



BRITISH SWIMMING

TEAM SELECTION APPEALS PROCEDURE

The following procedures have been adopted by the British Swimming Office and all British Swimming Technical Committees in the consideration of any appeal made by or on behalf of any athlete wishing to appeal by virtue his or her non-selection for (and any de-selection from) either an British Swimming Team or an Aquatic Team nominated by British Swimming (e.g. British Olympic Team).

An athlete seeking review of a selection or de-selection decision 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 decision of the relevant Selection Panel (or Team Manager in respect of a decision to de-select an athlete) (in either case "Selectors"). The Notice of Appeal shall, in particular, specify the provision(s) of the relevant Selection Policy which it is alleged have not been adhered to. The Appeal must be made within **three** working days of the date that the selections for the Team were announced (or in the case of de-selection the date on which the decision to de-select was communicated to the athlete).
The Notice of Appeal should be forwarded to the office of 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 all of the Selectors in order that they have the opportunity to review the original decision in light of the points made in the Notice of Appeal. The Selectors are required to advise the Director of Regulatory and Legal Affairs in writing within **three** working days of the date of receipt by them of the Notice of Appeal whether the Selectors confirm or reverse their original decision on selection or de-selection.
3. The Director of Regulatory and Legal Affairs will as soon as possible (and certainly within **three** working days of the date of receipt by him of the determination of the

Selectors) advise the athlete in writing of the decision of the Selectors with regard to the Appeal.

4. Where the decision of the Selectors is to confirm their original decision the athlete may by notice in writing to be received by the Director of Regulatory and Legal Affairs not later than **three** working days after the date of notification to the athlete of the decision of the Selectors apply for leave to appeal against the decision of the Selectors. Such application shall be accompanied by any additional relevant documentation or information which the athlete wishes to submit in support of his or her appeal. Upon receipt of an application for leave to appeal the Director of Regulatory and Legal Affairs shall refer matters to the Sport Dispute Resolution Panel (“SDRP”) who shall be asked to convene an Appeal Committee, (normally comprising of three persons) under the Chairmanship of a legally qualified person who may be a practicing solicitor or Barrister.
5. The Notice of Appeal (together with any further documents submitted by the athlete) shall be forwarded as soon as possible (and in any event not later than **five** working days from receipt by the Director of Regulatory and Legal Affairs of the application for leave to appeal) to the Chairman of the Appeals Committee the identity of whom shall be notified to the Director of Regulatory and Legal Affairs by the SDRP. The Chairman shall be asked to determine in writing whether the athlete shall be granted permission to proceed with an appeal before the Appeals Committee. Leave to appeal shall be granted only when the athlete shall have established a strong arguable case that, either
 - 5.1 relevant information was ignored or not considered by the Selectors; or
 - 5.2 the Selection process was tainted by unreasonable bias or conflict of interest; or
 - 5.3 the provisions of the relevant Selection Policies were not adhered to.

If the Chairman refuses to grant permission to proceed with an Appeal Hearing because insufficient grounds are shown the decision of the Selectors shall stand and the athlete shall be notified accordingly. If permission is granted the appeal will proceed to the full Appeal Committee in accordance with the procedures set out below.

The above procedure is designed to prevent unmeritorious appeals being made and to save unnecessary costs and other expenses being incurred.

6. Following receipt of the determination of the Chairman that an appeal may proceed the Director of Regulatory and Legal Affairs shall as soon as possible (and in any event within **two** working days of the date of receipt of the Chairman’s determination) notify the athlete of the composition of the Appeal Committee with accompanying curriculum vitae of the Panel Members and of the athlete’s right to object to its composition (as described in paragraph 9 below).

7. In determining the composition of the Appeal Committee British Swimming undertakes to ensure that the Appeal will be conducted fairly and impartially. The Appeal Committee shall not include individuals with any connection to the athlete or the matters being considered but for the avoidance of doubt, the Appeal Committee may comprise employees of British Swimming or individuals with a connection to British Swimming.
8. Should a member of the Appeal Committee become unable to hear the Appeal following the appointment of the Appeal Committee for whatever reason, SDRP shall appoint a replacement member.
9. An athlete may object to the composition of the Appeal Committee by notifying the Director of Regulatory and Legal Affairs of the objection and setting out the reasons for such an objection (the notification shall be referred to an “an Objection”) no later than **five** working days from the date of receipt of notice of the composition of the Appeal Committee
10. British Swimming shall, within **two** working days from the date of receipt of an Objection, notify the athlete that either:
 - (a) the composition of the Appeals Committee has changed (in which case British Swimming shall provide details of the new Appeal Committee); or
 - (b) the composition of the Appeal Committee has not changed (in which case British Swimming shall give reasons why it has not accepted the athlete’s Objection).

The decision by British Swimming on the composition of the Appeal Committee under this Rule shall be final.

11. Within **seven** working days from the date of receipt by British Swimming of the determination of the Chairman that the appeal may proceed or (if later) within **two** working days from the date British Swimming responds to the Objection (as appropriate), the Chairman of the Appeal Committee shall give such directions (to both the athlete and British Swimming) as are appropriate for consideration of the matter, in particular.
 - 11.1 the date and place at which the Appeal Committee will meet to determine the Appeal, provided that the Appeal shall not be heard later than **fourteen** days from the date of the determination of the Chairman that the appeal may proceed
 - 11.2 whether the Appeal will proceed by way of written submissions or an oral hearing; and
 - 11.3 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.

12. The Appeal Committee shall meet on the date fixed by the Chairman and shall, no later than **two** working days after hearing the Appeal, inform the athlete and British Swimming of its decision together with written reasons for its decision. The decision of the Appeal Committee shall be final and binding

13. **Powers of the Appeal Committee**

13.1 The Appeal Committee may at its sole discretion disregard any failure by a party to adhere to these Procedures and may give such further directions as may be appropriate.

13.2 Prior to and at the Appeal, the Chairman may give such directions whether or not made at the request of the parties, for the proper conduct of the Appeal as he or she deems may be reasonably necessary for the fair conduct of the appeal, including changes to the procedure as set out in these Procedures.

13.3 The Appeal Committee has the power to make such recommendations to British Swimming as it deems appropriate

13.4 The Appeal Committee has the power at its discretion to make an order for the costs of the Appeal to be paid, in such proportions as the Appeal Committee may decide, by any of the parties to the Appeal. The costs may include any room hire, travel and other expenses incurred in attending any hearing but nothing shall be included on account of professional charges for representation or otherwise.