

IN THE MATTER OF

ENGLAND BOXING

- and -

DAVID BASSENGER

Respondent

DISCIPLINARY PANEL DECISION

INTRODUCTION

1. This document sets out a decision, along with written reasons, of the disciplinary panel (“the Panel”) pursuant to the England Boxing disciplinary procedure (“the Procedure”), following a private hearing of the above matter held in Nottingham on 21 January 2018 (“the Hearing”).
2. The Panel was made up of Simon Lewis (Chair), Sarah Lee and Dr Christopher Matthews.
3. Mr Bassenger attended the Hearing in person and represented himself. He was accompanied by a friend.
4. England Boxing was represented by counsel, Ms Mitchell-Dunn.
5. Gordon Valentine was present during the Hearing in his capacity as the England Boxing Compliance Officer and also in his capacity as the “Responsible Person” under the Procedure.

DOCUMENTS

6. The Panel had regard to a bundle of documents prepared for the hearing (“the Bundle”). Numerical references in square brackets in what follows are to pages in the Bundle, unless otherwise stated. Those

documents included (using the specific headings within the Bundle's index):

- (a) Disciplinary Investigation Report
- (b) First Decision by the Committee
- (c) Additional Investigation Report
- (d) Second Decision by the Committee
- (e) Charge Notice
- (f) Evidence to support Charge
- (g) Respondents [sic] Response
- (h) Respondents [sic] Additional Response and Character Reference

BACKGROUND

7. In order to place the charges into context, it is useful at this point to set out some background matters:
 - (a) These proceedings arose out of or are otherwise connected to an earlier complaint brought by Mark Ritchie ("the Original Complaint") against the East Midlands Regional Council ("the EMRC") and against a number of named individual members of the EMRC executive committee at that time (including Mr Bassenger).
 - (b) Mr Bassenger, at all material times, served as the Chair of the EMRC. It should probably be recorded, however, that he subsequently left that particular position and no longer has any formal role on the EMRC committee.
 - (c) Mr Ritchie had held a role of one sort or other with the EMRC in relation to the management of its website and communications activities. The Original Complaint centred on allegations about the way in which Mr Ritchie had allegedly been removed from that role on or around 30 July 2016, and various other associated matters, including an alleged attempt to unfairly refuse or otherwise deny Mr Ritchie membership of England Boxing.
 - (d) For the record, the part of the Original Complaint which directly related to Mr Bassenger did not proceed very far. In a decision of the England Boxing Committee dated 12 June 2017 [14-20], it was decided that there was "no case to answer" in relation to the original allegations against Mr Bassenger [18].

- (e) However, as stated above, the charges now brought against Mr Bassenger in the present proceedings arose out of, and/or in the context of, the Original Complaint.
- (f) In an “Additional Disciplinary Investigation Report” [21-25], England Boxing recommended, among other things, that Mr Bassenger be charged in relation to a number of matters [25].
- (g) On 6 September 2017, in the “Second Decision of the England Boxing Committee” [26-31], the England Boxing Committee decided that there was a case to answer in relation to Mr Bassenger, which led in turn to the formulation of charges.

CHARGES

8. Against that backdrop, the formal charges against Mr Bassenger (“the Charges”) were set out in a “Charge Letter” dated 10 September 2017 [32]. There are three. In full, they have been framed as follows:

Charge 1

On or around 27 February 2017 you posted on Facebook which amounts to an unauthorised disclosure revealing the existence or nature or details of Mark Ritchie’s complaints against you and/or the [EMRC], without the consent of Mark Ritchie.

Accordingly, in making the post you have breach[ed] confidentiality in relation to the complaints made against you and/or the [EMRC] by Mark Ritchie, you have not acted in interests of the sport or of England Boxing and you have brought the sport or England Boxing into disrepute.

