# Welsh Chess Union Selection Appeals Procedure

1. **INTRODUCTION**
	1. This document sets out Welsh Chess Union’s (WCU) Selection Appeals Procedure (the 'Procedure') applying to any international team or individual events where selection has been decided by the WCU selection committee. This also applies to juniors where they have been selected by the junior selection committee for any junior international team or individual events. This Procedure will remain in place until superseded or amended by the WCU from time to time.
	2. Selections will take place in accordance with the selection policies published annually on the WCU website ([www.Welshchessunion.uk](http://www.Welshchessunion.uk)) (each referred to as a 'Selection Policy'). Any player ('the Appellant Player') wishing to lodge an appeal under this Procedure must be fully familiar with the detailed provisions of the Selection Policy for the relevant competition.
	3. This Procedure is intended to be resolved as quickly as is reasonably possible. This is due to the nature of selection for overseas events that can incur personal funding. Furthermore, there is considerable potential for preparation related investments to the outcome of the appeal. For example, a player may wish to employ a personal coach or increase the number of events to participate in as preparation for the events they were selected for. Accordingly, the aim of this Procedure is to return a decision on appeal within 7 days of the appeal being submitted pursuant to clause 3.

This Procedure is the only applicable appeals procedure and forms the entire agreement between each and the WCU (together 'the Parties') as to how selection decisions are to be challenged. The Parties agree to submit any dispute, concerning any matter connected with or arising out of selection issues, to binding arbitration in accordance with the provisions of this Procedure. The Parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of this Procedure, or any decision made under this Procedure, before any court of law or

other dispute resolution body. The Parties will treat all decisions under this Procedure as final and binding upon them.

* 1. The Parties agree that this Procedure is to be treated as an arbitration procedure under Part 1 of the Arbitration Act 1996 (‘the Act’) and the provisions of clause 1.4 above amount to a binding arbitration agreement for the purposes of section 6 of the Act. The seat of the Arbitration shall be Wales.

# PARTIES

This Procedure is binding on the WCU and on each player who is seeking selection to any international team or individual event for which the WCU selection committee meets.

# HOW TO APPEAL

* 1. This Procedure is commenced when a player affected by a selection decision submits a formal written appeal (the 'Notice of Appeal', obtained from the WCU website) to the points of contact, who are detailed in schedule 2, within 48 hours from when they were officially informed of their selection. The CEO will then inform the Chairman of Selectors (COS) within 24 hours of the time and date of receiving the notice. If the player fails to submit the Notice of Appeal within the time limit set out in this Procedure, he or she will automatically lose the right of appeal under this Procedure, save in wholly exceptional circumstances which will be judged by the Appeal Panel in their absolute discretion.
	2. The Notice of Appeal should set out the grounds of the appeal and include full details of the basis of the appeal, including the precise manner in which the Appellant Player alleges the Selection Policy has not been followed. The Notice of Appeal should be as full as possible as it will form the basis of the remainder of this Procedure. Subject to clause 7.2, appeals will be conducted based on the written submissions of the Appellant Player (contained within the Notice of Appeal) and the WCU Selection Panel, without a hearing or the calling of witnesses or the giving of oral evidence.

# GROUND OF APPEAL

* 1. The sole grounds of appeal against the decision of any selection committee will be that:
		1. there has been a failure to follow the applicable Selection Policy; or
		2. that the selection committee reached a decision on the basis of an error of fact.

The right to appeal a selection decision is provided on these limited grounds only and must not be seen as an opportunity to dispute the opinion of the selection committee where they have followed the proper procedure and selection criteria stated in the Selection Policy. In reaching their decision the selection committee are acting as experts and players agree that in so doing the panel exercises judgement and discretion which are not in themselves capable of challenge.

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

# COMMUNICATIONS AND NOTICES

* 1. The WCU will endeavour to inform each player prior to announcing the selection on the WCU website. Due to the timescales involved, the Parties agree that the WCU Selection committee may use any reasonable method of communicating the selection decision to players (including reserves and, if deemed appropriate by the selectors, players who were considered but not selected), including oral announcements to groups of players, telephone calls, text messages, email or fax. Accordingly players must be aware of this and keep a constant review of these communication channels to ensure they receive the selection decision in advance of the formal announcement.
	2. A Notice of Appeal must be sent by email to the addresses set out at Schedule 2 and the Notice of Appeal shall be deemed to have been received by the COS at the time and date of the email transmission, provided no error message is received.
	3. With the exception of clause 5.1, all notifications or correspondence or any other document submitted under these Procedures shall be sent by email and such documents shall be deemed to have been received by the intended recipient at the time and date of transmission, provided no error message is received.
	4. All documents, from clause 5.2, are to be stored securely on the WCU document repository. All documentation stored on personal devices after this process is complete, must delete all trace of stored documents, but must make sure copies are saved to the WCU document repository.

