



SPORT  RESOLUTIONS <sup>(UK)</sup>

SPECIALIST INDEPENDENT DISPUTE SERVICE

ANNUAL REPORT 2012



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# CHAIRMAN'S REPORT

**This is my last annual report. It is with more than a tinge of regret that, after 6 stimulating and fulfilling years at the helm, I have decided that it is time to hand over to a new Chairman and reinvigorated Board. The ship is in fine fettle, in excellent hands and bound for new destinations which, I am sure, will make the next few years even more exciting than the last.**



Gerard Elias QC

In this, my final year, whilst Sport Resolutions UK has once again expanded its horizons in every direction, the highlight has of course been the London 2012 Olympic and Paralympic Games. The part we played in dealing with a host of selection issues prior to the Games, and in administering a pro bono legal service for athletes and governing bodies during them, was universally recognised as outstanding and, as always, this owed everything to our professional team, Ed Procter, Richard Harry, Jenefer Lincoln, Siobhan Adeusi and the extended crew.

Of course, when I say that I have had 6 years at the helm, there is more than a little poetic licence! For all my time as Chairman I have had the huge good fortune to have Ed Procter as Chief Executive Officer whose day to day management, careful concern for business succession and a flair for highlighting our core products, have meant that an occasional touch of the tiller was all that has been required on my watch. Through Ed we have recruited two stars in Richard and Jen, in whose capable hands the business will continue to flourish.

As foreshadowed in last year's report, we have streamlined our governance processes and sought to place more emphasis on individual board committees. Not only will this ensure that the company is better placed to take our business forward effectively, I believe it will provide a stimulus to the board members as

they move to new levels of activity. However, as the year's figures testify, no-one should be concerned that our original raison d'être is being in any way compromised by the new challenges we are accepting.

Included in these new challenges is the important child safeguarding work which began in partnership with the NSPCC. We have taken the initiative of creating a specialist Panel to deal with this area of concern in sport under the leadership of Stephen Bellamy QC and this has been welcomed across the board – not least by government. Being "one jump ahead of the game" marks out the successful company and I am delighted with the progress we are making in this particular field.

Our office at 1 Salisbury Square has become a venue of choice for mediation and arbitration disputes in a wide variety of sports and again I am proud of the fact that, in relocating offices almost two years ago, we had the foresight to create a centre for the resolution of disputes in sport which is second to none. Many challenges lie ahead – and I would particularly hope that we may broaden our educational remit in coming years – but I am sure we are now well placed to meet them.

May I reiterate the sincere thanks of the company for the constant support of UK Sport. I believe that over recent years we

have sustained a constructive and valuable partnership with them which has benefited sport generally beyond measure.

It has been a privilege to have been Chairman over these years. To my board colleagues and in particular those who have sailed most of the journey with me, Peter Crystal my Deputy, who is to succeed me as Chairman, Trevor Watkins, Ros Reston, Diana Ellis and Sara Sutcliffe, very many thanks for your support and your immense contributions to our voyage. Like me, Ros retires from the board this year and I am pleased to put on record Sport Resolutions' thanks to her, in particular for her part in raising our governance standards.

As always, I sign off with a sincere thank you to the growing number who use our services. Although I have outlined changes to personnel and some of the ways in which we operate, our core business prospers and, with your support, will continue to do so. We were overwhelmed with applications to join the Board and as we welcome the successful applicants chosen by open competition, I know that they are well equipped to play a significant part, under Peter Crystal's new leadership, in keeping Sport Resolutions in the national sporting headlights for another generation.

*Gerard Elias*



# EXECUTIVE DIRECTOR'S ANNUAL REVIEW

**2012 will go down in history as one of the greatest years of sport ever played in this country. Sport Resolutions UK has been extremely proud to play its part during this unforgettable year in supporting the United Kingdom sport system to uphold its integrity, resolve its differences and to retain focus on its sporting goals and priorities. It is my belief that the most telling test of good governance in sport is how its key players manage difficult issues, people and decisions.**



Edward Procter

During the year, Sport Resolutions received 179 requests for help across 32 different sports. 103 cases went on to become full referrals which required us to organise arbitral panels and mediations to resolve disputes fairly, transparently and expeditiously. We have worked across a diverse range of issues, the most prevalent of which have been disputes concerning anti-doping, child safeguarding, illegal betting & match-fixing, athlete selection, financial corruption, racism & other forms of discrimination. My sincere thanks go to our panels of arbitrators and mediators who have helped us to deliver such high quality services, to meet sporting deadlines, and at fees which are affordable to governing bodies of all shapes and sizes.

