

# THE LAWN TENNIS ASSOCIATION

## SELECTION POLICY FOR NOMINATION TO THE BRITISH PARALYMPIC ASSOCIATION FOR THE GREAT BRITAIN WHEELCHAIR TENNIS TEAM AT THE TOKYO 2020 PARALYMPIC GAMES

### 1. Introduction and Aims

The Paralympic Games are to be held in Tokyo, Japan from the 24<sup>th</sup> August 2021 – 5<sup>th</sup> September 2021 (the Games). For clarity, given the change of date of the Games, any reference to “Tokyo 2020” relates to the rescheduled date of the Games in 2021.

Due to the impact of Covid-19 and uncertainty of the ITF Wheelchair Tennis Tour schedule regarding number of tournaments and the ranking point system during this time, this policy remains subject to change in order to best determine player nominations for Games selection.

Wheelchair Tennis is played in three divisions (men’s, women’s and quads), in which there are both singles and doubles medals available.

The Lawn Tennis Association (LTA) is invited by the British Paralympic Association (BPA) to nominate players for selection for the Great Britain and Northern Ireland Paralympic Wheelchair Tennis team for the Games. The LTA delegates this authority to the Wheelchair Tennis Selection Panel (WTSP). The BPA has the final decision as to whether the players nominated by the WTSP will be selected.

The aims of the LTA in making such nominations are:

- (i) to maximise our potential to win medals in the Wheelchair Tennis events at the Games;
- (ii) to achieve, as a minimum, our medal target agreed with UK Sport, which is to win 2-3 medals and to nominate the team it believes is most likely to deliver this target; and
- (iii) for all players selected for the team to deliver credible performances during the Games.

Notwithstanding anything else in this policy, the WTSP shall utilise its discretion, when assessing which players to nominate for selection to the Games, to determine which players have (a) the highest prospects of acceptance into the relevant events at the Games, and (b) the greatest chance of medal success at the Games.

### 2. The Event

This Selection Policy and accompanying Selection Criteria (as set out in Appendix A) detail the process and criteria that players must comply with and meet in order to be considered for nomination by the LTA to the BPA for selection for the Games and to be a member of the Great Britain & Northern Ireland Paralympic Team at the Games.

### 3. Nomination and Selection Timeline

Owing to the length of the qualification period set by the International Tennis Federation (ITF) (which closes with the ranking list published in the week beginning 7<sup>th</sup> June 2021), the time frames are short for:



- Selection nominations to be made by the WTSP
- Any player appeals against the WTSP's nomination decisions;
- Selection consideration by the BPA;
- Possible appeals to the BPA by the LTA in the event of a player nominated by the LTA not being offered a place on the team by the BPA.

The final deadline for the submission by the BPA of the Wheelchair Tennis team for the Games is 18<sup>th</sup> June 2021.

The key dates to remember are set out at Appendix B

#### **4. Registration of Interest – the Long List**

The BPA will first request a Long List from the LTA of all wheelchair tennis players who have a chance of qualifying for the Games, however minimal that chance may seem to be.

Players on the Wheelchair Tennis World Class Programme (WCP) will automatically be included on the Long List. Players not on the WCP as of 1 January 2021 must register their interest to be included on the long list by emailing the Wheelchair Tennis Paralympic Games Team Leader ([cain.berry@lta.org.uk](mailto:cain.berry@lta.org.uk)) by 31 March 2021, and confirming they meet each of the Essential Eligibility Criteria (as set out in Appendix A) and providing reasons as to why they believe they have a chance of qualifying for the Games. The Team Leader will then confirm if the player will be added to the Long List.

The Long List will be provided by the LTA to the BPA, including player email addresses and date of birth. Names on the Long List may receive correspondence from the BPA, which will be via the nominated Team Leader (Cain Berry) wherever possible.

For the avoidance of doubt, being on the Long List does not equate to nomination (or selection).

#### **5. Selection Jurisdiction and Wheelchair Tennis Selection Panel**

It is the responsibility of the LTA to nominate the players for the Great Britain and Northern Ireland Wheelchair Tennis team at the Games and provide these nominations to the BPA for endorsement. The LTA delegates this responsibility to the Wheelchair Tennis Selection Panel.

