

INDEPENDENT DISCIPLINARY PANEL

of UK ATHLETICS

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

ENGLAND ATHLETICS ("EA")

and

UNITED KINGDOM ATHLETICS ("UKA")

The Governing Bodies

– and –

ALAN RAIN

The Respondent

THE DECISION

of THE DISCIPLINARY PANEL

1. UKA brought various charges against the Respondent, detailing numerous breaches of the UK Athletics & HCAF Coach Code of Conduct.
2. The Charges derived from breaches of the relevant UKA Coach Licence scheme and related Codes of Conduct. The breaches identified are prohibited by reference to the UK Athletics Coach Licence Terms and Conditions (the "Coach Licence Scheme"), and Codes of Conduct for Coaches. They relate to the alleged conduct and behaviour of the Respondent, who held UK Athletics Coach Licence Number: 2899998.

3. The Respondent is both a member of and Coach for Kettering Town Harriers Athletics Club Athletics Club. Kettering Town Harriers Athletics Club 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 by the UKA and HCAF Codes of Conduct.
4. The Respondent was suspended on 14 June 2021 pending further investigation into complaints received about his conduct.
5. The investigation which was conducted was underpinned by the following policies and documents:
 - 5.1. UK Athletics National Disciplinary Procedure;
 - 5.2. England Athletics National Disciplinary Procedure;
 - 5.3. UKA & HCAF Codes of Conduct;
 - 5.4. UKA Terms and Conditions of Coach License; and
 - 5.5. England Athletics Club Inclusion Policy Template
6. For the purposes of the above policies, where an act of misconduct is alleged the Disciplinary Panel have had reference to the policy which was in force at the time of the alleged misconduct. Where the Disciplinary Panel have considered matters of procedure, we have had reference to the policy in force at the time of the hearing.
7. Upon conclusion of the investigation, five charges were raised against the Respondent alleging Misconduct under the UKA Disciplinary Procedure, and Serious Misconduct under the EA National Disciplinary Procedure, as particularised in the charge sheet which was attached to the Notice of Charge dated 13 May 2022.
8. It was alleged that the following provisions of the Coach License Scheme (which came into force in 2019, and so was the applicable scheme at the time of the alleged misconduct) were breached:-

4 Professional Standards Code of Conduct for Coaches

4.1 *As a responsible athletics coach, it is a condition of the coach licence that the Coach will:*

- (i) respect the rights, dignity and work of every athlete and treat everyone equally, regardless of background or ability;*
- (ii) prioritise the welfare and safety of the athlete at all times and in accordance with the UKA's Welfare Policy and Code of Conduct....*
- (ix) consistently display high standards of behaviour and appearance...*

4.2 *In addition, as a responsible coach, the Coach must:*

- (i) develop appropriate working relationships with athletes (especially under 18s), based on mutual trust and respect, in particular, a Coach will not exert undue influence to obtain inappropriate personal benefit or reward; and*
- (ii) maintain a strict and clear boundary between friendship and intimacy with athletes and not conduct inappropriate relationships with athletes (whether in person or through any communication or media channel, including social media websites). Relationships with athletes can cause significant problems for other team members and can fracture teams, raising concerns of favouritism, or even of victimisation, should the relationship later end.*

9. Further it is also alleged that the conduct complained of constitutes misconduct pursuant to paragraph 6.5 of the Coach Licence Scheme as follows

6.5 *For the purposes of condition 6.1(viii) examples of misconduct are given below....*

- (ii) bullying, victimisation or harassment of athletes under their care of control, a parent or guardian of that athlete, other athletes, fellow coaches, UKA staff, visitors or officials or facility providers;*

- (v) *criminal behaviour (as specified above in condition 5);*
- (vi) *a breach of the Code of Conduct for coaches as set out in condition 4;*
- (vii) *physical assault, violent or threatening behaviour;*
- (xiii) *dishonesty including falsification of coaching qualifications;*
- (xvi) *any other action that may be reasonably considered to be misconduct.*

10. It was unclear to the Disciplinary Panel what criminal behaviour under paragraph 6.5(v) of the Coach License scheme was being alleged, and so this alleged misconduct was not considered further, and no findings are made with regard to any alleged criminal behaviour.
11. UK Athletics appointed the following members of a disciplinary panel (the "Disciplinary Panel" / "we" / "us") to adjudicate this case:
 - Clive Dobbin, Chair
 - Sally Clark, Panel member
 - Scott Murray, Panel member
12. Pursuant to paragraph 8.6 of the UKA Disciplinary Rules and Procedure, the Disciplinary Panel was jointly appointed by UKA and EA and so the Disciplinary Panel has the sanctioning and procedural powers as set out in the UKA Disciplinary Rules and Procedure and the EA National Disciplinary Policy.
13. The Disciplinary Panel was provided with the 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.
14. The Disciplinary Panel convened via videoconference at 9.45am on 14 October 2022 to deal with this case. Submissions were received from James Segan KC on behalf of the Governing Bodies. The Respondent did not appear before the Panel, and neither did he submit submissions for consideration by the Panel.

