

UNITED KINGDOM SPORTS COUNCIL

FUNDING ELIGIBILITY POLICY

Effective: April 2023

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PART A – ELIGIBILITY POLICY

1. INTRODUCTION

UK Sport's investment is focused on Olympic and Paralympic sports and the Athletes and Athlete Support Personnel (ASPs) within the elite programmes of those sports. Pursuant to its Royal Charter¹ and National Lottery Directions² UK Sport encourages, supports, and promotes high ethical standards from all recipients of its funding. High standards of conduct are important in upholding the positive impact of sport on society.

As a strategic, discretionary investor of National Lottery and Exchequer funding in Olympic and Paralympic sports, Athletes and ASPs, UK Sport reserves the right to decide who is eligible to receive Public Funding and/or Publicly Funded Benefits. UK Sport continuously strives to promote the highest standards of integrity in the high-performance system³.

Where the conduct of an Athlete or ASP causes their eligibility for funding to be in question, UK Sport has established an Eligibility Panel to determine the individual cases for Athletes and ASPs to receive Public Funding and/or Publicly Funded Benefits.

The Eligibility Panel is not authorised to make performance related decisions as regards an Athlete's status on the World Class Programme (WCP) (i.e. selection or nomination matters are not considered). Nothing in the Eligibility Policy shall be construed as effecting the sport or the application of other authorities rules, regulations, policies and/or procedures and, except for anti-doping, the Eligibility Panel is not bound by any finding of another disciplinary or similar panel or process.

This version of the Eligibility Policy and associated processes shall apply to any alleged breaches notified to or discovered by UK Sport after 4 April 2022 (regardless of when the alleged breach occurred).

2. SCOPE

This Eligibility Policy and the Eligibility Panel shall have jurisdiction over all athletes and ASPs who are, or have been, directly or indirectly in receipt of Public Funding and/or Publicly Funded Benefits from UK Sport.

3. ESSENTIAL REQUIREMENTS FOR FUNDING ELIGIBILITY

Athletes and ASPs will not automatically be eligible to receive Public Funding and/or Publicly Funded Benefits if they do not satisfy the essential requirements set out in paragraph 3.

3.1 TEAM GB/PARALYMPICS GB AND THE NATIONAL GOVERNING BODY'S (NGB) GREAT BRITAIN TEAM

The Athlete or ASP must meet the eligibility requirements of:

- 3.1.1 the International Olympic Committee (IOC), the British Olympic Association (BOA);
- 3.1.2 the International Paralympic Committee (IPC), the British Paralympic Association (BPA); and/or
- 3.1.3 the International Federation, International Disabled Sport Federation, and/or the NGB to compete for or represent Great Britain and Northern Ireland at international competitions.

¹ Article 2 (i)(i).

² Dated 9 November 2007 issued pursuant to the National Lottery etc. Act 1993.

³ UK Sport Royal Charter Article 2 (f) (i)

3.2 NATIONALITY (ATHLETES)

The Athlete must be a British national or British passport holder.

Athletes who wish to transfer from another country to compete for Team GB, Paralympics GB and the NGB at International Competitions are not eligible to receive Public Funding and/or Publicly Funded Benefits until the Athlete, in addition to obtaining a British Passport or British Nationality, has received written confirmation from the BOA or BPA and the NGB of their eligibility to compete at International Competitions.

Notwithstanding the above, Training Partners will be eligible to receive Publicly Funded benefits only where they have the right to work (in accordance with 3.3 below) and meet all other eligibility criteria set out within this Eligibility Policy.

3.3 RIGHT TO WORK IN THE UK (ASPs)

Where an ASP is receiving public funding and/or publicly funded benefits and working in the UK, they must have the right to work in the UK⁴.

3.4 PERIOD OF INELIGIBILITY FROM THE SPORT FOR REASONS OTHER THAN ANTI-DOPING

If the Athlete or ASP is serving a Period of Ineligibility from their sport as an outcome from the completion of a disciplinary process, and for reasons other than anti-doping, UK Sport shall deem them to be ineligible to receive Public Funding and/or Publicly Funded Benefits for the same time period as the Period of Ineligibility.

3.5 PERIOD OF INELIGIBILITY FROM THE SPORT FOR REASONS OF ANTI-DOPING

If the Athlete or ASP receives a Period of Ineligibility from their sport for an Anti-Doping Rule Violation, UK Sport shall automatically deem them to be ineligible to receive Public Funding and/or Publicly Funding Benefits for the same time period as the suspension.

3.6 PRIOR UK SPORT OR APPEAL DECISION

If an Athlete or ASP has been declared ineligible to receive Public Funding and/or Publicly Funded Benefits from UK Sport they will not be considered eligible until: (i) expiry of the ineligible period; and/or (ii) they have complied with any conditions applied by the Eligibility Panel (if applicable).

4. UK SPORT ELIGIBILITY CRITERIA (AUTOMATIC BREACHES)

Paragraph 4 outlines automatic breaches of the Eligibility Policy. If there is a finding from the NGB, International Federation or a regulatory body that the Athlete or ASP has been found to have committed an offence under any relevant law, rule or regulation which would, in the reasonable opinion of UK Sport also constitute a breach of any of paragraph 4, this shall be deemed as an automatic breach of the Eligibility Policy and the Eligibility Panel can consider a sanction in Part A, paragraph 7.1. Where the Athlete or ASP pleads guilty to allegations of a criminal nature, they shall be referred to the Eligibility Panel.

4.1 CRIMES

The Athlete or ASP has an unspent conviction⁵ for a criminal offence in the United Kingdom (or from legislation in a foreign jurisdiction) under the Rehabilitation of Offenders Act 1974

⁴ Please visit: <http://www.ukba.homeoffice.gov.uk/>

⁵ An 'Unspent Conviction' means a conviction in respect of which the offender is not treated as rehabilitated and is not forgotten in law.

and Rehabilitation of Offenders (Northern Ireland) or from equivalent legislation in a foreign jurisdiction⁶.

4.2 ANTI-DOPING RULE VIOLATION

A Period of Ineligibility (temporary suspension or otherwise) for an Anti-Doping Rule Violation has been imposed on the Athlete or ASP by an authorised body (including but not limited to an NGB, International Federation, National Anti-Doping Organisation or an integrity unit of an International Federation). This criterion applies to an Athlete or ASP's doping conduct from 1 January 2002⁷.

4.3 BREACH OR VIOLATION OF RULES ON BETTING, CORRUPT CONDUCT AND MATCH-FIXING

A Period of Ineligibility for breach of rules on Betting, Corrupt Conduct or Match-Manipulation is imposed on the Athlete or ASP by an authorised body (including but not limited to an NGB, International Federation or an integrity unit of an International Federation).

4.4 INTENTIONAL MISREPRESENTATION

The Athlete or ASP has been suspended, sanctioned, or has a period of ineligibility for intentional misrepresentation of classification by an authorised body (including but not limited to an NGB, International Federation or an integrity unit of an International Federation).

5. UK SPORT ELIGIBILITY CRITERIA

5.1 MISCONDUCT

Where an Athlete or ASP, either alone or in conjunction with others, engages in misconduct. Examples of this include but are not limited to: abuse (physical or emotional), bullying, harassment, sexual misconduct, discrimination, victimisation, vilification, inappropriate comments on social media and any safeguarding concerns.

5.2 DISREPUTE

The Athlete or ASP has done anything which brings, tends to, or has the potential to bring themselves, their WCP or NGB, their sport, the National Lottery and/or UK Sport into disrepute.

Nothing in the foregoing shall apply to comments made by Athletes or ASPs which are fair comment, relate to performance matters such as a comment on sporting tactics or where the Athlete or ASP is raising concerns or challenges through the appropriate mechanisms available to them (such as the British Athletes Commission).

