



BRITISH ATHLETICS SELECTION AND
NOMINATION
"FAST" APPEALS PROCEDURE

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1. INTRODUCTION

- 1.1 This document sets out British Athletics' Selection Appeals Procedure ("the Procedure") applying to international team selection decisions for the competitions outlined in Schedule 1 (unless British Athletics notifies athletes otherwise) and all decisions to nominate an athlete to the British team at the Olympic or Paralympic Games. The Procedure applies equally to such Olympic or Paralympic nomination decisions as if each reference to the "selection" was replaced with "nomination" unless otherwise stated. This Procedure will remain in place until superseded or amended by British Athletics from time to time.
- 1.2 This Procedure is the Appeals Procedure referred to in Clause 5.4.7. of the 'World Class Programme - Performance Athlete Agreement' ("Athlete Agreement") and governs all challenges to a selection decision by an athlete whether or not he/she has signed the Athlete Agreement.
- 1.3 Selections will take place in accordance with the applicable selection policies as published from time to time on the British Athletics website (www.uka.org.uk) (each referred to as a "Selection Policy"). Any athlete ("the Appellant Athlete") wishing to lodge an appeal under this Procedure must be fully familiar with the detailed provisions of the Selection Policy for the relevant competition.
- 1.4 This Procedure is intended to be an extremely accelerated one to enable any challenge to be resolved as quickly as is reasonably possible. Due to the nature of selection for major events, decisions often need to be taken close to the time of the event to which the selection relates. Furthermore, there is considerable potential for "knock on" to athlete preparation related to the outcome of the appeal, both with regard to the Appellant Athlete, as well as any athlete who is at risk of being deselected or otherwise adversely affected by the appeal ("a Third Party"). Accordingly, the aim of this Procedure is to return a decision on appeal within 96 hours of the appeal being submitted pursuant to clause 3.
- 1.5 This Procedure is the only applicable appeals procedure and forms the entire agreement between each athlete (including any Appellant Athlete and Third Party) and British Athletics (together, "the Parties") as to how selection decisions are to be challenged. The Parties agree to submit any dispute, concerning any matter connected with or arising out of selection issues, to binding arbitration in accordance with the provisions of this Procedure. The Parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of this Procedure, or any decision made under this Procedure, before any court of law or other dispute resolution body. The Parties will treat all decisions under this Procedure as final and binding upon them.
- 1.6 The Parties agree that this Procedure is to be treated as an arbitration procedure under Part 1 of the Arbitration Act 1996 ("the Act") and the provisions of clause 1.5 above amount to a binding arbitration agreement for the purposes of section 6 of the Act. The seat of the Arbitration shall be England.

2. PARTIES

This Procedure is binding on British Athletics and on each athlete who is seeking selection to any Great Britain and Northern Irish Team selected by British Athletics.

3. HOW TO APPEAL

- 3.1 This Procedure is commenced when an athlete affected by a selection decision submits a formal written appeal ("the Notice of Appeal") to the Chair of the British Athletics Selection Appeals Panel ("the Appeal Panel"), whose contact details are provided in Schedule 2. The Notice of Appeal must be received by the Chair of the Appeal Panel within 24 hours of the time and date the selection is confirmed and published on the British Athletics website. If the Appellant Athlete fails to submit the Notice of Appeal within the time limit set out in this Procedure, he or she will automatically lose the right of appeal under this Procedure, save in wholly exceptional circumstances which will be judged by the Appeal Panel in their absolute discretion.
- 3.2 The Notice of Appeal should set out the grounds of the appeal and include full details of the basis of the appeal, including as full an explanation as possible of why the relevant grounds of appeal are met.
- 3.3 On submission of the Notice of Appeal (or otherwise within the 24 hour period set out at clause 3.1 above), the Appellant Athlete may request from the Chair of the Appeal Panel copies of the extracts of the minutes of the selection meeting which relate to their non-selection and any rules/regulations relevant to the appeal. Provided the request is reasonable, such documents will be provided to the Appellant Athlete within 24 hours after the expiry of the time period for filing the Notice of Appeal. The Appellant Athlete will then have a further 24 hours in which to submit any additional written submissions ("Additional Submissions") if they so choose, which (together with the Notice of Appeal) will form the basis of the remainder of this Procedure.
- 3.4 Subject to clause 7.2, appeals will be conducted based on the written submissions of the Appellant Athlete (contained within the Notice of Appeal and any Additional Submissions (together, "the Appeal Submissions")) and the relevant British Athletics selection panel, without a hearing or the calling of witnesses or the giving of oral evidence.

