

APPENDIX 1 - APPEALS PROCEDURE

Note 1. Whilst selection decisions are made in good faith, every athlete should feel able to appeal a selection decision. If you're unsure about why a decision has been made, your coach, parent/carer, or another trusted person may be able to give you some guidance. If you believe you have grounds to appeal the decision, this Appeals Procedure sets out what you need to do and what process will be followed.

Note 2. The British Canoeing Head of Governance shall have the power to adjust the timescales within this Appeals Procedure. If timescales are adjusted, this will be communicated to all interested parties at each relevant stage of the appeals process. If you believe the timescales should be adjusted please notify the Head of Governance at the earliest opportunity, and/or communicate this in your written request for review (described in stage 1 below).

Note 3. If, for whatever reason, the Head of Governance is not available, the Chief Executive Officer of British Canoeing or delegate of the Chief Executive Officer will carry out the role of the Head of Governance within this Appeals Procedure.

Note 4. Athletes should ensure that they have provided their preferred method of communication and relevant contact details to a member of the International Panel or to the Head Coach in advance of any selection decisions. If the Athlete is under eighteen (18) years of age current and preferred contact details of their parent or legal guardian should also be provided.

Note 5. If you wish to appeal a decision and would like some guidance, athletes are advised to seek support from their coach, parent/carer or other trusted person to help them navigate the process. If you're considering appealing a decision relating to an Olympic or Paralympic discipline, you can also contact the British Canoeing Performance Wellbeing Coach or a British Canoeing Athlete Rep for advice (contact details on the British Canoeing website). World Class Programme athletes also have access to the British Athletes Commission who are able to offer guidance and support.

If an Athlete wishes to appeal against a decision taken as part of a Selection Policy or WCP Qualification Policy then the following three stage process will apply:

1. STAGE 1 REVIEW

- 1.1. A written request for a formal review is submitted, in the first instance, by the Athlete to the International Panel (where the appeal is against a decision relating to competition selection) or the Head of Performance Operations (where the appeal is against a decision relating to inclusion in the World Class Programme) who will carry out a review in consultation with the relevant Programme leads.
- 1.2. This request must be submitted within 48 hours of the selection being formally announced.
- 1.3. Within 5 working days of the end of the 48 hour period referenced in 1.2 the International Panel/Head of Performance Operations or relevant Programme lead will advise in writing the outcome of the review and the decision reached.

2. STAGE 2 APPEAL

- 2.1. If following the formal review the Athlete wishes to formally appeal the decision, they must submit a written Notice of Appeal to the British Canoeing Head of Governance within 5 working days of receipt of the outcome of the Stage 1 Review detailed in 1.3.

3. NOTICE OF APPEAL

- 3.1. The Notice of Appeal must set out the grounds of the appeal and include full details of which ground(s) in 4.1 the appeal is based upon and the precise manner in which the ground(s) have been met. The Notice of Appeal should be as comprehensive as possible as it will form the basis of the remainder of this procedure.

4. GROUNDS OF APPEAL

- 4.1. An Athlete shall only be entitled to appeal on (either individually or cumulative) the following grounds:
 - 4.1.1. The decision was not in accordance with the policy as published;
 - 4.1.2. The policy has been misapplied or applied on no good evidence and/or in circumstances where the application of the policy was unfair;
 - 4.1.3. The decision maker has shown bias or the appearance of bias or the selection has otherwise been demonstrably unfair; and/or
 - 4.1.4. Where the conclusion is one that no reasonable decision maker could have reached.
- 4.2. In setting out which of the grounds at 4.1 the Athlete appeals on, the Athlete may include a response to the outcome of the Stage 1 Review.
- 4.3. In order to ensure a timely and efficient appeals process only the grounds of appeal detailed in 4.1 will be permitted. The composition of the Selection Panel is not open to appeal unless 4.1.3 is being cited in The Notice of Appeal.

5. APPEAL PANEL

- 5.1. The Head of Governance and Compliance will convene a three person Appeal Panel as soon as practicable to determine the appeal made up of suitably independent and experienced members who have not been involved in the selection process so far. The Athlete will be informed of the members of the Appeal Panel and given the opportunity to challenge the composition of the Appeal Panel.
- 5.2. The Head of Governance shall contact the International Panel/Head of Performance Operations to inform them of the Appeal, provide them with a copy of the Notice of Appeal and request that the International Panel/Head of Performance Operations provide any information used in the selection process which they wish the Appeal Panel to consider within 48 hours of receipt of the request.
- 5.3. The Appeal Panel will ordinarily determine the appeal based on the written submissions of the Athlete and the Selection Panel without a hearing or the calling of witnesses or the giving of oral evidence. However the Appeal Panel will have the power to set its own processes and give directions including but not limited to, requesting further information, setting up a teleconference, determining if a hearing is required and if it is, establishing the date, time and place, and format to be followed in such a hearing.

