

Sports Councils' Recognition Policy 2017

Applicants should read the Recognition Policy in conjunction with the Applicant Guidance 2017 which can be found on each of the Sports Councils websites, along with other information relating to the recognition process.

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1. Definition of Recognition

1. Recognition is a process shared by all five Sports Councils (UK Sport, **sportscotland**, Sport England, Sport Wales and Sport Northern Ireland) which:
 - a) Determines the National Governing Bodies (NGB) responsible for governing the sporting activities that the Sports Councils are willing to consider supporting and working with.
 - b) Acknowledges the status of the NGB as a private organisation which governs a particular sport through the common consent of the sport itself.
2. Recognition status does not mean that the Sports Councils have approved the internal structures of the organisation or take any responsibility for its operations.
3. Recognition does not in itself confer additional rights or authority or endorsement by the Sports Councils. It is not the role of the Sports Councils to establish or appoint NGBs or to regulate them. A sports body's membership of an International Federation does not automatically mean that the body will become recognised as an NGB by the Sports Councils.
4. Recognition status does not necessarily mean an NGB is eligible to receive Sports Council funding. Conversely, funding of a sports body by a Sports Council does not necessarily mean the sports body is eligible to become recognised as an NGB.
5. The Recognition Review process checks to see that and NGB or NGBs continue to meet the recognition criteria.

2. Role of Recognised NGBs

6. An NGB is an organisation that governs and administers a sport on a national basis, whether that is for the whole of the United Kingdom (i.e. England, Northern Ireland, Scotland and Wales), for Great Britain (i.e. England, Scotland and Wales) or for one of the Home Countries individually. An NGB operating in Northern Ireland may operate on an All-Ireland or Ulster Provincial basis. Traditionally NGBs are described as the custodians and guardians of their sport.
7. To be a recognised NGB an organisation needs to go through a process of assessment by the Sports Councils.
8. An NGB needs to demonstrate that it has an appropriate constitutional structure and that it fulfils a number of roles an NGB of sport is likely to deliver in order for it to become a recognised NGB.
9. A recognised NGB is expected to deliver the following functions within its area of jurisdiction:
 - a) Control and regulate the environment of its sport;

- b) Administer the practice and participation of its sport;
 - c) Develop its sport;
 - d) Influence both members and organisations of which it is a member.
10. To be able to deliver the functions a recognised NGB is likely to undertake the following activities:
- a) Prepare and implement a vision and strategic plan for its sport and determine how it will be implemented nationally, regionally and locally;
 - b) Promote its sport;
 - c) Manage the rules and regulations of its sport, including anti-doping, child protection and equality;
 - d) Implement a governance framework for its sport;
 - e) Administer officials of its sport;
 - f) Establish and maintain links with the UK/Ireland and the international governing body / federation;
 - g) Encourage and grow participation;
 - h) Develop coaches, athletes, officials and participants;
 - i) Organise and host competitions.
11. Many NGBs originated as a voluntary coming together of sports people (individuals, teams and clubs) with a common purpose; to encourage and enable participants to enjoy and progress in their chosen sport. They evolved into membership organisations and individuals often become members to enable them to compete in their sport and to be covered by insurance.
12. Recognised NGBs are organisations which have shown they have achieved a position of pre-eminence within their sport and have the required level of organisation and governance. The recognition process is designed to enable the Sports Councils to assess whether an organisation is performing the expected role of an NGB. Recognition itself does not bestow any official powers on an NGB to govern its sport – its governance structure should already be in place; recognition is acknowledging the role being played by the organisation.
13. NGBs can exist and operate without being recognised and without applying to the Sports Council to be recognised.

Common Activities of a Recognised National Governing Body

Control & Regulate

Governs a unique sporting activity

An established constitutional structure and organisational history

Regulates and controls members through rules

Owns, develops and manages rules and practices for the sport

Gets its legitimacy from its members and so is governed by the members for the members

Administer

Oversee the competition structure or the format for practicing the sport

Effective policies and procedures in place for child protection, anti-doping and Equality in place

Manage risk and provide insurance to members

Organisational vision, strategy and structure in place

Administer qualifications and licenses to practice the sport

Develop

Has an established membership

Plans in place to retain or increase participation and membership

Equal opportunities for access

Talent development pathways for participants, coaches, officials and volunteers

Influence

Affiliated to the appropriate international federation

Links with appropriate Home Country and UK NGBs for the sport

Partnerships with delivery organisations such as schools, local authorities, trusts and commercial providers

3. Recognition Policy process overview

14. The recognition policy covers the following processes:

Applications

15. The application process covers how an unrecognised organisation can apply to become the recognised NGB for a jurisdiction.
16. The application process is separated into two parts: the pre-application and the full application.

Pre-application	Full Application
Sporting Activity	Governance Structure
Organisational History	Uniqueness
Constitutional Structure	Vision & Development
Affiliation	Sporting Development
Influence	
Membership Numbers	

17. The pre-application is designed to ensure the applicant organisation meets the basic criteria prior to progressing to full application stage.
18. The full application is a more detailed part of the application process which allows an organisation to demonstrate why it should be the recognised NGB and ultimately leads to a decision on recognition.

Reviews

19. The recognition review process covers how a recognised NGB is monitored against the minimum criteria for recognition.

De-recognition

20. The de-recognition process covers how a recognised NGB can be de-recognised.

Discipline change

21. A discipline is a branch of a sporting activity comprising one or more events (for example track cycling is a discipline of cycling). The discipline change process details how a recognised NGB needs to update its status following any changes to disciplines.

