



## **BRITISH MOUNTAINEERING COUNCIL**

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### **Selection Appeals Procedure for:**

**GB National Development Squad  
GB Youth and Junior Team  
GB Senior Squad  
GB Senior Team**

This document sets out the appeals process against the selection process.

#### **1. Appealable Decisions**

1.1. An appeal may not seek to reargue the merits of a decision itself only the integrity of the decision making process. Rule 1.1.1 below set out who can make an appeal and the types of decision that can be appealed:

1.1.1. An Athlete can appeal against a selection decision made by the selection panel.

#### **2. Notice of Appeal**

2.1. The person who wishes to appeal ("Appellant") must submit a written request to the BMC within 20 Working Days of receiving notice of the decision that they wish to appeal.

2.2. The written request must contain:

2.2.1. The name and address of the Appellant;

2.2.2. A brief statement describing the nature and circumstances of the decision against which the Appellant wishes to appeal;

2.2.3. The Ground/s of Appeal; and

2.2.4. Further details of the decision being appealed (including copies of any documents that support your request)

2.3. If a written request for an appeal is received outside the 20 working day time limit, and there are extraneous circumstances for the delay, then The BMC Competitions Programme Manager may agree to waive the time limit. The Appellant must set out the reasons for the delay within the request for an appeal.

### **3. Appointment of Appeals Panel**

3.1. The BMC will nominate and appoint an Independent Appeals Panel ("the Panel") within 10 working days of receiving the Notice of Appeal.

3.2. None of the Panel Members shall be connected with the Appellant. None of the Panel Members shall at any time have been involved in any capacity with any aspect of the decision that is the subject of the appeal.

3.3 The panel shall consist of the following:

- i. an independent person who will chair the appeal hearing;
- ii. a senior officer, or director, of the BMC; and
- iii. one other person

3.4. Either party (the appellant or The BMC Competitions Programme Manager) has the right to challenge the independence and impartiality of any nominated Panel Member on good and evidenced grounds. If any party intends to challenge the nomination of a Panel Member that party shall, within 5 working days of notification by The BMC Competitions Programme Manager of the nomination, submit in writing, to the BMC the reasons why that party is challenging the appointment of that panel member.

### **4. Conduct of Proceedings**

4.1. The Appeal Panel shall implement the Appeal Rules and make its decisions based on fairness and natural justice; ensure the Appeal Panel and its members are impartial and independent; not act as an advocate for either party

4.2. Once the Panel has been appointed, the following procedure applies:

4.2.1. The Appellant must file a Statement of Claim within 10 Working Days of notification that the Panel has been appointed. The Statement of Claim must fully set out:

4.2.1.1. Any facts, law or rules on which the Appellant is relying;

4.2.1.2. The relevant ground(s) from Schedule One; and

4.2.1.3. The relief claimed.

4.2.2. The time limit to file a Statement of Claim shall be inclusive of the time limit of

any objection to the appointment of a Panel Member.

4.6. The Panel will normally consider the written submissions of each party and will decide the Appeal on the papers. However, the Panel may agree to hear evidence or other submissions in a specific case, where it believes that to be appropriate. If hearing is to be held then Rule 5 below will apply.

4.8. If the Panel considers it appropriate, the Panel may adjourn the proceedings for the purpose of considering new evidence.

## **5. Conduct of Hearings**

5.1. The Chair shall fix the date, time and place of any hearings for directions or for the Appeal and shall give the parties as much notice as practicable.

5.2. All hearings shall be in private and proceedings shall be confidential unless Panel and the parties agree otherwise.

5.3. The procedure followed at any hearing shall be at the discretion of the Chair, provided that the hearing is conducted in accordance with applicable rules on fairness and natural justice, with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses), address the Panel and present his, her or its case.

## **6. Witnesses**

6.1. Where the Panel has decided that a hearing is to be held, the parties must notify the Panel and other parties as soon as practicable and within any time limits set by the Panel of the identity of any witnesses they wish to call. If the Panel requires it, each party shall disclose in the form of a signed witness statement the subject matter and content of the evidence on which each witness will be relying at the hearing and how that evidence relates to the points at issue.

