

British Basketball Federation (BBF) Programme Membership and Major Events Selection Appeals Policy

Version 1: 01 May 2024

1. Application

- 1.1. This Programme Membership and Major Events Selection Appeals Policy ("the Appeals Policy") applies to selections made under the Great Britain Basketball Team Programme Membership Policy and the Great Britain Basketball Team Major Events Selection Policies, as available and published on the BBF website <https://gb.basketball/selection-policies/>.
- a) Great Britain Basketball Performance Programme Membership decisions may be appealed for the following areas under this Policy:
- i. Termination of Programme Membership;
 - ii. Non-selection of Programme Membership
 - iii. Non-renewal of programme membership; and/or
 - iv. Decisions relating to recommendations for UK Sport Athlete Performance Awards (APA's) and APA levels.
- b) The Great Britain Basketball Team Major Events Selection decisions for the following major events may be appealed under this Policy:
- i. Selection for Great Britain representative teams for FIBA sanctioned major championships in 5v5 and 3x3 Basketball Disciplines (for events in which there is a published criteria); and/or
 - ii. Selection of Great Britain representative teams, to be nominated to the British Olympic Association ("BOA") for the Olympic Games.

2. Introduction and General

- 2.1. This Appeals Policy operates separately to any other complaints procedure published by the BBF. Where the Player is seeking to overturn a decision to which this Appeals Policy relates, the Player must submit an appeal in accordance with this Appeals Policy.
- 2.2. Utilising this procedure does not prevent the Player from using any other BBF policies simultaneously for matters other than GB Basketball Programme Membership and Major Event Selection.
- 2.3. This Appeals Policy has been drafted to allow any appeal to be resolved as quickly as is reasonably possible. Taking into consideration the time constraints associated particularly with major event selections.
- 2.4. This Appeals Policy sets out the entire agreement of the parties in respect of the matters covered by it. The Policy may be amended from time to time, and any such amendments shall be published on the BBF website.
- 2.5. Proceedings pursuant to this Appeal Policy are to be treated as an arbitration, under the Arbitration Act 1996
- 2.6. The seat of the arbitration shall be England and shall be governed by English law
- 2.7. No account will be taken of any agreements or statements which have been made to the Player, whether verbally or written. Therefore, the Player must ensure their Appeal is made in accordance with this Appeals Policy.
- 2.8. All references to days and hours shall exclude bank holidays and weekends.

3. Grounds of Appeal

- 3.1. This Appeals Policy is not an opportunity to dispute the opinion of the BBF Programme Membership panel in relation to Programme Membership and the Selection Panel in relation to Major Events, where they have followed the policies referred to in clause 1.1 above. In reaching their decision the Programme Membership or Selection Panel are acting as experts and Players agree that in so doing the Selection

Panel will exercise their reasonable judgement and discretion which are not in themselves capable of challenge.

- 3.2. The grounds for appeal are limited to the following grounds:
- a) the selection panel failed to properly apply the published policy in making their decisions. With any departure from the process is more than minimal and can be shown to have had a material impact on the outcome; and/or
 - b) the decision reached was made on the basis of an error (e.g. incorrect information/result was used in assessing an athlete's performance which had an impact on the final decision); and/or
 - c) The selection Panel has shown bias or the appearance of bias; and/or
 - d) The conclusion is one that no reasonable Programme Membership or Selection Panel could have made.
- 3.3. There are no appeals allowed against:
- a) the content of the published Programme Membership Policy or Selection Policy;
 - b) agreements, comments or statements made by BBF staff (including all coaches and performance personnel) and/or Players other than meetings outlined in the Programme Membership Policy or Selection Policy; and/or
 - c) the genuine exercise of the discretion of the Programme Membership or Selection Panel, provided they follow the applicable criteria contained in the documents.

