

# UK SPORT – FUNDING ELIGIBILITY POLICY

## 1. INTRODUCTION

UK Sport's investment is focused on Olympic and Paralympic sports and, as a priority, those athletes and teams capable of reaching the podium. Pursuant to its Royal Charter<sup>1</sup> and National Lottery Directions<sup>2</sup> 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 Athlete Support Personnel (ASPs), UK Sport reserves the right to decide who is eligible to receive Public Funding and/or Publicly Funded Benefits. UK Sport's guiding principle is that investment into Athletes and ASPs is a privilege and not a right.<sup>3</sup>

Where an Athlete's or ASPs eligibility for funding is in doubt, UK Sport has established a sub-committee to determine the individual cases for Athlete and ASPs to receive Public Funding or Publicly Funded Benefits.

In making decisions as to an individual's eligibility for funding, UK Sport will take primary account of the outcome of other processes that the Athlete or ASP will have been subject to, and as a result, will have been classified in a particular way. For example, this would include actions of National Governing Bodies (NGBs), Funded Partners, the Courts or the Police, UK Anti-Doping (UKAD), Her Majesty's Revenue & Customs (HMRC), Department for Work & Pensions (DWP) etc. UK Sport will wait for the outcome of such decisions but reserves the right to make its own funding decision under this policy. However, where there are cases of bringing the National Lottery or UK Sport disrepute or misrepresentation cases, UK Sport will take direct action as these cases are not reliant on the outcome of other processes.

All considerations regarding performance and selection to the NGB's WCP are outside the scope of this policy and not the responsibility of UK Sport. As such, the sub-committee are not authorised to make performance related decisions as regards an Athlete's status on the WCP (i.e. whether they are podium or podium potential). Furthermore, the sub-committee does not have the right to prevent the ultimate selection of an Athlete or ASP who is not eligible for Public Funding or Publicly Funded Benefits by an NGB, the BOA or the BPA. UK Sport has produced a separate guide on NGB Athlete Selection applicable to the WCP, Team GB, ParalympicsGB and an NGB's GB Team.

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<sup>1</sup> Article 2 (i)(i).

<sup>2</sup> Dated 9 November 2007 issued pursuant to the National Lottery etc. Act 1993.

<sup>3</sup> <http://www.uk-sport.gov.uk/our-work/investing-in-sport/investment-principles> - Whilst the Investment Principles are relevant to this policy in terms of UK Sport's investment into the high performance system we draw the readers' specific attention to Investment Principle 5 which applies to the Rio Cycle. For the Tokyo Cycle please refer to Tokyo Investment Guide and Investment Principles 8 & 9 which define 'Our Culture'.

## **2. ESSENTIAL REQUIREMENTS<sup>4</sup>**

Athletes and ASPs will not be eligible for UK Sport funding where they do not satisfy the essential requirements set by other organisations and, outside the scope of this policy, in the following circumstances:

### **2.1 Team GB/ParalympicsGB and NGB's Great Britain Team**

The Athlete or ASP does not meet the eligibility requirements, as applicable, of:

- a. the IOC, the BOA;
- b. the IPC, the BPA;
- c. the International Federation or International Disabled Sport Federation, NGB;

to compete for, represent or be a member of the GB Team at International Competitions. UK Sport acknowledges that the eligibility criteria for Team GB or Paralympics GB may not be immediately available to the BOA or BPA from the relevant OCOG for a particular Summer or Winter Paralympic Games until later on in the relevant WCP funding cycle.

### **2.2 Nationality (Athletes)**

The Athlete is not a British national or British passport holder. Athletes who are not British nationals who wish to transfer from another country to compete for Team GB, ParalympicsGB and the NGB at International Competitions where the GB Team competes, are not eligible to receive Public Funding and/or Publicly Funded Benefits until the Athlete has received written confirmation from the BOA or BPA and the NGB of their eligibility to compete for Team GB, ParalympicsGB and representing the GB Team at International Competitions.<sup>5</sup>

### **2.3 Right to Work in the UK (ASPs)**

The ASP does not have the right to work in the UK. ASPs who are not a British national, a national of a European Economic Area country or Switzerland must have permission from the UK Border Agency to work in the UK. Note that nationals of some European Economic Area countries may still require permission from the UK Border Agency to work in the UK. Please visit <http://www.ukba.homeoffice.gov.uk/>

### **2.4 Suspension or Period of Ineligibility from the Sport<sup>6</sup>**

The Athlete or ASP is serving a suspension or a Period of Ineligibility from their sport for any reason other than a breach of anti-doping rules dealt with in paragraph 3.3.