5.4. The Appeal Panel will seek to reach its conclusion within 5 working days of its appointment in accordance with 5.1, and will inform all interested parties in writing.

5.5. The Appeal Panel shall be entitled to;

- a) rescind the selection decision and confirm the selection of the Athlete in circumstances where it is clear that the grounds of the Appeal have been upheld.
- b) confirm the selection decision and reject the Appeal.
- c) quash the selection decision and remit the matter back to the International Panel identifying the errors they have found in the conduct of the selection process and requesting that a new decision is made within one week.

5.6. The cost and resource of administering the Appeal Panel will generally fall to British Canoeing.

6. STAGE 3 REFERRAL TO ADJUDICATION

6.1. If following the Appeal, an affected Athlete wishes to invoke the final stage of appeal, then a written Notice of Appeal must be submitted by them to British Canoeing Head of Governance within 48 hours of receiving the outcome of the Appeal.

6.2. NOTICE OF APPEAL TO ADJUDICATION

- 6.2.1. The Notice of Appeal to Adjudication will set out the grounds of the appeal and will include full details of which ground(s) in 6.3 the appeal is based on, and the precise manner in which the ground(s) have been met. The Notice of Appeal to Adjudication should be as comprehensive as possible as it will form the basis of any final appeal.

6.3. GROUNDS OF APPEAL TO ADJUDICATION

- 6.3.1. An Athlete shall only be entitled to appeal to adjudication (either individually or cumulative) the following grounds:
 - 6.3.1.1. The decision of the Appeal Panel was not in accordance with the Selection Policy as published;
 - 6.3.1.2. The Appeal Panel decision was misapplied or applied on no good evidence and/or in circumstances where the decision was unfair;
 - 6.3.1.3. The Appeal Panel has shown bias or the appearance of bias or the selection has otherwise been demonstrably unfair; and/or
 - 6.3.1.4. The Appeal Panel made a decision that no reasonable decision maker could have reached.

6.4. The Head of Governance will appoint a suitably independent and experienced Adjudicator as soon as is practicable. The Athlete will be informed of the Adjudicator and given the opportunity to challenge the appointment.

6.5. The Head of Governance shall contact the Appeal Panel upon receipt of the Notice of Appeal, providing the Appeal Panel with a copy of the Notice of Appeal to Adjudication and request that it provides any additional information it wishes the Adjudicator to consider within 48 hours.

6.6. The Adjudicator will ordinarily determine the appeal based on the written submissions of the Athlete and the Appeal Panel without a hearing or the calling of witnesses or the giving

of oral evidence. The Adjudicator will have the power to set its own processes and may give directions, such as request for further information or set up a teleconference.

- 6.7. The Adjudicator will seek to reach its conclusion within 5 working days of its appointment in accordance with 6.4 and will inform all interested parties in writing.
- 6.8. The Adjudicator shall be entitled to either reject or confirm the Appeal Panel decision and;
 - 6.8.1. if appropriate confirm the selection decision;
 - 6.8.2. if appropriate rescind the selection decision and confirm the selection of the Athlete in circumstances where it is clear that the grounds of the Appeal to Adjudication have been upheld; or
 - 6.8.3. if appropriate quash the selection decision and remit the matter back to the International Panel identifying the errors they have found in the conduct of the selection process and requesting that a new decision is made within 5 working days.
- 6.9. At its discretion the Adjudicator may request costs up to a maximum of £500 against either party.

