

**DECISION OF THE ENGLAND BOXING DISCIPLINARY PANEL**

**In the matter of:**

**(1) ENGLAND BOXING**

**-v-**

**(2) MARK O'REILLY**

---

**THE PANEL'S DECISION AND REASONS**

---

1. These are the written reasons and decision of the England Boxing Disciplinary Panel, which sat on 17 April 2019, in the case of Mark O'Reilly (the "Respondent").
2. The independent Panel appointed by England Boxing ("EB"), pursuant to its Disciplinary Procedure (the "EB Procedure"), was Mr. Tiran Gunawardena, solicitor (Chair); Mr. David Mold, barrister; and Mr. Derek Rulten, EB member.
3. The 'Responsible Person' in the case was Mr. Gordon Valentine, who also represented EB at the hearing.
4. The Respondent attended the hearing and represented himself in person.

**BACKGROUND**

5. The background facts of this matter are not in dispute and indeed, can be summarised very simply as follows:
6. On 9 August 2018, the Respondent controlled a sparring session between boxers at the New Astley Boxing Club (the "Club"). Those boxers were Ms Chloe Hunt, Mr Jesse Goodey, Mr Dean Allum and Mr Tom Cash (collectively the "Boxers"). None of the Boxers were registered on The 'Vault' at the time of the spar, and therefore had no EB medical clearance.
7. The issue in the case is whether, upon those facts, the Respondent violated section 3.7.1 of the EB Rule Book, and also separately the EB Code of Conduct.

## **CHARGE**

8. By letter dated 19 December 2018, the Respondent was charged as follows:

*“That you on 9<sup>th</sup> August 2018 at the New Astley Boxing Club, in your capacity as an England Boxing coach, supervised a sparring session involving boxers who were not registered on the ‘Vault’ and who had no medical clearance.*

*Contrary to s 3.7.1 a of the England Boxing Rule Book and the England Boxing Code of Conduct”.*

9. The Panel notes that Section 3.7.1 of the EB Rule Book states as follows:

*“Sparring is only permitted where a boxer, is registered on The Vault (Carded or Recreational) and have medical clearance appropriately documented.”*

10. The wording of the EB Code of Conduct need not be rehearsed in full here; it is available to all concerned and its requirements are well known. Where relevant, it has been referenced below.

## **BURDEN AND STANDARD OF PROOF**

11. The burden of proving the charges was on England Boxing.

12. The applicable standard of proof was the balance of probability. The balance of probability means the Panel will be satisfied an event occurred if it considers that, on the evidence, the occurrence of the event was more likely than not. The same standard applies to the Panel’s consideration of whether any proven act or omission amounts to a violation of the Code of Conduct, taking account of any applicable defence. EB has the burden of disproving any such defence to the same standard.

## **RESPONSE TO CHARGE**

13. On 29 December 2018, the Respondent replied to the charges by email, effectively admitting to the charges. The Respondent also stated:

*“If I have broken rules then I apologise for that it was not intended to be like that, I hope you can be lenient with me as a ban would close my gym and iv [sic] said before we have a lot of kids come to our gym and I would like to think we look after them in the best possible way.”*

14. At the start of the hearing, the Respondent fully admitted to the charges. The Respondent did clarify that a secretary at the Club was in the process of registering the Boxers, but the cards had not yet been sent off to EB meaning that the registrations had not been completed on the Vault. The Respondent admitted that he had “*assumed*” that the registrations had been completed, so he “*was not aware*” at the time that the Boxers were not registered, but that it was nevertheless true that they were not registered.
15. The Respondent also stated that he had medicals arranged for the Boxers, but they had not taken place as yet at the date of the sparring session in question. Despite that, as the Head Coach of the boxing club the Respondent took the decision that it was safe for the Boxers to spar – noting that much of the sparring that takes place under his watch is “*conditioned sparring*” and not “*open sparring.*” Whilst the Respondent acknowledged that administrative mistakes were made by both himself and others at the Club in not registering the Boxers and not completing their medicals prior to the sparring session taking place, the Respondent stated that “*the buck stops with [him]*” as the Head Coach of the club, and he therefore admitted to the charges.

### **DECISION ON LIABILITY**

16. Given that the Respondent fully admitted to the charges at the outset of the hearing, the Panel therefore found the charges against the Respondent, proved as alleged by EB.
17. That decision was unanimous in all respects.