4. Aims, Benefits and Conditions of Recognition

Aims of recognition

22. The aim of recognition is to identify sporting activities, and a single lead NGB structure ideally (or joined up structure with clear lines of communication and responsibility at the very least) operating at UK, GB or Home Country level that satisfies criteria on governance related issues and structures as set out in the Recognition Applications and Guidance Notes. In Northern Ireland an NGB may operate on an All-Ireland or Ulster Provincial basis.
23. The Sports Councils will maintain a comprehensive list of recognised NGBs and sports. The comprehensive list of recognised sports with disciplines will be updated periodically and circumstances may change which are not reflected in the list straightaway. The list is available from all the Sports Councils (UK Sport, Sport England, **sportscotland**, Sport Northern Ireland and Sport Wales).

Benefits of recognition

24. The benefits of recognition for NGBs include:
 - a) Association with their respective Sports Councils, for instance through the use of the Sports Council logos on the NGB website (please note that the UK Sport logo may only be used for Olympic and Paralympic NGBs); and
 - b) A need to regularly review governance and ensure minimum standards are kept in line with the recognition review process in place.
25. The benefits of recognition for sports participants and other stakeholders include:
 - a) Detail on the organisations with which the Sports Councils choose to have dialogue for a particular sport;
 - b) Clarity on the NGB structure and how the body operates and governs its sport, with some consistency in terms of the recognition application and recognition review requirements (for instance geographical jurisdiction, development plan, competition structures etc.);
 - c) Improved governance, sharing of good practice and an emphasis on sporting development which should also contribute to the quality of the sporting experience for participants; and
 - d) Access to potential funding. For instance many funding programmes list recognition as the first eligibility criterion for applicants.
26. The benefits of recognition for Sports Councils include:
 - a) Improved structures and governance in the sport sector through organisations striving to meet the acceptable minimum standards required for recognition;
 - b) Confirmation that minimum criteria are being met; and

- c) On-going dialogue with the NGBs through the recognition review process.

Conditions of Recognition

- 27. To maintain recognised status an NGB is expected to ensure it continues to meet the recognition review criteria (see section 8 for recognition review criteria).
- 28. Recognised NGBs are expected to cooperate and work with the Sports Councils when required and as appropriate to assist with sector-wide projects or initiatives.
- 29. Recognised NGBs are further expected to assist the Sports Councils when answering queries or questions relating to the sport or the NGB itself.
- 30. Recognition status is granted by the Sports Councils and is not a right. Recognised NGBs are, therefore, required to respect their status and operate in a fair and equitable way.
- 31. Recognised NGBs are required to advise the Home Country Sports Council in which the NGB has its headquarters or registered office in advance of any intended change in the disciplines within their sports and gain approval for such changes (additions or deletions).
- 32. Recognised NGBs are also expected to cooperate with the Home Country Sports Council should it undertake a recognition review. Failure to do so may result in de-recognition. NGBs that are in receipt of annual investment from a Sports Council and which are subject to governance-related checks as a condition of funding will not be subject to a rolling/regular programme of recognition reviews (if this is the approach to recognition reviews established by the Home Country Sports Council). However, it will still be within the right of the Home Country Sports Council to conduct a recognition review if it deems it necessary. Recognised NGBs who are not in receipt of annual investment from a Sports Council and who are, therefore, not subject to governance-related checks as a condition of funding may or may not be subject to a rolling/regular programme of recognition reviews (depending on the approach to recognition reviews taken by the appropriate Home Country Sports Council).

5. Principles of Recognition

- 33. The following are the core principles of recognition:

General principles:

- a) The Sports Councils will maintain and promote a UK-wide policy on recognition and act collectively;
- b) Each Sports Council will be responsible for its own strategic decisions on which organisations it decides to support and this process sits separate from the recognition process;

- c) Each Sports Council will be responsible for how it implements the detail of the recognition review process, although the principles and minimum standards will be consistent;
- d) An applicant which has submitted an application for recognition or a discipline change which is rejected, or an NGB which is de-recognised will have a right of appeal against the decision;
- e) The policy has been developed and is supported by the five Sports Councils and will be implemented consistently as far as possible. In exceptional circumstances the detailed interpretation and delivery may vary slightly according to the strategies and policies approved by the Sports Councils' Boards and the environments they operate in.

Sporting activity principles:

- f) The decision on what is a sporting activity will be based on the definition contained in the Council of Europe's 1992 European Sports Charter (as revised in 2001):

“Sport means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels.”

- g) As sporting activities can cover a number of different disciplines, when applications are received for NGBs which also combine a new sporting activity, we will consider whether this would be better recognised as a discipline of an existing sporting activity and whether the activity is recognised separately as an activity or as a discipline of an existing activity on an international level;

National Governing Body principles:

- h) Each Home Country Sports Council has the authority to recognise a Home Country NGB for a recognised sporting activity, but using the same criteria as for any UK or GB NGB; and
- i) Where an NGB is de-recognised for any reason, this will not normally result in the de-recognition of the sporting activity unless the de-recognition is linked to the sporting activity no longer meeting the criteria for Sporting Activity or Uniqueness outlined in this policy.

6. UK Recognition Panel

- 34. The UK Recognition Panel manages the recognition process for sporting activities and NGBs.
- 35. The UK Recognition Panel comprises nominated Officer(s) from each of the five Sports Councils. There will be one nominated officer (or this role may be shared between several officers) per Sports Council considering each

application, although they will be likely to consult with other colleagues within their organisations to form a view. UK Sport's role is only currently implemented for decisions regarding Olympic and Paralympic sports.

