BEFORE THE UK ATHLETICS DISCIPLINARY PANEL

BETWEEN:

UK ATHLETICS

Complainant

- and –

ANDREW YOUNG

Respondent

DECISION OF THE PANEL

UPON the Panel hearing oral evidence during the hearing on 23 to 26 September 2024, considering the hearing bundle and hearing submissions from the advocates appointed by each party.

AND UPON the Respondent consenting to the Panel forming only two persons following the late withdrawal of the third panel member for personal reasons.

AND UPON the Complainant withdrawing charge 5 at the commencement of the hearing.

THE DECISION OF THE PANEL IS HEREBY GIVEN:

Introduction

1. On 30 August 2023, 39 charges ("the Charges") were brought against the Respondent, Andrew Young ("Mr Young") by the Complainant, UK Athletics ("UKA"). The charges allege that Mr Young breached the Code of Conduct ("the Code") and/or Coach Licence ("the Licence") terms in force at the relevant time. The charges concern Mr Young's conduct when working with seven different athletes ("the Athletes").

2. Pursuant to the UK Athletics Disciplinary Rules and Procedures ("the Rules"), a disciplinary panel ("the Panel") was appointed to determine these charges. The Panel sat for four days from 23 to 26 September 2024 inclusive ("the Hearing"). Both parties were represented and oral evidence was heard from witnesses for UKA and for Mr Young. Each party adduced witness statements from further witnesses whose evidence was not challenged so no oral evidence was required.

3. At the conclusion of the evidence the Panel heard submissions from Mr Claxton on behalf of UKA and Mr Townley on behalf of Mr Young. The Panel wishes to record its gratitude to the advocates for their assistance in these proceedings and the manner in which they conducted their cases.

4. The Panel considers it necessary and appropriate to ensure that the identity of the Athletes is protected. This is to avoid the potential for further distress to any of the Athletes, but also to ensure that in the future no athlete will be deterred from raising concerns with UKA for fear of publicity. Therefore this written determination of the Charges ("the Decision") will not refer to any of the Athletes by name nor will it refer specifically to any races or details such as dates or locations, which might lead to any of the Athletes being identified. The Panel will use the neutral pronoun "they" when referring to the Athletes solely because this avoids revealing the gender of said athlete and thus provides a further layer of anonymity. The parties are aware of the identity of the Athletes and the events to which each allegation relates, so no prejudice is caused to either party by this approach.

5. The Charges are extensive and the precise wording of them contain many details that might identify the Athletes. To set out each charge in full would require extensive redaction to protect the Athletes and make some charges unintelligible.

6. Furthermore, several charges were withdrawn and have been dismissed. It would be prejudicial to set out these charges in full where they have been proven to be baseless in some instances and not proven for others.

7. In the circumstances, where the full details of the Charges are known by the parties, the Panel sees no prejudice is caused to either party, nor is there an unreasonable impediment to transparency, by summarising the nature of each of the Charges rather than setting them out in full.

8. The Charges potentially engage multiples sections of the Code and/or the Licence. It is disproportionate to set out every part of the Code or the Licence which is possibly engaged and instead the Panel will state only which specific sections it finds have been breached in relation to any given charge.

9. Prior to the Hearing charges 30-34 were withdrawn by UKA. At the commencement of the Hearing, UKA decided not to pursue charge 5. For the sake of completeness, the Panel formally dismissed charge 5.

10. The Panel has carefully considered the oral evidence and each of the documents in the hearing bundle ("the Bundle"). Failure to refer to any particular piece of evidence does not mean that it has not been considered.

Powers of the Panel and decision-making process

11. Pursuant to the Rules, the Panel has a broad discretion in its approach to the proceedings. The Panel's powers and approach to procedure is fettered only by any specific limits set out in the Rules. No formal rules of evidence apply, nor is the Panel bound by any legal precedent or procedure, other than the rules of natural justice.

12. Pursuant to the Rules:
    a. The burden of proving any of the Charges falls on UKA;
    b. UKA must prove that the conduct constituting the charge took place on the balance of probabilities;
    c. The Panel has complete discretion as to what evidence it admits and the weight it attaches to any evidence;
    d. The Panel may find a charge proven, not proven, or proven in part.

13. Whilst not being bound by the rules of any other jurisdiction or precedent, the Panel informed the parties at the outset of the Hearing that it would broadly follow the procedures and approach of the civil courts in England and Wales. The Panel has approached the evidence as follows:
    a. On hearsay evidence it is for the Panel to determine the weight to attach to such evidence. In reaching such a decision, the Panel has broadly followed the principles set out in:
        i. Sections 1 and 4-7 of the Civil Evidence Act 1995;
        ii. *Ogbonna v Nursing & Midwifery Council* [2010] EWHC 272 (Admin);
        iii. *Khan v General Medical Council* [2021] EWHC 374 (Admin).
    b. If the Panel considers any of the evidence of Mr Young to be untrue, then the Panel has been mindful of the guidance established in *R v Lucas* [1981] QB 720;
    c. Even if the facts of an allegation are proven, it is for the Panel to determine whether the facts proven constitute a breach of the Code or the Licence;
    d. On alleged breaches of the Code or the Licence, where the wording of the relevant terms within the Code or Licence has no precise definition and/or are open to interpretation:
        i. The Panel will apply a "reasonable man test", meaning the words are given their common or every day meaning if considered by the neutral and uninformed observer;
        ii. The Panel will bear in mind that the Athletes were all adults, not children;
        iii. The Code and the Licence are written for general application and coaching methods or conduct that would be a breach of the Code or the Licence with juniors may not constitute a breach with adults;
        iv. The Athletes were all elite performers so a more robust approach to coaching may be necessary in order to maximise performance at the highest level, subject to there being clear 'red lines'. The Panel will apply a 'reasonable coach' test in considering where any such red lines might lie in relation to any of the Charges;
        v. Any additional latitude afforded to a coach because they are working with elite adult athletes must be weighed against the inherent power

imbalance in any coach-athlete relationship, which gives the coach greater power than the athlete.

Training through injuries

14. A number of the Charges allege that Mr Young pushed athletes to train whilst injured. The Panel recognises that for elite athletes consistency in training is important and that they frequently experience problems such as soreness, tightness and minor 'niggles' but are able to train or race reasonably safely despite them. There is always a balancing act between not causing serious injury by recklessly training through problems and not missing too much training for problems that are more minor.

15. It was submitted by Mr Townley that the Panel can only find charges relating to training through injury proven against Mr Young if he had direct evidence of a diagnosed injury from a medical professional, either in writing or by speaking to said medical professional. The Panel rejects this submission. It would allow a coach free rein to require athletes to train with any injury, regardless of severity, unless they had explicit knowledge. This would be a clear failure to consider the welfare of the athlete and a breach of the Licence and/or the Code.

16. Instead the Panel has adopted the following approach:
    a. The charge must relate to a specific injury. General allegations do not allow Mr Young to adequately understand the case he has to meet;
    b. The injury must:
        i. Have been clearly affecting the athlete; and
        ii. Be confirmed by a medical professional so that the Panel is satisfied that it was not insubstantial (even if such diagnosis comes after the index incident); or
        iii. There was clear medical advice to not train or to adapt training prior to the index incident
    c. The quality of evidence required to prove a relevant injury depends on the circumstances and whether such proof is adequate is a matter for the Panel;
    d. Mr Young must have been made aware (either through the athlete or from a medical professional) of either:
        i. The existence of a diagnosed injury;
        ii. The existence of a specific problem that was, or reasonably had the potential to be, more than a niggle. For example (but not limited to) an issue undergoing treatment; or
        iii. Medical advice to avoid or adapt training.
    e. Mr Young unreasonably disregarded the advice.