4. How to appeal

- 4.1. The BBF is committed to ensuring that the sport of Basketball is inclusive and seeks to operate without financial barriers to players wherever possible. A charge of £200 is required with any Notice of Appeal to go towards the costs incurred through the full Appeals Process as outlined in section 7 of this document. However, this charge will be refunded in full in all cases when a Notice of Appeal is not referred on to the full Appeals Process when being evaluated in accordance with clause 5.4 (b).
- 4.2. The time limit for making an appeal under this Appeals Policy does not begin until the Player affected by a decision is informed of the selection decision, which shall ordinarily be done by email, and which shall be assumed to have been received within 2 hours of the selection email having been sent.
- 4.3. Once the Player has been informed of the decision, the Player has 48 hours excluding weekends and Bank Holidays, to submit a formal written appeal (the 'Notice of Appeal' or 'Notice') to the offices of the BBF (office@gb.basketball).
- 4.4. If the Player fails to submit the Notice within the time limit set out in this Appeals Policy, he or she will have lost their right of appeal under this Appeals Policy, save in wholly exceptional circumstances which will be judged by the Chair of the BBF in their absolute discretion. There is no further appeal against the exercise of that discretion.
- 4.5. The Notice of Appeal must include:
- a) full details of the basis of the appeal. This will be considered as the basis of the appeal throughout this process;
 - b) the ground or grounds for appeal under this Policy upon which the Player is relying.
- 4.6. The Player will not be permitted to set out any further details or grounds prior to the Appeals Evaluation Process. They shall be permitted to amend or add to their Notice of Appeal at the discretion of the Chairperson of the BBF up to 48 hours prior to the Appeals Evaluation Process taking place. It is therefore the responsibility of the Player to provide as much information in the Notice of Appeal as they think is relevant, which they think the Appeals Evaluation Officer should consider, and upon which they will rely at any appeal.

5. Stage 1 – the Appeals Evaluation Process

- 5.1. Upon receiving a Notice of Appeal, a nominated representative of the BBF will within 24 hours acknowledge receipt of the Notice to the Player;
- 5.2. The evaluation process will be undertaken by one individual (the "Appeals Evaluation Officer"), who shall be independent of the Performance department of the BBF, and may or may not be an employee or contractor of the BBF. They will evaluate whether or not the Notice is valid by considering the following matters:

- a) has the Notice of Appeal been served in time;
- b) is the Notice based on one or more of the applicable grounds of appeal set out at section 3.2;
- c) does the Notice disclose a prima facie case, that is, does the Notice amount to a case that the Appeals Evaluation Officer considers could succeed at an appeal;
- d) is the case raised by the Notice so trivial or technical that even if proved correct there is no realistic prospect that the matter complained of would have had an effect on the original decision; and
- e) has the matter been substantively decided by a previous Appeal process, panel or hearing.

5.3. In determining these issues, the Appeals Evaluation Officer shall at all times:

- a) give the benefit of any doubt to the Player and shall be entitled to consider such matters as appear to it to be relevant including (but not limited to) their assessment of the truth or accuracy of any facts relied on by the Player; and
- b) notify the Player of the decision made by them, and the reasons for the decision, in writing within 48 hours of the Notice being received.

For the avoidance of doubt, the Player will not be entitled to be present during the Evaluation process and the Player should therefore ensure that all written evidence on which they wish the Appeals Evaluation Officer to consider is made available in sufficient time.

5.4. In this Evaluation process, the Appeals Evaluation Officer shall have the power to:

- a) Reject the appeal (which decision shall be final);
- b) Refer the appeal to proceed to an Appeal Process; or
- c) Resubmit the decision to the original Programme Membership or Major Event Selection Panel, where, in their reasonable opinion, the original decision is so incorrect or has been made without relevant information considered, that it is reasonable for the matter to be reconsidered afresh (which decision shall be final).

5.5. The above procedure is designed to prevent unmeritorious appeals being made and to save unnecessary costs, time and other expenses being incurred, both to the Player and to the BBF.

