



## Points Based System Governing Body Endorsements Reviews And Disputes - Appeals Procedure

Where an application for either a player to play in a team or a coach to coach a team in one of the leagues covered by the requirements for a governing body endorsement as set out for International Sportsperson has been refused on the grounds that the player or coach fails to meet the published requirements, the sponsor may seek an appeal of the decision. The sponsor will have 7 days to request an appeal. In these cases, Basketball England will refer the sponsor's evidence to an independent appeal panel as set out below.

The sponsor's supporting evidence will be sent to the appeal panel in advance for their consideration in order to allow an informed decision.

Sponsors should note that, in respect of any application, there will only be one panel available and the decision of the panel is final. Sponsors should therefore ensure that all evidence it wishes to present in support of its application is presented to the panel. If the sponsor has previously made an application that was unsuccessful at appeal panel a further panel cannot be requested for the same player or Head coach during the season unless his status changes and he meets the requirements whereby a new application can be submitted.

### **a. The Review**

The request for an appeal may only be made by the sponsor for whom the governing body endorsement has been initially rejected by Basketball England.

An appeal shall be commenced by the appellant lodging with Basketball England Integrity Team, a notice of appeal within 7 days of the decision appealed against. The notice of appeal shall:

- i. set out details of the decision appealed against and, if the whole of the decision is not appealed against, identify that part of it which is appealed against;
- ii. acknowledge the sole ground of appeal applicable in this process; that being incorrect application of the endorsement criteria;
- iii. be accompanied by a deposit of £500. The panel shall have discretion as to whether the deposit is returned.

---

### **Guidelines regarding appeals:**

- An individual may only appeal on the basis that Basketball England have not applied the endorsement criteria correctly.

- Decisions of the Appeal Panel are final and binding and may not be the subject of further appeal or review.
- The Appellant may be given the right of a personal hearing, but solely at the discretion of the Appeals Panel, but not as of right.
- In the case of a personal hearing the Appellant may be accompanied by one person of their choice. The expenses incurred by the Appellant, and any person accompanying the appellant, in attending a personal hearing are their responsibility.
- Appeals which are heard by Basketball England's Appeals Panel are not legal tribunals, and are not required to follow strict legal procedure. Notwithstanding these facts, it is intended that the Appellant should always receive a full and fair hearing.
- The procedures to be adopted by the Appeals Panel will be a matter solely determined by the Appeal Panel, ordinarily:-

[1] To lodge an appeal the Appellant, on receiving details of the decision, should provide a written statement of the appeal, indicating the grounds for the appeal, together with such accompanying documents as the Appellant deems to be appropriate.

[2] The person responsible for convening the Appeal Panel shall notify all concerned of the date, time and place for the hearing of the Appeal, which shall be determined after having due regard to the urgency of the matter and with reasonable regard to the availability of all concerned. The Convenor shall notify the Appellant of the composition of the Appeals Panel.

[3] On being advised that an Appeal has been lodged, the Officer responsible for the original decision should provide a written statement together with the relevant supporting documents, detailing the following:-

- (i) The original decision
- (ii) The reason for the decision
- (iii) Any justification or explanation that may be deemed to be appropriate
- (iv) The information that was considered in reaching the original decision

[4] The Convenor of the Appeals Panel should ensure that all relevant information is provided to the Appellant, the Officer responsible for the original decision, and to all members of the Appeals Panel, in good time prior to the meeting of the Appeals Panel. (Ideally at least 7 days prior to the meeting, but if this is not possible by virtue of the short notification, then as soon as practicable, and at least 24 hours prior to the meeting.)

[5] The Appellant may present to the Appeals Panel such submissions as they consider appropriate. The Appellant should ensure that the members of the Appeals Panel receive this information as far in advance of the time of the hearing as possible, to give them full opportunity to study the submissions, but the information may be presented to the panel by the Appellant on arrival at the hearing. In such circumstances, the Appellant must accept that the Appeals Panel may not be able to fully study this information and may require the opportunity to further research the matter in the light of the information provided.

[6] The Appeals Panel will convene and, where appropriate, invite the Appellant to join the hearing. The Appellant may be accompanied by one other person if the Appellant so chooses.

[7] The Convenor will notify the Appellant and the other interested parties of the decision of the Appeals Panel in writing. This will normally be 72 hours after the hearing.

## Appeal Form 1

|                                       |  |
|---------------------------------------|--|
| Name:                                 |  |
| Address:                              |  |
| Email address:                        |  |
| Contact number:                       |  |
| Sponsor endorsement reference number: |  |
| Date appeal submitted:                |  |

|                                 |
|---------------------------------|
| Nature/statement of the Appeal: |
|                                 |

|  |
|--|
| Other relevant information: <i>Please use additional sheets if necessary</i> |
|  |

|                      |  |       |  |
|----------------------|--|-------|--|
| Appellant signature: |  | Date: |  |
|----------------------|--|-------|--|

**To be completed by the Appeals Panel Chair**

|                                |  |  |  |
|--------------------------------|--|--|--|
| Date of appeals hearing:       |  |  |  |
| Appeal hearing attendees:      |  |  |  |
| Details of the hearing:        |  |  |  |
| Outcome of the Hearing         |  |  |  |
| Uphold the original decision   |  |  |  |
| Overturn the original decision |  |  |  |

|                     |  |  |  |
|---------------------|--|--|--|
| Outcome statement : |  |  |  |
|                     |  |  |  |

Signed

Appeals Panel Chair:

Date: