

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”)

The Governing Bodies

- and -

TIM MILLS

The Respondent

THE DECISION

of THE DISCIPLINARY PANEL

1. UKA and EA brought various charges against the Respondent, detailing 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 Tim Mills.
3. The Respondent is a Coach for Macclesfield Harriers Athletics Club (“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 6 October 2022 pending ongoing criminal investigations.
5. On 15 August 2023 the Respondent appeared before Cheshire Magistrates Court where he pleaded guilty to the offence of stalking involving serious alarm/distress.
6. By way of a charge sheet communicated to the Respondent on 18 October 2023 the Governing Bodies charged the Respondent with various breaches of the Coach Code of Conduct.
7. It is alleged by the Governing Bodies that the Respondent has breached the following provisions of the Coach Code of Conduct:-
 - 7.1. Section 1.1 – To abide by the Terms of the UKA Coaching Licence;
 - 7.2. Section 2.1 – Not bring myself, the sport or my club into disrepute;
 - 7.3. Section 2.2 – Not engage in behaviour which could reasonably be viewed as inappropriate;
 - 7.4. Section 2.8 – Avoid swearing, abusive language and irresponsible or illegal behaviour, including but not limited to behaviour that is dangerous to me or others, acts of violence, bullying, harassment and physical and sexual abuse;
 - 7.5. Section 2.13 – Act ethically, professionally and with integrity, and take responsibility for your actions;
 - 7.6. Section 3.5 – Respect the right of all athletes to an independent life outside of athletics.
8. UKA and EA appointed the following members of a disciplinary panel (the “Panel” / “we” / “us”) to adjudicate this case:

Clive Dobbin, Chair

Andy Battle, Panel member

Tehniat Watson, Panel member

9. The Disciplinary Panel convened via videoconference on Thursday 9 November 2023 to deal with the case.
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 & Sanction

12. The Respondent admitted the breaches of sections 1.1 and 2.1, but contested the breaches of sections 2.2, 2.8, 2.13 and 3.5. With regard to the breaches of section 1.1 and 2.1 the Respondent accepted, in his response to the charges dated 22 October 2023, that he could not return to coaching going forward. The Panel sought clarification as to what the Respondent meant by this. In particular the Governing Bodies were seeking, by way of sanction, a lifetime ban from coaching and a full termination of the Respondent's membership of Macclesfield Harriers. The Respondent confirmed to the Panel that he consented to this as a sanction.
13. The Panel then asked EA to confirm, on the basis that the Respondent consented to the sanction being sought of a lifetime ban with regard to the breaches of sections 1.1 and 2.1, whether they sought the Panel to consider the alleged breaches of the sections which were contested, being the alleged breaches of sections 2.2, 2.8, 2.13 and 3.5. EA confirmed that it did not.

14. The Panel adjourned for 15 minutes for the Respondent to confirm whether he was content to proceed on the above basis. When the hearing re-convened he confirmed that he was.
15. Therefore, the alleged breaches of sections 1.1 and 2.1 are upheld. With regard to the alleged breaches of sections 2.1, 2.8, 2.13 and 3.5 these were not considered further by the Panel, and no finding is made with regard to the alleged breaches of these sections.
16. With regard to sanction, the Panel, therefore, imposed the following sanctions on the Respondent:-
 - 16.1. the Respondent's membership of Macclesfield Harriers Athletics Club be terminated with immediate effect;
 - 16.2. the Respondent's Coach License be revoked by UKA with immediate effect and the sanction of a lifetime ban be imposed on the Respondent coaching, and/or applying for a coach license.
17. The Respondent also requested that the decision of the Panel not be made public. The Governing Bodies, through the agreement of EA at the hearing, agreed to this. The Panel considered the rules on publicity as contained in section 18 of the UKA Disciplinary Rules and Procedure.
18. The Panel noted that under section 18.1 it is at the discretion of UKA as to whether a decision is published, subject to the Panel having the power to order redaction. Under section 18.2 the UKA could publish a summary of the decision, and the Panel concluded again that this was at the discretion of the UKA. Section 18.3 then stated:_

"Where it is agreed that a decision is confidential between the parties, disclosure may be made by UKA for the purposes of the enforcement of the sanction"
19. The Panel concluded that under section 18.3 it was for UKA to agree, or not as the case may be, to the decision being confidential pursuant to section 18.3, as the UKA had the

discretion under rule 18.1 to publish the decision. It was therefore for the UKA to decide for this not to happen pursuant to section 18.3.

20. At the hearing EA, on behalf of the Governing Bodies, confirmed that it did agree that the decision should be confidential subject to the right to make disclosure for the purposes of enforcement. On this basis, the Panel concluded that it did not have power over this agreement, and that it was within the power of the UKA to reach this agreement, and not the Panel.
21. Therefore, the Panel noted the agreement of the Governing Bodies for the decision not to be published and therefore assumed that it would not therefore be so published.
22. Even though the sanction outlined above was agreed to by consent of the Respondent, this decision remains 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

9 November 2023