



INDEPENDENT COMPLAINTS PROCESS (ICP) PROTOCOL

Protocol for the Independent Complaints Process

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1. Introduction

- 1.1. The British Amateur Gymnastics Association ["British Gymnastics"] is committed to providing a fair, consistent and proportionate approach to the handling of complaints. Complaints are generally governed by the British Gymnastics Complaints and Disciplinary Policy and Procedure ["Complaints and Disciplinary Policy and Procedure"].
- 1.2. In 2020, a significant number of gymnasts, and parents of gymnasts, made allegations about mistreatment or abuse within the sport of gymnastics. Concerns were raised that British Gymnastics had failed to deal appropriately with some complaints it had received. UK Sport and Sport England jointly commissioned Anne Whyte QC to conduct a full review of the issues raised and to make recommendations ["the Whyte Review"]. The Whyte Review will not consider individual complaints.
- 1.3. The Independent Complaints Process ["ICP"] introduced by this Protocol is designed to provide for the investigation of some of these individual complaints by an independent person exercising powers delegated to them by British Gymnastics ["the Independent Person"]. British Gymnastics have appointed Sport Resolutions Ltd (Sports Dispute Resolutions Panel Ltd (1 Salisbury Square London, EC4Y 8AE)) ["Sport Resolutions"] to select and appoint the Independent Person.
- 1.4. The Protocol does not intend to pre-empt the recommendations of the Whyte Review. The ICP relates specifically to allegations of mistreatment or abuse and is strictly time-limited. It is designed to provide an open and transparent, timely, fair and independent means of addressing complaints made during the summer of 2020, including where the historic handling of complaints by British Gymnastics has been in the spotlight.
- 1.5. The ICP principles set out below shall underpin the operation of the ICP:
 - 1.5.1. All ICP Complaints will be addressed fairly in accordance with this Protocol;
 - 1.5.2. Complaints should be resolved within a reasonable period;
 - 1.5.3. Appropriate information will be provided to Complainants and to Respondents at each stage of an ICP Complaint;
 - 1.5.4. In respect of concerns involving a child, young person, adults at risk or elite athlete:
 - 1.5.4.1. The welfare of the child, young person, adult at risk or elite athlete is paramount and each person's needs should be understood and central in all decision making.
 - 1.5.4.2. It is the responsibility of British Gymnastics Integrity Unit ["the Integrity Unit"], the Independent Person and Sport Resolutions to ensure such concerns are reported without delay to the Police/Local Authority Designated Officer/Children's Services or other organisation as deemed appropriate.

- 1.6. The ICP applies to complaints that were made to British Gymnastics between 6 July 2020 and 31 August 2020 which relate to mistreatment and abuse and/or the handling of complaints about mistreatment and abuse. The Complaints and Disciplinary Policy and Procedure will continue to apply to all other complaints.
- 1.7. The Independent Person will also consider complaints that were communicated in the period 6 July 2020 to 9 October 2020 to the British Athletes Commission ["BAC"] and/or the NSPCC Helpline operated for this purpose. Sport Resolutions has been appointed to select individuals who will receive and compile these complaints in the first instance before decisions are taken by the Independent Person about how they will be handled and investigated.
- 1.8. The Independent Person will also be able to consider some complaints about how British Gymnastics have handled previous allegations of mistreatment and abuse made during the period 6 July 2020 to 31 August 2020. In some cases, including where a Respondent has already faced a disciplinary procedure or has been subject to a sanction, it may not be fair for British Gymnastics to reinvestigate or take further steps. However, the Independent Person will have a power to reopen complaints where they are satisfied that this is necessary and can be done fairly.
- 1.9. Under the ICP, the Independent Person will have sole discretion to decide how those complaints may be fairly investigated. British Gymnastics intends that the ICP should provide an opportunity for those complaints to be considered in an open and transparent way and resolved fairly within a reasonable period.
- 1.10. This ICP sits alongside the work of the Whyte Review and the normal operation of the Integrity Unit.
- 1.11. British Gymnastics intends to ensure that there is a culture where it is safe and acceptable for any person to raise complaints and concerns with confidence they will be handled fairly. The ICP and the Whyte Review form an important part of that commitment.

2. When does the Independent Complaints Process apply?

- 2.1. The ICP applies only to complaints which meet the following criteria ["ICP Criteria"], which are referred to in this Protocol as "ICP Complaints":
 - 2.1.1. Complaints that were received by the BAC or the dedicated Helpline operated by the NSPCC in the period **6 July 2020 to 9 October 2020**;
 - 2.1.2. Complaints that were received by British Gymnastics in the period **6 July 2020 to 31 August 2020**; which remain unresolved on 30 November 2020 ["the ICP Commencement Date"] and relate to:
 - (a) Allegations of mistreatment, sexual, mental (emotional and neglect) and/or physical abuse, bullying, harassment and discrimination ["Mistreatment/Abuse"] which took place between **August 2008 and August 2020**;

- (b) The handling by British Gymnastics of a previous complaint about Mistreatment/Abuse which was raised between **August 2008 and August 2020** ["Complaints Handling"].

- 2.2. Whether a complaint meets the ICP Criteria is decided by the Independent Person.
- 2.3. The Independent Person will only consider a Complaints Handling ICP Complaint where there was a significant procedural flaw in the handling of the original complaint; a continuing risk to the public; or there is new evidence, such that the previous consideration was incomplete.
- 2.4. The Independent Person will have the exceptional discretion to determine whether it is fair, practical or proportionate for the ICP to apply to any complaint relating to events prior to August 2008 and/or to consider any information relating to events before that date.
- 2.5. The ICP is limited to complaints which would otherwise be subject to the Complaints and Disciplinary Policy and Procedure. This means that:
- 2.5.1. A complaint is any communication from which it appears there has been or may have been a breach of the Articles of Association, Membership Rules, Standards of Conduct or British Gymnastics Policies whether expressed as a complaint or otherwise. This includes complaints that give rise to concerns about an individual's suitability to be working with children, young persons, adults at risk and/or elite athletes within the sport.
- 2.5.2. The ICP does not apply to disciplinary action contemplated by or taken by British Gymnastics against its employees concerning matters arising in the course of their employment. Complaints about a member of British Gymnastics staff should be directed to the British Gymnastics HR Department (HR@british-gymnastics.org) and will be handled in accordance with British Gymnastics Employee Disciplinary Policy. However:
- 2.5.2.1. Where formal action has been taken against an employee of British Gymnastics in the course of their employment, resulting in any form of sanction that impacts on their ability to continue with British Gymnastics membership, the impact on their British Gymnastics membership can be addressed under the ICP if the Independent Person is satisfied that the circumstances leading to the sanction would otherwise meet the ICP Criteria.
- 2.5.2.2. Where an allegation which otherwise meets the ICP Criteria is made against an employee of British Gymnastics, the Complainant will be informed their allegation is not an ICP Complaint and that it will be sent to the relevant Department.
- 2.5.2.3. Where an allegation against an employee of British Gymnastics would otherwise meet the ICP Criteria, the Independent Person shall play a new role in the British Gymnastics Employee Disciplinary Policy procedures in accordance with their Terms of Reference (Annex A) and the British Gymnastics Employee Disciplinary Policy. The Independent Person may direct that any investigation should be performed by an independent person, agency or organisation.

- 2.5.3. The ICP does not apply to complaints about British Gymnastics' services. Complaints about British Gymnastics' services can be addressed following the British Gymnastics Customer Complaints and Resolution Policy.
- 2.5.4. The ICP is not an alternative to criminal investigation. British Gymnastics encourages Complainants to report any criminal allegations or suspicions to the police in the first instance. British Gymnastics will involve the Police, Local Authorities Designated Officer, Children's Social Care or such other organisation(s) in appropriate matters and will support the statutory agency with any resulting investigation, in line with its legal obligations. British Gymnastics will exercise its discretion when considering a complaint before any investigation or proceedings by a statutory agency have concluded, but British Gymnastics will normally halt the consideration of any complaint pending the conclusion of the statutory agency's procedures.

