



UK SPORT FUNDING ELIGIBILITY POLICY

Effective: 15 October 2025

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PART A – FUNDING 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 determine eligibility for 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 review individual cases and determine their eligibility for Public Funding and/or Publicly Funded Benefits.

The Eligibility Panel is not authorised to make performance related decisions related to 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.

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.

This version of the Eligibility Policy and associated processes shall apply to any alleged breaches notified to or discovered by UK Sport on or after the Effective Date on page one (regardless of when the alleged breach occurred).

3. ESSENTIAL REQUIREMENTS FOR FUNDING ELIGIBILITY

Athletes and ASPs are only eligible to receive Public Funding and/or Publicly Funded Benefits if they meet the essential requirements set out in Part A, 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 Part A, paragraph 3.3) 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 IN THE SPORT FOR REASONS OTHER THAN ANTI-DOPING**

The Athlete or ASP must not be serving a Period of Ineligibility in their sport as an outcome from the completion of a disciplinary process for reasons other than anti-doping. If the Athlete or ASP is serving a Period of Ineligibility, in their sport, 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 IN THE SPORT FOR REASONS OF ANTI-DOPING**

The Athlete or ASP must not be serving a Period of Ineligibility in their sport for an Anti-Doping Rule Violation. If the Athlete or ASP is serving a Period of Ineligibility for an Anti-Doping Rule Violation, UK Sport shall automatically deem them to be ineligible to receive Public Funding and/or Publicly Funded 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 eligible to receive Public Funding and/or Publicly Funded Benefits until they have complied with any sanction set by a previous Eligibility Panel.

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

PART B – BREACHES

1. AUTOMATIC BREACHES

Part B, paragraph 1 outlines automatic breaches of the Eligibility Policy that may be triggered in circumstances where an Athlete or ASP is in receipt of Public Funding and/or Publicly Funded Benefits. If a court, tribunal, arbitration body, NGB, International Federation or any other relevant body finds that the Athlete or ASP has committed an offence under any applicable law, rule or regulation which in the reasonable opinion of UK Sport would also constitute a breach of any part of Part B, paragraph 1 this shall be deemed an automatic breach of the Eligibility Policy. The Eligibility Panel may then impose sanctions as outlined in Part B, paragraph 4.

1.1 CRIMES

An Athlete or ASP who has an unspent conviction⁵ for a criminal offence in the United Kingdom (or under legislation in a foreign jurisdiction) as defined by the Rehabilitation of Offenders Act 1974, Rehabilitation of Offenders (Northern Ireland), or equivalent legislation in a foreign jurisdiction⁶, will be in automatic breach of this Policy.

1.2 ANTI-DOPING RULE VIOLATION

1.2.1 Where an Athlete or ASP is charged for an Anti-Doping Rule Violation, UK Sport reserves the right to automatically suspend Public Funding and/or Publicly Funded Benefits pending the outcome of the proceedings, in accordance with paragraph 3.3.2 of the National Anti-Doping Policy.

1.2.2 Where an Athlete or ASP receives a Period of Ineligibility for an Anti-Doping Rule Violation, UK Sport reserves the right to mirror the suspension or Period of Ineligibility in their sport in accordance with paragraph 3.3.4 of the National Anti-Doping Policy. This criterion applies to an Athlete or ASP's doping conduct from 1 January 2002⁷.

1.2.3 Notwithstanding the foregoing provisions of paragraphs 1.2.1 and 1.2.2, Publicly Funded Benefits may be provided to an Athlete or ASP who is subject to a charge brought in respect of an Anti-Doping Rule Violation or serving a Period of Ineligibility, where UK Sport has legitimate concerns to their wellbeing, in line with paragraph 3.3.5 of the National Anti-Doping Policy.

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

A Period of Ineligibility imposed on the Athlete or ASP by an authorised body (including but not limited to an NGB or International Federation) for breaches of rules on Betting, Corrupt Conduct or Match-Manipulation will be considered an automatic breach of this Policy.

1.4 INTENTIONAL MISREPRESENTATION OF CLASSIFICATION

An Athlete or ASP who has been suspended, sanctioned, or given a Period of Ineligibility for intentional misrepresentation of classification by an authorised body (including but not limited to an NGB or International Federation) will be in automatic breach of this Policy.