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<sup>4</sup> Subject to the Rules the power to make decisions under Section 2 (except for paragraph 2.4) was delegated by the UK Sport Board at its meeting on 13 May 2015 to the Executive.

<sup>5</sup> The only exception to this is where training partners of WCP athletes are non-British nationals provided always that they are eligible in accordance with the criteria set out in this policy and have permission to work in the UK from the UK Border Agency. These athletes may benefit from WCP support only.

<sup>6</sup> The UK Sport Board at its meeting on 23 June 2016 decided that decisions under paragraph 2.4 may only be delegated to the Executive with the approval of the Chair of the Eligibility Sub-Committee.

### **3. UK SPORT ELIGIBILITY CRITERIA**

Athletes and ASPs may be ineligible for UK Sport funding in the following circumstances:

#### **3.1 Prior UK Sport or Appeal Decisions**

The Athlete or ASP has been declared ineligible to receive Public Funding and/or Publicly Funded Benefits from UK Sport based on a prior UK Sport decision before the start of this policy or a decision made under this policy.

#### **3.2 Crimes**

The Athlete or ASP has an unspent conviction<sup>7</sup> for a criminal offence in the United Kingdom under the Rehabilitation of Offenders Act 1974, Rehabilitation of Offenders (Northern Ireland) Order 1978 or similar legislation in a foreign jurisdiction.<sup>8</sup>

A guide to the duration of rehabilitation periods that apply to convictions after which they become forgotten in law ("spent") is provided at Appendix 1 to this policy. If an Athlete or ASP wishes to clarify the status of their conviction under the 1974 Act or 1978 Order they should seek independent legal advice.

#### Examples of criminal offences:

- Burglary
- Robbery
- Theft from a person [that involves intimidation; organised in a gang/group; threats or use of force]
- Theft from a shop [that involves intimidation; organised in a gang/group; threats or use of force]
- Financial Crimes
- Fraud, Bribery and Corruption (including benefit fraud)
- Sexual Offences
- Violence Offences
- Offences against minors
- Possession of child pornography
- Human Trafficking
- Drug Offences
- Hate Crimes
- Conspiracy
- 'Attempts' to commit any of the above offences.

This list is not exhaustive.

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<sup>7</sup>An "Unspent Conviction" means a conviction in respect of which the offender is not treated as rehabilitated and is not forgotten in law.

<sup>8</sup>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.

### **3.3 Doping**

A Period of Ineligibility of two years or more for a breach of anti-doping rules has been imposed on the Athlete or ASP by a sports governing or regulatory body. This criterion applies to an Athlete's or ASP's doping conduct from 1 January 2002.<sup>9</sup>

Where a Period of Ineligibility of less than two years or other sanction has been imposed on the Athlete or ASP by a sports governing or regulatory body, then UK Sport will not apply this policy to the Athlete or ASP. Nothing in the above shall be taken as meaning that UK Sport's obligations under the UK National Anti-Doping Policy will not be implemented.<sup>10</sup>

### **3.4 Breach or Violation of Rules on Betting, Corrupt Conduct and Match-Fixing**

A Period of Ineligibility for breach of rules on Betting, Corrupt Conduct or Match-Fixing is imposed on the Athlete or ASP by a sports governing or regulatory body.

### **3.5 Misconduct & Disrepute**

The Athlete or ASP has done anything which brings or tends to bring themselves, the National Lottery, UK Sport, its Board members and executive team (or any of them) into disrepute. This includes using social media in a way that is malicious, derogatory or in ways which tend to offend. 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 whistleblowing on illegal acts or practices which are in the public interest.

For guidance, some illustrative examples of misconduct and disrepute are set out in the table on the next page:

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<sup>9</sup> 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.

<sup>10</sup> Section 3 of the UK National Anti-Doping Policy sets out the obligations of the Sports Councils in relation to Athletes, ASPs and NGBs failure to comply with the UK National Anti-Doping Policy.

General Examples:

Acts or comments (whether in the media or online such as through tweets, social networking site comments, texts, blogs etc.) which:

- a. are malicious, hateful, harmful etc.;
- b. are derogatory about a person's disability, gender, pregnancy or maternity, race, sexuality, marital status, beliefs or age (this is not an exhaustive list);
- c. shock or offend the community or which manifests contempt or disregard for public morals and decency.

Specific Examples could be:

Committing a criminal offence of the type listed in paragraphs 3.2 above but the offence is dealt with through a caution or reprimand.

Telling a [sexist] joke or making a [sexist] remark at a private meeting the contents of which are subsequently disclosed.

Tweeting or re-tweeting a [racist] joke or comment or comment which incites hatred at a section of the community or is indecent obscene or false.

