

Independent Panel Members

1. Background

UK Sport and Sport Resolutions (SR) have developed an initiative to support National Governing Bodies (NGBs) in running disciplinary and grievance processes. UK Sport has negotiated with SR to provide NGBs with the opportunity to request assistance from independent members of SR's Panel of Arbitrators when administering internal disciplinary and grievance proceedings, for appointment to the internal decision-making body, including to chair hearings. SR's Panel of Arbitrators consists of experienced barristers and solicitors practising in the sports law sector, who hold appropriate arbitration qualifications / designations. More information on Sport Resolutions' Panels can be obtained [here](#).

Providing NGBs with the opportunity to utilise panel members with relevant knowledge and expertise will help to ensure a robust process is followed and can improve the level of decision-making on sensitive issues. Obtaining independent members will provide greater trust in the NGB processes that issues are managed objectively.

2. Purpose

UK Sport and SR recognise that NGBs may not have a pool of independent individuals with expert skill-sets to call upon to sit on a disciplinary panel. This may be due to the size of the NGB and the resource available to recruit independent members. This initiative will provide NGBs with the opportunity to access a panel of individuals who can provide expertise on disciplinary cases.

3. Scope

3.1. Who will this initiative be available to?

NGBs that are funded by UK Sport will be able to access SR's Panel. The case must concern an individual and / or incident relating to the NGB's World Class Programme (WCP).

3.2. Type of cases

This initiative will be available to NGBs for disciplinary and grievance cases. If an athlete or coach on the WCP is alleged to have breached the NGB's code of conduct policy, which subsequently leads to a hearing, the NGB could submit a request to SR to have a member from their Panel sit on their panel. Likewise, if an athlete or coach raises a grievance, NGBs may request a member of the Panel to be a member of the panel determining the grievance.

4. Remit

4.1. Requesting a member

The NGB will be able to request a chairperson or wing member for their panel.

4.2. Expectations of the member

4.2.1. Chair

As the Chair of the panel they will be required to:

- Be independent of parties. Should circumstances arise which could be perceived to an observer as a potential conflict of interest, immediately disclose those facts to both parties;
- Prior to the hearing, familiarise themselves with the relevant materials pertaining to the case. They should be culturally sensitive and aware of the context in which the WCP operates;
- Manage the order of proceedings;
- Ensure the panel works together and that each member has the opportunity to contribute;
- Ensure the hearing is managed in line with the applicable rules and in a fair manner;
- Ensure the key issues are discussed and a decision is agreed, and;
- When required, draft a reasoned written decision.

4.2.2. Wing Member

A Wing Member will be required to:

- Be independent of parties. Should circumstances arise which could be perceived to an observer as a potential conflict of interest, immediately disclose those facts to both parties;
- Prior to the hearing, familiarise themselves with the relevant materials pertaining to the case. They should be culturally sensitive and aware of the context in which the WCP operates;
- Contribute to the matter in question in an objective manner, and;
- Provide their view in arriving at the decision of the panel and any subsequent sanctions. This includes providing comment on any draft of the decision.

4.3. Limitations

Requests can be made for matters to be determined on the papers (i.e. without the need for an oral hearing), or for which no more than a day's hearing is anticipated. Although SR will utilise best endeavours to source a member for each request, there is no guarantee of availability.

5. Procedure for Access

5.1. Request

Requests should be made ahead of a hearing, with sufficient time provided for a member to be sourced and for that member to familiarise themselves with the

matter. A request form can be obtained by request from SR. NGBs will be asked to confirm that they are in receipt of UK Sport funding at the time of the request. All requests must be submitted to SR.

Once a request is made, SR will nominate one member of its Panel of Arbitrators, whom the NGB may then appoint in accordance with their rules. The NGB will be responsible for formalising the appointment and administering the case. UK Sport will not be involved in the nomination of a Panel member. This process will be administered by SR.

5.2. Remuneration & expenses

Subject to the limitations outlined above, the independent panel members are gifting their time and as such, no professional fees will be payable.

Reasonable out-of-pocket expenses, such as travel expenses to / from a hearing venue, shall be covered by the NGB.

This service is being provided on the basis that each NGB shall make no more than 2 requests per annum in relation to WCPs