Charge 2

In an email dated 27 February 2017 to Gordon Valentine and Janet Vitti, you sought improperly to influence the conduct on an ongoing investigation relating to complaints made against you and/or the [EMRC] by Mark Ritchie, by threatening to breach confidence.

Accordingly, through your actions you have undermined the integrity of the England Boxing disciplinary process, have not acted in interests of the sport or of England Boxing and you have brought the sport or England Boxing into disrepute.

Charge 3

You failed to response to and/or co-operate with some or all of the questions and/or requests in the letter and email by Ryan Adams dated 3 July 2017 and 11 July [2017] respectively and as such have failed to co-operate with an investigation being conducted by England Boxing.

Accordingly, through your actions you have undermined the integrity of the England Boxing disciplinary process, have not acted in interests of the sport or of England Boxing and have brought the sport or England Boxing into disrepute.

RESPONSE

9. Pursuant to paragraph 31.6.2.1 of the Procedure, the Charges were formally presented at the start of the Hearing. They were read out in full.
10. Mr Bassenger was then invited, in accordance with the Procedure, to summarise his position in relation to the Charges. Mr Bassenger clarified, in doing so, that he now accepted and admitted each of the Charges.

EVIDENCE/SUBMISSIONS

11. The Panel reminded itself that the formal rules of evidence do not apply to these proceedings and, further, that, while the Procedure set out a typical order of events, the Panel ultimately retains a discretion as to how best to manage the Hearing in general.
12. In the course of the Hearing, the Panel received oral representations from both Ms Mitchell-Dunn and Mr Bassenger on potential sanction.
13. Ms Mitchcell-Dunn submitted that, while it must in the end be a matter for the Panel itself to determine, the Panel may consider that the most

appropriate sanction would be a reprimand. She also clarified that England Boxing would not be seeking any costs in relation to the Hearing of the proceedings generally.

14. Mr Bassenger made submissions in relation to a range of mitigating factors that he considered to be material to the Panel's consideration of sanction. He agreed that the most appropriate sanction, in all the circumstances, would be for the imposition of a reprimand. Mr Bassenger also indicated that, as far as the mitigating factors were concerned, he maintained and relied upon the two sets of written representations previously provided, along with the two character references attached to the latter, as referred to at paragraphs 6(g)-(h) above ("the Written Representations") [63-76].
15. The Panel was grateful to both for those submissions and for the way in which both representatives/parties conducted the Hearing generally.
16. For the avoidance of doubt, the Panel also had full regard to the Written Representations, which it read with care.

DISCUSSION AND FINDINGS

17. The Panel, first, considered whether the Charges had been made out.
18. In doing so, it reminded itself of two fundamental principles:
 - (a) The burden of proof lies with England Boxing.
 - (b) The standard of proof is the orthodox civil standard (i.e. the "balance of probabilities").

Charge 1

19. A copy of the Facebook message ("the Facebook Post") is set out, in full, in the Bundle [45] and need not be replicated in this decision document. It was posted on or around 27 February 2017 on Mr Bassenger's Facebook wall and contained 8 paragraphs. The Panel has not had the benefit of seeing any other documentary evidence of what was visible on Mr Bassenger's Facebook wall or his Facebook profile, etc. Mr Bassenger did not have a history of regular Facebook use and was not an experienced user of social media generally.

