

2021 PROCEDURAL RULES OF THE NATIONAL SAFEGUARDING PANEL

Entry into force: 01 April 2021

1. Introduction.....	2
2. Definitions and Interpretation	3
3. Notices and Periods of Time.....	5
4. Invoking the Jurisdiction of the National Safeguarding Panel.....	5
5. Composition of a Tribunal	6
6. Conduct of applications relating to Provisional Suspensions.....	7
7. Conduct of the Proceedings.....	8
8. Hearings	10
9. The Burden and Standard of Proof	11
10. Evidence and the Evidence of Children and Adults at Risk.....	11
11. Risk Management and Sanctions	13
12. Appeals from Arbitral Tribunals.....	13
13. Arbitral Tribunal and Appeal Tribunal Decisions	15
14. Miscellaneous.....	16

1. INTRODUCTION

- 1.1 The following provisions shall be referred to as the Procedural Rules of the National Safeguarding Panel of Sport Resolutions (“**the NSP Rules**”).
- 1.2 A national governing body for any sport or other sporting organisation, including a club engaged wholly or in part in sport, (collectively referred to as an “**NGB**”) may request the National Safeguarding Panel (the “**NSP**”) to hear and determine by way of arbitration any of the following matters concerning the conduct of any person connected to the NGB and which involves the participation of children or adults at risk in sport, including:
 - 1.2.1 any circumstances or situation where it is alleged their rules and regulations have been breached and/or that a person has engaged in conduct which directly or indirectly adversely affects the welfare and safety of a child, children or an adult, or adults at risk and/or places them at risk; and/or
 - 1.2.2 the “**Provisional Suspension**” of a person who is subject to its rules and regulations pending determination of any matters set out in Rule 1.2.1; and/or
 - 1.2.3 an appeal brought against any finding of fact and/or decision made (whether by the NGB or by another body appointed by the NGB) regarding any matter referred to in rules 1.2.1 or 1.2.2.
- 1.3 A person, who is [i] subject to the rules and regulations of an NGB and [ii] is affected by a decision made (whether by the NGB or a tribunal appointed by it) regarding any matter referred to in rules 1.2.1 or 1.2.2, may request the NSP to hear and determine by way of arbitration an appeal from any such decision.
- 1.4 Where the rules and regulations of the NGB or any other rule, regulation, agreement, submission or reference confer jurisdiction over a matter on the NSP, the parties shall be taken to have agreed that such matter shall be heard and resolved in accordance with these rules, as amended from time to time.
- 1.5 Where a request is made pursuant to rule 1.2 or 1.3 above then:
 - 1.5.1 The NGB or person shall be referred to as the Applicant and Respondent as the circumstances warrant.
 - 1.5.2 The NSP shall establish that both the Appellant and Respondent agree to the NSP hearing and determining any of the matters set out in rules 1.2 and 1.3.
 - 1.5.3 The Applicant and the Respondent shall be taken to have agreed that such matter shall be heard and resolved in accordance with the NSP Rules.

- 1.5.4 The NSP Rules shall constitute an agreement to arbitrate, and proceedings under the NSP Rules shall constitute arbitration proceedings with a seat or legal place in London, England, for the purpose of triggering the application of the Arbitration Act 1996.

2. DEFINITIONS AND INTERPRETATION

- 2.1 A child is a person under the age of 18 years.
- 2.2 An adult at risk¹, is any person aged 18 years or over who:
- 2.2.1 has needs for care and support (whether or not the local authority is meeting any of those needs) and;
 - 2.2.2 is experiencing, or is at risk of, abuse or neglect; and
 - 2.2.3 as a result of those needs is unable to protect themselves against abuse or neglect or the risk of it.
- 2.3 Unless otherwise indicated, when used in the NSP Rules, the following terms shall be given the meanings set out next to them below:

Appeal Tribunal	means a tribunal of one or three members of the NSP appointed in accordance with Rule 5.3 to hear and determine an appeal.
Appellant	has the meaning given to that term in Rule 12.1.
Applicant	has the meaning given to that term in Rule 1.5.1.
Arbitral Tribunal	means one or three members of the NSP appointed under Rule 5.1.
NGB	means an organisation having power to make rules and regulations in relation to any sporting activity, any club or other organisation or association concerned with sport.