36. The UK Recognition Panel reports to:
 - a) The Chief Officers (via the Chief Officers meeting) for policy decisions. This comprises of the Chief Executives of all five Sports Councils;
 - b) The Sports Council Boards (via each Panel member) for approval of recognition recommendations.
37. The UK Recognition Panel has responsibility for:
 - a) Developing and implementing the recognition policy and process;
 - b) Managing applications for new NGBs and sporting activities;
 - c) Managing the recognition review process;
 - d) Developing, implementing and managing the de-recognition process;
 - e) Managing changes to disciplines for recognised NGBs.
38. The UK Recognition Panel has the authority to:
 - a) Approve pre-applications without recourse to the Sports Council Boards. This is effectively the power to reject pre-applications that do not meet pre-application criteria;
 - b) Recommend approval or rejection for full applications which will then be submitted for decision to the appropriate Sports Council Boards;
 - c) Administer Recognition Reviews. However de-recognition of an NGB will be decided by the Sports Council Boards (as in the case of a full application). This is not expected to be a frequent occurrence.
39. The UK Recognition Panel can make a decision on pre-applications by email (with one vote per Sports Council) and does not need to meet physically. A minimum of four members of the Panel will be present for the meeting to be deemed quorate (e.g. for a change to policy), one of which must be UK Sport when a decision is being taken regarding an Olympic or Paralympic Sport operating across the UK.

7. Recognition Application Process



Pre-application

Purpose

40. The purpose of the pre-application process is to evaluate whether the organisation has a genuine case for full consideration for recognition, and to filter-out those applications which will not meet the most basic requirements.

Process

41. Each organisation which expresses an intention to apply for recognition will be required to go through the pre-application process.
42. Applications combine requests for recognition of sporting activities and the NGB to govern that activity. Where a sporting activity is already recognised, but there is no recognised NGB, then an application solely for recognition of an NGB will be accepted but a pre-application is still required.
43. Applicants are required to read the Applicant Guidance and then complete a pre-application form both of which is available on request from the Home Country Sports Council where the NGB has its headquarters or registered office. This, and any supporting documentation, must be submitted in electronic format. The Sports Councils may request additional documents or responses for specific issues in relation to the set criteria at the start of the application process or as part of the assessment.
44. Pre-applications need to be submitted to the Home Country Sports Council where the NGB has its headquarters or registered office and will normally be assessed by that Home Country Sports Council. An exception to this may be in applications from all Ireland bodies, whose headquarters are located in Dublin but will be assessed by Sport Northern Ireland.
45. At this stage the Sports Councils are unlikely to request a formal meeting with applicant, although this is at the discretion of the Sports Councils.

Pre-application criteria

- a) **Sporting activity:** Where a new sporting activity is being considered it must meet the definition of sport contained in the Council of Europe's European Sports Charter 1992 (as revised in 2001):

“Sport means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels.”

As guidance, the Sports Councils will place an emphasis on the human physical activity involved when the sporting activity takes place and not activity in preparation for the sporting activity, or on its conclusion. The purpose of the activity must be solely for sport, as defined above, and not a means to another end. By this we mean that the activity is carried out with sport as its primary objective and not as a secondary purpose e.g. gardening typically involves exertion, however the physical activity in gardening is expended to ensure the upkeep and appearance of a garden

or growing of vegetable crops, whilst the physical activity expended in playing football is for no other reason than the game of football itself.

Further to this, ethical considerations will be taken into account. For example, it must be demonstrated that there are no barriers to participation that could be viewed as an inequity of access. The activity must also be one that is not prohibited in any way by UK law. Where the Sports Councils feel there are ethical or moral issues involved in the playing of an activity, which mean they would not wish to be associated with it, such issues will be taken into consideration.

- b) **Organisation history:** The NGB must normally have been in operation for a minimum of two years as evidenced by certified or appropriately signed off accounts for the last two financial years and the minutes of the last two years' AGMs. Accounts could be certified, audited or approved by the NGB Board. The Sports Councils will consider waiving the two-year AGM and accounts requirement in cases where a new organisation(s) is formed from the merger or separation of existing recognised NGBs, providing this is evidenced through the submission of any relevant documentation.
- c) **Constitutional structure:** The NGB should have a constitution or memorandum and articles of association relevant to the jurisdiction in which it operates (i.e. England, Wales, Scotland or Northern Ireland). The NGB should show robust management and governance procedures in accordance with the Recognition Applications and Guidance Notes. A full list of Board members needs to be provided and board composition needs to be clear.
- d) **Affiliation:** The NGB must demonstrate it is affiliated to the UK (or GB or Irish) NGB for its sport, and the international governing body for its sport (where this exists). As guidance, this would preferably be an international federation that is recognised by or connected to the International Olympic Committee or Commonwealth Games Federation.
- e) **Influence:** The NGB must demonstrate it is the leading body for the sporting activity within its jurisdiction, that it has influence throughout the sporting activity, and that it is working in co-operation with other organisations within its sport, or that other organisations have minimal influence within the sport.

The sporting activity must, where appropriate, be defined by a set of rules which are accepted throughout the sport, and the NGB should be in a position to own, control or influence the rules. Where rules are not appropriate, the NGB must provide a clear definition of what the activity is and evidence that this definition is comprehensively accepted within its jurisdiction.

Only one NGB can be recognised for a specific jurisdiction i.e. this allows for one UK-wide NGB, one English body, one Welsh body, one Scottish body and one Northern Irish body or one all Ireland body, where all exist, to be recognised alongside one another. Where other NGBs operate within the same jurisdiction the applicant should demonstrate that it is better placed than others to govern and develop its sport. If an NGB

applies to be recognised as the NGB for a sport for which there is already a recognised NGB in its jurisdiction, the NGB will need to demonstrate that it has more influence and make a case for it to be the recognised NGB for the jurisdiction and, if appropriate, explain why the incumbent NGB is less able to represent the sport.

- f) **Membership numbers:** The NGB must be able to evidence a current membership level (individual members) in excess of the following thresholds (dependent on the jurisdiction):
- i. UK: 1,650
 - ii. Great Britain: 1,500
 - iii. England: 750
 - iv. Scotland: 500
 - v. Wales: 250
 - vi. Northern Ireland: 150

Suggested ways of evidencing membership levels are provided in the guidance notes to the application form and could include:

- i. Counts of members taken from membership database.
- ii. Informed estimates, based on the number of clubs and typical number of members per club.
- iii. A letter from a related body, confirming the number of members or affiliated members.
- iv. An estimate based on the revenues from membership fees earned per year, divided by the typical cost per member.

