



UK Athletics “Fast Appeals Procedures” 2023 Season

Note to athletes from the British Elite Athletes Association:

The British Elite Athletes Association (BEAA), provides independent, confidential advice and support to World Class Performance athletes and BEAA members, with the selection process, disputes and appeals.

The BEAA is always balanced and independent in its advice to athletes and if it feels there are no grounds for appeal, it will say so. The BEAA offers pastoral and emotional support, throughout any process as well as referring athletes to Sport Resolutions to request pro-bono legal advice if appropriate.

Please contact the BEAA at support@britisheliteathletes.org or via live web chat: www.britisheliteathletes.org

INTRODUCTION

1. This document sets out UK Athletics' Selection Appeals Procedure (the “**Procedure**”) applying to international team selection decisions for the competitions outlined in Schedule 1 (unless UK Athletics notifies athletes otherwise) and all decisions to nominate an athlete to the British team at the Olympic or Paralympic Games. The Procedure applies equally to such Olympic or Paralympic nomination decisions as if each reference to the "selection" was replaced with "nomination" unless otherwise stated. This Procedure will remain in place until superseded or amended by UK Athletics from time to time.
2. International team selections will take place in accordance with the applicable selection policies as published and updated from time to time on the UK Athletics website (www.uka.org.uk) (each referred to as a “**Selection Policy**”). Any athlete (the “**Appellant Athlete**”) wishing to lodge an appeal under this Procedure must be fully familiar with the detailed provisions of the Selection Policy for the relevant competition.
3. This Procedure does not apply to:
 - a. selection decisions relating to membership of the UK Athletics World Class Programme; or
 - b. competitions not listed in Schedule 1 to this Procedure.
4. This Procedure is intended to be an extremely accelerated one to enable any selection appeals to be resolved as quickly as is reasonably possible. Due to the nature of selection for major events, selection decisions often need to be taken close to the time of the event to which the selection relates. Furthermore, there is considerable potential for "knock on" to athlete preparation related to the outcome of the appeal, both with regard to the Appellant Athlete, as well as any athlete who is at risk of being deselected or otherwise adversely affected by the appeal (a “**Third Party**”).

5. This Procedure is the only applicable appeals procedure and forms the entire agreement between each athlete (including any Appellant Athlete and Third Party) and UK Athletics (together, "the **Parties**") as to how selection decisions are to be challenged. The Parties agree to submit any dispute, concerning any matter connected with or arising out of selection issues, to binding arbitration in accordance with the provisions of this Procedure. The Parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of this Procedure, or any decision made under this Procedure, before any court of law or other dispute resolution body. The Parties will treat all decisions under this Procedure as final and binding upon them.
6. The Parties agree that this Procedure is to be treated as an arbitration procedure under Part 1 of the Arbitration Act 1996 (the "**Act**") and the provisions of paragraph 5 above amount to a binding arbitration agreement for the purposes of section 6 of the Act. Sections 44, 45 and 69 of the Act shall not apply to any proceedings under this Procedure. The seat of the Arbitration shall be England and the Procedure shall be governed by English law.

PARTIES

7. This Procedure is binding on UK Athletics and on each athlete who is seeking selection to the Great Britain and Northern Ireland Team for the competitions listed in Schedule 1.

TIMELINE

8. Each Selection Policy to which this Procedure applies will set out a timeline of dates and times for the procedural conduct of appeals relating to that Selection Policy (a "**Relevant Timeline**"). The Relevant Timeline will vary for each Championships depending on the date of the selection meeting and the deadline for entries for the Championship. It is the responsibility of athletes to check the Relevant Timeline in each Selection Policy and comply with it.

NOTIFICATION OF SELECTION

9. Each athlete who has been selected will be notified by the date and time set out in the Relevant Timeline of their selection to represent Great Britain and Northern Ireland at the relevant Championships ("**Notification**"). The Notification will be sent by email. If an athlete has not been notified of their selection by the time stated in the Relevant Timeline, they have not been selected. There is no obligation on UK Athletics to notify athletes of their non-selection.
10. UK Athletics may inform an athlete of their selection or non-selection prior to sending the Notification, although this may not be possible or appropriate on every occasion and it shall not be a breach of the relevant Selection Policy or this Procedure if such prior communication does not take place.
11. It is the responsibility of athletes to:
 - a. check the Relevant Timeline as to when they will receive Notification of selection; and
 - b. if they do not receive notification of selection to then comply with the Relevant Timeline if they wish to appeal their non-selection; and
 - c. ensure UK Athletics has their correct email address.