2. NON-AUTOMATIC BREACHES

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

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.

Part B, paragraph 2 outlines breaches of the Eligibility Policy that may be triggered in circumstances where an Athlete or ASP is in receipt of Public Funding and/or Publicly Funded Benefits. If a court, tribunal, arbitration body, NGB, International Federation or any other relevant body finds that the Athlete or ASP has violated any applicable law, rule or regulation and UK Sport reasonably concludes that this constitutes a breach of Part B, paragraph 2, UK Sport may consider this to be a breach of the Policy, and initiate the process in Part C. The Eligibility Policy may also be triggered and the process in Part C initiated without relying on a finding of another body where UK Sport reasonably concludes there to have been a breach under Part B, paragraph 2.

2.1 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.

2.2 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 (including, but not limited to, the British Elite Athletes Association or Sport Integrity).

2.3 FALSE STATEMENTS, DECLARATIONS AND DISCLOSURE

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, the Athlete or ASP has:

- 2.3.1 knowingly or recklessly made false statements to UK Sport; and/or
- 2.3.2 failed to make full and fair disclosure to UK Sport.

2.4 NON-COMPLIANT COMPETITIONS OR EVENTS

Where an Athlete or ASP has:

- 2.4.1 promoted, supported or publicly encouraged participation in a Non-Compliant Event, in any capacity;
- 2.4.2 announced, contracted or otherwise indicated their intention to participate, in any capacity, in a Non-Compliant Event;
- 2.4.3 participated, in any capacity, in a Non-Compliant Event; or
- 2.4.4 supported (e.g., as a coach, trainer, manager, training partner, doctor, or physiotherapist) any other person in their preparation for and/or participation in a Non-Compliant Event.

3. TEMPORARY SUSPENSION OR EXCLUSION⁸

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

- 3.1 Where an Athlete or ASP receives a temporary suspension or exclusion from their sport by the NGB, International Federation, the BOA, the BPA, the IOC, the IPA or other relevant sporting body, UK Sport reserves the right to automatically suspend Public Funding and/or Publicly Funded Benefits pending the outcome of the proceedings. The decision will be taken by an Eligibility Panel Chair.
- 3.2 When a temporary suspension or exclusion under paragraph 3.1 is being considered by UK Sport, the UK Sport Secretariat will invite the Athlete or ASP to provide written submissions (supported by evidence) for consideration by an Eligibility Panel Chair. The submissions must be limited to the question of whether invoking the right to automatic suspension or exclusion would cause legitimate welfare concerns or serious economic hardship. In response to such representations, the Chair may, in exceptional circumstances, choose not to suspend Public Funding and/or Publicly Funded Benefits.
- 3.3 If it is decided that no breach or violation of the rules of their sport or criminal offence has been committed, UK Sport will, absent of exceptional circumstances, promptly remit any suspended Publicly Funded payments to the Athlete or ASP. This will be done as soon as practically possible after the decision, but without payment of any interest or other compensation for delayed payment. Additionally, access to any relevant Publicly Funded Benefits will be reinstated.
- 3.4 If it is decided that a breach of the Eligibility Policy has occurred and a Period of Ineligibility is imposed, UK Sport will retain the suspended payments for the duration of the suspension or exclusion.
- 3.5 When an Athlete or ASP is subject to a temporary suspension or exclusion by their NGB, due to an on-going criminal investigation, either pre or post charge, and the Athlete or ASP intends to contest the allegation or charge, the decision to withdraw their eligibility for 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 does not intend to contest an allegation or charge of a criminal nature, the case will be referred to the Eligibility Panel in accordance with Part C.

4. ELIGIBILITY PANEL SANCTION POWERS

- 4.1 Under this Policy, all decisions shall be made by the UK Sport Eligibility Panel in accordance with the procedures set out in the Rules of Procedure (see Part C) and in accordance with the Sanction Guidelines (see Part F). The Eligibility Panel has the power to:
- 4.1.1 issue a written warning which will be considered in any future conduct decisions made against the Athlete or ASP;
 - 4.1.2 require the Athlete or ASP to issue an apology for their breach;
 - 4.1.3 retain any payments which have been withheld during any period of suspension;
 - 4.1.4 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
 - 4.1.5 seek repayment of all or part of any Public Funding and/or Publicly Funded Benefits provided to the Athlete or ASP during the period they were in breach of this Policy⁹.

