

UK Sport, BOA and BPA Selection Process Guide

Date	Modifications	By

Disclaimer Notice

While all reasonable care and attention has been made in the preparation of this Guide and its corresponding templates for NGBs to work from, neither UK Sport, the BOA nor the BPA shall be liable for any errors contained in this Policy or any consequences arising from the use of this Guide. This Guide is intended to give general support and guidance on its subject matter and is not professional or legal advice to any NGB's specific circumstances or issues. NGBs should seek their own independent professional or legal advice on their policy to ensure that it meets their needs and that any sport-specific circumstances and issues have been addressed.

UK Sport, BOA and BPA Selection Process Guide.....	1
Disclaimer Notice	1
1. Introduction	3
2. Purpose and Scope.....	3
3. Selection Fundamentals.....	3
4. Selection Recommendations.....	5
5. Selection Panels	7
6. Recommended Practice for Panels	8
7. Selection Appeals	10
8. Appeal Process	11
9. Olympic Games Specifics.....	13
10. Paralympic Games Specifics	14
11. The British Athletes Commission (BAC).....	15
12. Sport Resolutions UK (SRUK)	17
13. Legal Panel Framework.....	19

1. Introduction

1.1 This Athlete Selection Process Guide (the Guide) has evolved from, and supersedes, the National Governing Bodies (NGBs) Athlete Selection Guide produced in 2014 following a review of athlete selection during the London Cycle.

2. Purpose and Scope

2.1 The Guide provides direction and guidance to NGBs through the entire process of athlete selection. The information enclosed is based on experience and insights from across the world-class community – from Performance Directors, Coaches, Managers, Athletes, UK Sport, the BOA, the BPA, the British Athletes Commission (BAC) and independent dispute resolution providers such as Sport Resolutions (SRUK).

2.2 The Guide applies to:

2.2.1 selection onto a UK Sport funded World Class Programme (WCP); and

2.2.2 nomination for the Olympic Games (OG) and the Paralympic Games (PG).

It can also be used as a guide for selection policies for other significant events such as World Championships.

2.3 The term 'selection' will be used throughout the Guide, but it should be noted that in relation to OG and PG, NGB selection processes will 'nominate' athletes for inclusion in TeamGB and ParalympicsGB.

3. Selection Fundamentals

3.1 **The need for a selection policy.** Publicly funded British sport is now a multi-million pound business receiving unparalleled investment from Government and the National Lottery, with the attendant external pressure and expectation to deliver results: there is, therefore, the requirement to act with integrity and professionalism to maintain the confidence of both the public and external investors, and all members of the WCP. For athletes, and also coaches, increased funding and commercial opportunity means that selection or non-selection may have substantial financial consequences. It is reasonable for athletes to expect to be well informed, treated fairly, on merit and without discrimination.

3.2 **Selection principles.**

3.2.1 **Effective.** It must select the best athletes for the current and future OG and PG.

3.2.2 **Fair.** It must be fair, seen to be fair and operated without bias or prejudice.

3.2.3 **Clarity.** It must be clear and well communicated to all athletes and coaches, so that all parties understand it.

3.3 **The Requirement.** Although there is no legal obligation on NGBs to have a formal written selection policy, it is a requirement for all UK Sport-funded NGB World Class Programmes and recommended for un-funded programmes selecting for all Olympic and Paralympic sports. A written selection policy:

3.3.1 results in deliberate and considered thinking, discussion and agreement of the fundamental issues in advance of any selection decisions being made;

3.3.2. provides selectors with a clear reference for how they are expected to make their decisions, the criteria to be used, the procedures to follow and where, if at all, they can use their discretion;

3.3.3 motivates athletes by giving them a clear and consistent understanding of what performances are expected of them and what qualifying events to focus on to merit selection; and

3.3.4 requires a NGB to be transparent about how it will select, giving all stakeholders confidence that the selection process will be managed professionally and fairly.

3.4 **Selection policy requirements.** Every policy needs to be tailored for the individual sport and the event/programme in question, but must include the following elements:

3.4.1 **Event/Programme.** A description of the event/programme being selected for.

3.4.2 **Aim and Purpose.** The outcome required from selecting athletes to the event/programme.

3.4.3 **Eligibility.** The requirements athletes must meet to be considered.

3.4.4 **Selection Criteria.** The number of places being selected for and the standards that athletes need to achieve for selection, including pre-selection criteria if relevant.

