

GBR SELECTION AND NOMINATIONS APPEALS POLICY & PROCEDURE

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1. PURPOSE OF DOCUMENT

1.1.1 This document lays out the BF Appeals Policy & Procedure in relation to selections and nominations for major events that fall under the remit of British Fencing. Specifically to represent Great Britain for:

- a. IWAS/EFC/FIE European Championships – Cadet, Junior, U23 & Senior
- b. IWAS/FIE World Championships – Cadet, Junior, U23 & Senior
- c. World University Games
- d. Olympic Zonal Qualifier
- e. European Games (nomination)
- f. Olympic Games (nomination)
- g. Paralympic Games (nomination)

2. GOVERNANCE

- 2.1.1 This document is approved by the BF Board and published on the British Fencing website.
- 2.1.2 The BF Board delegates the implementation and execution of the policy including any related processes, procedures and structure to the CEO.
- 2.1.3 This document will be reviewed annually and any changes approved by the BF Board.

3. INTRODUCTION

- 3.1.1 The purpose of providing a mechanism for appeals is to allow for the correction of errors in the original decision. The Appeal Procedure is not and should not be considered as a secondary route to selection or nomination.
- 3.1.2 The following Appeal Procedure has been adopted by British Fencing (BF) in consideration of any appeal made by or on behalf of any athlete wishing to appeal by virtue of his or her non-selection for the competitions listed above.
- 3.1.3 Any athlete seeking a review of a non-selection or non-nomination decision should be aware of the time limits contained in the policy, which are designed with the intention of resolving issues in a timely, fair and transparent manner. All athletes should read this policy carefully and satisfy themselves that they are eligible to appeal in the first instance. Any appeals which do not satisfy the grounds of appeals below, will be dismissed automatically by the CEO, who may seek further independent advice on the matter prior to any dismissal.
- 3.1.4 The parties agree not to commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of the appeals panel before any court of law or dispute resolution body without first following this procedure.

4. GROUNDS OF APPEAL

- 4.1.1 An athlete may appeal against a selection decision only on the grounds that:
- a) there has been a failure to apply the applicable selection/nomination criteria or qualification standards
 - b) there has been a failure to follow the procedure set out in the applicable Selection or Nomination Policy **and** the departure from the process had a material impact on the outcome
 - c) the Selection/Nomination Panel reached a decision on the basis of an error of fact; or
 - d) the decision is unreasonable and one that no reasonable decision maker could ever have reached.
- 4.1.2 An athlete does not have a right of appeal against any judgment or discretion exercised in the course of making nomination/selection decisions, or against the content of the applicable selection criteria.
- 4.1.3 An athlete cannot appeal simply because they think that they should have been selected over another athlete who was selected. This is not a valid ground for appeal.
- 4.1.4 An athlete cannot appeal on the basis that they did not read the information published on the BF website or receive an email. This is not a valid ground for appeal. Dates of panel meetings are published and athletes are responsible for checking emails/the website for the outcome. It is the responsibility of athletes to keep BF Platform (Sport80) and ADP up to date with any changes to email addresses and to ensure that emails from BF or the systems used by BF are not marked as spam/junk.
- 4.1.5 Any athlete who has not met the eligibility and performance criteria/qualification standards for automatic qualification for the relevant competition shall have no right of appeal against non-selection or non-nomination for these competitions.

5. NOTICE OF APPEAL

- 5.1.1 The Appeals Procedure is commenced when an athlete affected by a selection/nomination decision, or the athlete's authorised representative, submits a formal written appeal (the **Notice of Appeal**) to British Fencing Head Office, headoffice@britishfencing.com marked for the attention of the Chief Executive Officer, copying Chair@britishfencing.com.

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- 5.1.2 The deadline for the Notice of Appeal to be received by BF is normally published in the relevant Selection or Nomination Policy. Where no deadline is stated the Notice of Appeal must be received by BF within **3 working days** of the selection/nomination decision(s) being announced, either on the British Fencing website or via email. In the case of Olympic/Paralympic nomination decisions the names of athletes may not be published and therefore information will be sent via email to athlete's that have met the eligibility and qualifying standard for that event.
- 5.1.3 If the athlete fails to submit the Notice of Appeal within the time limit set out in this Appeals Process they will have lost their right of appeal.
- 5.1.4 The Notice of Appeal must set out full details of the athlete's ground(s) of appeal and include:
- a) details of the decision which the athlete is appealing;
 - b) details of the ground(s) of appeal upon which the athlete relies, including the precise manner in which the athlete alleges that the selection criteria have not been applied and/or in which the procedure set out in the applicable selection policy has not been followed; and
 - c) any documents or written evidence upon which the athlete relies in support of his or her appeal. These documents must be relevant specifically to the athlete's grounds of appeal.

The Notice of Appeal must be accompanied by a deposit of £250.00 payable to BF, as a contribution towards the administrative costs of processing the appeal.

6. CONDUCT OF APPEAL

The appeal process will normally be undertaken via e-communication and panel hearings will not form part of the process.

If the appeal does not satisfy the grounds of appeal as stated above, it will be dismissed automatically by the CEO, who may seek independent advice on the matter prior to any dismissal.

Should the grounds of the appeal be satisfied, the CEO or an independent representative(s), designated by the CEO, who has not been involved in the selection process, will review the appeal in the first instance. This will be done within **five working days** of the appeal being received.

The designated individual(s) will consider the grounds set out in the Notice of Appeal and establish to their reasonable satisfaction whether or not:

- a) there has been a failure to apply the applicable selection/nomination criteria or qualification standards

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- b) there has been a failure to follow the procedure set out in the applicable Selection or Nomination Policy **and** the departure from the process had a material impact on the outcome
- c) the Selection/Nomination Panel reached a decision on the basis of an error of fact; or
- d) the decision is unreasonable and one that no reasonable decision maker could ever have reached.

The designated individual(s) has the power to request any information needed from the selectors who made the original selection decision and from any staff member involved in the administration, to satisfy themselves that the process as set out in the original selection decision was followed.

The designated individual(s) is entitled to:

- a) Confirm the nomination/selection decision(s) under appeal and reject the Appeal (**Appeal Dismissed**).
- b) If the appeal is dismissed, then the athlete will be provided with the written reasons within five working days for which the appeal has been dismissed and there will be no further right of appeal; or
- c) Allow the Appeal and remit the matter back to the original selection/nomination panel identifying the errors identified in the conduct of the selection/nomination process and requesting that the original decision is reviewed within three working days (**Appeal Upheld**).
- d) In the event an appeal is upheld the original selection decision will not be reversed by the designated individual(s). However, the selection/nomination panel will be asked to reconsider their original decision within **three working days** by applying the selection criteria correctly and rectifying any flaws in the original process. An upheld decision does not mean that the original selection decision was incorrect. It is recognition that the process set out in the original selection policy was not followed. Selection/nomination panels are not obliged to come to a different decision. Selection/nomination panels are required to ensure that they follow the correct process, correct any flaws and consider the correct information. A further independent observer may be appointed by the CEO to the selection/nomination panel to oversee this.

If the appeal is upheld, the deposit will be refunded in full to the athlete.

7. NO FURTHER RIGHT OF APPEAL

Following the decision and conclusions of the designated individual(s), there is no further right of appeal by the athlete or the athlete's authorised representative.

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