20. Mr Bassenger admits to having posted the Facebook Post or more accurately to having caused the same with assistance from others who were more technically adept and experienced.
21. In paragraph 2 of the Facebook Post, Mr Bassenger expressly identified himself as the “Chairman of the East Midlands” and explicitly made reference to “England Boxing”. In this way, Mr Bassenger connected himself and the Facebook Post to the world of England Boxing, and to his formal role as Chair of the EMRC. Viewed objectively, in the view of the Panel, a reasonable observer would not consider the Facebook Post to be a purely personal communication: on the contrary, the Panel finds that such an observer would link it directly with the sport of boxing, the administration of the same, the EMRC and England Boxing.
22. In paragraph 1, Mr Bassenger made some general references to issues arising between “individuals” who together “sit on boxing committees”. In paragraphs 2-3, he indicated that “allegations” had been made by an “individual” against him personally, in his capacity as Chair, and others, and that a process was underway to consider the same. In paragraph 6, he expressly stated that “the individual” “has a father in the sport” (before make a sarcastic comment). In paragraph 2, he pronounced (before the conclusion of any formal investigation or process) that the individual had a “vendetta” against him and the others. In paragraph 3, he made it clear that “the individual” has contacted Mr Bassenger’s employer to put him under investigation and get him “the sack”. While Mr Bassenger does not name Mr Ritchie specifically in the Facebook Post, the above information, taken together, would in the view of the Panel have been enough for a potentially significant number of sufficiently informed readers to identify Mr Ritchie as the subject or alternatively to speculate as to the same.
23. In paragraph 2, Mr Bassenger revealed that England Boxing had specifically “instructed [him] not to talk about the issues until the allegations have been sorted”. He then, in paragraph 4, openly challenged England Boxing as to why it is “not bringing this individual to answer questions” and, in the same paragraph, revealed further comments said to have been made to Mr Bassenger by England Boxing in relation to the situation.
24. In the final two paragraphs, Mr Bassenger stated that his is prepared “name and shame the individual” adding that any readers should “watch this space”.

25. The Panel considered that the thrust of Mr Bassenger's submissions in the Written Representations were about matters related to mitigation rather than about whether Charge 1 was made out on the facts. That is not to criticise Mr Bassenger, who is not a lawyer, and such matters would need to be returned to in relation to the issue of any appropriate sanction.
26. In summary, Mr Bassenger made the following points, among others, in relation to Charge 1 specifically:
- (a) He was, in effect, provoked into uncharacteristic action by the acts of Mr Ritchie. Most specifically, he genuinely held the view that Mr Ritchie had targeted him by contacting the senior management of the NHS trust which employed Mr Bassenger to complain (and to follow-up that complaint with further persistent contacts) about an alleged breach of data protection law in relation to a particular email attachment (relating to Mr Ritchie) that Mr Bassenger had sent or forwarded from his work email account. As a direct result, Mr Bassenger considered himself to be put under formal investigation by his employer and at potential risk of being dismissed from his job given that a breach of data protection could be classed as "gross misconduct" by the NHS trust. In turn, such concerns led to a degree of stress and anxiety within Mr Bassenger, not least due the very high importance that Mr Bassenger, quite understandably, placed on preserving his employment and his professional reputation.
 - (b) In addition, the adverse impact of such things on Mr Bassenger's mindset was compounded by what he genuinely (if misguidedly) considered to be an unsupportive response from England Boxing when he reported Mr Ritchie's involvement of his employer as set out above. Mr Bassenger was left frustrated, by a failure (as he saw it) to take adequate action to prevent Mr Ritchie from such conduct or deal effectively with it and a specific comment from Mr Valentine that the latter was "sure that they [i.e. the employer] will be fair" or similar.
 - (c) More broadly, all of the above is said to have occurred in the context of very challenging personal circumstances for Mr Bassenger. He submits that, for example, he had the following to deal with: some very serious health issues relating to his wife; and

some similarly serious issues/concerns relating to the health and wellbeing of his two sons. While the Panel noted that no independent corroborating evidence of such things had been adduced by Bassenger, the same was not contested by England Boxing and the Panel was readily satisfied overall that Mr Bassenger was generally a reliable witness. In addition, the Panel accepted that Mr Bassenger was trying to balance the same with a rather demanding full-time job, coupled with a lengthy commute to work.