¹ Care Act 2014, s.42(1)

Notice of Appeal	has the meaning given to that term in Rule 12.2.
NSP Rules	means these rules.
NSP Secretariat	means the body of that name which may be contacted c/o Sport Resolutions, 1 Paternoster Lane, St Paul's London EC4M 7BQ, tel.: 020 7036 1966.
President	means the person appointed as President of the NSP by Sport Resolutions, who shall perform the functions given to them in these Rules.
Provisional Suspension	Means a decision to terminate or limit a person's legal ability to participate in a sporting activity pending a final decision by the NSP of such person's ability to participate in such activity.
Request for Arbitration	has the meaning given to that term in Rule 4.1.1.
Respondent	has the meaning given to that term in Rule 1.5.1.
Tribunal	means an Arbitral Tribunal and/or an Appeal Tribunal, as the context requires.
Working Day	means a day (other than a Saturday or Sunday) on which banks are open for business in London.

- 2.4 In these Rules references to the male gender shall be deemed to include all genders and references to the singular shall be deemed to include the plural and references to the plural shall be deemed to include the singular. References to the “**President**” of the NSP, the “**NSP Secretariat**”, expert, any arbitrator, witness, party, and legal representative shall be deemed to include all genders.

3. NOTICES AND PERIODS OF TIME

- 3.1 Any notice or other communication required to be given by a party pursuant to the NSP Rules must be given in writing and must be sent by first class post or transmitted by e-mail. If sent by first class post, the notice or other communication shall be deemed to have been given on the “**Working Day**” following the day it is sent. If transmitted by e-mail before 5pm (London time) on a Working Day, the notice of communication shall be deemed to have been given on that Working Day. If transmitted on a non-Working Day, at or after 5pm (London time) on a Working Day, the notice or other communication shall be deemed to have been given on the next Working Day.
- 3.2 A party's last-known residence or place of business shall be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to all parties and to the NSP Secretariat.
- 3.3 For the purpose of calculating a period of time under the NSP Rules, such period shall begin to run on the day following the day when a notice or other communication is given. Non-Working Days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-Working Day, then it shall be deemed to end on the next Working Day.

4. INVOKING THE JURISDICTION OF THE NATIONAL SAFEGUARDING PANEL

- 4.1 The jurisdiction of the NSP over a matter shall be invoked in the following circumstances:
 - 4.1.1 Where a written request is submitted to the NSP Secretariat for determination of one or more of the matters set out in Rule 1.2 and 1.3 the request shall be deemed to be a “**Request for Arbitration**”.
 - 4.1.2 The Request for Arbitration must contain or be accompanied by:
 - a) the contact details (including name, address, telephone number and e-mail) of the Applicant and the Respondent;
 - b) a copy of the rule, regulation, agreement, submission, or reference conferring jurisdiction on the NSP to hear and determine the matter;
 - c) a copy of any written notice of any matters falling within Rule 1.2 sent to the Respondent or Applicant and any written response served by the Respondent or Applicant;
 - d) any proposals in relation to the conduct or venue of the arbitration proceedings or as to the number of arbitrators, any request for provisional relief, and an indication as to any special features of the arbitration proceedings (including but not limited to the date of birth and any needs or abilities of any minors or adults at risk involved in the arbitration proceedings) and/or whether expedited proceedings are required; and
 - e) confirmation that, all reasonable efforts are being made to serve, a

- copy of the Request for Arbitration, , together with all enclosures, simultaneously on the Applicant and /or the Respondent and any other party or parties entitled to notification of the same under the NSP Rules; and
- f) Where the matter falls within Rule 1.2.3 and/or Rule 1.3 copies of any written decision.
- 4.2 Where the jurisdiction of the NSP over a matter is invoked in accordance with Rule 4.1, the NSP Secretariat, the President, and the members of the NSP shall deal with such matter in accordance with the roles ascribed to each of them respectively in the NSP Rules.
- 4.3 Upon receipt of a Request for Arbitration the President will determine whether the same falls within the jurisdiction of the NSP and if so whether the NSP should proceed to a hearing taking into account all the circumstances, including any arbitration agreement, the matters submitted for arbitration, the seriousness of the matter, whether there are criminal or civil proceedings either likely or extant and the funding of any hearing. The President's decision shall be final.
- 4.4 Where a party wishes to contact the President, and/or members of the NSP in connection with a matter, such contact shall be made via the NSP Secretariat, with all reasonable efforts being made to serve copies to all other parties.

5. COMPOSITION OF A TRIBUNAL

- 5.1 Where a Request for Arbitration is received pursuant to these Rules, the President shall appoint a Tribunal made up of three members of the NSP, one acting as chairperson, to hear and determine the matter in accordance with the NSP Rules, unless it appears to the President that the matter is suitable for determination by a sole arbitrator. The President's appointee(s) pursuant to this Rule shall be referred to as the "**Arbitral Tribunal**".
- 5.2 Where a ruling is required in relation to a Provisional Suspension or any other urgent matter before an Arbitral Tribunal has been convened, the President shall determine that matter or may refer that matter to an Arbitral Tribunal for determination.
- 5.3 Where a Notice of Appeal is received pursuant to the NSP Rules, the President shall appoint a tribunal made up of three NSP arbitrators, one acting as chairperson, to hear and determine the appeal in accordance with NSP Rule 12, unless it appears to the President that the matter is suitable for determination by a sole arbitrator. The President's appointee(s) shall be referred to as the "**Appeal Tribunal**".
- 5.4 All NSP arbitrators sitting on Tribunals convened under these Rules shall remain impartial and independent at all times and must have had no prior involvement with the subject matter of the arbitration. Prior to their appointment to a Tribunal, each NSP arbitrator must sign a declaration that there are no facts or circumstances known to them which might call into question their impartiality or independence, other than any circumstances disclosed in the declaration. Each NSP arbitrator shall have a continuing duty to disclose to the President without delay any such circumstances arising following their appointment. The President shall determine

whether such NSP arbitrator should be appointed (or should continue to serve) as a Tribunal member in light of such disclosure(s).

- 5.5 The NSP Secretariat shall notify both the Applicant and Respondent of the identity of the NSP arbitrators appointed to the Tribunal that will hear and determine the matter, and shall make available to the parties a copy of each member's written declaration of independence. Any party having any legitimate objection to such appointment(s) must communicate its objections to the President via the NSP Secretariat within seven (7) days of receipt of such declarations. The President shall rule on the legitimacy of any such objection and the President's decision shall be final.
- 5.6 An arbitrator may also be challenged by any party where, following the formation of the Tribunal, circumstances arise that create legitimate doubts as to their impartiality or independence. Such a challenge must be made within seven (7) days of that party becoming aware of such circumstances. The President shall decide on the challenge, unless the challenged arbitrator withdraws, or all parties agree to the challenge, and the President's decision shall be final.
- 5.7 If an arbitrator gives notice of their desire to resign from a Tribunal, or becomes unwilling, unable or unfit to sit on such Tribunal for any reason, the President shall revoke that tribunal member's appointment and may in their discretion either appoint another NSP arbitrator to the Tribunal or, with the agreement of the remaining arbitrators and having regard to the circumstances of the case and the stage of the proceedings, authorise the remaining arbitrators to continue to hear and determine the matter alone. The President's decision shall be final.

6. CONDUCT OF APPLICATIONS RELATING TO PROVISIONAL SUSPENSIONS

- 6.1 Where a request is received for a Provisional Suspension, or an appeal against a grant or refusal to grant a Provisional Suspension, the matter shall be determined by the chairperson of the Arbitral Tribunal appointed in accordance with Rule 5.1 or (if the application is urgent and no chairperson has yet been appointed) by the President:
 - 6.1.1 A decision regarding a Provisional Suspension may be made on evidence and without notice having been given to the other party for a limited period(s) or after notice has been given.
 - 6.1.2 Any evidence and submissions of the parties regarding a Provisional Suspension shall be made in writing and/or, if so directed, orally during a telephone or video conference. There shall be no right to a hearing, unless so directed;
 - 6.1.3 Subject to rule 6.1.1 the Tribunal or the President shall give each party an opportunity to comment on the other's submissions prior to making a decision;
 - 6.1.4 Subject to the foregoing, the application shall be determined on an expedited basis.
- 6.2 A Respondent who is Provisionally Suspended has the right to an expedited hearing on the merits of the charge(s) brought against them, to take place as soon

as possible after the date of imposition of the Provisional Suspension, unless otherwise agreed by the Respondent.