The WTSP will consist of the following;

- Performance Support Lead (Chair)
- Wheelchair Tennis WCP Head Coach
- A Wheelchair Tennis WCP Coach
- Head of Performance Operations & Wheelchair WCP

A member from the LTA legal team may also attend in a non-voting capacity to observe adherence to the selection process and to take notes. The BPA will also be invited to have a non-voting observer present.

To be considered for nomination by the WTSP, all players must be included on the Long List and meet the Essential Eligibility Criteria as set out in Appendix A. Players must then meet the ITF Wheelchair Tennis Singles Ranking Criteria and shall then be assessed by the WTSP against the Specific Selection Criteria set out at Appendix A (save for applications for Bipartite Commission

Invitations, which shall not be required to meet the ITF Wheelchair Tennis Singles Ranking Criteria).

The WTSP will meet on 10<sup>th</sup> June 2021 to determine which players will be nominated to the BPA. In making these decisions the WTSP will assess players eligible for consideration against the Specific Selection Criteria set out in Appendix A, and will use its expert knowledge of both the sport and elite performance sport to make such decisions.

The WTSP may, where necessary, invite specialists working with the programme in sports science and medicine to submit supporting information on players under selection consideration. This information may be delivered in person or in writing

Should there be a split decision, the Chair will have the casting vote.

If any member of the panel has a perceived conflict of interest on a selection matter, the member must declare that interest at the start of the selection meeting and, having consulted with the BPA observer and member of the LTA legal team (if present), the Chair will rule how the conflict will be dealt with to ensure fairness.

## **6. Nomination of selected athletes to BPA**

In accordance with the Selection Timeline stated above at paragraph 3 of this Policy, it is the intention of the LTA to submit the names of the nominated team to the BPA on 10<sup>th</sup> June 2021 (at the same time notifying the BPA that these nominations are subject to any appeals). Any appeals will take place in accordance with the Selection Appeals Procedure in Appendix C.

## **7. Communication of Nomination**

As outlined above, players will be notified of their nomination (or otherwise) on Thursday 10<sup>th</sup> June 2021. The LTA will contact all players on the Long List (whether or not they have been successful in receiving a nomination) by verbal means (either telephone or in person) to inform them of the WTSP decision, giving those athletes who have not been nominated an opportunity to seek clarification on reasons why they have not been nominated. Nomination decisions (whether successful or not) will also be confirmed by the LTA in writing by email on 10<sup>th</sup> June 2021.

## **8. Confidentiality**

All players, coaches, members of the support team and any other individuals involved in the selection process set out in this Policy must keep all information relating to the selection process confidential and not disclose any information regarding the process, the nominated athletes (and unsuccessful athletes) and the team finally selected by the BPA, unless authorised to do so by the LTA. The BPA and the LTA will work together to agree a media release and announcement of the Great Britain and Northern Ireland Wheelchair Tennis Team for the Games once the team has been finalised.

## **9. Changes to the Selection Process**

The LTA has the right to amend or vary this Selection Policy (including the key dates) and the Selection Criteria (including the Essential Eligibility Criteria, the ITF Wheelchair Tennis Singles Ranking Criteria and the Specific Selection Criteria) set out in Appendix A where necessary at any time in order to meet the requirements of the BPA, ITF or International Paralympic Committee

selection policy. These changes and amendments will be clearly communicated to all affected parties.

## 10. Appeals

Should a player wish to appeal against a WTSP nomination decision, the player must register their intention to appeal in writing by e-mail (the Notice of Appeal) by 12pm (noon) on 11<sup>th</sup> June 2021 to the Performance Director of the LTA at the National Tennis Centre, 100 Priory Lane, Roehampton, London, SW15 5JQ, email address [michael.bourne@lta.org.uk](mailto:michael.bourne@lta.org.uk) with a copy email to the LTA Head of Legal (Pamela Woodman [Pamela.Woodman@lta.org.uk](mailto:Pamela.Woodman@lta.org.uk)). Full details of the Selection Appeals Procedure are attached at Appendix C.

No appeals will be allowed against the content of this published Selection Policy, including the Essential Eligibility Criteria, the ITF Wheelchair Tennis Singles Ranking Criteria or the Specific Selection Criteria (as amended from time to time).