- (d) It was against such a backdrop that Mr Bassenger says he then posted the Facebook Post, the final trigger (on his evidence) being the comment from England Boxing.
27. In addition, the Panel notes, Mr Bassenger has expressed regret for the Facebook Post, which he now accepts was “not professional”, and “totally apologise[s] to all involved”. He arranged for the Facebook Post to be taken down, following a “comment” which had been posted requesting the same. It was up, he asserts, for less than an hour in total.
28. Having considered all of the evidence before it, and having regard to the full admission from Mr Bassenger at the outset of the Hearing, the Panel concludes, unanimously, that Charge 1 had been made out:
- (a) Mr Bassenger did disclose information which revealed the existence (along with something about the nature and the details) of the complaints against him and the EMRC. Further, having regard to the matters set out further above, he did disclose information which enabled at least some readers to connect the same to Mr Ritchie specifically.
 - (b) Mr Bassenger disclosed such information without authorisation or consent from Mr Ritchie. It is noted that Mr Bassenger has accepted, in the Written Representations and in the Hearing, that he was aware that the Original Complaint ought (at least initially) to have been treated as confidential. There is contemporaneous documentary evidence in the Bundle to establish that Mr Bassenger was expressly informed (e.g. by communications on 16 December 2016 and 26 January 2017) of the requirement for such confidentiality [43]. The absence of a specific written contract or policy document or similar, signed by Mr Bassenger, relating to confidentiality would not have been sufficient, in the Panel’s

view, to prevent the necessary liability attaching to Mr Bassenger. Further, had he sought to maintain it, the Panel would not have been persuaded by Mr Bassenger's earlier submission (in the Written Representations) that Mr Ritchie had subsequently "breached" [or, perhaps more accurately, waived] his own confidentiality in some way by making the complaint to Mr Bassenger's employer. Contacts made by Mr Ritchie to Mr Bassenger's employer (whether Mr Bassenger genuinely considered the same to be vexatious, malignant or otherwise inappropriate) did not give Mr Bassenger free reign (as he appeared to be contending at one point) to "speak out" online via Facebook. Further, Mr Bassenger disclosed the relevant information without any authorisation from England Boxing.

- (c) For the above reasons, the Panel finds that the Facebook Post did amount to a breach of confidentiality, which Mr Ritchie was, at that point in time, entitled to expect, particularly as he had expressly requested the same and that that had been effectively communicated to Mr Bassenger in formal correspondence and in clear terms by England Boxing.
- (d) The Panel readily concludes that the Facebook Post was not in the interests of England Boxing or the sport generally. It would be in the interest of England Boxing and the sport to have robust and proper investigatory and disciplinary procedures to manage allegations brought by individuals. Taking practicable steps to preserve confidentiality during the course of such investigations, particularly when expressly requested, is an important aspect of the same.
- (e) Further, the Panel readily finds that the Facebook Post had the potential to bring both England Boxing and the sport into disrepute. A reasonable observer, considering it objectively, would be likely to have its view of both England Boxing and the sport lowered, such that the same would have a negative impact on their respective reputations, undermine their public values, and/or cause them embarrassment. This is particularly so given the important and formal position that Mr Bassenger held at the material time as the EMRC Chair. Among other things, he acted as a "figurehead" for EMRC (to adopt the label he used himself during the Hearing). For the avoidance of doubt, the Panel also finds that the Facebook Post actually brought both England

Boxing and the sport into disrepute. That finding is supported, in part, on the uncontested evidence that at least one person saw it and expressly asked for it to be withdrawn.

- (f) Mr Bassenger had referred to a disciplinary case between “Mr Wayne Haywood v England Boxing”. No further mention of it was made in the Hearing. The Panel has little information about that case; only that which Mr Bassenger set out in the Written Representations. In any event, the Panel must consider each particular case on its own merits. One important (apparent) difference, between the case that Mr Bassenger refers to and the present case, is that Mr Bassenger was acting in a formal and important administrative role. Further, the existence or otherwise of a social media policy (or similar), while an entirely legitimate matter to raise, is far from being a determinative factor. Rather, it goes towards the issue of mitigation and, as such, would again something for the Panel to consider at the sanction stage should that be appropriate.