5.3 FALSE STATEMENTS, DECLARATIONS AND DISCLOSURE

In order to receive or maximise Public Funding and/or Publicly Funded Benefits received from UK Sport, the Athlete or ASP has:

5.3.1 knowingly or recklessly made false statements to UK Sport; and/or

5.3.2 failed to make full and fair disclosure to UK Sport in respect of any fact or matter which affects or might reasonably be expected to affect their application or nomination to receive Public Funding and/or Publicly Funded Benefits.

⁶ Subject to the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975; Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003; Rehabilitation of Offenders (Northern Ireland) (Exceptions) Order 1979) or any directly analogous legislation in a foreign jurisdiction, offences that are spent and road traffic offences are excluded.

⁷ This being the date the Statement of Anti-Doping Policy was first introduced into the UK setting out UK Sport's funding criteria and consequences that applied to doping sanctions.

6. TEMPORARY SUSPENSION OR EXCLUSION⁸

- 6.1 Where an Athlete or ASP receives a temporary suspension or exclusion for a reason unconnected to anti-doping, UK Sport reserves the right to automatically suspend Public Funding and/or access to Publicly Funded Benefits pending the outcome of the proceedings.
- 6.2 Where an Athlete or ASP receives a provisional suspension for a reason connected to anti-doping, UK Sport reserves the right to automatically suspend Public Funding and/or access to Publicly Funded Benefits pending the outcome of the proceedings in accordance with the National Anti-Doping Policy.
- 6.3 In relation to temporary suspensions or exclusions noted in paragraph 6.1, when informed of the automatic suspension or exclusion by the Senior Integrity Advisor, the Athlete or ASP will be invited to provide written submissions, supported by evidence (either by them or on their behalf) for consideration by an Eligibility Panel Chair where invoking the right to automatic suspension or exclusion would cause legitimate welfare concerns or serious economic hardship. The Eligibility Panel Chair may, in exceptional circumstances, waive the right to invoke this suspension or exclusion in response to representations.

If it is ultimately decided that no breach or violation of the rules of their sport or criminal offence has been committed, then UK Sport will, absent of exceptional circumstances, remit (as soon as possible after that decision but without payment of any interest or other compensation for delayed payment) any suspended Publicly Funded payments to the Athlete or ASP and will reinstate access for that person to any relevant Publicly Funded Benefits.

If it is finally decided that a breach of the Eligibility Policy has been committed and a Period of Ineligibility is imposed, then UK Sport will retain the suspended payments during the period of suspension or exclusion and can require repayment from the Athlete or ASP of any funding provided to them by UK Sport, either directly or via the NGB, from the time the breach was committed.

- 6.4 When an Athlete or ASP is subject to a temporary suspension or exclusion by their NGB, owing to an on-going criminal investigation, either pre or post charge, and the Athlete or ASP intends to contest the allegation or charge, then any decision to withdraw the Athlete's or ASP's eligibility to publicly funded benefits including the Athlete Performance Award shall be referred to an Eligibility Panel Chair for determination. The Chair may determine the case alone or request to convene an Eligibility Panel. Where the Athlete or ASP intends to not contest an allegation or charge of a criminal nature, they shall be referred to the Eligibility Panel as set out in paragraph 4.

7. ELIGIBILITY PANEL POWERS AND MITIGATION

7.1 SANCTION POWERS

On the application of this Policy, all decisions shall be made by the UK Sport Eligibility Panel in accordance with the procedures set out in the Eligibility Rules (see Part B). The Eligibility Panel has the power to:

⁸ Where an athlete, or ASP, is required to work/train away from a funded programme location and is not available for competition selection.

- 7.1.1 issue a written warning which will be considered in any future conduct decisions made against the Athlete or ASP;
- 7.1.2 require the Athlete or ASP to issue an apology for their breach;
- 7.1.3 retain any payments which have been withheld during any period of suspension;
- 7.1.4 declare that the Athlete or ASP is ineligible to receive Public Funding and/or Publicly Funded Benefits in whole or in part for any specified period of time or indefinitely; and/or
- 7.1.5 seek repayment of all or part of any Public Funding and/or Publicly Funded Benefits provided to the Athlete or ASP during the period in which they were in breach of this Policy⁹.

The Eligibility Panel has the power and reserves the right to apply further conditions on any sanctions applied and make a decision under this Policy on the Athlete or ASPs eligibility to receive Public Funding and/or Publicly Funded Benefits beyond any periods imposed by any other body.

7.2 MITIGATION

The Eligibility Panel shall consider the mitigation factors set out below:

- 7.2.1 conduct of the person concerned since first being on notice that their conduct was a concern to UK Sport (i.e. whether they have been open and truthful);
- 7.2.2 whether the person concerned may be vulnerable due to learning disability or mental health needs or who are at risk due to a specific circumstance which affects their capacity to act for themselves or others;
- 7.2.3 cooperation with UK Sport (including requests for information);
- 7.2.4 cooperation with and provision of information to the appropriate authorities (NGBs, the Courts or the Police, UKAD, HMRC, DWP etc.);
- 7.2.5 remorse and steps to rehabilitation (for example taking part in educational, community, psychological programmes etc.);
- 7.2.6 previous high standard of conduct;
- 7.2.7 conduct since the Eligibility Panel or appeal decision;
- 7.2.8 inexperience;
- 7.2.9 lapse of time; and
- 7.2.10 other mitigating factors UK Sport regards as relevant.

8. REVIEW AND FORMAT

UK Sport reserves the right to amend this Policy periodically and ensure the latest version is available on the UK Sport website (<http://www.uk sport.gov.uk/resources/eligibility>).

If you require this policy in another format, Welsh or another language please contact Integrity@uksport.gov.uk. Please state 'Eligibility Policy' in the subject heading.

⁹ Nothing in this section shall prejudice UK Sport's obligation under the UK National Anti-Doping Policy.

PART B - RULES OF PROCEDURE

1. ELIGIBILITY RULES OF PROCEDURE

- 1.1 The UK Sport Board has fully delegated decision-making authority to the Eligibility Panel to determine matters relating to the eligibility of Athletes and ASPs to receive Public Funding and/or Publicly Funded Benefits. The Eligibility Panel will apply this Policy to determine whether an Athlete or ASP is ineligible for funding, and exercise the powers set out in Part A, paragraph 7 of the Policy.
- 1.2 The Eligibility Panel fully delegates decision-making to the UK Sport Executive for all matters that fall within Part A, paragraphs 3.1 - 3.3 of this Policy.
- 1.3 Decisions made under these Eligibility Rules should not be construed or interpreted as being anything other than UK Sport decisions. The Eligibility Panel will fairly apply this Policy.
- 1.4 The aim of Part B is to ensure, before deciding what action to take, that the Athlete or ASP (or their respective representatives) are given an opportunity to address the Eligibility Panel regarding the application of this Policy covering both the nature and extent of any action to be taken.
- 1.5 The Eligibility Panel may decide to defer the date for its decision under Part A, paragraph 7.1 of the Policy for a period of time that they deem appropriate after giving the Athlete or ASP the opportunity to provide any comments. Where the Eligibility Panel does defer the date for its decision under this Rule 1.5 then it shall promptly inform the Athlete or ASP of the new date.
- 1.6 These Eligibility Rules set out the procedures to determine an Athlete's or ASP's eligibility to receive Public Funding or Publicly Funded Benefits including applying any consequences arising from an Athlete's or ASP's conduct. It is not within the Eligibility Panel's authority to determine performance matters such as an Athlete's status on WCP (i.e., whether they are a podium or podium potential level athlete).
- 1.7 The Eligibility Rules set out in Part B apply to the Eligibility Panel and not the Appeals Panel. The rules of the Appeals Panel are set out in Part D.

