

BEFORE THE UK ATHLETICS DISCIPLINARY PANEL

B E T W E E N:

UK ATHLETICS Ltd (“UKA”)

Complainant

and

Christopher Black

Respondent

-
1. On 4 & 5 June 2024, at the Headquarters of ‘Sport Scotland’ in Edinburgh, an independent Panel convened to hear allegations brought by UK Athletics (“UKA” hereinafter) against Mr.Christopher Black (“CB”). CB is a former Scottish Athletics coach in the field of hammer throwing. We say at the outset that there is no doubting CB’s prowess and standing within the discipline of hammer throwing. His achievements both as a hammer-throwing competitor himself (and shot-putter), and latterly as a Coach, are considerable; and his passion and commitment to the discipline are undoubted. No part of this Judgement detracts in any way from those observations.
 2. UKA brought 14 charges against CB. With a single relatively insignificant exception, all the charges span a period of broadly 2 years between [REDACTED]. They concern a young female athlete, [REDACTED] referred to hereinafter by the initials [REDACTED]. We see no reason to formally name [REDACTED], and we direct that her name be removed from any other reproduction of this Judgement, and/or from any associated documentation accompanying it. There is no reason

why [REDACTED] should not have the anonymity to which a complainant in any sexual allegation is entitled, and we direct that her name shall not be published in connection with this case.

3. [REDACTED]. She is accordingly now aged [REDACTED]. She was also aged [REDACTED] when the Panel received her oral evidence. This occurred on 10 April 2024. She had made (at least) two long Witness Statements prior to that. [REDACTED] turned 18 years old on [REDACTED]. She was accordingly a young adult woman at the time of the allegations between [REDACTED]. Specifically, the bulk of the main allegations span just prior to 2 years, between [REDACTED].
4. The single exception in the charges referred to above was Charge 14. This was dated much later than the charges based upon [REDACTED] evidence. It alleged the provision of Coaching services, or their equivalent, by CB in October 2022. Such coaching services, if made out, would lie in breach of the terms of what was and remains CB's current suspension from Coaching. We deal with Charge 14 at the outset of the charges below.

Procedure & Nature of proceedings

5. The 13 charges generated by [REDACTED] complaints were sensitive. They alleged conduct by CB ranging from shouting, bullying and intimidatory behaviour when acting as [REDACTED] coach, to highly inappropriate and sexualised text messaging with [REDACTED] and then to actual sexual abuse including, in its most serious form, penetrative sexual abuse of [REDACTED]. Accordingly, the Panel met remotely over a number of preliminary hearings, commencing in the Spring of 2023, at which the most optimum and fair way to conduct proceedings of this nature was discussed. It is important to note that CB was present at almost all of these preliminary hearings of the panel, and that he made an active contribution to the discussion about how the proceedings should be held. The Panel was grateful for the co-operation of CB with the process. UKA was represented by Counsel at all or most of these remote

Hearings, to whom we also record our gratitude. On occasion the 3 Panel members met alone to take procedural matters forwards.

6. The Panel was not prepared to determine allegations of this gravity on the basis of written evidence only. We wished to hear from ■■■ directly in order that we might be best placed to make a judgement about her evidence. To this end, we encouraged CB to secure Representation, as it was felt that this would be the most effective method through which he could present his case.
7. This was confirmed to us at an early stage, when it became clear that CB was contesting each and every allegation levelled against him. He said that he would not be securing representation, at least not for the purposes of questioning ■■■ for what seemed to the Panel to be financial reasons. On more than one occasion CB was strongly encouraged by the Panel to secure representation, and other potential 'avenues' into this were looked into, but it did not come to fruition until the Hearing itself in June 2024. Whilst CB's representation at the final hearing in June 2024 was, if we may observe, both welcome and effective in the shape of Mr.Robert Landells, Mr.Landells was not in place at the stage at which ■■■ evidence fell to be challenged.
8. Accordingly, much consideration was given by the Panel as regards the best procedure, taking into account representations made on UKA's behalf through their counsel, representations made by CB, and current models of what constitutes best practice in the Courts when taking evidence from vulnerable people, and when dealing with litigants in person.
9. The Panel Chair looked in particular at Regulations 9 & 11 of the current edition of the *UKA Disciplinary Rules & Procedures*. These Regulations govern the powers and procedures of the UKA Disciplinary Tribunal. The Regulations include at Regulation 11.6 provisions applicable to taking evidence from vulnerable witnesses. In particular, provision is specifically set out at Regulation 11.6.2 for cross-examination of a vulnerable witness to be undertaken 'through' the Chair of the Panel. Following representations made by all parties, it was decided that this should be the favoured course.

Formulation of Questions

10. Over a number of months, a full set of comprehensive and detailed questions for ■■■ were drafted, refined, re-drafted, and ultimately approved, in order that they could be put to ■■■ through the Panel so as to stand as her cross-examination on CB's behalf. CB generated the original list of questions, and the areas of challenge he wished to explore with ■■■. It is a necessary consequence of CB being a lay-person that his proposed questions in their initial raw form perhaps lacked the style, focus and 'measure' of cross-examination drafted by a professional advocate. That said, they clearly set out the nature of the challenge, and we were grateful to CB for the obvious industry he applied towards setting out his case, and in seeking to frame a challenge towards ■■■. The Panel, in particular the Chair, noted the amount of work CB must have put into his questions, set against what were often strict deadlines imposed by the Panel to keep these proceedings focussed and moving.
11. In addition, CB prepared at a fairly early stage a full colour bound lever arch file of materials in support of his case. The Panel Chair retained this Source material throughout the litigation and it was both available at, and referred to by the Chair, at the Final Hearing in June 2024.
12. The Panel also wishes to record its gratitude towards those acting for UKA, who applied considerable industry, fairness, and drafting-skill to the final reproduction of CB's proposed questions, in order that they were suitable both to be asked appropriately through the Panel, and answered meaningfully by ■■■.
13. It will be understood and appreciated that arriving at a final set of approved questions, based upon the above thorough process, took a number of weeks and months, in which Question-drafts, and re-drafts, were sent back and forth for amendment between the parties. Suffice it to say, by late 2023 a set of approximately 90 (ninety) focussed questions of ■■■ had been drafted, based upon challenges CB wished to make to her, refined through some re-drafting where necessary by UKA, and finally approved by the Panel.

Partial Delay

14. The first date set for the proposed cross-examination of ■■■ was 21 November 2023. ■■■ had, by then, retained a solicitor ■■■■■■■■■■. The *precise* terms of ■■■■■■■■■■ retention on behalf of ■■■ were never completely clear to the Panel (they may be confidential). The Panel made it clear that ■■■■■■■■■■ was not to represent ■■■ with a view to somehow “assisting” her as a witness before us. We received and accepted that assurance.
15. Once it was established that ■■■■■■■■■■ had no *locus* in these proceedings, other than to oversee ■■■ general welfare she being a client, and that ■■■■■■■■■■ was not to take any part in helping ■■■ as a witness, the Panel saw no real difficulty with her being present. Safeguards to the integrity of the process included, for example, a prohibition the Panel directed upon ■■■ being sent a draft of the proposed cross-examination in advance. On the basis of an undertaking from ■■■■■■■■■■ that she was to play no role whatsoever in assisting, interpreting and/or answering any questions for or on behalf of ■■■, the Panel were content for her to be present for the questioning of the witness ■■■, providing it was presence only. This was respected.
16. On 21 November 2023 a successful video link was established. The participants on the ‘Link’ were the Panel Chair, ■■■■■■■■■■ acting as Administrator, ■■■■■■■■■■ and ■■■. At this stage of this Judgement reference may be made to the email of the Panel Chair sent to the UKA Administrator ■■■■■■■■■■ on the evening of 21 November 2023, as to what occurred.
17. In short, the questioning of ■■■ was abortive. ■■■ indicated from the outset of the recording that the document which purported to be her first Witness Statement, and which was dated no more precisely than “*Statement obtained between January and March 2020, ■■■■■■■■■■,*” did not constitute a document which ■■■ was happy to describe as her own Witness Statement. She said that it contained significant content which was not her own; further, that it displayed

significant omissions. The Panel Chair whom was to conduct the questioning has experience of such phenomena occurring in practice; but not to the extent that was reported by [REDACTED]. She had never even been sent a copy of this, her own Witness Statement, before; further, she said the words "*I never signed-it-off as my Statement.*" [REDACTED] was plainly not satisfied about proceeding upon the basis of its content, and nor was the Panel Chair.