The Eligibility Panel may suspend any sanction, or part of any sanction, for a specified time period or subject to any relevant conditions as it sees fit.

5. REVIEW AND FORMAT

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

UK Sport reserves the right to amend this Policy periodically and ensure the latest version is available on the UK Sport website (<https://www.uksport.gov.uk/resources/integrity-and-safeguarding>).

If you require this policy in another format, Welsh or another language please contact the UK Sport Secretariat.

PART C – 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 fairly apply this Policy to determine whether an Athlete or ASP is ineligible for funding, and exercise the powers set out in Part B, paragraph 4 of the Policy.
- 1.2 The Eligibility Panel fully delegates decision-making to the Case Management Team for all matters that fall within Part A, paragraph 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.
- 1.4 The purpose of Part C is to ensure that, before deciding what action to take, the Athlete or ASP (or their representatives) is given a fair opportunity to present their case to the Eligibility Panel. This includes addressing 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 B, paragraph 4 of the Policy for a period of time that they deem appropriate after giving the Athlete or ASP the opportunity to provide any comments. If the decision is deferred, the Eligibility Panel will 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 any consequences arising from their conduct. It is not within the Eligibility Panel's authority to determine performance related 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 of Procedure set out in Part C apply to the Eligibility Panel and not the Appeals Panel. The rules governing the Appeals Panel are set out in Part E.

2. CASE MANAGEMENT TRIAGE PROCESS

- 2.1 Upon the notification or discovery of a potential breach of the Eligibility Policy, the UK Sport Secretariat will gather documentation and evidence from the relevant organisations. The Case Management Team will then review this information to determine whether there is a potential breach of this Policy.
- 2.2 A quorum of three members of the Case Management Team is required to determine a valid outcome and decisions will be made on a majority basis. All outcomes of the Triage Process by the Case Management Team shall be recorded and stored by the UK Sport Secretariat on the Case Management Tool and may be shared with the relevant NGB.
- 2.3 In making its decision, the Case Management Team shall consider:
 - 2.3.1 the severity of the potential breach;
 - 2.3.2 the proportionality of the potential breach and Eligibility Policy processes;
 - 2.3.3 the evidence available; and
 - 2.3.4 the actual or likely public interest.
- 2.4 The potential outcomes from the Triage Process are:

- 2.4.1 no further action by UK Sport;
 - 2.4.2 invite the Chair to implement a temporary suspension of Public Funding and/or Publicly Funded Benefits;
 - 2.4.3 invite the Chair to initiate the Summary Procedure;
 - 2.4.4 invite the Chair to have the Eligibility Panel determine the matter based on the documentation alone;
 - 2.4.5 refer the matter for a full Eligibility Panel hearing;
 - 2.4.6 defer the decision until receipt of further information or applicable processes are concluded.
- 2.5 If the outcome of the Triage Process is that the Chair is invited to have the Eligibility Panel determine the matter based on the documentation alone in accordance with paragraph 2.4.4 above, the Athlete or ASP will be invited to either agree with that route or make a representation that the case is referred to a full Eligibility Panel hearing.

3. SUMMARY PROCEDURE

- 3.1 Where the Case Management Team refers the matter to the Chair under Part C, paragraph 2.4.3, the Chair shall consider whether to initiate the Summary Procedure after receiving the document case bundle. 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 reconsideration. If the Chair decides to proceed with the Summary Procedure, they will either hear the case themselves or may appoint another Chair to do so.
- 3.2 After the Chair's decision to follow the Summary Procedure, the UK Sport Secretariat will write to the Athlete or ASP to:
- 3.2.1 provide them with the document case bundle that was shared with the Chair;
 - 3.2.2 ascertain if they object to their case being considered under the Summary Procedure or if they wish for it to be heard at a full Eligibility Panel hearing; and
 - 3.2.3 if they agree to the Summary Procedure, invite them to provide written representations for the Chair to consider as part of their case.
- The Athlete or ASP will have ten (10) working days from the date of the notification letter to respond to the UK Sport Secretariat.
- 3.3 If it has been agreed that the Summary Procedure process will be initiated, the Chair will decide if there has been a breach of the Policy and, if so, determine the appropriate sanction and if the outcome should be published. The only sanctions available to a Chair under the Summary Procedure are:
- 3.3.1 a written warning (which can be considered by future Eligibility Panels for a period of time to be determined by the Chair); and/or
 - 3.3.2 a written apology by the Athlete or ASP.
- 3.4 Having made a decision under 3.3 above, the Chair will instruct the UK Sport Secretariat to write to the Athlete or ASP establishing whether they:
- 3.4.1 admit to the potential breach; and
 - 3.4.2 agree to the sanction proposed by the Chair.

- 3.5 The Athlete or ASP will have ten (10) working days from the date of the outcome letter to respond to the UK Sport Secretariat. If an Athlete or ASP does not:
- 3.5.1 respond to the proposal within the specified timeframes or does not co-operate fully with the Chair;
 - 3.5.2 admit the potential breach; or
 - 3.5.3 agree to the proposed sanction,

then the matter will be referred to the Eligibility Panel for: i) consideration on the documentation alone; or ii) a full hearing. In such circumstances, the individual who has acted as Chair during the summary procedure will not participate in any subsequent Eligibility Panel hearing or decision.

4. NOTICES AND SERVICE

- 4.1 All notices and communications under this Policy shall be sent by email to the email 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 directed to such representative.
- 4.2 Deemed date for service of documents shall be either (i) the next Working Day if the email is sent on a non-Working Day or after 5:00pm (GMT) on a Working Day; or (ii) 5:00pm (GMT) on the same Working Day if the email is sent before 5:00pm. All communications under this Policy will be sent exclusively via email.
- 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 will provide the Eligibility Panel and the Athlete or ASP with all information and documentation it intends to rely on or take into consideration when making its decision. In its correspondence, UK Sport will specify the proposed date for the Eligibility Panel hearing and the deadline by which the Athlete or ASP must submit their written submission to the UK Sport Secretariat. The Athlete or ASP must treat all information provided by UK Sport as confidential. All documents that the Eligibility Panel will rely upon in the Eligibility Panel hearing will be shared by the UK Sport Secretariat with the Athlete or ASP and the Eligibility Panel members at least ten (10) Working Days before the hearing.
- 5.2 The Athlete or ASP may submit a written submission to the UK Sport Secretariat up to five (5) Working Days prior to the agreed Eligibility Panel hearing, unless an extension is granted by the Chair. The written submission may include any arguments and/or evidence in support of their position regarding the funding eligibility criteria set out in this Policy, including but not limited to: supporting documentation or evidence; witness statements or character references from their NGB or other parties; or expert evidence.
- 5.3 If the Athlete or ASP cannot attend the Eligibility Panel hearing on the proposed date, they must provide alternative dates of availability, including those of any witnesses, experts and/or representatives. Attendance need not be in person, but can be by video or telephone, and this should be set out when details are provided. Subject at all times to Part C, paragraph 5.4, the Eligibility Panel will fix a date that takes into account such availability, while also minimising delays.
- 5.4 In accordance with any outcomes from Part C, paragraph 5, the Eligibility Panel will hold its hearing on the agreed date. Subject to receipt of the Athlete's or ASP's written submission

under Part C, paragraph 0, the Athlete or ASP shall have the right to attend the Eligibility Panel hearing to make oral representations, to question witnesses and experts and to ask questions of the Eligibility Panel.

- 5.5 Within ten (10) Working Days of the Eligibility Panel hearing, the Eligibility Panel shall make its decision and notify the Athlete or ASP of the decision in writing, including the right to appeal in accordance with the Appeal Rules. The decision will include clear reasons to ensure that the Athlete or ASP understands the basis for the decision. If summary reasons cannot be provided immediately, detailed reasons should be provided within a reasonable time.
- 5.6 In the event an Eligibility Panel hearing date cannot be agreed under Part C, paragraph 5.3, due to the unavailability of the Athlete or ASP, the Eligibility Panel may proceed to make a decision no earlier than 12 weeks after deemed service of the notice.