Our annual report for this year is unashamedly focussed on Sport Resolutions' contribution to the London 2012 Olympic and Paralympic Games. We helped to resolve 19 athlete selection disputes prior to the Games and established a pro bono legal advice and representation service for visiting athletes and federations in partnership with LOCOG, the Bar

Council, British Association for Sport & Law and the Law Society.

Away from London 2012, we continued to develop other aspects of our work. We restructured our panel of arbitrators to create a number of thematic panels, including a new National Safeguarding Panel. We celebrated the first full year at our 1 Salisbury Square arbitration and mediation centre, where we successfully hosted over 50 days of arbitration. We also implemented our own internal governance review which resulted in a refreshed board and committee structure with new non-executive directors bringing valuable financial, commercial, marketing and professional sport experience to the board.

The majority of our work this year has been arbitration and it has generally been a quieter year for our mediators. That said, the power of mediation in resolving some of the most entrenched disputes in sport has shone through in several cases. These include a longstanding personal injury dispute between two athletes, a dispute between a governing

body and its member clubs over a participation agreement and several disputes arising from governing body and club handlings of disciplinary proceedings and actions.

At the end of 2012 there will be a change of leadership for Sport Resolutions, with Gerard Elias due to retire from his position as Chairman of the board after completing his second and final term of office. I would like to add my personal thanks to those of the directors and staff of Sport Resolutions who have so much appreciated Gerard's measured and perfectly judged guidance over the past six years. I very much look forward to working with the new Chairman Peter Crystal to lead Sport Resolutions to its next horizon.

It has been a successful and memorable year. For many involved in sport, 2012 has marked the end of a journey. It is my firm belief that, for Sport Resolutions, 2012 has been a launch pad that puts us in the strongest position ever to realise our long held vision to be the dispute resolution service of choice for all sports in the United Kingdom.



# HIGHLIGHTS OF OUR SPORTING CALENDAR

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**JANUARY** The National Anti-Doping Panel (NADP) of Sport Resolutions rejects the appeal of British sprinter Benice Wilson against a four year ban for testing positive for prohibited substances testosterone and clenbuterol. Sport Resolutions' Panel Appointments and Review Committee appoint 110 members to the panel of arbitrators and mediators for a three year term.

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**FEBRUARY** Sport Resolutions convenes an arbitration to determine an appeal by the Rhythmic Gymnastics Group based at the University of Bath, against the decision of British Gymnastics not to nominate them for selection for the London 2012 Olympic Games. The athletes succeed in their appeal after arbitrator Graeme Mew finds that the selection policy provides for the athletes to reach the required benchmark score during all three days of the relevant Olympic test event. This arbitration and Sport Resolutions' role in it features in a BBC Law in Action radio programme presented by Joshua Rosenberg.

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**MARCH & APRIL** Sport Resolutions appoints leading family law barrister Stephen Bellamy QC to head up its new National Safeguarding Panel. Stephen is then co-opted, along with Anne Tiivas of the NSPCC Child Protection in Sport Unit, to assist in the selection of panel members. 22 members are appointed to the panel drawn from a diverse range of professional backgrounds, such as the legal profession, police service, social work, offender management, family law and the administration of child protection in sport.

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**MAY & JUNE** As governing bodies confirm their nominations of athletes for selection to the British Olympic and Paralympic Associations for London 2012, Sport Resolutions manages 18 further selection appeals in the sports of swimming, diving, taekwondo, fencing, shooting, triathlon, canoeing and wrestling. All appeals are dealt with expeditiously to meet strict deadlines for final selection. Sport Resolutions also hosts the ECB disciplinary hearing into spot fixing allegations against Danish Kaneria and Mervyn Westfield.

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**JULY, AUGUST & SEPTEMBER** The London 2012 pro bono legal advice and representation service commences to coincide with the opening of the Olympic Village. During the course of the Games eleven requests for assistance are received, which result in the appointment of eleven panel members across six matters covering issues of anti-doping, athlete selection, ticketing and medal placings. Sport Resolutions also hosts the first hearing of the Court of Arbitration for Sport in London, utilising video-conferencing facilities at its 1 Salisbury Square arbitration and mediation centre.

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**OCTOBER** The FA release the written decision of its independent regulatory commission with regard to disciplinary charges made against Chelsea and former England captain John Terry. The commission is chaired by Sport Resolutions' arbitrator and appointee Craig Moore.

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**NOVEMBER & DECEMBER** Sport Resolutions finalises the Procedural Rules of the National Safeguarding Panel and completes its first independent investigation into allegations of emotional bullying of young athletes. Gerard Elias QC retires as Chairman of Sport Resolutions after completing his second term in office. Peter Crystal is appointed as Chairman with effect from 1 January 2013.





