

# DISCIPLINE OFFENCES - SANCTION GUIDELINES



Basketball England is committed to creating an environment that is as safe, fair and enjoyable as possible for everyone involved in the game. A fair and transparent discipline process, with clear guidance on likely sanctions, is a vital part of this. This sanction guideline document should be read in conjunction with Basketball England's Disciplinary Code.

The aim of this document is to provide clarity and consistency around the type and extent of sanctions that can be issued following a Disciplinary Charge relating to any form of misconduct.

The document is intended for use by all those involved in the process:

- The participant (person or organisation) charged – to understand the possible sanctions that may be imposed if the charge against them is found proven.
- The complainant and/or witnesses to an offence – to understand the possible outcome.
- The Discipline Commission – to provide guidance and points of consideration to ensure any sanction imposed is consistent with similar cases, and to ensure the full scope of available sanctioning options are considered.

Understanding sanctions can be a useful deterrent to poor behaviour and improve confidence in the process for those reporting incidents.

It should be remembered that no two cases are the same; any sanction should be proportionate and reasonable for the offence committed and the specific circumstances of that case. Consideration should be given to the areas highlighted in this document with the understanding it is a framework rather than an exhaustive list of all possible outcomes.

The sanction guidelines should be considered in conjunction with the Disciplinary Code, where there are any discrepancies, the Disciplinary Code will take precedent.

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## TYPES OF CASES

The sanction guidelines are intended for use by Discipline Commissions dealing with discipline charges raised by Basketball England, Regional Associations or Affiliated Leagues.



### **Serious cases**

Cases relating to the most serious allegations will be referred to a National Discipline Commission. These include, but are not limited to, the following:

- Abusive or offensive language or behaviour that makes reference to ethnic origin, colour, race, age, nationality, religion or belief, gender, gender reassignment, sexual orientation, or disability, whether in person, in writing, or on social media.
- Any act of victimisation or discrimination by reason of a Protected Characteristic\*, as covered by the Equality Act 2010.
- Violent or threatening language and/or behaviour towards a Match Official.
- Any other matter deemed appropriate by the Association at their sole discretion.

Other cases, for example, could include inappropriate language or behaviour, or bringing the game into disrepute, by a person in a role with notable authority or prominence.

\* Protected characteristics are defined as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

### **Other cases**

Lower level cases may be dealt with by Regional Associations or Affiliated Leagues, as agreed and delegated by Basketball England. The principles outlined in this document, and the recommended sanctions in the sanctioning grid, should be followed to ensure consistency.

Summary offences, which are dealt with without going through the full discipline process, should also offer sanctions in line with the recommended sanctions in the sanctioning grid.

## CLUB CHARGES FOR NON-PARTICIPANT BEHAVIOUR



Individuals can only be charged where they are participants in basketball. This means that some offences will be dealt with as a Club charge because the club is responsible for ensuring its officials and spectators behave in an orderly fashion, and/or refrain from any conduct that brings the game into disrepute.

When dealing with a Club charge the Disciplinary Commission needs to be aware of the 'due diligence' defence. If due diligence is not satisfied and a charge is found Proven sanctions may need to be adjusted accordingly to be more appropriate to a Club charge.

### Due Diligence

It may be a defence to a charge if a Club is able to demonstrate that it took all reasonable steps to prevent and respond to incidents of misconduct by its spectators.

Such steps may include proactive actions prior to the incidents, for example:

- Parents/carers and spectators signing codes of conduct.
- Displaying posters around a venue relating to expected behaviour.
- Regular reminders to spectators and parents/carers of expected behaviour, either via electronic means or in person.

Steps taken in response to any alleged incident occurring may include:

- Immediately removing the spectator(s) concerned if they can be or have been identified.
- Monitoring closely the ongoing behaviour if the spectator(s) has not been identified.
- Co-operating fully with any investigation by Basketball England or appropriate authorities.
- Working to identify the spectator(s) concerned, and taking appropriate steps to address the behaviour with the spectator(s). This may be education around the behaviour, or for more serious incidents imposing a suspension on that spectator attending matches.

When a Club enters a due diligence defence, they should be able to evidence the steps taken, for example providing copies of signed codes of conducts, email reminders sent to parents, photos of posters in situ, and copies of any correspondence with a spectator(s) after an offence has occurred.

