

**INDEPENDENT DISCIPLINARY PANEL**

**of UK ATHLETICS**

*In the matter of disciplinary proceedings*

*brought pursuant to the UK Athletics Disciplinary Rules and Procedures*

UK ATHLETICS LIMITED (“UKA”)

And

ENGLAND ATHLETICS (“EA”)

- and -

The Governing Bodies

MR PHIL ASKEW

The Respondent

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THE DECISION

of THE DISCIPLINARY PANEL

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1. UKA and EA brought various charges against the Respondent, detailing numerous breaches of the UK Athletics 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 UK Athletics Coach Phil Askew.
3. The Respondent is a Coach for Saltwell Harriers Athletics Club (“the Club”), and also acts as a club welfare officer at the Club. The 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 Codes of Conduct.

4. The Respondent was suspended by the Club, on instruction from EA, with effect from 9 March 2022 pending further investigation into complaints about the Respondent's conduct.
5. The investigation was underpinned by the following policies and documents:
  - 5.1. UK Athletics Disciplinary Rules and Procedures;
  - 5.2. England Athletics National Disciplinary Procedure;
  - 5.3. UKA Codes of Conduct; and
  - 5.4. UKA Terms and Conditions of Coach License.
6. Upon conclusion of the investigation and by letter dated 14 December 2022 various charges were brought against the Respondent, as more particularised in the charge sheet attached to that letter. The specific charges brought against the Respondent can be summarised as follows:-
  - 6.1. That he made various inappropriate comments about, and to, athletes;
  - 6.2. That he frequently, and excessively, messaged athletes which was inappropriate and amounted to unwanted conduct.
7. UKA and EA appointed the following members of a disciplinary panel (the "Panel" / "we" / "us") to adjudicate this case:

Clive Dobbin, Chair

Sally Clark, Panel member

Scott Murray, Panel member
8. The Disciplinary Panel convened via videoconference on Tuesday 3 October 2023 to deal with the case. The Respondent had confirmed, by e-mail dated 3 January 2023, that he did not contest the charge against him by confirming "*I am not contesting the charges against me. I will take any sanctions English Athletics impose on me*". The matter therefore came before the Panel to consider sanction only.
9. The Governing Body also proposed that the matter be considered by the Panel on the papers alone. The Panel invited the Respondent to make submissions on sanction, and to also confirm whether he was happy for the case to be determined on the papers alone. The Respondent responded by e-mail dated 9 May 2023 and stated, amongst other things, that he had no evidence to submit, or any paperwork, and that he would not be attending the hearing '*as [he] had nothing to say on the matter*'. The Governing

Bodies filed submissions on sanction on 22 August 2023. The Panel therefore proceeded on the basis of considering the papers alone, and not hearing further from either party.

10. 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.
11. 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.

### **Breaches**


12. It was the submissions of the Governing Bodies that by reason of the charges, which are admitted by the Respondent, the Respondent committed the following breaches of the UKA Code of Conduct:-
  - 2.3 follow the relevant guidance for coaches on social media use and not post on social media any content which is inappropriate or offensive;
  - 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;
  - 3.7 never exert undue influence to obtain personal benefit or reward;
  - 4.2 develop healthy and appropriate working relationships with athletes based on mutual trust and respect, especially with those athletes under 18 years or who are adults at risk;
  - 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.
13. The Governing Bodies also asserted that the Respondent had breached the following provisions of the England Athletics National Disciplinary Procedure:-

- 4.1.1.2 breaches UKA's Safeguarding Policies and Procedures or any terms of reference, regulations or other rules of UKA as adopted by England Athletics;
  - 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.
14. The Panel noted that the above breaches were referred to, and relied upon, in the charge sheet sent to the Respondent. The Panel also noted, as referred to previously, that the Respondent did not contest the charges. The Panel were therefore content to uphold the above breaches of both the UKA Code of Conduct and the England Athletics National Disciplinary Procedure.

### **Sanction**

15. Turning to sanction, the Panel noted that under the UK Disciplinary Rules it had the following sanctions available to it:-
- 15.1. Declare the Respondent ineligible for any period of time;
  - 15.2. Impose a suspended period of ineligibility;
  - 15.3. Issue the Respondent with a reprimand or warning as to future conduct;
  - 15.4. 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;
  - 15.5. Impose a financial penalty payable to UK Athletics upon any Respondent;
  - 15.6. Exclude a Respondent from any form of participation in athletic activities for any period of time;
  - 15.7. Suspend or place any restriction on the membership of a Club or organisation under the jurisdiction of UK Athletics;
  - 15.8. Remove a Participant from any role in UKA, from holding any office in UKA, or from any entitlement to participate in its decisions.
  - 15.9. Impose an order that the Respondent make a contribution towards the costs incurred by UK Athletics (including Arbitrators' costs);