## 11. Withdrawal of nomination

The WTSP has the power to withdraw its nomination of a player should any of the below circumstances arise. The WTSP will be convened to consider any proposed withdrawal of a nomination, and in the event that such a decision is taken, the player whose nomination has been withdrawn will be informed of the decision of the WTSP within 24 hours of the WTSP making the decision, and will be entitled to appeal the decision under the Appeals Procedure attached at Appendix C (with the dates amended accordingly). For the avoidance of doubt, as set out paragraph 6.6 in the Appeals Procedure, any Interested Parties who are joined to an appeal are prohibited from raising matters already ruled upon as separate or further appeals.

### Illness or injury

In instances of illness or injury, a player will have to prove his/her fitness to compete by attending a medical examination and/or a fitness test with the Wheelchair Tennis WCP Doctor provision (or appointed deputy), or a person appointed by the BPA. The criteria for this medical examination and/or fitness test will be agreed by WCP staff together with the BPA and communicated to the player. Please note that all players selected by the BPA (and any coach or member of staff working with the team) will be required to successfully complete a BPA pre Games Medical Assessment before entry to the Athletes' Village on a date to be agreed. In addition, in the event of an injury or illness following selection by the BPA, the player (and any coach or member of staff working with the team) will have to pass a medical examination and/or a fitness test prior to either travelling to the Holding Camp or Games.

### Discipline

Any breach of the Performance Player Code of Conduct, the LTA Disciplinary Code (including its appendices), or the applicable Rules of the IPC, LTA, BPA or ITF, non-adherence to the conditions of the Wheelchair Tennis Performance Programme or contravention of the ParalympicsGB Team Members' Agreement signed by a player (which every person selected for the Games will be asked to sign by the BPA), may result in the withdrawal of a nomination by the WTSP and/or de-selection by the BPA to compete at the Games.

### Successful Appeals

Following a successful appeal by a player who has not initially been nominated by the WTSP, the WTSP will reconvene to consider the nominations it made in the division in which the appeal has been successful. In such circumstances, and where it is appropriate taking into account all of the Selection Criteria in Appendix A, the WTSP reserves the right to withdraw the nomination of another player in the same division, and provide that nomination to the player who has made a successful appeal.

## 12. Reserves

If the number of players who the WTSP deem to meet the Selection Criteria is in excess of the number of players that can be nominated by the LTA, the WTSP may select a reserve(s).

Players selected as a reserve will be nominated by the WTSP as non-travelling reserves in the first instance. Such reserves are not formally nominated to the BPA and will not be announced as part of the team or invited by the BPA to any ParalympicsGB activity. If a reserve is required to replace a selected player, the reserve player selected must be from the same category (i.e. Men's, Women's or Quads') as the player being replaced.

If a reserve is required to replace a player who received a Bipartite Commission Invitation, this can only be considered if the ITF/IPC offers the reserve player a similar invitation.

No substitution of a selected player with a reserve can take place after the final Delegate Registration Meeting with Tokyo 2020 OCOG and the BPA, irrespective of whether the reserve player is in Tokyo.

## 13. Bipartite Commission Invitations

The ITF and the IPC have the discretion to allocate Bipartite Commission Invitations to athletes who:

- do not meet the ITF Wheelchair Tennis Singles Ranking Criteria for each event; **but**
- do meet the Essential Eligibility Criteria; **and**
- in the view of the WTSP, taking into account the Specific Selection Criteria as they apply to Bipartite Commission Invitations as set out in Appendix A, should otherwise be nominated for selection.

For the whole Paralympics Wheelchair Tennis event (across all national teams), there are 14 Bipartite Commission Invitations available in the Men's event, 8 in the Women's event and 4 in the Quads' event. These will be allocated via an application process in which the BPA must apply for places.

Please note that Bipartite Commission Invitations are only made in exceptional circumstances and only where a country has not qualified the full quota of ITF places allocated for the Games.

## 14. Player Withdrawal

The LTA recognises the player's right to withdraw from the Games post-selection. Any intention to do so must be communicated by email or letter to the Chair of the WTSP (Performance Support Lead).

Any player who withdraws from the event following selection, other than for illness, injury or personal reasons that have been discussed and accepted by the LTA, in its discretion, as justifying withdrawal, may be liable to repay any costs incurred by the LTA and/or BPA during the

qualification year (including for example flights and other costs incurred in connection with the player's participation in the Games).