17. The evidence in these proceedings, both oral and within the Bundle, is extensive. The failure to mention any given piece of evidence does not mean that it has not been considered by the Panel. For each of the Charges the Panel has considered the totality of the evidence relating to said charge. Where the decision as to culpability has been

finely balanced, the Panel has given Mr Young the benefit of the doubt and finds any such charge not proven.

Weight

18. A number of the Charges concern allegations that Mr Young required athletes to weigh themselves on a daily basis. It was agreed by witnesses for both parties and is accepted by the Panel that having a low body weight is important for endurance athletes, provided that the weight is healthy for any given athlete. The Panel does not consider that in itself, requiring athletes to weigh themselves is a breach of the Code or the Licence. It will depend on the context within weighing took place.

19. In his skeleton argument, Mr Townley quotes UKA guidance on coaches working with senior pathway athletes. It says that *"the weighing of athletes should be done with a qualified nutritionist"*. Whilst Mr Young has not worked exclusively with senior pathway athletes, the Panel considers this guidance to be indicative of the approach that ought to be taken to weight by coaches. The Panel considers this guidance demonstrates that weight should generally be an issue explored with athletes in partnership with suitably qualified experts, which Mr Young conceded that he was not.

Mr Young's witnesses

20. The witnesses upon whom Mr Young relied were not required for cross-examination because their evidence was, for the most part, not evidence of fact. These witnesses, in general, were not witnesses to the incidents within the Charges or fail to address them. Where they do this has been taken into account. The evidence of [redacted] in particular, provided some useful context concerning particular athletes and supported Mr Young's position on some of the Charges, though generally did not address the specifics of the Charges.

21. Some witnesses suggest that some of the Athletes had strong personalities or were hard to coach. The Panel accepts this may be true but it does not justify the conduct that has been proven to be in breach of the Code or the Licence.

<u>Findings of the Panel</u>

22. The Panel accepts the evidence of Athlete C, Athlete F and from other witnesses that Mr Young could be very forceful to the point of exerting pressure so severe that it amounted to manipulation or bullying. This resulted in athletes feeling that they had no realistic option but to acquiesce to his wishes if they wished to remain within his training group.

23. The Panel accepts that Mr Young achieved good results with the Athletes and that most improved, often significantly, under his coaching. Whilst athletes could have chosen to leave the group and be coached elsewhere, Mr Young was clearly held in high regard

by Scottish Athletics and by UKA. There was therefore a clear risk of detriment to their athletic careers if any athlete left, both in terms of receiving inferior coaching or compromising the level of support they received from Scottish Athletics or UKA.

24. The Panel reaches this conclusion having considered the written evidence of twelve witnesses for UKA, hearing oral evidence from six of the Athletes, considering extensive WhatsApp evidence and hearing from Mr Young in person. Incidents of controlling or manipulative behaviour can be found in the following non-exhaustive list of examples (numbers refer to the page number within the Bundle):
    a. Mr Young stating that Athlete E is not able to choose when they miss training and athletes need Mr Young's permission to miss training sessions **[185]**;
    b. Mr Young stating that he is allowed to be rude to athletes but they are not allowed to be rude to him **[231]**;
    c. Mr Young withholding or threatening to withhold training programmes from Athlete C because he took offence with purported unreasonable conduct **[231];**
    d. Mr Young prohibiting Athlete C from using any of his training session formats after they finished training with him **[232]**;
    e. Mr Young requiring Athlete B to have their phone data setting permanently turned on, regardless of costs or consequence, so that they can receive his WhatsApp messages immediately **[240]**;
    f. Mr Young telling Athlete D to attend training even when unwell or they would be banned from the next day's training session **[250]**;
    g. Mr Young threatening to remove Athlete D and two other athletes from a race if Athlete D doesn't do what he wants **[452]**;
    h. Mr Young's frequent references in oral evidence to 'giving an athlete a [metaphorical] tap' by which he meant a threat or harsh word in order to show that he was in control and deserved respect as a coach.

25. This finding is not reached lightly and the Panel accepts that Mr Young was capable of being supportive of the Athletes as well. However there is ample evidence of many occasions where Mr Young's conduct exerted pressure sufficient to vitiate the Athletes' free will, including in some of the circumstances giving rise to the Charges.

Charges concerning Athlete A

Charge 1

26. Charge 1 concerned an allegation of Mr Young disregarding medical advice and requiring Athlete A to train whilst injured.

27. No evidence was provided of a medical injury and neither the witness statement nor oral evidence of Athlete A specified a specific injury or time when they had a problem that Mr Young ignored. The allegations were expressed only in general terms.

28. The Panel therefore finds that UKA have failed to demonstrate the necessary injury that would form the basis of the charge and thus the charge must fail. Charge 1 is dismissed.

Charge 2

29. Charge 2 concerned an allegation that Mr Young would not allow all athletes within his training group to eat together.

30. The Panel considered evidence from a number of the Athletes and other witnesses concerning this charge. The evidence was inconsistent and some of the evidence adduced by UKA witnesses supported Mr Young's version of events. In as far as Mr Young did encourage athletes to eat separately, the Panel finds that this was for legitimate performance and athlete-orientated purposes. This finding was supported by the evidence of some of the Athletes other than Athlete A and Athlete B.

31. The Panel accepts Mr Young's evidence on this charge and find that his behaviour was fully compliant with the Code and the Licence. Charge 2 is dismissed.

Charge 3

32. Charge 3 concerns the words used during a disagreement between Mr Young and Athlete A whilst on a training camp. It is alleged that Mr Young told Athlete A to leave the training camp.

33. Mr Young said that the disagreement started because Athlete A wished to lift weights without wearing shoes. This was against the gym rules as well as being a health and safety risk. The Panel accepts this explanation and finds that it was a legitimate concern on behalf of Mr Young and ill-advised on the part of Athlete A. The Panel further notes that the way that the charge is expressed could be misleading and fails to address the root cause of the disagreement, which was a legitimate concern held by Mr Young.

34. It is unclear as to exactly what other issues the argument then concerned but it is agreed that Athlete A remained reluctant to wear shoes and that Mr Young asked Athlete A to leave the gym. It is also accepted that Athlete A was quite upset.

35. Mr Young says he asked Athlete A to leave the gym because they would not put on shoes to train. He denies asking the athlete to leave the training camp. Athlete A maintains that they were told to go home.

36. Evidence of other witnesses present is of some assistance, but does not address the central issue of what Mr Young said. However we find the other witness evidence is more likely to support Mr Young's version of events and so we accept his evidence on the balance of probabilities. Therefore Charge 3 is dismissed.

<u>Charges concerning Athlete B</u>

Charge 4

37. Charge 4 concerns the same incident as alleged in Charge 2. It is dismissed for the same reasons.

Charge 5

38. This charge was not substantiated by the evidence of UKA and proved to be baseless. It was withdrawn at the start of the Hearing and is hereby dismissed.

Charge 6

39. Charge 6 comprises two separate allegations:
    a. Firstly, that when Athlete B was side-lined by injury for six months Mr Young failed to contact or offer any support to the athlete;
    b. Secondly, that upon Athlete B's return there was an argument concerning the return to training programme being set by Mr Young and that in consequence Mr Young temporarily expelled Athlete B from his training group.