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 were comprehensive and fair.

The allegations

18. The allegations against the Respondent were usefully summarised in the submissions made on behalf of the Governing Bodies. The Disciplinary Panel accepted that this summary was accurate and has therefore adopted that summary for the purposes of this decision. The summary of the allegations was as follows. For the purposes of this decision the identity of the complainants has been anonymised.

18.1. **A1 (Charges 1 and 3):** A1, who was new to running having had a pacemaker recently fitted, met the Respondent in May 2019 through local park runs. She was comforted by the fact that he was a qualified run leader and coach. The Respondent belittled a friend of A1's who was a slower runner, to ensure that he had regular 1:1 runs with A1. The Respondent learnt from discussions during regular runs that A1 volunteered as a prison pen pal. In July 2019, the Respondent then messaged A1 telling her – falsely – that he had a son "Jamie" who had been arrested on suspicion of raping a young off duty police officer. A1 offered to write to the Respondent's alleged son, doing so on four or five occasions. The Respondent fabricated reply

letters from "Jamie". He then pretended to take a call to indicate that his son had been sentenced and used his fabricated distress as an excuse to ask A1 for a "cuddle", which A1 remembers as having *"gone on too long and sort of patting him on the back to say come on let go"*. A1 was also by this time regularly messaging on Facebook a fake profile purporting to be the Respondent's daughter "Sophie Rain", but who does not exist and who was made up – together with her Facebook profile – by the Respondent. The Respondent carefully managed the information he gave to A1 via "Sophie" and then himself so as to make it appear that "Sophie" was a real person. After the Respondent had falsely represented that "Sophie" had been involved in a car accident, A1 messaged "Sophie" to check she was okay. During that conversation, "Sophie" (i.e. the Respondent pretending to be his own fictional daughter) sent a message to A1 indicated that *"her dad ... really liked me"*. After the Respondent failed to pay money he had agreed to pay for the Loch Ness Marathon, A1 broke off all contact in October 2019.

18.2. **A2 (Charges 2, 4 and 5): REDACTED**, a care home worker who does night shifts, became aware of the Respondent through park runs and was first messaged by him in around May 2020. They began taking runs together *"as at that point we were locked down, but you were able to only run in twos"*. The Respondent falsely claimed that he had five children, "Jamie", "Laura", "Charlotte", "Sophie" and "Stephen". Having offered to pick up A2 for a run, the Respondent learnt her home address. He began to call at A2's house so frequently as to make both A2 and her daughter feel uncomfortable. He claimed that his partner was in a diabetic coma, using this as an excuse to ask for a "cuddle". As A2 explains, *"any bad upsetting news would then mean that he would try and instigate a cuddle"*, with which she was *"really uncomfortable"*. The Respondent continued calling at A2's house, which she began to try to avoid by making excuses. In January 2021, he used an alleged deterioration in his partner's health *"several times"* as an excuse for a "cuddle". He went on to claim falsely that his fictional daughter "Sophie" had been identified as a match for a kidney transplant for his partner, using this as a pretext to initiate electronic messaging contact with A2 pretending to be his daughter "Sophie". At the Respondent's suggestion, A2 began corresponding with "Sophie" by email, a discussion which turned in time to