It will be for a Discipline Commission to determine if they believe that a club has satisfactorily demonstrated due diligence.

### Sanction Amendments

Sanctions for Proven Club charges will need amending accordingly. A suspension won't be applicable, but other options may be available. It will be most beneficial for the prevention of repeated poor behaviour to consider proactive sanctioning as well as fines. For example, there could be a requirement for the Club to implement parent/carer codes of conduct, or have a parent/carer meeting to discuss their behaviour and the impact on players. Any sanction of this nature should include a requirement for it to be implemented by a certain date, to the satisfaction of Basketball England or the Discipline Commission, and state the consequences if it is not complied with.

## TYPES OF SANCTIONS

There are several types of sanctions available which will be considered in further detail in this section, including suspensions, exclusions, fines, cautions, and educational sanctions.



### **Suspensions**

At the most basic level, a suspension (or ban) is simply stopping an individual from participating for either a set number of matches, or a period of time. The type, length and extent of the suspension will depend on a few different factors.

### **Types of suspension**

A participant can be suspended from any one, or combination of, various different roles within basketball including: playing, coaching, volunteering, officiating, administrative or holding office.

The Discipline Commission will consider what roles the individual has within basketball, and whether it is appropriate, based on the severity of the offence, for the suspension to apply to one or more roles. The type of suspension is expected to relate to the role that the individual was in at the time of the offence, as well as considering what is likely to serve as a deterrent to reoffending.

For example, a lower level offence committed whilst playing is likely to result in a suspension from playing only, a more serious offence would be expected to carry a wider reaching suspension across any additional roles.

Any offence committed by a player who is also a match official should result in a suspension from both playing and officiating (as a minimum), regardless of the severity of the incident. This is because it is deemed inappropriate, and would be poorly perceived, for an individual to continue officiating during any period of suspension from playing.

When imposing the sanction the Discipline Commission should clearly state which roles the suspension applies to. If it is unclear what, if any, additional roles are held by the individual the Discipline Commission should seek clarification from the Association before finalising the terms of the suspension.

### **Length and timing of suspension – days or matches**

This will be covered more fully in the sections on determining severity and determining sanction, but it is worth noting here that where it is manageable to do so, a suspension should be applied with reference to matches. Where there are insufficient matches remaining in the current season the suspension will carry over to be served at the start of the following season. For longer suspensions monitoring the number of matches becomes difficult and it is more appropriate to impose a day-based suspension.

Where a day-based suspension is imposed that will include a period between seasons when no fixtures are played, the Discipline Commission should consider suitable amendments to suspension. This could be increasing the length of the suspension, or stipulating that the suspension is only to be served during the playing season.

If, for any reason, the Basketball season does not operate in accordance with usual calendar of events, the Discipline Commission can review and extend the period of suspension to ensure that a suspension has been served as intended.

Suspensions from some roles do not lend themselves to a match-based suspension, and in these cases a day-based suspension should always be applied. This includes suspensions from officiating, administration and holding office.



A suspension should not begin until after the deadline to submit an appeal has passed; or where an appeal is submitted, after the appeal process has concluded. The exception to this would be for any case that due to the severity of the allegation has had a suspension imposed prior to the charge being heard.

If a suspension has been imposed prior to the charge being heard, any period of suspension already served should be taken into consideration by the Discipline Commission.

### **Extent of suspension**

The extent of the suspension refers to how widely the suspension is applied and should be clearly defined by the Discipline Commission. It would be expected that the more severe an offence is, the wider the extent of the suspension. For example, if a playing suspension is issued, this could relate only to the team that the offence was committed with, allowing the individual to play for another team in a different competition (for a lower level offence), or the suspension could relate to playing for any team in any competition for the duration of the suspension (for a more serious offence). It is important for the Discipline Commission to set out the extent of any suspension when issuing the sanction.

### **Exclusions**

Exclusions are similar to suspension, but are permanent. The terms of any exclusion should be clearly set out by the Discipline Commission, because it will clearly have a significant impact on the individual. The exclusion may only be from a particular role within basketball, or could be from all roles. Exclusions should only be considered for the most serious offences, remembering any sanction must be proportionate to the offence.