### **15. Team Agreement/Code of Conduct**

Once selected by the BPA, all players, coaches and support staff will be asked to sign the ParalympicsGB Team Members' Agreement (the BPA Agreement). Failure to comply with this requirement will lead to deselection and withdrawal of nomination. The BPA Agreement is a legally-binding document and its terms are non-negotiable. All selected players, coaches and support staff will also be bound by the ITF Wheelchair Tennis Rules, the Wheelchair Tennis World Class Programme agreement conditions, the LTA Code of Conduct, the LTA Disciplinary Code, and the Rules of the LTA, the IPC and the BPA.

### **16. Ultimate Authority**

The BPA has ultimate authority for the final selection decisions for the Games. The LTA must abide by all selection decisions made by the BPA's Paralympic Tokyo 2020 Qualification and Selection Panel and by any appeals decision made by the appointed Games-time Appeals Panel (details of which are to be advised).

If the BPA does not endorse a nomination made by the LTA, it is the LTA's responsibility (and at the LTA's absolute discretion), not the individual player's, to pursue any appeal.

## APPENDIX A

### SELECTION CRITERIA FOR NOMINATION TO THE BRITISH PARALYMPIC ASSOCIATION FOR THE TOKYO 2020 PARALYMPIC GAMES

These Selection Criteria support the LTA's (LTA) aims outlined in the Selection Policy for Nomination for the Tokyo 2020 Paralympic Games (the **Games**).

Players should be aware that:

- each country can have up to a maximum of 4 Men, 4 Women and 3 Quads competing at the Games in the Paralympic Tennis event (these quotas are set by the ITF);
- each country can enter 2 Men's and Women's Doubles pairs and 1 Quad doubles pair from those selected to compete in the singles event;
- players on the Long List who meet the Essential Eligibility Criteria and the ITF Wheelchair Tennis Singles Ranking Criteria below, will be considered for nomination for selection in accordance with the Selection Policy and Specific Selection Criteria as set out below; and
- places are allocated to individual players as opposed to teams (for example, if a selected player is unable to participate, the spot is not automatically given to another player).

#### 1. Essential Eligibility Criteria

To be eligible for consideration by the Selection Panel for nomination to the BPA for selection, or for an application for a Bipartite Commission Invitation, all Players must meet all of the Essential Eligibility Criteria set out below:

- have British nationality and hold a British Passport;
- meet the IPC's Wheelchair Tennis Athlete Eligibility Criteria (as updated from time to time, and the current version of which can be found here: <https://event.itftennis.com/paralympics/organisation/%2Fparalympics%2Forganisation%2Ff-act-sheet-and-regulations>);
- be eligible to represent Great Britain under the Rules of The Lawn Tennis Association (see the LTA website under LTA rule 34.1 and Appendix 2 – Player eligibility) [www.lta.org.uk](http://www.lta.org.uk);
- meet the Classification requirements set by the ITF (as updated from time to time, the current version of which can be found at <https://www.itftennis.com/media/3476/itf-wheelchair-tennis-classification-rules-updated-15may2020.pdf>);
- except in exceptional circumstances (as judged by the WTSP in its discretion) be a member of the LTA Wheelchair Tennis Performance Programme at the time the WTSP convenes to determine nominations;
- confirm that they will comply with the provisions of the Paralympic Charter (which can be found at <http://www.paralympic.org/the-ipc/handbook>);
- be approved by the LTA as medically fit to perform; and
- have no pending or outstanding anti-doping violations at the time of the Games.

#### 2. ITF Wheelchair Tennis Singles Ranking Criteria

Save in respect of Bipartite Commission Invitations, to be eligible for consideration by the Selection Panel for nomination to the BPA for selection, all Players must meet the ITF Wheelchair Tennis Singles Ranking criteria – currently found here:



### 3. Specific Selection Criteria

The WTSP will use its expert knowledge of both the sport and elite performance sport, and its discretion, to identify and nominate those players (either for selection or an application for a Bipartite Commission Invitation) which are likely to help achieve the aims set out at Paragraph 1 of this Selection Policy, including consideration of the following criteria:

1. the player's perceived potential to perform to medal standard at the Games (and/or future Games) in both singles and / or doubles, taking into consideration:
  - a. the player's ITF Wheelchair Tennis Singles Ranking (and his/her Doubles Ranking) as of 7 June 2021; and
  - b. the quality of recent results (or those prior to a recent injury) in Masters, Grand Slams, Super Series, ITF 1 and ITF2 events. As a guide, results from the last 12 months will be the most relevant. The player's performances for Great Britain at the World Team Cup events between and including 2017 and 2021 in singles and doubles will also be considered; and
  - c. the player's performances and progress throughout the ITF Wheelchair Tennis Singles World Ranking qualification period, in doubles partnerships, and adaptability as a partner with other players, to include consideration of the compatibility of the player's style of play (technically, tactically, physically and mentally) with different partners.

