

England Athletics Nomination Appeals Policy

Part 1.

1. Introduction

1.1 This document sets out the decisions made pursuant to the England Athletics Selection Policy for the 2026 Commonwealth Games ("**Selection Policy**") that can be appealed to England Athletics ("**EA**"), and outlines the appeal process itself.

1.2 The only decision ("**Decision**") which can be appealed to, and dealt with by EA, is a decision of the EA Selection Panel ("**Selection Panel**") not to nominate an athlete to CGE (under the Selection Policy).

1.3 Nominations will take place in accordance with the Selection Policy, supplemented by such other published addenda as EA may deem appropriate. Any athlete wishing to lodge an appeal must be fully familiar with and adhere to the detailed provisions of the Selection Policy.

1.4 This is the only applicable appeals procedure and forms the entire agreement between each affiliated athlete and EA (together "**the Parties**"), as to how the nomination decision may be challenged. The Parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of this Appeals Policy, or any decision made under this Appeals Policy, before any court of law or other dispute resolution body. The Parties will treat all decisions made lawfully under this Appeals Policy as final and binding upon them.

1.5 The Parties agree that any appeal under this Appeals Policy is to be treated as an arbitration procedure under Part 1 of the Arbitration Act 1996 ("**the Act**")¹ and the provisions of section 1.4 above amount to a binding arbitration agreement for the purposes of section 6 of the Act. The seat of the arbitration shall be England. Arbitration is a non-court alternative method of resolving disputes, where an arbitrator or panel of arbitrators is appointed by the parties to make a binding decision, from which there are very limited grounds of challenge.

2. PARTIES

This Appeals Policy applies to each athlete seeking nomination by EA to CGE for selection on the England Commonwealth Games Team.

3. GROUNDS OF APPEAL

3.1 The sole ground of appeal against a Decision of the Selection Panel will be that there has been a failure by that panel to follow the Selection Policy. Appeals made under this policy will only be heard on this limited ground only. Appeals cannot be made to dispute the opinion of the Selection Panel where the panel has followed the

¹ <https://www.legislation.gov.uk/ukpga/1996/23/contents>

proper procedure. All relevant appeals will be heard by the EA Appeals Panel (“**Appeals Panel**”) (see section 8), and their decision shall be final.

3.2 In reaching their decision, members of the Appeals Panel are acting as experts in their field. By agreeing to be bound by this Appeals Policy, athletes acknowledge and agree that the Appeals Panel will exercise independent judgement and discretion which they are not in themselves capable of challenging.

4. HOW TO APPEAL

4.1 An athlete wanting to appeal against a Decision must do so in writing, in the form required by clause 4.2 below (the ‘**Notice of Appeal**’), to the chair of the Selection Panel. The Notice of Appeal must reach the chair of the Selection Panel **between 5pm Tuesday 16th June 2026 until 5pm Thursday 18th June 2026**.

If the Appellant fails to submit the Notice of Appeal within the relevant time period above, he or she will have lost their right of appeal against the Decision (save in wholly exceptional circumstances which will be judged by the Appeals Panel at its absolute discretion).

4.2 The Notice of Appeal must:

4.2.1. set out, as comprehensively as possible, the ground(s) of the appeal (3.1) (and the reason(s) why it would be substantially unfair not to alter the original decision); and

4.2.2 set out a statement of facts upon which the appeal is based, including full details of the basis of the appeal (in accordance with section 4.3 below) and the precise way the Appellant alleges that the Selection Policy has not been followed.

4.3 The Notice of Appeal should be as full as possible as it will form the basis of the remainder of the appeal process under this Appeals Policy.

4.4 EA has consulted with the UKA Athletes Commission (‘UKAAC’) in devising this Appeals Policy. Any athlete who requires support in an appeal should consider contacting the UKAAC.²

4.5 The Appeals Panel may at its discretion request additional evidence to that submitted by the Appellant with their Notice of Appeal. That evidence may be from such person(s) (including the Appellant) as the Appeals Panel deems appropriate to, without limitation, verify facts as submitted in the Notice of Appeal. In such circumstances, the Appeals Panel will:

4.5.1 determine the nature and relevance of any new evidence requested and received;

² UKA Athletes Commission. <http://ukaathletescommission.co.uk>

4.5.2 consider any representation(s) as to why such new evidence was not disclosed in the Notice of Appeal and/or may draw adverse inferences from a failure to provide any additional evidence requested; and

4.5.3 if such new evidence requested is received by the Appeals Panel from a third party, disclose that to the Appellant for commenting.

5. COMMUNICATIONS AND NOTICES

5.1 Due to the timescales involved, the Appeals Panel will use any reasonable method of communicating with athletes which it considers appropriate and may include (without limitation) text messages (WhatsApp) or email. Athletes must review these communication channels to receive communication relating to their appeal. Athletes should inform EA of a preferred method of communication and provide relevant telephone numbers etc.