18. For the reasons outlined and preserved within the email drafted by the Panel Chair and referred to above, it was decided fairly swiftly at this first meeting that the questioning of [REDACTED] could simply not proceed in these circumstances : [REDACTED] Witness Statement was her most significant document in the case; it was of very particular importance given that the procedure the Panel had adopted entailed this Witness Statement standing as [REDACTED] evidence in chief. The fact that the Statement was incorrect, significantly compromised the usefulness of any cross-examination based upon its content.
19. In the circumstances, with both [REDACTED] and her solicitor [REDACTED] consenting, the Panel was left with no choice but to adjourn questioning, and to ask for a proper and accurate Witness Statement to be taken from [REDACTED] and one which she must read back and sign, approving of its content. Both this decision, and the matters which had occurred prior as to [REDACTED] dissatisfaction with her first Witness Statement, are preserved on video recording.
20. The knock-on effect, as anticipated by the Panel, was that CB would wish to amend the final form of his cross-examination, which amendments again were subject to the process of Panel-Approval and a UKA 're-draft' in accordance best practice. The further delay inherent in this process was acknowledged by both [REDACTED] and [REDACTED]. They were aware there would be delay when they consented to the further necessary adjournment.
21. In due course, a full and comprehensive Witness Statement was obtained from [REDACTED]. This was dated 30 January 2024. For the purposes of identification of that document, it runs to 22 pages and some 222 paragraphs. [REDACTED] signed this Statement and declared its contents as true. The Panel notes that this Witness

Statement stands as [REDACTED] evidence in chief in these proceedings before this Panel.
Recourse ought to be had to its content if there is a need to check any material averments [REDACTED] has made in the course.

22. The Panel considered and read [REDACTED] Statement in full, and in detail.

Cross-examination

23. On 10 April 2024 the questions which had been prepared and refined for [REDACTED] were put to her 'through' the Panel, by way of Panel Member Mr. Clive Dobbin reading them out over a video link, and inviting answers from the witness. The intention had been for Panel Chair Mr. Andrew Ford KC to undertake this procedure, but serious professional commitments in the criminal Courts prevented this, and Mr. Dobbin was perfectly well placed to do the task, and did so very clearly.

24. The procedure worked well. The questions and answers were captured on video recording and the entire procedure recorded. A member of UKA's administrative staff was present, as was [REDACTED] again looking after the interests of [REDACTED].

25. The video recording was preserved. It was not seen by any member of the Tribunal, nor by any other party, prior to the hearing commencing on 4 June 2024.

26. Along with her amended, full witness statement dated 30 January 2024, this recording constituted the key evidence of [REDACTED] to be placed before the Tribunal. It was played to us and fully noted on 4 June 2024, day 1 of the Hearing.

The Hearing of 4 & 5 June 2024

27. Over 4 & 5 June 2024 the hearing proceeded at the headquarters of Sport Scotland, in Edinburgh. The Panel Records its gratitude to all staff at that venue,

and indeed to the administrative support services provided by UKA, for the provision of suitable facilities at the venue, such as meeting rooms and break-out rooms, which enabled both the hearing to take place, and discrete discussions to occur in private; and also for the provision of refreshments over the two days. We feel sure that both those present on behalf of UKA, as well as CB and his representative, will share this sentiment.

Materials

28. Three Bundles were prepared for the Hearing: 'Bundle A' was the main Bundle, consisting of UKA's principle papers in the case, ie the charges, list of allegations, outline of case, copies of the Regulations, the Code of Conduct, a copy of the Conditions Relating to the *UKA Coach & Licence Scheme*, as well as any Witness Statements & Exhibits.

29. In 'Bundle B,' documents tendered in support of his case by CB had been compiled and ordered helpfully, into 'chapters' such as '*Extracts from Witness Statements with Serious Contradictions*,' documents in which [REDACTED] had expressed thanks to, and praise for, her coach CB; press cuttings, images, text messages and *Twitter* posts and feeds where relevant; and associated material supportive of CB. To supplement his case materials, CB had compiled a further tranche of documents known as 'Folder P,' just prior to the hearing, consisting of correspondence and what CB referred to as 'Case Communications' between himself and UKA in the run up to the hearing.

30. Of less direct relevance was 'Bundle C,' described as '*Duplicate Technical Folder for [REDACTED]*,' he being one of the witnesses called by UKA. This Bundle consisted of, at times, dense documentary materials on such topics as Nutrition, Mileage Charts to and from Hammer-Throwing Events, Training, and other performances; historic distance charts for Throwing achievements etc,

mathematical formulae, and technical information, as well as much other technical data generally.

31. As a Panel we found Bundle C less helpful, when the key issue before us was one of witness credibility set against allegations of abusive behaviour by a coach. Considerable reference was, however, made to Bundle B and to Folder P, each of which contained supportive material for CB. The Panel Chair had also retained and brought along to the final hearing Mr. Black's '*Defence Backup Information*,' consisting of documentation which was supportive of CB, and which had been supplied by him at an early stage in the proceedings during 2023. These were documents helpfully produced in colour. Again, they were referred to during the hearing, and had been faithfully read by the Panel. CB may take an assurance that all of these materials were read by the Panel.

32. Other material considered by the Panel included the following :

- a. Text messages sent between CB and [REDACTED] (mainly in the direction of being sent by CB to [REDACTED]);
- b. Witness Statements of
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED] (seemingly presented on CB's behalf);
 - [REDACTED] (seemingly presented on CB's behalf);
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- c. Large file of correspondence between CB and UKA;
- d. Some video clips provided by CB

- e. Emails and supporting documents sent subsequent to the June 2024 hearing by or on behalf of CB, dated 6th and 27th June 2024, including various attachments, but principally draft Closing Submissions. This occurred due to the pressure of time towards the end of Day 2 of the hearing (5 June 2024) when there was limited time available to both sides to 'close' their cases and round off what they wanted to argue by way of final submissions. The Panel had some sympathy with CB's position here, and we were content to receive further Closing Submissions in draft form in correspondence after the event. UKA confirmed that it did not wish to add to what it had already submitted.

Procedure at the Hearing

33. We invited brief Opening Statements by each party. We then proceeded to hear the evidence called by UKA, or read where appropriate; and then we heard from CB himself, invited him to produce any supportive materials he wished, and we invited UKA to cross-examine him through counsel Mr.Baines, for which we were grateful. Of note, and of considerable assistance to the Panel, CB had by the date of the Hearing retained the services of a friend / colleague referred to above as Mr.Robert Landells. We remarked then, as we do now, that Mr.Landell's questioning of UKA's witnesses was done with skill and economy.

Deliberations

34. For the same reasons as outlined in paragraph 32(e) above (lack of time), it became evident during the Hearing that there would be insufficient time for the Panel to complete full deliberations during the 2-day slot, and that the obtaining of the evidence, in completion, was more paramount at that stage. In the event, and to avoid placing anyone under unreasonable pressure, a decision was taken to postpone Deliberations to a date when there would be no pressure of time. This

was possible, given that all the Panel members had taken a full note of proceedings and of the evidence given.

35. For the purposes of this case, the Panel can state that it convened again during two lengthy sessions of Deliberation, remotely, on 24 July 2024 and 29 July 2024 administered by ██████████ of UKA. Once the Link had been established ██████████ 'left' the remote link and played no part in the Panel's Deliberations. At each session of Deliberations, the evidence was discussed and debated between the three Panel members, at times vigorously, during which the Panel's collective recollections of the evidence and notes of proceedings were referred to at length.

36. We reminded ourselves at every stage that we were working towards the civil standard of proof, and that we must not make any findings of fact, unless we were prepared to do so on the balance of probabilities. The Panel can indicate that we were unanimous on every decision.

Findings

37. Whilst we have not found proved every charge brought by UKA against CB, and certainly not all of the 'Particulars' said to have constituted each charge, we have found ██████ to be a credible witness. She spoke with a degree of candour and openness when presented with challenging areas and topics within the questions CB had framed for her, and which were asked through the Panel. We noted in particular that she was able to display some confidence in her answers, given her history of Trauma, and further that she was not afraid to make concessions where appropriate, crediting CB for his work with her when confined strictly to his coaching. ██████ credits CB with her advancement within the discipline, and still does so despite what she alleges. She was thus a measured witness whom mainly impressed us.

38. The Panel struggled to find examples of answers and testimony from within ██████ narrative where her credibility showed any marked deficiencies, on important

issues. This stood in contrast to those occasions when the Panel did observe a lack of credibility, at times, in at least some of the answers provided by CB.

39. The Panel reminded itself that a witness whom is apparently credible overall can still provide a single individual answer which may lack credibility as a piece of isolated testimony, but which does not detract from the Panel's overall assessment of the witness. Equally, the Panel was aware that a witness whom lacked credibility on the main issues may be perfectly capable of telling the truth upon discrete matters. The Panel found it useful to look at what the important issues in the case were, and to examine how each of the main witnesses (████ and CB) tackled those.

Charge 14

40. As we observe at paragraphs 2 & 4 above, the 'single exception' in the charges brought against CB by UKA whose credibility depended upon █████, was Charge 14. This alleged the provision by CB of coaching services to other athletes during the period in which he was subject to suspension from coaching by UKA. This charge neither concerned, nor was it based upon, █████ testimony.