6. Notification of the Appeal Process

- 6.1. A nominated representative of the BBF shall notify the Player and the members of the relevant Programme Membership or Selection Panel, as appropriate, of the fact that an Appeal Process will take place.
- 6.2. Until the Appeal is decided, the BBF will refrain from publishing any further details in relation to the decision which is the subject of the Appeal, although any existing details will remain where originally published before the Notice of Appeal was received.
- 6.3. The BBF will be entitled to continue with the preparation of the selected team and will be under no obligation to support the preparation or training of the Player. Where the regulations of the Major Event require a team to be registered by a certain date, the BBF shall be entitled to register the team originally selected.

7. Stage 2 – the Appeal Process

7.1. Where the Appeals Evaluation Officer has referred an appeal to proceed in accordance with clause 5.4(b), that appeal will be referred within 48 hours of the Evaluation process taking place, to a sole arbitrator, appointed in accordance with the Arbitration Rules of Sport Resolutions (a trading name of The Sports Dispute Resolution Panel Ltd - Company No. 03351039). The Appeal shall be governed by the Arbitration Act 1996 and Sport Resolutions' Appeal Arbitration Rules, which Rules are deemed to be incorporated by reference to this clause;

7.1.1. For the avoidance of doubt, the 48 hour deadline to submit appeals, as outlined in this policy, will supersede the timings outlined in the Sport Resolutions Appeal Arbitration Rules;

7.1.2. The decision of the arbitrator shall be final and binding on all concerned.

7.2. The Appeal will ordinarily proceed by way of written submission, unless the arbitrator deems that oral submissions are necessary, and shall consider the Notice of Appeal in line with the grounds set out in section 3 of this policy.

7.3. The sole Arbitrator shall have the power to:

- d) Reject the appeal (which decision shall be final); or

e) Resubmit the decision to the original Programme Membership or Selection Panel, where, in their reasonable opinion, the original decision is so incorrect or has been made without relevant information considered, that it is reasonable for the matter to be reconsidered afresh (which decision shall be final).

7.4. The Arbitrator shall not have the power to select or deselect a Player for Programme Membership or a Major Event.

7.5. The decision of the Arbitrator, including brief reasons for that decision, will normally be communicated to the Player and all other parties in writing within 48 hours of the Appeal process. If there are circumstances preventing an immediate decision, the chairperson will explain the reasons for this and indicate the earliest date by which they expect a decision to be reached.

7.6. The Arbitrator will not be entitled to award costs against either the Player or the BBF.

8. Minor and Non-Consequential Breaches of the Appeals Policy

8.1. The time limit for the Player serving a Notice of Appeal shall be strictly enforced. However, where any party deviates from any other requirement of this Appeals Policy it shall not invalidate the decision of the Appeal Arbitrator, unless there is a clear and significant risk that the deviation has affected their decision or the rights of the Player.

9. Confidentiality of proceedings and publication of decision

9.1. The BBF and the Player are under an obligation of confidentiality in respect of any matter proceeding under this Appeals Policy. Save as permitted under this Appeals Policy none of these Parties will make any public statement or disclosure of the contents of the Notice, or any other matter referred to by any of the parties during the course of the Appeal.

9.2. The BBF will be entitled to publish the outcome of the Appeal Process in such manner and to such extent as is necessary to inform all properly interested and affected parties of the status of the selection decision previously published and the resulting position as to selection. The Player will be informed before any such publication takes place

9.3. For the avoidance of doubt, any Player shall be entitled to disclose the contents of the Notice, or any other matter referred to by either party, to their advisers.

10. Support for players

10.1. The British Elite Athletes Association (BEAA) is the independent representative body for Britain's elite athletes, providing support, representation and advice. The BEAA is a mechanism available to players should they require any advice or support. In some instances this may also include referrals to Sport Resolutions to request pro-bono legal advice if necessary.

10.2. More information on the BEAA can be found on their website - <https://www.britisheliteathletes.org/>

11. Changes and amendments to this procedure

11.1. The BBF will be entitled to amend this policy from time to time and such amendments will take effect from the first date of publication of the complete amended policy on the BBF website.