REQUEST FOR NOTES

12. Any athlete considered for selection for a Relevant Championships may request from UK Athletics copies of the extracts of the notes of the selection meeting which relate to their non-selection. Requests for notes must be sent to appeals@britishathletics.org.uk within the deadline set in the Relevant Timeline.
13. In relation to reasonable requests for notes submitted in accordance with this Procedure, UK Athletics will supply the notes requested within the deadline set in the Relevant Timeline.
14. Athletes who have requested notes of the selection meeting relating to their non-selection are:
 - a. not deemed to have appealed their non-selection; and
 - b. are not obliged to appeal their non-selection. Appeals must be submitted in accordance with paragraphs 16 – 21 below.

GROUND OFS OF APPEAL

15. The sole grounds of appeal against the decision of any selection panel to which this Procedure applies will be that:
 - a. there has been a failure to follow the applicable Selection Policy; or
 - b. the selection panel (or any member of it involved in making the relevant selection decision) has shown actual bias when making the decision; or
 - c. the selection panel reached a decision on the basis of an error of fact; or
 - d. the decision is one that no reasonable decision maker could ever have reached,

(“Grounds of Appeal”)
16. The right to appeal a selection decision is provided on these limited grounds only and must not be seen as an opportunity to dispute the opinion of the selection panel where they have followed the proper procedure and selection criteria stated in the Selection Policy. In reaching their decision the selection panel are acting as experts and athletes agree that in so doing the selection panel exercises judgment and discretion which are not in themselves capable of challenge. Athletes should therefore consider carefully whether any of the grounds of appeal at paragraph 16 exists before submitting a Notice of Appeal.
17. There are no appeals allowed against the content of the published Selection Policy or against the actions of the selection panel, provided they follow the selection criteria published.

HOW TO APPEAL

18. In relation to their non-selection for a competition to which this Procedure applies, an Appellant Athlete wishing to appeal their non-selection must submit a formal written appeal ("**Notice of Appeal**") to appeals@britishathletics.org.uk within the deadline set in the Relevant Timeline.
19. If the Appellant Athlete fails to submit the Notice of Appeal within the deadline set out in the Relevant Timeline, he or she will automatically lose the right of appeal under this Procedure, save in wholly exceptional circumstances which will be judged by the Appeal Panel in their absolute discretion.
20. The Notice of Appeal must set out at least one of the Grounds of Appeal and include full details of the basis of the appeal, including as full an explanation as possible of why the relevant Ground(s) of Appeal are met. Any Notice of Appeal that does not credibly set out a Ground of Appeal should be dismissed by the Appeal Panel.
21. UK Athletics shall promptly provide the Notice of Appeal and any other relevant documents to the Appeal Panel.

APPEAL PANEL

22. UK Athletics shall appoint 3 persons to the Appeal Panel, one of whom shall be nominated by UK Athletics as Chair. One member of the Appeal Panel shall be a solicitor or barrister with at least ten years' post-qualification experience or call. UK Athletics may ask Sport Resolutions to make all or any such appointments.
23. No member of a selection panel may form part of the Appeal Panel. The identity of the Appeal Panel members will be disclosed to Appellant Athletes following receipt of their Notice of Appeal.
24. If any member of the Appeal Panel has any involvement with or is related to an Appellant Athlete or a Third Party or is in any other way placed in a position of conflicting interests in respect of any appeal, they must disclose this and they shall be disqualified from sitting on the Appeal Panel and will be replaced by another person nominated by UK Athletics.
25. Should the Appellant Athlete object to the composition of the Appeals Panel he/she must state his/her objections within one hour of being notified of the identity of the Appeal Panel by emailing appeals@britishathletics.co.uk. UK Athletics shall review the objection and decide in its absolute discretion whether to alter the composition of the Appeal Panel or proceed with the nominated Appeal Panel.