3.4.5 Management of injury, illness¹, loss of performance and disciplinary issues. How the selection policy will manage circumstances that might lead to de-selection.

3.4.6 Composition. The composition and roles of the members of the selection panel, including: chair, technical experts, independent members or observers, voting and non-voting members.

3.4.7 Powers and duties. The extent of the selection panel's powers and who they are accountable to in the NGB, who makes the final decision.

3.4.8 Timing and announcement of Decisions. How and when the decisions will be announced.

3.4.9 Appeals process. The process for appealing decisions of the selection panel.

3.4.10 Periodic review. The process for periodic reviews to ensure the selection policy: remains fair and efficient; takes account of any external rule or policy amendments; and includes any relevant feedback from the selectors, athletes, coaches and appeal panels.

4. Selection Recommendations

4.1 Ensure that strategic aim drives the selection criteria.

- Identify and agree the strategic aim and purpose of participating in the event or programme, ensuring it is integrated with 'What It Takes To Win'.
- Analyse the performances of athletes who have achieved the high-level target or outcome to identify the common factors and trends. Compare this to unsuccessful athletes to determine the discriminating factors.
- In addition to competitive record, identify other factors relevant to performance success e.g. optimal age/age range; variation in playing style; ability to perform on different tracks/courses; decision-making; attitude to training; attitude to competition.

4.2 The appropriate balance between objective and subjective criteria.

- Assessment of athlete performance should be limited as much as possible to measurable, objective criteria. It is achievable in most sports, even judged sports where athlete performance cannot readily be compared by a definitive height, time, distance outcome, to identify key data and position specific information to evaluate effectiveness.
- In a team sport, objective selection criteria might include measures such as successful pass rate, conversion of shots on target, comparing players' scores against each other's and/or

¹ Both physical health and mental health issues.

against World's best. Additionally, most coaches would legitimately want to assess team compatibility. In certain circumstances it is inevitable, even necessary, for additional subjective criteria to be considered for team sport/event selection, such as pairings and combinations of player who may not be the most exceptional individuals, but unquestionably produce higher levels of performance than others. This aspect of selection requires coaches to educate athletes to understand this and create a strong squad-based culture to practically manage it.

- In some team-based Paralympic Sports there is a classification 'points threshold' (or specific combination of classifications including gender balances) to which the athletes on court/pitch must adhere. As such it is necessary for these sports to include a section in their policy outlining the requirement to use this as a criterion when considering maximising the number of different on court/pitch line ups available to the coaches.
- Subjective selection criteria may feature more heavily in WCP selection. This is especially true of developmental programmes, such as the lower levels of the World Class Programme (e.g. Podium Potential and Performance Foundations), which seek to identify athletes with the potential to win Olympic/Paralympic medals in some 6–8 years' time.

4.3 Use clear and unambiguous language and define all technical terms. Clarity is a principle of a selection policy, so avoid sport-specific jargon and technical terms, unless it is essential and then provide a clear and robust definition. A good selection policy is one that anyone can understand (e.g. under 18s, athletes' parents, agents, and independent members of selection and appeal panels).

4.4 Identify the circumstances for pre-selection and de-selection.

- In some sports, analysis of the competition track record of previously successful athletes may support the use of pre-selection as an approach. This may occur in sports where it can be demonstrated that a longer or more focused run-in, without the distraction of additional competition, is more critical to success at the key event than producing another competitive result immediately pre-event.
- In this case, the criteria and circumstances for pre-selection must be clearly defined within the policy. If the possibility of pre-selection has been allowed for, a pre-selected athlete cannot be de-selected unless they have failed to meet any attached conditions e.g. achievement of interim training targets/remaining injury, illness free. The criteria and process for replacing a de-selected athlete should also be clearly set out.

4.5 Anticipate and provide a mechanism to deal with 'tied results'.

- In most sports it is possible to anticipate certain events and team positions for which selection will be particularly strongly contested, and for which selectors will require to decide between two or more athletes with tied results.
 - There are a number of ways that this could be addressed, such as possibly designating a particular qualifying event, or race within a series that takes precedence in the event of a tie, or to decide on an objective performance measure by holding a 'head-to-head' event.
 - The policy should describe the circumstances in which these additional challenge events would be triggered – when, where and in what format they will take place.
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4.6 **Consult and trial the policy as part of the development stage.**

- Once the initial selection policy has been drafted, or amended in the case of an existing policy, the next step should be to consult and road-test it.
- While some may want to consult more widely, as a minimum it is recommended that, where practical to do so, at least one face-to-face consultation session be held with the broadest possible group of eligible athletes, and also one with the group of potential selectors.
- SRUK and the BAC can offer support at this stage, providing comment on the draft, facilitating group consultation sessions with athletes, and through their involvement and independent status give confidence to athletes that their interests are being properly observed.