3. How does the Independent Complaints Process work?

- 3.1. In ICP Complaints, this Protocol replaces the Complaints and Disciplinary Policy and Procedure:
 - 3.1.1. Where an ICP Complaint necessitates formal disciplinary proceedings, the disciplinary powers of British Gymnastics shall be exercised according to the disciplinary procedures set out in this Protocol.
 - 3.1.2. The ICP will consider the safeguarding duties of British Gymnastics and may consider an individual's suitability to be working or volunteering with children, young persons, adults at risk or elite athletes within the sport.
 - 3.1.3. Members and registered or affiliated organisations are required by British Gymnastics to cooperate in any ICP investigation, where requested, to participate in interviews; to provide information or statements or to attend hearings to give evidence. A failure to cooperate with any part of the ICP may give rise to separate disciplinary action.
 - 3.1.4. Subject to the reporting and/or publication of any decision by the Case Management Team, ICP Case Panel or ICP Appeal Panel and with the exception of communications with appropriate authorities pursuant to the legal obligations of British Gymnastics, the ICP shall be conducted in confidence. All hearings will take place in private. All parties will be subject to duties of confidence. A failure to respect the confidence of the ICP may give rise to separate disciplinary action.
 - 3.1.5. British Gymnastics will always consider any anonymous information where a child, young person, adult at risk or elite athlete may be at risk of harm. However, it will not be possible to agree to all requests for anonymity in an ICP Complaint.
 - 3.1.6. It is normally necessary to identify the Complainant to provide the Respondent with an understanding of the allegations and to ensure procedural fairness. Sometimes it may be possible to keep the details of a Complainant confidential, including where there is good reason for concern if a person is identified. Any decision, where anonymity is requested, will be at the discretion of the Independent Person.

- 3.2. The Board of British Gymnastics ["the Board"] (or a committee with delegated authority) may amend this Protocol from time to time. Any amendment to the Terms of Reference for the Independent Person (Annex A) shall be subject to the agreement of the Independent Person. The Board shall consult the Independent Person in respect of any other amendment to this Protocol. Such amendments shall come into force and effect on the date specified.
- 3.3. Nothing in this Protocol (including its Annexes) overrides, amends or waives the provisions of the constitution of the Association or restricts the rights of British Gymnastics to manage the business of British Gymnastics according to the constitution.
- 3.4. The laws of England and Wales apply in relation to this Protocol and any dispute arising from it.

4. Jurisdiction

- 4.1. The British Gymnastics Articles, Rules and Regulations and the conditions of membership, registration and affiliation, require that all members, registered clubs, those associated with clubs as members; all affiliated associations and those associated with affiliated associations as members, comply with Regulations made by the Board and conduct themselves in accordance with the Standards of Conduct, Membership Rules and all and any other relevant British Gymnastics Policies.
- 4.2. Where British Gymnastics and a registered club or affiliated association both have jurisdiction over a matter, British Gymnastics will not consider the matter until the organisation's own procedures have been exhausted (except in safeguarding cases that meet a statutory reporting threshold). The Independent Person may then, in their discretion, on the delegated authority of British Gymnastics, determine when a matter shall be dealt with under the ICP.
- 4.3. Where a registered club or affiliated association requests that British Gymnastics deals with a complaint which appears to satisfy the ICP Criteria, the Independent Person shall have the sole discretion to determine whether the ICP should apply.

5. Interpretation

- 5.1. An "**adult at risk**" means a person aged eighteen or over who has needs for care and support (whether or not a local authority is meeting any of those needs); who is experiencing or is at risk of abuse or neglect; and who, as a result of those needs is unable to protect themselves against the abuse, neglect or the risk of it.
- 5.2. A "**child**" means anyone who has not yet reached their eighteenth birthday. Child or children includes "child or young person".
- 5.3. The "**Complainant**" is the individual or organisation who has raised a complaint.
- 5.4. A "**day**" means any day. Where a deadline falls on a Saturday, a Sunday or a public holiday, it should be read as falling on the next working day.
- 5.5. An "**elite athlete**" means any member of a British Gymnastics national squad. While there is no statutory duty to report safeguarding concerns about an elite athlete who is not a child or an

adult at risk, British Gymnastics Safeguarding Policy and Procedure recognises that elite athletes remain particularly vulnerable to harassment and abuse. The British Gymnastics Safeguarding Policy and Procedure governs the reporting of concerns about safeguarding and elite athletes.

- 5.6. The "**ICP Commencement Date**" is the day on which the ICP was implemented by British Gymnastics. This date is 30 November 2020.
- 5.7. An "**ICP Complaint**" means a complaint which meets the criteria set out at paragraph 2.1.
- 5.8. The "**Protocol**" means the procedure set out in this document which applies to ICP Complaints and governs the operation of the ICP.
- 5.9. The "Respondent" is the individual or organisation against whom a complaint is made and/or against whom disciplinary proceedings are brought.

6. Who is involved in the Independent Complaints Process?

- 6.1. The following have the power to act in ICP Complaints:
 - 6.1.1. The **Independent Person** is responsible for the independent oversight and implementation of the ICP in accordance with this Protocol. The Independent Person will oversee the investigation of ICP Complaints. The Independent Person is appointed for their skills, expertise and independence and will act in accordance with the Terms of Reference in **Annex A**.
 - 6.1.2. The **Independent Person for Appeals** ["the Independent Person for Appeals"] is an Independent Person appointed to discharge specific delegated duties in the ICP in respect of appeals and reviews. The Independent Person for Appeals will select Case Panels and Appeals Panels, will conduct reviews of temporary suspensions where requested by the Respondent and will decide, taking into account any views expressed by Complainants, whether British Gymnastics will appeal against the findings of any Case Panel in disciplinary proceedings. The Independent Person for Appeals is appointed for their skills, expertise and independence and will act in accordance with the Terms of Reference set out in **Annex B**.
 - 6.1.3. **Sport Resolutions** have been delegated by the Board to select the Independent Person and the Independent Person for Appeals (Annexes A and B). **Sport Resolutions** will select individuals to be the first point of contact for all complaints received by the BAC and/or the NSPCC Helpline in the period 6 July 2020 to 9 October 2020 and may be appointed by the Independent Person to select individuals to act as the Lead Officer for any ICP Complaint.

- 6.1.4. The **Integrity Unit** is the first point of contact for all complaints received by British Gymnastics under this Protocol. The Integrity Unit provides secretariat support for the Independent Persons in the ICP. However, no member of British Gymnastics staff will be involved in handling any complaint made against them or in respect of their conduct.
- 6.1.5. The **Case Management Team** ["the CMT"] comprises the Independent Person supported by two appropriate employees of British Gymnastics selected by the Independent Person in accordance with the Terms of Reference set out in **Annex C**. The CMT is responsible for reaching decisions on any ICP Complaint following an investigation. As Chair, the decision of the Independent Person is final. The Independent Person cannot be outvoted by the other members of the CMT.
- 6.1.6. **Lead Officers** are appointed by the CMT and are responsible for the management and conduct of the investigation, the compilation of an investigation report and presentation of the ICP Complaint to the CMT. The Lead Officer role in any ICP Complaint may be performed by a member of the Integrity Unit, an individual selected by Sport Resolutions or another person, organisation or agency, at the discretion of the Independent Person.
- 6.1.7. **Investigating Officers** may be appointed by the Lead Officer to carry out any investigative steps required (within the investigation plan and parameters determined by the CMT). The Lead Officer may carry out the Investigating Officer role in any ICP Complaint.
- 6.1.8. The **ICP Case Panel** will be made up of three independent individuals selected by the Independent Person for Appeals, appointed in accordance with the Terms of Reference set out in **Annex D**. Members of the ICP Case Panel will be selected for their expertise and knowledge but will not have been involved in the case in any way previously. The ICP Case Panel may also include members who have technical knowledge of gymnastics and/or sport in general.
- 6.1.9. The ICP Case Panel will:
- 6.1.9.1. Consider ICP Complaints referred to it pursuant to the Protocol and may impose sanctions in respect of any misconduct.
 - 6.1.9.2. Consider the suitability of an individual in relation to safeguarding, or any breach of conduct, and make suspension and/or revocation decisions or impose control measures where it is deemed that there is capacity to manage a risk presented by a Respondent.
- 6.1.10. The **Case Officer** is the person who will prepare and conduct the presentation of the case before an ICP Case Panel. The Independent Person may appoint the Lead Officer or some other person to act as the Case Officer in any case.
- 6.1.11. A barrister or solicitor may be appointed to be the Case Officer. The Respondent shall be advised if such an individual is appointed at least fourteen days prior to any hearing.
- 6.1.12. The Independent Person may change the appointed Case Officer at any time. The Respondent shall be advised if such a change has been made, at least fourteen days prior to any hearing wherever possible.