- 15.10. 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;
16. Further, the Panel noted that under the England Athletics National Disciplinary Procedure the following sanctions can be imposed:-
- 16.1. a warning in respect of the Serious Misconduct committed;
  - 16.2. 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;
  - 16.3. a requirement to complete education or training;
  - 16.4. 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;
  - 16.5. 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;
  - 16.6. suspension for a specified period or removal from any office held within England Athletics;
  - 16.7. exclusion from holding office within England Athletics for a specified period of time;
  - 16.8. any combination of the above.
17. The Governing Bodies sought the following sanctions:-
- 17.1. The Respondent's membership of the Club be terminated with immediate effect;
  - 17.2. The Respondent's coaching license with UK Athletics be withdrawn with permanent effect and the sanction of a lifetime ban be imposed for any licensed role within athletics;
  - 17.3. The Respondent's membership with England Athletics be immediately terminated with a lifetime ban on membership of any other England Athletics affiliated club and lifetime suspension from competition (where participation in such competition requires membership of England Athletics); and
  - 17.4. The Respondent's be barred from competition or from taking part in any event organised or run under the UK Athletics Rules for Competition, but which does not require a membership of England Athletics to participate for a period of two years.

18. The Disciplinary Panel considered the allegations, and the evidence in support of them, and whilst acknowledging that the Respondent had admitted the offences promptly and have thus avoided the need for a contested hearing, noted that there were a number of aggravating factors including:-
- 18.1. That this was a case of repeated offences over a period of time, and was not a one-off act of misconduct;
  - 18.2. That there were a number of different victims, and that despite the Respondent acknowledging that his conduct may be inappropriate (for example his frequency of messaging) he continued in the conduct, and further he put pressure on, and manipulated, the athletes to continue to accept the messages by reference to his mental health;
  - 18.3. That the evidence disclosed acts of both racism and misogyny;
  - 18.4. 
  - 18.5. That the Respondent was a welfare officer at the club, and the evidence showed that athletes trusted in him because of this position.
19. The Panel were mindful that the legality of a permanent withdrawal in this case could potentially be impugned under two doctrines of English Law, namely:
- 19.1. The rules prohibiting the enforcement of covenants in restraint of trade; and
  - 19.2. The administrative law requirements that any sanctions imposed by a private disciplinary body must be "proportionate".
20. The Panel noted, however, that the Respondent's positions at Saltwell Harriers Athletics Club were voluntary as the Respondent did not receive any payment.
21. The Panel considered the submissions of the Governing Bodies that a permanent withdrawal was appropriate because the conduct complained of spanned a significant period of time, and involved numerous individuals, and these individuals had given evidence about the effect that the behaviour had on them, including the fact that they considered leaving the sport as a result. Counsel for the Governing Bodies also submitted that a permanent withdrawal was appropriate as it was difficult to see how the Respondent would be rehabilitated to ensure that such behaviour was not repeated.
22. The Disciplinary Panel having reviewed the statements, including the impact statements, concluded that the case was sufficient seriously so as to make a lifetime

ban appropriate. However, the Disciplinary Panel were not satisfied that this ban should not be capable of review. By imposing the ability of the Respondent to request a review, did not mean that the Respondent would automatically be granted a license. The Respondent would need to demonstrate that he had addressed the issues raised in this case, and that his behaviour had improved and that he was not at risk of re-offending,

23. The Panel therefore concluded that a permanent withdrawal was appropriate, but that any such ban should be capable of being reviewed, to give the Respondent the option to apply for his coaches license in the future, and persuade a subsequent disciplinary panel (or other relevant body) that he had been rehabilitated, and that there was not a risk of the behaviour in this case being repeated. However, to take account of the seriousness of the issues raised in this case, it should not be capable of review for at least 10 years.
24. We, therefore, impose the following sanctions on the Respondent:
  - 24.1. the Respondent's membership of Saltwell Harriers Athletics Club be terminated with immediate effect;
  - 24.2. the Respondent's Coach License be revoked by UKA with immediate effect and the sanction of a lifetime ban be imposed for any licensed role within athletics.
  - 24.3. 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 (where participation in such competition requires membership of England Athletics);
  - 24.4. The Respondent be barred from competition or from taking part in any event organised or run under the UKA Rules for Competition, but which does not require a membership of England Athletics to participate for a period of two years.
  - 24.5. That the lifetime bans imposed at paragraphs 24.2 and 24.3 above be capable of review on application by the Respondent (no earlier than 10 years from the date of this decision), but that the bans should only be revoked if a subsequent disciplinary panel are satisfied that:-
    - 24.5.1. the Respondent does not pose a future risk to athletes and there is no real risk of the behaviour which has formed the basis of the allegations which have been upheld being repeated;

24.5.2. The Respondent has completed the following courses prior to making such application (and that the Respondent undertakes to do such further courses as the subsequent disciplinary panel may direct);

24.5.2.1. Coach Education Course;

24.5.2.2. Safeguarding course;

24.5.2.3. Adults at risk course.

24.6. The Governing Bodies to consider if appropriate pursuing the DBS Referral Process.

25. Our decision is subject to right of appeal in accordance with applicable rules and regulations.

Signed...

*Clive Dobbin*

**Clive Dobbin**

**Chair**

**For and on behalf of the Panel**

4 October 2023