The Sports Councils may waive this requirement in exceptional circumstances, for example for Olympic, Commonwealth Games or Paralympic sports, or sports that have demonstrated significant growth and have plans to grow further. This will be at the Sports Councils' discretion and with the approval of the UK Recognition Panel.

Pre-application decision

46. There are three potential outcomes for assessment of the pre-application:
- a) Approved
NGBs will be invited to proceed to the full application stage (approval at pre-application stage does not constitute recognition);
 - b) Not approved
NGBs which are not approved will receive a rejection notification which will detail which criteria the application did not meet. Unsuccessful pre-applicants will be permitted to re-apply after a time period has elapsed. This time period will be determined by the UK Recognition Panel depending on the extent of work needed to improve the application;
 - c) Approved with conditions
All of the pre-application criteria should be satisfied; however the Sports Councils may in certain circumstances apply discretion to allow an application which does not quite meet all of the criteria to progress

to the full application stage on the condition of achieving all criteria before completing the process. This is at the discretion of the UK Recognition Panel and it is only likely where failure to meet a criterion or criteria can be easily addressed within a reasonable timescale.

Full application

Purpose

47. The purpose of the full application is to allow the applicant to demonstrate why it is best placed to be the recognised NGB.

Process

48. NGBs which pass the pre-application stage will be invited to meet with the UK Recognition Panel to discuss the full application process and run through the requirements before submitting a full application. For NGBs applying for recognition in one Home Country this meeting will only be with that Home Country. For NGBs applying for recognition as the UK or GB body this meeting will be with the full UK Recognition Panel.
49. The full application form and guidance notes will be given to the applicant after the meeting. NGBs will complete this and submit in electronic format, as with the pre-application form. Any supporting documents must also be provided in electronic format. The Sports Councils may request additional documents or responses for specific issues in relation to the set criteria at the start of the full application process or as part of the assessment.

Full application criteria

- a) **Governance structure:** The NGB should meet minimum governance standards and should be able to evidence statements on anti-doping, safeguarding, equality, complaints and conflicts of interest that are relevant to the Home Countries for which it is applying for jurisdiction in.

Where a sporting activity presents a risk of injury, the NGB should demonstrate it has taken measures to minimise and control risk to participants and has in place appropriate policies to manage the risk (this may include public liability insurance where appropriate).

- b) **Uniqueness:** The sporting activity must not be a variation of an existing recognised sporting activity. Where a sporting activity is similar to another but has developed a significant independent cultural status, we may consider accepting it. This is particularly likely to apply to established sports that are already recognised.
- c) **Organisation vision and development:** The NGB should be able to demonstrate that it has a clearly defined strategy for the development of its organisation and has structures in place to maintain its effectiveness as an NGB for its sport.
- d) **Sporting development:** The NGB must demonstrate that it has a plan for the promotion of the sporting activity which is signed off by its Board. The plan should focus on the sport, its development and levels of participation,

serving the whole sport, not just its membership base, and creating links with informal participants. It must be able to demonstrate pathways to development for participants, coaches, officials and volunteers.

In any activity where competition is possible, the applicant must demonstrate it has established, controls and/or influences the competition structure that enables participants to compete at local, national and/or international level.

Further information on what should be provided is detailed in the guidance notes on the application form.

Full application decision

50. There are two outcomes to the full application process:

a) Approved

Approved NGBs will be informed of their success using a standard letter which includes:

- i. Confirmation of what recognition means (branding, marketing, being part of the recognition list etc.);
- ii. Detail of Recognition Review process;
- iii. Other requirements: including the requirement to notify Sports Councils about any change of discipline.

b) Not approved

Unsuccessful NGBs will receive a rejection letter which will detail which criterion or criteria the full application did not meet.

Unsuccessful applicants will be permitted to re-apply after a time period has elapsed. This time period will be determined by the UK Recognition Panel depending on the extent of work needed to improve the application.

Assessment of pre- and full applications

51. The location of the applicant's headquarters or registered office is the deciding factor determining which Home Country Sports Council will carry out an assessment. For example if an organisation has its headquarters and registered office in England, the assessment of its application will normally be carried out by Sport England.

52. The UK Recognition Panel will consider all pre-applications. It will decide if pre-applications involving the recognition of new sporting activities are rejected or are passed to full application. All decisions relating to the recognition of NGBs will follow the protocol set out in paragraph 54.

53. The Sports Council Boards will consider all full applications following recommendations made by the UK Recognition Panel. All decisions relating to the recognition of NGBs will follow the protocol set out in paragraph 54. All decisions relating to the recognition of new sporting activities will follow the protocol set out in paragraph 54.

54. The jurisdiction of the NGB is the deciding factor determining which Sports Council Board(s) will approve the decision to recognise an NGB as follows:
- a) Jurisdiction in one Home Country only – the relevant Home Country Sports Council.
 - b) Jurisdiction in Great Britain – Sport England, sportscotland and Sport Wales.
 - c) Jurisdiction in the United Kingdom – Sport England, sportscotland, Sport Wales and Sport Northern Ireland.
 - d) Olympic or Paralympic sports and NGBs – UK Sport, Sport England, sportscotland, Sport Wales and Sport Northern Ireland.
55. Regardless of the jurisdiction of the applicant NGB, decisions relating to the recognition of new sporting activities will always be made by all four Home Country Sports Councils (plus UK Sport where the application relates to an Olympic or Paralympic sport).
56. The decisions of the Sports Council boards (where there is more than one Sports Council Board approving a decision) must be unanimous for an application to be approved. Where unanimity has not been reached, the application will be referred to the Sports Councils' Chief Officers Group to allow for further discussion and review. Chief Officers will reconsider the application taking account of the merits or issues discussed by each respective Board when reaching their separate decisions. If a consensus is then reached, Chief Officers will make a recommendation to their respective Boards for their consideration. For the avoidance of doubt, unanimity will continue to be a requirement for the application to be approved.