- 6.1.13. The **ICP Appeal Panel** will be made up of three independent individuals selected by the Independent Person for Appeals to hear and determine an appeal against the decision and/or sanction of the ICP Case Panel in accordance with the Terms of Reference set out in **Annex D**. Members of the ICP Appeal Panel will be selected for their expertise and knowledge but will not have been involved in the case in any way previously. The ICP Appeal Panel may include members with a technical knowledge of gymnastics and/or sport in general.
- 6.1.14. The **Appeal Officer** is the person who will prepare and conduct the presentation of the case before an ICP Appeal Panel. The Independent Person may appoint the Lead Officer, Case Officer, or some other person to act as the Appeal Officer in any case.
- 6.1.15. A barrister or solicitor may be appointed to be the Appeal Officer. The Respondent shall be advised if such an individual is appointed at least fourteen days prior to the hearing.
- 6.1.16. The Independent Person may change the appointed Appeal Officer at any time. The Respondent shall be advised if such a change has been made, at least fourteen days prior to the hearing whenever possible.
- 6.1.17. An Integrity Unit staff member or another person, where appropriate, will be appointed by the Independent Person to act as the panel secretary ["the Panel Secretary"] and will provide administrative support to the CMT, the ICP Case Panel or the ICP Appeal Panel. A Panel Secretary shall be a person with no prior involvement in the case.

7. Considering a Complaint

- 7.1. All complaints that were received by the BAC and the NSPCC Helpline in the period 6 July 2020 to 9 October 2020 will be referred to Sport Resolutions (where the Complainant gives their consent). Sport Resolutions will select individuals who will be responsible for preparing a summary of the complaint, asking questions about how the Complainant would like their complaint to be handled, obtaining the Complainant's consent to the way in which their personal data will be processed and taking a statement from the Complainant.
- 7.2. All complaints that were received by British Gymnastics during the period 6 July 2020 to 31 August 2020 will be referred to the Integrity Unit. The Integrity Unit will obtain a summary of the complaint for the Independent Person.
- 7.3. Following the summary of the complaint through Sport Resolutions or by the Integrity Unit, an initial assessment will be made by the Independent Person of the complaint to determine whether the matter satisfies the ICP Criteria and is an ICP Complaint.
- 7.4. The Integrity Unit or Sport Resolutions (as appropriate) will establish whether the Complainant wishes to remain anonymous and any reasons for that request. If the Complainant requests anonymity such requests will be referred to the Independent Person for determination.
- 7.5. The Independent Person shall consider any request for anonymity and will decide whether a complaint can proceed fairly in accordance with the request. The Independent Person shall consider, in particular, the fairness of the ICP, any risk of harm, whether revealing the identity may amount to a criminal offence and/or an unwarranted infringement of privacy and/or might otherwise be unlawful.

- 7.6. If a request for anonymity is not granted, the Complainant will be informed of the decision of the Independent Person. The Independent Person will confirm with the Complainant whether they wish to proceed.
- 7.7. In complaints that were received by the BAC or the NSPCC helpline between 6 July 2020 and 9 October 2020 and summarised by Sport Resolutions, the Independent Person will determine whether any complaint is appropriate for investigation under the Protocol by the Integrity Unit or should be delegated to Sport Resolutions (or another independent person, organisation or agency) applying the process and procedure otherwise required by the Protocol. This decision will be at the sole discretion of the Independent Person applying the following criteria, which have been set by the Independent Person in accordance with their Terms of Reference (Annex A):
 - 7.7.1. The expressed wishes of the person making the disclosure including any assertion that their complaint could not be heard impartially or objectively by the ICP and the reason/s for such wishes and/or assertion. This will include any request for anonymity and the reason/s for it.
 - 7.7.2. Nature of the Complainant's disclosure (by way of example, whether they include allegations of mistreatment, sexual, mental (emotional and neglect) and physical abuse, bullying, harassment and/or discrimination).
 - 7.7.3. Seriousness of the matters disclosed.
 - 7.7.4. The identity, occupation, position or role of the person/s alleged to have carried out the behaviour complained of.
 - 7.7.5. Whether the disclosure does or may reveal an actual conflict of interest or the reasonable perception thereof.
 - 7.7.6. Whether and to what extent the Integrity Unit has investigated or has started to investigate the matters disclosed, and any proceedings taken in respect thereof.
 - 7.7.7. Any observations or recommendations the Whyte Review may make, especially in respect of British Gymnastics' handling of safeguarding concerns and complaints.
 - 7.7.8. Any other factor the Independent Person considers relevant.
- 7.8. In considering any Complaints Handling ICP Complaint:
 - 7.8.1. The Independent Person shall consider any procedural flaw, risk to the public, or new evidence identified by the Complainant.
 - 7.8.2. The Independent Person shall consider the significance and implications of any procedural flaw, the seriousness of any continuing risk to the public, the weight and cogence of any new evidence, the time which has passed since the relevant events and the requirements of procedural fairness.
 - 7.8.3. The Independent Person will have sole discretion to determine whether any complaint should or should not be re-investigated by the Integrity Unit or by Sport Resolutions, or another person, organisation or agency; or any other steps taken within the terms of the ICP.

- 7.9. If a complaint does not meet the criteria for an ICP Complaint, it may be referred to any relevant organisation or British Gymnastics department to be dealt with, if appropriate.
- 7.10. If an allegation that is made against an employee of British Gymnastics would otherwise meet the ICP Criteria, that complaint shall be referred to the relevant Department and the Independent Person shall be delegated by British Gymnastics to determine according to the Independent Person Terms of Reference whether the allegations are suitable for investigation by British Gymnastics or whether the investigation should be delegated to an independent person, agency or organisation (Annex A, Appendix I) .
- 7.11. If the Independent Person is satisfied a complaint is an ICP Complaint, the Independent Person will assess the complaint and may:
- 7.11.1. Dismiss the complaint as unfounded (for example, where there is no evidence to support the allegations made or they are manifestly unfounded) or not upheld (where there is no apparent breach of the Articles of Association, Membership Rules, Standards of Conduct or British Gymnastics Policies).
 - 7.11.2. Confirm the identity of the Lead Officer for the case.
 - 7.11.3. Refer the complaint to another organisation or British Gymnastics department.
 - 7.11.4. Proceed with initial enquiries to help determine whether a full investigation is required.
 - 7.11.5. Refer the complaint to the CMT.
 - 7.11.6. Report the issue to the Police, Local Authorities Designated Officer, Children's Social Care or another organisation(s).
- 7.12. If a safeguarding risk is identified which would engage the legal obligations of British Gymnastics, in respect of the immediate safety of a child, young person, adult at risk or elite athlete, a report shall be made to the appropriate authorities by the Integrity Unit and/or Sport Resolutions before a complaint is referred to the Independent Person and without delay.
- 7.13. ICP Complaints which are unresolved at the ICP Commencement Date but which have begun subject to the British Gymnastics Complaints and Disciplinary Policy and Procedure will transfer to be considered according to this Protocol. It will be at the sole discretion of Independent Person to determine the steps required in any unresolved ICP Complaint on transfer.

Referral to the Case Management Team

- 7.14. Should the complaint be referred to the CMT they will determine the following:
- 7.14.1. If any interim protective measures e.g. temporary suspension in accordance with section 8 of this Protocol needs to be put in place.
 - 7.14.2. Whether the matter meets the threshold for referral to "the appropriate statutory authorities".
 - 7.14.3. The investigation plan and parameters of the investigation.

Investigation

- 7.15. The Lead Officer shall be responsible for arranging and supervising an investigation within the plan and parameters determined by the CMT. This may be carried out by a nominated Investigating Officer, a Welfare Officer or an independent investigator selected by the Independent Person. In cases where the Independent Person has determined an investigation should be conducted by Sport Resolutions (under paragraph 7.7), Sport Resolutions will select the Lead Officer and may nominate the Investigating Officer.
- 7.16. The Investigating Officer will also liaise with appropriate statutory authorities as necessary and will obtain copies of any relevant evidence/information required for the investigation, subject to data protection release, and agreement from the agency that the ICP is able to proceed without endangering other statutory investigations or procedures.
- 7.17. The Lead Officer should ensure the timescales for the investigation are communicated to the Complainant, the Respondent and club(s), as well as keeping them appropriately informed of progress of the investigation as it proceeds.
- 7.18. The Lead Officer may request that any British Gymnastics member or individual on behalf of a registered or affiliated organisation make written and/or oral representations for the purpose of the investigation. If a submission produced for the Whyte Review provides adequate detail on the ICP Complaint, it will be within the discretion of the Lead Officer to accept that submission as written representations on the ICP Complaint.
- 7.19. Failure to co-operate with a request to make such representations and/or to participate in an interview may itself be considered misconduct.
- 7.20. The Lead Officer will ensure details of the ICP Complaint and any relevant additional material is shared with the Respondent unless the Independent Person has determined that disclosure of specific information may place any person(s) at risk of harm and/or revealing it may amount to a criminal offence and/or to an unwarranted infringement of privacy or might otherwise be unlawful.
- 7.21. The Respondent will be interviewed where necessary and/or given a full opportunity to provide any written representations and evidence in response to the ICP Complaint.
- 7.22. The Lead Officer shall collate all evidence and prepare a summary of the ICP Complaint and evidence, including any relevant information held on file by British Gymnastics, for consideration by the CMT.
- 7.23. The CMT shall review the evidence and may make such findings of fact as are appropriate. Where findings of fact are required the CMT will consider whether a matter is proved to the standard of proof in civil law (i.e. whether on the balance of probabilities the allegation(s) is/are proved).