4.7 **Get the policy legally checked.** Get your legal advisor to check the policy to ensure the necessary contractual and legal principles are adequately covered.

4.8 **NGB Ratification.** It is recommended that key selection policies be ratified by the NGB Board or Performance Management/Steering Group as appropriate.

4.9 **Promulgate and communicate the policy as appropriate.**

- While it is essential that all athletes, coaches and selectors know and understand the selection policy and the selection criteria, it does not mean that they (especially the selection criteria) should be available to an audience outside the NGB: this could provide an advantage to a competitor nation.
- A balance has to be struck on protecting competitive advantage versus avoiding accusations of lack of transparency. However, wide availability of the 'process' should be encouraged except where there are very compelling reasons to do otherwise. In these circumstances the recipients for distribution of each type of selection policy can be considered on need e.g. WCP programme selection policy may be widely distributed whereas OG and PG selection policy may be limited to entrants to the process.
- Methods of distribution can include: webpage and email, hard copy to each athlete, infographics, athlete briefings and a handbook, and a range of options should be used. Consideration is required on how amendments and updates are disseminated.

5. **Selection Panels**

5.1 **Recommendations.** Although there is no legal requirements covering the constitution of a selection panel, this Policy recommends the following:

5.1.1 **Voting members.** The selection panel should consist of a minimum of three voting members to prevent dead-lock. There can be more than three members but an odd number (five, seven, nine) is recommended. All voting members must have a fundamental technical understanding and experience of the event/programme being selected for, and all of the athletes under consideration.

5.1.2 Chair. A chair is required to lead the process (briefing members, applying the policy and criteria, and overseeing the communication of the results). The chair needs to have proven 'chairing skills' and experience of being a selection panel member. The chair is responsible and accountable to the Chief Executive or Board of the NGB² for the operation of the selection panel.

5.1.3 Recording of decisions and outcomes. A note-taker is required to record the decisions and outcomes of the selection panel. This can be a decision log or a full set of minutes. An audio recording can also be made, which is only used to support any appeal process. All decisions and outcomes must be agreed and recorded before the selection panel is concluded, which includes any areas of conflict of opinion. Notes must be factual and not contain personal observations.

5.1.4 Independent member or observer. An independent³ member or observer to provide confidence to athletes about the fairness and objectivity of the process. The independent member or observer must be familiar with high performance sport, either as an athlete, coach or legal expert. Their role is to act as an observer – scrutinising the process, holding the panel accountable to the policy and its criteria, and ensuring the principles of fairness and acting without bias are upheld. The BAC could fulfil this role.

5.1.5 Data Analysis. Where appropriate, a data analysis should support the operation of a selection panel.

5.2 Recommended panel composition.

- Panel composition will vary according to the needs of each sport and the event/programme being selected for. The core panel will usually be made up of some combination of the: Performance Director, Head Coach, Lead Discipline Coaches, Development Coaches, and Programme Managers depending on the scope of their roles and technical expertise.
- It is not uncommon in team sports, for selection to be the full responsibility of the Head Coach. In this instance, other coaches may be consulted in advance (e.g. assistant or position-specific coaches) or sit on the panel as non-voting members, with the Performance Director acting as Chair and overseeing the process.
- Having observers from the BOA and BPA is recommended for selection panels nominating athletes for TeamGB and ParalympicsGB.

6. Recommended Practice for Panels

6.1 Apply selection criteria fairly and consistently. The following good practice underpins the way in which selection panels operate.

- The Chair should provide a thorough briefing on the standards expected and that selectors understand and agree to their responsibilities.

² Depends on the governance structure of the NGB.

³ The independent member or observer should have no current or previous relationship (personal, financial, membership) with the NGB, the athlete, or the athlete support personnel in question which could reasonably be perceived as a bias.