41. By letter dated 17 or 27 September 2017 UKA had suspended CB from coaching. A further reminder letter had been issued by UKA to CB on 23 January 2018. Charge 14 alleged that, at a Hammer Circle Reunion held in Hull on 26 October 2022, CB did engage in coaching services, which would constitute a breach of the terms of his suspension.

42. The evidence said to support this charge was contained in the Witness Statement of ████████████████████ dated 1 November 2022. The Panel noted three deficiencies which were immediately evident concerning this witness; firstly, UKA had not sought to secure the attendance of █████ before us, in order that she could explain how it was that her evidence would – if true – amount to a necessary breach of the terms of CB's suspension; secondly, and importantly, the absence of █████

from the Hearing meant that CB was unable to put his version of events to ■■■ when there was plainly a factual dispute between them; and thirdly, that much of the contents of what ■■■ could say amounted to Hearsay.

43. Whilst in some circumstances the Panel is content to receive Hearsay evidence where to do so is appropriate and expedient, ■■■ evidence was of fundamental importance to Charge 14. Further, and on analysis, significant aspects of her evidence in fact amounted not merely to first-hand hearsay, but to double-hearsay or even multiple-hearsay. This is because ■■■ was effectively saying that she had heard through the mother of another young hammer-thrower that, in turn, the young hammer thrower had been at the Hammer Circle Reunion held in Hull on 26 October 2022, where CB was alleged to have provided “*some coaching advice.*”

44. ■■■ Witness Statement included other parallel examples of such ‘multiple-hearsay.’ An example of the latter category of hearsay was to the effect that one apparent witness was allegedly saying that the conversations and discussions to which CB was party at the event *did not* amount to ‘Coaching,’ contrary to the earlier reported Hearsay.

45. In these circumstances, even had the witnesses been in attendance before us we would have been faced with a ‘conflict over opinion’ over whether what CB was saying at the Event truly amounted to “coaching,” which differing opinions would have been difficult to resolve. However, where the differences in the opinions of others were being expressed, at best, as Hearsay within the Witness Statement of a single other witness, it was quite impossible for us to be persuaded one way or the other, on the balance of probabilities, as to whether the conduct constituted “coaching.”

46. A further troubling distraction from the issue central to Charge 14 (“coaching”) was that the Statement of ■■■ seemed to contain an undercurrent of concern as to the rights and wrongs of CB being at the event in the first place. We noted that the witness described herself as a ■■■ She related concerns, whether her own or of others, that there were “*numerous female athletes*” at the event. She also related a conversation she had with another where

concerns were expressed about “*whether it was safe*” for CB to be at the event, and whether CB was “*left on his own’ with anyone.*” On the central issue of whether CB’s conduct at this Event did, or did not, amount to coaching we found that such distractions were not useful, and rather trended to pre-judge other issues. They gave rise to a suggestion that *there may* have been other factors driving the evidence here, and not the central one which lay behind Charge 14 of an allegation of coaching during Suspension.

47. CB’s case, in contrast, was clearly put. It amounted to a situation in which he said that he had been invited to attend an Event; further that he knew he was not allowed to coach, and generally that he did not partake in coaching at the event; it was simply a social occasion in which there was inevitably sports-related discussion, but no formal coaching.

48. We were more persuaded by CB’s version, than by the hearsay accounts UKA had provided us with. We noted, in particular, counsel for UKA’s express reference orally during the hearing to Charge 14 being “*something of a footnote.*” That was an instructive remark. In the circumstances, we were not satisfied on the balance of probabilities that CB did engage in conduct at the Event which amounted to the provision of coaching. We dismiss Charge 14.

Charge 1 – SMS messages

49. Charge 1 alleged the sending of highly inappropriate text messages to ■■■ We were provided with, and refer to, a 13-page sheaf of photocopied SMS messages. With possibly one exception only, these messages were sent by CB to ■■■ The single possible exception was an SMS sent in the other direction. All of the messages are evidently screenshots of ■■■ mobile phone handset. Only some are dated, and timed; many late at night.

50. Once the attribution and provenance of this messaging had been accepted by CB, the Panel had little difficulty in deciding upon these messages. The messages

plainly contain sexualised references, including references to ■■■■ masturbating, menstruating, ‘*working hard on that clit*,’ kissing, orgasms and massage – to give just some examples.

51. In the context of a Coach-Athlete relationship, the Panel found without hesitation that these were highly inappropriate text messages.

52. The Panel noted that the nature of CB's defence to Charge 1 was not that he did not send the messages; and/or that he did not compose them in the first place; and/or that he was not responsible for them, nor for their transmission. On the contrary, CB accepted responsibility for the messages, but instead sought to place a gloss or interpretation upon them which, he said, excused or explained them.

53. We do not need to go into any great detail to record how, almost always, we found CB's explanation for his own messages to be wholly implausible and lacking credence. To give but four examples :

- CB explained his use of the word “orgasm” in the messaging to be a reference to some cheesecake he and [REDACTED] had had in Yorkshire on the way back from a Hammer-throwing competition in Bedford, which was apparently so delicious that it been branded “*orgasmic cheesecake*,”
- CB referred to his use of the word “clit” (see p27 Bundle A) in messages as deriving from something that [REDACTED] had said to him with reference to the [REDACTED]
[REDACTED]
[REDACTED] It goes without saying that such an explanation or remark, even if true, not does begin to justify separate use of the word in a message CB composed, less still the context in which it was used in that message by a Coach to a young female athlete;
- CB referred to his use of the words ‘toy’ and ‘toys’ in his messages as being, variously, references to either a 2kg hammer, or to ‘*stuff out at the*

back of the house;’ and his references to *‘playing with toys’* as being “*once you get the hammer bug you can’t stop playing with them*” rather than as being the clear references to a sex-toy or vibrator which they appear to be;

- CB also sought to justify the inclusion of some of the words in his SMS messages as being the result of a bizarre word game.

54. We found the above explanations implausible. They are representative of other similarly unlikely explanations of messages, which CB sought to put before us as being true and reasonable explanations of how and why he had texted ■■■ in the way he clearly had. We reject CB’s explanations for the SMS messages.

55. We note that at one stage CB said that on reflection and looking back his messages were not appropriate. He conceded under cross-examination that his messaging of ■■■ was at times “graphic and obscene.”

Conditions of the Coach Licence Scheme

56.A ‘*Coach Licence Scheme*’ (“CLS” hereinafter) was adopted by UKA on 1 December 2012. The Scheme provides a regulatory framework for the control and responsibilities of coaches operating under UK Athletics. Of note, a full Code of Conduct for coaches appears within the provisions. There can be no doubt that the Scheme is designed for, and operates as, a scheme to regulate the conduct of UK Athletics coaches, including provisions upon, for example, behaviour which denotes misconduct, professional standards, and (eg) suspension.

57. Under Charge 1, which focussed upon the text messages, breaches of the following provisions of the CLS were alleged

- a. 4.1(i)
- b. 4.1(ix)
- c. 6.5(ii)
- d. 6.5(iii)
- e. 6.5(xvi)

We do not find paragraph 57(e) above to be made out, for the reason that paragraph 6.5(xvi) of the CLS simply covers '*any other action that may be reasonably considered to be misconduct,*' and there is in Charge 1 no action '*other than*' texting, and so the Panel finds no breach of the CLS there.

58. Similarly, the Panel have our doubts about whether paragraph 57(c) has been established by the evidence of the text messages as presented by UKA. Paragraph 6.5(ii) of the CLS acts as a prohibition upon the '*bullying, victimisation or harassment*' of the Athlete. Although CB's messages to ■■■ were thoroughly inappropriate and, at times, were obscene, it is less than clear that they amounted to the 'bullying' of ■■■. There is an argument that they may denote 'harassment' of ■■■.

59. However, it is unnecessary to decide this, as we are sure that CB's SMS messages to ■■■ certainly contravene paragraphs 57(a), 57(b), and 57(d) above; in they show a complete lack of personal respect for the young female athlete ■■■ they are not in keeping with the high standards behaviour expected of a coach within British Athletics, and they arguably do bring British Athletics into disrepute.

60. Further, CB's SMS messaging to ■■■ does denote a clear breach of various provisions of the Code of Conduct, such as –

- communicating with ■■■ without any respect;
- blurring completely the boundaries which should exist between a coach and athlete as regards proper instruction and tuition, and intimacy;
- not acting with dignity;

- using inappropriate language and behaviour.

61. On the balance of probabilities, we find Charge 1 proved.

Charge 2

62. Charge 2 alleged verbal impropriety on CB's part towards [REDACTED] and also the inappropriate touching of her leg during a car journey in June [REDACTED]. She described in her Witness Statement how this was on a journey to a Training Camp at Loughborough in [REDACTED]. CB was alleged to have asked her about her sexual experience, including whether she 'wanked,' and whether she had had sex and, if so, how many times. CB was alleged to have told her sexual things, like the fact that he masturbated in bed in the mornings, and such like. She said he stroked her leg with his hand, moving it right up the inside of her leg towards her vagina. She said that she was 19 years old. She said she was too scared to do anything.