4. GROUND OF APPEAL

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

The right to appeal a selection decision is provided on these limited grounds only and must not be seen as an opportunity to dispute the opinion of the selection panel where

they have followed the proper procedure and selection criteria stated in the Selection Policy. In reaching their decision the selection panel are acting as experts and athletes agree that in so doing the selection panel exercises judgment and discretion which are not in themselves capable of challenge. Athletes should therefore consider carefully whether any of the grounds of appeal at clause 4.1 exists before submitting a Notice of Appeal.

- 4.2 There are no appeals allowed against the content of the published Selection Policy or against the actions of the selection panel, provided they follow the selection criteria published.

5. COMMUNICATIONS AND NOTICES

- 5.1 British Athletics may inform each athlete prior to announcing the selection decision on the British Athletics website, although this may not be possible or appropriate on every occasion and it shall not be a breach of the relevant Selection Policy or this Procedure if such prior communication does not take place. Due to the timescales involved, the Parties agree that the British Athletics Selection Panel may use any reasonable method of communicating the selection decision to athletes, including oral announcements to groups of athletes, telephone calls, text messages, email or smartphone message (i.e. WhatsApp). Accordingly athletes must be aware of this and keep a constant review of these communication channels to ensure they receive any communications that are made in advance of the formal announcement. Athletes are advised that they should inform their programme point of contact of their preferred method of communication and provide their landline telephone, mobile phone or email address accordingly.
- 5.2 All Appeal Submissions must be sent by email to the email address set out at Schedule 2 and the Notice of Appeal and Additional Submissions shall be deemed to have been received by the Chair of the Appeal Panel at the time and date of the email transmission, provided no error message is received.
- 5.3 With the exception of clause 5.1, all notifications or correspondence or any other document submitted under these Procedures shall be sent by email and such document shall be deemed to have been received by the intended recipient at the time and date of transmission, provided no error message is received.

6. APPEAL PANEL

- 6.1 The Appeal Panel will consist of 3 people whose names and contact details are set out in Schedule 2. No member of a selection panel may form part of the Appeal Panel. The identity of all Panel Members will be disclosed to Appellant Athletes following receipt of their Notice of Appeal.
- 6.2 In the event that any member of the Appeal Panel has any involvement with or is related to an Appellant Athlete or a Third Party or is in any other way placed in a position of conflicting interests in respect of any appeal, s/he shall be disqualified from sitting on the Appeal Panel and will be replaced by one of the alternates.
- 6.3 Should the Appellant Athlete object to the composition of the Appeals Panel he/she must state his/her objections in the Notice of Appeal or Additional Submissions (in the event

of an objection to the Third Panel Member). The Chair of the Appeal Panel shall inform British Athletics who shall review the objection and decide in its absolute discretion whether to alter the composition of the Appeal Panel or proceed on the basis outlined in Schedule 2.