7. CONDUCT OF THE PROCEEDINGS

- 7.1 While in accordance with the NSP Rules the seat or legal place of all Tribunal proceedings (whether first instance or appeal) shall be London, England, for convenience the Tribunal may in its discretion order that meetings, hearings or deliberations be held at an alternative location.
- 7.2 The Tribunal shall determine the dispute in accordance with the evidence and any NGB Rules and/or Regulations, the NSP Rules, or (in the absence of an express choice of law in such rules) according to the law of the country in which the NGB is domiciled.
- 7.3 In the case of any conflict between the NGB Rules and the NSPs Rules, the NSP Rules shall take precedence.
- 7.4 The parties shall be entitled, at their own expense, to be represented by legal counsel or any other representative(s) in all proceedings under the NSP Rules.
- 7.5 The Tribunal shall have all powers necessary for, and incidental to, the discharge of its responsibilities under the NSP Rules, including (without limitation) the power, whether on the application of a party or of its own motion:
 - 7.5.1 to appoint an expert to assist or advise the Tribunal on a specific issue or issues, such expert to be and remain impartial and independent of the parties, and the costs of such expert to be borne by the parties or in such manner as directed by the Tribunal;
 - 7.5.2 to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;
 - 7.5.3 to extend or abbreviate any time-limit provided by the NSP Rules, or by the Tribunal's own orders;
 - 7.5.4 to conduct such enquiries as appear necessary or expedient in order to ascertain the facts;
 - 7.5.5 to order any party to make any property, document or other material in its possession or under its control available for inspection by the Tribunal and any other party;
 - 7.5.6 to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such joinder or intervention, and thereafter to make a single final decision or separate decisions in respect of all parties;
 - 7.5.7 to order that certain preliminary (and/or potentially dispositive) questions – e.g., as to jurisdiction – be heard and determined in advance of any other issues in the matter;
 - 7.5.8 to award interim relief or other conservatory measures on a provisional basis subject to final determination;

- 7.5.9 to impose or to lift or to vary a Provisional Suspension; and
 - 7.5.10 to rule on its own jurisdiction in a final award (subject to any appeal rights).
- 7.6 In all cases involving a three-member Tribunal, the Tribunal chairperson may make procedural rulings on their own.
- 7.7 The President shall have the power, whether on the application of a party or of the President's own motion and in addition to any other powers granted under these rules: to consolidate the proceedings with other substantially similar or related NSP proceedings and/or order that concurrent hearings be held in relation to such proceedings, due consideration being given to the respective parties representations;
- 7.7.1 to award interim relief or order other conservatory measures on a provisional basis before a Tribunal has been convened; and
 - 7.7.2 to impose or to lift a Provisional Suspension before a Tribunal has been convened.
- 7.8 As soon as practicable after the formation of the Tribunal, the Tribunal chairperson shall issue directions to the parties in relation to the procedure and timetable to be followed in the proceedings. Where the chairperson deem appropriate, they shall hold a directions hearing prior to issuing such directions. In particular, the directions shall:
- 7.8.1 fix the date, time and venue of the hearing. Subject to rule 6.2, the hearing should take place no later than forty (40) days after the NSP Secretariat receives the Request for Arbitration or the Notice of Appeal, save where, fairness requires, or the President determines otherwise, bearing in mind any representations received and the needs or welfare or interests of any child, children or adults at risk involved;
 - 7.8.2 establish a schedule for the exchange of written submissions and evidence in advance of the hearing, including confirmation by the Applicant of the details of its *prima facie* case, confirmation by the Respondent of the details of his defence and/or mitigation, and provision for the Applicant to reply to the Respondent's defence and/or mitigation; and
 - 7.8.3 make such order as the chairperson deems appropriate in relation to the manner and form in which any witness or expert evidence should be produced, provided that:
 - a) a party intending to rely upon the evidence of a witness or expert shall serve a statement or report setting out the proposed evidence of such witness or expert at a date in advance of the hearing that is specified by the chairperson; and
 - b) the Tribunal shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness or expert; and
 - 7.8.4 make such order as the chairperson shall deem appropriate in relation to the disclosure of relevant documents and/or other materials in the possession or control of either party.

7.9 Where the Tribunal determines, of its own motion or at the request of the parties, to hold a directions hearing, the hearing may be held in person or by telephone or video conference call. The non-attendance of any party or their/its representative(s) at the directions hearing, after proper notice of the hearing has been provided, shall not prevent the Tribunal chairperson from proceeding with the meeting in such party's absence, whether or not any written submissions are made by or on behalf of that party.