*"Excellent service all around. Look forward to working with SR again."*

# 2012 SCOREBOARD

**19** Number of athlete selection disputes managed by Sport Resolutions in the lead up to the London 2012 Olympic and Paralympic Games

**96** % of governing bodies, athletes and other stakeholders reporting that they are either "satisfied" or "very satisfied" with the quality and accessibility of services provided by Sport Resolutions

**15** Average number of days from the filing of an Olympic or Paralympic selection appeal by an athlete to the distribution of a written decision with reasons to the parties

**17+18** Number of law firm and individual advocate members of the London 2012 Pro Bono Legal Advice and Representation Service

**32** Number of different sports referring cases to Sport Resolutions in 2012

**110+28** Number of arbitrators and mediators appointed to Sport Resolutions' panels

**179** Number of requests for help received by Sport Resolutions in 2012

**103** Number of sports disputes referred to Sport Resolutions and resolved in 2012





# ATHLETE SELECTION DISPUTES

## Dispute Resolution Manager Richard Harry looks back on a busy year of Olympic and Paralympic athlete selection disputes.

The London 2012 Olympic and Paralympic Games were widely considered to be the best ever, with Team GB securing 65 Olympic and 120 Paralympic medals, more than at any Games since 1908.

London had not hosted the Games since 1948 so competition for places in Team GB for a “Home Games” was enormous. Athletes had tailored their training and competitions to peak at just the right time to ensure that they were selected in their chosen sports. The reality, of course, is that only so many athletes can be selected to compete.



Richard Harry

It is the British Olympic Association (BOA) and the British Paralympic Association (BPA) that nominate the members of Team GB to the International Olympic Committee (IOC) and the International Paralympic Committee (IPC). The responsibility for deciding which athletes are so nominated is entrusted to the respective National Governing Bodies (NGBs).

The NGB is responsible for preparing the policy that is to be applied when selecting athletes for any particular sport. These policies are agreed well in advance of the Games with all eligible athletes being made aware of the criteria that will be used to determine who will, and will not, be selected.

All such policies also contain provision for what an athlete must do if he or she is dissatisfied with their non-selection. For the majority of NGBs in the UK, the body nominated to determine any such appeal was Sport Resolutions.

In total, Sport Resolutions handled 19 Selection Appeals in the build-up to the 2012 Games.

Not all of these Appeals could be reported, but of those that were the following provides an overview of the issues at stake, the arguments raised and the principles that were applied.

### On what grounds can an athlete appeal?

In simple terms, an athlete cannot appeal simply because he or she thinks that they are better or more talented than the athlete who was selected. This will not be a valid ground of appeal.

In the case of *Belcher v British Canoe Union*, the Panel Chairman, William Norris QC, set out the test to determine whether a selection decision of an NGB would be open to challenge.

The Panel in the *Belcher* appeal stated that a decision may be open to challenge if, but only if:

- (i) It is not in accordance with selection policy as published; and / or
- (ii) The policy has been misapplied or applied on no good evidence and / or in circumstances where the application of the policy was unfair (for example, because someone with selectoral authority had given a categorical assurance to an athlete that the policy would not be applied); and / or
- (iii) The decision maker has shown bias or the appearance of bias or the selection process has otherwise been demonstrably unfair; and / or
- (iv) Where the conclusion is one that no reasonable decision maker could have reached.



# CASE STUDIES

## GB Rhythmic Gymnastics Group:

The first Olympic Selection Appeal of 2012 was the Great Britain Rhythmic Gymnastics Group (the "Group") Appeal against British Gymnastics (BG).

In this Appeal, the Group were not selected for the Games as BG deemed that they had not achieved the minimum score set out in the Selection Policy.

That score was called a "benchmark score" and was to be achieved "at the 2nd Olympic qualification, CI, 15th – 18th January 2012 [Test Event]".

The benchmark set by BG was a score of 45.223, which was 82% of the winning group's score in "Competition 1" at the Rhythmic World Championships 2011.

On the 16th January, the Group scored 23.100, and on the 17th January 21.850. This gave a combined score of 44.950, below the benchmark score.

The Group, however, competed on the 18th January, the last day of the event, and scored 47.200, comfortably over the benchmark score required.

The dispute arose as BG understood "CI" in the policy to restrict the time that the Group could secure the score as being the first two days of the competition.

The Group argued that the Policy gave the dates of the Test Event to be the 15th to the

18th January and as such they were entitled to secure the required score on any of the given days.

The Chairman of the Appeal Tribunal, Mr Graeme Mew, determined that in construing the Policy, its words should be ascribed their natural and ordinary meaning having regard to the context in which they arise.