Charge 2

29. A copy of the relevant email (“the Email”) is set out, in full, in the Bundle [44]. It was sent from Mr Bassenger’s email account, by Mr Bassenger, at or around 12:57 on 27 February 2017. It was directed to Mr Valentine of England Boxing and to one of Mr Bassenger’s colleagues at the EMRC.
30. It was confirmed in the Hearing that, chronologically, the Email actually came before the Facebook Post.
31. In paragraph 1 of the Email, Mr Bassenger expressed his surprise and disappointment at what he considered to be a lack of support from England Boxing following their recent exchange. He asserted that England Boxing was to blame for the general situation.
32. More relevantly, in paragraph 2, he stated:

Well unfortunately I will not remain quiet, I have nothing to loose [sic] so unless I see anything positive about this situation and what England [Boxing] is going to [do] about my situation by 5[pm] tonight every comment and process is

going to be on every forum going. Not sure how they work or how it is done but I will get it out there. Discussing.

33. The email went on, among other things, to state that Mr Bassenger had made an appointment to see a solicitor, and to request further documents from England Boxing.
34. As with Charge 1, the Panel considered the thrust of Mr Bassenger's submissions to be about matters related to mitigation rather than about whether Charge 2 was made out on the facts. He sought to rely on several of the same points that he raised in relation to Charge 1, including the sense of frustration that he appears to have felt in all the circumstances at the relevant time. In the Written Representations, Mr Bassenger extended an apology (for his "choice of words") but maintained that, subjectively, he had not considered *intention* to undermine the England Boxing disciplinary process in relation to the Original Complaint.
35. Having considered all of the evidence before it, and having regard to the full admission made at the outset of the Hearing, the Panel concludes unanimously that Charge 2 has been made out:
 - (a) On the balance of probabilities, the Panel is satisfied that Mr Bassenger (putting any mitigation aside for now) made a threat to breach confidentiality and, further, that he made that threat, improperly, for the purpose of seeking to influence in some material way the conduct of ongoing investigations by England Boxing.
 - (b) The Panel are satisfied that the same, objectively viewed, was an act which would undermine the integrity of the England Boxing disciplinary process and which was not in the interest of England Boxing or the sport generally. The Panel is further satisfied that the same had the clear potential to bring the sport and England Boxing into disrepute, being incompatible with its public values.

Charge 3

36. This is essentially an allegation that Mr Bassenger failed to co-operate adequately with the England Boxing investigation into his own alleged misconduct.

37. It is clear that Ryan Adams, on behalf of England Boxing, in his capacity of Responsible Person under the Procedure, emailed Mr Bassenger on 3 July 2017 and 11 July 2017. The first email [35] had five documents attached to it. One was a letter [36-37], dated 3 July 2017, from Mr Adams, in which, among other things, England Boxing asked Mr Bassenger three specific questions (“the Questions”):

1. *Do you believe your posts amount to a breach of confidentiality? If not, why not?*
2. *As you threatened to name and shame the individual, can you confirm if you have publically (in writing or through verbal communication, including via social media sites) named the individual in question? If so, please let us know when you did this, where you did this and why?*
3. *Have you contacted (via email, in person or by any other method) any other third parties in relation to this matter, if so who and what information did you disclose)?*

38. England Boxing requested a response within 7 days. This was not a particularly generous timeframe but the Panel does not consider it unreasonable in context.

39. Mr Bassenger did make a series of rapid initial responses:

- (a) On 3 July 2017, at 8.16pm, he emailed to ask for a summary of “what it going on” [46].
- (b) Later, at 9.11pm, he emailed again to request a “full copy of the email” being referred to by Mr Adams [47].
- (c) Then, at 6.16am on 4 July 2017, he emailed again [50]. In that email, he stated that he “will answer the questions once I have consulted with [a] solicitor” but that that may take longer than the 7 days prescribed. In addition, he sought clarity on a number of specific matters and indicated that a solicitor would be in contact.

