

## HANDICAP APPEAL PROCEDURE

### 1. INTRODUCTION:

This Handicap Appeal Procedure should be used by all Members, Affiliated Clubs, Area Authorities and England Golf should any Member be dissatisfied with a decision made by an Affiliated Club or Area Authority's handicap committee.

### 2. DEFINITIONS:

2.1. The definitions as detailed in the CONGU Universal Handicapping System 2016-2019 ('UHS') apply to this procedure together with the following:

"Club Handicap Committee"	the appointed handicap committee of an Affiliated Club;
"England Golf"	the trading name of The English Golf Union, the National Golf Centre, Woodhall Spa, Lincolnshire, LN10 6PU;
"Handicap Decision"	any decision taken in respect of a CONGU Handicap pursuant to rule 23 of the UHS;

### 3. STAGE 1: AFFILIATED CLUB DECISION

- 3.1. The Club Handicap Committee make the Handicap Decision. The Club Handicap Committee must make a record of the Handicap Decision and the reasoning used.
- 3.2. The Affiliated Club must inform the Member of the Handicap Decision, providing details of any adjustment and the reason for the Handicap Decision with reference to the UHS.
- 3.3. The Affiliated Club must give the Member fourteen days in which to submit an appeal to the Area Authority. The Affiliated Club must ensure that the Member has access to this Handicap Appeal Procedure.
- 3.4. If the Member disagrees with the Handicap Decision, it is recommended that he/she informally discusses this with Affiliated Club prior to submitting a formal appeal under Stage 2 of this Handicap Appeal Procedure.

### 4. STAGE 2: APPEAL TO AREA AUTHORITY

- 4.1. Should the Member wish to appeal the Handicap Decision, it may do so only on one or more of the following grounds:
  - 4.1.1. the Handicap Decision was made based on error of fact or would not have been reasonably made by a handicap committee when faced with the evidence before it;
  - 4.1.2. serious procedural or other irregularity in the decision-making process of the Handicap Committee;

- 4.1.3. significant and relevant new evidence has become available which was not available before the Handicap Decision was made but, had it been available, may have caused the Handicap Committee to reach a materially different decision;
  - 4.1.4. the Handicap Decision was manifestly unreasonable in the light of the facts before the Handicap Committee; and/or
  - 4.1.5. the Handicap Decision was inconsistent with or contrary to the UHS.
- 4.2. The Member must submit a notice of appeal to the Area Authority. The Member must send a copy of the notice of appeal to his/her Affiliated Club.
- 4.3. The notice of appeal must:
- 4.3.1. state the date and details of the Handicap Decision against which the appeal is lodged;
  - 4.3.2. state the grounds of appeal relied upon in accordance with clause 4.1 above;
  - 4.3.3. set out the details upon which the appeal is based and include any supporting documentation upon which the Member will rely; and
  - 4.3.4. identify whether he/she seeks for the Area Authority to consider the appeal on paper or in a hearing with the Member present. If the Member wishes the appeal to be considered in a hearing, then he/she must also enclose a cheque in the sum of £150.
- 4.4. The Area Authority must acknowledge receipt of the notice of appeal and confirm with the Member and Affiliated Club whether the appeal will be considered on a paperwork basis or at a hearing. In either case, the appeal must be heard and the decision communicated to the Member and Affiliated Club within 28 days of receipt of the notice of appeal by the Area Authority.
- 4.5. The conduct of appeal proceedings will be in accordance with the principles of natural justice as determined by and consistent with English Law.
- 4.6. If the Member has requested that the appeal be heard at a hearing and lodged a £150 fee, it shall be left to the Area Authority's discretion to determine if the fee should be returned (either in part or in full) to the Member at the conclusion of the appeal.

## **5. STAGE 3: APPEAL TO ENGLAND GOLF**

- 5.1. The Member or the Affiliated Club may appeal the decision of the Area Authority to England Golf only on one or more of the following grounds:
- 5.1.1. the appeal decision was made based on error of fact or would not have been reasonably made by an Area Authority when faced with the evidence before it;
  - 5.1.2. serious procedural or other irregularity in the decision-making process of the Area Authority;

- 5.1.3. significant and relevant new evidence has become available which was not available before the appeal was considered but, had it been available, may have caused the Area Authority to reach a materially different decision;
  - 5.1.4. the appeal decision was manifestly unreasonable in the light of the facts before the Area Authority; and/or
  - 5.1.5. the appeal decision was inconsistent with or contrary to the UHS.
- 5.2. The Member or the Affiliated Club wishing to appeal must submit a notice of appeal within seven days of notification of the Area Authority's appeal decision.
- 5.3. The notice of appeal must:
- 5.3.1. state the date and details of the appeal decision against which the appeal is lodged;
  - 5.3.2. state the grounds of appeal relied upon in accordance with clause 5.15 above;
  - 5.3.3. set out the details upon which the appeal is based and include any supporting documentation upon which the Member or Affiliated Club will rely; and
  - 5.3.4. enclose a cheque in the sum of £250 which may be returned (in full or in part) to the Member or Affiliated Club at the conclusion of the appeal at the discretion of England Golf.
- 5.4. England Golf shall conduct appeal proceedings, including the appointment of an appeal panel, timescales and decision making, in accordance with the relevant England Golf Disciplinary Regulations. Where there is any conflict with the provisions of this Handicap Appeal Procedure the provision contained herein shall prevail.
- 5.5. The Stage 3 appeal decision of England Golf shall be final and binding and there shall be no further right of appeal from it.

## **6. AREA AUTHORITY HANDICAP DECISIONS**

- 6.1. Where a Handicap Decision is made by the Area Authority, the Area Authority must follow the provisions applicable to Affiliated Clubs set out in Section 3 of this Handicap Procedure.
- 6.2. Where a Member seeks to appeal a Handicap Decision made by an Area Authority the Member must follow the procedure laid out in Section 5 of this Handicap Appeals Procedure.