40. In oral evidence, Athlete B conceded that they were not unable to train for six months, it was a shorter period, and that Mr Young was in contact during this period. Instead, Athlete B stated that Mr Young was not as supportive as they would have liked, but failed to specify in what way the support was insufficient.

41. The Panel has seen WhatsApp messages demonstrating contact between them at the relevant time and cannot identify any communication that is unsupportive, as alleged. This part of Charge 6 is therefore not made out on the evidence of Athlete B.

42. On the second part of the charge, both parties concede that there was a disagreement and that Mr Young appeared to exclude Athlete B from the training group for one night. This followed an increasingly fractious WhatsApp exchange about what training Athlete B should be doing. At the time, Mr Young was in the USA whilst Athlete B was in the UK.

43. Mr Young stated that Athlete B's messages became rude and Athlete B conceded that they could have been perceived this way. In the heat of the moment, ultimatums were made where either Athlete B threatened to leave the group or Mr Young throwing them out. It is unclear which. These messages were being exchanged in the middle of the night for Mr Young and culminated in him going to bed without providing the next day's training session.

44. By the next morning (USA time) Athlete B had apologised for any rudeness and Mr Young provided a training session. Both parties agreed that Athlete B was not excluded from the training group after this time. Therefore, any purported exclusion can be measured in hours rather than days.

45. Whilst neither party comes out well from this exchange, the Panel considers it to be a minor disagreement, falling far short of a breach of the Code or the Licence. It is perhaps a salient lesson in the disadvantage of communicating solely by messages where much of the tone of a communication is lost.

46. Charge 6 is therefore dismissed in its entirety.

Charges concerning Athlete C

Charge 7

47. Charge 7 concerns an allegation that Mr Young required Athlete C to take part in a race ("C's Race"), disregarding the advice of a physiotherapist.

48. It is not disputed that the day before C's Race:
    a. Mr Young received a WhatsApp message from Athlete C stating *"[Athlete C's physiotherapist] doesn't think I should race tomorrow. I'll forward [the physio's] comments over email, but he thinks taking tomorrow to cross train…and then easy run Sunday could be enough to settle things down but a race tomorrow could set me back."*
    b. Athlete C immediately followed this message with an email from their physiotherapist stating *"Given todays easy run was uncomfortable and symptoms worsened following the run + walking is now sore. I don't think it would be in your best interests to run tomorrow [the day of the C's Race], as it is likely to flare up."*
    c. Mr Young's response to these messages was *"Na be fine just race"*.

49. The Panel were provided with a witness statement from Athlete C's physiotherapist which confirmed the events surrounding this incident and his advice. The evidence of this witness was not challenged and he was not required to be cross-examined by Mr Young.

50. Mr Young relied upon a video of C's Race that he said demonstrated that Athlete C was not injured and ran smoothly, well and without any limp. He also said that he did not believe that Athlete C was injured and was just finding excuses to avoid the race. He said that this was either because they wished to avoid racing another particular athlete and/or because they wished to avoid risking aggravating their injury so that they could race in a more lucrative race a few days later. He did not consider prioritising a race with greater financial advantage to Athlete C to be an acceptable reason to avoid racing.

51. On the medical evidence, he said that he is not sure if he opened the WhatsApp message attachment with the physiotherapist's advice at the time he received it. This is despite Athlete C stating that they would forward the comments of the physiotherapist and Mr Young immediately receiving a message with an attachment.

52. Mr Young's evidence was that he was having dinner with the agent of Athlete C when he received the messages (Athlete C was not present). Mr Young stated that he told the agent that Athlete C was trying to get out of the race for reasons unrelated to any injury. Mr Young said that the agent told him to ignore the message.

53. This allegation was not put to Athlete C, nor was there any evidence from the agent. However, Mr Young is effectively claiming that he colluded with Athlete C's agent to require Athlete C to run against the athlete's stated wishes. This is a very serious allegation which is completely unsubstantiated by other evidence. Furthermore, it does not assist Mr Young, even if true, because it means that:
    a. He prioritised the opinion of an agent, presumably with no medical qualification, over that of a medical professional on an issue of injury;
    b. Both Mr Young and the agent acted against the express wishes of Athlete C, who was clearly not keen to race, which is a failure to act in the athlete's best interest.

54. Although, the WhatsApp messages from the day before C's Race show that Athlete C showed only limited reluctance after Mr Young had rejected the physiotherapist advice, the Panel accepts the oral evidence of Athlete C that this was because there was a certain amount of fear in the relationship with Mr Young. Athlete C thought further argument was pointless and so felt obliged to race by Mr Young.

55. The Panel therefore finds proven, that:
    a. Athlete C was suffering from an injury that a medical professional thought sufficient to advise missing C's Race;
    b. This diagnosis was reached before C's Race and communicated to Mr Young the day before the race;
    c. Mr Young received the email from the physiotherapist forwarded by Athlete C and was aware that he had received it, even if he chose not to read it.
    d. Mr Young disregarded this medical advice and compelled Athlete C to run;
    e. Mr Young disregarded Athlete C's wish to prioritise a race that was of greater financial benefit to them.

56. Mr Young's conduct is a clear breach of the following terms of the Code:
    a. "Respect the rights, dignity and worth of every athlete and others involved in athletics and treat everyone equally."
    b. "Place the welfare and safety of the athlete above the development of performance."
    c. "Cooperate fully with others involved in the sport such as technical officials, team managers, other coaches, doctors, physiotherapists, sport scientists and representatives of the governing body in the best interests of the athlete."

57. The Panel finds that Charge 7 is proven.

Charge 8

58. Charge 8 is an allegation that Mr Young disregarded a medically-advised timeline for returning to training following an injury. When Athlete C sent Mr Young a message saying that they would not be fit to train by the time of a session Mr Young had planned, his response was unsympathetic.

59. The Panel can find no evidence of a medically-advised timeline to return to training. The only evidence is that Athlete C's physiotherapist advised that they would not be ready by a specific date when Mr Young planned to resume Athlete C's training. Therefore, there is no proven timeline.

60. Mr Young's initial message to Athlete C is unsympathetic and could have been phrased better, but does not constitute a breach of the Code or the Licence in and of itself. Whilst he is clearly frustrated that Athlete C is not yet free to resume training when it is clear he thought it would be, he does not disregard the medical advice in the end.

61. The Panel's interpretation of the messages is that there appears to have been a misunderstanding about when Athlete C will be fit to resume and whilst Mr Young is initially exasperated. He then accepts the advice and is quickly OK with the athlete needing time off.

62. The Panel does not find that the substantive allegations in the charge are proven. Any parts that are proven do not amount to misconduct. Charge 8 is therefore dismissed.

Charge 9

63. Charge 9 concerns allegations that Mr Young told Athlete C that injuries and the symptoms of two separate medical conditions, [redacted] were in the athlete's head and that the athlete should "man up and suck it up" or similar.

64. It is within the Panel's powers to find that a charge is partly proven. We will therefore consider injuries and each of the medical conditions separately.