- The panel must follow the published policy and not be influenced by any other interests. All eligible athletes should be given a fair chance of selection using all of the criteria identified in the selection policy.
- The NGB must not reach verbal or written agreements with any individual athlete which conflict with the published criteria unless it is prepared to abide by those agreements and has considered the consequences for any other athlete relying on the published criteria. The concept of 'legitimate expectation'⁴ has been relied upon by athletes and been upheld by the Court of Arbitration for Sport (CAS) in the past.
- Acting fairly requires that where discretion needs to be exercised, then it should be restricted to the area and scope identified. For example, if no athletes have met the criteria outright or all selection places have not been filled, then the policy may allow selectors to use their discretion to select the athlete they consider most suitable to fill the place(s), or not to make a selection, as consistent with the overall aims set out for the particular selection.

6.2 Act honestly, in good faith and in an unbiased manner. The selectors must act reasonably, rationally and with integrity and professionalism. They must be impartial and not show bias or favouritism, or even appear to show it. They must not pre-judge the outcome but must let their consistent application of the agreed criteria and processes drive their decisions.

- Selectors should have no personal or business involvement with any of the competitors in question – they should not stand to gain (or lose) personally or financially as a consequence of the decisions. They must not be related to the competitors or have any personal preference as to which of them is selected.
- A selector who has a personal coaching relationship (even in the recent past) with any of the athletes under consideration provides a risk of allegations of bias. Where this is unavoidable, coaches must not have a vote in regard to this athlete(s) and may only be present to give their opinion on the respective merits of each eligible athlete with others making the final decision.

6.3 Declare any conflict of interest. If selectors are concerned that they may have a conflict of interest (or potential conflict of interest) - including as acting as a personal coach to any eligible athlete - they should declare it. This gives the Chair and other selectors the opportunity to consider the conflict, assess the risk and agree how to manage it. Whenever possible, the person with the conflict should be replaced by another suitably qualified person. If this is not, then the other selectors will need to consider the recommendations or opinions of the conflicted selector, keeping in mind how the conflict may be influencing his/her views. The conflicted panel member cannot vote.

6.4 Communicating decisions respectfully. The outcome of a selection decision can be life changing for an athlete. For example, WCP selection may be the point at which an athlete commits to around a decade of full-time training and puts their education or career path on hold. Even when a selection policy has been well communicated in advance, the decision itself, particularly on occasions when close calls have to be made, can be devastating for athletes who are not selected.

⁴ That someone could reasonably expect a promise/agreement to be met.

- The chair of the selection panel and/or Performance Director must give careful consideration about how the decisions are communicated, especially to those who are not selected.
- The formal decision should be conveyed in writing and, if practical, should include the offer of a de-brief with an informed coach. The timing on this de-brief will be depend on the proximity of the selection to the event (OG/PG) and in some circumstances may have to take place afterwards. The athlete should be invited to bring a companion. For some aggrieved athletes, this will provide the necessary understanding and acceptance of the decision, for others it may provide a focus on future performances and selection opportunities.
- NGBs should refer their athletes to additional sources of support at this time including:
 - Performance Lifestyle, whose advisers are specially trained to support athlete transitions; and
 - the BAC for any athlete thinking of making an appeal.
- Selection decisions are 'provisional' until the end of the appeal process relevant to the particular selection process.

7. Selection Appeals

7.1 Function. An appeal process upholds the integrity of the selection process by providing a fair and effective mechanism for correcting any mistakes, without the time or expense of litigation in the courts. Therefore, it is a requirement of this Policy to provide an appeal process for selection decisions.

7.2 The grounds for an appeal. Given that there will usually be more athletes eligible for selection than there are places available, there will invariably be disappointed athletes. Therefore, athletes cannot appeal selection decisions just because they do not like them: an appeal should be based on one or more of the following grounds, the:

7.2.1 correct selection process was not followed;

7.2.2 decision maker was biased; or

7.2.3 decision was made on an error of fact.

7.3 Effective process. To be effective, the appeal process must include three elements:

7.3.1 Independence. To retain the trust of confidence of the athlete the appeal panel must not include – as a minimum – anyone involved in the original selection process, or anyone who has a conflict of interest. The recommendation is that the majority of the members of the appeal panel are independent⁵.

⁵ No current or previous relationship (personal, financial, membership) with the NGB, the athlete, or the athlete support personnel in question which could reasonably be perceived as a bias.

7.3.2 Speed. The process must be swift enough to allow for any selection decision to successfully be appealed within the entry cut-off time for the event in question. This must also include the time requirements for the BOA/BPA to confirm a nomination and for any associated appeal of that decision.

7.3.3 Finality. The process must be conclusive, binding all parties to the outcome and preventing any further opportunity for challenge.