discussion of "Sophie"'s sexuality. A2 *"genuinely thought that I was exchanging messages with a young 19-year girl who was struggling with her sexuality"*. The Respondent then initiated a friend request with A2 from a false "Sophie" profile on Facebook. "Sophie" (i.e. the Respondent pretending to be his own fictional daughter) claimed to have a poor relationship with her mother but to regard A2 as a mother figure, even to the point of calling her "Mum" in messages. "Sophie" would sometimes imply that the Respondent and A2 *"would make a good couple"*, but A2 *"tried to ignore this insinuation"*. The Respondent, pretending to be "Sophie", initiated a discussion about sex, abusing A2's trust to obtain details of her sex life, advice on use of sex toys and views on other highly intimate matters. As A2 puts it, *"[w]hen I read back the messages now it is very difficult reading, thinking that I was talking to Alan rather than Sophie"*. The Respondent falsely claimed that "Sophie" had been employed in a new job as British Airways cabin crew and was now living in London with her sister "Laura". When A2 asked for a photo, the Respondent sent a picture of three actresses (who A2 did not recognise) taken from the internet. The Respondent – still regularly running with A2 – claimed that his mother had died suddenly and that he had been assaulted by his partner. The Respondent then initiated further contact with A2 via another fake Facebook profile purporting to be his (non-existent) daughter "Laura". The day before a trip to London planned for 8 May 2021, the Respondent informed A2 that his daughter "Laura" had tested positive for Covid-19. The Respondent took A2 to a pre-arranged place to meet "Sophie" who – as she did not exist – did not turn up. The Respondent pretended to telephone another fictional daughter, "Charlotte", and pretended that she had told him that "Laura" and "Sophie" were at Guys Hospital. The Respondent told A2 – falsely – that "Laura" had been taken into hospital as she was struggling to breathe. On 9 May 2021, the Respondent falsely informed A2 that "Laura" had been placed into a medically induced coma. There followed over the next few days a profoundly distressing set of events whereby the Respondent, via a series of messages from "Sophie", led A2 to believe that "Laura" was in the process of dying, and had then died, from Covid-19, with "Sophie" sending increasingly distressed messages from her fictional bedside. The upset that was being caused to A2 is obvious from the messages. Having pretended to suffer a terrible loss, the Respondent used this *"several times"* as an excuse for more *"cuddles"* from A2. Whilst A2 was out on a run with a friend A3, the

Respondent simply appeared from behind a bush, having been following her position on the "Strava" app. The Respondent then pretended – both himself and through "Sophie" – to be going through the process of organising a funeral for his daughter "Laura" and clearing her flat. A2's friend A3 began to be suspicious about the Respondent, and by making inquiries to a funeral director established that there was no funeral as the Respondent was claiming. A3 also pointed out that the Facebook profiles for "Sophie" and "Laura" appeared to have been faked and had been created on the same day. When confronted by A3 with what he had done, the Respondent admitted *"yes I lied and it got out of hand and I'm very sorry for hurting REDACTED trust and our friendship"*

19. It was suggested in the statements that the Respondent may have engaged in similar conduct with other individuals to that displayed with A1 and A2. However insufficient detail about these other individuals was provided, and so the Disciplinary Panel decided that it should disregard any suggestion that the Respondent engaged in similar conduct with others, and decided that it should focus only on the allegations with regard to conduct against A1 and A2.
20. The above charges were admitted by the Respondent. The Respondent admits that he engaged in the above conduct, and further that the above conduct breaches the relevant terms of the Coach Licence Scheme. Therefore, the matter came before the Disciplinary Panel to decide on sanction only.
21. The Governing Bodies seek a permanent suspension, i.e. a lifetime ban, with a review after 10 years. The Disciplinary Panel considered the relevant provisions of the disciplinary procedures and the Code of Conduct.
22. With regard to the national disciplinary policy for England Athletics, the Disciplinary Panel noted that at paragraph 4 it provides:-

Serious Misconduct

4.1 Complaints which constitute serious misconduct

4.1.1 A complaint may be made against the Respondent and may be referred to a Disciplinary Panel at England Athletics where a Participant:

4.1.1.1 breaches UKA's Safeguarding Policies and Procedures or any terms of reference, regulations or other rules of UKA as adopted by England Athletics; or

4.1.1.2 behaves (whether by action or admission) 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 disrepute.

4.2 Serious misconduct. Examples of serious misconduct include (without limitation) theft, doping violations, fraud, physical violence, discrimination, safeguarding policy breaches, serious breach of applicable health and safety, gambling and or ticketing regulations or any act or omission of the Respondent which in the opinion of England Athletics, acting reasonably, brings or is likely to bring the sport of athletics into disrepute.

23. It was alleged by the Governing Bodies that the conduct of the Respondent constituted Serious Misconduct. The Disciplinary Panel was satisfied that in light of the allegations against the Respondent, which had been accepted by the Respondent, that the conduct did constitute Serious Misconduct and therefore it fell to the Disciplinary Panel to determine the appropriate sanction.