Possible Actions

7.24. The CMT will consider the evidence and may take one or more of the following actions:

- 7.24.1. Refer the matter to the Police, Local Authority Designated Officer or Children's Social Care or such other organisation(s) as may be appropriate.
- 7.24.2. Carry out further investigations.
- 7.24.3. Require protective measures.
- 7.24.4. Recommend that no further action be taken.
- 7.24.5. Impose limited sanctions including, but not limited to:
 - 7.24.5.1. Removal of eligibility to participate in or be selected for competition or other gymnastics-related activity for a specified period of up to 12 months.
 - 7.24.5.2. Suspending or removing from office one or more officials of an organisation.
 - 7.24.5.3. Withdrawal of some or all gymnastics-related financial support or membership related benefit.
 - 7.24.5.4. Conditions relating to the Respondent's participation in gymnastics related activities.
 - 7.24.5.5. First formal warning.
 - 7.24.5.6. Final formal warning.
 - 7.24.5.7. Imposition of a fine (of an amount to be determined by the CMT) payable to a sports charity to be nominated by British Gymnastics.
- 7.24.6. Require the Respondent to make improvements which may include but is not limited to:
 - 7.24.6.1. A personal development plan.
 - 7.24.6.2. Requirement to complete a period of mentoring and/or supervision and/or monitoring.
 - 7.24.6.3. Requirement to prove competence for any gymnastics-related activity.
 - 7.24.6.4. Advice or directions on future conduct.
 - 7.24.6.5. Engaging a relevant official, employee or other service provider.
 - 7.24.6.6. Requiring a person or organisation to modify the way in which it operates.
- 7.24.7. Agree control measures designed to limit the safeguarding risk or potential of, posed by the Respondent or any other individual (subject to the full co-operation of the Respondent and/or the registered or affiliated organisation).

- 7.24.8. Require the Respondent (and/or any other relevant individual(s)) to undergo a criminal record check.
- 7.24.9. Require the Respondent to undergo a risk assessment conducted by a person specified by the Independent Person.
- 7.24.10. Conclude that there is sufficient evidence to refer the matter to the ICP Case Panel for a formal disciplinary procedure.
- 7.24.11. Conclude that there is reasonable cause to believe that a child, young person, adult at risk or elite athlete might be at risk and refer the matter to the relevant statutory agency and/or ICP Case Panel for consideration.
- 7.24.12. Any other action the CMT thinks appropriate, up to but not including exclusion of membership.
- 7.24.13. In cases where the Respondent is in breach of the Membership Rules, the CMT may recommend expulsion to the Board. Where expulsion is recommended, the case will be referred to an ICP Case Panel for consideration.

Associated Costs

- 7.25. Any costs associated with the completion of actions at paragraphs 7.24.5 to 7.24.6 inclusive and/or 7.24.9 will be at the expense of the Respondent required to carry out the action unless otherwise specified by the CMT.

Communication

- 7.26. Once the CMT has reached a decision it shall advise the Respondent within fourteen days and provide written reasons for the decision.
- 7.27. The Complainant(s) will be provided with an appropriate summary of the outcome.

Appeal against Sanction

- 7.28. A Respondent may appeal any sanction of the CMT imposed under paragraphs 7.24.5 to 7.24.6. To exercise this right of appeal, a Respondent should submit full written details within fourteen days of receiving notification of the CMT's decision. Such appeals will be considered by the ICP Case Panel in line with their procedures and all decisions will be final and binding.

Referral for consideration by the ICP Case Panel

- 7.29. The CMT is responsible for determining whether an ICP Complaint is sufficiently serious that it should be referred to the ICP Case Panel for consideration under this Protocol.
- 7.30. The CMT may refer ICP Complaints to the ICP Case Panel for consideration under the disciplinary procedures in this Protocol where the CMT concludes at its absolute discretion that the standard of conduct of the Respondent has fallen seriously below the expected standard.

- 7.31. The CMT may refer ICP Complaints to the ICP Case Panel for consideration under the British Gymnastics safeguarding procedures where the CMT reasonably believes that the Respondent is, or may present a risk of harm to a child or children, young persons, any adults at risk and/or elite athletes.
- 7.32. Referrals to the ICP Case Panel may also be initiated following a risk assessment, disclosure of content on a criminal record check e.g. convictions, cautions, warnings and relevant soft information and where any other information comes to light that suggests that the individual may be unsuitable to work or volunteer with or pose a risk to children, young persons, adults at risk and/or elite athletes.
- 7.33. Where the matter is referred to the ICP Case Panel for consideration, the CMT may request any person to make written or oral representations or provide evidence concerning the matters under consideration and shall allow the Investigating Officer and the Respondent to comment on any such additional material to be considered by the ICP Case Panel.

8. Temporary Suspensions

- 8.1. The CMT or ICP Case Panel may, at any time prior to the determination of an ICP Complaint, suspend the membership or registration of a Respondent or any part or parts of the rights or benefits of a Respondent if there are reasonable grounds to believe that one or more of the following is applicable:
- 8.1.1. Children, young persons, adults at risk or elite athletes are considered to be at risk.
 - 8.1.2. It is necessary for the protection of other persons.
 - 8.1.3. The complaint against the Respondent would, if established and upheld, result in the revocation of membership.
 - 8.1.4. The reputation of British Gymnastics, an affiliated association or a registered club could be harmed if the Respondent is not suspended.
 - 8.1.5. The continued involvement of the Respondent might impede enquiries and/or the investigation.
 - 8.1.6. Risks identified by a risk assessment undertaken under paragraph 7.24.9 or otherwise are such that suspension is appropriate.
- 8.2. Suspension in these circumstances is not a disciplinary sanction. Disclosure of a temporary suspension will include notification to the Chair of any affiliated association and to officers of the club(s) or other organisations involved in gymnastics with whose activities the Respondent is concerned.

- 8.3. Disclosure may be made by British Gymnastics to anyone having a reasonable need to be aware of the circumstances, including (but not limited to) disclosure for the purposes of ensuring compliance and/or enforcement of the suspension. The Independent Person will ensure that a Complainant is notified of a temporary suspension, where appropriate. British Gymnastics may consult the Independent Person on questions of disclosure. The appropriate form and extent of such disclosure shall be at the discretion of British Gymnastics.
- 8.4. The Lead Officer will maintain a record of those to whom the suspension has been disclosed.
- 8.5. Where the Respondent is the subject of a temporary suspension, the Integrity Unit will review the suspension at regular intervals and update the Respondent as to the review outcome. Where the temporary suspension has been in place for at least six months, or as the case may be, six months since the last review, the Respondent has the right to request a review of the temporary suspension by submitting full written reasons for the review to the Independent Person for Appeals. The Independent Person for Appeals shall review the temporary suspension upon receiving the request for the review and communicate the outcome of the decision in writing usually within seven days of the request having been made. The decision of the Independent Person for Appeals on the review of the temporary suspension shall be final and shall not be the subject of any appeal.
- 8.6. Support to the Respondent shall be provided by the provision of appropriate advice and guidance.
- 8.7. While a temporary suspension is in place the subject's membership status will be 'suspended member'. A suspended member shall be a member, subject to the same rules and standards of conduct as all members of British Gymnastics but may not renew their British Gymnastics membership for the duration of the suspension and then only when British Gymnastics confirms that any and all conditions attached to the lifting of their suspension have been complied with.

9. Disciplinary Procedures

- 9.1. Where the CMT considers an ICP Complaint should be put before the ICP Case Panel for the purposes of a disciplinary hearing and/or the Respondent may be unsuitable to work or volunteer with children, young persons, adults at risk and/or elite athletes, the Case Officer shall write to the Respondent setting out the allegation(s), the information upon which they are based and any additional documents on which the enquiry will rely.
- 9.2. The Case Officer, subject to the oversight of the Independent Person, shall prepare a report of the ICP Complaint and any other relevant information, including relevant details of any previous complaints and/or concerns. The report may be in such form and prepared by any person, as the Case Officer, at his/her discretion, considers appropriate but should usually include:
 - 9.2.1. Details of the nature of the ICP Complaint and any previous safeguarding concerns and any relevant evidence.
 - 9.2.2. An assessment of the seriousness of the concerns and who is or may be at risk of harm.