6.2. Where the Panel has decided that a hearing is to be held, the parties are responsible for the availability and costs of the witnesses to be called. With the agreement of the parties, the Panel may exempt a witness from appearing at the hearing if the latter has previously filed a signed witness statement. The Panel may also limit or disallow the appearance of any witness on grounds of irrelevance.

## **7. Experts**

7.1. The Panel may, provided it has notified the parties who shall have the right to object to such costs being incurred, appoint one or more experts to submit a written report to the Panel on specific issues and may require a party to give such an expert any information which the Panel considers relevant or to produce, or to provide access to, any documents, goods or property which the Panel considers relevant for inspection by the expert. The costs of the expert shall be borne by the parties in equal shares.

7.2. The Panel may (unless the parties shall otherwise agree) direct an expert witness to give evidence either before a hearing in the form of a written report and/or at the hearing in the form of an oral report, and may also require an expert witness to attend a hearing so that the Panel or the parties may question him or her, and the parties may present other expert witnesses in order to testify on the points at issue.

## **8. Decisions**

8.1. In coming to a decision, the Panel will only consider the integrity of the decision-making process used by the selection panel and will not hear appeals that seek to reargue the merits of the decision being appealed against. When making its decision the Panel will decide whether or not the Appellant has succeeded in establishing one of the relevant grounds of appeal set out at GROUNDS OF APPEAL.

8.2. The Chair of the Appeal Panel shall report its findings as soon as reasonably practicable, which may be on the day of the hearing or later.

8.3. The Chair of the Appeal Panel will write to the Appellant setting out the decision and brief reasons thereof. The Chair will also advise the Appellant of the result of the Appeal.

8.4. The findings of the Appeal Panel are final and cannot be subject to further appeal.

8.5. A copy of the Appeal Panel's decision and reasons thereof shall be held by the BMC for 6 years.

8.6. Where a hearing has taken place, the Panel will make a decision within 15 Working Days of the date of the hearing.

8.7. The Panel shall decide on any issue by a majority. No Panel Member may abstain from reaching a decision. The Panel shall not reveal to any party whether any such decision finally made was agreed by the Panel Members unanimously or by majority.

8.8. Where the Panel find that one of the Grounds has been made out (that the decision-making process has not been followed correctly), they will set aside the decision being appealed against and the decision will be sent back to The BMC Competitions Programme Manager.

8.9. Any decision made by the Panel shall be in writing and shall be dated and signed by the Panel, and shall unless otherwise agreed by the parties be accompanied by the reasons on which it is based.

8.10. Decisions of the Panel are final and binding on the parties.

## **9. Costs**

9.1. The cost of the appeal is £100. This is payable by the appellant.

9.2. If the appeal is successful, the cost will be reimbursed to the appellant.

## **10. General Rules**

10.1. The parties shall communicate through the BMC. The Chair of the Panel may direct that communication can take place directly between the parties with copies of all correspondence and documents to be sent at the same time to the Panel and the BMC.

10.2. All communications shall be delivered or sent by email to the parties at the addresses notified to the BMC

10.3. If in the opinion of the majority of the appeal Panel, one Panel Member refuses or fails to comply with the Rules or any applicable law relating to the Appeal, or the making of the decision, having been given a reasonable opportunity to do so, the other Panel Members may apply to an independent member within the BMC (e.g. The BMC CEO or a Director) for his/her removal and the independent member shall determine in their absolute discretion whether to appoint a replacement.

## **11. GROUNDS OF APPEAL**

11.1. Only the following will be legitimate grounds for appeal:

- a. that the decision-making body misunderstood or failed to properly take into account relevant information; or
- b. that the reasons given in the decision not to select a climber do not correspond to the criteria published according to which applications are to be considered.

11.2. An appeal may not seek to reargue the merits of the decision itself, only (in accordance with the foregoing grounds) the integrity of the decision-making process.