The Tribunal set out the legal tests and principles to be applied in interpreting the Policy as follows:

- The ultimate aim of interpreting a provision in a policy is to determine what the parties meant by the language used.
- The subjective interpretations of the parties are immaterial.
- The standpoint in determining what the parties meant is that of a reasonable person with all the background knowledge which would reasonably have been available to the parties at the time that the Policy was made.
- In ascertaining what a reasonable person would have understood the parties to have meant, the tribunal must have regard to all the relevant surrounding circumstances. If there are two possible constructions the tribunal is entitled to prefer the construction which is consistent with common sense and to reject the other.
- Where the parties have used unambiguous language the court must apply it.
- Where terminology is used which has a known meaning in a particular context (such as in rhythmic gymnastics) the

meaning of that terminology will be a question of fact to be determined by the tribunal.

- Where a contract is poorly drafted and ambiguous, a tribunal should endeavour to ascertain the intention of the parties from the language that has been used.
- If an ambiguity as to what the parties meant cannot be resolved by application of these ordinary principles of construction, the contract must be construed contra proferentem (against the person who put them forward).

The Tribunal applied these principles and observed that:

- The Policy was not well drafted and used inconsistent terminology.
- The two people involved in developing the Policy could not agree on when the benchmark score had to be achieved.
- Although the term CI applied in the World Championship format it had no application in the Olympic format and would not have been known to mean the "Qualifying Competition".
- The Policy could easily have included language which clearly and unequivocally stated that the GB Group would have only one opportunity to achieve the benchmark score.
- The general principle within British rhythmic gymnastics is that athletes should not be given just one opportunity to perform to a given standard.

The Appeal was accordingly allowed.

## Andi Manley (on behalf of Molly Renshaw) v British Swimming

The relevant Selection Policy for British Swimming, including the 200m women's breaststroke, stated that "up to 2 places were available in each event".

Selection would be made on the following basis:

1. The athlete finishing first in the Trials on condition that they achieve the FINA A minimum standard of 2m 26.89 seconds
2. The second spot would be given to the athlete finishing second in the Trial on condition that they achieve the World LC ranked top 16 time of 2m 25.99 seconds
3. Nominations for remaining places will be determined at the later Nationals to the fastest available swimmer achieving the FINA A time (of 2.26.89)

### Facts:

At the Trial, Molly Renshaw came second to Sarah Gadd. Ms Gadd bettered the FINA A time and was therefore selected. Molly Renshaw finished in a time of 2.26.81 which, despite meeting the FINA A time, was outside of the World LC time. Molly was therefore not selected on the basis of her performance at the Trials.

At the later Nationals, Molly won the race in a time that was just outside the FINA A standard. Accordingly, Molly was not selected for the second spot in Team GB.

### Grounds of Appeal

#### The Appeal was based on 2 grounds:

1. That the Selection Policy was unclear in

that Ms Renshaw believed she would be selected for the team on the basis of the time she achieved at the Trial if she was not beaten at the Nationals, and

2. That there was a lacuna in the Policy in that no provision had been made for circumstances where the second placed swimmer at the Trials met the FINA A standard at the Trials (but not the World LC time) and no one met the FINA A at the Nationals.

### Decision:

The Appeal was rejected on the basis that the Policy was clear and that there was no lacuna as claimed as the Policy specifically allowed for a team to be nominated with "up to" 2 swimmers, thereby acknowledging that British Swimming would not necessarily always nominate 2 swimmers in all events.

### Conclusions:

The Selection Appeals conducted by Sport Resolutions leading up to the 2012 Olympic Games provided some clarity in relation to the tests to be applied when considering such Appeals.

It is not the function of the Appeal Panel to act as selectors. Its purpose is to apply the tests set out in *Belcher* to ascertain whether a decision is indeed open to challenge at all.

The British Gymnastics case highlights the importance of having a clear and commonly understood policy, but assists in setting out the process to follow in establishing how to

construe terms contained in such a policy.

The last case of Renshaw shows that if a Policy is clear and fairly applied then it will be followed. On the facts of this case, Ms Renshaw attained the FINA A time and did not participate in the Olympic Games. Whilst this may appear unfair, the decision of the Panel was that the Policy was clear, fair, was known in advance of the Trials and Nationals and was faithfully followed.

# LONDON 2012 PRO BONO LEGAL ADVICE AND REPRESENTATION SERVICE

The London 2012 Pro Bono Legal Advice & Representation Service provided free legal help to accredited athletes, coaches, team officials and federations involved in the Olympic and Paralympic Games. The Service was established by the Bar Council, Law Society and British Association for Sport and Law at the request of LOCOG and was managed and operated by Sport Resolutions. By offering legal advice free of charge the aim was to ensure the smooth running of the Games and further the spirit of the Games by assisting participants to enjoy the best possible experience in the United Kingdom.