63. The nature of CB's defence was that he denied ever doing or saying such things. It was a feature of CB's defence often (and Charge 2 was an example of this) that he appeared keen to point to what might be 'technicalities,' such as his assertion that [REDACTED] must have had the date wrong about Charge 2 (June [REDACTED] for various diary-reasons, which he said he could establish.

64. Whilst the Panel did acknowledge that matters such as 'the date' *were capable* of attracting significance, we were more concerned with the substance of what [REDACTED] was actually alleging, and were not likely to act upon a diary discrepancy unless it was of fundamental importance to the charge. CB did say under cross-examination that he might have touched her leg in the car, but not her inner thigh.

65. [REDACTED] concession under cross-examination, for example, that "*I am unlikely to get every single date precisely right*" generally impressed us. She at no stage, when

confronted with a point about dates crumbled or conceded, or agreed that it meant her allegation could not be true. She was fairly even-handed in her description of Charge 2, and did not seek to embellish the misconduct or make it sound any worse, where she might have done.

66. When pressed in cross-examination in Question 9, for example, part of her answer included the detail that *“I was in the passenger seat, he was the driver. The trauma of this is still vivid in my brain, even 11 years ago.”* Loughborough █████ was the first time anything inappropriate had occurred between CB and █████ so she said.

67. When pressed in cross-examination by Question 12, which was one of several areas within the evidence where █████ was confronted by positive things she had said on prior occasions about CB (in this case a *Twitter* feed), seemingly *after* a period which had included some of the allegations, she was noted by the Panel to say this:

“at some points he was positive; but it’s just that what came with it wasn’t worth it”

The Panel found answers from █████ such as this to be credible and understandable. As a witness, an athlete, and as a young woman, █████ did seem able to ‘filter-out’ a clear distinction between areas where CB had assisted her as a young hammer-thrower, and his abuse of her which she described.

68. We find Charge 2 to be made out on the evidence. It amounts to inappropriate verbal and physical behaviour towards a young Athlete under CB’s tuition, and is thus a breach of CLS paragraphs 4.1(ix), 6.5(ii), (iii), (v), and (vii) as well as the Code of Conduct.

Charge 3

69. Charge 3 was also alleged to have occurred during the June [REDACTED] Loughborough trip, the distinction being that the allegation here was said to have occurred within the accommodation setting. In her Witness Statement, [REDACTED] relayed an episode in which she had endured inappropriate sexual touching at CB's hands in her bedroom. This included the rubbing of her bottom and vagina directly, and underneath her shorts.

70. The Panel was struck by the level of detail [REDACTED] went into in this allegation, describing for example CB's use of '*Tescos Baby Oil*' as a massage-aid directly onto her buttocks; CB telling her to wear the '*shortest shorts*,' and CB also telling her that this sort of physical attention to her body by him would help her throw because it would "*raise her testosterone level*." The Panel noted immediately the evidentially corroborative value of some of the SMS messages, in which CB had also spoken of testosterone ("*testo*"), and how this was mirrored in the Loughborough [REDACTED] incident.

71. CB denied inappropriate touching of [REDACTED] and denied also saying that her performance would be improved thereby.

72. The Panel took note of CB's defence to Charge 3, as evidenced by Question 23 of the cross-examination, in which [REDACTED] was asked

'how can you be so specific about the detail of the alleged abuse, when you are 4 weeks out about the date of this trip ?' (*CB was suggesting that the Loughborough trip was late July [REDACTED] not June*)

The Panel did not find a possible date-discrepancy of a mere 4 weeks, set within the broader historical context of a time span of 11 years, to be an especially cogent line of defence. With more potency however, CB alleged under cross-examination that [REDACTED] had '*produced a fake scenario to suit the text messages*.'

73. Whilst the scenario canvassed by CB of ■■■ fictitiously creating a false scenario which would suit the text messages was of course possible, it would denote quite elaborate lengths to go to on ■■■ part, especially in respect of a sport and a discipline in which she appeared to be thriving, and in which she wanted to succeed. The Panel was more struck by the clear narrative that was emerging from the witness ■■■ of clear 'grooming' behaviour on CB's part.
74. The highly technical aspects of hammer-throwing, such as rotation speed, and foot-location in the Throwing-Circle, use of the arms and shoulders as the hammer is repeatedly brought around the head prior to the throw, and then the final throw involving both the requisite strength and technique, did not seem to the Panel to be dependent upon treatment such as massage of the buttocks, for example. The Panel was prepared to accept that many, if not most, athletes operating at Elite or even at Advanced level, across all sports, might benefit from a properly administered sports massage, but it seemed difficult to envisage how a massage to the buttocks could, on the face of it, assist much in making a successful hammer-throw, or thrower.
75. It is of note that this was the first trip in which CB and ■■■ had travelled and stayed together, unaccompanied. In all the circumstances, the Panel found that Charge 3 was, on balance, made out. There were breaches of CLS paragraphs 4.1(ix), 6.5(ii), (iii), (v), and (vii), as well as the Code of Conduct.

Charge 4

76. Charge 4 denoted the ongoing occurrence of such conduct as was particularised in Charge 3.
77. Charge 4 can be determined to a large extent by the findings we have already made in respect of Charge 3, not least because it amounts to substantially the same conduct, and on the same Loughborough trip, simply on an ongoing basis.

78. At paragraph 44 of her Witness Statement [REDACTED] described how CB's conduct continued for the duration of that Athletics Meeting. She said she was touched sexually every day, under her shorts and upon her genitals. The Panel notes the more degrading aspects of CB's behaviour as it developed during the week, including CB 'slapping [REDACTED] on the backside,' commenting upon the size of her bottom, and whispering '*Oh darling*' into her ear.

79. CB denied this behaviour. Although we were satisfied, on balance, that Charge 4 was made out, we had a reservation as a Panel on the issue of shouting. Within Question 17 of her cross-examination, [REDACTED] was asked about the fact that two other people, named for the purposes of this Judgement as [REDACTED], had thrown the hammer with CB and [REDACTED] whilst on the Loughborough trip, and had also accompanied CB and [REDACTED] to eat during the evenings. In the face of this evidence [REDACTED] was asked exactly when it was that CB had supposedly shouted at her. [REDACTED] paused significantly when asked this Question, then stated that she was not shouted at ‘in front of [REDACTED],’ but that there was a separate area where (so [REDACTED] said) CB “*had a go at me for not drinking water.*” When pressed [REDACTED] said that CB did make some derogatory comments, but it was ‘not shouting.’ We also noted the way CB’s Witness [REDACTED] described CB’s manner with [REDACTED] as “stern” in the episode he observed in his Witness Statement, but short of shouting.

80. There being some doubt here, the Panel following deliberations was not prepared to find limb (e) of the Particulars of Charge 4 proved, namely that CB had “shouted at her during training sessions and had referred to her in abusive terms.” We were satisfied to the civil standard of proof that CB had made generally obscene comments to ██████ indeed some of the language and the attitudes displayed by CB during the final hearing did illuminate and inform the Panel in some respects as to the regard in which he held ██████ We find Particulars a) to d), but not e) of Charge 4 made out, and breaches of CLS paragraphs 4.1(ix), 6.5(ii), (iii), (v), and (vii), as well as the Code of Conduct.

Charge 5

81. Charge 5 caused some difficulty for the Panel. The Panel acknowledged that the original charges were put together on the basis of what purported to be [REDACTED] first Witness Statement. This Statement, as noted at paragraph 17 above, remained undated save to say that it was obtained *'between January and March 2020.'* Within this Judgement the Panel has already referred to the difficulties which [REDACTED] herself (as well as the Panel) had identified within that first Witness Statement. Within it on p5 [REDACTED] had stated that *"during the week he (CB) had touched me every day on my private parts, and when we were travelling home as well he did the same thing."*

82. As noted at paragraphs 16 & 17 above, at the first proposed and abortive date for cross-examination of [REDACTED] (21.11.23), she said that there were significant errors surrounding her first Witness Statement, and that it included some matters which she had not asserted. The cross-examination was adjourned for a proper comprehensive Witness Statement to be obtained from [REDACTED]

83. It is of note at paragraph 48 of [REDACTED] fresh Witness Statement dated 30 January 2024 that, whilst she does indeed say that she was touched by CB when travelling home, she did not stipulate physically *whereabouts*. Whilst at first blush it might be thought tempting to simply surmise *'well, she must mean sexually, she must mean in the same place,'* her Statement does not say that.

84. There was also some doubt expressed by the Chair of the Panel about whether this particular individual charge, ie Charge 5, was intended to refer to [REDACTED] leg or, genitalia.

85. During the course of deliberations, we were not able to resolve this to the extent that it permitted us to say, on balance, that [REDACTED] was touched on the vagina on the journey home – whatever our residual suspicions might be.

