



Fair go: The principle of natural justice for coaches.

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ABSTRACT

This paper reviews the principle of natural justice (also known as procedural fairness or due process) in the coach setting. The significance of this principle in resolving complaints and ensuring fair treatment of players is discussed. Practical implications for coaches are highlighted.

Key words: Natural justice, Procedural justice, Due process, Fair treatment, Complaints.

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INTRODUCTION

There is considerable attention focused on today's tennis coach to act legally and ethically at all times in the conduct of his/her coaching activities. This attention is not surprising in light of the key role a coach can play in developing players and contributing to the overall success of a team, club, association or local, regional, state or national program. What, however, should not be forgotten is that along with responsibilities, coaches also have rights. These rights include those to privacy, self-determination, personal liberty and natural justice (Healy, 2003). The purpose of this paper is to review the principle of natural justice for coaches, and specifically, (a) how it applies to coaches to ensure a fair resolution to complaints should they arise; and, (b) how it is applied by coaches in making ethical decisions and treating players fairly. To address these issues let's start by defining the term natural justice.

What is Natural Justice?

Natural justice (also known as procedural justice or due process) is defined as "rules of fair play" (Martin, 2003, p.325). According to Martin, there are two main rules:

(a) Rule against bias - any decision, however fair it may seem, is invalid if made by a person with any known bias that may have affected his/ her impartiality

(b) Rule to hear the other side - a decision cannot stand unless the person directly affected by it was given a fair opportunity

both to state his/her own case and to know and answer the other side's case.

So what does this mean? Healy (2003) proposes that natural justice gives those accused of 'breaking the rules' the following basic rights:

1. They should know the nature of the allegation made and the circumstances in which the breach is said to have occurred
2. They must be given an opportunity to put their case
3. Those considering the matter should act in good faith

AVOIDING COMPLAINTS

Coaches can be bound, legally and/or ethically, to a range of rules, policies and codes of conduct (e.g. ITF Code of Ethics for Coaches) in relation to their coaching duties. Acting strictly in accord with these rules, policies and codes is the best insurance to avoid allegations of misconduct. However, this is not a 'fool-proof' strategy. Further, mistakes and errors of judgment are a part of life, even for coaches. In these circumstances, allegations of misconduct always remain a possibility.

Allegations, even if later dismissed, have the potential to leave a coach's reputation severely undermined and/or tainted (Healy, 2003). In the event allegations are upheld, coaches can expect disciplinary action to be taken. A range of possible

sanctions or penalties that may be imposed are listed in Table 1.

DISCIPLINARY ACTIONS
<ul style="list-style-type: none"> • A verbal or written apology • A letter of reprimand • A fine or levy • A referral to counselling • The removal of certain privileges of membership or employment • A demotion or pay cut • A temporary suspension with or without pay • The termination of employment or contract • Deregistration as a qualified/certified coach

Table 1. Possible Disciplinary Actions for Coaches who Breach Relevant Policies, Rules and Codes of Conduct (Australian Sports Commission, 2009).

ENSURING A FAIR RESOLUTION AFTER A COMPLAINT

Let's assume a scenario where allegations have been made against a coach and a hearing (be it a tribunal or less formal forum) is scheduled. What should a coach do to ensure a fair complaint handling process? Critical considerations include:

- Know your rights – you are entitled to know the allegations against you, have sufficient time to prepare and present your case and be heard by an unbiased panel or person
- Check the standards of the hearing prior to its commencement – once underway, it may be too late or more difficult, to insist on your rights. Learn from the reported case of a coach who was banned from sport for life but was not told of the allegations (Healy, 2003)!
- If uncomfortable with, or uncertain about, any aspect of the proposed hearing, take appropriate action (e.g., discuss matters of fairness with those conducting the inquiry or get legal representation).

Fair Treatment of Players

The discussion to date has focused on how natural justice applies to a coach in the event of disciplinary proceedings. It is also relevant, and important, to discuss how natural justice can, and should, be applied by a coach in his/her treatment of players.

Coaches are continually making decisions that affect players (Martens, 2004). Let's consider a couple of decisions a coach may face relating to player selection and discipline. Should an injured player be eligible to compete in a team final or selected for an overseas touring team? Should a player be suspended for missing a training session?

Natural justice stipulates that coaches, in addressing such questions, must act without bias and give the players affected by the decision the opportunity to be heard. Can coaches vouch that all their decisions would pass this 'fairness test'? Food for thought here!.

So, what can coaches do to treat players fairly at all times? Here are some suggestions with respect to issues of player selection and discipline.

TEAM SELECTION

- Develop a policy setting out selection criteria as objectively and clearly as possible. If subjective criteria are included, develop your own guidelines to evaluate players in relation to each of these. Consult with players and qualified others for input into the policy
- Publish and distribute policy and procedures including existence of a selection panel (where possible to consist of more than just the coach) and an appeals mechanism and process
- If required, get professional advice to ensure policies and procedures satisfy fair and equitable standards
- Ask the question, 'If I were a player affected by this selection policy and procedure, what would I think and feel?' – if the response is a positive one, proceed. If not, regroup and go back to the drawing board!
- Adopt an 'open door' approach to discuss any queries from players



Player Conduct: Disciplinary Action

- Develop a written (and readily available/distributed) policy/code of conduct in consultation with players and qualified others
- Consult with players as to the benefits of adherence and consequences if standards are not met

- Ensure other qualified person(s) conduct any inquiries/investigations of alleged breaches if you feel you cannot act impartially
- Allow players to present their case – presume innocence and try not to prejudge players before listening to the ‘other side’
- Ensure any punishment ‘fits the crime’ – look at alternative disciplinary measures in the event of indiscretions such as: (a) getting the player to recommend a suitable penalty; and (b) introduce community tennis projects (e.g., player to conduct a tennis clinic for underprivileged children)
- Ask the question, ‘If I were a player, would I consider the actions/ decisions of my coach to be fair?’ – as above, keep working on it until you get it right!
- Adopt an ‘open door’ approach to discuss any queries from players.

CONCLUSIONS

The term ‘natural justice’ is not commonly found in the tennis literature. But do not be fooled, natural justice goes to the very heart and spirit of the game – it denotes fair play at all times both on and off the court. In the context of coaching, natural justice applies both to the rights of coaches as well as their duty to act by the rules of fairness.

In conclusion, it may be useful and timely to recall the well-known saying, namely, ‘Justice should be done and be seen to be done’. Coaches have the power and authority to ensure they receive, and give, fair treatment in all their coaching activities. Why not give it a fair go?

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