24. With regard to the appropriate sanction, the Disciplinary Panel noted the provisions of paragraph 10.4.1 which state:

10.4.1 the Disciplinary Panel may reject the complaint or, where the complaint is upheld, impose such sanctions upon the Respondent as it thinks fit including without limitation

10.4.1.1 a warning in respect of the serious misconduct committed;

10.4.1.2 a recommendation to the Club or association of which they or/they is a member to terminate his/their membership or remove they/them from any official position within the Club or association;

10.4.1.3 a requirement to complete educational training

10.4.1.4 in the case of the Respondent who is an athlete, suspension from competition (or official participation within athletics) or from taking part in any event organised or run under UKA rules for competition for a specified period;

10.4.1.5 in the case of the Respondent who is a UK licenced coach or technical official a recommendation to UKA that the Respondent's licence to coach or officiate be suspended for a period of time;

10.4.1.6 suspension for a specified period or removal from any office held within England Athletics;

10.4.1.7 exclusion from office within England Athletics for a specified period of time;

10.4.1.8 any combination of the above.

25. In discussion it was queried by the Disciplinary Panel whether the references in the above to "*a specified period of time*" could include an indefinite period and so could encompass a life-time ban, or whether it was limited to a suspension for a defined period of time, for example a specified number of years. It was submitted on behalf of the Governing Bodies by Mr Segan KC that a specified period of time could encompass both a time limited period of time and also indefinite period of time i.e. a lifetime ban. The Disciplinary Panel accepted this submission. The Disciplinary Panel therefore accepted that an indefinite, or lifetime, suspension was a sanction open to it under the EA disciplinary procedure.

26. With regard to the UKA Coach Licence Scheme the relevant provision was paragraph 6.4 which provides:-

- 6.4 *the Case Management Group shall have power in its sole discretion to:*
- (i) impose restrictions on the coach licence;*
 - (ii) reduce the level which the Coach is licenced to coach;*
 - (iii) withdraw a coach licence for such period as UKA thinks fit or permanently and, where UKA considers it appropriate to impose conditions to be met before the coach reapplies for a coach licence.*

27. In submissions it was rightly raised by Mr Segan KC that in the case of UKA v Minichiello it was held that paragraph 6.4(iii) does not apply where a coach licence has already expired and only applies where a coach licence remains in place. The coach license needs to be renewed every 3 years, and the coach license of the Respondent expired, and was not renewed, in January 2022.

28. Mr Segan KC submitted that this decision was wrong and the fact that a coach licence must be renewed every three years and the fact that paragraph 6.4(iii) refers to a permanent withdrawal of a coach licence, must give the UKA the power to withdraw a coach licence which has already expired. Mr Segan KC pointed out that in the above

case the point was not fully argued, and the case proceeded on the basis that both parties agreed that the power to withdraw a coaches license only apply where that license was extant. Mr Segan KC urged the Disciplinary Panel to disregard this decision, and to find that it did have power to impose a sanction pursuant to paragraph 6.4 even though the Respondent's coaches license had expired and not been renewed. The Disciplinary Panel did not accept this submission.

29. Paragraph 6.4(iii) refers to a withdrawal of a coach licence and the Disciplinary Panel felt that you could only withdraw a coach licence which remains in place. Once a coach licence had expired it is not capable of being withdrawn.

30. The Disciplinary Panel also considered the section of paragraph 6.4(iii) above which gives the UKA power to impose conditions to be met before the coach reappplies for a coach licence. The Disciplinary Panel considered whether this gave the power to impose the condition that a coach couldn't re-apply for a coach licence for a specified period time. The Disciplinary Panel decided that it couldn't. In the view of the Disciplinary Panel, the reference to "and" clearly means that the power to impose conditions to be met before the coach could reapply for a coach licence only applies where the UKA had power to withdraw the coach licence in the first place.

31. The Disciplinary Panel therefore concluded that it did not have the power under section 6.4(iii) to withdraw a coach licence which had already expired.

32. The Disciplinary Panel also considered the UKA Disciplinary Rules and Procedures. Under paragraph 17 this procedure outlines the relevant sanctions available to the Disciplinary Panel, which includes at paragraph 17.2.4 the power to

"revoke, or vary any licence or permission given by UK Athletics or HCAF to any person in receipt of such a licence, such revocation to be either temporary (for a term to be decided by the disciplinary panel) or permanent"

33. The Disciplinary Panel considered whether the above provision gave the Disciplinary Panel the power to impose a permanent ban. The Disciplinary Panel decided that it didn't because it still referred to revoking or varying a licence which the Disciplinary Panel felt meant that the licence had, as above, to be in place and not expired.