8. HEARINGS

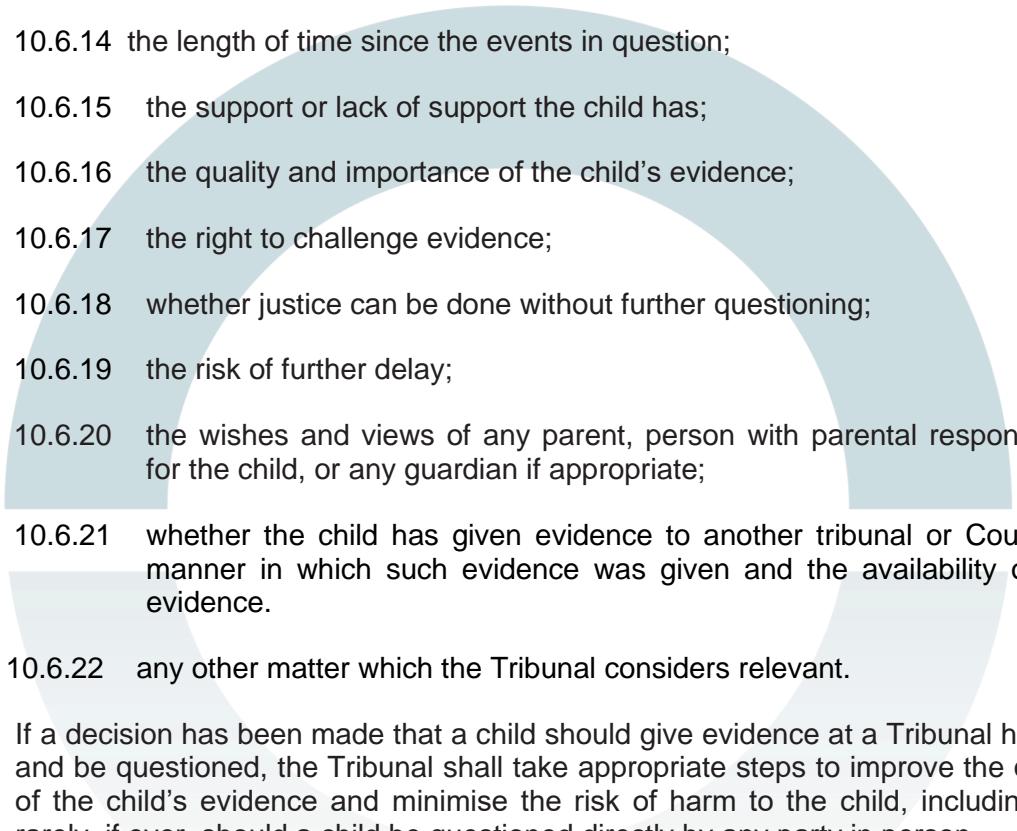
- 8.1 Save for good cause shown by any party, all hearings shall be conducted on a private and confidential basis, attended only by the parties to the proceedings (i.e. in the case of a first instance proceeding, the Applicant and Respondent; in the case of an appeal, the Appellant and any other parties to the appeal) and their representatives, as well as the representatives of any third party permitted under the NSP Rules to attend in order to participate in and/or to observe the proceedings.
- 8.2 The hearing shall be conducted in English. The Respondent shall be entitled to use an interpreter provided by the NSP at the Respondent's own cost. Any party wishing to rely upon documents written in a language other than English shall produce official English translations of such documents at their/its own cost.
- 8.3 The hearing shall be audio recorded for the Panel's benefit. The recording will only be held by the Secretariat as long as is necessary.
- 8.4 The procedure to be followed at the hearing shall be at the discretion of the Tribunal chairperson, provided always that the hearing is conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses), address the Tribunal and present their/its case as to both liability and any sanctions and/or risk management.
- 8.5 At the beginning of the hearing the Tribunal chairperson shall explain the order of the proceedings that the Tribunal proposes to adopt.
- 8.6 The Tribunal shall have discretion as to whether to receive evidence from witnesses in person, by telephone, by video conference or in writing, and shall have the right to question a witness and control the questioning of witnesses by a party.
- 8.7 Unless the Tribunal orders that parties may make submissions in writing only, all parties should attend hearings in person, along with any representative(s). The non-attendance of any party or his representative at the hearing, after proper notice of the hearing has been provided in accordance with the NSP Rules, shall not prevent the Tribunal from proceeding with the hearing in their absence, whether or not written submissions have been made by or on behalf of that party.
- 8.8 Once the parties have completed their respective submissions, the Tribunal shall retire to determine in private whether it is satisfied on the evidence, to the required standard, of the issues which are before it for determination. The Tribunal shall make its decision unanimously or by majority. No member of the Tribunal may abstain.