Desecrating in any way a memorial which commemorates the loss of life; limb or tragedy, religious or holy shrine or other site which objectively of significance to a persons' beliefs.

Sending or distributing obscene or offensive images (whether online or in hard copy).

Dismissal for gross misconduct in an employment context for discrimination or for matters set out in in paragraphs 3.1 to 3.6 of this policy.

The list is not exhaustive.

### **3.6 False Statements, Declarations and Disclosure**

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

- a. knowingly made false statements to UK Sport; and/or
- b. failed to make full and fair disclosure to UK Sport in respect of any fact or matter which affects or might reasonably be expected to affect their application or nomination to receive Public Funding and/or Publicly Funded Benefits.

## **4. SUB-COMMITTEE DECISIONS AND MITIGATION**

### **4.1 Decisions**

On the application of this policy, all decisions shall be made by the UK Sport sub-committee in accordance with the procedure set out in the Rules, except those decisions relating to the temporary suspension of Public Funding and/or Publicly Funded Benefits which may be made on an expedited basis (see paragraph 7 of this policy).

The sub-committee has the power to:

- a. issue a written warning which will be taken into account in any future conduct decisions made against the Athlete or ASP;
- b. not to remit any Public Funding payments which have been withheld during any period of suspension;
- c. 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
- d. seek repayment of all or part of any Public Funding and/or Publicly Funded Benefits provided to the Athlete or ASP during the period in which they were in breach of this policy.<sup>11</sup>

The sub-committee has the power and reserves the right to apply further conditions on any consequence applied. All decisions made by the sub-committee will be made on a case by case basis.

### **4.2 Mitigation**

The sub-committee will have discretion whether to dis-apply some of the criteria, which will include the ability to take into account the mitigation factors set out below:

- a. conduct of the person concerned since first being on notice that their conduct was a concern to UK Sport (i.e. open and truthful);
- b. conduct of the person who may be vulnerable due to learning disability or mental health needs or who are at risk due to a specific circumstance which affects their capacity to act for themselves or others;
- c. cooperation with UK Sport (including requests for information);
- d. cooperation with and provision of information to competent authorities (NGBs, the Courts or the Police, UKAD, HMRC, DWP etc.);
- e. remorse and steps to rehabilitation (for example taking part in educational, community, psychological programmes etc.);
- f. previous high standard of conduct;
- g. conduct since the UK Sport or appeal decision;
- h. inexperience;
- i. lapse of time;
- j. other mitigating factors UK Sport regards as relevant.

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<sup>11</sup> Nothing in this section shall prejudice UK Sport's obligation under the UK's National Anti-Doping Policy paragraph 3.4.4 where UK Sport is required to retain suspended payments.

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Athletes or ASPs may re-apply to the sub-committee if their circumstances have changed since a decision. The sub-committee will take into account mitigating factors listed above in considering such applications.

### 4.3 Implications

As a guide the implications of certain decisions arising under the policy are set out in the table below:

Implications of Ineligibility – Athlete: WCPs vary from NGB to NGB. As an indicative guide if an athlete is declared ineligible for funding under this policy then the implications would mean that they may not be entitled to receive the following:

- i. not entitled to Publicly Funded Benefits provided by UK Sport via their NGB gained from being on the WCP (this may vary from sport to sport) but in essence (in so far as the following items are provided by Publicly Funded Benefits) this would be to access to training competition and personnel development planning & reviews; Coaching Support; Team Clothing & Equipment; Travel & Accommodation expenses at designated camps & events;
- ii. an Athlete Performance Award - direct funding grant to contribute to Living and Sporting Costs of being an athlete on the WCP (this may be in whole or on part);
- iii. Athlete Medical Scheme Cover bespoke athlete-specific medical insurance cover (AMS) which may only be continued until completion of treatment or a maximum of one month from removal from the WCP whichever is the lesser;
- iv. Performance Lifestyle Advisory Programme (available to podium athletes);
- v. Personal Development Award (available to podium only athletes);
- vi. Sport science, sport medicine, technology and engineering solutions delivered via Home Country Institutes (EIS, SIS, WIS, SINI) - including Performance Lifestyle Support Programme;
- vii. Access to the free British Athletes Commission (BAC) services funded by UK Sport.

Implications of Repayment - Athlete: Where the right to claw back funding is exercised this may be both the value of the APA and the generic unit value an athlete place on the WCP (i.e. podium or podium potential which is approximately £60, 000 and £40, 000 respectively per annum) as applicable during the period in which they were in breach of the policy.