6. CONFIDENTIALITY

- 6.1 All submissions, including supporting documents, evidence, statements and related materials, must remain confidential. However, this confidentiality requirement does not prevent the Eligibility Panel from referencing these materials in its written decisions or in the publication of any decision in accordance with Part C, paragraph 11.
- 6.2 Any person who attends a hearing that is conducted in private must respect the privacy and confidentiality of the hearing, including all evidence, 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 that fall within the expert's area of expertise.

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., it is 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 determined at the discretion of the Eligibility Panel. The Eligibility Panel is not 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 a body such as, but not limited to, a court, tribunal, NGB, investigatory, regulatory or arbitration body may be relied upon in the application of this Policy as proof of an act, omission or comment being committed or made by an Athlete or ASP.

9. HEARINGS AND DECISIONS

- 9.1 Eligibility Panel hearings will be conducted in private. In addition to the Eligibility Panel members, the Athlete or ASP along with a reasonable number of their assistants, representatives, witnesses, or experts may attend. The Case Management Team may also attend. However, as stated under Part C, paragraph 9.4, all decisions shall be made solely by the members of the Eligibility Panel.
- 9.2 The Athlete or ASP is permitted to have assistance or representation by individuals of their choice. If oral evidence (i.e., witness or expert evidence) is presented, 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 hearing on their behalf as a representative, witness, or expert, at least five (5) Working Days before the hearing.
- 9.4 Unless the Chair is acting alone, the Eligibility Panel shall reach its decision by simple majority. All such decision will be announced, interpreted, and construed as official decisions of UK Sport. The reasons provided for decisions will not include references to any minority opinions or dissenting views. 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 ten (10) Working Days after the decision, the Chair shall produce written reasons for the Eligibility Panel's findings, including any relevant sanctions. These written reasons will be shared with the UK Sport Secretariat and Eligibility Panel members. The UK Sport Secretariat will then communicate the decision to the Athlete/ASP and their NGB.
- 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 Where the Eligibility Panel determines that a breach of the Eligibility Policy has occurred, the Eligibility Panel may, at its sole discretion, elect 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 imposed. No publication shall 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 factors such as the nature of the breach, the age and experience of the Athlete or ASP, the public interest in the breach, any confidentiality concerns, the impact on other authorities' processes and other relevant factors, including safeguarding.
- 11.3 Where the Eligibility Panel has determined that no breach has been committed, 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 UNITED KINGDOM SPORTS INSTITUTE AND NGBs

- 12.1 When the Eligibility Panel make a decision to impose a sanction on an Athlete or ASP, it must also determine whether UK Sport should notify UKSI on the outcome of the case. The purpose of any notification is to ensure that the Athlete or ASP cannot access Publicly Funded Benefits via UKSI. No notification shall 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 UKSI, the Eligibility Panel should consider whether the decision impacts on UKSI's provision of services to an Athlete or ASP, for example where a period of

funding ineligibility has been imposed. The Panel should also consider whether the case concerns a safeguarding issue.

- 12.3 UK Sport is entitled to inform funded NGBs if an ASP they may wish to employ has had a period of funding ineligibility imposed upon them from the Eligibility Panel.

13. PUBLIC STATEMENTS

- 13.1 Without prejudice to any of the foregoing, UK Sport may, with prior notice to the Athlete or ASP, issue a short statement in response to a request for information (whether from a media outlet or otherwise). This statement may indicate 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 if such an appeal has been made, until such time as it is determined or withdrawn.

PART D - ELIGIBILITY PANEL TERMS OF REFERENCE

1. MEMBERSHIP

- 1.1 The UK Sport Board shall appoint an Eligibility Panel which consists of:
 - 1.1.1 legally qualified independent Chairs;
 - 1.1.2 independent members with experience in areas such as elite performance, safeguarding, sports science and sports medicine and/or coaching; and
 - 1.1.3 UK Sport Board members.
- 1.2 The independent legally qualified Chairs will serve as the Chair of the Eligibility Panel on a rotating basis, subject to their availability.
- 1.3 Appointments to the Eligibility Panel shall be for a term of up to four (4) years, which may be extended for an additional four (4) year term, subject to reappointment by the UK Sport Board and provided the independent members remain 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 submitted document (on the papers) or through the summary procedure;
 - 2.1.2 determine questions of procedure and set timelines;
 - 2.1.3 decide, due to special circumstances, that it is in the interests of all parties to conduct the Eligibility Panel hearing in a manner that significantly deviates from the procedure set out in the Eligibility Rules or the Case Management Process. This may include, for example, the need to significantly shorten or extend the deadlines prescribed by this Eligibility Policy. 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 temporarily suspend an athlete or ASP to the Case Management Team.