86. Further, it occurred to the Panel that if ever we were invited to point to the evidence which on the balance of probabilities proved that [REDACTED] genitalia was indeed touched on that journey home, we would be unable to do so. This was especially

in view of the process outlined as above, in which ■■■ had specifically been given a copy of her original abortive Witness Statement to correct, and *had not* repeated her description of the journey home in the same precise way she had in the her first Witness Statement.

87. A possible interpretation of the amendment to ■■■ Witness Statement, by her tacit approval that the phrase “*my private parts*” be removed from the final version of the Witness Statement, at precisely this stage, is that this touching on the way home was not in that area, and/or that she was otherwise non-specific about it.

88. Again, we stress that it is tempting to take a ‘broad-brush’ approach to the allegation, because of what ■■■ may in fact mean to say. But the fact remains that she does not say it; it is an important case for both ■■■ and for CB, and we have to judge it on the evidence. Accordingly, we dismiss Charge 5.

Charge 6

89. Charge number 6 alleged the ongoing and routine kissing of ■■■ by CB. The Panel’s note of CB’s cross-examination on this point is that he seemed to be accepting that there had been but a single occasion when he may have kissed ■■■ but that it was innocuous and innocent affection, rather than anything more crude or ongoing.

90. We further noted from Question 75 of ■■■ cross-examination that CB was seeking to exploit an apparent inconsistency across the two versions of ■■■ principal Witness Statement, by asking her whether she was saying that he *was actually* kissing ■■■ on the lips; or, instead was she alleging that CB *was insisting* that she should kiss him on the lips ? ■■■ was emphatic in her answer, namely that it was both : “*you insisted on doing it, and you continued to do it. I could not refuse to let you do it because it was terrifying, I was absolutely terrified.*”

91. ■■■ did not recall the single occasion when, on CB’s account, he had first met her mother, whom had apparently kissed him (CB) briefly on the lips as a greeting and

had gone on to insist that her daughter [REDACTED] do the same – which [REDACTED] did according to CB. Cross-examined on this point, [REDACTED] said she did not know where or when this was and did not recall it. She further said that she would never enjoy kissing an older man, “*especially not someone of CB’s age.*”

92. In her Witness Statement [REDACTED] described CB kissing her ‘virtually every time’ they met. As a Panel we were not sure that it was this extensive, but we were persuaded on balance that seeking to kiss [REDACTED] was an ongoing tendency CB had, and that he seemingly felt he had the right to do.

93. Some of the most compelling evidence on Charge 6, however, lay within the text messages. For the purposes of this Judgement the Panel identifies the following three SMS messages, each of which CB accepted responsibility for :

a) ‘U Bas & wanker. Im one as wel so we Bruv & Sis wit same good habits ha ha. Im expectin big hug & masiv kis....On lips as tradition Tenerife. Il make sure iv not kisd a donkeys ass first ha ha. Xx

[undated]

b) ‘Now don’t ask me to kiss your wee foof better. Massaging your arse was bad enough ha ha xx’

[dated 1 April [REDACTED] 1036hrs]

c) ‘Heh, your health is a joke haha. You don’t like me or my jokes, you feel sick when I kiss you on the lips. Shall we just call it a day? Xx’

[undated]

94. The SMS messages at paragraph 90(a) and (c) above were especially cogent in the context of this charge, in their reference (at (a)) to kissing *on the lips*, and to Tenerife / Spanish tradition, ‘Tenerife’ being an obvious reference to the hammer-throwing Training camps. It was also notable that there was a reference at message (c) not only to the fact that the kissing was “on the lips,” but also that this

text message very clearly and accurately articulates [REDACTED] displeasure at the activity, and concludes on a somewhat pessimistic note. This was telling.

95. In all the circumstances, we find Charge 6 proved on balance. Quite apart from denoting a breach of CLS regulation 4.1(ix) as UKA alleged, it also clearly fell foul of paragraph 4.1(i) of that scheme; as well as paragraphs 6.5(ii), (iii) & (vii). Again, we do not know why paragraph 6.5(xvi) was cited by UKA, in that the conduct alleged was perfectly specific to avoid the need for reliance upon Clause 6.5(xvi).

Charge 7

96. Charge 7 alleged abuse of [REDACTED] when she was at CB's own home. The Panel was interested to hear the evidence of [REDACTED] father [REDACTED] on this point, given [REDACTED] observation that he would often have taken her there, and that inappropriate massaging took place in CB's own bedroom whilst he ([REDACTED] was in the kitchen area having a coffee. On its face, the opportunity either for compromise of CB's activities, and/or for intervention by [REDACTED] and/or for [REDACTED] to expose CB in the knowledge that her father was there, presented itself by the factual scenario which underlay Charge 7.

97. [REDACTED] presented within her Witness Statement a very clear narrative of inappropriate massages occurring in CB's bedroom whilst her own father waited elsewhere in the house. She said that CB began the massages by touching her legs, and that the touching developed onto her bottom mainly over her shorts, but then actually onto her vagina underneath her shorts. [REDACTED] said CB would ask her if she was "getting there," and if she liked it. He would say to her that it was good for her because it was increasing her testosterone levels. She said she would lie there in fear effectively waiting for it to end.

98. It was suggested to [REDACTED] in cross-examination that she had never set foot in a bedroom in CB's house. She refuted this, saying "*he massaged me on the bed*

multiple times. My Dad sat in the kitchen.” The cross-examination of ■ continued, namely that she was able to describe his bedroom only because she must have caught a glimpse of it from the main body of the house when the door was ajar. She said these words : *“No I was in there.”*

99. ■ had noted in his Witness Statement that there were times when he thought, with the benefit of hindsight, that CB was sometimes ‘too close for comfort’ with his daughter. He noted how sometimes CB appeared to put pressure upon ■ and could show his disdain towards her when he was not happy with her.

100. ■ painted a picture which was quite telling, in retrospect, of CB often booking things such as Training excursions which he and ■ mother were happy to accept, as the Athlete’s parents because – as ■ told us frankly - they could not afford it, whereas CB appeared not only to have the means, but to be willing to spend it on his Athlete ■

101. As to the substance of Charge 7, ■ evidence was this :

“I do remember the occasions at his house, occasions both when I was in the room and I imagine occasions when I was not in the room. I think they went in a bedroom and I was probably sitting in the kitchen.

102. ■ said that there were perhaps 10, 20 or 30 occasions when he and ■ went to CB’s house, ostensibly in the furtherance of hammer training and CB’s coaching of her generally. Towards the end of his evidence he gave some telling answers, perhaps told through the prism of hindsight:

“we did not realise that her indications that she did not want to go training had a hidden meaning. When we did find out, we did not find out the huge impact that it had on ■ We realise now that she had protected us, to the point where it became too much for her. ■

██
██
██

103. He later said when cross-examined in respect of CB *“we looked on him as a good friend, but we now feel betrayal.”*

104. With great respect to ██████████ he did not perhaps present to the Panel as a very forthright, over-bearing father, whom might have been apt to probe inquisitively into every single detail of his daughter’s Training. This might especially have been the case in the face of a Coach as charismatic, renowned, and dominant as CB was – and in CB’s own home, and when CB was ‘on his own territory.’ ██████ notes, for example, that whenever they went to CB’s house his wife was always out. All parents are different, as are all children.

105. Whilst obviously a loving and loyal Dad, and a patently honest witness, of whom █████ spoke warmly, █████ like any parent leaving a son or daughter with a Training Coach – in whatever capacity – had the justified expectation that they would come to no harm whilst in the Coach’s care. Whilst at first blush the thought may seem unlikely, and indeed unpalatable, that █████ had often sat just yards from where his daughter lay behind a door being inappropriately touched by her Athletics coach, we were satisfied from our observations of CB that he would have been prepared to act with the ‘brass neck’ necessary to fulfil that opportunity for further abuse, especially when on his own territory, and in the face of such a mild-mannered and unquestioning parent.

106. As to limb (d) of Charge 7, use of a massage machine as alleged by █████ CB physically produced for the Panel during the Hearing his yellow and black device referred to by █████ as his ‘thumper.’ The fact that he indeed owned, and had used, such a machine was thus corroborated for us as a Panel by his production of the very same Exhibit.

107. ■ described how he would use this device on her bottom and vagina, over her clothing. He appeared from text messages to have an interest in sex toys, and to massage, whilst he referred variously in his SMSs to orgasms, to masturbation, and to encouraging ■ to use *“the thumper.”*. Put simply, the Panel believed ■ on this evidence. We found Charge 7 to be made out. It constituted breaches of the CLS as alleged, save for regulation 6.5.(xvi), and it was a clear breach of the Code of Conduct.

Charge 8

108. Charge 8 concerned events at a Loughborough International Event in May ■ during which ■ alleged serious sexual abuse. The Panel noted in his cross-examination that CB pointed again to so-called ‘date-discrepancies’ surrounding this charge.

109. He also queried how and why, if his abuse of her were true, ■ would have invited him to her 21st birthday party, she turning 21 during the ■ gave this answer to that question :

“I didn’t have a 21st, it was a meal only...it was myself and my parents, CB and ■, at a hotel, I invited CB because nobody knew what was going on, and because he had done a lot for me; he’d invested time and money in me. My mum and dad arranged it.”

