



**Scottish Disability
Sport**

Scottish Disability Sport: Para Bowls

Team Scotland – Gold Coast 2018 Commonwealth Games

Appeals Policy

The policy outlines the procedure for an appeal by a bowler or director who is in the Commonwealth Games Extended Squad against non-nomination to Commonwealth Games Scotland by Scottish Disability Sport. This procedure only takes into consideration the Commonwealth Games Scotland/Scottish Disability Sport selection policy and agreed sport specific selection standards.

Process of Appeal

The appeals process is invoked by making a formal written appeal to Scottish Disability Sport within 4 working days of the athlete receiving formal communication of non-nomination to Commonwealth Games Scotland for the Para Bowls team to compete at Gold Coast 2018 Commonwealth Games. The individual must inform the Chief Executive Officer of Scottish Disability Sport by means of a signed statement of appeal in writing. This must clearly state the decision in question and the specific section of the relevant selection criteria that was allegedly not followed. Only one appeal is permitted, therefore, all relevant facts must be included in the submission.

Any appeal is subject to a £50.00 fee and this must accompany the appeal letter in the form of a cheque made payable to Scottish Disability Sport.

Where an appeal is successful, the appeal fee will be refunded.

Grounds for Appeal

The grounds for appeal are limited to allegations of:

- Failure to follow due process
- Bias / undue influence
- Some other misconduct of selectors
- New evidence the panel may have been unaware of, which directly relates to the non-nominated player.

There are no appeals allowed against the content of the published selection criteria, and therefore, against the actions of the selection panel, provided they follow the selection criteria.

The criteria for appeal may not include any alleged error of judgment of the selectors.

Once a statement of appeal is received, the Scottish Disability Sport Appeal Panel will take immediate steps to convene an appeal panel on Wednesday 15 November 2017 to consider the appeal and any rebutting or mitigating statement furnished by the selection panel.

Appeal Panel

The Appeal Panel will consist of three members who will be impartial to the players involved and to the nomination and/or non-nomination selection panel procedures for the players and directors. The Appeals Panel will be chaired by the Scottish Disability Sport Chairperson.

Appeal Hearing

Should an appeal hearing be deemed necessary all interested parties will be invited to participate, including the appellant, the Selection Panel and any player who may lose a nominated place as a result of the appeal decision. Participation may be in person or by submission of a written statement at the discretion of the Appeal Panel Chairperson. All interested parties will receive a copy of the original written statement. The Appeal Panel may request additional oral and /or written submissions of clarification at their absolute discretion.

At the meeting, the Appeal Panel shall consider the appeal and any statement made in writing or orally by the members concerned. The Appeal Panel may question either party, or call upon them to supply additional evidence. An adviser (legal or otherwise) may accompany anyone asked to be present at the meeting. The appeal hearing will be minuted and an additional Appeal Secretary may be nominated by the Chairperson to be present for this purpose.

On completing consideration, the Scottish Disability Sport Appeal Panel will respond in writing to the individual(s) within two days, notifying them of the outcome as well as informing each of the interested parties.

Until the appeal is decided, Scottish Disability Sport will continue with the preparation of the selected nominated players but will not support the preparation of the appellant at this stage. All parties must maintain confidentiality until the ruling is issued and any attempt by either party to publicise the matter will be considered as prejudicial by the panel.

At the conclusion of this process the decision is considered final and binding.

One of two decisions can be made at this stage. The panel can:

- Uphold the appeal and revert the decision back to the Selection Panel for review based on the findings of the appeal; or
- Reject the appeal.

The Appeals Panel must make full justification of any decision made.

Any player non-nominated following the successful appeal of another player will also retain the right to appeal.