

**INDEPENDENT DISCIPLINARY PANEL**

**of UK ATHLETICS**

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

UNITED KINGDOM ATHLETICS ("UKA")

*and*

ENGLAND ATHLETICS ("EA")

The Governing Bodies

*– and –*

JULIAN STARKEY

The Respondent

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THE DECISION

of THE DISCIPLINARY PANEL

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1. The Respondent is a member of Bracknell Athletics Club, the South East Regional Council and is a UK Athletics licenced coach and official. England Athletics is a member organisation of UKA. At the time of the misconduct in this case, the Respondent was an England Athletics Board Director and a Member (Affiliated Clubs Representative) of UK Athletics.
2. By a notice of charge dated 8<sup>th</sup> February 2023 UK Athletics brought charges against the Respondent, alleging he had committed acts of misconduct and serious misconduct. These charges were brought on behalf of both UK Athletics and England Athletics.

3. UK Athletics alleges that the Respondent has committed misconduct in the following ways:
  - 3.1. He has breached the Coach and Officials Licence Terms and Conditions.
  - 3.2. He has failed to comply with the Codes of Conduct for coaches and officials.
  
4. England Athletics alleges that the Respondent has committed serious misconduct in the following ways:
  - 4.1. He has breached the Codes of Conduct for Coaches and Officials in place at the relevant time (in breach of paragraph 4.1.1.2 of the England Athletics National Disciplinary Policy).
  - 4.2. He has behaved in a manner which England Athletics considers disgraceful or opposed to the general interest of England Athletics and the sport of athletics or is likely to bring the sport into serious disrepute (in breach of paragraph 4.1.1.3 of the England Athletics National Disciplinary Policy).
  
5. The Charges derived from breaches of the relevant UK Athletics Coach and Officials License Term and Conditions and related Codes of Conduct. The charge sheet which accompanied the notice of charge outlined the alleged breaches, which were as follows:-

*Code of Conduct for Officials*

- ***Responsibilities – Personal Standards***

*Officials must demonstrate proper personal behaviour and conduct at all times.*

- ***Rights***

*Officials must respect and champion the rights of every individual to participate safely in sport and physical activity.*

2.5 *Consistently promote positive aspects of the sport such as fair play and never condone rule violations or the use of prohibited or age inappropriate substances.*

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.

3.1 Respect the rights, dignity and worth of every athlete and others involved in athletics and treat everyone equally.

#### Code of conduct for Coaches

- **Responsibilities – Personal standards**

Coaches must demonstrate proper personal behaviour and conduct at all times.

- **Rights**

Coaches must respect and champion the rights of every individual to participate in sport and physical activity.

2.1 Consistently promote positive aspects of sport e.g. fair play and never condone rule violations or doctor encouraging use of prohibited or age inappropriate substances or techniques.

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.

6. The allegations relate to the alleged conduct and behaviour of the Respondent, who is the holder of UK Athletics Coach Licence Number: [REDACTED]. The Respondent is a member of England Athletics. As part of membership, England Athletics expects all its members to abide by the UK Athletics and the England Athletics Codes of Conduct, see 'Section 2.3 Jurisdiction over Misconduct and Serious Misconduct' of the England Athletics' National Disciplinary Policy.

7. The factual nature of the allegation was that on 9th November 2022, at a Sporting Equals Leaderboard event, the Respondent made an inappropriate comment in responding to a question about participation rates drop off in ethnically diverse athletes. In particular it was alleged that he said the following or similar words:-

*"usually when athletes start to be more specific in events, most black athletes tend to edge towards sprinting and hurdling... the blacks are all good at running because they have to get away from their burglaries"*

8. The Respondent was suspended by UK Athletics on 3 January 2023 pending further investigation.
9. The investigation was conducted by UK Athletics, underpinned by the following policies and documents:
- 9.1. UK Athletics Disciplinary Rules and Procedures
  - 9.2. Athletics Disciplinary Tribunal Rules and Procedures
  - 9.3. England Athletics National Disciplinary Policy
  - 9.4. UK Athletics Coach Licence Terms and Conditions
  - 9.5. UK Athletics Officials Licence Terms and Conditions
  - 9.6. UK Athletics and HCAFs Code of Conduct for Coaches
  - 9.7. UK Athletics and HCAFs Code of Conduct for Technical Officials
10. The investigation included obtaining a statement from the person to whom the above comment was alleged to have been made, and also interviewing the Respondent. During the interview with the Respondent held on 30th January 2023 the Respondent admitted to saying the above words subject to the caveat that there was a gap between the first sentence and the second sentence.
11. In a response to the charges dated 9 February 2023, the Respondent admitted the charge but put forward mitigation.
12. UK Athletics appointed following members of a disciplinary panel (the "Disciplinary Panel") to adjudicate this case:

Clive Dobbin

Chair

Shamini Nainappan Grayson Panel member

John Curry

Panel member

13. The Disciplinary Panel was convened via videoconference at 10am on 9 March 2023. As the Respondent had admitted the charge the Disciplinary Panel was convened to consider sanction only.
14. The Disciplinary Panel issued an order prior to the hearing for UK Athletics to produce written submissions on sanction. These were provided on 6 March 2023. These submissions were forwarded to the Respondent and he was invited to provide his comments or submissions on sanction, which he did by e-mail dated 7 March 2023. The Disciplinary Panel also heard from Tom Solesbury on behalf of UK Athletics at the hearing itself, who made oral submissions in support of the written submissions which had been provided.
15. With regard to sanction the regulatory framework is as follows, paragraph 16.1 of the Athletics Disciplinary Tribunal Rules and Procedures (the "**ADT Rules**")
  - 16.1. *If the ADT decides that the Charge is proven, or proven in part, it shall then move to consider the imposition of appropriate sanction.*
  - 16.2. *In relation to each Charge, the ADT shall have the powers of sanction set out in the rules of the Governing Body bringing the Charge.*
16. The powers of sanction set out in the rules of the Governing Bodies bringing the Charges are as follows.
17. Section 17 of the UKA Disciplinary Rules provides:
  - "17.1. *If the UKA Disciplinary Panel decides that the Charge is proven, or proven in part, it shall then move to consider the imposition of appropriate sanction.*
  - 17.2. *In the exercise of its disciplinary power, the UKA Disciplinary Panel may impose any one, or a combination of, the following Sanctions:*
    - 17.2.1. *Declare the Respondent ineligible for any period of time;*
    - 17.2.2. *Impose a suspended period of ineligibility;*
    - 17.2.3. *Issue the Respondent with a reprimand or warning as to future conduct;*
    - 17.2.4. *Revoke, or vary any licence or permission given by UK Athletics*

*or a 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;*

- 17.2.5. Impose a financial penalty payable to UK Athletics upon any Respondent;*
- 17.2.6. Exclude a Respondent from any form of participation in athletic activities for any period of time;*
- 17.2.7. Suspend or place any restriction on the membership of a Club or organisation under the jurisdiction of UK Athletics;*
- 17.2.8. Remove a Participant from any role in UKA, from holding any office in UKA, or from any entitlement to participate in its decisions.*
- 17.2.9. Impose an order that the Respondent make a contribution towards the costs incurred by UK Athletics (including Arbitrators' costs);*
- 17.2.10. Suspend or terminate a Club's right to participate in UK Athletics or HCAF competitions, and to withdraw any sporting or membership privileges from such a Club;*
- 17.2.11. Make declaration that any Officers, employees or consultants of UK Athletics or the relevant HCAF are debarred from continuing to hold any office or status in UK Athletics or the relevant HCAF (or both); or*
- 17.2.12. Order any such sanction as the Disciplinary Panel may think fit."*

18. Section 10 of the EA National Disciplinary Policy provides:

*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 / them is a member to terminate his or / them membership or remove they or / them from any official position within the Club or association;*

*10.4.1.3 a requirement to complete education or training;*

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

*10.4.1.5 In the case of a Respondent who is a UKA Licensed Coach or Technical Official a recommendation to UKA that the Respondent's license 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 holding office within England Athletics for a specified period of time;*

*10.4.1.8 any combination of the above."*

19. In submissions provided by UK Athletics, it was submitted that the following sanction was appropriate:-

- 19.1. Issue the Respondent with a warning as to his future conduct, pursuant to section 17.2.3 of the UKA Disciplinary Rules;
- 19.2. Revoke the Respondent's UK Athletics Coach and Officials Licences, for a term of 24 months pursuant to section 17.2.4 of the UKA Disciplinary Rules;
- 19.3. Exclude the Respondent from holding an official position within the governance structure of UK Athletics or England Athletics or any athletics club for a period of 24 months pursuant to the general powers of sanction in the UK Athletics Disciplinary Rules and the England Athletics National Disciplinary Policy;
- 19.4. Suspend the Respondent's membership of England Athletics, for a period of 6