In relation to nominations for applications for Bipartite Commission Invitations, the WTSP shall, as the primary consideration, only nominate players who have demonstrated their potential (at both this Games and/or future Games) to perform to medal standard in singles and / or doubles. In addition to this (and as a secondary consideration) for players with potential to perform to standard in doubles only, the WTSP will consider the player's performance compatibility of other nominated partners.

The WTSP will also take into account the factors below when considering nominations either for selection or for an application for a Bipartite Commission Invitation:

**Professional commitment and conduct:** The demonstrated ability of the player to be a positive ambassador for British tennis and a positive addition to ParalympicsGB, showing the requisite dedication, high level of physical conditioning and work ethic necessary for elite performance. The player's record of adherence to the Wheelchair Tennis Performance Matrix Criteria and Performance Player Code of Conduct will be considered by the WTSP.

**Fitness and exceptional circumstances:** Whether there are any exceptional circumstances which should be taken into account such as illness, injury and personal circumstances.

## APPENDIX B

### TIMELINE

13 <sup>th</sup> May 2021	Deadline for LTA submission to the BPA of Long List of athletes who could qualify for the Games.
6 <sup>TH</sup> June 2021	End of the period for athletes to attain performances to be recorded on the ITF Wheelchair Tennis Singles World Ranking Lists.
7 <sup>th</sup> June 2021	ITF Wheelchair Tennis Singles World Rankings published.
8 <sup>th</sup> June 2021	ITF to confirm in writing to the BPA (who will confirm to the LTA) the number of allocated qualification slots for the Games through the ITF Wheelchair Tennis Singles World Ranking Allocation method.
10 <sup>th</sup> June 2021	WTSP to convene to decide which players shall be nominated to the BPA for selection for the Games.
10 <sup>th</sup> June 2021	Players will be informed of nomination for selection (and unsuccessful players will be informed that they are not being nominated). Should a player wish to appeal the decision of the WTSP, he/she must follow the Selection Appeals procedure (attached at Appendix C).
10 <sup>th</sup> June 2021	LTA to inform the BPA of the use of qualification slots allocated through: (i) ITF Wheelchair Tennis Singles World Ranking (subject to any appeals); and (ii) those players nominated for Bipartite Commission invitation applications (see paragraph 13 of this Policy). Such information to be updated if necessary following, for example, any successful appeals, or nomination or player withdrawals.
11 <sup>th</sup> June 2021	Deadline for any Notice of Appeal(s) (by 12pm noon), together with supporting evidence (by 5pm) to be submitted to the LTA by any player(s) who may wish to appeal the decision of the WTSP. Players should refer to Appendix C for full details of the appeals timeline.
18 <sup>th</sup> June 2021	Deadline for BPA to confirm in writing to the ITF use of allocated qualification slots and to submit Bipartite Commission Invitation applications to the ITF.
2 <sup>nd</sup> July 2021	ITF to confirm the reallocation of any unused qualification slots and the awarding of any Bipartite Commission invitations in writing to BPA and the LTA.
TBC by the BPA	Paralympics GB and Northern Ireland Team Announcement.
2 <sup>nd</sup> August 2021	Deadline for Tokyo 2020 Organising Committee to receive sport entry forms from the BPA.
24 <sup>th</sup> August 2021	Tokyo 2020 Paralympic Games begin (until 5 <sup>th</sup> September 2021).

Please note that the above dates are correct to our current knowledge but may be subject to change.

## APPENDIX C

### WHEELCHAIR TENNIS SELECTION APPEALS PROCEDURE FOR THE TOKYO PARALYMPIC GAMES 2020

#### 1. Introduction

This appendix sets out the Lawn Tennis Association Limited's (the **LTA**) Appeals Procedure for all appeals by players in respect of the LTA's decisions to nominate players to the British Paralympic Association for selection to compete at the Tokyo Paralympic Games 2020 (**a nomination decision**).