8. Recognition Review

Purpose

57. A recognition review is designed to ensure that an NGB should retain its recognised status. It is a condition of recognition that an NGB should continue to meet the recognition review criteria.
58. NGBs in receipt of annual investment from a Sports Council, and which are subject to governance related checks as a condition of that funding, will not be subject to a rolling/regular programme of Recognition Reviews (if this is the type of review programme implemented by the Home Country Sports Council). NGBs in receipt of Sports Council funding are likely to be already subject to rigorous regular assurance checks. However, the Home Country Sports Councils reserve the right to undertake recognition reviews relating to specific issues which may not be addressed as part of the funding assurance checks.
59. Recognised NGBs who are not in receipt of Sports Council investment, and who are therefore not subject to governance related checks as a condition of that funding, may or may not be subject to a rolling/regular programme of

recognition reviews depending on the approach to recognition reviews taken by the Home Country Sports Council.

60. If a sport no longer meets the recognition criteria, it may be subject to a recognition review

Process

61. The carrying out of recognition reviews may be conducted as part of a programmed approach or because of specific issues of concern in a particular NGB or sport.

62. A process of self-submission may be put in place by a Sports Council and would include the NGB forwarding key documents that help to demonstrate it is continuing to meet recognition criteria. Self-submission may be used as part of a programmed approach to select the NGBs which will be asked to complete a Recognition Review.

63. The recognition reviews themselves will follow the same format across all the Sports Councils; however each Sports Council will decide:

- a) Its approach to operating a programme of Recognition Reviews;
- b) The extent and frequency of any programme of Recognition Reviews; and
- c) The use of a self-submission process.

64. A recognition review may be conducted at the discretion of the Sports Council(s). Listed below are several situations which may lead to a recognition review being carried out (this list is not exhaustive):

- a) NGB self-declaration
The NGB volunteers that recognition is no longer relevant or appropriate. (Once discussed this may then move directly to de-recognition with no formal review.);
- b) Loss of international affiliation
The NGB is no longer in membership of the appropriate UK/GB/Irish or European/World organisations;
- c) Split of a sport
Where there is an international or national split of a sport along discipline or organisation lines this may result in the need for a recognition review of the new separate organisations;
- d) Application from an NGB for a sport with an existing recognised NGB
Where an organisation applies for recognition and there is an NGB already recognised for the sport and jurisdiction being applied for, this may lead to a recognition review of the existing recognised NGB. This may form part of the process to establish which organisation should be the recognised NGB and to allow the existing recognised NGB to respond where it feels appropriate;
- e) Serious concerns about the NGB

The Sports Council(s) have serious concerns about the operation of the NGB which call into question its status as to whether it remains fit to be the recognised NGB.

The following may be seen as examples which could lead the Sports Council to have serious concerns:

- The NGB not holding AGMs as specified in its Constitution;
 - The NGB not responding to contact by the Sports Council(s);
 - Accounts are not available as required by the NGB's processes and the requirements of the Sports Council;
 - The Constitution is not legally compliant or does not include appropriate policies, such as: Anti-Doping; Safeguarding; Equality; Complaints;
 - An International Federation or UK or Home Country NGB raises concerns about the recognition status of an NGB to a Sports Council;
 - The NGB makes a significant breach of its own rules;
 - Action taken by the NGB brings the sport, the sports sector or the Sports Council into disrepute.
- f) Activity becomes illegal
There is a statutory or legislative change which makes the sport illegal.

Recognition Review Criteria

65. Recognition reviews will be assessed against the criteria in accordance with the criteria guidance already set out in the pre-application and full application sections of this policy.
66. The recognition review criteria are listed here for reference. The detail behind the criteria can be found within the pre-application and full application sections where the criteria are listed in full:
- a) Sporting activity;
 - b) Organisational history;
 - c) Constitutional structure;
 - d) Affiliation;
 - e) Influence;
 - f) Membership numbers;
 - g) Governance structure;
 - h) Organisation vision and development; and

- i) Sporting development.

Assessment of Recognition Reviews

- 67. The recognition review will be undertaken by the Home Country Sports Council where the NGB has its headquarters or registered office unless there is a reason for it to be undertaken by another Home Country Sports Council at their discretion.
- 68. For NGBs recognised for one Home Country, the Home Country Sports Council will circulate its recommendation to the UK Recognition Panel for comment but the recommendation will be made by the single Home Country Sports Council. The recommendation will then be passed to the Board of the Home Country Sports Council for decision.
- 69. For UK or GB recognised bodies, the Home Country Sports Council will conduct the review and circulate its assessment to the UK Recognition Panel. The UK Recognition Panel will then collectively make a recommendation which will need to be taken to the appropriate Sports Council Boards depending on the jurisdiction of the applicant organisation. A unanimous decision across the appropriate Sports Council Boards is required for de-recognition.

Outcome of Recognition Review

- 70. The potential outcomes from a recognition review are:
 - a) Continued recognition;
 - b) Conditional recognition, requiring remedial action, with an appropriate timescale to complete; or
 - c) Proceed to de-recognition.

9. De-recognition

Purpose

- 71. De-recognition is a potential outcome of a recognition review. It is anticipated that de-recognition will be a rare occurrence.
- 72. The purpose of de-recognising an NGB is to ensure that where an NGB no longer meets the requirements for recognition, it does not remain on the recognised list of NGBs or receive the benefits of recognition outlined in this policy.

