

# Appeals Policy & Procedure

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## 1. Purpose of Document

This document lays out the BF Appeals Policy & Procedure in relation to selections made after 1<sup>st</sup> August 2017 that fall under the remit of British Fencing. Specifically to represent Great Britain for:

- European Championships – Cadet, Junior, U23 & Senior
- World Championships – Cadet, Junior, U23 & Senior
- World University Games

Specifically excluded from this are the selections relating to the following events for which a separate Appeals Policy and Procedure will be published:

- Olympic Games
- Olympic Games Zonal Qualifier.

## 2. Governance

This document is approved by the BF Board and published on the British Fencing website.

The BF Board delegates the implementation and execution of the policy including any related processes, procedures and structure to the CEO.

This document will be reviewed annually and any changes approved by the BF Board.

## 3. Introduction

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.

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.

Any athlete seeking a review of a non-selection 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

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dismissed automatically by the CEO, who may seek further independent advice on the matter prior to any dismissal.

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

An athlete may appeal against a selection decision only on the grounds that:

- there has been a failure to apply the applicable selection criteria; and/or
- there has been a failure to adhere to the procedure set out in the applicable selection policy

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.

Any athlete who has not met the eligibility and performance criteria for automatic qualification for the relevant competition shall have no right of appeal against non-selection for these competitions.

### 5. Notice of Appeal

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

The Notice of Appeal must be received by BF within **2 working days** of the selection decision(s) being announced on the British Fencing website. If the athlete fails to submit the Notice of Appeal within the time limit set out in this Appeals Process he or she will have lost their right of appeal.

The Notice of Appeal must set out full details of the athlete's ground(s) of appeal and include:

- details of the decision which the athlete is appealing;
- 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
- 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

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The Notice of Appeal must be accompanied by a deposit of £100.00 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, an independent representative(s), designated by the Chief Executive Officer, 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 there has been a failure to apply the applicable selection criteria and/or that there has been a failure to adhere to the procedure set out in the applicable Selection Policies and Procedures.

The designated individual(s) has the power to request any information needed from the selectors who made the original selection decision, 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**).  
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
- b) Allow the Appeal and remit the matter back to the original selectors identifying the errors identified in the conduct of the selection process and requesting that the original decision is reviewed within three working days (**Appeal Upheld**).

In the event an appeal is upheld the original selection decision will not be reversed by the designated individual(s). However, the selectors 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. Selectors are not obliged to come to a different decision. Selectors are required to ensure that they follow the correct process, correct any flaws and consider the correct information.

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If the appeal is upheld, the deposit of £100.00 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.

**Approved by the Board of BF  
19<sup>th</sup> June 2017**