### **Fines**

Fines can be imposed as a sanction for any charge, and should be proportionate to the offence committed, as well as serving as a deterrent to others and to the participant.

Where a participant is associated or registered with a Club, it will be the responsibility of the Club to pay the fine, and then seek reimbursement from the individual. A fine issued in relation to an offence by a player aged under 18 would be the responsibility of the Club to pay and cannot be passed on to the player.

### **Cautions**

Cautions, sometimes referred to as warnings, are a reminder to a participant about the expected standards of behaviour and conduct within basketball. They often also outline the possible outcomes if the poor behaviour continues, for example indicating that any further proven discipline charge is likely to result in a suspension and/or fine.

Where a caution is issued this is recorded on the individual's offence record, so it will be noted if any reoffending occurs. Cautions can be useful where the offence is lower level, and/or there is significant mitigation for an offence. In these cases a suspension or fine may not be deemed necessary, but it is still considered beneficial to ensure that the participant is aware that the behaviour or conduct is not of an acceptable standard.

Cautions can also be issued alongside other sanctions, this is particularly useful if the Discipline Commission deem it appropriate to highlight any particularly concerning behaviour or conduct within the case.

### **Educational Sanctions**

Educational sanctions can be key for changing behaviour, by providing a way for an individual to understand the impact of their behaviour on others. It is a much more proactive approach than traditional sanctions, with the aim of limiting reoffending by the individual.



Educational sanctions can either be delivered internally, by appropriate officers within the Club or League, or externally by facilitators appointed by BE.

Where an education course or session is imposed, the Discipline Commission should stipulate the timeframe for completion, what is considered as successful completion, and the consequences of not satisfactorily completing the education session.

The Discipline Commission may order the Club to contribute to the cost of delivering the course if it is delivered by an external facilitator. The Club will be expected to provide a suitable venue for a course delivered in person.

### **Suspended sanctions**

It may be appropriate in some circumstances for a Discipline Commission to impose a suspended sanction; this means that the sanction does not come into effect immediately, but will be imposed if a further discipline charge is found Proven. The exact details should be set out by the Discipline Commission, including the sanction that is suspended, how long it will be suspended for, and the circumstances that would trigger the imposition of the suspended sanction. For example, “the Discipline Commission impose a six match suspension, with four to be served immediately and two to be suspended. The two suspended matches must be served if there is a further Proven misconduct charge within 12 months of the notification of this decision”.

Suspended sanctions have previously been used regularly in basketball in relation to fines issued for offences. Discretion remains for this practice to continue for lower level offences, however the expectation for serious cases is that fines will be imposed with immediate effect, unless the Discipline Commission is provided with sufficient mitigation and has good reason to apply a suspended fine.

### **Costs**

In some circumstances the Discipline Commission may impose costs, or part of the costs on to the individual or Club.

## **DETERMINING SEVERITY OF AN INCIDENT – AGGRAVATING AND MITIGATING FACTORS**



Put simply, aggravating factors are any circumstances that may increase how severe the offence is deemed to be, while mitigating factors are circumstances that make it less severe. With a more severe offence, a higher sanction is likely to follow.

Aggravated and mitigating factors should only be considered after a decision has been made on liability (whether or not the charge is found Proven). The decision on liability is made based on the evidence available, and the facts that can be established. Aggravated and mitigating factors shouldn't impact on the decision about whether or not the offence occurred.

In this section, circumstances relating to the specific offence are considered, and will impact on how severe the offence is deemed to be. In the following section, consideration is given to aggravating and mitigating factors that will impact on the sanction, but that are not necessarily specific to the offence committed. Neither are an exhaustive list of all factors that could be considered.

### **Aggravating factors**

#### **Premeditation**

Planning the offence in advance, demonstrating rational consideration of the behaviour and increasing the chances that the offence will be committed 'successfully', and/or done in a way that decreases the likelihood of detection by Officials or other participants.

#### **Repetition or duration of offence(s)**

Repeating the language/behaviour, and continuing for a period of time demonstrates a more severe incident and loss of control by the individual.

#### **Number of phases of offending**

This relates to multiple incidents with breaks in between, demonstrating an opportunity not taken for the individual to consider their behaviour. For example, using offensive language towards an Official during a game and then leaving the court, only to return at the end of the game to continue with further offensive language towards the Official.