The Panel found this to be a measured answer, and consistent with the dilemma ■ must have faced of being torn between the preservation of her coach/athlete relationship given her achievements in the sport (CB was her route to success as a Hammer-thrower), and CB’s abuse of her at the same time.

110. Loughborough ■■■ was the first occasion upon which the most serious form of sexual abuse was alleged to have happened to ■■■ in that she had alleged CB's penetration of her vagina using his fingers. We found it likely, on the balance of probabilities, that a young female athlete would remember such conduct, where it happened, and when it happened. She provided such detail in her Witness Statement, and we believed her, including after she had been cross-examined on the point.

111. As a Panel we hesitated naturally before coming to a finding of such gravity, a finding which amounted to serious and penetrative sexual abuse of a young female athlete but, having believed ■■■ generally in her evidence, the increased gravity of CB's misconduct towards her presented no reason to shy away from findings where we were satisfied to the civil standard of proof that it had happened. In respect of charge 8 we were so satisfied, and each of the Particulars (a) to (d) charge 8, save for paragraph 6.5(xiv) of the CLS, was on balance made out.

Charge 9 – Tenerife, December ■■■

112. At paragraph 71 *et seq* of her final approved Witness Statement ■■■ gave a detailed description of events in Tenerife during the December ■■■ Training Camp. We noted from the detail of her account how CB would contrive situations on this trip in which to be alone with ■■■ for example after a hammer-throwing session taking a taxi back to the hotel so as to afford time for massaging, sexually, before his wife ■■■ (also on the trip) returned back, as she preferred to walk which took longer. This had the ring of truth to it. It was consistent with other areas of ■■■ evidence where she described how CB was careful to avoid situations in which his wife might witness something.

113. It struck the Panel that ■■■ would have felt a degree of loneliness and increased anxiety on this trip because she was alone with only CB and other adults, and not

with her parents. We note that Charge 9 predated Charge 8, and that [REDACTED] was not yet 21 years old. The penetration of her vagina had not yet started, and [REDACTED] made this observation in her account.

114. On the balance of probabilities, we were satisfied that CB's conduct – including kissing – did occur during the Tenerife trip in December [REDACTED] and we found made out breaches of the CLS paragraphs 4.1(ix), and 6.5(ii), (iii), (v) & (vii).

Charge 10 – Tenerife, January [REDACTED]

115. [REDACTED] She provided a vivid account in her Witness Statement of [REDACTED] inserting his fingers into her vagina after a night out, when she was lying on a sofa bed, CB's wife [REDACTED] having gone to bed. She alleged that he said to her *'the only way I am going to make you orgasm is to lick you out or to have sex with you.'* To this, [REDACTED] states that she said "no." She said he asked her why not, to which she replied that she did not want to. At this, CB allegedly smelled and licked his fingers and said *'you smell and taste normal.'* This was distinctive evidence.

116. What gave this account some potency was that it was followed by a period of upset by [REDACTED] after which she got an early flight home – alone. It is often the case with abuse victims that they will simply 'vote with their feet,' as a preference to coming out and saying something, perhaps through fear or not wanting to cause trouble but, at the same time, wishing to remove themselves physically from the situation of abuse. We found [REDACTED] behaviour on this occasion, again when she was alone and away from her family, to be consistent with this.

117. We noted the cross-examination of [REDACTED] about Tenerife. She had claimed to have had a period of illness, and was questioned about sickness during the night. We found [REDACTED] answers on the topic of her ill-health in Tenerife, and being sick in the toilet, credible.

118. [REDACTED] was further cross-examined about the fact that she was alleged to have been on her menstrual period during the trip to Tenerife, and whether this was consistent with CB having touched her genitalia. She maintained that she was on her period, and that CB had still touched her genitalia nonetheless.

119. [REDACTED] described fear, upset, sickness, and a desire to go home on this trip – which she did. We found her account believable and, on balance, that Particulars (a), (b) and (c) of Charge 10 were made out. They denote breaches of the CLS paragraphs 4.1(ix), and 6.5(ii), (iii), (v) and (vii), plus the Code of Conduct.

Charge 11

120. [REDACTED] was the final year in which [REDACTED] alleges sexual abuse at CB's hands. Charge 11 related to a Training Camp in Portugal in the March of that year. She described in her Witness Statement the dilemma at being telephoned out of the blue by another prominent figure in the British Hammer Throwing Administration, giving her the opportunity to throw for Great Britain, set against the fact that she knew if she went she faced the prospect of further abuse at CB's hands. Again, the trip was without her parents.

121. The Panel noted two observations as regards this trip :

- a. [REDACTED] described a request of her by CB that she should ‘take a bath with the door open, then we can just talk;’ when [REDACTED] declined this request CB was alleged to have said “*that’s what [REDACTED] used to do,*” being [REDACTED]
[REDACTED]
- b. This Portugal trip was an example of an occasion where CB would allegedly become moody and aggressive towards [REDACTED] consistent with her rebuffing his advances. The Panel found this to be in keeping with what were often fairly negative attitudes expressed by CB towards [REDACTED] - even during the Hearing itself in June 2024, including negative and

narrow attitudes towards her perceived sexuality, her perceived immaturity (CB told the Panel at one point that '*she was immature, and acted younger than her age,*' which was an instructive answer in the context of him abusing her), and what we thought was a generally dismissive regard for her.

122. Under cross-examination CB issued a straight denial of any alleged abuse during the Portugal ■■■ Training Camp, but we were more impressed by the level of detail ■■■ provided, particularly as regards her dilemma at possible British selection, set against the prospect of further abuse.

123. It is perhaps not surprising that ■■■ records how her performances began to decline, putting it down to illness and the like, which may very well have been genuine taken alongside abuse which was being done to her which she felt unable to articulate and expose. CB suggested in cross-examination that she had fabricated her allegations, partly as an excuse to explain away so-called poor sporting performances; and, further, that the fact of her suggested poor performances was due to her inability to cope with the pressure of competition : ■■■ was steadfast in response that any shortcomings and distractions from her best performances were down to the psychological effects of what CB had done to her. The Panel found this understandable, especially in a young person.

124. On the balance of probabilities Charge 11 was made out, denoting breaches of the CLS paragraphs 4.1(ix), and 6.5(ii), (iii), (v) and (vii), plus the Code of Conduct.

Charge 12

125. The final charge alleged to include actual physical sexual abuse was Charge 12, said to have occurred at the Link Hotel, Loughborough, in around April ■■■ ■■■ described inappropriate sexual massaging by CB virtually daily, including digital

penetration of her vagina, and the rubbing of the same by his hands and by the 'yellow thumper machine.'

126. She alleged frequent inappropriate verbal 'put-downs' and criticism by CB, and general offensive behavioural standards by him. When he was cross-examined CB said that use of the word 'bitch' in fact came first from ■■■■■. He showed some dismissive attitudes towards ■■■■■ actually during his evidence to the Panel, which we deal with further in consideration of Charge 13.

127. As to Charge 12, the chronology of this being the final allegation of sexual abuse fits with ■■■■■ getting older, resolving just after this Event to sever ties with CB, and his increased disdain for her and general crude behaviour on CB's part.

128. ■■■■■ allegations about CB's generally unpleasant behaviour chimed with the perception that his continued abuse of her was not progressing to the level he wished, due to her rebuffing him, and due to her increasing sense of the need to do something. She seriously considered suicide. She felt unable to tell anyone.

129. In May ■■■■■ ceased being coached by CB, telling her parents the same, but not the true reason why.

130. As a Panel, we were satisfied to the civil standard of proof that the conduct she complained of in Charge 12 at the Link Hotel, Loughborough, in ■■■■■ did indeed happen. It denotes breaches of the CLS paragraphs 4.1(ix), and 6.5(ii), (iii), (v) and (vii), plus the Code of Conduct. We find Charge 12 made out.

Charge 13

131. Charge 13 did not allege physical or sexual abuse of ■■■■■. On the contrary, it was an allegation of both verbal abuse, and the physical provision to ■■■■■ of what might be called "sex toys," and pornographic material transmitted digitally from CB to ■■■■■.