- 9.2.3. Whether suspending or revoking membership is a proportionate measure based on the assessment of the risk of harm that the Respondent presents.
 - 9.2.4. Whether any alternative measures can be imposed to reduce the risk to a manageable level.
 - 9.2.5. The details of any other relevant information including statements, reports etc. and a summary of what the evidence shows.
- 9.3. If applicable, the Respondent will be provided with a copy of the Case Officer's report and any other written material that the CMT has considered when making the referral to the ICP Case Panel, save for any material that the Independent Person is satisfied would place an individual at risk of harm from any person or persons, and/or revealing it to the Respondent may amount to a criminal offence, to an unwarranted infringement of privacy, may otherwise be unlawful or would adversely impact on a police investigation.
- 9.4. Unless otherwise agreed by the CMT, the Respondent will have fourteen days to respond and provide any further written representations or evidence, or to raise questions or challenges concerning the evidence provided in accordance with paragraph 9.3.
- 9.5. The ICP Case Panel shall determine all procedural matters in the case as it considers fit in accordance with this Protocol. This shall include but shall not be limited to:
- 9.5.1. Stipulating how the proceedings shall be handled.
 - 9.5.2. Considering the matter on the basis of written submissions and evidence.
 - 9.5.3. Requesting further information from the parties.
 - 9.5.4. Holding a hearing whether in person, by telephone or such other electronic communications system as may be deemed appropriate in all the circumstances.
- 9.6. A hearing conducted under these procedures is not a judicial or legal hearing. Evidence will not be delivered under oath. The ICP Case Panel adjudicating a hearing, will however, endeavour to apply the rules of natural justice.
- 9.7. If the Respondent fails to appear at the time fixed for the hearing, or fails to attend following a second invitation without good reason, the hearing may be conducted in his or her absence if appropriate.
- 9.8. The Panel Secretary will take notes of the hearing that shall be retained by the Lead Officer following the conclusion of the proceedings. This material will be held consistent with the data retention policies of British Gymnastics and the Data Protection Act 2018.
- 9.9. The ICP Case Panel will examine all the relevant evidence and reach their determination according to the standard of proof in civil law (i.e. whether on the balance of probabilities the allegation(s) is/are proved).
- 9.10. If proved, the ICP Case Panel will decide whether any sanction should be imposed.

- 9.11. Where the ICP Case Panel determines that any allegation has been proved they may revoke British Gymnastics membership or suspend British Gymnastics membership for a defined period with or without conditions and/or impose any other sanction available to the CMT set out in paragraph 7.24.
- 9.12. The ICP Case Panel:
- 9.12.1. Shall decide on the suitability of the Respondent to participate in gymnastics and shall have the power to suspend or revoke British Gymnastics membership.
 - 9.12.2. Shall consider whether appropriate controls could be put in place to manage the risk before determining that an individual's British Gymnastics membership be suspended or revoked.
 - 9.12.3. May make any other decision that it considers reasonable and proportionate in the circumstances.
 - 9.12.4. May recommend that the matter is referred to the Disclosure & Barring Service (DBS) or Access NI, where applicable.
- 9.13. Before reaching a conclusion, the ICP Case Panel shall be entitled to make any reasonable enquiries it considers appropriate including requesting further specific information from either the Case Officer or the Respondent, seek such advice or information within British Gymnastics as it deems appropriate and/or may seek external expert advice.
- 9.14. The ICP Case Panel may choose to give reasons for its decision. If it does so, no appeal shall be initiated or continued solely on the ground of the adequacy of those reasons.
- 9.15. Each party shall bear its own costs (including but not limited to legal costs, scientific or other expert's fees, witness costs) in connection with the ICP Complaint(s) made or appeals brought under the procedures.
- 9.16. The final conclusion of any ICP Case Panel shall generally be communicated to the Respondent by the ICP Case Panel or the Panel Secretary within 24 hours. The Independent Person shall ensure that the decision of any ICP Case Panel is communicated to the Complainant in an appropriate and timely way, and shall inform the Complainant about how their views on an appeal may be taken into account by the Independent Person for Appeals under paragraph 10.3.

10. Appeal Procedures

- 10.1. The time limits set out in these procedures may be varied where appropriate and shall be determined by the ICP Appeal Panel on application in writing.
- 10.2. Either the Respondent or British Gymnastics may appeal a decision of the ICP Case Panel.
- 10.3. The Independent Person for Appeals shall determine whether British Gymnastics shall appeal any decision of the ICP Case Panel.

- 10.3.1. The Independent Person for Appeals shall consider any views on appeal expressed in writing by the Complainant which are received within seven days of notification to the Complainant of the decision by the ICP Case Panel under paragraph 9.16.
- 10.3.2. A determination by the Independent Person for Appeals as to whether an appeal should be pursued by British Gymnastics will be communicated to British Gymnastics no later than fourteen days after the date on which the ICP Case Panel's decision was notified to the parties.
- 10.4. Either party wishing to appeal a decision of the ICP Case Panel must submit a written appeal notice and inform the other party no later than 21 days after the date on which the ICP Case Panel's decision was notified to the parties. An appeal will normally be a review rather than a rehearing but the ICP Appeal Panel shall have discretion to conduct the appeal as it considers appropriate.
- 10.5. The Panel Secretary shall advise the Respondent of the names and any relevant qualifications of those appointed as members of the ICP Appeal Panel. Such members are to be selected by the Independent Person for Appeals. The Independent Person for Appeals will be provided with recommendations by the Integrity Unit but will retain sole discretion as to the composition of the ICP Appeal Panel.
- 10.6. A hearing conducted under these procedures is not a judicial or legal hearing. Evidence will not be delivered under oath. The ICP Appeal Panel considering an appeal, will however, endeavour to apply the rules of natural justice. The Chair of the ICP Appeal Panel shall decide how the appeal shall be handled and whether to hold a hearing in person, by telephone or such other electronic communication system as may be deemed appropriate in all the circumstances.
- 10.7. If the Respondent fails to appear at the time fixed for the hearing, without good reason, the hearing may be conducted in their absence if appropriate.
- 10.8. The Respondent may make a reasonable request to be accompanied at the hearing by writing to the Panel Secretary in good time before the hearing, advising the identity of the proposed individual.
- 10.9. The decision of the ICP Appeal Panel shall be delivered in the form of a written decision with reasons. In the event:
- 10.9.1. That the ICP Appeal Panel upholds the decision of the ICP Case Panel against the Respondent, it may confirm the sanction imposed by the ICP Case Panel or, in exercise of its discretion, impose any other sanction(s) as would have been open to the ICP Case Panel to impose.
- 10.9.2. That the ICP Appeal Panel overturns the decision of the ICP Case Panel in relation to the Respondent, the ICP Appeal Panel, in the exercise of its discretion, can impose any sanction that would have been open to the ICP Case Panel to impose had it found against the Respondent.

- 10.9.3. Concerning an appeal only against the sanction imposed, the ICP Appeal Panel can exercise its discretion to affirm the sanction imposed by the ICP Case Panel or substitute its own sanction(s) in place of that of the ICP Case Panel.
- 10.10. A copy of the decision in writing will be sent to the Respondent, the Appeal Officer and to the Independent Person no later than 21 days following the completion of the appeal hearing.
- 10.11. The Panel Secretary will take notes of the hearing that shall be retained by the Appeal Officer following the conclusion of the proceedings. This material will be held consistent with the data retention policies of British Gymnastics and the Data Protection Act 2018.
- 10.12. No ICP Appeal Panel will have the power to make an award of costs against either British Gymnastics or the Respondent.

11. Criminal Convictions and Disclosures

- 11.1. The CMT shall have the power to sanction and/or impose control measures in accordance with paragraphs 7.24.5 to 7.24.9 inclusive, 7.24.12 and/or 7.24.13 on an individual who has admitted to, or has been cautioned or convicted of, a criminal offence that is relevant to their role in the sport, or is deemed to be harmful to the reputation of the sport. The Respondent shall have the right of appeal within fourteen days from the date on which the Respondent is notified of the CMT's decision. The matter will then be referred to the ICP Case Panel who will determine the procedure for the hearing.
- 11.2. Where non-conviction information is disclosed on a criminal records check considered by the CMT which gives rise to concern about an individual's suitability to work or volunteer with children, young persons, adults at risk or elite athletes, the matter will be referred to the ICP Case Panel for consideration.