Process

- 73. De-recognition is an outcome of the recognition review process and as such the process for an organisation to be de-recognised is for the Sports Council(s) to conduct a recognition review (in accordance with the recognition

review criteria and assessment) which may result in a de-recognition recommendation.

74. Where the result of a recognition review is to proceed to de-recognition the Sports Council(s) is required to consult with the NGB and seek remedies to the situation before the final decision to de-recognise is made. The Sports Council(s) will put an appropriate timeframe on this and a deadline for action. A resolution and decision will be expedited as rapidly as possible.
75. Where remedies cannot be found the Sports Council(s) will formally write to the NGB to inform them of the decision to de-recognise the NGB.
76. De-recognition of an NGB would not necessarily result in de-recognition of the sporting activity.
77. It should be noted that if an NGB is de-recognised, the appropriate Sports Councils may wish to consider their position on funding where applicable.
78. A de-recognised NGB may be permitted to re-apply for recognition as per the policy (this may be subject to addressing the issues that led to de-recognition).

10. Discipline Change

79. A discipline is a branch of a sporting activity comprising one or more events. For example track cycling is a discipline of cycling.

Purpose

80. Recognised NGBs are required to apply for any intended change to a sporting activity which involves adding or removing a discipline. This will enable the Sports Council to ensure that the disciplines within each activity meet the criteria for Sporting Activity and Uniqueness outlined in this policy. The Sports Councils needs to ensure that an NGB is the appropriate NGB to govern and develop that discipline.

Process

81. The change of discipline process comprises a simple form on which an NGB can provide details of the proposed change to its disciplines and an explanation for this change, referring to sporting activity, uniqueness, demand for the sport and the discipline's structure at international level. The form can be obtained from the Home Country Sports Council where the NGB has its headquarters or registered office.
82. The form requires the NGB to outline the following:
 - a) Change in discipline requested;
 - b) Reason for change (if it is a request for additional disciplines the applicant is required to briefly explain the history of the discipline, the current activity in the discipline, the number of participants, and its structure at international level. If the request for discipline change is a deletion the

applicant is required to explain the reasons for the change and what will happen to any remaining participants);

c) Awareness of other NGBs involved in the discipline.

83. A change of discipline will apply to the sport across the whole of the UK. Where a UK or GB NGB exists it will normally be the applicant. Where no UK or GB NGB exists for that sport any of the Home Country NGBs may make the discipline change application, which, if successful, would then normally apply to all Home Country NGBs.

Assessment of Discipline Change

84. The discipline change assessment will be undertaken by the Home Country Sports Council where the NGB making the application has its headquarters or registered office.

85. The UK Recognition Panel will review the assessment before making a recommendation for decision to the Home Country Sports Council Boards.

Discipline Change Decision

86. The potential outcomes from a discipline change application are:

- a) Discipline change approved;
- b) Discipline change not approved.

11. Process Following Decisions

Post Decision Meeting

87. If Applicants wish to be provided with further feedback on any of the decisions or processes under this policy, a post-decision meeting can be arranged with relevant representatives of the recognition panel.

Appeals

88. Please refer to the appendix 'Recognition Appeals Rules and Procedure'.

Appendix

Recognition Independent Appeals Rules and Procedure

Recognition Independent Appeals Rules and Procedure

Introduction

This document sets out the appeals process against decisions of the Sports Councils (as defined in '**Definitions**' below) or the UK Recognition Panel. Anyone considering lodging an appeal should first read the Sports Councils' Recognition Policy and Rules 1 and 2 below in particular.

Sport Resolutions UK ("SRUK") will manage the process for each independent

appeal. The contact details for SRUK are:

Sport Resolutions (UK)

1 Salisbury Square

London

EC4Y 8AE

Tel: 020 7036 1966

Fax: 020 7936 2602

Email: resolve@sportresolutions.co.uk

Definitions

“Home Country Sports Council” means the Home Country Sports Councils of England, Northern Ireland, Scotland and Wales (Sport England, Sport Northern Ireland, **sportscotland** and Sport Wales).

“NGB” means national governing body of a sport in the UK or Home Country as applicable. In Northern Ireland an Ulster Branch of an All Ireland Governing Body operating in Northern Ireland is included under the heading NGB for the purposes of the Sports Councils’ Recognition Policy and the Rules and Procedure.

“Rules” shall mean the Recognition Independent Appeals Rules and Procedure (being this Appendix to the Sports Councils’ Recognition Policy 2017)

“Sports Council(s)” shall mean each and any of the Home Country Sports Council and / or UK Sport as appropriate.

“Working Day” means any day other than Saturday, Sunday or any public holiday in the appropriate Home Country and in case of UK Sport shall be a public holiday in England.

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. Similarly, an appeal is not an opportunity to submit new evidence or facts. Rules 1.1.1 to 1.1.4 below set out the types of decision that can be appealed:

- 1.1.1. a pre-application decision;
- 1.1.2. a full application decision;
- 1.1.3. a de-recognition decision; and / or
- 1.1.4. a discipline change decision.

2. Grounds of appeal

2.1. The only legitimate grounds of appeal are:

2.1.1. that the decision-making body misunderstood a significant part of the pre-application or full application or misunderstood information submitted as part of the pre-application or full application; or

2.1.2. that the decision-making body failed to take into account relevant information submitted as part of the pre-application or full application; or

2.1.3. that the decision-making body did not correctly follow or reasonably apply the relevant procedure,

being “the Grounds of Appeal”.

2.2. For the avoidance of doubt (and despite any other legal remedies that may be available to you), a dispute relating to our published policies or any governmental policy is not a legitimate ground for appeal under the Rules.