132. In view of findings we have already made about CB's conduct, vocabulary and behaviour towards ■■■ the Panel found it relatively easy to accept on the civil standard of proof that Particulars (b) and (d) of Charge 13 were made out. Particular (b) alleged the use of inappropriate language. We have noted already CB's use of highly obscene, sexual and inappropriate words in SMS messages he sent to ■■■ such as '*crusty nikrs*,' references to masturbation, kissing, bitch, and to '*working on that clit*.'
133. Orally, we note from ■■■ Witness Statement that, towards in particular the latter period of his abuse of her, CB had displayed some disdain towards her when (for example) he perceived her as throwing poorly or not showing her full potential; she said he would put her down, insult her, and refer to her physique in negative or sexist ways; he called her fat and ugly and said she had a "huge arse." We note from her Witness Statement that she says CB apologised for this.
134. It was of some concern to the Panel that CB, during the hearing, sought to bring into the evidence notions of ■■■ sexuality. At times in his evidence CB appeared keen to suggest that ■■■ might be a gay young woman, and that this was somehow possibly relevant to the issues before us. On more than one occasion during the 2-day hearing, more than one member of the Panel had to inquire of CB how this was relevant to the case; and, if it was, could he explain ? CB appeared to suggest at one point that ■■■ was using these allegations, which she had made up, as a method of justifying her own sexuality, and her fear of failure, with CB being an easy target and the obvious scapegoat. The Panel struggled to understand the logic in this – if any, which we doubt. We did not accept it.
135. In keeping with this theme, the Panel found it to be notable when CB used markedly out-dated and inappropriate language in his evidence, referring to ■■■ as having "*changed sides*" sexually, and to her being "*one of the boys*."
136. When asked about the text message sent at 2107hrs on 27 November ■■■ Bundle A p25, CB said that his reference to being "jealous" was "*just banter*," and further that "*I have no feelings for this lesbian-type girl at all. When you work with*

girls who are gay you can say what you want.” The impression was given that, even if the question of [REDACTED] sexuality was somehow relevant, that it might determine how he should speak to her. In his answer immediately following this one he compared and distinguished [REDACTED] from “*normal girls.*” He said at a later stage that “*she had no sex life.*” He described his use of the word ‘foof’ in his text message dated 1 April [REDACTED] 1036hrs (Bundle A, p33) as being “*a lesbian’s term for fanny.*”

137. All of this the Panel found to be a highly inappropriate and unfortunate way of communicating with, and about, [REDACTED]. It appeared to us that the question of [REDACTED] sexuality was of no relevance to the issues before us, and was neither here nor there. It provided support for Particular (b) of Charge 13 and its allegation of the use of inappropriate language

138. We were also satisfied about Particular (d) of Charge 13 and the purchase of vibrators for [REDACTED]. It did not seem to matter much to us whether this was the purchase of one, two or three such items; either way it was inappropriate and in breach of the CLS and the Code of Conduct for Coaches. The detail of [REDACTED] description of these items within her Witness Statement, and of the surrounding circumstances, coupled with CB’s repeated SMS references to [REDACTED] ‘*using her toy,*’ ‘*working on her clit,*’ and ‘*getting her testo up*’ - plus of course his admitted use of the black and yellow massage-machine which was produced to the Panel - provided evidence in support of the proposition that he had an interest in such devices, and had provided at least one vibrator or sex toy for [REDACTED]

139. In contrast, and for the reasons that it was largely uncorroborated even though sometimes witnesses were named, we were not persuaded to the requisite standard that there was *actual belittling* of [REDACTED] by CB in front of others, loss of temper at her, and shouting in her face. The Panel were suspicious that this behaviour possibly occurred, particularly in view of our findings that CB appeared to display a gradually increasing disdain towards [REDACTED] but the fact that it was alleged to have occurred expressly ‘*in front of others*’ left us in some doubt, given that no “others” were called before the Panel to attest as to it.

140. Similarly, whilst there can be no excuse for actual and aggressive shouting personally, and in the face of a young athlete, we did note that an ability to use and channel aggression generally, and a somewhat 'robust' approach to training, could – on the evidence we heard – form a theme of training deemed to be appropriate in Hammer-throwing (it being a highly physical discipline). Whilst we remain suspicious that CB may well have shouted at [REDACTED] during Training, given this use of the channelling of aggression during training (and our other findings in any event on Charge 13) we do not find Particular (a) of Charge 13 made out.

141. Similarly, and as regards Particular (e), no digital nor data based evidence of the sending or receipt of pornography between CB and [REDACTED] was placed before us, and there was some evidence offered by CB that to do such in the circumstances as alleged was not functionally possible. Even if there had have been a sending, there was no evidence that [REDACTED] ever opened it, and in all the circumstances the Panel was not prepared to find that Particular (e) of Charge 13 was actually made out as a matter of proof. Again, we are conscious that we have already found other elements of Charge 13 made out, and have already found in any event that [REDACTED] was the victim of serious sexual abuse at CB's hands.

Other Evidence

142. [REDACTED] decided to report what had happened to her with CB in 2017. We heard evidence from [REDACTED]

[REDACTED] He described how [REDACTED] had approached him, initially over difficulties sleeping, and then with ‘deep anxieties’ about further Hammer throwing trials. In the end she presented him with a diary / written extracts, entrusting him to read it. [REDACTED] told us both in his evidence in chief and cross-examined that, although the diary was no longer available, he confirmed that its contents did contain details of [REDACTED] having been “*touched inappropriately*” (was how he put it). Thereafter, he gave advice to [REDACTED] that it was a serious matter and the fact of Police involvement was discussed.

143. It is clear from the narrative presented to the Panel through the documents in this case that there had been an investigation by Police Scotland in or about 2017, which concluded. We were not told that criminal charges under Scottish law were ever laid against CB. We paid little regard to the fact of this investigation, or the reasoning behind any decisions. ■■■ had made a short Witness Statement to the effect that a Scottish Detective had contacted her in 2018 or 2019 to inform her that there would be “no further action” against CB, and CB himself produced documents to us, confirming pretty much the same. He referred specifically to a letter (produced) dated 3 March 2019 from the Crown Office & Procurator Fiscal Service, dated 3 March 2019 stating that there would be “*no further action against him at this time,*” and marking his Court appearances as ‘CANCELLED.’ The suggestion, whatever its merit, was ‘a lack of corroborative evidence.’
144. We only acknowledge this evidence to the extent of understanding the narrative and chronology of the case. Decisions of the Police and / or of Scottish Prosecutors had no bearing upon our inquiry, which was on the civil standard of proof and as regards UKA’s Coach Licence Scheme and the UKA’s Code of Conduct. A discrete piece of relevant evidence from this aspect of the case was to the effect that ■■■ told us that her diary remained with Police Scotland, whom she understood had destroyed it because she did not want it back. Whilst the diary might have contained evidence of interest to both sides to this case, ■■■ had read it and confirmed the essence of its contents – that ■■■ had written in it details of having been touched inappropriately by CB.
145. In contrast, a file of materials referred to by ■■■ called before us by UKA, did not refer specifically to ■■■ allegations. This File appears to have been produced originally to him by CB along the lines of being an ‘Athlete’s Development Plan.’ In the event the Panel did not regard ■■■ evidence as central in the case, and the separate File of highly technical materials CB had prepared “for Mark ■■■ was understandably not referred to at length during proceedings.

Distress & Psychological Impact

146. We took note of the considerable psychological effect upon ■■■ of her experiences with CB. ■■■
■■■
■■■

■■■ This is significant evidence. ■■■ has plainly suffered as a result of CB's abuse of her. That said, the Panel was careful not to place undue reliance upon such matters as distress and psychological impact – which can of course be exacerbated and impacted by all sorts of features during the pressures of a young person's life and their development into adulthood. We were more driven as a Panel by ■■■ credibility as a witness, of which we have remarked above.

Money

147. We were sorely concerned at the cash payments made to ■■■ by CB, charted by ■■■ at paragraph 208 of her Witness Statement dated 30 January 2024. These were considerable sums, running often into the thousands of pounds. They are separate and distinct from what the Panel perfectly understood, and accepted, to be the extensive expenditure upon an athlete that a coach may inevitably incur when (for example) driving the Athlete great distances to coaching events, tournaments, and Training Meets; or staying overnight; and also the inevitable costs of fuel, food and drinks, and other 'incidental' subsistence expenses. As a Panel we fully understood this aspect of the Coach / Athlete relationship, and that such expenditure will have inevitably built up; see for example the Statement of ■■■, submitted on CB's behalf. We took regard of CB's extensive handwritten travel ledgers and travel receipts, over the years. He plainly took his job seriously.

148. Of relevance to this observation, we also observe a landscape of limited funding in Athletics, and that the pool of distinguished and experienced Scottish Field Athletics coaches, especially in the world of hammer throwing, is inevitably small.

In this climate CB's provision of funding to ■■■ would undoubtedly be welcomed by ■■■ and her family.

149. In the Panel's eyes, however, a clear distinction had to be drawn between the above legitimate expenditure, and what appeared to be substantial *ex gratia* payments CB had made to ■■■ for example sums of £1000, £999, and (for example) the sum of £500 on her ■■■ birthday in ■■■. We were very troubled by precise payments CB made to ■■■ of ■■■ at Christmas ■■■ – an express reflection of her (then) Personal Best Hammer Throw being ■■■ metres. A similar troubling payment of ■■■ was advanced by CB to ■■■ in ■■■ reflecting her then Personal Best of ■■■ metres, and there was a later payment of ■■■.

