

# British Rowing Selection Appeals Procedure

## Roles and Definitions

### **British Rowing Disciplinary & Grievance Panel Chairman (“D&G Panel Chairman”)**

If there is a Notice of Appeal, the Disciplinary & Grievance Panel Chairman will be responsible for establishing a Selection Appeals Panel and to assist in the smooth running of the associated proceedings.

### **Selection Appeals Panel Chairman**

The Selection Appeals Panel Chairman shall oversee the Appeal Hearing. They may be the D&G Panel Chairman or appointed by the D&G Panel Chairman, at his/her discretion.

### **Chief Executive Officer (CEO)**

The Chief Executive Officer is the accountable officer for the World Class Programme and as such will oversee the appeal process.

### **Director of Performance**

The Director of Performance is responsible for the World Class Programme. If an appeal is upheld, the panel’s recommendations will be given to the Director of Performance for him/her to consider. It is the Director of Performance’s role to report any action taken or not taken to the CEO.

### **Chief Coach/Selector**

It is the Chief Coach/Selector’s role to select rowers and crews for the GB Rowing Team. In the context of an appeal the Chief Coach/Selector is the Respondent.

### **Rower**

‘Rower’ refers to sweep rowers, scullers and coxes who have signed the GB Rowing Team Registration Form for the current season to be considered for selection for a Championship within the scope of the British Rowing Selection Policy (the “Policy”) and hold a current racing licence as a member of British Rowing, Scottish Rowing or Welsh Rowing.

## 1. Rowers’ Right of Appeal

- 1.1 A Rower has the right to appeal against any decision of the Chief Coach/Selector in respect of the implementation of the Policy as outlined in 1.3, insofar as it relates to that rower (“Appellant”). This means that not only can an Appeal be made against a final selection decision for the World Championships (or equivalent event) but also during the year if a Rower feels that he/she has not been treated fairly in line with the Policy.

- 1.2 Rowers considering an Appeal should refer to the guidance notes found in The 'Caversham Handbook – an introduction for rowers to training at Caversham' published by British Rowing.
- 1.3 The Appeals Procedure can only be used to determine:
  - 1.3.1 Whether the correct procedures have been followed in the implementation of the Selection Policy.
  - 1.3.2 Whether the Chief Coach/Selector has acted reasonably, fairly and without bias in making a decision.
  - 1.3.3 Whether the Rower has been treated fairly in the context of paragraphs 1.3.1 and 1.3.2.

## 2. Appeals Procedure

- 2.1 The Appeals Procedure is the only British Rowing procedure a rower can use to appeal against a selection decision made by a Chief Coach/Selector.
- 2.2 In the first instance, the rower should discuss their selection grievance with the Chief Coach/Selector. If there is no resolution through discussions with the Chief Coach/Selector or if the rower cannot discuss the grievance with the Chief Coach/Selector, the rower should discuss their grievance with the Director of Performance.
- 2.3 Failing resolution through 2.2 the Rower may start the appeals procedure by notifying the CEO of British Rowing in writing (the "Notice of Appeal") by letter or email that he/she wishes to appeal the decision of the Chief Coach/Selector. The Notice of Appeal must be sent within five (5) calendar days of the Chief Coach/Selector's decision being communicated to the Appellant, by either email or mail to the following address:

Email: [andy.parkinson@britishrowing.org](mailto:andy.parkinson@britishrowing.org)  
Address: CEO, British Rowing, 6 Lower Mall, London W6 9DJ
- 2.4 The notice of appeal shall include:
  - 2.4.1 The appellant's name and address and contact details. If the Rower is under eighteen years of age it shall also include their date of birth and the name(s) and contact details of their parent or legal guardian.
  - 2.4.2 Details of the decision being appealed and, if available, any copy of the communication; and
  - 2.4.3 An email or postal address for correspondence.
- 2.5 The CEO shall, within 24 hours of receipt of a Notice of Appeal, notify the D&G Panel Chairman of the Appeal, including name(s) and contact details of the Chief Coach/Selector and ask the D&G Panel Chairman to establish a Selection Appeals Panel (the "Panel") which will consist of three appropriately qualified independent

individuals to hear the Appeal. The Panel shall, where possible, contain two members from the British Rowing Selection Appeals Panel Nominees' List agreed annually by the Board of British Rowing with one other member.

- 2.6 The D&G Panel Chairman shall, following receipt of the Notice of Appeal, constitute the Panel as quickly as possible.
- 2.7 As soon as practicably possible, and in any case not later than five (5) calendar days after the Rower lodged the Notice of Appeal, the Rower must submit to the D&G Panel Chairman in writing a statement (the "Statement of Claim") setting out the basis on which the Rower is making the Appeal, accompanied by any relevant evidence and appropriate documentation, including any relevant medical information that the Rower considers necessary to support the Appeal. British Rowing shall provide any requested evidence as soon as is possible and make sure that any delay will not disadvantage the Appellant.
- 2.8 The Statement of Claim should be sent either by email or by mail to the CEO who will forward it to the D&G Panel Chairman.
- 2.9 On instruction from the D&G Panel Chairman, the CEO shall without delay, and no longer than one (1) working day after receipt of the Statement of Claim, supply a copy of the Statement of Claim to the Respondent and to the Director of Performance who shall be entitled to respond in writing as soon as is practicably possible, and in any case not later than five (5) calendar days (the "Response") of receipt of these documents. The Response should be sent to the CEO who will forward it to the D&G Panel Chairman.
- 2.10 On instruction from the D&G Panel Chairman, the CEO shall without delay, and no longer than one (1) working day after receipt of the Response, supply a copy of the Response to the Rower who may make further written representations in reply to the Response and must, assuming the Rower wishes to proceed, within five (5) calendar days of receipt of the Response, request the D&G Panel Chairman in writing to proceed with the Appeal (the "Request").
- 2.11 The Request should be sent to the CEO who will forward it to the D&G Panel Chairman.
- 2.12 Unless the Panel permits or directs otherwise, the parties shall not submit further arguments after the time limit for the submission of the Response or the Request as the case may be, unless any further evidence is found which is directly relevant to the Appeal.
- 2.13 If the Respondent or Rower fails to submit the response document within the time limit set the Panel may, in its absolute discretion, nevertheless proceed with the hearing.