3. QUORUM

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

4. UK SPORT SECRETARIAT

- 4.1 The UK Sport Secretariat will record key decisions and action points from the hearing, 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, including any recommendation on sanctions if appropriate, to the Eligibility Panel. They shall not be present at any deliberations of the Panel where the Athlete or ASP is excluded.

6. FREQUENCY OF HEARINGS

- 6.1 The Eligibility Panel shall meet at the request of the UK Sport Secretariat.

7. ATTENDANCE AT HEARINGS

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

8. NOTICE OF HEARINGS

- 8.1 Unless otherwise agreed, notice of each hearing 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 five (5) Working Days before the date of the hearing.

9. REPORTING RESPONSIBILITIES

- 9.1 The Eligibility Panel shall make whatever recommendations to the UK Sport Integrity Team it deems appropriate on any area within its remit where action or improvement is needed.

10. OTHER

- 10.1 The Eligibility Panel shall review its own performance and these Terms of Reference at least once a year to ensure it is operating effectively. It may recommend any changes it considers necessary to UK Sport Board for approval.
- 10.2 The members of the Eligibility Panel are entitled to meet without any UK Sport employees being present to review and discuss the Panel's role and operation.

PART E – 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 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 that the Appeal Panel and its members remain 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 related matters such as determining an Athlete’s position on a WCP (i.e. the Appeal Panel cannot determine if an Athlete is to be a podium or podium potential Athlete), nor does it determine 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 Part B, paragraph 4, 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 Part E, paragraph 1.7, the Appeal Panel shall generally be made up of three (3) 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 legally qualified individuals.
- 1.5 None of the Panel Members shall have any connection with the parties involved 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 arbitrator, they shall be drawn from a SRUK list of legally qualified individuals. In this context, all references in these Appeal Rules to the “Chair” shall mean the sole arbitrator unless otherwise indicated.
- 1.7 The Appeal Panel shall be constituted as an Arbitration Panel, as governed by the Arbitration Act 1996 and, the seat of arbitration will be in London. The Appeal shall be conducted in accordance with English law.
- 1.8 Hearings shall generally take place 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 an alternative location and issue the appropriate directions related to such hearing (including location, telephone and video link).

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

2. REQUEST FOR APPEAL

- 2.1 The Appellant must submit a written request for an appeal to SRUK 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 indicating 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 related to the decision, such as the notice provided to the Appellant, the statement of eligibility provided to UK Sport and any 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 Part E, paragraph 2.1, are not fully satisfied when the Request for an Appeal is filed with SRUK, SRUK may grant a reasonable extension to the Appellant's deadline. If the Appellant fails to meet that deadline, SRUK shall not, absent of exceptional circumstances, proceed with the Appeal. Requests for extensions under this Part E, Paragraph 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 Part E, paragraph 2.3 applies, only the Chair of the Appeal Panel may decide if an Appeal may proceed, and the Appeal process shall be paused until the Chair is appointed in accordance with Part E, paragraph 3.
- 2.5 Within five (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 ten (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. After confirming their availability, SRUK 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 five (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 (or, if the Chair or sole arbitrator is being challenged, the SRUK's Chief Executive) shall decide on the challenge. If necessary, SRUK will be requested to nominate a replacement.
- 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 the majority of the Appeal Panel believes that a Panel Member has refused or failed to comply with the Appeal Rules or any applicable law relating to the Appeal, or the decision-making process, having been given a reasonable opportunity to do so, the other Panel Members may apply to the Director of SRUK for his/her removal. 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, provided that SRUK and the Appeal Panel receive copies of all communications.
- 4.2 All communications shall be sent by email to the parties at the addresses notified to SRUK.
- 4.3 The deemed date for service of documents shall be either: (i) 5pm (GMT) on the same day when sent by email on a Working Day before 5pm (GMT), 5pm (GMT) on the next Working Day if sent after 5pm or on a non-Working Day.
- 4.4 A party's email address shall be considered a valid address for any notice or other communication unless a change to such address has been communicated to all parties and to SRUK.
- 4.5 To calculate any period of time under the Appeal Rules, the period shall begin 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. The Appeal Panel may issue any order for directions it deems 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 do not limit the Appeal Panel's power to conduct the Appeal in accordance to its discretion.
- 5.2 Unless otherwise agreed or decided under Part E, paragraph 5.1, the parties shall make written submissions to the Appeal Panel as follows:
- 5.2.1 the Appellant shall, within ten (10) Working Days of service of notification from SRUK of the appointment of the Panel Member, file a statement of claim. This statement should set 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. It should also state how the Appellant is 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. The Response should set out 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. It should also include 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 make a determination.
- 5.3 The time limits set out in Part E, paragraph 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 there is a bona fide need for an expedited decision. In the absence of specific agreement, the Chair may, upon 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. The Chair shall decide whether to call a hearing, or to offer 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 Part E, paragraph 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 Appellant's conduct has breached the Policy or that the decision being appealed should stand.
- 6.3 All questions concerning the admissibility of evidence shall be determined at the discretion of the Appeal Panel. 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 has absolute discretion to admit or refuse any evidence provided by any party whether or not that evidence was presented to the Eligibility Panel. The Appeal Panel may also adjourn the proceedings to consider new evidence if it deems this 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 Part E, paragraph 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 provide the parties with as much notice as practicable.
- 7.3 All hearings shall be in private, and proceedings shall remain 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. Each party shall have a reasonable opportunity 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. If oral evidence (i.e. witness or expert evidence) is heard, it must be 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, assistant or carer present.