2. CASE MANAGEMENT PROCESS

- 2.1 Upon the notification or discovery of a potential breach of the Eligibility Policy, the UK Sport Integrity Team will gather documentation and evidence from the applicable organisations for consideration by the Case Management Team.
- 2.2 The Case Management Team shall meet to consider the potential breach, the information gathered and to determine the outcome of this Triage Process.
- 2.3 A quorum of three members of the Case Management Team is required to determine a valid outcome and decisions shall be made on a majority basis. All outcomes of the Case Management Team shall be recorded and stored by the UK Sport Integrity Team.
- 2.4 In making its decision, the Case Management Team shall consider:
 - 2.4.1 the severity of the potential breach;
 - 2.4.2 the proportionality of the potential breach and Eligibility Policy processes;
 - 2.4.3 the evidence available; and

- 2.4.4 the actual or likely public interest.
- 2.5 The potential outcomes from the Triage Process are:
 - 2.5.1 No further action by UK Sport;
 - 2.5.2 utilise the delegated authority of Part C, paragraph 2.1.4 to implement a suspension of Public Funding and/or Publicly Funded Benefits;
 - 2.5.3 invite the Chair to consider initiating the summary procedure under Part B, paragraph 3;
 - 2.5.4 invite the Chair to consider the Eligibility Panel making a determination on the papers alone;
 - 2.5.5 refer the matter for a full Eligibility Panel meeting;
 - 2.5.6 refer the matter for a full Eligibility Panel meeting where the Eligibility Panel must only determine the sanction they wish to impose as the breach is automatic under Part A, paragraph 4; or
 - 2.5.7 stay a decision until receipt of further information or applicable processes are concluded.
- 2.6 Should the outcome be that the Chair or the Athlete or ASP does not wish to proceed on the papers in accordance with 2.5.4 above, or the outcome is that listed under 2.5.6 above, the Case Management Team shall revisit the Triage Process.

3. SUMMARY PROCEDURE

- 3.1 Where the Case Management Team refers the matter to the Chair under paragraph 2.5.3 above, the Chair shall consider whether to initiate the summary procedure. If the Chair decides not to proceed with the summary procedure the matter shall be referred back to the Case Management Team with directions, for them to reconsider. If the Chair decides to proceed with the summary procedure, they shall hear the case themselves or may appoint another Chair to decide the matter.
- 3.2 After the Chair's decision to follow the summary procedure the Chair will decide the appropriate sanction from 3.3 below and instruct the UK Sport Integrity Team to write to the Athlete or ASP establishing whether they:
 - 3.2.1 admit to the potential breach; and
 - 3.2.2 agree to the sanction proposed by the Chair, which are:
 - 3.2.2.1 a written warning which can be considered by future Eligibility Panels;
 - 3.2.2.2 a written apology by the Athlete or ASP; or
 - 3.2.2.3 a written reprimand.
- 3.3 If an Athlete or ASP does not:
 - 3.3.1 respond to the proposal within the specified timeframes under 3.2 or does not co-operate fully with the Chair;
 - 3.3.2 admit the potential breach; or

3.3.3 agree to the proposed sanction,

then the matter will be referred to a meeting of the Eligibility Panel for: i) consideration on the papers; or ii) a full hearing. The individual who has acted as Chair will not be part of any Eligibility Panel should the matter proceed to a full Eligibility Panel meeting or be decided on the papers alone.

4. NOTICES AND SERVICE

- 4.1 All notices and communications under this policy shall be sent by first class post or e-mail to the address currently maintained on AthleteZone or provided to UK Sport by the applicable NGB, save where such Athlete or ASP has elected to be legally represented, communication may be made to such representative.
- 4.2 Deemed date for service of documents shall be either: (i) the next Working Day after sending by first class post; or (ii) 5pm (GMT) for email if sent on a Working Day before 5pm (GMT) or the next Working Day at 5pm (GMT) if not sent on a Working Day or sent after 5pm (GMT).
- 4.3 For the purpose of calculating a period of time under these Eligibility Rules, such period shall begin to run on the day after a notice or other communication is served. Non-Working Days occurring during the period are not included in calculating time.

5. HANDLING OF THE ELIGIBILITY PROCESS

- 5.1 UK Sport shall serve a copy of all information and documentation to the Eligibility Panel and Athlete or ASP that it intends to rely or take into consideration when making its decision, pursuant to Eligibility Rule 4 above. In its correspondence UK Sport shall set out the date for the proposed Eligibility Panel meeting when the decision will be made and the deadline by which the Athlete or ASP shall provide their written submission to the Eligibility Panel via the email address set out in Eligibility Rule 4.1. The Athlete or ASP shall treat all information provided by UK Sport as confidential. All papers the Eligibility Panel will rely upon in the Eligibility Panel meeting will be shared by the Senior Integrity Advisor with the Athlete or ASP and the Eligibility Panel members at least 10 Working Days prior to the Eligibility Panel meeting.
- 5.2 The Athlete or ASP may submit to the Senior Integrity Advisor, up to 5 working days prior to the agreed Eligibility Panel meeting (unless an extension is granted by the Chair), a written submission setting out, as fully as possible (including providing supporting documentation, evidence, statements etc.), their position in relation to the funding eligibility criteria set out in this Policy. If the Athlete or ASP cannot attend the Eligibility Panel meeting on the proposed date, the Athlete or ASP must provide dates of their availability (including those of any witnesses, experts and/or representatives etc). Availability need not be in person, but can be by internet or telephone, and this should be set out when details are provided. Subject at all times to Eligibility Rule 5.4, the Eligibility Panel will fix a date that takes into account such availability, but also the need to avoid delay.
- 5.3 In accordance with any outcomes from paragraph 5.2, the Eligibility Panel will hold its meeting on the agreed date. Subject to receipt of the Athlete's or ASP's written submission under Eligibility Rule 4.2, the Athlete or ASP shall have the right to attend the Eligibility Panel meeting to make oral representations, to question witnesses and experts and to ask questions of the Eligibility Panel.
- 5.4 Within 10 Working Days of the Eligibility Panel meeting, the Eligibility Panel shall make its decision and notify the Athlete or ASP of the decision in writing and include the right of any appeal in accordance with the Appeal Rules. The decision shall contain the reasons for the decision, in such clarity to enable the Athlete or ASP to understand why the decision has been made. Where it is not convenient for summary reasons to accompany a decision, reasons should be provided within a reasonable time of the decision.

- 5.5 In the event an Eligibility Panel meeting date cannot be agreed under Part B, paragraph 5.2 due to the unavailability of the Athlete or ASP, the Eligibility Panel may, no earlier than 12 weeks after deemed service, make a decision under the Policy.

6. CONFIDENTIALITY

- 6.1 All submissions (including supporting documents, evidence, statements etc.) shall be confidential but this provision is not intended in any way to constrain what the Eligibility Panel may refer to in its written reasons or the publication of any decision in accordance with Eligibility Rule 11.
- 6.2 Any person who attends a meeting that is conducted in private must respect the privacy and confidentiality of the meeting, evidence and of all submissions and documents prepared in connection with them.

7. APPOINTMENT OF EXPERTS

- 7.1 The Chair may appoint one or more experts to assist the Eligibility Panel on technical matters within the expertise of the expert.

8. STANDARD, BURDEN OF PROOF AND EVIDENCE

- 8.1 Where any fact or matter is required to be established to the satisfaction of the Eligibility Panel, the standard of proof shall be on the balance of probabilities (i.e., more likely than not that the breach occurred).
- 8.2 The burden of proof shall be on UK Sport to establish that an Athlete's or ASP's conduct has breached this Policy.
- 8.3 All questions concerning the admissibility of evidence shall be for determination by the Eligibility Panel in its discretion. The Eligibility Panel shall not be bound by any enactment or rule of law relating to the admissibility of evidence before a court of law or statutory tribunal.
- 8.4 Any decision or finding made by any court, tribunal or arbitration body may be relied on in the application of this Policy as proof of an act, omission or comment being committed or made by an Athlete or ASP.

