

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")

The Governing Bodies

- and -

Michael FARROW

The Respondent

THE DECISION

of THE DISCIPLINARY PANEL

England Athletics brought various charges against the Respondent, detailing numerous breaches of the UK Athletics & HCAF UK Athletics & HCAF Coach Code of Conduct

1. The Charges derived from breaches of the relevant UKA Coach License Scheme Licence scheme and related Codes of Conduct. UK Athletics Coach Licence Number:. URN 3495333
2. The Respondent is both a member and running leader for Orchard Eagles Athletics Club. Orchard Eagles 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.

3. On 6th Dec 2021, UKA were contacted by the Club Welfare Officer of Orchard Eagles Athletics Club to report a concern regarding the Respondent, and specifically his conduct towards a female club member (aged over 18) which constituted a serious assault
4. UKA were contacted again on 20th June 2022 to advise that a further concern regarding breach of suspension had occurred
5. Initial information provided detailed that the Respondent had, on the 5th December 2021 in two separate incidences assaulted a club member in their own home. The Respondent was suspended pending further investigations and on 7th December 2021 Orchard Eagles Athletics Club imposed a suspension in the following terms
 - suspended from athletics activity at Orchard Eagles with immediate effect including all coaching and leading activity with us.
 - not to attend the club or club's events or competitions until you hear further from us,
 - not try to contact club members or the complainant or any witnesses in this case.
6. 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.
7. The Respondent was subsequently suspended by Orchard Eagles club on 7th December 2021 pending further investigation
8. The investigation was conducted by the EA Investigation Officer, underpinned by the following policies and documents:
 - 8.1. UK Athletics National Disciplinary Procedure;

- 8.2. England Athletics National Disciplinary Procedure;
 - 8.3. UKA & HCAF Codes of Conduct;
 - 8.4. UKA Terms and Conditions of Coach License
9. Upon conclusion of the investigation by EA Investigation Officer, the following charges were raised against the Respondent:

On Sunday 5th Dec 2021 you followed A1 into the kitchen of her home and as she reached up into a cupboard to get glasses out you moved your crotch towards her bottom and brushed against her, which was a physical assault.

On the same date but on another occasion you then followed A1 into the kitchen, grabbed her from behind and placed your hand on her vagina and rubbed this area, which was a physical assault.

On Saturday 18th June 2022 you breached local Orchard Eagles club suspension conditions issued to you by the club on 7th December 2021.

You breached the England Athletics National Disciplinary Policy paragraph 4.1.1.3 “behaves (whether by action or omission) in a manner which England Athletics considers (acting reasonably) is disgraceful or opposed to the general interests of England Athletics or the sport of athletics or is likely to bring the sport into serious disrepute” The Respondent has breached the following provisions of the UK Athletics (UKA) and the Home County Athletics Federations (HCAF) Code of Conduct for Coaches,:

- 2.5 avoid swearing, abusive language and irresponsible or illegal behaviour, including behaviour that is dangerous to me or others, acts of violence, bullying, harassment and physical and sexual abuse.
- 2.10 act ethically, professionally and with integrity and take responsibility for your actions.
- 3.2 respect the rights, dignity and worth of every athlete and treat everyone equally, regardless of background or ability

- 3.3 make the athlete's health and welfare my primary and overriding concern
- 3.5 respect the right of all athletes to an independent life outside of athletics.
- 4.5 not use my position as a licensed coach 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 I coach who are aged over 18 years. In certain circumstances a violation of this code may result in a coach licence being permanently withdrawn.

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

- 5.1 The Coach must at all times comply with: I) the UKA Code of Conduct for Coaches, a copy of which must be read and acknowledged as part of the licensing application process and which is attached to these Conditions and separately available on the UKA website; Furthermore, the Respondent no longer meets the following Eligibility Requirements of the Coach Licence Terms: Coach Licences are issued at UKA's sole discretion. In order to be eligible to be granted a Coach Licence, the eligibility requirements in paragraph
- 3.2 The Eligibility Requirements are:
 - a) The Coach must: (xii)not have engaged in behaviour or conduct which leads UKA to consider that they are unsuitable to coach; ... AND
 - b) UKA must be satisfied that the Coach has suitable qualities and abilities to be a coach in accordance with best practice and the policies and standards of UKA;

10. England Athletics appointed following members of a disciplinary panel (the "Disciplinary Panel" to adjudicate this case:

Karen McArthur Chair

Ashraf Khan

Rodney Beer

11. The Disciplinary Panel was provided with the EA Investigating Officer's Report, supporting documents including witness statements, social media screen shots a text message various policies and procedures, as well as communications with the Respondent and his submissions in response to the charges.
12. The Disciplinary Panel convened via videoconference at 9am on 18th August 2022 to deal with this case based only on the written submissions made.
13. 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.
14. 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.
15. 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.
16. We were satisfied that the investigation process and gathering of evidence, including an interview with the Respondent, were comprehensive and fair.

17. 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.
18. Based on the evidence before us and on the standard of proof required, being the balance of probability, we were unanimous in finding all 3 of the charges proven.
19. We also received risk assessment and recommended sanctions, and submission on the permanent withdrawal being sought of the Respondent's Coach Licence and membership of England Athletics.
20. We were mindful that the legality of a permanent withdrawal in this case could potentially be impugned under two doctrines of English Law, namely:
 - 20.1. The rules prohibiting the enforcement of covenants in restraint of trade; and
 - 20.2. The administrative law requirements that any sanctions imposed by a private disciplinary body must be "proportionate".
21. 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.
22. We, therefore, impose the following sanctions on the Respondent:
 - 22.1. Michael Farrow's membership of Orchard Eagles Running Club should be terminated with immediate effect;
 - 22.2. Michael Farrow's Coach License revocation by UKA with immediate effect and the sanction of a lifetime ban for any licensed role within athletics;
 - 22.3. Michael Farrow's membership with England Athletics should be immediately terminated with the sanction of a lifetime ban on membership of any other England Athletics affiliated club.

- 22.4. Referral of the investigation and panel findings and Misconduct Hearing result to all parties involved, including all who have given statements.
- 22.5. DBS Referral Process should also be followed
23. Our decision is subject to right of appeal in accordance with applicable rules and regulations.

Signed...

Karen McArthur
Ashraf Khan
Rodney Beer

18th August 2022