

INDEPENDENT DISCIPLINARY PANEL
of ENGLAND ATHLETICS

In the matter of disciplinary proceedings brought pursuant to
the England Athletics Disciplinary Rules and Procedures

ENGLAND ATHLETICS ("EA")
and
UNITED KINGDOM ATHLETICS ("UKA")

- and - The Governing Bodies

Mr GERALD BABIDGE The Respondent

THE DECISION
of THE DISCIPLINARY PANEL

1. England Athletics brought various charges against the Respondent, detailing numerous breaches of the UK Athletics & HCAF Technical Officials Code of Conduct.
2. The Charges derived from breaches of the relevant UKA Technical Officials Licence scheme and related Codes of Conduct. The breaches identified are prohibited by reference to the UK Athletics Technical Officials Licence Terms and Conditions (the "Officials Licence Scheme"), and Codes of Conduct for

Technical Officials. They relate to the alleged conduct and behaviour of UK Athletics Technical Official Licence Number: 2933557.

3. The Respondent is both a member and Technical Official for Crawley Athletics Club. Crawley Athletics Club is affiliated to England Athletics and the Respondent is a member of England Athletics. See 'Section 2.3 Jurisdiction over Misconduct and Serious Misconduct' of the England Athletics' National Disciplinary Policy. As part of club affiliation and membership, England Athletics expects all its clubs and members to abide the UKA and HCAF Codes of Conduct.
4. The Respondent also acts under the auspices of his UKA Technical Officials Licence more broadly as Technical Official for other athletics competitions and events.
5. On 16th June 2021, UKA were contacted by Club Welfare Officer of Crawley Athletics Club ("Crawley AC") to report several concerns regarding club Technical Official, the Respondent, and specifically his conduct towards female club members.
6. Initial information provided detailed that the Respondent had privately sponsored a number of young athletes at the club and had subsequently engaged in private communications with them via email. This had come to the attention of the Welfare Officers and the Chair as complaints had been made by these athletes (aged 20) about the Respondent asking them to send pictures. The club subsequently began local enquiries as to the nature of these communications, the appropriateness of their content and any linked safeguarding issues
7. UKA conducted an initial assessment of information received and passed on initial fact-finding enquiries to England Athletics and an EA Investigation Officer was duly appointed to investigate matters further.

8. The Respondent was suspended by Crawley AC on 17th June 2021 pending further investigation
9. The investigation was conducted by the EA Investigation Officer, underpinned by the following policies and documents:
 - 9.1. UK Athletics National Disciplinary Procedure;
 - 9.2. England Athletics National Disciplinary Procedure;
 - 9.3. UKA & HCAF Codes of Conduct;
 - 9.4. UKA Terms and Conditions of Officials License; and
 - 9.5. England Athletics Club Inclusion Policy Template.
10. Upon conclusion of the investigation by EA Investigation Officer, the following charges were raised against the Respondent:

“The charges cited below relate to behaviours which took place during the period 2017 to 2021:

*Under the **UKA and HCAF Technical Officials Code of Conduct**, the charges are that Respondent failed to:*

- *1.6 Report any accidental injury, distress, misunderstanding or misinterpretation to the parents/carers and club/regional/national or UKA Safeguarding Officer as soon as possible.*
- *2.6 Avoid swearing and critical, abusive language or irresponsible behaviour, including behaviour that is dangerous to me or others, acts of violence, bullying, harassment and physical and sexual abuse.*
- *2.9 Always explain why and ask for consent before touching other athletes.*
- *3.1 Respect the rights, dignity and worth of every athlete and others involved in athletics and treat everyone equally.*
- *3.3 Act with dignity and display courtesy and good manners towards others.*
- *3.4 In no way undermine, put down or belittle other officials, athletes, coaches or practitioners.*
- *3.6 Not exert undue influence to obtain personal benefit or reward.*

- 4.5 *Develop healthy and appropriate working relationships with athletes based on mutual trust and respect, especially with those athletes under 18 or who are adults at risk.*
- 4.6. *Never incite or engage in sexual activity, inappropriate touching or communication (in person or social media or any other form of verbal or non-verbal communication) with an athlete under 18 years of age. A violation of this code may result in a technical official licence being permanently withdrawn.*
- 4.8 *Not to use my position as a technical official to incite or engage in sexual activity, inappropriate touching or communication (in person or social media or any other form of verbal or non-verbal communication) with athletes who are aged over 18 years. In certain circumstances, a violation of this code may result in a technical official licence being permanently withdrawn.*
- 4.11 *Never invite a young athlete (under 18) alone to my home.*

Under UKA's Officials License Scheme, the Respondent failed to comply with:

- *Condition 4.1(i) of the Scheme failure to "respect the rights, dignity and worth of every athlete"*
- *Condition 4.1(ii) of the Scheme failure to "prioritise the welfare and safety of the athlete at all times and in accordance with the UKA's Welfare Policy and Code of Conduct"*
- *Condition (xviii) of the Scheme to develop appropriate working relationships with athletes based on mutual trust and respect, especially with those athletes under 18 years or with vulnerable adults*
- *Condition (xvii) Do not exert undue influence to obtain personal benefit or reward.*
- *Condition 4.5 As a responsible Technical Official, when participating in or attending any athletics activities, including training/coaching sessions and competition events you will:*
 - o *(i) Act with dignity and display courtesy and good manners towards others*
 - o *(ii) 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*