9. THE BURDEN AND STANDARD OF PROOF

- 9.1 The burden of proof shall lie on the party who asserts a particular fact or matter.
- 9.2 The standard of proof shall be a balance of probabilities throughout the proceedings.
- 9.3 Subject to Rule 9.2, the Tribunal shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any factual or expert witness) and shall not be bound by any judicial or evidential rules in relation to such matters. Facts may be established by any reliable means, including admissions.

10. EVIDENCE AND THE EVIDENCE OF CHILDREN AND ADULTS AT RISK

- 10.1 In this Rule 10, consideration of and reference to special measures in relation to the evidence of children shall also apply to adults at risk.
- 10.2 The Tribunal may consider any evidence, whether or not such evidence would be admissible in a court of law.
- 10.3 The evidence of children, whether direct or hearsay, shall be admissible in proceedings before the Tribunal.
- 10.4 The Tribunal shall determine the manner in which children's evidence shall be given bearing in mind [i] the objective of achieving a fair hearing, [ii] the possible damage to a child's welfare from giving evidence and [iii] the possible advantages that the child's evidence will bring to the determination of truth.
- 10.5 The Tribunal shall have special regard to, and shall always take into account the risk of harm which giving evidence may do to children and how to minimise that harm. The possibility of the child giving answers to questions on an occasion distinct from the Tribunal hearing will be considered.
- 10.6 In having regard to the above risk of possible damage to a child's welfare the Tribunal shall have regard to:
 - 10.6.1 the child's wishes and feelings; in particular their willingness to give evidence; as an unwilling child should rarely if ever be obliged to give evidence;
 - 10.6.2 the child's particular needs and abilities;
 - 10.6.3 the issues that need to be determined;
 - 10.6.4 the nature and gravity of the issues to be determined;
 - 10.6.5 the source of any allegations;
 - 10.6.6 whether the case depends on the child's allegations alone;
 - 10.6.7 corroborative evidence;

- 
- 10.6.8 the quality and reliability of the existing evidence;
 - 10.6.9 the quality and reliability of any Achieving Best Evidence (ABE) interview;
 - 10.6.10 whether the child has retracted allegations;
 - 10.6.11 the nature of any challenge a party wishes to make;
 - 10.6.12 the age of the child;
 - 10.6.13 the maturity, vulnerability and understanding, capacity and competence of the child; this may be apparent from the ABE or from professionals' discussions with the child;
 - 10.6.14 the length of time since the events in question;
 - 10.6.15 the support or lack of support the child has;
 - 10.6.16 the quality and importance of the child's evidence;
 - 10.6.17 the right to challenge evidence;
 - 10.6.18 whether justice can be done without further questioning;
 - 10.6.19 the risk of further delay;
 - 10.6.20 the wishes and views of any parent, person with parental responsibility for the child, or any guardian if appropriate;
 - 10.6.21 whether the child has given evidence to another tribunal or Court, the manner in which such evidence was given and the availability of that evidence.
 - 10.6.22 any other matter which the Tribunal considers relevant.
- 10.7 If a decision has been made that a child should give evidence at a Tribunal hearing and be questioned, the Tribunal shall take appropriate steps to improve the quality of the child's evidence and minimise the risk of harm to the child, including that rarely, if ever, should a child be questioned directly by any party in person.
- 10.8 At the earliest opportunity and in any event before the hearing at which child's evidence is taken, the following matters must be considered:
- a. if 'live' cross-examination is appropriate, the need for and use of a registered intermediary or other communication specialist to facilitate the communication of others with the child or relay questions directly;
 - b. the use of other 'special measures' in particular live video link and screens;
 - c. the full range of special measures in light of the child's wishes and needs;
 - d. advance approval by the Tribunal of any questions proposed to be put to the child;
 - e. the need for ground rules to be discussed ahead of time by the Tribunal, parties and any intermediary, about the questioning of the child;
 - f. information about the child's communication skills, length of concentration span and level of understanding;
 - g. the need for breaks in the child's evidence;
 - h. the involvement and identity of a supporter for the child;

- i. the timetable for children's evidence to minimize time at the Tribunal hearing;
- j. the child's dates to avoid attending the Tribunal;
- k. the length of any ABE recording, the best time for the child and the Tribunal to view it; consideration will be given to the fact that the best time for the child may not be when the recording is viewed by the Tribunal;
- l. admissions of as much of the child's evidence as possible in advance; including locations, times, and lay-outs relating to any fact in dispute;
- m. save in exceptional circumstances, agreement as to (i) the proper form and limit of questioning and (ii) the identity of the questioner;
- n. any other wishes and needs of the child the Tribunal shall find relevant or necessary.