65. As regards injuries, the Panel has made one specific finding at Charge 7. The Panel will not find Mr Young culpable of this aspect of Charge 9 unless it concerns other injury events not forming part of Charge 7 to avoid punishing Mr Young twice for the same breach. The WhatsApp message demonstrate that Athlete C had told Mr Young:
    a. *"…pushing myself on my own limit to my limit is by far my weakest point"*
    b. *"[my] Old coach was a bit too soft on me; and*
    c. *"Sometimes I'm just really aware of injuries when I start running again so it might be mostly in my head".*

66. In light of this and the frank oral evidence of Athlete C on this issue, the Panel accepts the evidence of Mr Young that Athlete C would often come to training with a niggle or tightness and tell Mr Young about it. His response was to advise them to warm up and see if it eased off or could be trained through. Most of the time, Athlete C was able to complete sessions fully and as planned. The Panel finds that this is the reality for elite

athletes; that they will often have minor issues and that Mr Young's approach was reasonable.

67. No specific injuries were pleaded in Charge 9, so it was difficult for Mr Young to know the case he had to meet. We do not consider telling an athlete to "man up" or words to that effect is a breach in and of itself, unless the context proves that it was a breach. In the absence of specific details of the injuries to which Charge 9 is related and in the context of the messages set out above, this part of Charge 9 is dismissed.

68. On the issue of [redacted], Athlete C's evidence was that there was an occasion where they were suffering from [redacted] during a training session. During a rest period within the training session, Athlete C told Mr Young that [redacted] Mr Young was not sympathetic, told them that it was in their head and that they weren't trying. He probably said "man up" or words to that effect.

69. This evidence was not challenged by Mr Townley. Mr Young does not address it in his evidence. The response to charge does not address this incident other than to say that telling Athlete C to "man up" does not amount to abusive behaviour in the context of a high-performance environment.

70. Considering the unchallenged account of this incident and the very limited grounds on which it is defended, the Panel finds that Athlete C was suffering from a medical episode and that Mr Young was not taking Athlete C's [redacted] seriously. They further find that his words were designed to push the athlete to complete the session and ignored their medical condition. His conduct was a breach of the following terms of the Code:
    a. *"Respect the rights, dignity and worth of every athlete and others involved in athletics and treat everyone equally."*
    b. *"Place the welfare and safety of the athlete above the development of performance."*

71. On the issue of [redacted], Athlete C relies upon their own evidence and that of [redacted] confirms that Athlete C [redacted] Whilst this may fall short of a formal clinical diagnosis, the evidence was unchallenged and [redacted] was not required to give evidence.

72. Athlete C gave clear evidence of two specific occasions when their condition interfered with training and of which Mr Young was aware:
    a. The first was during a track session coached by Mr Young. [redacted]
    b. The second was when Mr Young was examining Athlete C's Garmin data and noted that a run they did on their own had taken longer than expected. Athlete

C told Mr Young that [redacted] Mr Young was critical of this.

73. Athlete C further stated that [redacted] Their evidence was that Mr Young was generally unsympathetic about [redacted] telling them to "man up and suck it up". This was not substantively challenged and Mr Young provided no evidence on this point.

74. The Panel accepts Athlete C's evidence and finds that regardless of any formal diagnosis, Athlete C was suffering from [redacted] of which Mr Young was fully aware. His response showed a disregard for their condition and was a breach of the obligations under the Code to:
    a. *"Respect the rights, dignity and worth of every athlete and others involved in athletics and treat everyone equally."*
    b. *"Place the welfare and safety of the athlete above the development of performance."*

75. The Panel therefore finds the allegations concerning [redacted] to be proven. Therefore Charge 9 is proven in part.

Charge 10

76. Charge 10 is an allegation that Mr Young required Athlete C to weigh themselves daily and record the results in a spreadsheet. It also alleges that Mr Young made comments about Athlete C's weight.

77. The Panel finds that Mr Young did require Athlete C to undertake daily weighing and to provide this data for use in a spreadsheet. The Panel also notes that within the evidence are multiple examples of Mr Young discussing weight with Athlete C. These discussions include discussions about variations in their weight, possible causes and their diet.

78. Considering the WhatsApp evidence provided, the Panel does not consider the nature or tone of these discussions to be oppressive or critical of the athlete. The conversations appear to be a genuine discussion about why Athlete C's weight might vary in order to understand the causes of fluctuations and presumably be able to achieve an appropriate race weight when required.

79. The Panel does not consider requiring an athlete to weigh themselves on a daily basis is, in itself, a breach of the Code or the Licence. The Panel finds nothing in the comments on weight that is a breach.

80. However it is of concern that Mr Young freely and repeatedly offers nutritional advice, including on what the athlete should avoid eating. This is despite the fact he admits to

having no qualification or significant expertise in the area. In itself, this does not amount to a breach of the Code or the Licence.

81. Considering the context and totality of the evidence, the Panel finds that although Mr Young's conduct may have been ill-advised or outside his expertise, it was not a breach and Charge 10 is dismissed.

Charges concerning Athlete D

Charge 11

82. Charge 11 is an allegation that Mr Young disregarded medical evidence and required Athlete D to train whilst injured.

83. The witness evidence of Athlete D concerning the relevant injuries is general and vague. It does not contain any specific details as to:
    a. The alleged injury or injuries referred to in the charge;
    b. That there was a formal diagnosis of these; or
    c. What advice Athlete D was given by medical professionals.

84. Considering the evidence at its height, UKA failed to discharge their burden to prove the charge and it is dismissed.

Charge 12

85. Charge 12 is an allegation that, following an argument about transportation to an athletics meeting, Mr Young threatened to expel Athlete D from his training group if they raced. The message is worded in forceful terms with swearing used.

86. Mr Young disclosed an extensive WhatsApp transcript of communications with Athlete D concerning the events referred to in the charge. Whilst the messages start with a robust but acceptable exchange, Mr Young descends into making threats to remove Athlete D and two other un-named athletes from the race due to Athlete D's conduct. He then goes on to send the message referred to in the charge, namely threatening to remove Athlete D from his coaching group if they race.

87. The Panel finds that the messages show Mr Young seeking to pressure Athlete D into doing what he wants. His threat to remove other athletes from the race if Athlete D does not comply is manipulative and coercive. His threat to expel Athlete D from his group is disproportionate to the issue in dispute. Whilst the swearing is not the most egregious breach of the Code, it was unnecessary in the circumstances.

88. The Panel finds that this conduct is a clear breach of the Code requirements to:
    a. "Respect the rights, dignity and worth of every athlete and others involved in athletics and treat everyone equally."

b. *"Act with dignity and display courtesy and good manners towards others".*
c. *"Avoid swearing and abusive language and irresponsible behaviour including behaviour that is dangerous to yourself or others, acts of violence, bullying, harassment and physical and sexual abuse."*

89. The Panel therefore finds Charge 12 proven.

Charge 13

90. Charge 13 alleges that Mr Young made comments about Athlete D's weight on a number of occasions, saying that the athlete needed to lose weight.

91. The witness evidence is limited on this charge and expressed mainly in general terms. The charge is denied in its entirety by Mr Young.

92. In cross-examination, Athlete D frankly conceded that elite athletes will have an optimal race weight. This principle is agreed by the parties and accepted by the Panel. Athlete D did not expand on any specific occasions relating to this charge.

93. The Panel finds that due to the limited evidence it is unable to determine if one witness is more credible on this charge. In this situation, the benefit of the doubt must be given to Mr Young and UKA has failed to prove the charge. Charge 13 is therefore dismissed.

<u>Charges concerning Athlete E</u>

Charge 14

94. In oral evidence, Athlete E admitted that the allegation that Mr Young had required Athlete E to train whilst injured was untrue and that Athlete E had not in fact trained at the relevant times. The charge fails completely and is dismissed.