The Service provided access to individual advocates who were on standby to provide representation before short notice hearings held during the Games, including those of the ad hoc division of the Court of Arbitration for Sport (CAS). It also provided access to advice and representation across six areas of law (crime, discrimination, defamation and

privacy, immigration, personal injury, and sport), from leading law firms and sets of barristers' chambers.

Accredited athletes, coaches and team officials from 205 countries for the Olympic Games and 165 countries for the Paralympic Games were eligible to seek advice and assistance, although they of course remained free to appoint other lawyers of their own choosing. The purpose of the Service was to provide a safety net for those who did not have their own legal representatives in place in the UK and who may otherwise have had difficulty in identifying representation at short notice. Such was the success of the scheme, Sport Resolutions is intending to continue it as a legacy project of the Games for athletes and other individuals, clubs and governing bodies who do not have their own representation before various sporting panels and tribunals.

*"The service surpassed any previous Games efforts and will set the benchmark for all future Games"*

**Terry Miller, LOCOG, Director of Legal**





# LONDON 2012 PRO BONO LEGAL SERVICE CASE STUDIES

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**Applicant:** Athlete A (interested party)

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**Service members appointed:** Wright Hassell LLP; Ian Mill QC of Blackstone Chambers.

**Summary:** A South African athlete, Athlete B, appealed to CAS regarding his non-selection; Athlete A had been selected by the South African Equestrian Association and sought representation at the tribunal because he was at risk of losing his place on the team if the appeal was upheld. The CAS Panel found that Athlete B fulfilled the three selection criteria and as such he should have been nominated for selection ahead of Athlete A. The South African Sports Confederation and Olympic Committee opted to leave the spot unfilled. A further appeal to the CAS by Athlete B was successful and resulted in him going on to represent South Africa at the Olympic Games.

**Applicants:** The International Boxing Association (AIBA); Montenegro Olympic Committee (MOC)

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**Service members appointed:** Farrer & Co., and Paul Harris QC of Monckton Chambers were instructed to represent

AIBA; Charles Russell LLP and Daniel Saoul of 4 New Square were instructed to represent the MOC.

**Summary:** Athlete C appealed the selection decision made by the IOC/AIBA tripartite commission, arguing they had not followed their own guidelines, and that if they had he should have been selected for the Games ahead of the Montenegrin boxer who was selected.

The CAS panel ruled that it lacked jurisdiction to deal with his application either under the ad hoc rules for the Games or as an appeal under the usual rules of CAS. Furthermore, they stated that even if the CAS had jurisdiction to decide the application they would have dismissed the case and Athlete C would not have qualified for any open position had such a slot been made available.

**Applicant:** The International Canoe Federation

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**Service member appointed:** Farrer & Co.

**Summary:** Appeal against the eligibility of Athlete D. The athlete was found guilty of a doping offence but given a reprimand only

and therefore was eligible to compete in his event at the Olympic Games.

**Applicant:** Chef De Mission for National Olympic Committee

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**Service member appointed:** Russell Cooke LLP


**Summary:** An individual from a national delegation was observed by police exchanging 2 tickets allocated to the team for money. The police confiscated the 2 tickets along with the money, believing the individual to be a tout. The Service member appointed attended the police station on behalf of the individual, who subsequently received an apology from LOCOG and 2 replacement tickets. The originals had just been exchanged at face value to friends.

**Applicant:** The International Triathlon Union

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**Service member appointed:** DLA Piper

**Summary:** A Swedish athlete taking part in the triathlon was awarded the silver medal as a result of a photo finish. The athlete subsequently appealed to CAS, claiming that the results of the photo finish were unclear. The appeal was unsuccessful.



*"The speed with which you found us quality legal representation was very reassuring and meant that we could focus on defending our case from the start. This was crucial as time constraints forced upon us were very stressful indeed. The legal support we received was excellent"*

# NATIONAL ANTI-DOPING PANEL – ANNUAL REVIEW



Peter Leaver QC

The NADP's objective in 2012 has been to continue to provide well-reasoned and coherent decisions on matters brought before it.

Typically, a case will come before the NADP if an athlete fails an anti-doping test. However, during 2012, four matters that came before the NADP were in respect of alleged breaches that did not arise out of a positive test.

These cases involved allegations of tampering, possession and trafficking.

The year also saw two cases where four year sanctions were handed down to athletes for a first anti-doping violation. The starting point for sanctions under the WADA Code is a two year sanction, and a Panel must be satisfied of aggravating factors to extend this sanction up to the maximum of four years.

In the two cases before the NADP in which four year sanctions were imposed, the factors which gave rise to the extended sanctions included the use and possession of a number of anabolic agents and hormones (as opposed to the normal case in which only one such substance is involved), and the manner in which one athlete attempted to blame others whilst in a position of responsibility and trust within her chosen sport.