- 7.6 If an Appellant fails to attend a hearing, whether in person or by video link, internet or telephone, at the scheduled date and time, and an Adjournment is not granted, then UK Sport may apply to the Appeal Panel to:

7.6.1 decide the appeal in the absence of the Appellant; or

7.6.2 consider the appeal as 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 required by the Appeal Panel, each party shall provide a signed summary statement of their expected testimony, including the subject matter and content of the evidence on which such witnesses will rely 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, after notifying the parties who shall have the right to object, appoint one or more experts to submit a written report to the Appeal Panel on specific issues. The Appeal Panel may require a party to provide the expert with relevant information or to produce, or to provide access to, any documents, goods or property relevant for the expert's inspection. The costs of the expert shall be shared equally by the parties, unless agreed otherwise.
- 8.4 The Appeal Panel may, unless the parties agree otherwise, 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 testimony. The Appeal Panel may also require an expert witness to attend the hearing for questioning by Appeal Panel or the parties. The parties may present other expert witnesses 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 sanctions set out at Part B, paragraph 4, and will consider the sanction guidelines in Part F.
- 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 vote unless the Chair is acting as sole arbitrator. No Panel Member may abstain from reaching a decision. The Appeal Panel shall not disclose to any party whether a decision and/or recommendation was made 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 is 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 remain confidential.
- 9.6 Without prejudice to Part E, paragraphs 7.3 and 9.5, UK Sport may, with prior notice to the Athlete or ASP, issue a short statement in response to a request for information (whether from a media outlet or otherwise). This statement may indicate 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. However, UK Sport may request an order for reimbursement of costs, and the Appeal Panel has the authority to issue such orders.
- 10.2 UK Sport will not reimburse the Appellant for any costs incurred, including those of any representative, witnesses, or assistants, in connection with the Appeal.

11. GENERAL RULES

- 11.1 If a party proceeds with an Appeal despite a provision or requirement of these Appeal Rules not being complied with, and fails to promptly state its objection, that party shall be deemed to have waived its right to object.
- 11.2 These Appeal Rules shall be governed by the laws of England and Wales.

PART F – 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 sanctions 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 these guidelines is to promote consistency in decision-making wherever possible. However, a guideline cannot account for every situation or circumstance and therefore the Eligibility Panel (i) retains the ultimate discretion for imposing the sanction that they deem appropriate, bearing in mind all the circumstances of the case, and (ii) may consider, but not bound by sanctions imposed in similar cases.