#### **Targeting an individual**

Similar to premeditation, this time the target or victim of the offence is planned in advance. The target may be notified ahead of the game of the intended actions. Increased use of social media makes this more common in the modern game.

### **Mitigating factors**

#### **Provocation**

Whilst an individual should be held responsible for their own behaviour, it is accepted that in some situations an individual will react to inappropriate comments or actions towards them or their teammates.

#### **Immediate remorse**

An individual may realise immediately or shortly after the incident that their behaviour was not acceptable, and credit should be given where they acknowledge this and apologise for their words or actions.

## **DETERMINING SANCTIONS – AGGRAVATING AND MITIGATING FACTORS**



In this section aggravating and mitigating factors are considered that may impact on the sanction imposed by the Discipline Commission.

These should be considered after a decision has been made on the severity of the incident. The severity of the incident should be used first to guide a Discipline Commission to an appropriate sanction for the offence, and then the following additional factors should be considered to finalise the sanction.

This is not an exhaustive list of all factors that could be considered.

### **Aggravating factors**

#### **Position held by the individual**

If an individual is in a position of responsibility they should be setting an example of appropriate conduct. There is an expectation that they understand the importance of good behaviour and should be capable of controlling their own actions. Match officials, and individuals in leading roles at Clubs and Leagues would fall in this category.

#### **Position or age of the victim**

The age of the individual subjected to the offending behaviour may be an aggravating factor. An adult abusing a player or official under the age of 18 would be an example of this.

Abuse or other inappropriate behaviour towards a match official is also an aggravating factor. Officials are often in a vulnerable and important position and should have the benefit of additional protection, by way of increased sanctions, to protect them and deter poor behaviour.

#### **Poor previous offence record**

Previous offences committed by an individual should be considered as an aggravating factor, and would be a reason to look at increasing a sanction.

#### **Lack of remorse**

A lack of apology, or lack of acknowledgement that the language or behaviour used was not acceptable would be an aggravating factor.

#### **Impact of the behaviour**

Where the language or behaviour has resulted in a lasting or significant negative impact on the victim or other witnesses this should be considered as an aggravating factor. This could include either mental or physical impacts or injuries, and should be evidenced where possible with supporting medical notes and/or photographs of injuries.

### **Mitigating factors**

#### **Good previous offence record**

An individual with limited or no previous offences should be considered as mitigation, but this should not be confused with an absence of an offence record – if a player is new to basketball they will not have had an opportunity to demonstrate either good or bad behaviour over a prolonged period.

#### **Personal circumstances**

Circumstances in an individual's personal life may impact on their behaviour and should be given consideration by the Discipline Commission.





### **Medical conditions**

Some medical conditions will impact on behaviour, and on an individual's understanding of the impact of their behaviour. Ideally any medical conditions referred to as mitigation should be verified by a qualified medical practitioner, and provided in writing to the Discipline Commission. Any medical information that is disclosed should be treated confidentially by the Discipline Commission, and it will be necessary to redact reference to specific medical conditions in any Written Reasons that are produced, prior to wider circulation or publication of any such document.

### **Incident has educated**

Where the incident itself has educated the individual, this can be treated as a mitigating factor. For example, this could apply in the case of offensive language by a 13 year old, who did not understand the meaning of the words they were using at the time but has since learnt about the significance and impact.

### **Remorse**

Where an individual is remorseful for their behaviour, and has offered an apology to the offended parties, this can be treated as mitigation. An apology that seems disingenuous, or simply for the benefit of the Discipline Commission, should not be treated as a mitigating factor.

## RECOMMENDED SANCTIONS FOR SERIOUS CASES

The following guidance aims to provide consistency for sanctioning of the most serious disciplinary offences, in order to provide clear understanding and expectations for all participants in basketball. Appendix 1 of the Disciplinary Code should also be referred to.



### **Aggravated breaches, referencing a protected characteristic**

For a first offence, the sanction should be:

- A suspension of 6-14 matches, with an initial entry point, prior to consideration of aggravating and mitigating factors, of 8 matches. The Discipline Commission may go above 14 matches if there are significant or multiple aggravating factors present.
- A fine of £75-£300. Any fine issued against a participant aged under 18 will be the responsibility of the Club.
- A suitable Equality education session as stipulated by Basketball England.