#### 2. Parties and Arbitration Agreement

- 2.1 The Appeals Procedure is binding on the LTA and on each player who is seeking selection to any Paralympic Great Britain team nominated by the LTA.
- 2.2 The Appeals Procedure forms the entire agreement between each player and the LTA (together **the Parties**) as to how selection decisions may be challenged. The Parties agree:
- (a) to submit any dispute concerning any matter connected with or arising out of the nomination process to binding arbitration in accordance with the provisions of this Procedure;
  - (b) not to commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of the Selection Appeals Panel before any court of law or dispute resolution body without first following this Procedure;
  - (c) to treat decisions properly made under this Procedure as final and binding;
  - (d) this Procedure is an arbitration procedure for the purposes of Part 1 of the Arbitration Act 1996 (**the Act**) and the provisions of this clause 2 amount to a binding arbitration agreement for the purposes of section 6 of the Act. The seat of the arbitration shall be England.

#### 3. Grounds of Appeal

- 3.1 A player may appeal against a nomination decision only on the grounds that:
- (a) there has been a failure to apply the applicable selection criteria; and/or
  - (b) there has been a failure to adhere to the selection procedure as set out in the Selection Policy.
- 3.2 The player does not have a right of appeal against any judgment or discretion exercised in the course of making a nomination decision, or against the content of the applicable selection criteria or the Selection Policy itself.

#### 4. How to Appeal

- 4 This Appeals Procedure is commenced when a player affected by a selection decision, or the player's authorised representative, submits a formal written appeal (the **Notice of Appeal**) to the Performance Director of the LTA at the National Tennis Centre, 100 Priors Lane, Roehampton, London, SW15 5JQ, [Michael.Bourne@lta.org.uk](mailto:Michael.Bourne@lta.org.uk), with a copy by email to the LTA Head of Legal (Pamela Woodman [Pamela.Woodman@lta.org.uk](mailto:Pamela.Woodman@lta.org.uk))
- 4.1 The Notice of Appeal must be received by the LTA by 12pm (noon) on 11<sup>th</sup> June 2021.

- 4.2 If the player fails to submit the Notice of Appeal within the time limit set out in this Appeals Process he or she will have lost their right of appeal.
- 4.3 The Notice of Appeal must set out full details of the player's ground(s) of appeal and include:
- (a) details of the decision which the player is appealing; and
  - (b) details of the ground(s) of appeal upon which the player relies, including the precise manner in which the player alleges that the selection criteria have not been applied or in which the procedure set out in the Selection Procedure has not been followed.
- 4.4 Any documents or written evidence upon which the player relies in support of his or her appeal must be submitted by 5pm on 11<sup>th</sup> June 2021 (the **Supporting Documents**). These documents must be relevant specifically to the player's grounds of appeal and must be submitted in the same way as the Notice of Appeal as specified at 4.1 above. Upon receipt of the Supporting Documents, the Head of Legal will as soon as possible pass the copies of the Supporting Documents to Sport Resolutions, who will ensure the sole Chair / members of the Appeal Panel are provided with copies as soon as is reasonably practicable.
- 4.5 The LTA WTSP shall have the opportunity to submit a reply to the Notice of Appeal (and any Supporting Documents) to the Appeal Panel by 5pm on 14<sup>th</sup> June 2021.
- 4.6 The LTA reserves the right to notify any player whose interest(s) may be affected by the nomination decision under consideration (for example, if their nomination may be withdrawn as a result of any successful appeal) (an **Interested Party** or **Interested Parties**). Upon such notification by the LTA, the Interested Party / Interested Parties must confirm to the LTA as to whether they wish to be joined to the Appeal by 12 noon on 12<sup>th</sup> June 2021. Should any Interested Party / Interested Parties do so, the LTA shall notify Sport Resolutions as soon as possible.