- months, pursuant to paragraph 10.4.1 of the England Athletics National Disciplinary Policy;
- 19.5. Issue the Respondent with a warning in respect of the Serious Misconduct committed, pursuant to section 10.4.1.1 of the England Athletics National Disciplinary Policy;
- 19.6. Require the Respondent to complete diversity education or training selected by the Complainants, pursuant to section 10.4.1.3 of the England Athletics National Disciplinary Policy.
20. In the submissions on sanction made by the Respondent, he made the following points:-
- 20.1. That the sanction under 19.3 would have a greater impact because he has been generating software and Apps for two local league competitions;
- 20.2. That he has undergone diversity training with England Athletics, and is awaiting the second part of this training;
- 20.3. That he accepted that the suspension of his licenses was fair and reasonable;
- 20.4. That at the time of the misconduct he had been suffering from anxiety.
21. The Disciplinary Panel noted that the Respondent was not challenging the proposed sanctions, subject to two points, firstly the comment with regard to the diversity training, and secondly the impact any revocation of his license would have on the work he was doing in providing IT support to two local competitions.
22. In response, UK Athletics confirmed that with regard to the sanction at 19.6 above that it would be content for the Respondent to be required to complete the second part of the diversity training he had already commenced. The Disciplinary Panel accepted this point, and further felt that it should be made clear that any such training should be completed before he re-applied for any license, or applied for any position in the governance structures of UK Athletics, England Athletics or any athletics club.
23. With regard to the point referred to at 20.1 above, in response UK Athletics stated that the sanction prevented the Respondent from holding an official position within the governance structure of UK Athletics, England Athletics or within any athletics club. UK Athletics stated that they did not believe that the proposed sanctions prevented the Respondent from acting as a volunteer, and in acting as a volunteer providing the IT



support referred to, provided that in doing so he did not also hold an official position within the management structure of that club, or league. The Disciplinary Panel accepted this point made by UK Athletics, and the sanctions imposed below should be read in light of this point.

24. The Disciplinary Panel also considered mitigation. The Disciplinary Panel noted that the mitigation put forward by the Respondent was the mental issue challenges that he was experiencing at the time when the comment was made. UK Athletics, in response, accept that the Respondent was suffering from mental health problems at the relevant time, but it did not believe that this mitigated against the misconduct committed. The Disciplinary Panel agreed with the submissions of UK Athletics. The comment made was a serious act of misconduct, and was totally unacceptable. The Disciplinary Panel did not accept that there was a valid link, or any form of mitigation, between the Claimant's mental health and the comment which was made. Even taking into account the Claimant's mental health, the comment was shocking, and justified the sanctions imposed below.
25. The Disciplinary Panel also queried whether the fact that the Claimant had admitted the charge at an early stage should also be considered. In reply, UK Athletics stated that the Respondent's early admission of guilt had already been taken into account, and if the hearing had been contested then it would have sought a longer sanction.
26. In considering the proposed sanctions, the Disciplinary Panel felt that there was a difference between holding a position in the governance structures of UK Athletics or England Athletics and in holding a position in the governance structure of an athletics club. The Disciplinary Panel felt that holding a position in the governance structures of the national bodies was a higher position, and people in the sport should rightly look up to the people in those positions. The Disciplinary Panel therefore concluded that an exclusion from holding national positions for 24 months was too lenient when considering the severity of the misconduct, and therefore concluded that an exclusion for 36 months was the appropriate sanction.
27. Therefore, in taking the above into account the Disciplinary Panel imposes the following sanctions on the Respondent:
  - 27.1. To Issue the Respondent with a warning as to his future conduct, pursuant to section 17.2.3 of the UKA Disciplinary Rules;

- 27.2. Revoke the Respondent's UK Athletics Coach and Officials Licences, for a term of 24 months pursuant to section 17.2.4 of the UKA Disciplinary Rules;
- 27.3. Exclude the Respondent from holding an official position within the governance structure of UK Athletics or England Athletics for a period of 36 months pursuant to the general powers of sanction in the UK Athletics Disciplinary Rules and the England Athletics National Disciplinary Policy;
- 27.4. Exclude the Respondent from holding an official position within the governance structure of any athletics club for a period of 24 months pursuant to the general powers of sanction in the UK Athletics Disciplinary Rules and the England Athletics National Disciplinary Policy;
- 27.5. Suspend the Respondent's membership of England Athletics, for a period of 6 months, pursuant to paragraph 10.4.1 of the England Athletics National Disciplinary Policy;
- 27.6. Issue the Respondent with a warning in respect of the Serious Misconduct committed, pursuant to section 10.4.1.1 of the England Athletics National Disciplinary Policy;
- 27.7. Require the Respondent to complete diversity education or training selected by the Complainants, pursuant to section 10.4.1.3 of the England Athletics National Disciplinary Policy (such training to comprise completion of the second part of the training for which the Claimant has already completed the first part, and further for the avoidance of doubt such training to be completed before the Respondent applies for a membership pursuant to paragraph 27.5, or his license under paragraph 27.2 or applies for any position in a management structure under paragraph 27.3 or 27.4).
28. For the avoidance of doubt, where the above sanctions refer to a sanction for a period of time, such time shall be deemed to have commenced on 3 January 2023 being the date of the Respondent's suspension.
29. Our decision is subject to right of appeal in accordance with applicable rules and regulations.

Signed... *C B Dobbin*

Clive Dobbin  
Panel Chair, for and on behalf of the Panel  
9 March 2023