# APPEAL PANEL

* 1. The Appeal Panel will consist the members listed in Schedule 1. No member of the selection committee may form part of the Appeal Panel.
	2. In the event that any member of the Appeal Panel has any involvement with or is related to an Appellant Player or a Third Party or is in any other way placed in a position of conflicting interests in respect of any appeal, s/he shall be disqualified from sitting on the Appeal Panel and will be replaced by an alternative. This alternative member is to be selected by the WCU executive director and the WCU international director.
	3. Should the Appellant Player object to the composition of the Appeals Panel he/she must state his/her objections in the Notice of Appeal. The Chair of the Appeal Panel shall inform the WCU executive director and the WCU international director, who shall review the objection and decide in its absolute discretion whether to alter the composition of the Appeal Panel or proceed on the basis outlined in Schedule 1.

# CONDUCT OF THE APPEAL

* 1. As soon as is reasonably practicable following receipt of the Notice of Appeal the Chairman of the Appeals Panel:
		1. shall contact the COS to inform him/her of the appeal, provide him/her with a copy of the Notice of Appeal and request that the chairman provides any response which he wishes to make on behalf of the selection committee within 24 hours of the COS receiving this notification; and
		2. may notify any Third Party of the appeal, provide him/her with a copy of the Notice of Appeal and invite the Third Party to make any relevant observations within 24 hours of receiving the notification. A Third Party shall be under no obligation to make any submissions, but if the Third Party makes any comments the Appeal Panel will give the Appellant Player a copy of these submissions and a limited period of time to make any further submissions in response.
	2. The appeal will be conducted by written (email) submissions only. No parties to the appeal will be entitled to appear before the Appeal Panel. In exceptional circumstances and at the discretion of the Appeal Panel, a party to the appeal may be invited to provide information by telephone or in writing. No party will be entitled to separate representation (including legal representation).
	3. The Appellant Player will be asked to pay to the WCU a deposit of £100 (made payable to “the Welsh Chess Union”) as a contribution towards the administrative costs of the appeal. This sum may be refunded to the Appellant Player if the Appeal Panel thinks it would be appropriate to do so.
	4. Until the appeal is decided, the WCU will refrain from publishing any further details in relation to the selection which is the subject of the appeal or the Appellant Player. Where appropriate, a notice of ‘selection subject to appeal’ is to be added to any existing notice of selection. This note will not be added if selection has not already been made public.
	5. Where it appears to the Appeal Panel that the interests of a Third Party may be affected by any decision of the Appeal Panel, they will invite the Third Party to make submissions in response to the Notice of Appeal and will provide the Third Party with copies of all relevant documents for this purpose.
	6. The decision of the Appeal Panel will determine the rights of all the affected players (not just the Appellant Player) and therefore the Third Party will be prohibited from appealing matters which have already been decided upon by the Appeal Panel.
	7. The Appeal Panel will seek to reach its conclusion within 2 weeks of receipt of the Notice of Appeal, and will inform all interested parties in writing and by telephone (or such other method of communication as the Appeal Panel shall decide) as soon as possible.
	8. The Appeal Panel shall be entitled to record the appeal hearing, including the decision reached, in whatever form this shall best take.

# REMEDIES

* 1. The Appeal Panel will only be entitled to rescind the decision of the selection committee and confirm the selection of the Appellant Player on the grounds set out in clause 4 of this Procedure.
	2. The Appeal Panel shall be entitled to confirm the decision of the selection committee and reject the appeal.
	3. The Appeal Panel may also quash the selection decision and remit the matter back to the selection committee notifying the errors they have identified in the conduct of the selection process and requesting that a new decision is made within one week (or such shorter time as the Appeal Panel deem is reasonable in all the circumstances).

# MINOR AND NON-CONSEQUENTIAL BREACHES OF THIS PROCEDURE

Save that the time limit for commencing this Procedure by the Appellant Player shall be strictly enforced, where any party deviates from any requirement of this Procedure it shall not invalidate the Procedure or the decision of the Appeal Panel, unless there is a clear and significant risk that the deviation has affected the decision of the Appeal Panel.

# CONFIDENTIALITY OF PROCEEDINGS AND PUBLICATION OF DECISION

* 1. The WCU officials, the Appellant Player and any Third Party are under an obligation of confidentiality in respect of any appeal proceeding under this Procedure. Save as permitted under this Procedure, none of these parties will make any public statement about or disclose the contents of the Appeal Notice, or any other matter or document referred to by any of the parties during the course of these proceedings.
	2. The WCU will be entitled to publish the decision of the Appeal Panel where it upholds the appeal (or any element of it) in such manner and to such extent as is necessary to inform all properly interested and affected parties of the status of the selection decision previously published and the resulting position as to selection.

# CHANGES AND AMENDMENTS TO THIS PROCEDURE

* 1. The WCU shall be entitled to amend this Procedure from time to time and such amendments will take effect from the first date of publication of the complete amended procedure on the WCU website.
	2. Any comments or correspondence in respect of this Procedure should be sent to:
* Executive Director, executivedirector@welshchessunion.uk

# SCHEDULE 1

**WCU Appeals Panel**

The members of the appeals panel are to be independent of the selection panel and were also not involved in the original selection process. The members are made up of the WCU president and the elected zonal vice presidents.

# SCHEDULE 2

**WCU Appeals Process First Point of Contact**

Executive Director: executivedirector@welshchessunion.uk

President: president@welshchessunion.uk