As I reported last year, the detection of MHA remains a problem in many sports with athletes ingesting MHA in products purchased over the counter. The number of

such cases has reduced but more work still needs to be done to educate athletes on their responsibility for ensuring that nothing that they ingest contains a prohibited or specified substance and of the risks involved in taking products without a thorough investigation and understanding of the constituent elements of that substance.

Finally, I would also like to place on record my on-going thanks to the members of the NADP, both legal and specialist, for their continued excellence, and to the staff at Sport Resolutions who perform the NADP Secretariat function with such efficiency and professionalism.

A handwritten signature in blue ink, appearing to read 'Peter Leaver'.



# NADP CASE STUDIES

## Case 1 UKAD v Wilson

The starting point for sanction where an athlete fails an anti-doping test is 2 years. In 2012, NADP Panels imposed sanctions of 4 years on two occasions for a first offence. One such case was that of UKAD v Wilson.

Ms Wilson was charged with having two anabolic steroids present in her sample – testosterone and clenbuterol. In determining sanction, the WADA Code permits an increase to 4 years where there are “aggravating circumstances”.

In this case, the Panel considered that there were numerous aggravating factors present in handing down the 4 year ban, namely:

1. Presence of more than one anabolic steroid
2. Evidence of repeated use of the steroids
3. That the athlete was experienced and was a role model to others and held a position of responsibility in her sport, and
4. The athlete’s constant denial and the blaming of others including other athletes and the doping control officers.

## Case 2 UKAD v Six

The athlete, Mr Six, was charged with refusing to take an anti-doping test under Article 2.3 of the UK Anti-Doping Rules.

The athlete argued before the NADP that he could avail himself of the defence under Article 2.3 of the Rules of “compelling justification” or in the alternative, that he could have any sanction reduced by showing that he bore no significant fault as per Article 10.5.2.

The Panel did not accept that the athlete had compelling justification to refuse to take the test. However, the Panel accepted evidence that the athlete’s motivation was to go to the aid of his family whom he believed to be in significant distress with the potential for harm.

The parties invited the Panel to give effect to Article 10.5.2 in a refusal case and, accordingly, the Panel accepted that the athlete was not at significant fault and reduced his sanction to 18 months.

*“Not the outcome we were hoping for but the process was conducted very fairly and professionally.”*



# BOARD OF DIRECTORS

## MANAGEMENT BOARD



**Gerard Elias QC - Independent Chair**

Gerard is a barrister and Deputy High Court Judge. He is Commissioner for Standards in the Welsh Assembly, ECB Chairman of Discipline and a former Chairman of Glamorgan Cricket.



**Di Ellis CBE - Non-executive director nominated by the Sport and Recreation Alliance.**

Di is Chairman of British Rowing and has been a successful athlete, team manager and qualified umpire. Di has been a GB representative to the international rowing body, FISA, since 1986.



**Peter Crystal - Independent non-executive director**

Peter is a solicitor and expert in corporate finance. He is Chairman and a non-executive director of various public and private companies and a trustee of several charities.



**Richard Hendicott - Non-executive director nominated by the Welsh Sports Association**

Richard sits as a District Judge in Cardiff. He is a Council Member of the Golf Union of Wales and a R&A qualified golf referee.



**Simon Cliff - Independent non-executive director**

Simon is General Counsel of Manchester City FC. During his former career as a corporate finance lawyer he acted for Abu Dhabi United Group in its acquisition of Manchester City. He was also seconded to the legal team at the London 2012 Olympic Bid.



**Edward Procter - Executive Director**

Ed previously worked in senior roles for the Legal Services Commission and Sport England. He represented the universities of Bath and London at association football and played for Wimbledon FC at youth level prior to their disputed move to Milton Keynes.



**Margot Daly - Independent non-executive director**

Margot is a business woman, accredited mediator and judge of the Competition Appeals Tribunal. She has extensive operating experience in digital media, pay TV, digital rights and intellectual property and copyright.



**David Rigney - Independent non-executive director**

David is a qualified chartered accountant. He was HR Director and Group Operations Director for Nationwide and currently holds a number of non-executive director, advisor and trustee roles.





**Sara Sutcliffe - Non-executive director nominated by the British Olympic Association (BOA)**

Sara is Legal Director of the BOA. She has attended three Olympic Games and appeared before the Court of Arbitration for Sport at the Athens 2004 Olympic Games.



**Rosalind Reston - Independent non-executive director**

Ros is a solicitor, accredited mediator and non-executive director of the Financial Services Compensation Scheme. Until her retirement in 2006, she was a dispute resolution partner at an international law firm where she was involved with banking, fraud and insolvency litigation.