Note: IT IS VITAL FOR ROWERS REQUESTING AN APPEAL, AND THE CHIEF COACH/SELECTOR AND DIRECTOR OF PERFORMANCE IN RESPONDING TO THE STATEMENT OF APPEAL, TO APPRECIATE THAT THE OUTCOME OF THE APPEAL DECISION MAY HAVE CONSEQUENCES AFFECTING OTHER ROWERS AND THE SUBSEQUENT SELECTION PROCESS. ANY DELAY THEREFORE IN STARTING THE APPEAL AND SUBSEQUENTLY PROCESSING THE APPEAL IN ACCORDANCE WITH THE TIME LIMITS ABOVE MAY ULTIMATELY PREJUDICE THE OUTCOME OF THE APPEAL DECISION.

### 3. Time and Place of Appeal

- 3.1 The D&G Panel Chairman shall notify all the parties concerned as early as possible of the place and time the Appeal is to be heard (the “Appeal Hearing”) together with the names of the members of the Panel.
- 3.2 If any party wishes to object to the appointment of a Panel member that party shall, as soon as reasonably practicable after the Panel members are announced, submit in writing to the D&G Panel Chairman the basis of that objection. Unless the applicable Panel member withdraws or the other party supports the objection the D&G Panel Chairman shall determine the matter and shall if necessary request that a replacement Panel member be appointed.
- 3.3 The time limits set out in this Appeals Procedure may be extended or reduced by agreement between the parties in writing. In the absence of agreement, the Panel may on application from either party direct that the time limits set out herein may be varied. The Appeals Procedure must be completed before the close of entries of the competition for which the rower is aiming for selection.
- 3.4 The D&G Panel Chairman will as early as possible prior to the Appeal Hearing circulate to the individual members of the Panel, the Rower and the Respondent, copies of:
  - 3.4.1 The Notice of Appeal and the Statement of Appeal
  - 3.4.2 The Response
  - 3.4.3 The Request
  - 3.4.4 Any further written representations made by either party which has been allowed by the Panel.
- 3.5 The Panel is empowered to call witnesses, to seek expert advice as necessary and to hear evidence from persons nominated by the parties concerned, where requested. Strict rules of evidence do not apply but all involved should be aware that “hearsay” evidence is unlikely to carry as much weight as evidence within the direct knowledge of the parties and any witnesses.
- 3.6 The Rower may be accompanied at the Appeal Hearing by a maximum of two people who may act in an advisory capacity. In the case of a Rower who is under eighteen years at the date of the Appeal Hearing a parent or legal guardian should also be present.

- 3.7 The Respondent may be accompanied or represented at the Appeal Hearing by a maximum of two people.
- 3.8 The Panel will hear the evidence of both parties in private unless the parties agree otherwise.
- 3.9 If at any time during the Appeal Hearing there is any unreasonable behaviour the Panel Chairman may bring the proceedings to a close and the Panel will determine the Appeal on the basis of the written and verbal submissions that have been received.

## 4. Appeal Hearing Procedure and Decision

- 4.1 The Panel shall hear the Appeal in the following order:
  - 4.1.1 The Rower will present his/her case without interruption, except for the purpose of clarification, from the Panel.
  - 4.1.2 The Panel will ask questions.
  - 4.1.3 The Respondent will present his/her case without interruption, except for the purpose of clarification, from the Panel.
  - 4.1.4 The Panel will ask questions.
  - 4.1.5 Having heard each other's case the Rower and Respondent may raise questions through the Panel Chairman.
  - 4.1.6 The Rower and Respondent shall make final submissions to the Panel with the Rower having the right to be heard last, following which the Appeal Hearing shall be terminated.
- 4.2 The Panel will consider the evidence and notify the Rower, the Respondent and CEO of British Rowing (and where applicable to Scottish Rowing and/or Welsh Rowing) in writing of its decision as soon as possible and preferably within 24 hours of the Appeal Hearing.
- 4.3 The decision of the Panel is final and there is no further right to appeal. The Panel have the power to make recommendations to the Director of Performance as set out in 6.1.

## 5. Costs

- 5.1 The amount of the cost of the Panel and any experts appointed by the Panel, shall be determined by the Panel. Unless the parties otherwise agree or unless the Panel otherwise directs British Rowing shall be liable for this cost.
- 5.2 The parties shall be responsible for their own costs unless the parties otherwise agree.
- 5.3 The costs of a successful appeal shall be covered by British Rowing.

## 6. Panel's Recommendations

- 6.1 In the event of an Appeal being upheld the Panel shall make recommendations to the Director of Performance, taking account of:
  - 6.1.1 the timing of the selection cycle; and
  - 6.1.2 the proximity of any Olympic Games, Paralympic Games, World Championships or any other event
- 6.2 The Director of Performance will provide a written report of the action taken to the CEO of British Rowing. A copy of this report will be sent to the Rower, Respondent and the Chairman of British Rowing.
- 6.3 If in exceptional circumstances the Panel's recommendations cannot be implemented, the Director of Performance shall state the reasons for this in a report to the CEO who shall in turn submit this to the Panel to review and consider any alternatives. The Director of Performance shall provide a written report of the outcome and send it to the Rower, Respondent and the Chairman of British Rowing.

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