7.4 Internal or external facilitation. The key decision for a NGB is whether to facilitate the appeal internally, or to use specialist external support. UK Sport awards funding to SRUK to provide access for affordable and independent sports specific dispute resolution services. SRUK is the leading provider of support in this area with over 15 years of experience involving 100 cases across 30 sports. More information on their services can be found in Section 12. NGBs are not required to use SRUK.

7.5 Powers. The NGB selection policy must set out the powers (actions/remedies) of an appeal panel, which are normally to:

7.5.1 confirm the original decision of the selection panel and reject the appeal; or

7.5.2 quash the original decision of the selection panel and refer the matter back to it, setting out the errors in the original decision.

7.6 Panel composition. Where NGBs decide to facilitate the appeal panel, the policy must set out how the panel members will be appointed and how conflicts of interest will be avoided.

7.7 Fees. The NGB shall decide whether an athlete is charged an administrative fee as a contribution to the appeal process, which is fully refunded if the appeal is successful. While charging a small fee (£100-£300) can deter vexatious and frivolous appeals, it is not a recommendation of this policy.

7.8 Further right of appeal. The policy should require all parties to be bound by the decision of the appeal panel, limiting further appeals.

8. Appeal Process

8.1 Recommended process. The recommended appeal process has two stages:

8.1.1 Stage 1 – Internal Review of the Appeal. An internal review of the appeal application - by a person who is independent of the selection process – to assess if the grounds for an appeal are met and where they are, the appeal proceeds to Stage 2.

8.1.2 Stage 2 – Appeal panel facilitated by NGB. On receipt of an appeal (or where a Stage 1 is required first and has been successful), the NGB convenes an Appeal Panel to consider the case. Ideally the majority of the Appeal Panel members are unconnected to the NGB at all, but as a minimum, people independent of the selection process that has gone

before. The panel considers evidence from the appealing athlete(s), the original selection panel, and any other potentially affected athletes that can be identified, generally through the submission of written statements but occasionally through a hearing. The decision of the NGB Appeal Panel is final and there are no further opportunities to appeal.

8.1.3 Stage 2 – Appeal Panel facilitated by externally. The NGB arranges in advance that an external body, such as SRUK, will handle its selection appeals. The appeal is either sent directly to a named contact at SRUK, or referred on following a successful Initial Stage 1 review by the NGB. SRUK then manages all aspects of the appeal and appoints a three-member panel from its list of approved and experienced independent arbitrators/panellists. The appeal normally involves the submission of written statements, but may involve a hearing if there are matters that can only be resolved by hearing from the parties. The decision of SRUK is final⁶.

8.2 Internal and external considerations. In deciding up which option to use, NGBs should consider the relative risks, benefits and costs of each, considering the following questions:

8.2.1 Does the NGB have access to suitably independent and expert individuals (such as solicitors, retired athletes etc.) to chair and/or act as members of their appeal panel so as to provide the desired independence and confidence in the process?

8.2.2 Does the NGB have the time and capacity to handle potentially complex and lengthy appeals, especially close to major events when key staff will be focused on athlete preparation?

8.2.3 As well as the financial costs, what are the reputational costs in the event of a poorly managed appeal or one that receives a high degree of public scrutiny?

8.3 Appeal process guide. It is recommended that NGBs produce a process guide to assist athletes, coaches and support staff in the appeals process, which includes:

8.3.1 Conduct of the appeal. How the process works, including all the key time limits and deadlines, whether parties are required to appear in person, whether they may be accompanied by a representative (legal or otherwise), and how the interests of any affected third party athletes will be handled.

8.3.2 Athlete support. The support that athletes will continue to receive during the appeal period (financial, welfare/pastoral/health and performance).

8.3.3 Communication and confidentiality. The policy will set out how and when the results of the appeal process will be communicated, and that the provisional decision of the selection panel will remain in place until the conclusion of the appeal process. Where legally permissible parties should be bound to keep all aspects of the appeal process confidential.

⁶ Under the terms of the 1996 Arbitration Act.

9. Olympic Games Specifics

9.1 **The British Olympic Association (BOA).** Director of Legal is the primary point of contact for all matters relating to Olympic nomination and appeals. The BOA's primary role in athlete nomination for an OG is to ensure that the agreed process between the NGB and BOA has been followed.

9.2 **Olympic Participation Agreement (Olympic Agreement).** The BOA enters into an Olympic Agreement with each NGB prior to each OG.