Charge 15

95. In oral evidence, Athlete E admitted that the allegation that Mr Young had required Athlete E to attend a training camp against medical advice was untrue and that Athlete E had in fact been keen to attend. The charge fails completely and is dismissed.

<u>Charges concerning Athlete F</u>

96. Athlete F was unable to attend the Hearing to give oral evidence. The Panel accepts the evidence provided to explain Athlete F's non-attendance amounts to a genuine reason, whilst recognising that this does cause some prejudice to Mr Young in being unable to cross-examine Athlete F.

97. Mr Townley pointed out the clear discrepancies and apparent contradictions between the two pieces of witness evidence provided by Athlete F. The first piece of evidence is the witness statement in these proceedings and the second a summary transcript ("the Transcript") of the answers Athlete F gave to an independent investigator commissioned by UKA to investigate allegations against Mr Young.

98. The Panel accepts that there are some clear contradictions that go to the heart of some of the Charges. Whilst there might be legitimate explanations for such contradictions, it is not for the Panel to speculate as to what these may be.

99. Therefore, in approaching the evidence of Athlete F, the Panel will adopt the approach to hearsay evidence set out at the start of this Decision. In addition, for each charge pertaining to Athlete F the Panel will consider whether any contradictions within their statements go to the charge, whether there is corroborating evidence from other witnesses and how credible Mr Young was in addressing such issues.

100. For any given charge, the Panel considers it difficult for UKA to prove its case if:
    a. The Panel has no reason to disbelieve Mr Young's evidence on the issue; and
    b. The facts of the charge are not supported by any other evidence; and
    c. The evidence of Athlete F is inconsistent across their statement and the Transcript.

Charge 16

101. Charge 16 is an allegation that Mr Young required Athlete F to weigh themselves daily, to record the weight in an app and that he challenged Athlete F if they missed a day.

102. Athlete F addresses this issue at length in their witness statement. It is unclear who initiated daily weighing, but it seems both parties agree that it happened. Athlete F says that Mr Young required it for performance, criticised them for being too heavy and challenged them if data was not recorded.

103. The substance of this charge was not addressed in the Transcript, though the issue is touched upon. Where the Transcript refers to related issues, it undermines the basis of the charge.

104. The substance of the charge was partly addressed in the evidence of a UKA nutritionist. However, his evidence subtly shifted under cross-examination and the Panel found it of little assistance in determining this charge.

105. Mr Young defends this on the basis that it was Athlete F's choice to start weighing themselves. His evidence was that he was more concerned with trying to encourage Athlete F to gain weight as they became too thin. His version of events was supported by some of the WhatsApp messages he provided.

106. The burden to prove the facts of the charge lies with UKA. Considering the WhatsApp messages which undermine the charge and the reduced weight that the Panel places on Athlete F's evidence on this issue, the Panel finds that the charge is not proven. Charge 16 is dismissed.

Charge 17

107. Charge 17 has two related allegations:
    a. Firstly that Mr Young closely monitored and restricted Athlete F's diet despite the fact they were working with a professional nutritionist;
    b. Secondly, that when Athlete F said that a lack of food was adversely affecting performance Mr Young said words to the effect of "*...if you are eating enough it doesn't matter if you are hungry…if you've eaten dinner then you've eaten something so it's not like you need anything else*".

108. The first part of Charge 17 is supported only by the evidence of Athlete F. In contrast, Mr Young adduces WhatsApp messages that show discussions he had with Athlete F about food which were supportive and aimed at encouraging the athlete to eat more.

109. Whilst it is true that the messages show Mr Young commenting on Athlete F's diet, despite the fact Athlete F had a nutritionist advising them, we do not believe the messages constitute a breach. They do not show him restricting their diet and we place greater weight on these messages than on the evidence of Athlete F for reasons already set out. The Panel therefore dismisses the first part of Charge 17.

110. The second part of Charge 17 is set out in Athlete F's statement and corroborated by Athlete G. The Panel found Athlete G to be a straightforward and credible witness. In written evidence Athlete G recalled a time when Mr Young challenged Athlete F about continuing to snack after a meal and that he wanted Athlete F to stop eating. Athlete F retired to their bedroom, clearly upset. Athlete G took snacks to Athlete F, behind Mr Young's back. Athlete G was not challenged about this event in cross-examination.

111. Mr Young's statement only addresses the allegation in general terms to deny it. In his oral evidence he denied the event and words attributed to him and insisted that he encouraged Athlete F to eat more.

112. On this specific allegation, the Panel prefers the evidence of Athlete F and Athlete G and finds, on the balance of probability, that Mr Young did say the words or very similar words to Athlete F when they complained of being hungry. The Panel finds that this was because he wished Athlete F to maintain a low body weight to perform better. The Panel also finds that Mr Young did this without consulting with Athlete F's nutritionist and without having the necessary nutritional qualifications or knowledge to support such a statement.

113. This was a breach of the following terms of the Code. Two alternative wordings are provided where the Code was amended in later versions and the wording updated in later versions as the precise date of this incident is unclear:
    a. *"Place the welfare and safety of the athlete above the development of performance."* or *"make the athlete's health and welfare my primary and overriding concern"*
    b. *"Cooperate fully with others involved in the sport such as technical officials, team managers, other coaches, doctors, physiotherapists, sport scientists and representatives of the governing body in the best interests of the athlete."*

114. The Panel finds Charge 17 proven in part.

Charge 18

115. Charge 18 is an allegation that Mr Young disregarded the welfare of Athlete F during a set of circumstances caused by the Covid pandemic and were unsympathetic to the athlete's concerns.

116. Mr Young gave a full account of this incident, with partial corroboration from WhatsApp messages. The Panel found this account credible.

117. For reasons already set out, the Panel places less weight on Athlete F's account. Therefore, the Panel finds that Charge 18 is not proven.

118. Furthermore, the Panel fully accepts the unique challenges posed by the pandemic and the rapidly changing rules and restrictions often implemented at very short notice, which were relevant to this charge. Even at its height, the Panel is not convinced that the charge, as pleaded, is sufficient to amount to a breach of the Code or the Licence.

119. Charge 18 is dismissed.

Charge 19

120. Charge 19 is an allegation that Mr Young insisted that Athlete F compete in a race when they said that they were unwell.

121. This charge relies solely on the written evidence of Athlete F. It is denied by Mr Young and he adduces some WhatsApp messages that partially corroborate his account.

122. In these circumstances, the Panel accepts the evidence of Mr Young and rejects the charge. Charge 19 is dismissed.

Charge 20

123. Charges 20 to 22 and charges 35, 37 & 39 concern the same three events when it is alleged that Mr Young absented himself from training sessions or was very late.

124. It is agreed in the evidence of Athlete G and Mr Young that for each of the three incidents within these charges, Mr Young was suffering from poor mental health and felt unable to coach. Whilst the Panel has no medical evidence of a diagnosed medical condition, the Panel accepts that a person can be suffering from a mental health condition that is undiagnosed or one that is sufficiently debilitating but falls short of a medical diagnosis. The Panel finds that this was the situation for these three events, as agreed in the evidence of Mr Young and of Athlete G.

125. In principle, the Panel sees no difference in mental or physical ill health in that both could prevent a coach from being able to discharge their duties. By analogy, were Mr Young to be suffering from influenza and unable to coach or to coach fully, it is unlikely that he would seek a medical diagnosis, but he would nevertheless be too ill to coach. This would not amount to a breach of the Code or the Licence.