**Trevor Watkins - Independent non-executive director**

Trevor is a leading sports lawyer. His background in sport extends to having previously been a divisional representative to the Board of the Football League, Chairman of AFC Bournemouth and also a founding director of Supporters Direct.

**MEMBER ASSOCIATION DIRECTORS**

- Stephen Askins - British Paralympic Association
- Simon Barker - Professional Players' Federation
- Matthew Barnes - British Athletes' Commission
- Di Ellis – Sport and Recreation Alliance
- Sara Sutcliffe – British Olympic Association
- John Kerr - Scottish Sports Association
- Richard Hendicott - Welsh Sports Association
- Keith McGarry - Northern Ireland Sports Forum
- Warren Phelops - European Sponsorship Association

**SECRETARIAT**

- Edward Procter - Executive Director
- Richard Harry - Dispute Resolution Manager/Solicitor
- Ross Macdonald - Office Manager
- Jenefer Lincoln - Case Officer
- Chris Lavey – Case Assistant
- Kazuki Shishido/Fukutaro Senga – Solicitors – seconded by Japan Sports Arbitration Agency
- Michael Polak – London 2012 Pro-Bono Service Volunteer
- Maxine Twynam – London 2012 Pro-Bono Service Volunteer

# 2012 CONCLUDED CASES

## ARBITRATION

NGB	TYPE OF DISPUTE	JURISDICTION	ARBITRATOR(S)
British Wrestling Association vs British Olympic Association	Athlete Selection & Eligibility	Administered appointment heard under Rules of BOA	David Casement QC
Lawn Tennis Association	Discipline and Integrity	Administered appointment heard under Rules of LTA	Charles Hollander QC
Lawn Tennis Association	Discipline and Integrity	Administered appointment heard under Rules of LTA	Tariq Sadiq
British Fencing	Athlete Selection & Eligibility	Non-administered appointment	Daniel Saoul
Laurence Halsted vs British Fencing	Athlete Selection & Eligibility	Appeal arbitration heard under SR Arbitration Rules	Nicholas Stewart QC
Joanna Hutchison & others vs British Fencing	Athlete Selection & Eligibility	Appeal arbitration heard under SR Arbitration Rules	Charles Flint QC, Janice Shardlow, Christopher Drury
Football Association	Safeguarding Appeal	Non-administered appointment heard under FA Rules	Paul Gilroy QC
FA vs Mark Marshall	Anti-Doping	Non-administered appointment heard under FA anti-doping rules	Christopher Quinlan QC
Football Association	Safeguarding Appeal	Non-administered appointment heard under FA Rules	Blondel Thompson
Lawn Tennis Association	Safeguarding	Administered appointment heard under Rules of LTA	David Thomson, Kitrina Douglas and John Jameson
Handsworth FC vs FA	Ground regulations	FA Rule K arbitration	Mark Warby QC
FA vs Rio Ferdinand	Discipline and Integrity	Non-administered appointment heard under FA Rules	Blondel Thompson
FA vs John Terry	Discipline and Integrity	Non-administered appointment heard under FA Rules	Craig Moore
Northwich Victoria vs FA	Ground regulations	FA Rule K arbitration	William Norris QC
Roberto Martinez vs FA	Discipline and Integrity	Non-administered appointment heard under FA Rules	Richard Smith QC
Rhythmic Gymnastics Group vs British Gymnastics	Athlete Selection & Eligibility	Appeal arbitration heard under SR Arbitration Rules	Graeme Mew
Joe Jogia vs World Snooker	Discipline and Integrity	Administered appointment heard under Rules of WPBSA	Stephen Bate
Stephen Lee vs World Snooker	Discipline and Integrity	Administered appointment heard under Rules of WPBSA	Robert Englehart QC
Scottish Gymnastics	Employment and Discrimination	Independent Review	Paul Gilroy QC
Squash Wales	Safeguarding	Investigation	Martyn Dew

*"This was an excellent service - although we did not get the required result it enabled my client to proceed with an appeal quickly and expeditiously without too much time and cost."*