9. MEETINGS AND DECISIONS

- 9.1 Meetings of the Eligibility Panel will be held in private and in addition to the Eligibility Panel members, Athlete or ASP and a reasonable number of their assistants, representatives, witnesses, or experts will be attended by the UK Sport Executive. However, as stated under Eligibility Rule 9.4 below, all decisions shall be made by the members of the Eligibility Panel.
- 9.2 The Athlete or ASP is permitted to have assistance or representation by persons of their choice and, if oral evidence (i.e., witness or expert evidence) is heard, it must only be heard in the presence of the Athlete or ASP or their assistant/representative, who shall be given a fair opportunity to question any witness. Athletes or ASPs who are under 18, are deemed adults at risk, or require general support may also have their parent/guardian or assistant or carer present.
- 9.3 The Athlete or ASP must provide a list of names and contact details of any persons attending the Eligibility Panel meeting on their behalf as a representative, witness, or expert, at least 5 working days before the meeting.
- 9.4 Unless the Chair is acting alone, the Eligibility Panel shall reach its decision by simple majority and any such decision shall be announced, interpreted, and construed as decisions of UK Sport. Reasons given for decisions shall not include references to any minority opinion or dissenting view. No member of the Eligibility Panel may abstain from making a decision.

10. DECISION OF THE ELIGIBILITY PANEL

- 10.1 As soon as reasonably practicable, and no later than 10 Working Days of its decision, the Chair shall produce written reasons for the Eligibility Panel's findings, including any sanctions where relevant, and share those written reasons with the Senior Integrity Advisor and Eligibility Panel members. The Senior Integrity Advisor will then share the decision, alongside a formal letter, to the Athlete/ASP.
- 10.2 All decision notices shall contain information on the right of appeal and a copy of this Policy and Appeal Rules.

11. PUBLICATION OF DECISIONS

- 11.1 Without prejudice to Eligibility Rules 5.1 and 5.2, where the Eligibility Panel determine a breach of the Eligibility Policy has occurred, the Eligibility Panel may elect, in their sole discretion, to publish information regarding the decision on the UK Sport website. This information may include, but is not limited to, the identity of the Athlete or ASP, the section of the Eligibility Policy which has been breached, the relevant NGB and sanctions they have received. No publication can occur during the period in which an appeal may be made in accordance with this Policy or if such an appeal has been made, until such time as it is determined or withdrawn.
- 11.2 In deciding whether to publish information regarding a decision, the Eligibility Panel shall consider the nature of the breach, the age and experience of the Athlete or ASP, the public interest in the breach, any confidentiality or impact on other authorities processes and other relevant factors, such as safeguarding.
- 11.3 Where the Eligibility Panel has determined that no breach has been committed, then information regarding the decision shall not be published unless requested by the relevant Athlete or ASP.
- 11.4 The published information shall be placed on the UK Sport website for:
- 11.4.1 the duration of any period of ineligibility;
 - 11.4.2 the duration of any written warning; or
 - 11.4.3 a period set by the Panel.

12. NOTIFICATION OF CASES TO THE ENGLISH INSTITUTE OF SPORT

- 12.1 When the Eligibility Panel make a decision to impose a sanction on an Athlete or ASP, the Eligibility Panel will be required to decide whether UK Sport should notify the English Institute of Sport on the outcome of the case. The purpose of any notification is to ensure that an Athlete or ASP cannot access Publicly Funded Benefits via The English Institute of Sport. No notification can occur during the period in which an appeal may be made in accordance with this Policy or if such an appeal has been made, until such time as it is determined or withdrawn.
- 12.2 In deciding whether to notify the English Institute of Sport, the Eligibility Panel should consider whether the decision impacts on the English Institute of Sport's provision of services to an Athlete or ASP, for example where a period of funding ineligibility has been imposed. Consideration should also be given to whether the case concerns a safeguarding issue.

13. PUBLIC STATEMENTS

- 13.1 Without prejudice to any of the foregoing, UK Sport may (with prior notice to the Athlete or ASP) in response to a request for information (whether from a media outlet or otherwise), reserve the right to issue a short statement setting out that the Eligibility Panel has met (including dates and times), the types of matters that the Eligibility Panel rules on and that

an appropriate outcome has been decided. No statement may be issued during the period in which an appeal may be made in accordance with this Policy or is such an appeal has been made, until such time as it is determined or withdrawn.

PART C - ELIGIBILITY PANEL TERMS OF REFERENCE

1. MEMBERSHIP

- 1.1 The UK Sport Board shall appoint an Eligibility Panel which consists of a pool of 9 members. These members shall consist of:
 - 1.1.1 three (3) legally qualified independent Chairs;
 - 1.1.2 three (3) independent members with experience in areas such as elite performance, safeguarding, sports science and sports medicine and/or coaching; and
 - 1.1.3 three (3) UK Sport Board members.
- 1.2 The three independent legally qualified Chairs will take up the role of Chair of the Eligibility Panel in rotation subject to availability.
- 1.3 Appointments to the Eligibility Panel shall be for a term of up to 4 years, which may be extended for a further 4 year term, subject to reappointment by the UK Sport Board and provided the independent members are eligible throughout that period.
- 1.4 All members of the Eligibility Panel will be required to make a declaration of interest on an annual basis. No members of the Eligibility Panel will be able to hear matters which, in the opinion of the UK Sport Integrity Team, present a conflict of interest.

2. ROLE OF THE CHAIR OF THE ELIGIBILITY PANEL

- 2.1 The selected Chair of the Eligibility Panel may:
 - 2.1.1 decide, subject to the agreement of all parties the matter on the papers or via the summary procedure;
 - 2.1.2 determine questions of procedure and timescales;
 - 2.1.3 decide that, because of special circumstances, it is in the interests of all parties that the Eligibility Panel meeting is to be conducted in a manner which involves a substantial departure from the procedure set out in the Eligibility Rules or the Case Management Process (such as, for example, a need for the deadlines prescribed by this Eligibility Policy to be significantly shortened or lengthened). The Chair shall give such directions as they consider appropriate for the purpose of ensuring a fair and/or expeditious conduct of the proceedings (including granting extensions of time for submission of documents or notification of decisions); and
 - 2.1.4 delegate the decision to suspend an athlete or ASP to the UK Sport Executive.
- 2.2 The Chair of the Eligibility Panel shall provide an annual report to the UK Sport Board on the operation of the Eligibility Panel, which shall include, but not be limited to: i) themes and trends; ii) weaknesses and threats to the Eligibility Policy; and iii) any policy improvements.

3. QUORUM

- 3.1 The quorum for Eligibility Panel meetings shall be 3 members consisting of a legally qualified independent Chair, an independent member and a Board member.

4. UK SPORT SENIOR INTEGRITY ADVISOR

- 4.1 The UK Sport Senior Integrity Advisor or his/her nominee shall act as secretariat of the Eligibility Panel meeting. They will record key decisions and action points from the meeting, including recording the names of those in attendance along with the outcome.

5. UK SPORT GENERAL COUNSEL

- 5.1 The UK Sport General Counsel or his/her nominee will present the case to the Eligibility Panel, but shall not be present at any deliberations of the Panel where the respondent is excluded.

6. FREQUENCY OF MEETINGS

- 6.1 The Eligibility Panel shall meet at the request of the Senior Integrity Advisor.