126. The Panel finds that Mr Young's conduct had a legitimate and reasonable explanation. Charge 20 is therefore dismissed.

Charge 21

127. As set out above, Charge 21 concerns similar circumstances as Charge 20 and is dismissed for the same reasons.

Charge 22

128. As set out above, Charge 22 concerns similar circumstances as Charge 20 and is dismissed for the same reasons.

<u>Charges concerning Athlete G</u>

Charge 23

129. Charge 23 is an allegation that Mr Young required Athlete G to weigh themselves daily and to record the weight in an app to which he had access.

130. The Panel does not consider that this allegation, in itself, amounts to a breach. Furthermore, the Panel finds that:
    a. Weight is a relevant consideration for elite endurance performance;
    b. Athlete G had started daily weighing before working with Mr Young;
    c. The tone and content of discussions concerning weight in WhatsApp messages between Mr Young and Athlete G was not oppressive or critical of the athlete.

131. Therefore Charge 23 is dismissed.

Charge 24

132. Charge 24 alleges that:
    a. Mr Young was driving with Athlete G to a training session;
    b. He made a comment about the athlete's weight which upset Athlete G;
    c. In response, Mr Young began to drive very fast such that Athlete G asked to get out the car;
    d. Mr Young stopped and let Athlete G out. He then drove off;
    e. Athlete G was obliged to then run to the start of the route of the training route before completing the training run.

133. In his defence Mr Young put UKA to proof of the facts of the charge. In oral evidence he denied the event ever happened. The Panel did not find this convincing as he did refer to some aspects of the event, although only in vague terms.

134. In closing submissions, Mr Townley advanced that the charge was time-barred because the events took place some time ago. He said it was common sense to dismiss them for being too old and that allowing allegations of events of some time ago would deter coaches from coaching. Mr Townley also argued that the events do not amount to a breach of the Code or of the Licence.

135. The Panel accepts the evidence of Athlete G and finds that the event happened as described. The facts of the charge are therefore proven.

136. The Panel rejected Mr Townley's submissions on limitation because:
    a. There is no limitation provision within the Rules;
    b. Natural justice demands that any relevant allegation be considered if sufficient cogent evidence can be adduced;
    c. By his logic, allegations of even the most egregious nature would not be pursued if they were of sufficient age, which:
        i. Offends natural justice; and
        ii. Would mean that vulnerable victims would have to make complaints when the incidents were most raw or else be denied justice;
    d. Coaches who do not commit acts in breach of the rules will not be deterred from coaching as they have nothing to fear.

137. The Panel finds that Mr Young's conduct was inappropriate and the following conduct is in breach of the Code:
    a. Responding to Athlete G being upset, no matter what the cause, by driving quickly;
    b. Leaving Athlete G at the side of the road when they were not at the start of the training route, necessitating them running further and on their own;
    c. The episode showed a disregard for the feelings and wellbeing of Athlete G.

138. This conduct breached the following provision of the Code:
    a. "Respect the rights, dignity and worth of every athlete and others involved in athletics and treat everyone equally."

139. It also amounted to a breach of the Licence provision:
    a. *"Respect the rights, dignity and worth of every athlete and treat everyone equally, regardless of background or ability";*
    b. *"Prioritise the welfare and safety of the athlete at all times and in accordance with UKA's Welfare Policy and Code of Conduct";*
    c. *"consistently display high standards of behaviour and appearance".*

140. Charge 24 is proven

Charge 25

141. This charge concerns an allegation that Mr Young required Athlete G to train on a specific date ("the Index Date") despite them complaining of considerable pain in their left foot. The foot was subsequently diagnosed as suffering from a stress fracture.

142. Mr Young's response to charge put UKA to proof of the facts in the charge but advanced no substantive defence. In both his witness statement and oral evidence Mr Young deferred to Athlete G's training diary, believing that the evidence within it exonerated him. He did not deny knowledge of a problem at the time but minimised its severity.

143. It was not disputed, and the Panel finds proven, that:
    a. Athlete G suffered a stress fracture to the foot;
    b. This diagnosis occurred after the Index Date;
    c. The first reference to the foot feeling *"bit tight"* occurs 27 days before the Index Date;
    d. The training diary specifically refers to abnormal sensations in the relevant foot on 16 of the 21 training days immediately before the Index Date. Such references vary as to how serious the abnormal sensations are on any given day;
    e. Athlete G's training diary states that the session on the Index Date "Felt good, could feel foot a little on strides and when starting rep, only ever so slightly during rep…"
    f. Mr Young had access to and regularly consulted the training diary so had actual or imputed knowledge of the references to the foot.

144. In oral evidence, Athlete G stated that the problems with the foot were intermittent and more severe after certain types of training. They also stated that they tended to under-report the extent of discomfort because Mr Young tended to ignore it in any event, so there seemed little point.

145. In oral evidence Mr Young was evasive and sought to avoid engaging with questions concerning this injury. He repeatedly deferred to the training diary, suggesting it supported his position.

146. The Panel accepts that the training diary makes no reference to the foot on some of the preceding diary entries and that some refer to the foot feeling better, though never 'normal'. The evidence provided does not detail the training undertaken on any given day, so it is not possible to identify any pattern to the days when discomfort or pain is reported.

147. The Panel finds the evidence of Athlete G credible both as to why the foot is not recorded as problematic on every training day preceding the Index Date and that issues were under-reported or minimised in the training diary. The Panel finds that Athlete G did tell Mr Young about the injury in training sessions and specifically that they reported it as sore on the Index Date.

148. The Panel is fortified in this conclusion by the messages exchanged between Athlete G and Mr Young concerning other injuries, which support Athlete G's evidence that Mr Young was dismissive or failed to take seriously reports of injuries. Furthermore, this finding is supported by;
    a. Messages exchanged between Mr Young and the Athletes in other parts of the Bundle which show similar conduct.
    b. The witness statements of several other witnesses in these proceedings, including some that were unchallenged, which suggest Mr Young frequently dismissed injury concerns raised by athletes.

149. The Panel finds that the training diary shows a persistent problem of which Mr Young was aware. It further finds that the training diary and feedback provided by Athlete G within training sessions ought to have put Mr Young, an experienced coach, on notice of a potential stress fracture or injury requiring further investigation. Despite this, he insisted that Athlete G train on the Index Date.

150. This was a breach of the Code term to *"Place the welfare and safety of the athlete above the development of performance."*

151. It was also a breach of the Licence term requirement to *"prioritise the welfare and safety of the athlete at all times and in accordance with UKA's Welfare Policy and Code of Conduct"*.

152. The Panel finds Charge 25 proven.

Charge 26

153. Charge 26 contains two separate allegations concerning events on a training camp:
    a. Firstly, that Mr Young called Athlete G *"weak"* for failing to complete a training session due to pain in their Achilles;
    b. Secondly, that following this session Mr Young took the only available vehicle and effectively stranded Athlete G and other athletes, disregarding their welfare and need to recover.

154. The evidence of Athlete G made clear that Mr Young took the athletes home after the session and that they were able to complete their recovery protocols save for potentially the issue of their evening meal. On this issue, the evidence was unclear as to whether the absence of a car was a significant impediment to eating. Overall, the Panel finds the second part of the allegation not proven.

155. Mr Young denied the events that form the first part of the Charge 26. They are events that happened some time ago and he denied that he would do this although he had no specific recollections.