### **SANCTION**

18. The Panel then invited submissions from EB as to the appropriate level of sanction, and the Respondent in mitigation.
19. EB submitted that it considered the violations by the Respondent as a “*serious offence*”, arguing that it was critical that all boxers taking part in sparring were registered and had medicals conducted so that they were covered by EB’s insurance policy.
20. However, the Panel notes that EB acknowledged that there were significant logistical issues with the annual registration process, as there is often a sizeable backlog of applications which needed to be processed which led to delays in registrations being confirmed. EB submitted that all registrations expire on 31 May each year, and applications for renewals (and new registrations) are only submitted from 1 June onwards. Due to the amount of registration applications made simultaneously, there is inevitably a delay in these registrations being processed. Moreover, in practice numerous clubs do

not complete the required medicals (which are required in order to complete a 'registration' and are prerequisites for sparring pursuant to Section 3.7.1 of the EB Rule Book) until as late as September each year.

21. Indeed, EB admitted that it was a reality that there would inevitably be a window of time each year (from 31 May onwards) in which applications for registration may have been submitted by clubs but they would not have been processed on the Vault, due to the backlog and/or incomplete medicals. So it was a reality that there are *at least* some EB boxers who technically spar in that window of time whilst not having been registered and/or having completed a medical – even if they had done everything in their control to ensure they were registered. Nevertheless, EB submitted that it was looking for a “*significant sanction*” to be imposed on the Respondent, such as a suspended ban.
22. With regards to mitigation, the Respondent submitted that he had been involved in the sport for a long time, and “*this was the first mistake [he’s] made in 18 years.*” The Respondent also told the Panel that his “*passion in life was to give kids a chance, the sort of chances that [he] never had*” and that if he was to be banned, the Club would likely have to close which would have a significantly detrimental impact on the young members at the Club. The Respondent also stated that he had taken measures to ensure that similar infringements would not happen again in the future. In that regard, the Respondent submitted a statement from the Club’s Welfare Officer (Ms Lydia Gillham) which stated that as a result of these events, she had now “*taken the responsibility to ensure that all boxers are correctly registered on 1<sup>st</sup> June and that medicals are not out of date.*” She also stated that an additional member had been recruited to the administration team to assist with the process. Lastly, she stated that the Respondent “*gives his all to our club and our boxers, it is my belief that he would never intentionally put any of our boxers at risk.*” EB did not challenge the submission of this statement, nor any of its contents.
23. Given the specific circumstances of this case, the Panel was surprised at EB’s request for a “*significant sanction.*” Whilst it is indeed important that boxers are registered and have had up to date medicals before they spar, as noted above EB itself admitted that due to the inherent delays in the present process of registration on the Vault and the clubs’ delays in completing annual medicals, strict compliance with Section 3.7.1 of the EB Rule Book is, in effect, impossible. If the Respondent was to be banned for this violation, in theory EB should also be banning numerous other members of boxing clubs up and down the country for the very same infraction – but it does not. It would be entirely arbitrary to sanction the Respondent with a ban, but to not pursue disciplinary charges against all of the other EB members who EB know could also be in violation of the exact same rule

(albeit not deliberately). Whilst the flaws in the EB registration process, and delays by other clubs in completing medicals, do not absolve the Respondent of liability, the Panel considered that in the present circumstances it did amount to mitigation in his favour.

24. Further, the Panel also noted that the Respondent had a good prior record and that a ban of any length would remove an otherwise responsible trainer from amateur boxing with potentially significant detrimental effects. If the Club had to close because the Respondent was banned, amateur fighters who might otherwise look to benefit from his experience and guidance could choose to train and fight elsewhere in less well-regulated, or even unregulated environments. That would be wholly detrimental to their safety and the wider interests of boxing.
25. Lastly, the Panel noted that the Respondent readily admitted to the charges and sought to take full responsibility for the Club's infractions. The Panel was also confident that the Respondent had taken steps to ensure that similar infractions would, at least to the best of the Club's knowledge, not occur again. All of this amounted to further mitigation on his behalf.
26. Accordingly, given the specific circumstances of this case, the Panel considered that any sanction more severe than a reprimand – let alone a ban - would be wholly disproportionate and inappropriate.

### **DECISION ON SANCTION**

27. By unanimous decision of the Panel, Mark O'Reilly was therefore reprimanded, pursuant to EB's Disciplinary Procedure.

### **RIGHT OF APPEAL**

28. A right of appeal is available to the parties in accordance with Rule 40 of the EB Procedure.
29. There are no provisions in the EB Procedure to govern the implementation and enforcement of the sanctions set out above in the event of any appeal being lodged by the Respondent, i.e. whether his sanction, or any part of them, should be suspended pending any appeal process, from the time at which any notice of appeal is lodged. The Panel leaves that as a matter for England Boxing to consider, should the need arise.

19 June 2019

Tiran Gunawardena (Chair)

David Mold

Derek Rulten