7. ATTENDANCE AT MEETINGS

- 7.1 Only members of the Eligibility Panel shall have the right to attend Eligibility Panel meetings. However other individuals may be invited by the Chair of the Eligibility Panel to attend all or part of any meeting as and when appropriate.

8. NOTICE OF MEETINGS

- 8.1 Unless otherwise agreed, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed and supporting papers, shall be forwarded to each member of the Eligibility Panel and any other person required to attend, no later than 5 Working Days before the date of the meeting.

9. REPORTING RESPONSIBILITIES

- 9.1 The Chair of the Eligibility Panel shall report to the UK Sport Board annually on the proceedings of the Eligibility Panel where appropriate.
- 9.2 The Eligibility Panel shall make whatever recommendations to the UK Sport Board it deems appropriate on any area within its remit where action or improvement is needed.

10. OTHER

- 10.1 In addition to 6.1 above, the Eligibility Panel shall, at least once a year, review its own performance and these Terms of Reference to ensure it is operating at maximum effectiveness, and recommend any changes it considers necessary to UK Sport Board for approval.
- 10.2 The members of the Eligibility Panel shall be entitled to meet without any UK Sport employees (executives) being present to review and discuss its role and operation.
- 10.3 In the event the Chair is unavailable to chair a meeting, the Eligibility Panel shall nominate an acting Chair in as required.

PART D – APPEAL RULES

APPEAL RULES

In order to ensure the fair and independent determination of appeals the UK Sport Board has appointed an independent Appeal Panel (the '**Appeal Panel**') to hear appeals in relation to decisions under this Policy. The Appeal Panel will be appointed and administered by Sports Resolutions UK ('**SRUK**'),¹⁰

The following Appeal Rules shall govern the procedure for the hearing of those appeals by the Appeal Panel.

1. THE APPEAL PANEL AND ITS JURISDICTION

- 1.1 The Appeal Panel has jurisdiction to hear an appeal by an Athlete or ASP (the '**Appellant**') against a decision made by UK Sport under the Policy. The Appeal Panel shall:
 - 1.1.1 implement the Appeal Rules and make its decisions based on fairness and natural justice;
 - 1.1.2 ensure the Appeal Panel and its members are impartial and independent;
 - 1.1.3 not act as an advocate for either party; and
 - 1.1.4 ensure the parties are given a proper opportunity to present their case.
- 1.2 The Appeal Panel does not have jurisdiction to decide performance matters such as the position of an Athlete on a WCP (i.e. the Appeal Panel cannot determine if an Athlete is to be a podium or podium potential Athlete) or the amount of Publicly Funded Benefits an Athlete or ASP can access. The Appeal Panel shall rule on any challenge to its own jurisdiction.
- 1.3 The Appeal Panel will hear all the evidence as if it is the first time (*appeal de novo*). The Appeal Panel is able to exercise the powers set out in paragraph 4 of the Eligibility Policy and has full power to decide the facts and the law of the case and annul and replace the decision appealed against.
- 1.4 Unless the parties agree to the appointment of a sole arbitrator or SRUK directs that a sole arbitrator may hear the appeal under Appeal Rule 1.7, the Appeal Panel shall generally be made up of three individuals ('the **Panel Members**') who are appointed by SRUK. Two of the Panel Members shall be from SRUK's list of lay members. The third Member shall be the Chair of the Appeal Panel and is drawn from a SRUK list of eight legally qualified individuals.
- 1.5 None of the Panel Members shall be from the parties or shall at any time have been involved in any capacity with any aspect of the decision that is the subject of the Appeal.
- 1.6 If the parties agree or SRUK directs the use of a sole arbiter, they shall be drawn from a SRUK List of eight legally qualified individuals. Where a sole arbitrator is appointed to decide the appeal, all references in these Appeal Rules to the "Chair" shall mean the sole arbitrator unless the context means otherwise.
- 1.7 The Appeal Panel shall be constituted as an Arbitration Panel, as governed by the Arbitration Act 1996 and subject to Appeal Rule 1.7, the seat of arbitration will be in London. The Appeal shall be conducted in accordance with English law.
- 1.8 Hearings shall generally be in London. However, in certain circumstances, and after consultation with all parties, the Chair of the Appeal Panel may decide to hold a hearing at

¹⁰ Sport Resolutions UK is the trading name of the Sports Disputes Resolution Panel Limited

another place and issue the appropriate directions related to such hearing (including location, telephone and video link).

2. REQUEST FOR APPEAL

- 2.1 The Appellant must submit to SRUK a written request for an appeal within 15 Working Days of deemed service of the decision they wish to appeal (the '**Request for an Appeal**') containing the following details:
- 2.1.1 the name and address of the Appellant (and any legal or other representative);
 - 2.1.2 a brief statement describing the nature and circumstances of the decision against which the Appellant wishes to appeal;
 - 2.1.3 request for relief;
 - 2.1.4 if applicable, an application to suspend the implementation of the decision appealed against;
 - 2.1.5 a statement of whether they wish the appeal to be decided on the papers or by way of hearing; and
 - 2.1.6 a copy of the decision (including a copy of any relevant documentation that relates to the decision such as notice provided to the Appellant, statement of eligibility provided to UK Sport and supporting documents).
- 2.2 The Appellant should submit their Request for an Appeal to SRUK via email or post at the following address:
- Sport Resolutions (UK), 1 Paternoster Lane, London, EC4Y 7BQ
Email: resolve@sportresolutions.co.uk
- 2.3 If the requirements in Appeal Rule 2.1 are not satisfied when the Request for an Appeal is filed with SRUK, SRUK may grant a reasonable to the deadline to the Appellant. If the Appellant fails to meet that deadline SRUK shall not, absent of exceptional circumstances, proceed with the Appeal. Requests for extensions under this Appeal Rule 2.3 must be submitted in writing to SRUK.
- 2.4 Appeals may not proceed where a Request for an Appeal is not received within 15 Working Days. Where Appeal Rule 2.3 applies, only the Chair of the Appeal Panel may decide if an Appeal may proceed, and the Appeal shall be paused until the Chair is appointed in accordance with Appeal Rule 3 below.
- 2.5 Within 5 Working Days of receipt, SRUK will forward the Request for an Appeal together with copies of any other relevant documents previously supplied by the Appellant to UK Sport.

3. APPEAL PANEL MEMBERS

- 3.1 Within 10 Working Days of service of a Request for an Appeal, SRUK will either nominate the Panel Members or a sole arbitrator to hear the Appeal and, having ascertained their availability to sit, will notify the nominations to the parties.
- 3.2 If any party intends to challenge the nomination of a Panel Member or sole arbitrator, they must do so within 5 Working Days of notification by SRUK of the nomination. To challenge a nomination, that party must submit in writing to SRUK the reasons why that party is challenging. Unless the challenged Panel Member withdraws or the other party agrees to the challenge, the proposed Chair of the Appeal Panel (unless it is the appointment of the Chair or sole arbitrator that is challenged in which case the SRUK's Chief Executive, shall decide), shall decide on the challenge and shall if necessary, request SRUK to nominate a replacement nominee.
- 3.3 In the absence of any challenge to the nominations of Panel Members, SRUK will appoint the nominees to constitute the Appeal Panel.

- 3.4 If any Panel Member refuses, or in the opinion of the Chair becomes unable or unfit to act, the Chair shall request the appointment of another Panel Member in their place. If the Chair, after appointment to the Appeal Panel refuses or in the opinion of the parties and the Director of SRUK becomes unable or unfit to act, SRUK shall appoint a replacement Chair. This Appeal Rule shall also apply where a sole arbitrator has been appointed.
- 3.5 If in the opinion of the majority of the Appeal Panel, one Panel Member refuses or fails to comply with the Appeal Rules or any applicable law relating to the Appeal, or the making of the decision and / or any award, having been given a reasonable opportunity to do so, the other Panel Members may apply to the Director of SRUK for his/her removal and the Director of SRUK shall determine in his/her absolute discretion whether to appoint a replacement Appeal Panel Member.