3. Notice of Appeal

3.1. The organisation who wishes to appeal (“Appellant”) must submit a written request to SRUK within 40 Working Days of receiving notice of the decision that they wish to appeal. Written notice sent to SRUK shall, for the purposes of Rule 11.3, act as service.

3.2. The written request must contain:

3.2.1. the name and address of the Appellant (and any legal or other representative);

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

3.2.3. the Ground/s of Appeal. The Grounds of Appeal are set out in Rule 2.1; and

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

together the “Notice of Appeal”.

3.3. If a written request for an appeal is received outside of the 40 Working Day time limit, and there are extraneous circumstances for the delay, then SRUK may agree to waive the time limit. The Appellant must set out the reasons for the delay within the request for an appeal.

3.4. On receipt of the Notice of Appeal, SRUK will immediately send a copy to each Sports Council(s) involved in the decision that is the subject of the Appeal.

4. Appointment of Appeals Panel

4.1. SRUK will nominate and appoint an Independent Appeals Panel (“the SRUK Panel”) within 10 Working Days of receiving the Notice of Appeal.

4.2. Unless the parties agree to the appointment of a sole arbitrator, or SRUK directs that a sole arbitrator may hear the appeal under Rule 4.6 below, the SRUK Panel will consist of three members, namely a legally qualified chair (“the Chair”) and two lay members (“the SRUK Panel Members”).

4.3. The Chair will be drawn from a group of eight legally qualified individuals from an SRUK list.

4.4. Two lay SRUK Panel Members will be drawn from SRUK's Panel of Arbitrators Specialist List.

4.5. The SRUK Panel Members must confirm to SRUK that they are independent and are able to act impartially. None of the SRUK Panel Members shall be from or connected with the Appellant, the relevant Sports Council. None of the SRUK 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.

4.6. SRUK may direct or the parties may agree to a sole arbitrator acting as the SRUK Panel. Such sole arbitrator may be drawn from the group of eight legally qualified individuals from an SRUK list. Where a sole arbitrator is appointed to decide the Appeal all references to the "Chair" in the Rules shall mean the sole arbitrator unless the context means otherwise.

4.7. Either party has the right to challenge the independence and impartiality of any nominated SRUK Panel Member on good and evidenced grounds. If any party intends to challenge the nomination of a SRUK Panel Member that party shall, within 5 Working Days of notification by SRUK of the nomination, submit in writing to SRUK the reasons why that party is challenging the appointment of the nominee.

4.8. Unless the challenged nominee withdraws or the other party agrees to the challenge, the proposed Chair of the SRUK Panel (unless it is the appointment of the Chair that is challenged in which case SRUK, acting through its Director, shall decide), shall decide on the challenge and request SRUK to nominate a replacement nominee. Any challenge will be determined by the other two members of the SRUK Panel alone. SRUK shall notify the parties accordingly.

4.9. In the absence of any challenge to the nominations proposed within 5 Working Days of notification, SRUK will appoint the SRUK Panel.

4.10. Subject to Rule 4.11 the seat of arbitration will be in London or such other place as the parties mutually agree. The Appeal shall be conducted in accordance with laws of the country in which the relevant Sports Council is located.

4.11. Hearings shall normally take place in London. However, should circumstances so warrant, and after consultation with all parties, the Chair may decide to hold a hearing at another place and issue the appropriate directions related to any hearing. The Chair shall take into account the individual needs and circumstances of the Appellant in deciding the location of the hearing. The Chair may also decide the location of the meeting or whether it can be held via telephone or video link.

5. Conduct of Proceedings

5.1. The SRUK Panel shall implement the Rules and make its decisions based on fairness and natural justice; ensure the SRUK Panel and its members are impartial and independent; not act as an advocate for either party; and ensure the parties are given a proper opportunity to present their case.

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

5.2.1. The Appellant must file a Statement of Claim within 15 Working Days of

notification that the SRUK Panel has been appointed. The Statement of Claim must fully set out:

5.2.1.1. any facts, law or rules on which the Appellant is relying;

5.2.1.2. the relevant ground(s) from Rule 2.1; and

5.2.1.3. the relief claimed.

5.2.2. The time limit to file a Statement of Claim shall be inclusive of the time limit of any objection to the appointment of a SRUK Panel Member.

5.2.3. The relevant Sports Council(s) (the "Respondent") may, within 15 Working Days of receipt of the Statement of Claim, file a "Response". The Response must fully set out:

5.2.3.1. those facts, law or rules in the Statement of Claim that the Respondent admits or denies; and

5.2.3.2. any other facts, law or rules on which it relies.

5.2.4. If the Appellant wishes to file a reply to the Response ("the Reply"), they must do so within 15 Working Days of receipt of the Response.

5.3. The time limits set out in Rule 5.2 may be varied by agreement between the parties and the Chair of the SRUK Panel.

5.4. Each party must submit at the same time as filing the Statement of Claim, Response or Reply (as applicable) copies of all documents on which the party concerned relies unless the document has previously been submitted by any party.

5.5. The SRUK Panel may proceed with the Appeal and make the decision and/or recommendation even if the Respondent fails to serve a Response or if the Appellant fails to serve a Reply.

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

5.7. The SRUK Panel has absolute discretion to admit or refuse evidence submitted by any party whether or not that evidence was presented before the party making the decision that is the subject of the Appeal.

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

6. Conduct of Hearings

6.1. 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.

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

6.3. 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 SRUK Panel and present his, her or its case.

6.4. Hearings may still proceed if any of the parties, their witnesses or experts fail to appear and the SRUK Panel may make a decision.

6.5. Each of the Appellant and the Respondent is permitted to have assistance or representation by persons of their choice and, if oral evidence (witness or expert evidence, for example) is heard, it must only be heard in the presence of the Appellant and Respondent or their assistant/representative who shall be given a fair opportunity to question any witness.