Circumstances permitting a suspension below 6 matches may include:

- The age of the individual at the time the offence was committed. This is intended for participants age under 16 only, and only in circumstances where the individual or their representative can demonstrate they did not have an understanding of the severity of the words or behaviour used and the impact those words or behaviour could have.
- The age of the offence. Offences committed prior to the implementation of the Disciplinary Code are not bound by these regulations, and sanctions should be imposed in line with the standards/regulations at the time of the offence.

For a second aggravated offence, the sanction should be:

- A suspension of 12-18 matches, with an initial entry point of 14 matches.
- A fine of £150-£500. Any fine issued against a participant aged under 18 will be the responsibility of the Club.

For a third, or further, aggravated offence the Discipline Commission should give serious consideration to a lifetime ban (exclusion).

Where a match-based suspension is not appropriate due to the role held by the participant, an equivalent day-based suspension should be imposed.

### **Discrimination**

Acts of discrimination can be hugely varied in their extent and impact, as such it is difficult to give set guidance that would be deemed proportionate and reasonable. Where discriminatory acts are committed by participants in a position of authority, the sanction should include their removal, either temporarily or permanently, from that role.

### **Offences against Match Officials**

For the benefit of consistent sanctioning, offences against Match Officials can be split broadly into the following categories, the top two being considered as serious cases by a National Discipline Commission. The sanctions for these are stated in the sanction guideline grid:

- The use of violent conduct towards a Match Official.
- The use of threatening language or behaviour towards a Match Official.
- The use of abusive or offensive language or behaviour towards a Match Official.

## **USING THE SANCTIONING GUIDELINE GRID**

The sanctioning guideline grid has been created to allow participants to understand the likely sanctions when a misconduct charge is raised. It assists with the application of consistent sanctions, and improves transparency of the discipline process.



### **Finding the relevant charge**

Charges are first split into either serious or lower level cases. Serious cases are dealt with by Basketball England; lower level cases are generally dealt with by regional or local associations/leagues. These are shown as separate grids.

The second split is between offences BY match officials, and offences by any other participants. These two splits give us the four grids. Within each grid there are some different charges listed – this should match the charge on a participant’s charge letter.

### **Determining severity**

Once the correct charge is located, there are three different sanction ranges shown – low, mid and high. This relates to the severity of the incident, outlined on page seven of this document. Sometimes a charge letter might give an indication of the severity, sometimes it will be at the sole discretion of the Discipline Commission to determine. There is often overlap between the ranges to allow for the individual circumstances of a case to be considered.

### **Finalising the sanction**

Once the applicable range (low/mid/high) has been decided, the sanction will then be finalised with consideration of the factors outlined on pages eight and nine of this document. Each charge is considered individually and with reference to the context of that case, which means that some charges that outwardly appear the same have differing outcomes due to the variation in circumstances.

### **Summary of steps**

1. Is it a serious case or lower level case?
2. Is the charged participant a match official or not?
3. What charge has been raised?
4. How severe is the incident?
5. What final aggravating and mitigating factors are applicable?

## SERIOUS CASES

### Offences committed by any Participant as defined by BE:

Charge	LOW		MID		HIGH		Other sanctions to consider	Additional notes
	Suspension	Fine	Suspension	Fine	Suspension	Fine		
Aggravated breach - making reference to a protected characteristic	6-10 matches	£75-£150	8-12 matches	£100-£200	10-14 matches	£150-£300	Equality education session	Refer to sanction guidelines for sanctions applicable to second or further breaches. A suspension below 6 matches should only be imposed if the participant is aged under 16
Victimisation or Discrimination	-	£100-£250	-	£150-£400	-	£200-£500	Equality education session	Suspension duration at the discretion of the Commission
Club charge - making reference to a protected characteristic	-	£100-£200	-	£150-£250	-	£200-£300	Team/Club Equality education session	Team/Club education if appropriate - required attendees to be stipulated by the Commission.
Violent conduct towards a match official	6 months - 2 years	£100-£250	2-5 years	£150-£400	5 years +	£200-£500		Where significant or multiple aggravating factors are present the Discipline Commission should consider going above 5 years
Threatening words and/or behaviour towards a match official	3-6 months	£75-£150	6-9 months	£100-£200	9-12 months	£150-£300		Where a threat is considered both severe and realistic this should be considered as an aggravating factor.
Player poaching (outside Local League)	0-1 month	£50-£125	2 weeks - 2 months	£100-£200	1 - 3 months	£150-£250	Removal of player registration	Consider the interests of the player if removal of registration is being considered. Suspension only applicable if an individual is charged, and should specify roles and restrictions
Improper conduct or bringing the game into disrepute (not covered in categories above)	0-3 months	£25-£100	1-6 months	£50-£200	2 months - 1 year	£100-£300		Where significant or multiple aggravating factors are present the Discipline Commission could consider going above 1 year and £300