## 5. The Appeal Hearing

- 5.1 The appeal will be heard by either a sole Chair (who shall be a legally qualified person) or an Appeal Panel, in either case nominated and convened by Sport Resolutions. In the event that an Appeal Panel is convened, it will normally (although not always) consist of three persons (including a Chair who shall be a legally qualified person).
- 5.2 In the event that the nominated sole Chair or any member of the Appeal Panel has any involvement with, or is related to an appellant or any player who might be affected by the outcome of the Appeal, or had any involvement with the selection decision under appeal, or is in any way placed in a position of conflicting interests in respect of the appeal, he or she shall be disqualified from acting as the sole Chair / sitting on the Appeal Panel and will be replaced by an independent alternate who shall be nominated by Sports Resolutions.

## 6. Conduct of the Appeal

- 6.1 Upon receipt of the Notice of Appeal, the Head of Legal will notify Sport Resolutions as soon as possible and provide Sport Resolutions with a copy of the Notice of Appeal. Sport Resolutions will then as soon as reasonably practicable notify the LTA and the appellant of the identity of the sole Chair or members of the Appeal Panel (as applicable).

- 6.5 The Chair will convene a hearing to take place on 15<sup>th</sup> June 2021 or as soon as possible thereafter, at which the sole Chair / Appeal Panel will consider the Notice of Appeal, the Supporting Documents and the LTA's reply to the Notice of Appeal.
- 6.6 The Chair shall consider whether the interests of any Interested Party or Interested Parties may be affected by the nomination decision under consideration and may direct that such Interested Party / Interested Parties are joined to the Appeal, if they are not already. Where any Interested Parties are joined, the sole Chair / Appeal Panel will determine the rights of the Interested Parties and they shall be prohibited from raising matters already ruled upon as separate or further appeals.
- 6.7 The Chair shall give such directions as are appropriate for consideration of the matter, in particular:
- (a) the time and place at which the sole Chair / Appeal Panel shall meet to determine the Appeal;
  - (b) whether the Appeal will proceed by way of written submission or an oral hearing; and
  - (c) whether the parties and Interested Parties should be required to submit statements of their evidence and/or written submissions prior to the hearing, and if so, a timetable for doing so.
- 6.8 The sole Chair / Appeal Panel will consider the grounds set out in the Notice of Appeal and establish to their reasonable satisfaction whether or not there has been a failure to apply the applicable selection criteria and/or that there has been a failure to adhere to the procedure set out in the Selection Policy.
- 6.9 The sole Chair / Appeal Panel shall be entitled to:
- (a) confirm the nomination decision under appeal and reject the Appeal; or
  - (b) allow the Appeal and quash the nomination decision under appeal and remit the matter back to the original decision maker identifying the errors they have identified in the conduct of the selection process and requesting that a new decision is made within 24 hours.
- 6.10 In the event that an Appeal Panel is hearing the Appeal, it shall reach a decision by majority vote.
- 6.11 Sport Resolutions will inform all Parties (including any Interested Party) in writing and by telephone (or such other method of communication as the sole Chair / Appeal Panel shall decide) about the sole Chair / Appeal Panel's decision to either uphold or reject the Appeal on the day of the hearing.
- 6.12 The sole Chair / Appeal Panel has the power at its discretion to make an order for the costs of the Appeal to be paid by the Parties in such proportions as the sole Chair / Appeal Panel may decide. The costs may include any room hire, travel and other expenses incurred in hearing the Appeal but nothing shall be included on account of a party's professional charges for representation or otherwise.

## **7. Minor and Non-Consequential breaches of this Procedure**

- 7.1 Save for the time limits and dates specified which must be complied with, where any party deviates from any requirement of this Procedure, it shall not invalidate the Procedure or the decision of the sole Chair / Appeal Panel, unless there is a clear and significant risk that the deviation has affected the decision of the sole Chair / Appeal Panel.

## **8. Confidentiality**

- 8.1 The player, the LTA and any third party (including any Interested Party) are under an obligation of confidentiality in respect of any appeal proceeding under this Procedure. Save as permitted under this Appeals Procedure, no parties involved in the appeal process may make any public statement or disclose the contents of any appeal notice or decision, or disclose any matters discussed at any appeal hearing, or referred to by any of the parties during the course of the appeal proceedings.
- 8.2 The LTA shall be entitled to publish the Appeal decision in such manner and to such extent as is necessary to inform all properly interested parties of the status of the selection.

## **9. Changes and Amendments to this Procedure**

- 9.1 The LTA will be entitled to amend this Procedure from time to time and such amendments will take effect from the first date of publication of the complete amended Procedure on the LTA website.