40. Mr Adams endeavoured to respond to the above emails by his email at 10.41pm on 4 July 2017 [51-52]. Additionally, the Panel noted, he wrote:

It is noted that you are now seeking legal advice and will not answer any questions until you have sought such advice (I have noted that you have not expressly refused to co-operate in answering the questions merely that you want to seek advice before doing so) ... I fully appreciate the you require time to seek advice and I [consider] it appropriate that you should be afforded the opportunity to do so. To that end, I would be grateful if you could confirm when your appointment with your solicitor is scheduled for and when I can expect a response?

41. On 9 July 2017, Mr Bassenger emailed a letter dated 6 July 2017 [54]. This letter included the following:

I have sought legal guidance ...

I have been advised to seek clarification and documentation on the following ...

Once I have received the relevant information, documents or evidence, I will seek further advice on whether I must answer your allegations ...

42. On 11 July 2017, Mr Adams responded with a relatively lengthy email [55] in which he appeared to respond adequately to the matters raised by Mr Bassenger in his letter dated 6 July 2017. At the end of that email, he requested a response in relation to five questions. The first three were similar or the same to the Questions. Mr Adams added the following two further questions, together with a warning to provide a response by 6pm on 14 July 2017:

4. *Please let me know when the post was made? [sic] and when it was taken down? (i.e. roughly how long was the post live on your Facebook wall before you took it down?)*

5. *Please let me know who asked you to remove the post? (i.e. the England Boxing Member you referred to in your email of the 4 July 2017).*

I must make you aware that failure to co-operate in respect of these investigations could result in charges being brought against you. Furthermore and as detailed above, failure to respond to the questions could result in the Committee drawing inferences when reviewing and making a decision, which again could lead to charges being brought against you.

43. On 12 July 2017, at 9.58pm, Mr Bassenger contacted Mr Adams with a further email [60] albeit one in response to a separate email that Mr Adams had sent to one of Mr Bassenger's colleagues on the EMRC. Mr Bassenger asked some further questions, made some more requests and expressed some disappointment.
44. It is not clear whether Mr Bassenger ever received a response to the above email.
45. The next email in the Bundle [62] is the email on 10 September 2017 containing the Charge Letter.
46. On 30 September 2017, Mr Bassenger emailed the first part of the Written Representations.
47. On 29 December 2017, Mr Bassenger emailed the second part of the Written Representations, along with two character references. In that letter, Mr Bassenger provided a formal and direct response to the Questions.
48. In his Written Representations, Mr Bassinger admitted in essence that he had failed to respond reasonably to the five questions but set out his reasons for the omission. His submissions appeared to the Panel once again, in effect, to be focused on mitigation rather than on the facts underlying the charge. They included the following:
- (a) He was under "so much stress" at the time.
 - (b) He was seriously concerned about "incriminating" himself and stating something that could be used against me.

- (c) With the benefit of hindsight, however, he now believes that this was an “unprofessional stance”.
 - (d) His two sons were experiencing some very serious issues, along with his wife’s health issues.
 - (e) He was very busy generally with the effect that the matter was crowded out somewhat.
49. Having considered all of the evidence before it, and having regard to the full admission made by Mr Bassenger at the outset of the Hearing, the Panel concludes unanimously that Charge 3 has been made out. To summarise:
- (a) The Panel is satisfied that Mr Bassenger did fail to respond to and/or co-operate with some or all of the relevant questions in the communications from Mr Adams of 3 July 2017 and 11 July 2017 and, as such, did fail to co-operate with an investigation by England Boxing.
 - (b) In doing so, he did not act in the interests of England Boxing or the sport and did undermine the integrity of the England Boxing disciplinary process and brought the same and the sport more generally into disrepute.