10.9 If a child is to give oral evidence at the hearing the following should occur:

- a. a familiarisation visit by the child to the Tribunal before the hearing with a demonstration of special measures, so that the child can make an informed view about their use;
- b. the child should be accompanied and have a known neutral supporter, not directly involved in the case, present during their evidence;
- c. the child should see their ABE interview and/or their existing evidence before giving evidence for the purpose of memory refreshing;
- d. consideration of the child's secure access to the building and suitability of waiting/eating areas so as to ensure there is no possibility of any confrontation with anyone which might cause distress to the child (where facilities are inadequate, use of a remote link from another court or non-court location);
- e. identification of where the child will be located at the Tribunal and the need for privacy.

11. RISK MANAGEMENT AND SANCTIONS

11.1 Where the Tribunal determines that the Respondent has presented or presents a risk to the welfare of children or an adult at risk, the Tribunal shall impose such sanctions and/or risk management measures as seem fair and just, due consideration being given to the NGB's own rules and regulations.

12. APPEALS FROM ARBITRAL TRIBUNALS

12.1 Subject to the following rules, a party ("the Appellant") may appeal an Arbitral Tribunal's decision to an Appeal Tribunal. The decision being appealed shall remain in full force and effect pending determination of the appeal unless pending the appointment of an Appeal Tribunal the President or the Appeal Tribunal orders otherwise.

12.2 An appeal must be in writing and shall be referred to as the "**Notice of Appeal**". The Notice of Appeal must be addressed to the NSP Secretariat, and be received within twenty-one (21) days of the decision being appealed and contain and be accompanied by the following:

- 12.2.1 the contact details of the Appellant and any other party/parties to the appeal;

- 12.2.2 a copy of the decision being appealed;
 - 12.2.3 a copy of the rule, regulation, agreement, submission, or reference conferring jurisdiction on the NSP to hear and determine the appeal;
 - 12.2.4 a statement of the grounds for the appeal;
 - 12.2.5 any proposals in relation to the conduct or venue of the appeal and an indication as to any special features of the appeal including but not limited to the date of birth of any minors involved in the appeal, whether any interim relief is sought, and/or whether expedited proceedings are required; and
 - 12.2.6 confirmation that a copy of the Notice of Appeal is being served simultaneously on any party or parties entitled to notification of the same.
- 12.3 The decision being appealed shall remain in full force and effect pending determination of the appeal unless the Appeal Tribunal orders otherwise.
- 12.4 An Appellant shall have the right to receive a copy of the record of the proceedings that led to the decision, including a copy of any transcripts, where such materials exist. If such a request is made, the NSP Secretariat shall supply the record and/or transcript to such party as soon as reasonably practicable.
- 12.5 All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.
- 12.6 Unless the Appeal Tribunal determines otherwise an appeal shall take the form of a hearing **de novo** of the issues raised in the proceedings and the Appeal Tribunal shall hear the matter without being bound in any way by the decision being appealed.
- 12.7 The Appeal Tribunal shall have a complete discretion as to how it receives any evidence from a child.
- 12.8 Appeal procedures:
- 12.8.1 Where a Notice of Appeal is filed with the NSP Secretariat in accordance with this Rule, the President shall appoint an Appeal Tribunal in accordance with Rule 5.3.
 - 12.8.2 Rules 5, 7, 8, 9, 10 and 11 shall apply ***mutatis mutandis*** (i.e. with any amendments deemed to have been made that are necessary to take account of the different context) to proceedings before the Appeal Tribunal.
 - 12.8.3 Appeals should be conducted expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall take place no later than forty (40) days after the NSP Secretariat receives the Notice of Appeal.
- 12.7 For the avoidance of doubt, an Appeal Tribunal shall have the power to increase, decrease or remove any Risk Management provisions or other Sanctions imposed by an Arbitral Tribunal.

