting. If the Chairperson is not present, the Vice-Chairperson will preside over the meeting.

7.6 Business to be transacted at the AGM shall be:

- i. To approve the minutes of the previous year's AGM
- ii. To receive the annual report
- iii. To adopt the audited annual statement of accounts
- iv. To elect or re-elect members of the KNMC
- v. To appoint an auditor
- vi. To consider any proposed resolution submitted in writing 21 days before the date of the General Meeting, which has been proposed and seconded by two members of Kent Netball entitled to vote at General Meetings
- vii. To notify the Membership Fees for each membership category as defined in clause 6.1.2
- viii. Consider any proposed amendments to this Constitution put forward by the KNMC or any voting member of Kent Netball (as defined in 4.2) subject to 7.2 above.
- ix.. Any other relevant business notified in advance and subject to 7.2 above.

7.7 No person attending shall be permitted to more than one individual vote but may cast up to an additional 2 representative votes through the proxy system as laid out in clause 7.8.

7.8 Proxy Voting at the General Meeting

- 7.8.1 Every voting member shall be entitled to send one representative or proxy to general meetings who is entitled to represent them and exercise their rights at that meeting. On a show of hands every representative or proxy of a voting member shall have one vote.
- 7.8.2 A voting member may only appoint either the Chair of the meeting or a named individual who provides proof of identity and address, as their proxy.
- 7.8.3 No person other than the Chair of the meeting may act as proxy for more than two voting members.
- 7.8.4 The instrument of appointing or revoking a proxy shall be in writing and must be received by the Secretary not less than 48 hours before the time of the meeting.
- 7.8.5 A voting member may instruct their proxy to vote for or against each specified resolution.
- 7.8.6 Unless otherwise specifically instructed the proxy may vote or abstain from voting as they think fit on each resolution.
- 7.8.7 If any votes are given or counted at a general meeting which shall afterwards be discovered to be improperly given or counted, they shall not affect the validity of any resolution or thing passed, unless the objection to such votes is raised at the same meeting. The Chair of the meeting shall then and there decide whether the error is of sufficient magnitude to affect such resolution or thing.
- 7.8.8 No objection shall be raised to the qualification of any vote except at the meeting and every vote not disallowed at the meeting shall be valid. Any objection made in due time shall be referred to the Chair of the meeting whose decision shall be final and conclusive.

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- 7.9 A quorum of a General Meeting shall be 15 voting members in person or by proxy.
- 7.10 At General Meetings all resolutions, except changes to the Constitution, shall be passed by simple majority of those present and entitled to vote. In the event of a tie of votes cast, the presiding committee member shall have a second and/or casting vote.
- 7.11 A Poll may also be demanded by the committee member presiding over the meeting.
- 7.12 Nominations for the election of Honorary Officers and KNMC members may be proposed and seconded by two members entitled to vote at such meeting.
- 7.12.1 Written notice of such nomination, stating the name and address of each nominee and of the proposer and seconder must reach the Secretary 21 days prior to the meeting.
- 7.12.2 Should there be no written nominations for vacant KNMC positions by the notice period, nominations can be taken from the floor.
- 7.12.3 In the event of there being more than one candidate for any of the said Officers, an election shall be held at the AGM.
- 7.13 The minutes of all general meetings will be taken by the Secretary. In the absence of the Secretary, the Chairperson will appoint a member of the KNMC to cover this role.
- 7.14 An Extraordinary General Meeting (EGM) may be requested at any time:  
An EGM may be convened by order of the KNMC, or upon written request to the Secretary from 50 members or more of those entitled to vote at a general meeting.
- 7.14.1 Each requisition shall state the purpose for which a meeting is required and shall set out any resolution which it is desired to propose.
- 7.14.2 The meeting shall be held within 28 days of receipt of the request by the Secretary and 14 days' notice of the meeting and resolution proposed shall be given to every member entitled to vote.
- 7.14.3 If the KNMC has convened the meeting the quorum shall be 15 voting members. If convened by members, the quorum shall be 50% of those who convened the meeting.
- 7.15 Kent Netball shall be able to appoint a president of the Association at any general meeting.

## **8. NOTICES**

- 8.1 Any notice, document or information to be given, sent supplied or delivered to or by any person or member shall be in writing to that person's/member's last known postal address or electronically by email to that person's/member's last known email address. Unless the contrary is proved, a notice, document or information shall be deemed to be given, sent, supplied or delivered at the expiration of 48 hours after: (i) the envelope containing it was posted by first class mail or (ii) the electronic communication was sent.
- 8.2 The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person/member entitled to receive such notice shall not invalidate any resolution passed or the proceedings at that meeting.

