

## **Representations and Appeals Process**

### **UK Sport Funding Decisions**

UK Sport wants our investment processes to be clear, fair and robust. We understand there may be situations where an organisation applying for funding from us might be disappointed in the outcome of our investment decisions. We therefore have a process which an organisation that has applied for funding from UK Sport, may wish to use once you have been notified of the outcome of a relevant UK Sport investment decision.

All documents and communications concerning a Representation or an Appeal are confidential.

#### **Representations Process**

The first part of the process is that, in certain circumstances at our discretion, we will allow you to make a 'Representation' to our Board.

A Representation provides you with a limited opportunity to present information relevant to the investment decision directly to our Board. The only question the Board will consider is whether, in the overall context of the investment decisions, you are able to identify and evidence a significant new fact or set of facts that has not been considered that demonstrates that the decision should be reconsidered in accordance with our investment criteria.

The only outcomes of a Representation are that the Board can either: (i) confirm the original investment decision; or (ii) refer the investment decision back to the Executive for reconsideration, a new evaluation to be undertaken and a recommendation re-presented to Board.

You must notify UK Sport of intent to make a Representation within 10 working days of us advising you of our investment decision, unless we have specified a different date in writing. The notification must be sent by email to [legal@uksport.gov.uk](mailto:legal@uksport.gov.uk) and must contain a high-level summary of the new fact or set of facts that you believe have not been considered in coming to our investment decision.

We will then share with you all key documents relating to the decision and provide you with further details of the process and timeline. This will include the timeline for you to submit a full written Representation to our Board, with evidence. Our Executive will prepare an Executive Response to your Representation, which will be shared with you and our Board. We will then make arrangements for you to present to our Board, either in person or virtually.

Before making a Representation, you may wish to discuss the situation with your Performance Advisor or UK Sport contact in the first instance. Please note that whilst they can explain and clarify the process, your Performance Advisor cannot advise you on the merits of your Representation. You may withdraw a Representation at any point.

We may vary this process, including the timeline, and if we do, we will notify you.

#### **Independent Appeals Process**

The second part of our process is an independent appeal, administered by Sport Resolutions. Sport Resolutions is a not for profit, dispute resolution service for sport. Sport Resolutions will

appoint an independent Panel to determine the appeal, including a legally qualified Chair, from its Panel of Arbitrators.

The independent appeal Panel can only consider the integrity of the decision-making process, not the merits of the investment decision: you cannot appeal simply because you disagree with the decision. There are only four situations where you can appeal our funding decision:

- 1) UK Sport did not follow or reasonably apply our processes that we said we would follow or apply in making our investment decision.
- 2) UK Sport have misunderstood a significant part of your application or the material you have submitted to us.
- 3) UK Sport did not take account of materially relevant information or we considered materially irrelevant information.
- 4) UK Sport's decision is irrational, or disproportionate to any shortcomings in your application.

To make an appeal to Sport Resolutions, you must send a Notice of Appeal by email to both [legal@uksport.gov.uk](mailto:legal@uksport.gov.uk) and [resolve@sportresolutions.com](mailto:resolve@sportresolutions.com) (or other addresses, if advised).

Unless we advise you in writing of an alternative timetable, we must have received your Notice of Appeal within 10 working days of us advising you of either (i) our investment decision, or (ii) the outcome of a Representation you have made. You do not have to make a Representation before you initiate the independent appeal process.

The independent appeal will follow the Sport Resolutions Arbitration Rules ('the Rules'): <https://www.sportresolutions.com/services/arbitration>. Rule 3 of the Rules shall not apply to any appeal made under this process and, in the case of any inconsistency between this process and the Rules, then this process shall prevail.

An independent appeal to Sport Resolutions will be considered on the papers. However, the Panel may agree to hear evidence or legal or other submission in a specific case, where it believes that to be appropriate, including where good cause is shown for making an exception to the general rule. For example, where the appeal turns on a factual point that is in dispute and an oral hearing is considered necessary to enable the Panel to make a fair decision on that particular point.

The Panel cannot consider appeals that have not gone through the procedure set out in this document. The Panel cannot reverse funding decisions or make comments or changes to our legal responsibilities and policies on awarding grants. The decision of the Panel will be final.

The costs of any appeal will be as set out in the Rules, save that unless the Panel directs otherwise, the default position will be that UK Sport are responsible for the costs of the arbitration (i.e. the costs of Sport Resolutions, the Panel and any experts appointed by the Panel), and that we and you will be responsible for our own legal and other costs relating to the appeal.