34. However, the Disciplinary Panel noted the power at 17.2.1 which enabled the panel to:

"declare the Respondent ineligible for a period of time"

35. The Disciplinary Panel considered that the power under paragraph 17.2.1 was available to it, and further reference shall be made to this power below.

Sanction

36. Having decided the powers available to it, the Disciplinary Panel then considered whether a permanent ban, as submitted by the Governing Bodies, was an appropriate sanction under the EA disciplinary procedure. It was submitted by Mr Segan KC that a permanent ban was appropriate due to the level of deception, which occurred over a prolonged period of time. He also argued that there had been a misuse of a position of trust as a coach to obtain the trust of the athletes concerned. For example, A1 had recently had a pacemaker fitted and trusted the Respondent as a qualified coach to be able to give her the appropriate support to enable her to run with the pacemaker fitted.

37. It was also submitted that the Respondent showed a complete indifference to the feelings of those concerned and reference was made to A2 who believed that she was participating in an exchange of messages giving her a live account of a death of a young woman. It was also submitted that all of this was done to develop a relationship with the individuals concerned and that the conduct had a real and serious impact on the individuals concerned.

38. The Disciplinary Panel also noted that the conduct complained of involved two individuals and was therefore not an isolated act with one individual.
39. The Disciplinary Panel were mindful that the legality of a permanent withdrawal in this case could potentially be impugned under two doctrines of English Law, namely:
- 39.1. The rules prohibiting the enforcement of covenants in restraint of trade; and
- 39.2. The administrative law requirements that any sanctions imposed by a private disciplinary body must be "proportionate".
40. The Disciplinary Panel 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.
41. The Disciplinary Panel, taking all of the above into account, considered whether a permanent suspension, or a life ban, subject to a review after a specified period of time was an appropriate sanction. The Disciplinary Panel concluded that it was. The Disciplinary Panel accepted the submissions of the Governing Bodies, and felt that the misconduct was of such severity that a permanent suspension was appropriate.
42. The Disciplinary Panel considered whether, as an alternative, a fixed term suspension for a period of time would be appropriate. The Disciplinary Panel noted that a suspension for a fixed period of time would give the Respondent the right to reapply for a coaches licence after the specified period of time. The Disciplinary Panel decided that this was not appropriate because they would want the Respondent to show some level of rehabilitation, and change in behaviour, before being able to re-apply for a coaches license. The Disciplinary Panel therefore considered that a permanent suspension, subject to the right of the Respondent to request a review after a specified period of

time, was more appropriate as this would mean that the Respondent would only be able to return to coaching should he apply for his ban to be reviewed and should he satisfy any subsequent Disciplinary Panel that he has undergone the necessary rehabilitation and has demonstrated a change in behaviour. The Disciplinary Panel therefore concluded that a permanent suspension under the EA disciplinary policy was appropriate.

43. The Disciplinary Panel then considered what should be the appropriate review period. It was submitted on behalf of the Governing Bodies that this review period should be 10 years to represent the seriousness of the allegations against the Respondent. The Disciplinary Panel agreed with this. The Disciplinary Panel noted that the conduct complained of related extended over a prolonged period of time (of approximately 2 years). The Disciplinary Panel therefore considered that any shorter period than 10 years would not properly represent the seriousness of the allegations against the Respondent.

44. The Disciplinary Panel also noted that the Governing Bodies sought a number of other orders, which essentially flowed from, or properly implemented, a permanent suspension. The Disciplinary Panel agreed with these, and accordingly decided that the following sanctions should be imposed:-

44.1. A permanent ban on the Respondent holding office within England Athletics, pursuant to paragraph 10.4.1.6 of the EA disciplinary policy.

44.2. A recommendation that the Respondent be expelled from Kettering Town Harriers Athletics club, pursuant to paragraph 10.4.1.2 of the EA disciplinary policy.

44.3. A permanent suspension from competition (or official participation within athletics) or from taking part in any event organised or run under the UKA rules for competition, pursuant to paragraph 10.4.1.4 of the EA disciplinary policy.