12. General

- 12.1. Where a Complainant, Respondent or witness requires adjustments to enable them to participate fairly in any aspect of the complaints and disciplinary process, the CMT will consult with the individual and, where considered reasonable, will ensure appropriate adjustments are made.
- 12.2. Appropriate advice and guidance will be provided to the Respondent and may also be provided to the witnesses or to the Complainant by the Integrity Unit or by Sport Resolutions subject to the oversight of the Independent Person.
- 12.3. British Gymnastics shall meet the reasonable travel costs of any witnesses who may be required by British Gymnastics to attend any hearing as part of the ICP. British Gymnastics shall not be liable for any other travel, subsistence or accommodation costs of the Respondent, any witnesses who may be required by the Respondent to attend any hearing, their adviser and/or companion nor for any fees which may be payable to any adviser.
- 12.4. Where a Respondent is under the age of sixteen years, correspondence will be addressed to their parent or guardian only and they will be entitled to attend together with their child, if a

complaint results in a hearing and make such representations as the parent or guardian thinks fit on the Respondent's behalf.

- 12.5. Where a Respondent is between sixteen and eighteen years of age, the CMT will be responsible for confirming whether the Respondent consents for copies of the correspondence to be provided to their parent or guardian. If an ICP Complaint results in any hearing or interview, Respondents under the age of eighteen are entitled to be accompanied by a parent or guardian.
- 12.6. With appropriate consideration to relevant matters of confidentiality, if any, British Gymnastics may publish, or cause to be published on its website or elsewhere, action by the CMT or the outcome of an ICP Case Panel and/or an ICP Appeal decision. The Independent Person shall be consulted on any publication by British Gymnastics. The Integrity Unit, Independent Person, ICP Case Panel or Panel Secretary (as appropriate to the action or outcome in each case) will notify the Complainant, Respondent and any affected club(s), affiliated associations or other persons or organisations, as appropriate, of the outcome.
- 12.7. The Independent Person will be responsible for ensuring all communications with the Complainant and Respondent at each stage are timely, appropriate and accessible.
- 12.8. Subject to any legal restrictions that prevent an individual from working with children, young persons and/or adults at risk; anyone who has had their membership of British Gymnastics revoked may apply to the Board to request a review five years after the date of the decision. If the individual was under eighteen years of age at the time of the decision, a review may be requested after a period of at least three years has elapsed. The Board's decision will be final.
- 12.9. British Gymnastics shall not be liable to any individual, club or organisation that is suspended or disqualified from gymnastics-related activity for any loss however caused arising out of or in connection with suspension or disqualification under this procedure.
- 12.10. If there are reasonable grounds to believe that a person, either individually or on behalf of an organisation, or body has not given full and truthful evidence, this conduct may be the subject of a separate charge of misconduct.

Annex A

Independent Person Terms of Reference

1. Purpose

- 1.1. The Independent Person is responsible for the independent oversight and implementation of the ICP in accordance with the Protocol.
- 1.2. In performing their functions under the Protocol, the Independent Person shall act independently including of British Gymnastics, the BAC, the NSPCC, UK Sport, Sport England and Sport Resolutions in their decision making.

2. Appointment

- 2.1. The Independent Person shall be appointed by Sport Resolutions (acting on the delegated authority of the Board) in accordance with these Terms of Reference.
- 2.2. The Independent Person shall hold the experience, skill and independence necessary to discharge the responsibilities of the role. In particular:
 - 2.2.1. The Independent Person will hold relevant experience in sport, regulation and discipline and safeguarding;
 - 2.2.2. The Independent Person shall be a senior legal practitioner with current regulatory approval to practice;
 - 2.2.3. The Independent Person will not previously have been employed by British Gymnastics, the BAC, UK Sport or Sport England nor will they have held a position of responsibility within British Gymnastics, the BAC, UK Sport, or Sport England in any other capacity.
 - 2.2.4. On appointment the Independent Person shall confirm in writing that they are aware of no conflict of interest which will inhibit their performance of the role with objectivity, independence and impartiality.

3. Responsibilities

- 3.1. The responsibilities of the Independent Person are as identified in the Protocol and shall include:
 - 3.1.1. Setting criteria (which will be published) and then by application thereof determining whether any complaint received by the BAC or the NSPCC helpline between 6 July 2020 and 9 October 2020 is appropriate for investigation by the Integrity Unit or should be delegated to Sport Resolutions (or another independent person, organisation or agency) applying the process and procedure otherwise required by the Protocol.
 - 3.1.2. By application of criteria set out in the Protocol deciding whether a complaint received by British Gymnastics should be considered according to the Protocol including when

an investigation shall be conducted by the Integrity Unit or by Sport Resolutions (or another independent person, organisation or agency).

- 3.1.3. Decision-making in relation to the handling of complaints pursuant to the Protocol (including the determination of any application for anonymity).
- 3.1.4. In respect of decisions made pursuant to 3.1.1-3.1.3 hereof the Independent Person's decision shall be final.
- 3.1.5. Referring appropriate cases to the Police, Local Authorities Designated Officer, Children's Social Care or another organisation(s).
- 3.1.6. Acting as Chair of the CMT including:
 - (i) Deciding whether interim measures are required (including temporary suspensions).
 - (ii) Deciding complaints and determining appropriate sanctions.
 - (iii) Referring appropriate cases to an ICP Case Panel.
- 3.1.7. Overseeing the preparation and conduct of cases for ICP Case Panels.
- 3.1.8. Overseeing the preparation and conduct of cases for ICP Appeal Panels.
- 3.1.9. Reporting to the Board on the operation of the Protocol.
- 3.1.10. Making recommendations to the Board on the Protocol and Terms of Reference.
- 3.2. The Independent Person shall be delegated by British Gymnastics to play a role in any investigation which follows an allegation made against an employee of British Gymnastics about conduct in the course of their work, in accordance with these Terms of Reference and the British Gymnastics Employee Disciplinary Policy (Appendix I to this Annex A).
- 3.3. The Independent Person shall be responsible for ensuring that at each stage of an ICP Complaint information is communicated to the Complainant and Respondent in accordance with the Protocol and in an appropriate, timely and accessible way.
- 3.4. The Independent Person shall liaise with and make submissions to the Whyte Review, on British Gymnastics policies and procedures, the operation of the ICP and the handling of complaints by British Gymnastics, as appropriate. A copy of any contribution or submission made to the Whyte Review by the Independent Person shall be provided to the Board in a timely manner.

4. Conflicts and Standards

- 4.1. The Independent Person shall discharge their responsibilities in accordance with these Terms of Reference and the Protocol.
- 4.2. The Independent Person shall determine all procedural matters arising in the course of their responsibilities in accordance with the Protocol.

- 4.3. The Independent Person must declare immediately any significant prior or current relationship, connection or interest that could affect their objectivity and independence in any ICP Complaint and shall not participate in any decision making relating to that complaint.
- 4.4. In the event of a conflict arising an alternative Independent Person shall be appointed by Sport Resolutions (acting on the delegated authority of the Board) in accordance with the criteria for appointment of the Independent Person set by these Terms of Reference.

5. Record Keeping

- 5.1. All records made by the Independent Person for the purpose of discharging their functions in accordance with these Terms of Reference will be retained for a period of at least three years.
- 5.2. Case information, including case information that is deemed to be of a safeguarding nature will be retained in line with the relevant data retention guidelines (and in accordance with the Data Protection Act 2018).

6. Reporting

- 6.1. The Independent Person shall report on the operation of the ICP to the Board on a periodic basis (at intervals to be agreed with the Board).
- 6.2. The report of the Independent Person shall include:
 - 6.2.1. Information on the complaints considered in accordance with the ICP, their number, nature and outcomes.
 - 6.2.2. Recommendations for the improvement of complaints handling by British Gymnastics.
 - 6.2.3. Any other matters which the Independent Person considers significant to the operation of the ICP or the management of complaints by British Gymnastics.
- 6.3. The report shall be delivered to British Gymnastics in a timely manner to be agreed with the Board.

7. Secretariat and Support

- 7.1. The Independent Person will be provided with secretariat support by the Integrity Unit or may from time to time select Sport Resolutions or any person, organisation or agency to provide such support and advice as may be required for the discharge of their responsibilities according to these Terms of Reference and the Protocol.

8. Confidentiality

- 8.1. Case information includes material regarded as highly confidential. It may only be shared as necessary and in accordance with these Terms of Reference and the Protocol.
- 8.2. The Independent Person will sign a confidentiality agreement at the time of appointment indicating their agreement to maintain the confidentiality, security and integrity of all case materials during and after their appointment.