4. COMMUNICATION

- 4.1 The parties shall communicate through SRUK. The Chair of the Appeal Panel may direct that communication can take place directly, always provided that SRUK and the Appeal Panel receive copies.
- 4.2 All communications shall be delivered or sent by first class post or email to the parties at the addresses notified to SRUK.
- 4.3 Deemed date for service of documents shall be either: (i) the next Working Day after sending if first class post; or (ii) 5pm (GMT) for email if sent on a Working Day before 5pm (GMT) or the next Working Day at 5pm (GMT) if not sent on a Working Day or sent after 5pm (GMT).
- 4.4 A party's last-known residence, place of business or e-mail address shall be a valid address for the purpose of any notice or other communication unless notification of a change to such addresses or numbers has been communicated to all parties and to SRUK.
- 4.5 To calculate a period of time under the Appeal Rules, such period shall begin to run on the day after a notice or other communication is given. Non-Working Days occurring during the period are not included in calculating time.

5. CONDUCT OF THE PROCEEDINGS

- 5.1 The Appeal Panel shall conduct the proceedings in such manner as it considers fair and reasonable and may issue any order for directions it considers appropriate and/or follow any procedure agreed by the parties if in the Appeal Panel's opinion, it is fair and practicable so to do. These Appeal Rules are without limitation on the power of the Appeal Panel to conduct the Appeal in accordance with this discretion.
- 5.2 Unless otherwise agreed or decided under Appeal Rule 5.1, the parties shall make written submissions to the Appeal Panel as follows:
- 5.2.1 the Appellant shall, within 10 Working Days of service of notification from SRUK of the appointment of the Panel Member, file a statement of claim setting out in as full detail as possible, any facts, law or rules on which the Appellant is relying together with all exhibits and other evidence upon which the Appellant intends to rely and stating how they are eligible for Public Funding and / or Publicly Funded Benefits and the relief claimed (the "**Statement of Claim**"). Alternatively, the Appellant within the time limit inform SRUK in writing that the Request for an Appeal shall be considered as the Statement of Claim. The Statement of Claim will be served on UK Sport by SRUK. For the avoidance of doubt the time limit to file a Statement of Claim shall be inclusive of the time limit of any objection to the appointment of a Panel Member. If the Appellant fails to meet the time limit set out above the Appeal shall be deemed to have been withdrawn.
- 5.2.2 UK Sport may, within 15 Working Days of service of the Statement of Claim file a response stating in as full detail as possible any facts, laws, or rules in the Statement of Claim which UK Sport admits or denies, on what grounds, and on what other facts, law or rules UK Sport relies together with all exhibits and other evidence upon which UK Sport intends to rely and the relief claimed (the "**Response**"). The Response will

be served on the Appellant by SRUK. If the Respondent fails to meet the time limit set out above the Appeal Panel may proceed with the Appeal and determine it; and

5.2.3 within 15 Working Days of service of any Response, the Appellant may file with SRUK a reply to the Response (the "**Reply**"). The Appellant may submit additional exhibits and evidence to their Reply. Any Reply will be served on the Respondent by SRUK. If the Appellant fails to meet the time limit set out above the Appeals Panel may proceed with the Appeal and determine it.

5.3 The time limits set out in Appeal Rule 5.2 may be varied by agreement between the parties and the Chair. The parties may agree in principle to reduce the time limits if, for a bona fide reason, there is a need for an expedited decision. In the absence of specific agreement, the Chair may on the application of one party direct that the time limits set out herein may be varied.

5.4 The Appeal Panel shall consider the written submissions filed on behalf of each party and the Chair shall decide whether to call a hearing, or to offer to the parties the opportunity to make a decision based on the written submissions only. If a hearing is called by the Chair, or if either party requests a hearing, then Appeal Rule 7 shall apply. Where the Appeal Panel has determined that a hearing is to be conducted, the parties must notify the Appeal Panel and other parties as soon as practicable of their dates and times of availability, whether in person or by video link or telephone. The Appeal Panel shall fix a date for the hearing considering all the circumstances and submissions of the parties.

5.5 The Appeal Panel has the power to request full and complete disclosure of all documents held by the parties relating to the Appeal.

6. STANDARD, BURDEN OF PROOF AND EVIDENCE

6.1 Where any fact or matter is required to be established to the satisfaction of the Appeal Panel, the standard of proof shall be the civil standard (e.g. on the balance of probabilities).

6.2 The burden of proof shall be on UK Sport to establish that the Appellants conduct has breached the Policy or that the decision applied should stand.

6.3 All questions concerning the admissibility of evidence shall be for determination by the Appeal Panel in its discretion and the Appeal Panel shall not be bound by any enactment or rule of law relating to the admissibility of evidence before a court of law or statutory tribunal.

6.4 The Appeal Panel shall have the absolute discretion to admit or refuse any evidence provided by any party whether or not that evidence was presented to the Eligibility Panel and also to adjourn the proceedings for the purpose of considering new evidence if the Appeal Panel considers it appropriate.

6.5 The Appeal Panel may rely on any decision or finding made by any court, tribunal or arbitration body as proof of an act, omission or comment being committed or made by an Appellant.

7. HEARINGS

7.1 Subject to Appeal Rule 1.7, any hearing held shall be at such location as directed by the Chair.

7.2 The Chair shall determine the date, time and place of any hearings for directions or for the Appeal and shall give the parties as much notice as practicable.

7.3 All hearings shall be in private, and proceedings shall be confidential unless the Appeal Panel and the parties agree otherwise.

7.4 The procedure followed shall be at the discretion of the Chair, provided it is conducted in accordance with applicable rules on fairness and natural justice, with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses), address the Appeal Panel and present their case.

- 7.5 The Appellant is permitted to have assistance or representation by persons of their choice and if oral evidence (i.e. witness or expert evidence) is heard it must only be heard in the presence of the Appellant or their assistant/representative who shall be given a fair opportunity to question any witness. Appellants who are under 18 or require general support may also have their parent / guardian or assistant or carer present.
- 7.6 If an Appellant fails to attend a hearing, whether in person or by video link, internet or telephone, on the date and time so fixed and the Appellant is not granted an Adjournment, then UK Sport may apply to the Appeal Panel to decide:

7.6.1 the appeal in the absence of the Appellant; or

7.6.2 the appeal is to be considered withdrawn.

8. WITNESSES AND EXPERTS

- 8.1 If the Appeal Panel determines a hearing is to be conducted, the parties must notify the Appeal Panel and other parties as soon as practicable and within any time limits set by the Appeal Panel of the identity of any witnesses and / or experts they wish to call. If the Appeal Panel requires it, each party shall disclose a signed summary statement of their expected testimony, including the subject matter and content of the evidence on which such witnesses will be relying and how that evidence relates to the points at issue.
- 8.2 The parties are responsible for the availability and costs of the witnesses and / or experts to be called. With the agreement of the parties, the Appeal Panel may exempt a witness and / or expert from appearing at the hearing if they have filed a signed statement. The Appeal Panel may also limit or disallow the appearance of any witness on grounds of irrelevance.
- 8.3 The Appeal Panel may, provided it shall have notified the parties who shall have the right to object to such costs being incurred, appoint one or more experts to submit a written report to the Appeal Panel on specific issues and may require a party to give such an expert any information which the Appeal Panel considers relevant or to produce, or to provide access to, any documents, goods or property which the Appeal Panel considers relevant for inspection by the expert. The costs of the expert shall be borne by the parties in equal shares, unless agreed otherwise by the parties
- 8.4 The Appeal Panel may (unless the parties otherwise agree) direct an expert witness to give evidence either before a hearing in the form of a written report and / or at the hearing in the form of an oral report, and may also require an expert witness to attend a hearing so that the Appeal Panel or the parties may question him or her, and the parties may present other expert witnesses in order to testify on the points at issue.