### Offences committed by a Match Official:

Charge	LOW		MID		HIGH		Other sanctions to consider	Additional notes
	Suspension	Fine	Suspension	Fine	Suspension	Fine		
Violent conduct	6 months - 2 years	£100-£250	2-5 years	£150-£400	5 years +	£200-£500	Removal of Officiating licence. Requirement to retake Officiating course(s)	Where significant or multiple aggravating factors are present the Discipline Commission should consider going above 5 years
Threatening words and/or behaviour	3-6 months	£75-£150	6-9 months	£100-£200	9-12 months	£150-£300	Removal of Officiating licence. Requirement to retake Officiating course(s)	Where a threat is considered both severe and realistic this should be considered as an aggravating factor.
Abusive language or behaviour	2-4 weeks	£30-£75	3-6 weeks	£50-£100	4-8 weeks	£75-£150		
Failure to report misconduct	1-2 week	£15-£40	2-4 weeks	£40-£75	3-6 weeks	£50-£100		Failure to report a serious case should be treated as an aggravating factor
Improper conduct or bringing the game into disrepute (not covered in categories above)	2-4 weeks	£30-£75	3-6 weeks	£50-£100	4-8 weeks	£75-£150		Where significant or multiple aggravating factors are present the Discipline Commission could consider going above 8 weeks and £150

## LOWER LEVEL CASES

### Offences committed by Clubs, Players, Coaches and Club Officials:

Charge	LOW		MID		HIGH		Other sanctions to consider	Additional notes
	Suspension	Fine	Suspension	Fine	Suspension	Fine		
Violent conduct	2-4 matches	£30-£50	3-6 matches	£40-£75	4-8 matches	£50-£150		Where violent conduct is continuous or results in injury the sanction should be increased
Threatening words and/or behaviour	2-3 matches	£30-£50	3-4 matches	£40-£60	4-6 matches	£50-£100		Where a threat is considered both severe and realistic the sanction should be increased
Abusive language or behaviour	1-3 matches	£20-£50	2-4 matches	£30-£60	3-6 matches	£40-£100		
Club charge - failure to control spectators	-	0-£30	-	£25-£75	-	£50-£150		
Player poaching (within local leagues)	-	£25-£75	-	£50-£100	-	£75-£150	Removal of player registration. Suspension could be considered if an individual is charged	Consider the interests of the player if removal of registration is being considered.
Improper conduct or bringing the game into disrepute (not covered in categories above)	0-2 matches	0-£40	1-3 matches	£15-£60	2-4 matches	£30-£70		Where significant or multiple aggravating factors are present the Discipline Commission could consider going above 4 matches and £70

### Offences committed by a Match Official (Serious offences will be considered by BE):

Charge	LOW		MID		HIGH		Other sanctions to consider	Additional notes
	Suspension	Fine	Suspension	Fine	Suspension	Fine		
Bringing the game into disrepute	1-2 weeks	£20-£40	2-3 weeks	£30-£60	2-4 weeks	£30-£75		
Late submission of a Misconduct Report	0-1 week	0-£15	1-2 weeks	£15-£30	1-3 weeks	£15-£50		
Late arrival for a fixture	0-1 week	0-£15	0-2 weeks	0-£30	1-3 weeks	£15-£50		
Failure to fulfil a fixture without a good reason	1-2 weeks	£15-£40	2-3 weeks	£30-£60	2-4 weeks	£40-£75		