9. Amendment to Terms of Reference

- 9.1. The Board (or a committee with delegated authority) may with the agreement of the Independent Person amend these Terms of Reference from time to time as necessary or appropriate.
- 9.2. The Independent Person may recommend to the Board an amendment to these Terms of Reference (or the Protocol) be made at any time.
- 9.3. The Board shall respond to any recommendation by the Independent Person in a timely manner.

Appendix I to Annex A

1. This Appendix applies as an Addendum to the British Gymnastics Employee Disciplinary Policy dated 8 February 2016, as contained in the Handbook of British Gymnastics and as amended from time to time ["the Employee Disciplinary Policy"].
2. This Addendum applies to all complaints which fulfil the ICP Criteria set out below and which involve or concern current employees of the Company. Where a complaint has been sent directly to the Company, it shall be forwarded to an independent person exercising powers delegated to them by British Gymnastics under the ICP Protocol ["the ICP Independent Person"].
3. Where the ICP Independent Person agrees that the ICP Criteria are fulfilled, the ICP Independent Person shall be delegated to determine whether the allegations of misconduct are suitable for investigation by the Company or whether the investigation should be delegated to an independent person, agency or organisation.
4. In exercising their discretion under paragraph 3, the ICP Independent Person shall consider:
 - 4.1. The seriousness of the allegation;
 - 4.2. The complexity of the complaint;
 - 4.3. Whether the complaint involves multiple complaints or complainants;
 - 4.4. Whether the complaint arises from an alleged course of conduct by the employee(s);
 - 4.5. Any factors which may create a lack of trust and confidence in the handling of an investigation, including, but not limited to, the seniority of the employee subject to investigation; and
 - 4.6. Any other matters the ICP Independent Person considers relevant.
5. If the ICP Independent Person recommends that an independent person, agency or organisation is appointed to conduct an investigation, they shall be appointed by the Company following the recommendation of the ICP Independent Person.
6. The ICP Criteria are:
 - 6.1. Complaints received by the British Athletes Commission ["BAC"] or the dedicated Helpline operated by the NSPCC in the period 6 July 2020 to 9 October 2020;
 - 6.2. Complaints received by British Gymnastics during the period 6 July 2020 to 31 August 2020 which relate to:
 - (a) Allegations of mistreatment, sexual, mental (emotional and neglect) and/or physical abuse, bullying, harassment and discrimination ["Mistreatment/Abuse"] which took place between August 2008 and August 2020;
 - (b) The handling by British Gymnastics of a previous complaint about Mistreatment/Abuse raised between August 2008 and August 2020 ["Complaints Handling"].
7. In any Complaints Handling complaint, the ICP Independent Person shall consider any procedural flaw, risk to the public, or new evidence identified. The Independent Person shall

consider the significance and implications of any procedural flaw, any seriousness of any continuing risk to the public (or any member of the public), the weight and cogence of any new evidence, the significance of the allegations, the time which has passed since the relevant events and the requirements of procedural fairness.

8. The ICP Independent Person will have sole discretion to determine whether or not a Complaints Handling complaint should be re-investigated pursuant to the Employee Disciplinary Policy.
9. If the ICP Independent Person recommends that an independent person, agency or organisation is appointed they shall be appointed to conduct an investigation consistent with Section 3.1 of the Employee Disciplinary Policy and to make recommendations to the Company as to whether (a) the matter should be dealt with formally or informally and (b) the employee should be suspended during the investigation.
10. Upon receipt of a final investigation report, whether conducted internally or by an independent person, agency or organisation, the Company shall decide upon the next steps, including, but not limited to, any Informal or Formal Action pursuant to the Employee Disciplinary Policy.
11. In discharging any responsibilities under this Addendum, the ICP Independent Person shall act in accordance with the Employee Disciplinary Policy and their Terms of Reference.
12. Any independent person, agency or organisation acting pursuant to a determination by the Independent Person shall act in accordance with the Employee Disciplinary Policy and any terms of reference set by the Company following a recommendation by the ICP Independent Person (such terms of reference being approved by ICP Independent Person).

9.4.

Annex B

Independent Person for Appeals Terms of Reference

1. Purpose

- 1.1. The Independent Person for Appeals is responsible for supporting the independent oversight and implementation of the ICP in accordance with the Protocol.
- 1.2. In particular, the Independent Person for Appeals is responsible for the performance of independent functions of review and the discharge of other functions related to the conduct of appeals in accordance with the Protocol.

2. Appointment

- 2.1. The Independent Person for Appeals shall hold the experience, skill and independence necessary to discharge the responsibilities of the role:
 - 2.1.1. The Independent Person for Appeals shall be a senior counsel (solicitor or barrister) appointed by Sport Resolutions (acting on the delegated authority of the Board) in accordance with these Terms of Reference.
 - 2.1.2. The Independent Person will not previously have been employed by British Gymnastics, the BAC, UK Sport or Sport England nor will they have held a position of responsibility within British Gymnastics, the BAC, UK Sport, or Sport England in any other capacity;
 - 2.1.3. On appointment the Independent Person for Appeals shall confirm in writing that they are aware of no conflict of interest which will inhibit their performance of the role with objectivity, independence and impartiality.

3. Responsibilities

- 3.1. The responsibilities of the Independent Person for Appeals shall be exercised in accordance with the Protocol and shall include:
 - 3.1.1. The determination of any review of temporary suspension in accordance with the Protocol;
 - 3.1.2. Taking decisions on the composition of any ICP Case Panel;
 - 3.1.3. Taking decisions on the composition of any ICP Appeal Panel;
 - 3.1.4. The determination whether an appeal from a decision of an ICP Case Panel should be pursued by British Gymnastics. Such determination by the Independent Person for Appeals must consider any timely representations made by the Complainant;
 - 3.1.5. Such other functions as may be delegated by the Independent Person or the Board (or a committee with delegated authority) from time to time.

4. Conflicts and Standards

- 4.1. The Independent Person for Appeals shall discharge their responsibilities in accordance with these Terms of Reference and the Protocol.
- 4.2. The Independent Person for Appeals shall determine all procedural matters arising in the course of their responsibilities in accordance with the Protocol.
- 4.3. The Independent Person for Appeals must declare immediately any significant prior or current relationship, connection or interest that could affect their objectivity and independence in a complaint and shall not participate in any decision making relating to that complaint.
- 4.4. In the event of a conflict arising an alternative Independent Person for Appeals shall be appointed by Sport Resolutions (acting on the delegated authority of the Board) in accordance with the criteria for appointment of the Independent Person for Appeals set by these Terms of Reference.

5. Secretariat and Support

- 5.1. The Independent Person for Appeals will be provided with secretariat support by the Integrity Unit, as necessary.

6. Record Keeping

- 6.1. All records made by the Independent Person for Appeals for the purpose of discharging their functions in accordance with these Terms of Reference will be retained for a period of at least three years.
- 6.2. Case information, including case information that is deemed to be of a safeguarding nature will be retained in line with the relevant data retention guidelines (and in accordance with the Data Protection Act 2018).

7. Reporting

- 7.1. The Independent Person for Appeals shall contribute to the periodic report of the Independent Person as required by the Board from time to time.
- 7.2. The Independent Person for Appeals will report on matters related to the discharge of his functions for the purposes of these Terms of Reference. Such report shall be delivered to the Independent Person and to the Board in a timely manner, on a timescale agreed by the Board.

8. Confidentiality

- 8.1. Case information includes material regarded as highly confidential. It may only be shared as necessary and in accordance with these Terms of Reference and the Protocol.

- 8.2. The Independent Person for Appeals will sign a confidentiality agreement at the time of appointment indicating their agreement to maintain the confidentiality, security and integrity of all case materials during and after their appointment.

9. Amendment to Terms of Reference

- 9.1. The Board (or a committee with delegated authority) may amend these Terms of Reference from time to time.

Annex C

Case Management Team Terms of Reference

1. Purpose

- 1.1. The CMT will assess, agree and review the investigation of any ICP Complaint and will support the Independent Person to make decisions in relation to all complaints made in accordance with the Protocol.

2. Membership

- 2.1. The CMT will comprise the Independent Person and two members appointed from the following roles by the Independent Person:

- 2.1.1. Safeguarding Co-ordinator or Officer
- 2.1.2. Safeguarding Manager
- 2.1.3. Disciplinary & Compliance Officer
- 2.1.4. Integrity Director
- 2.1.5. Community Services Director

- 2.2. The following roles may be invited to contribute to CMT case discussions that relate to their area of responsibility or expertise as required by the Independent Person:

- 2.2.1. Compliance Officer
- 2.2.2. Head of British Gymnastics Foundation.
- 2.2.3. Head of Education or appointed delegate.
- 2.2.4. Performance Sport Director or appointed delegate.
- 2.2.5. Any other Director or department manager as deemed relevant and necessary.
- 2.2.6. Data Protection Officer (DPO).
- 2.2.7. Home Country representatives.