- 12.8 An Appeal Tribunal's decision shall be final and binding.
- 12.9 The parties waive irrevocably any right to any other form of appeal, review or recourse in or by a court or judicial authority, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

13. ARBITRAL TRIBUNAL AND APPEAL TRIBUNAL DECISIONS

- 13.1 Save with the permission of the President (which permission shall be notified to the parties in writing), the Arbitral and Appeal Tribunal shall announce their decision to the parties in writing, dated and signed by at least the respective Tribunal chairperson within fifteen (15) working days of the end of the hearing. The written decision shall set out and explain:
 - 13.1.1 The Tribunal's findings in relation to the issues before it and its reasoning for those findings;
 - 13.1.2 what risk management and/or sanctions are imposed as a result of its findings, and its reasons for the same; and
 - 13.1.3 the rights of appeal that lie in respect of the decision.
- 13.2 The NSP Secretariat shall send copies of the decision to the parties and to any other party that has a right of appeal against the decision.
- 13.3 Each of the parties shall bear their own costs, legal, expert or otherwise, and the Tribunal shall not order any other party to pay such costs, or the costs of convening the Tribunal, unless the Tribunal finds that an issue or argument advanced by a party was entirely without merit, or it appears to the Tribunal that a party has behaved either unreasonably, or frivolously or vexatiously.
- 13.4 All aspects of the proceedings under these Rules are confidential and no arbitrator, party, third party, observer or witness shall disclose to any third party any facts or other information relating to the proceedings unless done so in accordance with the NSP Rules.
- 13.5 If the Arbitral or Appeal Tribunal's decision is that there is a risk to the welfare of a child or adult at risk, consideration may be given as to whether its decision shall be published by the Tribunal, via the NSP Secretariat, to one or more of the following:
 - [a] any statutory body concerned with the welfare of children or adults at risk;
 - [b] the police;
 - [c] any NGB, other body and/or person that may have a legitimate interest in the decision,
- 13.6 No decision save in exceptional and urgent circumstances shall be disclosed under Rule 13.5 above if the parties have within seven (7) days of receipt of the decision made representations that it should not be disclosed. Upon receipt of those representations the Tribunal shall consider whether in the light of those representations its decision shall be disclosed.

- 13.7 Where the Tribunal has determined that there is no risk issues relevant to children or adults at risk involved in sport, the NSP Secretariat shall not disclose the decision unless the Respondent consents to such disclosure. Where the Respondent does not so consent, the NSP Secretariat may publish a summary of the decision, provided that what is disclosed does not enable the public to identify the Respondent or any child or adult at risk.
- 13.8 A Tribunal decision may be disclosed to members of the NSP who have not been a participating member of the Tribunal.
- 13.9 An anonymous full or summary version of a Tribunal decision may also be published.

14. MISCELLANEOUS

- 14.1 These Rules may be amended by the “**President**” at any time.
- 14.2 Any amendments to the NSP Rules shall be published by the NSP Secretariat, together with the date upon which such amendments shall come into effect, as well as any transitional arrangements.
- 14.3 Where a matter arises that is not otherwise provided for in the NSP Rules, the President shall resolve the matter as they see fit.
- 14.4 None of the NSP, the President, the NSP Secretariat, any NSP arbitrator or any expert appointed to assist a Tribunal shall be liable to any party for any act or omission done in the discharge or purported discharge of their functions in connection with any proceedings unless the act or omission is established on a balance of probabilities to have been in bad faith.
- 14.5 An irregularity resulting from failure to comply with any provision of the NSP Rules or any direction given in accordance with them before the Tribunal has reached its decision shall not of itself render the proceedings void.
- 14.6 Where any irregularity comes to the attention of the President or the chairperson of the Tribunal before the hearing, or to the Tribunal at the hearing, they or it may and, if it appears that any person may have been prejudiced by the irregularity, shall, before reaching a decision, give such directions as they or it thinks just to cure or waive the irregularity.
- 14.7 Clerical mistakes in any document recording the decision of the Tribunal or a direction or decision of the President, or the Tribunal chairperson, or errors arising in such documents from accidental slips or omissions, may at any time be corrected by the Tribunal chairperson or, as the case may be, the President, by means of a certificate signed by him.

Last review (date)	9 April 2021
Reviewed by (name)	NSP Board
Next review and approval due (date)	March 2024

