

Pentathlon GB

Programme Membership Appeal Policy



Version 1: March 2024

1. OVERVIEW

- 1.1. This document sets out Pentathlon GB Appeals Procedure where an athlete (“the Appellant Athlete”) wishes to appeal any nomination decisions taken in respect of WCP membership.
- 1.2. This Procedure is the Appeals Procedure referred to in the Pentathlon GB Programme Membership Policy (section 14, paragraph 14.1) and governs all challenges to a nomination decision by an athlete wishing to be a member of the WCP.
- 1.3. This Procedure is the only applicable appeals procedure for each athlete wishing to be nominated for the WCP and Pentathlon GB (together, “the Parties”). The Parties agree not to commence, continue, or maintain any legal challenge to any matter covered by this policy before any court of law. The Parties will treat all decisions under this Procedure as final and binding upon them.
- 1.4. To assist an athlete and/or their Authorised Representative in determining their rights and what steps they need to take in relation to an appeal, it is recommended that they contact the British Elite Athlete Association (BEAA) for advice. Details of how to contact the BEAA can be found at www.britishathletes.org.
- 1.5. All references to days and hours shall exclude bank holidays and weekends.

2. GROUNDS FOR APPEAL

- 2.1. An athlete may only appeal against a nomination decision relating to WCP membership on the grounds that:
 - 2.1.1 They are being deselected from APA membership. For clarity, there is no right of appeal for those who are not in receipt of an APA at the time of the relevant APA membership review meeting.
 - 2.1.2 There has been a material failure to follow the applicable membership policy. This Appeals Policy must not be seen as an opportunity to dispute the opinion of the Selection Panel where they have followed the proper procedure. For the avoidance of doubt, there are no appeals allowed against:
 - a. the content of the relevant published Membership Policy; and/or
 - b. the genuine exercise of the discretion of the Selection Panel, provided they follow the applicable criteria contained in the Membership Policy.

If none of these grounds are met the appeal will be automatically dismissed.

- 2.2. An athlete does not have a right of appeal against any judgement or discretion exercised in the course of making decisions, or against the content of the applicable membership policy itself.

3. APPEAL PROCESS

- 3.1 Sport Resolutions (SR) will manage the WCP Membership appeals process. This process commences when an athlete affected by a relevant selection decision makes a formal written Appeal (the 'Notice of Appeal') to 'Sport Resolutions' of 1 Paternoster Lane, St Paul's, London, EC4M 7BQ, in accordance with the below. The Notice of Appeal should be filed to Sport Resolutions by email to resolve@sportresolutions.com.
- 3.2 A copy of the Notice of Appeal must also be filed at the same time with Pentathlon GB (at Trafford.Wilson@pentathlongb.org). Sport Resolutions will appoint an Appeal Panel consisting of a single arbitrator in accordance with their Appeal Arbitration Rules. The Appeal shall be conducted under Sport Resolutions' Appeal Arbitration Rules, as amended by the provisions of this Procedure.
- 3.3 3.3 SR Appeal Arbitration Rules can be found at https://www.sportresolutions.com/assets/documents/D_3_-_Arbitration_Rules.pdf. The appeal arbitration procedure is at section 2, and 2.3 within this document and sets out the Notice of Appeal and what it should include.
- 3.4 Neither Party will be entitled to proceed under the 'Full Arbitration Procedure' of SR.
- 3.5 The Notice of Appeal must be received by Sport Resolutions within 5 days of the selection decision being communicated to the athlete and must contain the information required under the Sport Resolutions Rules for the Statement of Appeal, no separate Statement of Appeal will be required or permitted.
- 3.6 Pentathlon GB's reply to SR will be filed within 5 days of receipt of the Notice of Appeal.
- 3.7 The Appeal Panel/Sole Arbitrator will seek to reach his or her decision within 7 days of receipt of the Notice of Appeal.
- 3.8 Where it appears to the Panel that the interests of any Third Party may be affected SR as secretariat of the panel will notify the Third Party of the Notice of Appeal, provide him/her with a copy of any appeal submissions (and any other relevant documents) and invite the Third Party to make any submissions within 24 hours of receiving the notification. SR will give the Appellant Athlete a copy of these submissions and a limited period of time to make any further submissions in response.
- 3.9 The SR Appeal Panel shall be entitled to:
 - a. **dismiss** the appeal and confirm the original selection/nomination decision; or
 - b. **uphold** the appeal and remit the matter back to the original selection/nomination panel, setting the errors they have identified in the conduct of the selection process, and requesting that a new decision is made within 5 days.
- 3.10 The decision of the SR Appeal Panel shall be final.
- 3.11 Pentathlon GB will bear 75% of SR costs in the establishing and conducting of the SR Appeal Panel (unless the sole arbitrator orders otherwise). Pentathlon GB shall not be

responsible for paying or contributing to the Appellant Athlete's professional charges for representation or otherwise or any personal costs involved (such as travel).

4. CONFIDENTIALITY OF PROCEEDINGS AND PUBLICATION OF DECISION

- 4.1 Pentathlon GB, the Appellant and any Third Party are under an obligation of confidentiality in respect of appeal proceeding under this policy. Save as permitted under this policy none of these Parties will make any public statement or disclosure of the contents of the Appeal, or any other matter referred to by any of the parties during the process.
- 4.2 Pentathlon GB may publish the decision of the Appeal where it upholds the Appeal (or any element of it) in such manner and to such extent as Pentathlon GB considers appropriate.

5. AMENDMENTS TO THIS PROCEDURE

- 5.1 Pentathlon GB will be entitled to amend this policy from time to time and such amendments will take effect from the first date of publication of the complete amended policy on the Pentathlon GB website.