2. TYPES OF SANCTION

- 2.1 The sanction powers of the Eligibility Policy are set out in Part B, paragraph 4.
- 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. These conditions might include, but is not limited to, requiring the Athlete or ASP to undertake a rehabilitative course relevant to the breach and aimed 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 the following:
 - 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 incident 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, in accordance with UK Sport's responsibility as a Sports Council under the National Anti-Doping Policy.
- 3.3 Assessing the culpability of the individual committing the breach, and secondly the harm caused by that breach (whether direct, indirect or potentially harmful) allows the Eligibility Panel to make a preliminary determination of the appropriate sanction, considering the specific circumstances of the case. Once this starting point is identified, the Eligibility Panel should then consider 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 motivated by discrimination, or demonstrating hostility based on protected characteristics, or presumed protected characteristics of another such as religion, race, age, disability, gender, sexual orientation, LGBTQ+ status;
- 4.1.3 abuse of a position of authority or a breach of trust;
- 4.1.4 a 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 committed for financial or other pecuniary gain;
- 4.1.9 actions taken after the event 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 the conduct of the individual since being notified that their conduct was a concern to UK Sport (i.e. whether they have been open and truthful);
- 4.2.2 whether the individual may be vulnerable due to a learning disability, mental health needs or who are at risk due to a specific circumstance which affects their capacity to act for themselves or others;
- 4.2.3 cooperation with UK Sport, including requests for information;
- 4.2.4 cooperation with and provision of information to the appropriate authorities (NGBs, the Courts or the Police, UKAD, HMRC, DWP etc.);
- 4.2.5 demonstration of remorse and steps to rehabilitation (for example taking part in educational, community, psychological programmes etc.);

- 4.2.6 conduct since the Eligibility Panel or appeal decision;
- 4.2.7 self-reporting of the breach;
- 4.2.8 little or no-planning involved in the breach;
- 4.2.9 a lesser or subordinate role in a breach committed with others or acting under the direction of others;
- 4.2.10 involvement due to coercion or exploitation by others;
- 4.2.11 limited experience or past education which may have prevented or reduced the risk of a breach;
- 4.2.12 little or no financial gain or pecuniary advantage from the breach;
- 4.2.13 acceptance of the breach at an early opportunity;
- 4.2.14 vulnerability due to learning disability, mental health diagnosis, or other relevant factor which has impacted their capacity or judgement;
- 4.2.15 age or inexperience;
- 4.2.16 voluntary steps taken to rehabilitate or seek professional help, and;
- 4.2.17 a previous high standard of conduct; and
- 4.2.18 other mitigating factors deemed relevant by UK Sport.

5. STEP 3: ARRIVING AT AN APPROPRIATE SANCTION

- 5.1 After identifying an appropriate starting point for the 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 could involve, for example, extending 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, such as issuing a warning regarding future conduct instead of removing funding.
- 5.4 Where the proven breach indicates a clear need for education or rehabilitation, for instance, to address discriminatory views or an addiction, the Eligibility Panel may consider imposing a sanction combined with a requirement to complete an appropriate course, to be completed alongside the Athlete's or ASP's professional commitments.
- 5.5 If the sanction imposed requires the Athlete or ASP to repay funds received under this Policy, the Eligibility Panel may conduct an assessment of the individual's means to determine their disposable income. Based on this assessment, the Eligibility Panel must establish an affordable monthly repayment figure and set a timeline for full repayment.

6. STEP 4: PRINCIPLE OF TOTALITY

- 6.1 In the event that the Eligibility Panel is required to provide a sanction for one or more proven breaches, the Eligibility Panel must ensure that the total sanction reflects the overall severity of the breaches and it is both just and proportionate.

PART G – DEFINITIONS

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

"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, charge or provisional suspension 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;

"UKSI" means UK Sports Institute Limited, 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;

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

"Funded Partner" means organisations such as UKSI and the home country institutes of sport, BOA, BPA, BEAA 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 the 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 Policy" 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>

"Non-Compliant Event" means an event or competition that expressly allows, promotes or encourages the use of Prohibited Substances or Prohibited Methods (as those terms are defined in applicable anti-doping rules) and/or the use of any illegal drug, regardless of whether the event or competition is subject to any anti-doping rules;

"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-F;

“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;

“UK Sport Secretariat” means a representative from the UK Sport Integrity Team responsible for case management;

“World Class Programme” or “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.