3. Conflicts and Standards

- 3.1. Members (and prospective members) of the CMT should declare immediately to the Independent Person any significant prior or current relationship, connection or interest that could affect their objectivity in a case and shall not participate in any decision making relating to the case.
- 3.2. Such conflicts will include, but are not limited to, any prior involvement in the complaint. A conflicted member of the CMT shall be removed from the CMT and shall play no role in the consideration of the case.
- 3.3. The Independent Person shall appoint an alternative member to the CMT from the eligible pool.

4. Meetings

- 4.1. The Independent Person will Chair the CMT and will take all decisions required by the CMT in accordance with the Protocol.
- 4.2. The Independent Person shall consult with the other members of the CMT but the Independent Person will retain any and all decision making authority.
- 4.3. The CMT will meet as required where a case may meet the threshold for referral to the Police, Local Authority Designated Officer/Children's Services or to agree case outcomes.
- 4.4. The CMT may meet in person or by telephone or video conference.
- 4.5. A member of the Integrity Unit will co-ordinate the meetings and will ensure that appropriate additional members are present.

5. Record Keeping

- 5.1. All case information will be retained for a period of at least three years from the date that the case is closed.
- 5.2. Case information that is deemed to be of a safeguarding nature will be retained in line with the relevant data retention guidelines (and in accordance with the Data Protection Act 2018).

6. Confidentiality

- 6.1. All case information disclosed to the CMT is regarded as highly confidential and it may only be shared as necessary and in accordance with these Terms of Reference and the Protocol.

7. Amendment to Terms of Reference

- 7.1. The Board (or a committee with delegated authority) may amend these Terms of Reference from time to time.

Annex D

ICP Case Panel Terms of Reference

1. Purpose

- 1.1. The ICP Case Panel is responsible for making decisions on complaints referred to it by the CMT in accordance with the Protocol.

2. Membership

- 2.1. The Independent Person for Appeals shall select three independent individuals to be members of an ICP Case Panel (to be appointed by a person or committee delegated by the Chair of the Board, excluding any Executive Director of British Gymnastics) and shall appoint one of them as Chair of the panel.
- 2.2. Members of the ICP Case Panel need not be drawn from within the sport of gymnastics but may include people with a technical knowledge of gymnastics and/or sport in general. The ICP Case Panel may also include a member who is a legal practitioner with experience in a relevant area of the law.
- 2.3. Members of the ICP Case Panel will not previously have been employed by British Gymnastics, nor will they have held a position of responsibility within British Gymnastics in any other capacity.
- 2.4. On appointment each member of the ICP Case Panel shall confirm in writing that they are aware of no conflict of interest which will inhibit their performance of the role with objectivity, independence and impartiality.

3. Meetings

- 3.1. A member of the Integrity Unit may act as Panel Secretary or the Independent Person may appoint another person to carry out the role. The Panel Secretary shall be a person with no prior involvement in the case and no other conflict of interest.
- 3.2. The Panel Secretary shall organise co-ordinate hearings and any meetings of the ICP Case Panel, note the proceedings and decisions of the ICP Case Panel and shall provide secretariat support to the ICP Case Panel, as required.
- 3.3. The ICP Case Panel may be required to hear more than one case in any one sitting.

4. Quorum

- 4.1. The ICP Case Panel must be made up of all 3 members including the Chair.

5. Conflicts and Standards

- 5.1. Members of the ICP Case Panel shall discharge their responsibilities in accordance with these Terms of Reference and the ICP Protocol.

- 5.2. Members of the ICP Case Panel shall determine all procedural matters arising in the course of their responsibilities in accordance with the Protocol.
- 5.3. Members of the ICP Case Panel (and the Panel Secretary) should declare any significant prior or current relationship, connection or interest that could affect their objectivity in a case immediately (to the Independent Person) and shall not participate in any decision making relating to that case.
- 5.4. Such conflicts will include, but are not limited to, any prior involvement in the complaint. A conflicted ICP Case Panel member shall be removed from the ICP Case Panel and shall play no role in the consideration of the case.
- 5.5. The Independent Person for Appeals shall select an alternative member for appointment to the ICP Case Panel.

6. Record Keeping

- 6.1. Case information will be retained for a period of at least three years from the date that the case is closed.
- 6.2. Case information that is deemed to be of a safeguarding nature will be retained in line with the relevant data retention guidelines (and in accordance with the Data Protection Act 2018).

7. Confidentiality

- 7.1. All case information is regarded as highly confidential and it may only be shared as necessary and in accordance with these Terms of Reference and the ICP Protocol.
- 7.2. Members of the ICP Case Panel shall sign a confidentiality agreement at the time of appointment indicating their agreement to maintain the confidentiality, security and integrity of all materials during and after their involvement with the case.

8. Remuneration

- 8.1. Members of the ICP Case Panel may be remunerated by British Gymnastics for their work as a member or Chair or otherwise.

9. Amendment to Terms of Reference

- 9.1. The Board (or a committee with delegated authority) may amend these Terms of Reference from time to time.

Annex E

ICP Appeal Panel Terms of Reference

1. Purpose

- 1.1. The ICP Appeal Panel is responsible for making decisions on appeals referred to it in accordance with the Protocol.

2. Membership

- 2.1. The Independent Person for Appeals shall select three independent individuals to be members of an ICP Appeal Panel (to be appointed by a person or committee delegated by the Chair of the Board, excluding any Executive Director of British Gymnastics) and shall appoint one of them as Chair of the ICP Appeal Panel.
- 2.2. Members of the ICP Appeal Panel need not be drawn from within the sport of gymnastics but may include members with a technical knowledge of gymnastics and/or sport in general. The ICP Appeal Panel shall also include a member who is a legal practitioner with experience in a relevant area of the law but no member of the ICP Appeal Panel will have had previous involvement in the case(s).
- 2.3. Members of the ICP Appeal Panel will not previously have been employed by British Gymnastics, nor will they have held a position of responsibility within British Gymnastics in any other capacity.

3. Meetings

- 3.1. The ICP Appeal Panel shall meet when an appeal or complaint is to be considered.
- 3.2. The ICP Appeal Panel may meet in person or where appropriate, by telephone or video conference.
- 3.3. A member of the Integrity Unit may act as Panel Secretary ""or the Independent Person may appoint another person to carry out the role. The Panel Secretary shall be a person with no prior involvement in the case and no other conflict of interest.
- 3.4. The Panel Secretary shall organise co-ordinate hearings and any meetings of the ICP Appeal Panel, note the proceedings and decisions of the ICP Appeal Panel and shall provide secretariat support to the ICP Appeal Panel, as required.
- 3.5. The ICP Appeal Panel may be required to hear more than one case in any one sitting.

4. Quorum

- 4.1. An ICP Appeal Panel must be made up of all 3 members including the Chair.

5. Conflicts and Standards

- 5.1. Members of the ICP Appeal Panel shall discharge their responsibilities in accordance with these Terms of Reference and the Protocol.
- 5.2. Members of the ICP Appeal Panel shall determine all procedural matters arising in the course of their responsibilities in accordance with the Protocol.
- 5.3. Members of the ICP Appeal Panel (and the Panel Secretary) should declare any significant prior or current relationship, connection or interest that could affect their objectivity in a case immediately (to the Independent Person) and shall not participate in any decision making relating to that case.
- 5.4. Such conflicts will include, but are not limited to, any prior involvement in the complaint. A conflicted ICP Appeal Panel member shall be removed from the ICP Appeal Panel and shall play no role in the consideration of the case.
- 5.5. The Independent Person for Appeals shall select an alternative member for appointment to the ICP Appeal Panel.

6. Record Keeping

- 6.1. Case information will be retained for a period of at least three years from the date that the case is closed.
- 6.2. Case information that is deemed to be of a safeguarding nature will be retained in line with the relevant data retention guidelines (and in accordance with the Data Protection Act 2018).

7. Confidentiality

- 7.1. Case information is regarded as highly confidential and it may only be shared as necessary and in accordance with these Terms of Reference and the ICP Protocol.
- 7.2. ICP Appeal Panel members shall sign a confidentiality agreement at the time of appointment indicating their agreement to maintain the confidentiality, security and integrity of all materials during and after their involvement with the case.

8. Remuneration

- 8.1. Members of the ICP Appeal Panel may be remunerated by British Gymnastics for their work as a member or Chair or otherwise.

9. Amendment to Terms of Reference

- 9.1. The Board (or a committee with delegated authority) may amend these Terms of Reference from time to time.