156. Athlete G did not provide any further, specific information on the first part of Charge 26 in oral evidence. Their witness statement addresses the issue briefly, but also stated that Mr Young abandoned them at the training venue, which was later corrected in oral evidence.

157. The passage of time has understandably affected Athlete G's recollection of this event. In such circumstance, and by a fine margin, we find that the evidence in support of this allegation is insufficiently reliable for the Panel to be confident that it is proven.

158. Charge 26 is dismissed.

Charge 27

159. Charge 27 concerns an injury that Athlete G suffered in the warm up to a race. The athlete had suffered a niggle in the preceding days which worsened in warm up. Mr Young, it is alleged, still required Athlete G to run. Athlete G required an extensive period of recovery after the race due to the injury worsening.

160. The broad facts of this incident were agreed by Athlete G and Mr Young. The disputed evidence is what Mr Young's attitude was to the worsening of the niggle during the warm up. Athlete G says that he was indifferent and pressured them to run. Mr Young states that the problem occurred very close to the start of the race, there was no medical assistance available and the two of them had to make a difficult judgement call as to whether it was an injury that could be raced on.

161. The Panel finds that both witnesses were broadly credible and that the difference in accounts is one of perspective and hindsight. Mr Young very frankly admitted that, with hindsight, he would have discouraged Athlete G from racing. In the moment it was a judgment call and the race was one that both felt was important for Athlete G.

162. The Panel accepts this was a difficult situation and only hindsight has proven that the wrong decision was made. The Panel accepts that there were several different considerations, no clear evidence either way as to whether Athlete G should race and very little time in which to decide. The Panel finds that at the time and in those specific circumstances, Mr Young did not deliberately act against Athlete G's interests. The

Panel does not find that he was indifferent to Athlete G's injury. His conduct was not therefore in violation of the Code or the Licence.

163. Charge 27 is dismissed.

Charge 28

164. Charge 28 alleges that Mr Young criticised Athlete G for being reluctant to train on the track when retuning from an ankle injury. The discussion about training took place on WhatsApp and culminated in Mr Young sending a message suggesting Athlete G was being *"mean"* to him.

165. The Panel does not consider this charge to be one primarily of training against medical advice or whilst injured, as there is no evidence that Athlete G was actually forced to run in the end. Rather it concerns Mr Young's approach to an athlete raising an ostensibly reasonable concern following an injury and period of rest or reduced training.

166. In his response to this charge, Mr Young denies it on the basis that the WhatsApp messages are out of context and the full message history will provide *"proper and complete context"*. He fleshes out this position in his witness statement and exhibits extensive WhatsApp correspondence both with Athlete G and separately with the athlete's physiotherapist.

167. Within the messages, on the day before the message referred to in the charge, Mr Young explicitly asks Athlete G *"Not feeling anything in the Achilles"*. The wider exchanges strongly infer that Athlete G has had issues with their Achilles tendon. The Panel finds that this is the "ankle injury" referred to in the charge.

168. Surprisingly, in oral evidence Mr Young denied that Athlete G was returning from an ankle injury and instead said that they were merely returning from their post-season training break. In effect, he argued that there were no additional considerations concerning the recovery of the ankle and it was in effect a normal return to training discussion after a post-season rest. The Panel finds this assertion to not be credible.

169. Mr Young gave further evidence that his concern was that Athlete G had been prone to injury after training breaks and especially if not training on an athletics track for a prolonged period, so he wished them to resume track training promptly.

170. Reading the entire message history provided by Mr Young, Athlete G is not unwilling to train, but has concerns about whether track training is the right mode of training early on in their return to a fuller training load. It is clear that Athlete G wishes to avoid track sessions in spikes as this requires greater engagement of the Achilles tendon and the athlete does not consider that this is sensible yet.

171. Mr Young's references to context as his sole ground of defence was disingenuous and evasive. On reading the whole message train, what emerges is a coach determined to

impose his will on Athlete G and demand that they train as he wishes. He fails to give proper consideration or to properly recognise the concerns of Athlete G.

172. The response where he accuses Athlete G of being *"mean"* when read in the full context of the exchanges is, in the view of the Panel, an attempt to emotionally manipulate the athlete. There are other comments that are equally designed to be emotionally manipulative and others that criticise and seek to undermine the athlete's concern.

173. This conclusion is reinforced by this type of behaviour being demonstrated on multiple occasions in the evidence of multiple witnesses, as addressed in paragraphs 22-25 above.

174. The Panel finds that the conduct set out in Charge 28 is a breach of the following terms of the Code:
    a. *"respect the rights, dignity and worth of every athlete and treat everyone equally, regardless of background or ability."*
    b. *"make the athlete's health and welfare my primary and overriding concern."*

175. It also amounted to a breach of the Licence provisions:
    a. *"Respect the rights, dignity and worth of every athlete and treat everyone equally, regardless of background or ability";*
    b. *"Prioritise the welfare and safety of the athlete at all times and in accordance with UKA's Welfare Policy and Code of Conduct";*

176. Charge 28 is proven

Charge 29

177. Charge 29 is an allegation that Mr Young:
    a. Criticised Athlete G when reluctant to train because of an undiagnosed injury;
    b. Only accepted that Athlete G was injured when a scan proved the extent of the injury;
    c. Sent Athlete G a message that they had some credibility concerning the injury of which they had been complaining once the injury was diagnosed.

178. Mr Young defended this charge on the basis that:
    a. Although Athlete G was suffering some discomfort, no cause had been found despite seeing multiple medical professionals, so no-one knew the extent or seriousness of the injury;
    b. The message is out of context, that it was in fact Athlete G asking if they had credibility following diagnosis and that Mr Young was supportive of the athlete and criticised medical professionals for failing to diagnose it.

179. It was not disputed, and the Panel finds proven, that:
    c. Athlete G suffered [redacted];

d. This diagnosis occurred after the critical comments and WhatsApp messages referred to in the charge;
e. Before a formal diagnosis was reached, Athlete G had been suffering from notable problems that had eluded medical diagnosis by several medical professionals;
f. Mr Young was aware that Athlete G had been experiencing said problems.

180. Mr Young relied upon several WhatsApp messages from the days preceding the diagnosis. In submissions, Mr Townley further submitted that as the injury was not diagnosed, Mr Young had not acted unreasonably.

181. The messages show a clear pattern of Athlete G experiencing significant discomfort and feeling unable to run. They are undertaking other forms of low-impact training such as swimming and seeing their physiotherapist to try to sort the problem.

182. Mr Young is clearly frustrated by the lack of a diagnosis and clear timeline for returning to running. This is understandable. However his responses are inappropriate and are a clear effort to exert pressure on Athlete G to run. His comments include:
a. "Swimming is not an alternative to running"
b. "You know how many days you missed already?"
c. "Continuing not to run is not really a plan"
d. "It really shudnt be very sore at this stage"
e. "Someone not appearing concerned enough about running"

183. After Athlete G then completes a run, they suffer significant discomfort and tightness. They communicate this in a message to Mr Young and his response is:
"I mean it's up to you…I spent years trying to toughen you up…you need to find drive, desire and also desperation when its not going to plan…You don't need to maximise your potential…You can choose not to be very best that's OK…"

184. It is quite clear that Mr Young is criticising Athlete G and does not consider that the problems they report amounts to an injury or reason to not run. It is emotionally manipulative and coercive.

185. The Panel finds that Mr Young's conduct is a clear breach of the Code provisions:
a. "respect the rights, dignity and worth of every athlete and treat everyone equally, regardless of background or ability."
b. "make the athlete's health and welfare my primary and overriding concern."

