

British Weight Lifting Selection - Appeals Procedure for the Birmingham 2022 Commonwealth Games

The following procedures have been adopted by British Weight Lifting (BWL) in consideration of any appeal made by or on behalf of any athlete wishing to appeal by virtue of his or her non-selection.

Any athlete seeking a review of a 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 dismissed automatically.

The parties agree not to commence, continue, 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.

1 Grounds for Appeal

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

- a) There has been a failure by BWL to apply the applicable selection criteria; and/or
- b) There has been a failure to adhere to the procedure set out in the applicable selection policy
- c) A decision was made based on an error of fact
- d) A decision was biased

An athlete does not have a right of appeal against any judgement or discretion exercised in the course of making nomination decisions, or against the content of the applicable selection criteria.

2 How to appeal

Should the athlete wish to appeal against the Decision then the following procedures apply:

- 2.1 This Appeals Process is commenced when an athlete affected by a decision, or the athlete's authorised representative, submits a formal written appeal ('the Notice of Appeal') to the BWL CEO by email to ashley.metcalfe@britishweightlifting.org
- 2.2 The Notice of Appeal must be submitted within 3 days of the selection or deselection decision
- 2.3 If the athlete fails to submit the Notice of Appeal within the time limit set out in this Appeals Process s/he will have lost their right of appeal, save in wholly exceptional circumstances which will be judged by the Appeal Panel in their absolute discretion
- 2.4 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, or in which the procedure set out in the applicable selection policy has not been followed, or evidencing that a decision was biased or made based on an error of fact; 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

- 2.5 The Notice of Appeal must be accompanied by a fee of £100 aligned with the selection policy, as a cheque payable to British Weight Lifting, as a contribution towards the administrative costs of processing the Appeal. Credit card payments can be made by contacting Sue Ward at BWL direct on 01132 249402 or Bank transfers can be forwarded to:
Sort Code: 404303
Account number: 21695851
- 2.6 Athletes should be aware that appeals are normally conducted by reference to the written Notice of Appeal and supporting documents and that the athlete (or his or her authorised representative) will not normally be allowed to attend the meeting of the Appeal Panel in person. The athlete should therefore ensure that the Notice of Appeal is as comprehensive as possible

3 The Appeal Panel

3.1 The Appeal Panel will be composed off a minimum of three members, namely:

- a) The Independent Chairman of BWL
- b) Independent Director of BWL (Performance experience)
- c) BWL CEO

The appeal panel may also appoint an Independent legal advisor or BWL INED (legal experience)

3.2 The Appeal Panel will be chaired by the person in 3.1 (a)

4 Conduct of the Appeal

- 4.1 Upon receipt of the Notice of Appeal, the BWL Head of Performance will as soon as reasonably practicable circulate it to all members of the Appeal Panel as well as notifying all athletes who are affected by the appeal
- 4.2 The Chairman of the Appeal Panel will convene a meeting to take place as soon as practical, and in any event within 2 working days of receipt of the Notice of Appeal, at which the Appeal Panel will consider the Notice of Appeal
- 4.3 At the appeal hearing the Appeals Panel will consider the original Decision and the Notice of Appeal. The Appeals Panel may decide in advance to ask the athlete or members of the BWL Performance Team to attend and question either party or ask them to supply additional evidence. Anyone asked to be present at the hearing may be accompanied by an adviser.
- 4.4 The Appeal Panel, when considering the Notice of Appeal, shall be entitled to take advice (including legal advice) as they see fit
- 4.5 The Appeals Panel may decide as follows:
- a) That the selection decision be set aside as it was based on error of fact, biased or procedurally flawed, and the matter of the athlete's selection remitted for fresh consideration to Selection Panel; or
 - b) That the selection decision be upheld, and the athlete's appeal rejected
- 4.6 The Appeals Panel shall within 3 days of the appeals meeting, or as soon as is alternatively appropriate inform the athlete and the Chair of BWL Selection Panel of its decision together with the written reasons for its decision through the BWL Head of Performance
- 4.7 The decision of the Appeal Panel shall be reached by majority vote and all members shall have one vote each
- 4.8 The athlete and British Weight Lifting both agree that the decision of the Appeal Panel shall be

final and binding on both the parties

4.9 If the appeal is upheld the deposit will be refunded in full

4.10 The athlete has no further right of appeal after the decision of the appeal panel