- The Olympic Agreement mandates that all NGBs are required to produce and provide selection and appeal policies for selection to the Olympic Games. The selection policies are required to reflect the Olympic Qualifying Standards agreed with the BOA (as agreed in the Olympic Agreement) as well as include any Olympic specific rules and regulations which may be introduced by the BOA and the International Olympic Committee from time to time.
- NGBs are to have a current, documented and generally widely communicated selection and appeals policy.
- Nomination of all athletes for OG is made by NGBs acting only in accordance with the agreed selection policy and the Olympic Agreement. The BOA's primary responsibility is to ratify nominations made by the NGB. However, in circumstances where the BOA is not satisfied that the process as set out in the selection policy and agreed in the Olympic Agreement has not been followed, it reserves the right to query and request additional information regarding the nomination.
- Whilst NGBs are required to provide the BOA with draft selection and appeal policies for BOA comments/guidance, the BOA does not formally approve NGB selection and appeal policies. These are strictly the responsibility of the NGB and where possible the NGB should seek external advice in ensuring the robustness of such policies. Where requested, the BOA's legal team are able to provide guidance on the policy.
- Each NGB is required to provide a final copy of the selection and appeal policies to the BOA for its records. Once published, no changes to the policy are permitted without the prior written consent of the BOA.

9.3 **OG nomination summary.** In summary, NGBs must:

9.3.1 agree OQS (upon release by the International Federation and International Olympic Committee) in a timely manner and if possible in advance of any qualifying window;

9.3.2 enter into Olympic Agreement with the BOA;

9.3.3 provide drafts of selection and appeal policies to the BOA for initial review and comments and seek independent legal advice on such policies, where possible;

9.3.4 provide BOA with final selection and appeal policies;

9.3.5 only amend the policy if the amendments have been approved and agreed with the BOA;

9.3.6 nominate athletes only in accordance with the selection policies and the timeline approved in the Olympic Agreement;

9.3.7 conduct any appeals in accordance with the policy provided to the BOA and in a timely manner so as not to impact overall selection by the BOA; and

9.3.8 if requested by the BOA, provide any additional documentation in relation to appeals in order to satisfy the BOA that the correct process has been followed.

10. Paralympic Games Specifics

10.1 **PG Invitation.** The invitation to participate in the PG comes solely to the BPA as the National Paralympic Committee for Great Britain and Northern Ireland. The BPA is responsible for selecting, preparing, entering, funding and managing Britain's Paralympic team (ParalympicsGB) at each Summer and Winter Paralympic Games. BPA's Head of Games Services is the primary point of contact for all matters relating to Paralympic nominations and appeals.

10.2 **Paralympic Qualification Protocol (PQP).** The BPA and each sport will agree and sign a sport-specific PQP establishing all aspects of the qualification and selection policies and processes for that sport for the Games. The PQP includes within it:

10.2.1 BPA's Qualification Strategy.

10.2.2 BPA's Games Qualification & Eligibility Handbook and Underlying Principles on Qualification, Selection & Eligibility.

10.2.3 IF/IPC Qualification Criteria.

10.2.4 Additional BPA/Sport Criteria.

10.2.5 Sport-Specific Selection & Appeals Policies (draft & final).

10.2.6 BPA Qualification Timeline.

Selection policies are required to reflect the Minimum Qualification Standards set by the IF/IPC and any additional standards agreed by BPA or the sport.

10.3 The selection and appeals policies are owned by the sport and whilst the BPA and/or other bodies may be consulted for advice and guidance on content, the final document is the sole responsibility of the NGB. The BPA recommends NGBs seek legal advice on the development and finalisation of these policies.

10.4 Nominations from NGBs to the BPA for selection to the ParalympicsGB team must be in accordance with the agreed selection policies and will be ratified by the BPA Qualification & Selection Panel (QSP). The BPA requests that a staff member sits on every sport selection meeting for the Games as an independent observer (non-voting) in order to ensure the policy is followed

and that nominated athletes meet the requirements set out in the sport-specific document. This process also allows for the BPA to recommend ratification of the sport nominations to the QSP.

10.5 The QSP has devolved responsibility from the BPA board to make decisions on its behalf and has the ability to challenge the nomination of any athlete if it feels that an athlete or staff nomination does not meet sport-specific selection criteria and/or is in breach of any principle outlined in the BPA Games Qualification & Eligibility Handbook.