## **9. ACCOUNTING RECORDS AND KNMC RESPONSIBILITIES**

- 9.1 The KNMC shall commission accurate accounting records for Kent Netball to be kept that are sufficient to show and explain the Association's transactions and disclose with reasonable accuracy, at any time, the financial position of the Association. The financial year ends 31 May.
- 9.2 The KNMC is responsible for the preparation of the annual accounts and must not approve them unless they are satisfied they give a true and fair view of the state of affairs of Kent Netball and of the surplus or deficit of Kent Netball for that period.
- 9.3 In preparing the annual accounts, the KNMC is required to:
- i. select suitable accounting policies and apply them consistently;
  - ii. make judgments and accounting estimates that are reasonable and prudent; and

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- iii. prepare the accounts on the going concern basis unless it is inappropriate to presume that Kent Netball will continue in business.
- 9.4 The accounting records shall be kept at such place as is determined by the KNMC and must be retained for a minimum period of six years.
- 9.5 The annual accounts shall be scrutinised by an independent examiner, appointed by the KNMC, who has the requisite ability and experience to carry out a competent financial examination.
- 9.6 The KNMC shall determine and be responsible for all financial procedures and regulations, including the expenses regulations.
- 9.7 The KNMC is also responsible for safeguarding the assets of Kent Netball and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.
- 9.8 The target minimum operating reserve fund will be equal to 12 months of average operating costs.
- 9.9 The KNMC is a 'not for profit' organisation, all funds generated will be paid towards the furtherance of its objects.
- 9.10 All funds or other property of Kent Netball shall not be paid to or distributed among members of the KNMC, with the exception of clause 9.9 and the dissolution clause below.
- 9.11 Payments to individuals as a contract for services shall be sanctioned by the KNMC. All responsibility for declaring payment of tax to HM Revenue and Customs rests with the individual.
- 9.12 Kent Netball may purchase or by any other means acquire and take options, and any rights or privileges of any kind over or in respect of any property and other assets, and if it does so:
  - i. Any property of Kent Netball, other than cash at the bank, must be vested in not more than 3 members of the KNMC. These members of the KNMC must deal with the property/asset as directed by resolution of the KNMC and entry in the minutes shall be conclusive evidence of such a resolution.
  - ii. The property/asset will remain vested in 3 or less members of the KNMC until the individuals are no longer members of the KNMC, at which point the transfer will be endorsed by resolution of the KNMC and the individual will be responsible for transferring title.
- 9.13 Kent Netball accepts no responsibility for injury to any member registered participant any loss or damage of equipment or property belonging to its member or registered participants. Members and registered participants must arrange their own insurance at their own discretion.
- 9.14 Each Registered Participant (player, coach, umpire or administrator) is covered by Civil/Products liability. Civil/Products liability cover insures members for all sums they become liable in law to pay as compensation for loss, bodily injury or death, disease or illness of any person, or loss of or damage to any property in connection with netball activities. It also includes any liability arising out of goods sold or supplied including food and drink.
- 9.15 Members and registered participants holding trophies owned by Kent Netball shall arrange to include the full value of such trophies in their own household insurance, to cover loss or damage by fire, burglary or accident. Should any trophy be lost or damaged the club or individual holding such a trophy shall be responsible for their replacement at full value.

## **10. INDEMNITY**

- 10.1 Members of the KNMC, TSGs and WGs shall be indemnified out of the assets of Kent Netball against all reasonable expenses and all reasonable costs, losses or liabilities, judgments, fines and amounts paid in settlement, which they may reasonably incur or sustain in relation to the proper and lawful execution of their duties, or by reason of any task properly performed for and with the authority of Kent Netball.
- 10.2 The indemnity in clause 10.1 above only applies if the person acted honestly and in good faith and in the best interests of Kent Netball. Also, in the case of criminal proceedings, the person must have had no reasonable cause to believe that her/his conduct was unlawful.

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## 11. DISPUTE RESOLUTIONS

- 11.1 If a dispute should arise, every attempt should be made to resolve this issue at a local level. When both parties (the KNMC and the Complainant) are unable to resolve it between themselves then the dispute shall be referred to Sports Resolutions (UK) (a trading name of the Sports Dispute Panel Ltd – Company No. 3351039) for final and binding arbitration in accordance with the Arbitration Act 1996 and Sports Resolutions (UK)'s Arbitration Rules, which Rules are deemed to be incorporated by this clause.