186. It also amounted to a breach of the Licence provisions:
a. "Respect the rights, dignity and worth of every athlete and treat everyone equally, regardless of background or ability";
b. "Prioritise the welfare and safety of the athlete at all times and in accordance with UKA's Welfare Policy and Code of Conduct".

187. Charge 29 is proven

[Charges 30-34 withdrawn]

Charge 35

188. As set out above, Charge 35 concerns the same circumstances as Charge 20 and is dismissed for the same reasons.

Charge 36

189. Charge 36 alleges that Mr Young instructed Athlete G to post a tweet that risked harming their financial prospects. Further details are not provided to protect Athlete G's anonymity.

190. Mr Young does not dispute the facts but asserts that they do not amount to a breach of the Code or the Licence and in any event Athlete G declined to follow his instruction. In his statement he also suggested that the matter concerned a business relationship and not a coaching relationship, presumably suggesting that falls outside the jurisdiction of these proceedings.

191. The facts of the charge are not disputed. The Panel considers the defence put forward by Mr Young to be extraordinary. On the face of it the words that Mr Young instructed Athlete G to post would be very likely to cause annoyance to Athlete G's sponsor and risked harming their relationship with the sponsor. The tweet that Mr Young wished Athlete G to be posted was wholly unnecessary.

192. Mr Young's conduct was a breach of the Code provisions:
    a. *"act ethically, professionally and with integrity, and take responsibility for your actions."*
    b. *"respect the rights, dignity and worth of every athlete and treat everyone equally, regardless of background or ability."*

193. It also amounted to a breach of the Licence provision to *"Respect the rights, dignity and worth of every athlete and treat everyone equally, regardless of background or ability"*.

194. The Panel finds Charge 36 proven

Charge 37

195. As set out above, Charge 35 concerns the same circumstances as Charge 21 and is dismissed for the same reasons.

Charge 38

196. Charge 38 alleges that Mr Young behaved unprofessionally during the warm-up period for a race in which Athlete G was participating. Further details are not provided to protect Athlete G's anonymity.

197. The facts of this charge were not disputed, but Mr Young maintains that they do not amount to a breach of the Code or the Licence.

198. The Panel considers the allegation to be trivial. At worst, Mr Young acted a little eccentrically and his conduct might have caused some mild embarrassment to Athlete G, but it reflected more poorly on Mr Young himself. It does not however meet threshold for a breach of the Code or the Licence.

199. Charge 38 is dismissed.

Charge 39

200. As set out above, Charge 39 concerns similar circumstances as Charge 22 and is dismissed for the same reasons.

Sanction

201. The Panel finds that nine of the 39 charges are proven, at least in part. Of those, the Panel finds seven are serious.

202. The Panel has a wide discretion in the sanctions that it can choose to impose. The possible sanctions range from a reprimand at the lower end to withdrawal of coaching licences, suspension or permanent debarring from holding office at the upper end. In addition, there is a broad discretion to impose any sanction that the Panel sees fit.

203. The seriousness of a charge is significant because it indicates that a more serious sanction may be required to adequately mark the breaches. The Panel considers that:
    a. Charges 7, 9, 25, 29 are serious because they concern Mr Young disregarding an athlete's health or injuries;
    b. Charges 12, 28 & 29 are serious because they demonstrate a coach abusing his position of power and using manipulative behaviour;
    c. Charge 17 is serious because it concerns restricting an athlete's food intake with the potential of harm through under-fuelling or eating disorders;
    d. Charges 24 & 36 are not insignificant but are considered less serious than those above.

204. In the Hearing, UKA sought a sanction of suspension of Mr Young's coaching licence for a period of between three and five years. This period is to be backdated to the date of the interim suspension imposed at the start of these proceedings. UKA also asked that Mr Young not be permitted to apply for a new coaching licence until he has

completed appropriate remedial training to address the concerns raised within the Charges.

205. In reply, Mr Townley chose to advance no mitigation, reflecting Mr Young's position that none of the Charges would be proven. The Panel noted this approach, recognising that it was based on considered legal advice from a solicitor specialising in the field of sports law.

206. The Panel is of the view that the number of proven charges which are serious in nature mean that a period of suspension from coaching is both necessary and proportionate. This is both to mark the seriousness of the breaches and to protect athletes from the risk of harm inherent in the conduct of Mr Young in the proven charges.

207. Although only nine of the original 39 charges have been proven, the majority are serious, are concerning, are serious in different ways and demonstrate that Mr Young's coaching poses a risk of significant and varied harm to athletes. The Panel therefore considers that a significant suspension is proportionate. Had a greater number of serious charges been proven then the Panel is of the view that a very lengthy suspension would have been warranted and the range advanced by UKA would have been insufficient.

208. Despite no formal mitigation being advanced, the Panel was provided with three witness statements in support of Mr Young from Mr Barr, Mr Ramsay and Mr Hamilton. In general, they did not address any of the index incidents but rather spoke to Mr Young's good character. The Panel was not informed of Mr Young ever having any sanction imposed by UKA before. The Panel therefore accepts that he is of good character and considers this in mitigation.

209. Mr Young's witnesses stated that he is a supportive coach who achieved good results with his athletes. The witnesses did not observe any of the negative behaviours that are set out in the Charges.

210. The Panel accepts the evidence of these witnesses, which was unchallenged. It demonstrates that the conduct found proven was not always how Mr Young coached. He is capable of coaching in an appropriate manner. This is something of a double-edged sword as it suggests Mr Young chose to coach inappropriately at times or was unaware that his conduct in the proven charges was inappropriate. However, the evidence of these witnesses provides some mitigation and an indication that he is capable of coaching in accordance with the Code and the Licence and might be able to do so consistently if lessons are learned following rehabilitation.

211. The Panel considers the following to be aggravating factors:
    a. Mr Young demonstrates little insight into the effects of his behaviour on those he coaches. For some of the proven charges he accepted he did the alleged acts but still maintains that this was not a breach of the Code or the Licence;

b. For several of the incidents in the Charges, he blamed others including UKA, sports bodies, the Athletes and other professionals whilst frequently denying any fault. He spent a significant part of his witness evidence, and it was advanced on his behalf, that he is an innocent victim in these proceedings;
c. He did not display any significant remorse for any of his conduct and admitted none of the Charges.
d. He is therefore unlikely to accept responsibility for his conduct going forward and so there seems little prospect that he is likely to act differently in the future.

212. Considering the significant number of aggravating factors and limited mitigation, the sanction imposed is a revocation of Mr Young's coach licence for a period of five years. This period is to be backdated to the date of his interim suspension in these proceedings.

213. The Panel also considers it important to include a rehabilitative element to any sanction. This is to provide a pathway for Mr Young to return to coaching whilst ensuring that any athletes he might coach in the future are safe.

214. Therefore, in addition to the suspension and before any new coaching licence is granted following the suspension, Mr Young must complete (and pass if applicable) training courses to address the inappropriate conduct established by the proven charges. Such courses shall be of not less than one day in duration each. They shall be approved as addressing the issues set out below by UKA. The four training courses that Mr Young is required to undertake should address the issues of:
    i. Athlete welfare;
    ii. Working collaboratively with exercise professionals such as nutritionists and physiotherapists;
    iii. Injury management;
    iv. Bullying and harassment.

Costs

215. No order as to costs

Issued by the Panel

Jamie Johnston (Chair)

Denzil Johnson

8 October 2024