10.6 **PG nomination summary.** In summary, NGBs must:

10.6.1 enter into a PQP Agreement with the BPA;

10.6.2 agree Qualification Standards with the BPA;

10.6.3 provide drafts of selection and appeal policies to the BPA for initial review and involve the athletes and staff in the process;

10.6.4 provide the BPA with final selection and appeal policies (having subjected them to legal review);

10.6.5 share final selection and appeal policies with athletes and staff;

10.6.6 invite BPA observer to attend selection panels;

10.6.7 nominate athletes in accordance with NGB selection policy; and

10.6.8 conduct any appeals in accordance with their published policy and in a timely manner so as not to impact overall selection by the BPA.

Further information is available in the BPA Games Qualification and Eligibility Handbook. Please contact Phil Smith philip.smith@paralympics.org.uk for more information.

11. The British Athletes Commission (BAC)

11.1 The BAC represents elite athletes in WCPs, in particular providing World leading advice, guidance, support and mediation service to athletes with a dispute during the selection process. The BAC's approach with all its stakeholders is one of collaboration to ensure fairness, openness and transparency. Through working with NGBs the BAC can help with the following areas of selection and selection appeals:

11.1.1 drafting and reviewing selection policy, providing the athletes' perspective;

11.1.2 communicating policy to athletes and dealing (in confidence) with any concerns that they may have; and

11.1.3 subject to availability, acting as an independent observer during the selection process and any appeals.

11.2 Confidential, independent advice and support for athletes. The BAC is always balanced in its advice to athletes and if it feels there are no grounds for appeal it will say so, and it often helps if athletes hear this from an independent party. The BAC can help athletes prepare for an appeal by sourcing and briefing legal advice and providing support up to, during and after an independent hearing.

11.3 Pro-bono legal advice for athletes

- In the interest of fairness and in order that athletes can present their case properly, the BAC can refer WCP athletes, and members of the BAC, to SRUK to access pro-bono legal advice and support. SRUK maintains a panel of expert sports lawyers who may be willing to assist BAC members with selection disputes or appeals.
- The BAC and SRUK take no responsibility for any advice given or any arrangement made between an individual and any legal advisor. The BAC, however, can offer pastoral end-to-end support to the athlete before, during and after any legal process.

11.4 Model Clause. The BAC recommends, the following clause is inserted into NGB selection policies so that all WCP athletes are aware of the independent, confidential advice and support available through the BAC, during the selection process, dispute or appeal.

“The British Athletes Commission (BAC), provides independent, confidential advice and support to World Class Performance athletes and BAC members, with the selection process, disputes and appeals.

The BAC is always balanced and independent in its advice to athletes and if it feels there are no grounds for appeal, it will say so. The BAC offers pastoral and emotional support, throughout any process as well as referring athletes to Sports Resolution UK (SRUK) to request pro-bono legal advice if necessary.

Please contact the BAC at admin@britishathletes.org or call 0203 126 4270.”

11.5 Further advice and information.

- Email: admin@britishathletes.org
 - Tel: 0203 126 4270
 - Web: www.britishathletes.org
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12. Sport Resolutions UK (SRUK)

12.1 SRUK is the leading provider of independent athlete selection and eligibility appeals services in the UK. In last 15 years it has helped NGBs to resolve over 100 such disputes across 30 sports prior to Olympic, Paralympic and Commonwealth Games and World and European Championships. The advantages of resolving selection disputes through SRUK are that it:

- 12.1.1 ensures all parties have confidence in the fairness of the process;
- 12.1.2 ensures a final and binding resolution to the dispute;
- 12.1.3 avoids the risk of court-based litigation;
- 12.1.4 provides a speedy and robust mechanism for case management of appeals;
- 12.1.5 ensures the appeal is heard by an independent and competent panel; and
- 12.1.6 demonstrates effective governance and transparency in decision-making.

12.2 **How to refer an appeal to SRUK.** All parties to a selection dispute must consent to the matter being referred to SRUK for final and binding arbitration. Consent is normally achieved in one of two ways:

- 12.2.1 the NGB selection policy, which all athletes should consent to and be bound by, includes an appeals clause which provides for the appeal to be referred to SRUK for final and binding arbitration; or
- 12.2.2 the parties to the selection dispute (i.e. NGB and affected athlete) agree in writing to submit the matter to SRUK for final and binding arbitration.

12.3 **Model Clause.** The following model appeal arbitration clause should be inserted into NGB selection policies (or ad hoc written agreements) to confer jurisdiction on SRUK.