9. DECISIONS

- 9.1 The Appeal Panel has the power to issue a new decision under the Policy and annul and replace the decision. The Appeal Panel can apply any of the consequences set out at paragraph 4 of the Eligibility Policy and consider the mitigating factors.
- 9.2 The Appeal Panel will endeavour to reach its decision within either: (i) 15 Working Days of service of the Reply or the deadline for service of the Reply, whichever is the later; or (ii) within 15 Working Days of any hearing.
- 9.3 The Appeal Panel shall decide any issue by a majority unless the Chair is acting as sole arbitrator. No Panel Member may abstain from reaching a decision. The Appeal Panel shall not reveal to any party a decision and / or recommendation made were agreed unanimously or by majority.
- 9.4 Appeal Panel decisions shall be in writing, stating the reasons, dated and signed by the Chair of the Appeal Panel. The decision of the Panel shall be final and binding as soon as it is communicated to the parties.

- 9.5 SRUK will issue the written decision to the parties, the written decision shall be confidential.
- 9.6 Without prejudice to Appeal Rules 7.3 and 9.5, UK Sport may (with prior notice to the Athlete or ASP) in response to a request for information (whether from a media outlet or otherwise), reserve the right to issue a short statement setting out that the Eligibility Panel has met (including dates and times), the types of matters that the Eligibility Panel rules on and that an appropriate outcome has been decided.

10. COSTS

- 10.1 The cost and resource of administering the Appeal Panel will generally fall to UK Sport. If an oral hearing is granted the cost would be borne by UK Sport. UK Sport may request an order for reimbursement of costs and the Appeal Panel may make such orders in relation to the costs.
- 10.2 UK Sport will not reimburse the Appellant for their costs, or those of any representative, witnesses or assistant incurred in dealing with the Appeal.

11. GENERAL RULES

- 11.1 If a party proceeds with an Appeal notwithstanding the fact that a provision of, or requirement under, these Appeal Rules has not been complied with without promptly stating its objection that party shall have waived its right to object.
- 11.2 These Appeal Rules shall be governed by the laws of England and Wales.

PART E – SANCTION GUIDELINES

1. INTRODUCTION

- 1.1 As the agency responsible for funding high performance sport in the UK, UK Sport takes its responsibility to promote high standards of conduct among our Olympic and Paralympic Athletes and ASPs very seriously.
- 1.2 To support this Policy, the following sanction guidelines assists the Eligibility Panel members, Athletes and ASPs in identifying the type and range of sanction that can be imposed following a breach of this Policy. The guidelines also set out the factors to be considered by the Eligibility Panel before such a sanction can be imposed.
- 1.3 The aim of this guideline is to promote consistency in decision-making wherever possible. However, a guideline can never cater for every situation or circumstance and therefore the Eligibility Panel (i) retains the ultimate discretion for imposing the sanction that they feel is appropriate, bearing in mind all the circumstances of the case, and (ii) shall be aware, but not bound by sanctions made in similar cases.

2. TYPES OF SANCTION

- 2.1 The sanction powers of the Eligibility Policy are set out in Part A, paragraph 7.1.
- 2.2 The Eligibility Panel has the power and reserves the right to apply further lawful and appropriate conditions in addition to any sanction applied. This might include, but is not restricted to, requiring the Athlete or ASP to undertake a rehabilitative course relevant to the breach and to prevent a recurrence of the matter complained of.

3. STEP 1: APPROACH TO CONSIDERATION OF THE SERIOUSNESS OF THE BREACH

- 3.1 The seriousness of the breach is assessed by considering:
 - 3.1.1 The **culpability** of the Athlete or ASP, including:
 - 3.1.1.1 How responsible was the person for their misconduct? For example, was the breach an isolated breach or one example of poor judgement or was the behaviour protracted over a period of time?
 - 3.1.1.2 What was their intent? For example, were they intentionally trying to cause harm by their actions?
 - 3.1.1.3 What has been the extent of the intent or forethought prior to the misconduct taking place?
 - 3.1.2 The **harm** caused by the breach, including:
 - 3.1.2.1 Direct harm to anyone, for example direct harm caused to other Athletes or ASPs.
 - 3.1.2.2 Indirect harm, for instance harm to the reputation of a particular branch of sport, sport as a whole, or bringing themselves, their World Class Programme, the National Lottery and/or UK Sport into disrepute.
 - 3.1.2.3 The potential to harm. For example, when an individual's actions did not cause harm but had the potential to cause harm.

- 3.2 In Anti-Doping cases, the Eligibility Panel will be bound to, at a minimum, match any Period of Ineligibility imposed by the regulatory body responsible for the Results Management, due to UK Sport's responsibility as a Sports Council under the NADP.
- 3.3 Identifying the culpability of the individual committing the breach, and secondly the harm caused by that breach (whether direct, indirect or potentially harmful) will allow the Eligibility Panel to make a preliminary assessment as to which sanction would be appropriate bearing in mind the circumstances of the case. Having identified that starting point, the Eligibility Panel should then go on to identify any relevant aggravating and mitigating factors.

4. STEP 2: AGGRAVATING AND MITIGATING FACTORS

- 4.1 The Eligibility Panel should take account of **aggravating factors**. Below is a non-exhaustive list:

- 4.1.1 Previous findings of misconduct;
- 4.1.2 A breach which is motivated by discrimination, or demonstrating hostility based on protected characteristics, or presumed protected characteristics of another e.g.: Religion, race, age, disability, gender, sexual orientation, LGBTQ+;
- 4.1.3 Abuse of a position of authority or a breach of trust;
- 4.1.4 Vulnerable victim;
- 4.1.5 Breaches committed with others;
- 4.1.6 Planned breaches;
- 4.1.7 Blame wrongly placed on others;
- 4.1.8 Breaches for financial or other pecuniary gain;
- 4.1.9 Actions after the event where attempts have been made to conceal or cover up a breach;
- 4.1.10 Failure to respond to previous warnings or relevant training or education, and;
- 4.1.11 Failure to cooperate with relevant NGB/UK Sport or other relevant body in the lead-up to proceedings.

- 4.2 The Eligibility Panel should take account of **mitigating factors**. Below is a non-exhaustive list:

- 4.2.1 Remorse;
- 4.2.2 Self-reporting;
- 4.2.3 Little or no-planning;
- 4.2.4 If a breach is committed with others is proven, lesser or subordinate role/under the direction of others;
- 4.2.5 Involved through the coercion or exploitation of others;
- 4.2.6 Limited experience or past education which may have prevented or reduced the risk of a breach;
- 4.2.7 Little or no financial gain/pecuniary advantage;

- 4.2.8 Cooperation with NGB/UK Sport and/or other relevant body in lead-up to proceedings;
- 4.2.9 Acceptance of breach at an early opportunity;
- 4.2.10 Vulnerability due to learning disability, mental health diagnosis or other relevant factor which has impacted their capacity or judgement;
- 4.2.11 Age or inexperience;
- 4.2.12 Voluntary steps to rehabilitate or seek professional input, and;
- 4.2.13 Previous high standard of conduct.