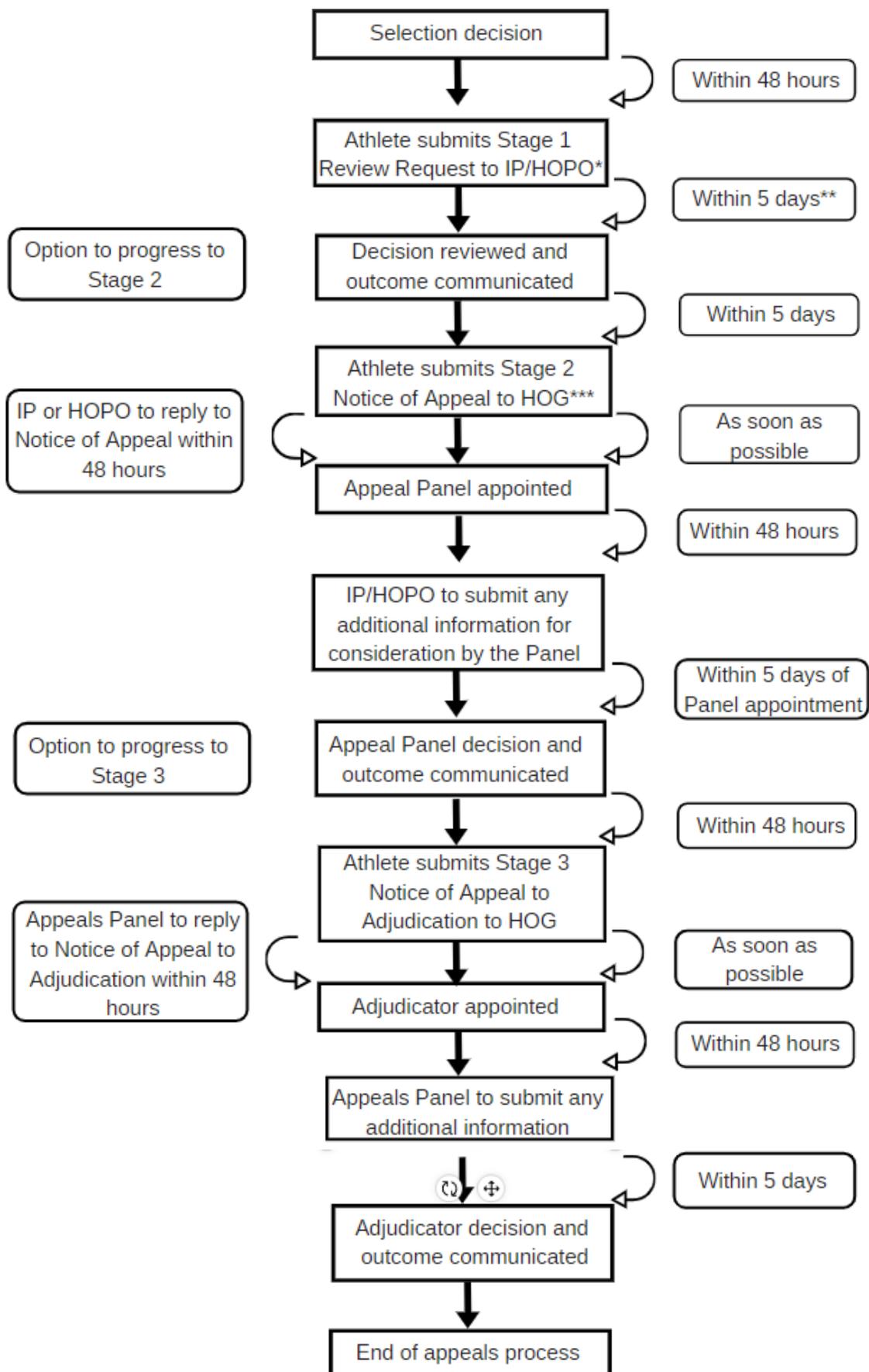
7. FINAL AND BINDING

- 7.1. This is an accelerated process to enable any appeals to be resolved as quickly as is reasonably possible.
- 7.2. The aim of this process is to return a decision on appeal in a timely manner. Failure to adhere to the time limits set out in this process may result in the Athlete losing their right of appeal under this procedure, save in exceptional circumstances which will be judged by the Chief Executive Officer of British Canoeing in their absolute discretion.
- 7.3. This appeals process is intended to be conclusive and therefore any Athlete who enters into this appeal process accepts that the decision of the Tribunal will be final and binding.
- 7.4. Each appeal will be considered on its own merits.

8. CONFIDENTIALITY OF PROCEEDINGS AND PUBLICATION OF DECISION

- 8.1. Unless the parties mutually agree to waive the right, both parties are under an obligation of confidentiality in respect of any appeal process except for reasonable disclosure to family members and/or a trusted advisor in the case of Athletes. Save as permitted under this Appeals process none of these parties will make any public statement or disclosure of the contents of any correspondence by any of the parties during the course of this process.

British Canoeing shall be entitled to publish the outcome of the Appeal in such manner and to such extent as is necessary to inform all properly interested and affected parties of the status of the selection decision previously published and the resulting implications upon selection.



*For competition selection decisions, appeal to the International Panel (IP). For World Class Programme qualification decisions, appeal to the Head of Performance Operations (HOPO). **Note this refers to 5 working days.

*** HOG refers to the Head of Governance.