Any appeal shall be made within [insert number of days] days to a [sole arbitrator/tribunal of [three] arbitrator(s)] appointed in accordance with the Arbitration Rules of Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd – Company No. 3351039). The Appeal shall be governed by the Arbitration Act 1996 and Sport Resolutions (UK)'s Appeal Arbitration Rules, which Rules are deemed to be incorporated by reference to this clause. The decision of [the sole arbitrator/tribunal] shall be final and binding on all concerned.

The main advantage of including the above model clause within an NGB selection policy is that it provides certainty and clarity from the outset. No time is lost deciding who will hear the appeal and how the appeal will proceed.

12.4 Case management. SRUK case manages appeals in accordance with its Appeal Arbitration Rules, which work in tandem with any appeal provisions made in the NGB selection policy. This means, for example, that the NGB is free to specify its own appeal criteria, timescale, number of arbitrators and how the costs of the appeal are to be met. Where the NGB appeal procedure does not provide for a given eventuality or is silent on a particular issue, the parties can fall back on Sport Resolutions' Appeal Arbitration Rules. The Appeal Arbitration Rules are also flexible enough to allow for the parties to vary any of its provisions by mutual consent.

12.5 Services provided by SRUK. SRUK provides a comprehensive service, which includes:

12.5.1 full administration of the appeal;

12.5.2 appointment of an arbitrator(s) from Sport Resolutions' list of arbitrators with expertise in athlete selection & eligibility;

12.5.3 case management support and guidance for all parties in accordance with the NGB regulations and Sport Resolutions' Appeal Arbitration Rules;

12.5.4 provision of case directions which set out the timetable and procedure to be followed during the appeal;

12.5.5 active case management to ensure that the appeal is concluded within the agreed timescale;

12.5.6 organisation and management of the hearing;

12.5.7 support for the parties on the day of the hearing;

12.5.8 provision of a purposefully designed neutral hearing venue and facilities; and

12.5.9 drafting and distribution of a detailed written decision with reasons.

12.6 Costs. SRUK is a not-for-profit organisation which aims to provide affordable and accessible services to NGBs of all sizes and budgets. Costs will depend on a number of factors such as whether the matter is to be decided on the papers or by way of an in-person hearing; the number of arbitrators on a panel; and the complexity of the issue. As a general guide appeals:

12.6.1 based on the papers (without an in person hearing) will be c£1,000; and

12.6.2 requiring an in-person hearing will cost between £1,000 and £3,500.

Costs include administration of the appeal, arbitrator fees and exclusive use of Sport Resolutions' arbitration centre to host the hearing (where required). Additional fees will be charged for any additional hearing days required over and above a full day hearing and for any travel expenses incurred by the arbitrator(s) or Sport Resolutions' staff.

12.7 Provision of Panel Members. Sport Resolutions retains a list of legally qualified arbitrators who have experience of chairing athlete selection appeals. Sport Resolutions also retains a list of arbitrators with experience of high-performance sport to sit as panel members (independent advisers).

12.8 Free Advice Helpline. SRUK offers free neutral, independent telephone and email advice on practical options for resolving sports disputes:

- **Call** 020 7036 1966
- **Email** resolve@sportresolutions.co.uk

12.9 Pro bono legal advice. SRUK is a neutral and independent body that does not itself give legal advice. In terms of fairness, however, it is always preferable for all parties in a dispute to receive legal support and advice in order to present their case properly. SRUK maintains a list of expert sport lawyers who may be willing to assist individuals of limited financial means before SRUK panels and other NGB tribunals. Whilst SRUK holds this list and may put individuals in touch with relevant legal advisers if so requested, SRUK takes no responsibility for any advice given or arrangement made between an individual and any legal adviser.

12.10. Further information. For further information, or to access any of the services described above contact: rharry@sportresolutions.co.uk or visit www.sportresolutions.co.uk

13. Legal Panel Framework

13.1 Sport England, the Sport and Recreation Alliance, Sport Wales and UK Sport have jointly established a framework panel of law firms to provide legal services to NGBs. The Legal Panel Framework aims to make it easier for NGBs to identify and gain access to high quality legal firms which understand the sport and recreational sector and are able to offer competitive rates. Further details are at: [LPF webpage link](#)

13.2 The producers of this Policy will not be held liable for any relationship between NGBs and the firms they take up; or any contribution or subsidy towards the legal fees incurred by NGBs using the firms. The client/solicitor relationship is between the NGBs and the firms and it is the NGB's responsibility to meet the fees agreed with the firm they instruct. Use of these firms is purely optional and does not preclude any existing relationships.