150. These are significant sums being paid to a young person. In the context of an abusive Coach/Athlete relationship, we express considerable disquiet about them – not just for the obvious observation that they appear to be a straight reflection of performance related pay, but – given their timing – whether they were a form of buying ■■■ silence, as she got older, and perhaps showed greater awareness of what CB had done to her, lest she should ever reveal it. CB expressly denied under cross-examination that he was either “keeping her sweet” (as it was put) or “keeping her quiet.” In fairness – and the Panel did take note of this – CB also pointed out that he had had no money and resources at all as a young male athlete himself, and that he had wanted to do all he could to bring ■■■ on. The Panel did not regard unsolicited cash advancements to a young person as being appropriate.

151. In the event, we did not have to make a finding of fact about the cash advancements (albeit the financial records are there), and UKA brought no charges based upon them, but we could not help but regard them as a significant aspect of the evidence in the case.

Closing Submissions

152. After all the evidence had been given, each side addressed us. The Panel were especially keen to allow CB to make closing submissions, and to comment upon the evidence, because he was a lay-person acting in his own defence, and it transpired that Mr.Landells was not in the event going to address us, notwithstanding his competent questioning of UKA's witnesses. In the short time left to him, CB did address us and we noted all he said, especially :

- Examples of where he pointed out what he called contradictions in things ■■■ had said;
- Examples where he submitted that ■■■ would not have behaved the way she had, or have said the things she said, had her allegations been true;
- That he had had an unblemished life and career in Athletics (and, the Panel noted, within Engineering);
- That ■■■ had asked for her own diary to be destroyed which, he said, could have been an important document (we agree);
- That she herself had used the sort of language which appeared in the text messages; for example calling him an “arsehole,” and yet sticking with him as her Coach;
- CB noted the contents of paragraphs 214 and 215 of ■■■ Witness Statement, in which she was highly critical of ‘British Athletics’ handling of her situation in 2019;

153. We then received two further Closing Submissions with supporting materials, in emails dated 6th & 27th June 2024 post-hearing, which we have read and considered. We note the nuanced way these Closing Submission seek to address CB's use of ‘aggressive methods’ within his Coaching, and we understand this, albeit if not wholeheartedly approving of it.

154. We do not agree with the observation made in the written Closing Submissions, that the text messages CB sent to ■■■ could somehow be justified as CB's “*attempt*

to seek rapport and trust” with [REDACTED] and to “*get her to engage positively and be productive.*” We wholeheartedly disagree with CB’s Written Closing Submission that his selection of the sort of language featured in his SMS messages displayed an ‘*exercise of good wisdom and judgement.*’ It did not. The messages are obscene and inappropriate.

155. We do agree with what is asserted in CB’s Written Closing Submissions about the importance of non-verbal communication, particularly when assessing [REDACTED] credibility. We did not find her an evasive witness. We did not think that her looking away from the camera on the occasions she did was necessarily suspicious at all; on the contrary, it might have reflected that she was giving thought to the Question which had just been asked. We do not share the stated view that [REDACTED] was “*devious, a liar, and a malingerer.*”

156. It is also said in CB’s Written Closing Submissions that [REDACTED] has sought to deflect attention away from her inability to perform at the highest level (reference being made to what is described as her poor performance in Germany in [REDACTED] by creating false sexual allegations; thereby giving her a path out of Competitive Athletics at that level and the pressure it brought, and consequently avoiding the shame and embarrassment of failure – CB being a “*soft target.*”

157. The Panel feel that there were far more straightforward and simpler ways out of competing in Athletics than going to the sort of elaborate and dishonest lengths that [REDACTED] allegations amount to. Further, she may very well feel a high degree of shame and embarrassment in any event – especially as regards her parents – now that she has revealed the abuse. So we do not accept this argument. As for being a ‘soft target,’ this is a phrase which none of the Panel felt able to apply to CB. [REDACTED] has plainly found it excruciatingly difficult and painful to come forwards.

158. We also found a general difficulty with CB’s reliance upon [REDACTED] having a ‘fear of failure,’ as being a possible motive for a false complaint : ultimately, CB was [REDACTED] ‘vehicle’ towards competing at the [REDACTED], *and she achieved this goal.* That can hardly be seen as a failure. He further said that

■ had been known to put any poor performances ■ – telling us “*it suits her ■ when says she didn’t throw well because of abuse, yet she threw a PB (‘personal best’) at a time when she said she was enduring constant abuse.*” We did take account of this argument, but we were not sure that there was necessarily any well-established and clinical link between levels of abuse and performance in the field.

Coaching

159. It would be wrong to leave this Judgement without making some observations about CB’s evidence upon the topic of coaching experience. CB said under cross-examination that he did not know what the *Coach Licence Scheme* meant. He said he had never been told the Conditions, he was not asked to go on any Course, and was not aware of the Code of Conduct for coaches.

160. When asked about his responsibilities and obligations towards those he coached, CB said that he had a responsibility to ensure that the athlete did not injure him or herself, and that they progressed rapidly. He said in ■ case he felt he had a duty to get her to the Commonwealth Games. CB expressed this answer as effectively being a ‘closed list’ of his obligations, as above. He said that his ‘driver’ as a coach was *‘how do you get the brain to want to be the best.’* CB said that he did recognise a distinction with those whom were under 18, and that he knew during his time with ■ that she was not below 18. This may have been important.

161. When asked about the degree of trust reposed in him by an athlete and their family, CB said that he had never really thought about it that way, and that he did not fully understand the term ‘trust.’ He was quoted at one point in cross-examination as saying “*I never ever thought I had to be a trustworthy coach, it’s just something that comes in life.*”

162. The Panel took the view that the contraventions and examples of behaviour revealed in the evidence we had heard about these 13 charges, and what had happened to ■■■ did not 'require' a Code of Conduct, some other document, or attendance upon a Course, in order for it to be known that it was plainly wrong. CB should have known, and would have known. That said, the Panel did express some surprise at CB's answers in this area, not least because of their candour.

163. We were not asked to make a finding, and nor do we make one, upon CB's general suitability to act as an Athletics Coach; on the contrary, UKA had laid 14 (fourteen) specific charges before us, and we were asked to consider whether the evidence supported them, or any of them, to a sufficient extent. We have done no more, and no less, than that.

Summary of Findings

Charge 1 **Proved in part**, CLS paras 6.5(ii) & (xvi) not proved

Charge 2 **Proved** (save CLS para xvi)

Charge 3 **Proved** (save CLS para xvi)

Charge 4 **Proved** (save CLS para xvi)

Charge 5 **Dismissed**

Charge 6 **Proved in part** (save, Particulars (e) and CLS para xvi)

Charge 7 **Proved** (save CLS para xvi)

Charge 8 **Proved** (save CLS para xvi)

Charge 9 **Proved** (save CLS para xvi)

Charge 10 **Proved** (save CLS para xvi)

Charge 11 **Proved** (save CLS para xvi)

Charge 12 **Proved** (save CLS para xvi)

Charge 13 Proved in part; Particulars (a), (c) and (e), plus CLS para (xvi) not proved

Charge 14 Dismissed

Sanction

164. At the conclusion of its deliberations, the Panel expressly consulted and discussed Paragraph 18 of Version 1.2 of the '*Disciplinary Policy for Partakers*' in Scottish Athletics, dated 9 October 2020, and supplied to us in advance by UKA. We note the sanctions available, which may range from the issuing of a Formal Warning, to a Fine, or Censure, up to and including Suspension.

165. We have considered this with care. We have considered in particular the following features :

- the nature and gravity of the misconduct;
- the extent and duration of the misconduct;
- the disparity in age and position between the Coach and the athlete;
- the effect upon ■■■■
- the wider effect upon her family;
- the effect, wider still, upon Athletics generally.

166. In CB's favour we have considered :

- his age;
- his prior unblemished reputation and standing within the discipline;
- his career beforehand, including in Engineering;
- his general good character;
- the state of his health;

- the prospects of rehabilitation / further Coaching / acceptance of his behaviour;

167. As to the final point above, we note that CB steadfastly maintains his innocence of these charges ‘to the last.’ The Panel respects his position, and in no way makes the sanction any the worse for it. It does however mean that we cannot ‘credit’ him when considering the appropriate penalty with any form of lesser, or rehabilitative sanction, that might pave the way for CB back into Coaching.

168. In all the circumstances of this case, CB’s misconduct across the 12 proven charges amounts to a concerted and repeated pattern of behaviour, in which a young female athlete was sexually abused at his hands, by way of serious sexual touching, some of it penetrative in nature, and over a considerable period. As well as progressing to that level of abuse, CB had sent ■■■ crude and sexually obscene communications by SMS, and he had generally touched and massaged her inappropriately – all the while telling her that it would ‘increase her testosterone level,’ and thereby improve her performance.

169. This is behaviour which approaches the most serious form of abuse a senior Coach could subject a young athlete to. For this reason, the recommendation of the Panel is that CB be indefinitely suspended from all Athletics activities forthwith, to include Coaching.

Andrew Ford KC (Panel Chair)

Clive Dobbin

Stephen Nairne

20 September 2024