5.2 Any Notice of Appeal must be sent by email to:
glasgow2026appeals@englandathletics.org

6. APPEALS PANEL

6.1 The Appeals Panel will consist of two EA Board directors and one independent legal representative (who shall be a qualified barrister) with the requisite skills and experience to sit and adjudicate on such an Appeals Panel. They shall determine between themselves which of them shall act as chair.

6.2 If any member of the Appeals Panel has any personal or professional connection with an Appellant, or is otherwise conflicted in any way, they shall be disqualified from sitting on the Appeals Panel and will be replaced by someone selected by EA who EA, acting in its sole discretion, considers appropriate.

7. CONDUCT OF THE APPEAL

7.1 As soon as reasonably practicable following the receipt of the Notice of Appeal, the Appeals Panel shall contact the chair of the Selection Panel to inform them of the appeal, provide them with a copy of the Notice of Appeal and request that the chair provides any written response which they wish to make on behalf of the Selection Panel within 24 hours of this notification.

7.2 The Selection Panel and the Appellant will not be entitled to appear before the Appeals Panel but may, at the discretion of the Appeals Panel, be invited to provide information by telephone or in writing (or such other method of communication as the Appeals Panel shall decide).

7.3 The Appellant will be required to pay to EA a sum of £250 as a contribution to the administrative costs of holding the appeal, which may be refunded to the Appellant (after conclusion of the appeal) if the Appeals Panel at its sole discretion thinks fit. The appeal will not be heard until the funds have been received.

7.4 Until the appeal is decided, EA will refrain from publishing any further details in relation to selection which is the subject of the appeal, although the existing details will remain where originally published when the Notice of Appeal was received.

7.5 Where it appears to the Appeals Panel that the interests of some other athlete(s) (other than the Appellant) may be affected by any decision of the Panel, they will invite the other athlete(s) to submit written representation(s) in relation to the merits of the appeal and will provide such person(s) with copies of all relevant documentation (subject to the requirements of GDPR). In such a situation, it is likely that the decision of the Appeals Panel will determine the rights of all the affected athlete(s) (not just the Appellant) and therefore the other athlete(s) will be prohibited from raising again, by way of a separate or further appeal, matters which have already been decided upon as a consequence of the appeal.

7.6 The Appeals Panel will seek to reach its conclusion **before 5pm Sunday 21st June 2026**.

7.7 The Appeals Panel will inform all interested parties of the outcome of the appeal in accordance with clause 5.1 of this Policy as soon as possible.

7.8 A decision of the Appeals Panel shall be determined by a majority. Each member of the Appeals Panel shall have one vote, save that the Chair shall have a second or casting vote in the event of deadlock.

7.9 The decision of the Appeals Panel is final. There shall be no further appeal in relation to a Decision (nor any appeal on the consequences of that decision of the Appeals Panel on any athletes who did not raise the appeal) after the Appeals Panel has ruled on the matter.

8. APPEALS PANEL DECISIONS

8.1 The Appeals Panel will be entitled to:

8.1.1 allow or dismiss the Appeal;

8.1.2 exercise any power of the Selection Panel against which the appeal is made;

8.1.3 rescind the decision of the Selection Panel and confirm the nomination of the Appellant only in a clear case where the process in the Selection Policy has not been followed; or

8.1.4 make such further order(s) as it deems fit to give effect to its decision (including denominating another athlete).

8.2 Confirmation of decision will be signed, dated and named by the Chair of the Panel.

9. MINOR AND NON-CONSEQUENTIAL BREACHES OF THIS APPEALS POLICY

9.1 Save that the time limit for commencing an appeal under this Appeals Policy by the Appellant shall be strictly enforced, where any Party deviates from any other requirements of this Appeals Policy, this shall not invalidate the appeal process or the decision of the Appeals Panel, unless there is a clear, obvious and significant risk that had the deviation not occurred, the decision of the Appeals Panel would have been different.

10. CONFIDENTIALITY OF PROCEEDINGS AND PUBLICATION OF DECISION

10.1 Each of EA, the Appellant and any relevant third party are under an obligation of confidentiality in respect of any proceedings that they are involved with under this Appeals Policy. Save as otherwise permitted under this Appeals Policy none of these parties will make any public statement or disclosure of the contents of the Notice of Appeal, or any other matter referred to by any of the parties during the appeal proceedings.

10.2 EA will be entitled to publish the decision of the Appeals Panel where it upholds or does not uphold the appeal (or any elements of it) in such manner and to such extent as is necessary to inform all properly interested and affected parties of the status of the nomination decision previously published and the resulting position as to nomination.

11. AMENDMENTS TO THIS POLICY

EA will be entitled to amend or vary this Appeals Policy (in its entirety or in part) from time to time and such amendment(s) or variations will take effect from the first date of publication of the complete amended/varied Appeals Policy on the EA website.