Implications for ASPs: in respect of ineligibility an ASP who is declared ineligible would not be able be involved in the delivery of services to Athletes using WCP Publicly Funded Benefits or receive payment from paid from WCP funding by NGBs. Further if an ASP were involved in UK Sport funded programmes such as International Leadership Programme, ECAP, Elite Coach etc. they would not be entitled to participate in such programmes and be removed.

Implications on changing role from Athlete to ASP (and vice versa): If an Athlete is subject to a decision under this policy and then later changes their role to an ASP (or vice-versa) then that decision shall continue to apply.

## **5 APPEALS**

All decisions made by the sub-committee under this policy can be appealed to the UK Sport Independent Appeals Panel administered by Sport Resolutions (UK) in accordance with the Appeal Rules. The Appeals Panel will hear the appeal de novo. The Appeals Panel is able to exercise the powers set out in paragraph 4 of this policy and has full power to decide the facts and the law of the appellant's case and annul and replace the decision appealed against. The Rules of procedure and Appeal Rules can be found <http://www.uk sport.gov.uk/our-work/leadership-development-and-governance/eligibility>

## **6 SUSPENSION OF PUBLIC FUNDING OR PUBLIC FUNDED BENEFITS**

Where an NGB or other sports governing or regulatory body imposes a temporary suspension against the Athlete or ASP for matters referred to under paragraphs 2.4 or 3.1 to 3.6 (but excluding an alleged breach of anti-doping rules) UK Sport reserves the right to suspend Public Funding and/or access to Publicly Funded Benefits received by the Athlete or ASP pending the outcome of the proceedings.<sup>12</sup>

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

## **7 REVIEW AND FORMAT**

UK Sport reserves the right to revisit, amend and update this policy from time to time without notice provided all amendments are clearly shown and communicated.

If you require this policy in another format, Welsh or another language please contact [info@uksport.gov.uk](mailto:info@uksport.gov.uk) Please state 'Eligibility Policy' in the subject heading.

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<sup>12</sup> Nothing in this section shall prejudice UK Sport's obligation under the UK's National Anti-Doping Policy paragraphs 3.4.2 and 3.4.3 where UK Sport is required under the policy to suspend Public Funding and/or Publicly Funded Benefits where an Athlete or ASP is charged with an anti-doping rule violation.

**Appendix 1**

The following extract is taken from Government guidance which can be found at:

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. It is calculated from the date of conviction or the date the caution is administered. The rehabilitation periods are shown in the table below.

<b>Sentence/disposal</b>	<b>Rehabilitation period if aged 18 or over when convicted/disposal administered</b>	<b>Rehabilitation period if aged under 18 when convicted/disposal administered</b>
A custodial sentence of over 48 months	Never spent	
A custodial sentence of over 30 months but not exceeding 48 months	7 years from the date on which the sentence (including any licence period) is completed)	42 months from the date on which the sentence (including any licence period) is completed)
A custodial sentence of over 6 months but not exceeding 30 months	48 months from the date on which the sentence (including any licence period) is completed)	24 months from the date on which the sentence (including any licence period) is completed)
A custodial sentence of up to 6 months	24 months from the date on which the sentence (including any licence period) is completed)	18 months from the date on which the sentence (including any licence period) is completed)
Fine	12 months from the date of the conviction in respect of which the fine was imposed	6 months from the date of the conviction in respect of which the fine was imposed
Community order	12 months from the last day on which the order has effect	6 months from the last day on which the order has effect
Conditional caution	3 months from the date on which the caution was given, or (if earlier) when the caution ceases to have effect	
Simple caution, youth caution	Spent immediately	
Compensation order	On the discharge of the order (i.e. when it is paid in full)	

**Important Note:** This is intended as general guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 1974 Act. Anyone in doubt should seek their own legal advice.

## **Appendix 2 – Definitions**

In this policy the following words and phrases shall have the following meanings:

**"Appeal Rules"** means the rules of procedure set out in Section B of the document entitled "Rules for the Sub-Committee and Independent Appeals Panel for Eligibility and Conduct Matters";

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

**"Athlete Support Personnel" or "ASP"** means any coach, trainer, 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);

**"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;

**"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;

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

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**"Funded Partner"** means organisations such as the home country institutes of sport, BOA, BPA and sports coach UK etc.

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

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

**"IOC"** means International Olympic Committee;

**"IPC"** means the International Paralympic Association;

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

**"Match Fixing"** 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.

**"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 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;

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

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**“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;

**“Rules”** means the rules of procedure set out in Section A of the document entitled “Rules for the Sub-Committee and Independent Appeals Panel for Eligibility and Conduct Matters”;

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

**29 June 2016**