



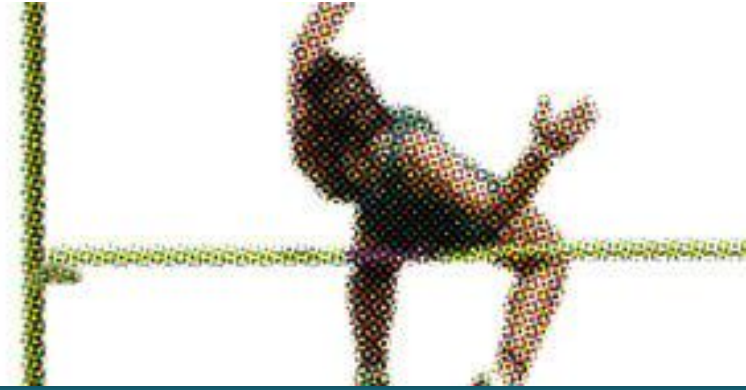
# **Good Governance in Sport The Role of Effective Dispute Resolution**

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# Governance in Sport



"Governance is about clarification between the "rules of the game" and the economic and commercial dimension related to the management of a sport. Because sport is based on ethics and fair competition, the governance of sport should fulfil the highest standards in terms of transparency, democracy and accountability."

(Dr Jacques Rogge, President of the International Olympic Committee at The Rules of the Game Conference 2001)

# Good Governance



- Rules and Policies which are “fit for purpose”
- Fairness
- Transparency
- Conflicts of Interest
- Adherence to principles of natural justice

# Why Do Disputes Occur In Sport



- Ambiguous and/or non-existent Rules/Policies
- National Governing Bodies do not always follow Rules/Policies
- Inconsistent application of Rules/Policies
- Rules/Policies are not regularly audited and updated
- Lack of fairness and transparency
- Vested/conflicted Interests
- Lack of time available to volunteers

# Legal Consequences and Associated Risks



- Litigation e.g. personal injury claims & legal challenges to rules
- Higher insurance premiums due to claims record
- Damage to image of sport e.g. doping & match-fixing
- Financial meltdown e.g. BAF, Snowsport GB, Portsmouth FC
- Distraction from pursuit of sporting goals
- Internal conflict, indecision and unwillingness to confront of difficult issues

# Sport Resolutions



- Independent, not for profit organisation
- Set up by sport to support National Governing Bodies in good governance
- Named in 100+ rules and regulations of sporting bodies
- Appeals, Arbitration, Mediation, National Panels, Appointments to National Governing Body Panels
- Mix of public and private funding
- Similar national bodies in Canada, Ireland, New Zealand and the United States
- Works in harmony with the Court of Arbitration for Sport

# Belonging To Sport But Controlled By No Single Interest Group



BRITISH OLYMPIC  
ASSOCIATION



ParalympicsGB

NORTHERN IRELAND  
SPORTS FORUM

CCPR

One voice for sport and recreation

SSA

Scottish Sports Association



WSA:

serving welsh sport  
gwasanaethu chwaraeon crymru

PPF  
Professional  
Players Federation



BRITISH ATHLETES  
COMMISSION

ESA

EUROPEAN SPONSORSHIP  
ASSOCIATION

SPORT RESOLUTIONS<sup>(UK)</sup>

SPECIALIST INDEPENDENT DISPUTE SERVICE



# Governance Structure



- Board
- Panels
  - Arbitrators (Chair, Commercial, Lay & Professional)
  - Mediators
  - National Anti Doping Panel
- Secretariat

# Our Mission



## To Be:

- The centre of excellence for all sports dispute resolution management and training
- The nominated referral body when disputes in sport arise
- A non-profit making body, reinvesting in sport

# Services



- Neutral venue for resolution of sporting disputes
- Model dispute resolution clauses
- Independent Appointments to tribunals, investigations and reviews
- Appeals
- Arbitration
- Mediation
- Specialist Panels e.g. NADP

# Mediation



- Consensual
- Non-binding
- Confidential and without prejudice
- Third-Party neutral
- The parties retain ownership and control of the process
- Maintains relationships
- Quick, simple and cost effective

# Arbitration



- By agreement, either contractual or ad-hoc
- Expert Arbitrators
- Private and confidential
- Flexible
- Cost effective
- Final and binding

# The National Anti-Doping Panel (NADP)



- Funded by Department of Culture, Media and Sport - so no user cost
- Independent of UK Anti-Doping, National Governing Bodies and Sports Councils
- UK Anti-Doping Rules provide jurisdiction
- Operates under NADP-specific procedural rules
- Hearings, Appeals & Provisional Suspensions (imposition and appeal)
- President selects Tribunals from Panel of 16
- Consistency and quality
- Decisions published on website

# Using Sport Resolutions - Jurisdiction



- Secretariat provides neutral guidance, not legal advice
- Legal representation not essential
- Sport Resolutions must have jurisdiction
- Jurisdiction provided either by Rules and Regulations or Contract; or
- The parties agree that a dispute should be referred

# Using Sport Resolutions - Cost



- There is a charge for using the service
- That charge is generally shared between the parties
- Unless a third party, such as National Governing Body or Sports Council, agrees to pay e.g. to resolve a particularly difficult and damaging dispute
- Flexible and affordable charges to fit the budget and requirements of the parties
- Informal discussion encouraged



# Good Governance Challenges



- Review of legal and associated risks
- Review of related Rules and Policies
- Adequacy of dispute resolution procedures
- Greater and earlier use of Mediation
- Using 2012/Golden Decade as catalyst for change