## 12. EQUALITY, DIVERSITY AND INCLUSIVENESS

- 12.1 Kent Netball is fully committed to the principles of equality of opportunity and the elimination of unlawful or unfair discrimination and racism
- 12.2 Equality
- 12.2.1 Kent Netball adopts the England Netball Equality Policy.
- 12.2.2 Kent Netball aims to ensure that anyone participating or wishing to participate in netball in Kent can do so in a discrimination-free environment.
- 12.2.3 Kent Netball recognises its legal obligations under the Equality Act 2010 [Reference](#) which defines nine protected characteristics:
- Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race including colour, nationality, ethnic or national origin
  - Religion or belief
  - Sex
  - Sexual orientation
- 12.3 Racism
- 12.3.1 Kent Netball has zero tolerance for racism which can be defined as “the inability or refusal to recognise the rights, needs, dignity, or value of people of particular races or geographical origins.
- 12.4 Members have a responsibility to ensure that they do not unlawfully discriminate or act in a racist manner. They must ensure that their own conduct, and that of their fellow members does not cause offence to another person.
- 12.5 Kent Netball members have an obligation to challenge and speak out about inappropriate behaviour and support others who are experiencing harassment, unlawful discrimination, racism and bullying. It is not acceptable to ignore it.
- 12.6 Kent Netball adopts a zero tolerance to any breaches of the EN policy and will take seriously complaints of bullying, harassment, victimisation, racism and unlawful discrimination of any nature by volunteers, participants, and the public during the organisation's activities.
- 12.7 Kent Netball is obligated to investigate every complaint raised and assumes the disciplinary authority to deal with any breaches appropriately.
- 12.8 The process of complaint shall be:
- 12.8.1 The Complaint should be emailed to the Welfare Officer [welfare@kentnetball.co.uk](mailto:welfare@kentnetball.co.uk) as soon as possible, outlining the full details of the Complaint, what attempts if any have been made to resolve it so far, and what is thought to be a realistic and achievable outcome.
- 12.8.2 The Welfare Officer will review the Complaint, jurisdiction and Conflict of Interests to determine whether they are the Appropriate Authority to carry out the complaint procedure.
- 12.8.3 The Welfare Officer will acknowledge the Complaint within 5 working days. The Welfare Officer will inform the Complainant which Appropriate Authority is to carry out the complaint procedure including, but not limited to:
- If the Complaint is about a local netball issue, it will be forwarded to the appropriate Management Committee and the local contact details of the individuals dealing with the Complaint will be provided. In this instance the

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governance procedure of the local Management Committee will come into force.

- If the investigation discloses potential breach of the EN Disciplinary Regulations, it will be referred to the Disciplinary Secretary who will manage the Complaint in accordance with those regulations.
- If the Complaint is about a wider county netball issue, the Welfare Officer will establish an Investigation Panel and appoint a chair to examine the Complaint and decide if further action is required within 14 days of receipt of the Complaint. The process of investigation, handling and right of appeal will follow the model of the EN Disciplinary Regulations. Outcomes of the Investigation Panel may include, but are not limited to, rejection; referral to alternative authority; informal resolution; mediation; education.

12.8.4 Kent Netball supports equality improvement through its Diversity Action Plan which can be found in The Kent Netball County Plan. Actions that Kent Netball will take to improve accessibility to netball to address under-representation in the sport include:

- The use of positive images in publicity
- Dedicated funding for netball in minority communities
- Encouraging diverse representation on netball committees in Kent

### 13. DISCIPLINARY POWERS, PROCEDURES AND APPEALS

13.1 Kent Netball adopts the EN Disciplinary Regulations which shall apply to and bind all members of Kent Netball and all persons and entities participating in any way in activities controlled and/or sanctioned by Kent Netball. Kent Netball shall have the power to discipline such persons and entities who breach those Regulations.

13.2 The KNMC shall appoint a Disciplinary Secretary who shall;

- i. administer the process of any complaints under the terms contained within the EN Code of Conduct and Disciplinary Regulations: and
- ii. report to the RMB as they consider appropriate and under guidance from EN.

13.3 The Process of complaint shall be:

13.3.1 The Complaint should be emailed to the Disciplinary Secretary [discipline@kentnetball.co.uk](mailto:discipline@kentnetball.co.uk) within 28 days of the incident, outlining the full details of the Disciplinary Offence.

13.3.2 Disciplinary Secretary will review the Complaint and will review the jurisdiction and Conflict of Interests to determine whether they are the Appropriate Authority to carry out the Disciplinary Procedures.

13.3.3 If the Appropriate Authority is correct, the Disciplinary Secretary will acknowledge receipt of the Complaint within 5 days

If the Appropriate Authority is incorrect, the Disciplinary Secretary will acknowledge the Complaint within 5 days and inform the Complainant which Appropriate Authority the Complaint is being forwarded to.

13.3.4 Disciplinary Secretary will establish an Investigation Panel and appoint a chair. The Investigation Panel will examine the Complaint and decide if further action required within 14 days of receipt of the Complaint. The process of investigation, handling and right of appeal will follow the model of the EN Disciplinary Regulations. Outcomes of the Investigation Panel may include, but are not limited to, rejection; referral to alternative authority; informal resolution; disciplinary hearing or mediation.

### 14. DISSOLUTION

14.1 If at any general meeting of Kent Netball, a resolution were passed calling for the dissolution of the Association, the Secretary shall immediately convene a Special General Meeting of the Association to be held not less than one month thereafter to discuss and vote on the resolution.

## **CONSTITUTION**

- 14.2 If at that Special General Meeting, the resolution is carried by a least two thirds of the full members present at the meeting, the KNMC shall thereupon, or at such date as shall have been specified in the resolution, proceed to realise the assets of the Association and discharge all debts and liabilities of the Association.
- 14.3 In the event of dissolution, any assets remaining after satisfaction of all debts and liabilities shall be dealt with in a manner to be determined by resolution of a general meeting so as to promote the objects of Kent Netball or of some organisation with kindred aims, which further and develop amateur sport. In the event of there being a deficit, the general meeting shall decide how this should be met.
- 14.4 KNMC members must not receive any gain from the dissolution.

### **15. GOVERNING LAW AND JURISDICTION**

- 15.1 This Constitution and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.