45. The Disciplinary Panel also noted that the Governing Bodies sought a permanent ban on the Respondent being a member of England Athletics or any club affiliated to England

Athletics. It was noted that this was not listed as a possible sanction under paragraphs 10.4.1.1 to 10.4.1.8 of the EA disciplinary policy. However, it was noted that the sanctions listed at paragraphs 10.4.1.1 to 10.4.1.8 were expressly stated to be examples only, and the possible sanctions are not limited to those which are listed. This is provided for in the opening words which state:-

"The disciplinary panel may reject the complaint or, where the complaint is upheld, impose such sanctions upon the Respondent as it thinks fit including without limitation"

46. Therefore, this fourth sanction which is being sought is permissible under the general powers given to the panel under paragraph 10.4.1. The Disciplinary Panel consider that such a sanction was appropriate and so also imposed the following sanction:-

46.1 a permanent ban on the Respondent being a member of England Athletics or any club affiliated to England Athletics.

47. The first, third and fourth of the above sanctions should then be subject to any application made by the Respondent for the suspension to be lifted, provided that any such application cannot be made for a period of 10 years from the date of this decision.

48. The Disciplinary Panel then considered the appropriate sanction under the UKA disciplinary procedure. It was noted above that the Disciplinary Panel had decided that it did not have the power to withdraw a licence of the Respondent as the licence had already expired. This would therefore give the Respondent the ability to reapply for a coaches licence. However, the Disciplinary Panel noted the following provisions of the Coach Licence Scheme.

"2.4 UKA is entitled to refuse to grant a coach licence to an applicant in the following circumstances...

(ii) the applicant concerned is found to have committed a disciplinary offence by UKA or by any other sports governing body, coaching

or teaching organisation or international federation which in UKA's opinion means that the applicant is unsuitable to coach;

- (iv) another governing body, teaching or coaching organisation has withdrawn the applicant's coach licence or similar accreditation or has advised UKA that the applicant should not be granted a coach licence;*
- (viii) UKA reasonably considers that the applicant's behaviour (past or present) suggests they aren't suitable to coach or is of unsound mind, particularly if supported by medical evidence or the advice of the UKA medical officer;*
- (ix) UKA otherwise reasonably considers that the grant of a coach licence would be inappropriate.*

49. In light of the above and the indefinite suspension by England Athletics under its disciplinary policy, the Disciplinary Panel felt that if the Respondent reapplies for a coaches licence while the suspension by England Athletics was in place that the coaches licence should be refused pursuant to the above provisions of the Coach Licence Scheme.

50. The Disciplinary Panel also noted the UKA disciplinary rules and procedure gave the Disciplinary Panel the following power, as noted above:-

17.2.1 declare the Respondent ineligible for any period of time.

51. The Disciplinary Panel therefore concluded that the Respondent should be declared ineligible for an indefinite period, subject to the ability for him to apply for such suspension to be reviewed after a period of 10 years.

52. The Disciplinary Panel, therefore, impose the following sanctions on the Respondent:

- 52.1. A permanent ban on the Respondent holding office within England Athletics, pursuant to paragraph 10.4.1.6 of the EA disciplinary policy.
- 52.2. A recommendation that the Respondent be expelled from Kettering Town Harriers Athletics club, pursuant to paragraph 10.4.1.2 of the EA disciplinary policy.
- 52.3. A permanent suspension from competition (or official participation within athletics) or from taking part in any event organised or run under the UKA rules for competition, pursuant to paragraph 10.4.1.4 of the EA disciplinary policy.
- 52.4. A permanent ban on the Respondent being a member of England Athletics or any club affiliated to England Athletics.
- 52.5. To declare the Respondent ineligible on a permanent basis.
- 52.6. A recommendation to UKA that if the Respondent re-applies for a coaches license that such application be refused for so long as the suspension by EA and UKA ineligibility is in place.
53. The first, third, fourth and fifth of the above sanctions should then be subject to any application made by the Respondent for the suspension to be lifted, provided that any such application cannot be made for a period of 10 years from the date of this decision.
54. The Disciplinary Panel also consider the following to be appropriate:-
- 54.1. Referral, if deemed necessary or appropriate by the Governing Bodies, of the investigation and panel findings and Misconduct Hearing result – all with appropriate redactions – to all parties involved, including all who have given statements;
- 54.2. The Governing Bodies to consider appropriate DBS Referral Process.

- 54.3. Consider if any other sports or NGBs must be notified (eg Parkrun, facilities).
55. The decision of the Disciplinary Panel is subject to right of appeal in accordance with applicable rules and regulations.

Signed...

Clive Dobbin

Clive Dobbin

Chair of the Disciplinary Panel

21 October 2022