



BRITISH SWIMMING FUNDING APPEAL REVIEW PROCEDURE

The following procedures have been adopted by the British Swimming Managing Board in consideration of any Appeal made by or on behalf of any athlete wishing to Appeal against the Recommendation to UK Sport in relation to his or her removal from (or non-renewal) of funding from a World Class Programme (“the Recommendation”).

An athlete seeking review of the Recommendation to UK Sport should be aware of the importance of the time limits contained within these Procedures. These time limits are designed with the intention of resolving issues as expeditiously as possible consistent with ensuring a fair and just outcome.

1. The athlete (which for this purpose includes the parents and/or coach of any athlete under the age of eighteen years) to be required to lodge an appeal in writing (“Notice of Appeal”) setting out in full detail the basis upon which the athlete wishes to Appeal against the Recommendation of the relevant National Performance Director (“NPD”). The Notice of Appeal should be accompanied by any relevant supporting documents. The Appeal must be made within **five** working days of the date on which the Recommendation was communicated to the athlete.

The Notice of Appeal should be forwarded to the Director of Regulatory and Legal Affairs at Harold Fern House, Derby Square, Loughborough, Leicestershire, LE11 5AL.

No fee is payable in respect of the Notice of Appeal.

2. The Director of Regulatory and Legal Affairs shall as soon as possible (and in any event not later than **three** working days following receipt of the Notice of Appeal) supply copies of the Notice of Appeal to the NPD in order that the NPD has the opportunity to review the original Recommendation in light of the points made in the Notice of Appeal. The NPD is required to advise the Director of Regulatory and Legal Affairs in writing within **five** working days of the date of receipt of the Notice of Appeal whether the NPD confirms or reverses the original Recommendation.
3. The Director of Regulatory and Legal Affairs will as soon as possible (and in any event not later than **three** working days of the date of receipt by him of the Recommendation of the NPD) advise the athlete in writing of the Recommendation of the NPD.
4. Where the decision of the NPD is to confirm the original Recommendation, the

athlete may by notice in writing to be received by the Director of Regulatory and Legal Affairs not later than **five** working days after the date of notification to the athlete of the confirmation of the Recommendation, Appeal against the decision of the NPD. This final right of Appeal shall be available through the British Swimming Managing Board.

5. The British Swimming Managing Board, with power to delegate to a smaller group to include external expertise as considered appropriate, shall be asked to convene an Appeal Panel (“Appeal Panel”) normally comprising three persons and normally comprising one independent member of the British Swimming Management Board, one elected member of the British Swimming Management Board and one external representative from another Olympic sport.

The athlete and the NPD shall be notified of the composition of the Appeal Panel with accompanying Curriculum Vitae’s and the athlete and the NPD shall have the right to object to its composition. Any objections to the composition of the Appeal Panel shall be notified to the Director of Regulatory and Legal Affairs setting out the reasons for such an objection no later than **three** working days from the date of receipt of the notice of composition of the Appeal Panel.

The decision by the Director of Regulatory and Legal Affairs on the composition of the Appeal Panel under this Rule shall be final.

The Director of Regulatory and Legal Affairs shall as soon as possible (and in any event not later than **three** working days following confirmation of the composition of the Appeal Panel) supply copies of the Notice of Appeal and the reviewed Recommendation of the NPD to the Appeal Panel.

6. The Chairman of the Appeal Panel shall give such directions, (to both the athlete and the NPD) in regard to the Appeal (which shall normally be considered in **15 (fifteen)** working days from the date of receipt of the Appeal and relevant associated documentation set out at 4 above) , as are appropriate for consideration of the matter, in particular:-

- 6.1 whether the Appeal will proceed by way of written submissions or an oral hearing;
- 6.2 if an oral hearing, the date, time and place at which the Appeal Panel will meet to determine the Appeal and
- 6.3 whether the parties should be required to submit statements of their evidence and/or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

7. The Appeal Panel shall consider the Appeal based on the following:

- 7.1 whether relevant information was ignored or not considered by the NPD; or

- 7.2 The recommendation was tainted by unreasonable bias or conflict of interest; or
 - 7.3 The provisions of the relevant published funding criteria were not adhered to.
- 8. The Appeal Panel shall, no later than **five** working days after the Appeal Panel convene, inform the athlete and the NPD of its decision together with written reasons for its decision through the Director of Regulatory and Legal Affairs. The decision of the Appeal Panel shall be final.
- 9. There shall be no further right of Appeal to the decision provided by the Appeal Panel constituted in accordance with this Procedure.