6.6. If an Appellant fails to attend a hearing, whether in person or by video link, internet or telephone, on the date and time so fixed then the Respondent may apply to the SRUK Panel to make a decision in the absence of the Appellant.

6.7. Where the SRUK Panel decides that a hearing should be held, it shall not take place at the offices of any Respondent whose decision is the subject of the Appeal.

7. Witnesses

7.1. Where the SRUK Panel has decided that a hearing is to be held, the parties must notify the SRUK Panel and other parties as soon as practicable and within any time limits set by the SRUK Panel of the identity of any witnesses they wish to call. If the SRUK 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.

7.2. Where the SRUK 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 SRUK Panel may exempt a witness from appearing at the hearing if the latter has previously filed a signed witness statement. The SRUK Panel may also limit or disallow the appearance of any witness on grounds of irrelevance.

8. Experts

8.1. The SRUK 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 SRUK Panel on specific issues and may require a party to give such an expert any information which the SRUK Panel considers relevant or to produce, or to provide access to, any documents, goods or property which the SRUK Panel considers relevant for inspection by the expert. The costs of the expert shall be borne by the parties in equal shares.

8.2. The SRUK 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 SRUK 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.

9. Decisions

9.1. When making its decision the SRUK Panel will decide whether or not the Appellant has succeeded in establishing one of the relevant Grounds of Appeal set out at Clause 2.1.

9.2. The SRUK Panel will aim to make a decision within 15 Working Days of:

9.2.1. receipt of the Reply; or

9.2.2. the deadline for receipt of the Reply, whichever is the later.

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

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

9.5. Where the SRUK Panel find that one of the Grounds of Appeal have been made out, they will set aside the decision being appealed against and the decision will be remitted back to the relevant Sports Council(s).

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

9.7. Decisions of the SRUK Panel are final and binding on the parties.

9.8. SRUK will issue the SRUK Panel's written decision, which is confidential, to the parties.

9.9. Without prejudice to Rules 6.2 and 9.8 the relevant Sports Council(s) may, with the prior written consent of the Appellant, at the end of the proceedings publish any report or press release including (but not limited to):

9.9.1. the details of the proceedings under the Rules (including any facts alleged in support)

9.9.2. any topics of inquiry that the SRUK Panel raised, and

9.9.3. the decision made.

10. Costs

10.1. The cost and resource of administering the SRUK Panel will generally fall to the Sports Council(s) involved in the decision that is the subject of an Appeal on the following basis:

10.1.1 if the Appeal relates to an NGB in a specific Home Country, the relevant Home Country Sports Council shall be responsible for any costs;

10.1.2 if the Appeal relates to a GB NGB, Sport England, Sport Wales and sportscotland shall be responsible for any costs in equal shares, save that where it is an Olympic or Paralympic sport UK Sport shall also be required to contribute an equal share towards the costs;

10.1.3 if the Appeal relates to a UK NGB, Sport England, Sport Wales, sportscotland and Sport Northern Ireland shall be responsible for any costs in equal shares, save that where it is an Olympic or Paralympic sport UK Sport shall also be required to contribute an equal share towards the costs.

10.2. If an oral hearing is granted SRUK's administrative and panel costs, in the first instance, would be borne by the Sports Council(s) against whom the appeal has been made. The relevant Sports Council(s) may request an order for reimbursement of any such administrative and panel costs as part of any request for order under Rule 10.3 to be awarded costs of the Appeal generally.

10.3. The SRUK Panel may make orders in relation to the costs of the parties in the Appeal.

10.4. Subject to order for costs being awarded to the Appellant under Rule 10.3, the relevant Sports Council(s) will not reimburse the Appellant for their costs, or reimburse any representative, witnesses or assistant for their costs in dealing with the Appeal.

11. General Rules

11.1. The parties shall communicate through SRUK. The Chair of the SRUK 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 SRUK Panel and SRUK.

11.2. All communications shall be delivered or sent by first class post, fax or email to the parties at the addresses notified to SRUK.

11.3. Deemed date for service of documents:

If sent by first class post, the notice or other communication shall be deemed to have been given on the "Working Day" following the day it is sent. If transmitted by facsimile or email before 5pm (UK GMT) on a Working Day, the notice of communication shall be deemed to have been given on that Working Day. If transmitted on a non-Working Day, at or after 5pm (UK GMT) on a Working Day, the notice or other communication shall be deemed to have been given on the next Working Day.

11.4. A party's last-known residence or place of business shall be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to all parties and to SRUK.

11.5. For the purpose of calculating a period of time under the Rules, such period shall begin to run on the day following the day when a notice or other communication is given. Non-Working Days occurring during the period are not included in calculating the running of that period.

11.6. If a party proceeds with an Appeal in spite of the fact that a provision of, or requirement under the Rules has not been complied with, without promptly stating its objection, that party has waived its right to object.

11.7. If any SRUK Panel Member, after appointment to the SRUK Panel dies, refuses, or in the opinion of the Chair becomes unable or unfit to act, the Chair shall request SRUK to appoint another SRUK Panel Member to the SRUK Panel in his/her

place. If the Chair, after appointment to the SRUK Panel dies, refuses or in the opinion of the parties and the Director of SRUK becomes unable or unfit to act, SRUK shall appoint a replacement Chair.

11.8. If in the opinion of the majority of the SRUK Panel, one SRUK Panel Member refuses or fails to comply with the Rules or any applicable law relating to the Appeal, or the making of the decision and/or any award, having been given a reasonable opportunity to do so, the other SRUK Panel Members may apply to the Director of SRUK for his/her removal and the Director of SRUK shall determine in his absolute discretion whether to appoint a replacement.

11.9. The Rules shall be governed by the laws of the country in which the relevant Sports Council is based, unless the Appeal is a recognition appeal brought relates to a Scottish organisation in which case the Rules shall be governed by Scottish Law.