- *Condition 4.6 (xv) of the Scheme to respect the right of young athletes to an independent life outside of athletics*
- *Condition 4.6 (xvi) Report any accidental injury, distress, misunderstanding or misinterpretation to the parents/carers and Club/Regional/National or UKA Welfare officer as soon as possible.*
- *Under Condition 6.5 of the Scheme, the Respondent has behaved in a manner which has included:*
 - o *ii) bullying, victimisation or harassment (in whatever manner or whether in person or online) of officials or other persons involved in the Sport, including athletes, parents or guardians, coaches, UKA staff or visitors, or other officials or the operators of facilities.*
 - o *(iii) any act that brings or could bring the sport of athletics, UKA or any other athletics organisation or club into disrepute.*
 - o *(xiii) dishonesty, including falsification of officiating qualifications.*

*Under **Crawley Athletics Club Constitution**, the Respondent has significantly failed to behave in a manner which aligns with the club's objects under:*

- o *Section 2 Aims of the Club... "objects of promoting and encouraging amateur athletics and social fellowship among its members."*

11. England Athletics appointed following members of a disciplinary panel (the "Disciplinary Panel" / "we" / "us") to adjudicate this case:

Mr Thura Win (Chairman);

Mr Steve Boocock; and

Mr Luca Pastore.

12. The Disciplinary Panel was provided with the EA Investigating Officer's Report, supporting documents including witness statements, various policies and procedures, as well as communications with the Respondent and his submissions in response to the charges.

13. The Disciplinary Panel convened via videoconference at 2pm on 14 March 2022

to deal with this case based only on the written submissions made.

14. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, we would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.
15. The following is a summary of the principal submissions provided to us. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case.
16. The Governing Bodies and the Respondent are aware of the facts of this case. We do not propose to recount all the facts in the same manner or order as the parties have done in their submissions, except where necessary for the purpose of our decision.
17. We were satisfied that the investigation process and gathering of evidence, including an interview with the Respondent, were comprehensive and fair.
18. We noted all evidence submitted and findings made by the EA Investigation Officer, including mitigation factors and risks identified. We also noted the submissions made by the Respondent.
19. Based on the evidence before us and on the standard of proof required, being the balance of probability, we were unanimous in finding the charges proven.
20. We also received risk assessment and recommended sanctions, and submission on the permanent withdrawal being sought of the Respondent's Technical Official Licence and membership of England Athletics.
21. We were mindful that the legality of a permanent withdrawal in this case could potentially be impugned under two doctrines of English Law, namely:

- 21.1. The rules prohibiting the enforcement of covenants in restraint of trade; and
- 21.2. The administrative law requirements that any sanctions imposed by a private disciplinary body must be “proportionate”.
- 22. We were satisfied from the submissions made by the Governing Bodies that the permanent withdrawal sanction would not be a restraint of trade on the Respondent and it would not be disproportionate in this case.
- 23. We, therefore, impose the following sanctions on the Respondent:
 - 23.1. the Respondent’s membership of Crawley Athletics Club be terminated with immediate effect;
 - 23.2. the Respondent’s Technical Officials License revocation by UKA with immediate effect and the sanction of a lifetime ban for any licensed role within athletics with a minimum tariff of 5 years;
 - 23.3. the Respondent’s membership with England Athletics be immediately terminated with lifetime ban on membership of any other England Athletics affiliated club and lifetime suspension from competition;
 - 23.4. referral of the investigation and panel findings and Misconduct Hearing result – all with appropriate redactions – to all parties involved, including all who have given statements; and
 - 23.5. The Governing Bodies to consider appropriate DBS Referral Process.
- 24. We also make the following recommendations:
 - 24.1. all sponsorship agreements by the Respondent with athletes ought to be terminated with immediate effect. Any communications regarding this should be directed towards the Club Secretary and no direct contact should be made by the sponsor/sponsorees;
 - 24.2. Any future sponsorship process at the club should be documented and open in application process, with written agreement on sponsorship expectations. There should be not direct contact in communications

with athletes aged under 18 and agreed protocols regarding communication with athletes over the age of 18;

- 24.3. EA and UKA should review of any policy or procedures are required regarding sponsorships at clubs, including application process and register of gifts/ conflict of interest are officiating roles where sponsorships are in place;
 - 24.4. the club should continue to work through the required actions of the UKA and HCAF Club Safeguarding Code of Conduct. Specifically, there should be a robust action plan between now and re-affiliation with EA in April 2022 regarding:
 - 24.4.1. using only UKA licensed coaches and officials;
 - 24.4.2. ensuring all relevant DBS checks and online safeguarding training (coaches) is up to date;
 - 24.4.3. that the Codes of Conduct are signed by all members of the club including volunteers, athletes, parents, young persons, coaches and officials;
 - 24.5. a local review is conducted regarding all contact methods between its members (emails, WhatsApp, social media) to ensure these are robust in terms of safeguarding arrangements and rules/expectations;
 - 24.6. the club implements an Inclusion Policy which makes clear expectations regarding equality and diversity, respect for gender and stance on harassment; and
 - 24.7. mandatory new training delivered online for all UKA Licensed Officials is expected in 2022. In the meantime, it is also recommended that a face-to-face safeguarding course is undertaken at the club by all of its coaches and officials.
25. Our decision is subject to right of appeal in accordance with applicable rules and regulations.

Signed...

Thura KT Win JP LLM FCMI MCI Arb (*Chair*)

Mr Steve Boocock

Mr Luca Pastore

25 March 2022