THIRD PARTIES

26. Where it appears to the Appeal Panel that the interests of any Third Party may be affected by the appeal, they will ask UK Athletics to notify the Third Party of the appeal, provide him/her with a copy of the Notice of Appeal and other relevant documents and invite the Third Party to make any submission. The Appeal Panel will set the deadline for Third Party submissions to be received, which must be prior to the time set for the appeal hearing.

UK ATHLETICS RESPONSE

27. The Chairperson of the selection panel may make submissions to the Appeal Panel in response to the Notice of Appeal ("**Chairperson's Response**"). The Chairperson's Response must be submitted to the Appeal Panel within the deadline in the Relevant Timeline save in wholly exceptional circumstances which may include the number of appeals received and will be judged by the Appeal Panel in their absolute discretion.

HEARING

28. Appeals will be conducted based on the written submissions of the Appellant Athlete (contained within the Notice of Appeal and the Chairperson's Response), without a hearing or the calling of witnesses or the giving of oral evidence.
29. In exceptional circumstances and at the discretion of the Appeal Panel, a party to the appeal may be invited to provide information by telephone or in writing.

MISCELLANEOUS

30. Until the appeal is decided, UK Athletics will refrain from publishing any further details in relation to the selection which is the subject of the appeal or the Appellant Athlete.
31. The decision of the Appeal Panel will determine the rights of all the affected athletes (not just the Appellant Athlete) and therefore any Third Party who was contacted for submissions will be prohibited from appealing matters which have already been decided upon by the Appeal Panel.
32. The Appeal Panel will seek to reach its conclusion as soon as possible, noting the entry deadline for the competition and any other relevant steps that may be needed.
33. The Appeal Panel should record their decision, with reasons, in writing, which should be supplied to UK Athletics to send to the Appellant Athlete. The Appeal Panel may, where required due to time pressures, provide a decision by email with full written reasons to follow.

REMEDIES

34. The Appeal Panel is entitled to rescind the decision of the selection panel and confirm the selection of the Appellant Athlete but only on the grounds set out in paragraph 16 of this Procedure.
35. The Appeal Panel shall be entitled to confirm the decision of the selection panel and reject the appeal.
36. The Appeal Panel may also quash the selection decision and remit the matter back to the selection panel notifying the errors they have identified in the conduct of the selection process and requesting that a new decision is made within such time as the Appeal Panel deem is reasonable in all the circumstances and noting the entry deadline for the relevant competition. There will be no further right of appeal for any new decision made by the Selection Panel in accordance with this clause 36.

MINOR AND NON-CONSEQUENTIAL BREACHES OF THIS PROCEDURE

37. Save that the time limit for commencing this Procedure by the Appellant Athlete shall be strictly enforced, where any party deviates from any requirement of this Procedure it shall not invalidate the Procedure or the decision of the Appeal Panel, unless there is a clear and significant risk that the deviation has affected the decision of the Appeal Panel.

CONFIDENTIALITY OF PROCEEDINGS AND PUBLICATION OF DECISION

38. UK Athletics, the Appellant Athlete and any Third Party are under an obligation of confidentiality in respect of any appeal proceeding under this Procedure. Save as permitted under this Procedure, none of these parties will make any public statement about or disclose the contents of the Notice of Appeal, or any other matter or document (including the selection meeting notes) referred to by any of the parties during the course of appeal proceedings.
39. UK Athletics will be entitled to publish the decision of the Appeal Panel where it upholds the appeal (or any element of it) in such manner and to such extent as is necessary to inform all properly interested and affected parties of the status of the selection decision previously published and the resulting position as to selection.

CHANGES AND AMENDMENTS TO THIS PROCEDURE

40. UK Athletics shall be entitled to amend this Procedure from time to time and such amendments will take effect from the first date of publication of the complete amended procedure on the UK Athletics website.

CORRESPONDENCE

41. All correspondence regarding an appeal and any comments or correspondence in respect of this Procedure should be sent to appeals@britishathletics.org.uk.

COSTS

42. The parties shall bear their own costs of any appeal.

SCHEDULE 1 – COMPETITIONS

IOC Summer Olympic Games
IPC Summer Paralympic Games
World Athletics Championships
World Para Athletics Championships
World Athletics Indoor Championships
European Athletics Championships
European Athletics Indoor Championships