Conclusion

50. The Panel concludes that each of the Charges is proven on the facts. In doing so, the Panel notes that the same constitutes a breach of the Code of Conduct of England Boxing, which provides that:

... the Member agrees and continues:

- *Not to act against the interests of the sport or of England Boxing, and not to bring the sport of England Boxing into disrepute.*

SANCTION

51. The range of potential sanctions that the Panel may impose if a charge is proven following a hearing, are set out at paragraph 32 of the Procedures and include:
- (a) a reprimand;
 - (b) a fine not exceeding £5,000;
 - (c) a ban from participating in the sport or certain specific aspects of it (such as officiating, coaching, or holding office at club, regional or national level), for a period of time;
 - (d) a ban from membership of EB, for a period of time;
 - (e) the imposition of any such conditions on participation in the sport (or in any specific aspects of it), or on membership, as it considers fit;
 - (f) a requirement to attend appropriate training; and, in addition,
 - (g) a requirement to pay a contribution to, or all of, the costs of the disciplinary hearing.
52. There is provision to suspend any penalty.
53. In considering sanction, the Panel has considered the proven charges collectively and in the round.
54. The Panel is struck by the range and persuasive strength of mitigating factors. These are set out elsewhere in this decision document. The Panel have had full regard to them and have imposed a considerably more lenient sanction that it would otherwise have done. The Panel accepts that Mr Bassenger has reached a point where he now understands that what he did was wrong, irrespective of the various challenges presented to him at the material time.
55. The Panel also recognises and accepts that Mr Bassenger has given an exceptionally large amount of his time and energy to the sport. His evidence would indicate that he has made a very substantive and positive contribution over a several decades. The Panel also takes into account the positive character references provided in support of Mr Bassenger. There is no evidence before the Panel to suggest that Mr Bassenger's record of service in the world of amateur boxing is anything other than completely unblemished, save for the isolated matters that have given rise to the Charges. The Panel was satisfied that Mr Bassenger was in general terms a genuine and reliable witness. It was further satisfied that he has gained real and considerable insight

into the material matters, is genuinely apologetic, and, further, that there is unlikely to be any repeat of such conduct in the future.

56. Nonetheless, the Panel is satisfied that the proven charges, even giving credit to the significant range and overall force of the mitigating factors, do represent a material falling short of the standards to be expected, particularly having regard to Mr Bassenger's then position as the Chair of the EMRC. That said, there is a spectrum of misconduct and Mr Bassenger's acts and culpable omissions are not, in our view, towards the more serious end of such a range. Further, the Panel accepts and notes that Mr Bassenger has now stepped down from his formal position as the Chair of the EMRC.
57. The Panel also formed the view that Mr Bassenger has suffered quite extensively, already, from having been through what has evidentially not been an easy disciplinary process for him.
58. In all the circumstances, and having regard to the parties' submissions on sanction and costs, the Panel is satisfied, unanimously, that a formal sanction is justified. In their unanimous view, it would be just, proportionate and appropriate to impose the sanction given effect by the order set out at paragraph 60 below.
59. After the deliberations were concluded, the parties came back into the Hearing room and communicated the outcome, indicating that these written reasons would follow in due course.

ORDER

60. The Panel makes the following order to dispose of this case:
 - (a) All of the Charges are admitted and proved.
 - (b) Mr Bassenger is issued with a reprimand in relation to the conduct that gave rise to the Charges.
61. The time for any appeal against this decision from either party, pursuant to paragraph 40 of the Procedure, is 28 days from the date of that party receiving this written decision document. Any such appeal must be made in accordance with the provisions of paragraph 40 and shall require the payment of any applicable fee.

62. After the Panel communicated the above outcome, the parties were asked, pursuant to the Procedure, whether they considered themselves to have had a fair hearing or not. For the record: both parties confirmed that they did consider themselves to have received a fair hearing.

Simon Lewis

29 January 2018

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Simon Lewis (Chair)

Date