*"...impressed with the pro - active nature of the service provided."*

**ARBITRATION CONTINUED**

<b>NGB</b>	<b>TYPE OF DISPUTE</b>	<b>JURISDICTION</b>	<b>ARBITRATOR(S)</b>
David Roberts vs British Swimming	Athlete Selection & Eligibility	Administered appointment heard under Rules of British Swimming	Nicholas Stewart QC, Jon Napier, Geoff Parsons
Tonia Couch vs British Swimming	Athlete Selection & Eligibility	Administered appointment heard under Rules of British Swimming	Charles Hollander QC, Carole Billington-Wood, Tim Ollerenshaw
Molly Renshaw vs British Swimming	Athlete Selection & Eligibility	Administered appointment heard under Rules of British Swimming	Jonathan Taylor
Craig Hammond vs British Swimming	Athlete Selection & Eligibility	Administered appointment heard under Rules of British Swimming	Kate Gallafent
British Swimming	Athlete Selection & Eligibility	Non-administered appointment heard under rules of British Swimming	Walter Nicholls
UK Athletics	Athlete Selection & Eligibility	Non-administered appointment	Michael Sayers
Kathy Hook vs British Taekwondo	Discipline and Integrity	Appeal Arbitration heard under SR Arbitration Rules	Craig Moore
Aaron Cook vs Sport Taekwondo UK	Athlete Selection & Eligibility	Appeal Arbitration heard under SR Arbitration Rules	Christopher Quinlan QC, Rod Robertson, Daniel Saoul
Ballymena United vs Irish FA	Athlete Selection & Eligibility	Appeal Arbitration heard under SR Arbitration Rules	David Casement QC, Jack Anderson, Mark Hovell
Newington YFC vs Irish FA	Ground regulations	Appeal Arbitration heard under SR Arbitration Rules	William Norris QC, Colin Murdock, Daniel Saoul
Scottish Premier League Independent Commission	Discipline and Integrity	Non-administered appointment	Charles Flint QC, Nicholas Stewart QC
Abbey Burton vs British Shooting	Athlete Selection & Eligibility	Appeal Arbitration heard under SR Arbitration Rules	Kate Gallafent
Matthew Thomson vs British Shooting	Athlete Selection & Eligibility	Appeal Arbitration heard under SR Arbitration Rules	Daniel Saoul
Harry Wiltshire vs British Triathlon Federation	Athlete Selection & Eligibility	Appeal Arbitration heard under SR Arbitration Rules	Kate Gallafent
Lani Belcher vs British Canoe Union	Athlete Selection & Eligibility	Appeal Arbitration heard under SR Arbitration Rules	William Norris QC
Olwyn Fitzgerald vs British Disabled Fencing Association	Athlete Selection & Eligibility	Appeal Arbitration heard under SR Arbitration Rules	Craig Moore

## NATIONAL ANTI-DOPING PANEL

NGB	SUBSTANCE	SANCTION	ARBITRATOR(S)
Rugby League UKAD vs James Rule	Tampering or Attempted Tampering with any part of Doping Control	Two years ineligibility	Rod Mackenzie, Carole Billington-Wood, Dr Terry Crystal
Scottish Highland Games UKAD vs Sam Grammer	Peptide related hormones, growth factors and related substances; Aromatase Inhibitors; Diuretics and other masking agents	Two years ineligibility	David Casement QC, Kitrina Douglas, Professor Peter Sever
Athletics Benice Wilson vs UKAD	Anabolic Agents	Four years ineligibility	Paul Gilroy QC, Dr Barry O'Driscoll, Lorraine Johnson
Ice Hockey	Application for lifting of provisional suspension	Application refused	Peter Leaver QC
Boxing UKAD vs Lanre Olubamiwo	Peptide related hormones, growth factors and related substances; Anabolic agents; Hormone and metabolic inhibitors	Four years ineligibility	Rod Mackenzie, Colin Murdock, Dr Neil Townshend
Basketball UKAD vs Kofi Danso	Cannabis and Tampering or Attempted Tampering with any part of Doping Control	Two years ineligibility	Tim Kerr QC, Kitrina Douglas, Professor Peter Sever
Basketball UKAD vs Chiedozie Offiah	Tampering or Attempted Tampering with any part of Doping Control	One year ineligibility	Tim Kerr QC, Kitrina Douglas, Professor Peter Sever
Bobsleigh UAKD vs Simon Carty	Anabolic steroids	Two years ineligibility	Matthew Lohn, Carole Billington-Wood, Dr Barry O'Driscoll
Athletics UKAD vs Ian Burns	Human growth hormone and anabolic steroids (possession and trafficking)	Four years ineligibility	David Casement QC, Lorraine Johnson, Colin Murdock
Cycling UKAD vs Marcel Six	Refusal or failure to submit to Sample collection	18 months ineligibility	William Norris QC, Carole Billington-Wood, Dr Barry O'Driscoll
Boxing UKAD vs Ryan Barrett	Stimulants (MHA)	15 months ineligibility	Robert Englehart QC, Lorraine Johnson, Dr Barry O'Driscoll,

## MEDIATION

National Governing Body	Commercial	Mediation	Charles Flint QC
National Governing Body	Commercial	Mediation	Phillip Howell-Richardson
Athlete vs Club	Employment & Discrimination	Mediation	Quentin Smith
National Governing Body	Discipline and Integrity	Mediation-Arbitration	Daniel Saoul



*"An extremely friendly, helpful  
and efficient service from start to  
finish. Well done!"*



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