7. CONDUCT OF THE APPEAL

- 7.1 As soon as reasonably practicable following receipt of any Appeal Submissions the Appeal Panel shall contact the chairperson of the selection panel to inform him/her and provide them with a copy of the Notice of Appeal and any Additional Submissions (as applicable).
- 7.2 In the event the chairperson of the selection panel wishes to make any submissions in response to the appeal, these should be submitted to the Appeal Panel within 24 hours of receipt of any Additional Submissions or within 24 hours after the expiry of the timeframe for making Additional Submissions under clause 3.3 above (whichever is earlier).
- 7.3 Where it appears to the Appeal Panel that the interests of any Third Party may be affected by the appeal, they will notify the Third Party of the appeal, provide him/her with a copy of any Appeal Submissions and other relevant documents and invite the Third Party to make any submissions within 24 hours of receiving the notification. A Third Party shall be under no obligation to make any submissions, but if the Third Party makes any comments the Appeal Panel will give the Appellant Athlete a copy of these submissions and a limited period of time to make any further submissions in response.
- 7.4 The appeal will be conducted by written submissions only. No parties to the appeal will be entitled to appear before the Appeal Panel. In exceptional circumstances and at the discretion of the Appeal Panel, a party to the appeal may be invited to provide information by telephone or in writing. No party will be entitled to separate representation (including legal representation).
- 7.5 Until the appeal is decided, British Athletics will refrain from publishing any further details in relation to the selection which is the subject of the appeal or the Appellant Athlete. Notwithstanding this fact, the existing details will remain where originally published before the Notice of Appeal was received.
- 7.6 The decision of the Appeal Panel will determine the rights of all the affected athletes (not just the Appellant Athlete) and therefore the Third Party will be prohibited from appealing matters which have already been decided upon by the Appeal Panel.
- 7.7 The Appeal Panel will seek to reach its conclusion within 96 hours of receipt of the Notice of Appeal and will inform all interested parties in writing and by telephone (or such other method of communication as the Appeal Panel shall decide) as soon as possible.
- 7.8 The Appeal Panel shall be entitled to record the appeal hearing, including the decision reached, in whatever form this shall best take.

8. REMEDIES

- 8.1 The Appeal Panel will only be entitled to rescind the decision of the selection panel and confirm the selection of the Appellant Athlete on the grounds set out in clause 4 of this Procedure.
- 8.2 The Appeal Panel shall be entitled to confirm the decision of the selection panel and reject the appeal.
- 8.3 The Appeal Panel may also quash the selection decision and remit the matter back to the selection panel notifying the errors they have identified in the conduct of the selection process and requesting that a new decision is made within one week (or such shorter time as the Appeal Panel deem is reasonable in all the circumstances).

9. MINOR AND NON-CONSEQUENTIAL BREACHES OF THIS PROCEDURE

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

10. CONFIDENTIALITY OF PROCEEDINGS AND PUBLICATION OF DECISION

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

11. CHANGES AND AMENDMENTS TO THIS PROCEDURE

- 11.1 British Athletics shall be entitled to amend this Procedure from time to time and such amendments will take effect from the first date of publication of the complete amended procedure on the British Athletics website.
- 11.2 Any comments or correspondence in respect of this Procedure should be sent to:
British Athletics,
Athletics House,
Alexander Stadium,
Walsall Road,
Perry Barr,
Birmingham,
B42 2BE

appeals@britishathletics.org.uk

SCHEDULE 1

Competitions to which this "British Athletics Selection and Nomination Fast Appeals Procedure" applies:

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

SCHEDULE 2

British Athletics Appeals Panel

Chair:

Ian Beattie – Chair of the UK Athletics Board

c/o UK Athletics Ltd
Athletics House
Alexander Stadium
Walsall Road
Perry Barr
Birmingham
B42 2BE

email: appeals@britishathletics.org.uk
phone: 0121 713 8400

Second and Third Panel Members:

The second member will be an independent person with relevant experience in high performance sport.

The third member will be a person from within the legal profession with relevant legal experience.

Alternate Chairs (if required):

Jason Gardener – President of UK Athletics

c/o UK Athletics Ltd
Athletics House
Alexander Stadium
Walsall Road
Perry Barr
Birmingham
B42 2BE

email: appeals@britishathletics.org.uk

Mike Whittingham – *Non Executive Director and Chair of Performance & Talent Working Group*

c/o UK Athletics Ltd
Athletics House
Alexander Stadium
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