5. STEP 3: ARRIVING AT AN APPROPRIATE SANCTION

- 5.1 Having identified an appropriate starting point in terms of sanction, the Eligibility Panel may increase or decrease the starting point to reflect the aggravating and mitigating factors present in the case.
- 5.2 Increasing the starting point may mean, for example, increasing the period of time that the Athlete or ASP is ineligible for funding, or combining one type of sanction with another.
- 5.3 Conversely, decreasing the sanction could involve reducing the period of ineligibility for funding, or where appropriate, imposing a lesser sanction altogether, for instance a warning as to future conduct as an alternative to removal of funding.
- 5.4 Where the proven breach identifies a clear need for education / rehabilitation, e.g., to address discriminatory views or an addiction, the Eligibility Panel might consider imposing a sanction combined with a requirement to complete an appropriate course, to be completed alongside professional commitments.
- 5.5 Where the sanction imposed requires the Athlete / ASP to repay funds received as per this Policy, the Eligibility Panel may conduct an assessment of means in order to ascertain the disposable income available to the Athlete/ASP. Following that assessment, the Eligibility Panel must identify an affordable monthly repayment figure and a time by which full repayment is expected.

6. STEP 4: PRINCIPLE OF TOTALITY

- 6.1 In the event that the Eligibility Panel are required to provide a sanction where one or more breaches have been proven, the Eligibility Panel shall be required to impose a total sanction which reflects the overall breaches and is just and proportionate.

PART F – DEFINITIONS

'Appeal Rules' means the rules of procedure governing appeals which are set out in Part D;

'Athlete' means a member of the WCP or a person who is nominated for inclusion on the WCP (including Performance Support Personnel);

'(AMS) Athlete Medical Scheme' means a bespoke athlete-specific medical insurance cover for all athletes on the World Class Programme;

'Athlete Support Personnel' or 'ASP' means any coach, trainer, training partner, manager, athlete representative, agent, team staff member, official, medical or para-medical personnel, or any other person employed by or working with an Athlete or the Athlete's NGB (including those persons from a Funded Partner working with an Athlete or an NGB's WCP generally);

"Anti-Doping Rule Violation" means an offence or charge against an individual for a breach of the applicable anti-doping rules.

'Benefit' means the direct or indirect receipt or provision (as relevant) of money or money's worth (other than prize money and / or contractual payments to be made under endorsement, sponsorship or other contracts);

'Bet' means a wager of money or any other form of financial speculation whether legal or illegal;

'Betting' means making, accepting, or laying a Bet and shall include, without limitation, activities commonly referred to as sports betting such as fixed and running odds, totalisator/tote games, live betting, betting exchange, spread betting and other games offered by legal sports betting operators or illegal betting operators;

'BOA' means the British Olympic Association;

'BPA' means the British Paralympic Association;

'Case Management Team' means members of the UK Sport Integrity and Legal teams.

'Chair of the Eligibility Panel' means the individual who acts as Chair of the Eligibility Panel, as selected from time to time by UK Sport Board or nominated by the Eligibility Panel in an acting capacity the event of the unavailability of the Chair;

'Competition' means an Event or series of Events conducted over one or more days including a National or International Competition;

'Corrupt Conduct' means:

- a. Disclosing Inside Information to any third party for the purposes of Betting or Matching Fixing;
- b. Inducing, instructing, facilitating or encouraging a Participant to breach Betting or Match-Fixing rules or knowingly assisting, covering up or otherwise being complicit in any acts or omissions of the type described above committed by a Participant;
- c. Providing, offering, giving, requesting or receiving any gift or Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) in circumstances that the Participant might reasonably have expected could bring him or the sport into disrepute;

'Eligibility Panel' means the UK Sport Board Eligibility Panel who has delegated authority to determine cases of eligibility to receive Public Funding and / or Publicly Funded Benefits;

'Eligibility Rules' means the rules of the Eligibility Panel set out in Part B;

'(EIS) English Institute of Sport' means the organisation that provides sport science and medical support services to elite athletes through a nationwide network of expertise and facilities, working with Olympic and Paralympic summer and winter sports;

'Executive' means a team of UK Sport employees consisting of the Chief Operating Officer and members of the Sport Integrity Unit and Legal team;

'Event' means a single race, match or contest;

'Funded Partner' means organisations such as the home country institutes of sport, BOA, BPA and Sports Coach UK etc.;

'Inside Information' means any information relating to any Competition or Event that a Participant possesses by virtue of his position within the sport. Such information includes, but is not limited to, factual information regarding the competitors, the conditions, tactical considerations or any other aspect of the Competition or Event, but does not include such information that is already published or a matter of public record, readily acquired by an interested member of the public or disclosed according to the rules and regulations governing the relevant Competition or Event;

'International Competition' means the Summer or Winter Olympic or Paralympic Games, World, European Championships, or any other international competition for the sport recognized by the International Federation or International Disabled Sport Federation;

'IOC' means International Olympic Committee;

'IPC' means the International Paralympic Committee;

'Match Manipulation' means:

- a. Fixing or contriving in any way or otherwise improperly influencing, or being a party to fix or contrive in any way or otherwise improperly influence, the result, progress, outcome, conduct or any other aspect of an Event or Competition; and / or
- b. Ensuring or seeking to ensure the occurrence of a particular incident in an Event or Competition which occurrence is to the Participant's knowledge the subject of a Bet and for which he or another Person expects to receive or has received a Benefit; and / or
- c. Failing in return for a Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) to perform to the best of one's abilities in an Event or Competition;
- d. Accepting, offering, agreeing to accept or offer, a bribe or other Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) to fix or contrive in any way or otherwise to influence improperly the result, progress, outcome, conduct or any other aspect of an Event or Competition;

'National Competition' means a county, regional or national trials competition of the sport including Home Country or British Team qualifying events;

"National Anti-Doping Panel" means the document (as updated from time to time) setting out the objects and requirements for organisations involved in sport to comply with and support to ensure clean sport, with the latest version found at: <https://www.gov.uk/government/consultations/national-anti-doping-policy-consultation/outcome/uk-national-anti-doping-policy-2021#the-anti-doping-roles-and-responsibilities-of-the-sports-councils-and-sports-institutes>

'Participant' means any athlete, Athlete Support Personnel, judge, referee, delegate, commissioner, jury of appeal member, competition official, NGB team or delegation member and any other accredited person;

'Performance Support Personnel' means a guide, pilot, cox, assistant etc. to an Athlete(s) in the performance of their sport;

'Period of Ineligibility' means where an Athlete or ASP is not permitted for a period of time (including but not limited to suspensions and bans) from participating in the following: an Event, Competition, training and any other activity of an NGB, International Federation or International Disabled Sport Federation, IOC or IPC;

'Policy' means this Eligibility Policy, set out in Parts A-E;

'Public Funding' means grant and / or National Lottery funding provided directly by UK Sport to an Athlete or ASP;

'Publicly Funded Benefits' means support services or other benefits of any kind funded directly by UK Sport or through the Home Country Institute of Sports or NGBs to Athletes and / or ASP;

'(SIS) Scottish Institute of Sport' means the organisation that provides high-performance leadership and expertise to sports and athletes throughout Scotland and the UK;

'(SNI) Sport Northern Ireland' means the leading public body for the development of sport in Northern Ireland;

"(SWI) Sport Wales Institute" means the national organisation responsible for developing and promoting sport and physical activity in Wales;

'Triage Process' means the process by which UK Sport Case Management Team considers alleged breaches and the appropriate course of action as set out in the Eligibility Policy.

'Training Partners' means individuals who have been contracted by the NGB to support funded athletes and who benefit from the high-performance programme resources.

"UK Sport Appeals Policy" is the document of that name issued by UK Sport, as updated from time to time;

"UK Sport Board" is the appointed members of UK Sport's board from time to time;

"World Class Programme ('WCP')" means the programme designed, structured and operated by the National Governing Body to systematically nurture and sustain athletes capable of succeeding at the highest level of international competition which is funded by UK Sport;

"Working Day" means any day other than Saturday, Sunday or any public holiday in England.