

**Lawn Tennis Association Limited: Disciplinary Code**

Effective 1 March 2016

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## Section One: General

### 1. Jurisdiction and Powers

- 1.1 Lawn Tennis Association Limited (the “**Association**”) has disciplinary jurisdiction over: (i) all members of the Association (the “**Members**”), entities or persons which are registered as associates of the Association (the “**Associates**”) and, in each case, their members and officers; (ii) all members of the council of the Association (the “**Council**”), officials, referees, umpires, officers or employees of or connected to the Association; (iii) all tennis players who are members of a Member or Associate or who participate in any tennis event or training organised or authorised by the Association or by any Member or Associate or by any other body; (the “**Players**”); (iv) where a Player is under the age of 18 on the date of the tennis event or training organised or authorised by the Association or by any Member or Associate or by any other body, the parent or (if different) the legal guardian of the Player (the “**Parent**”); (v) any supporter of a Player attending the tennis event or training in which the Player is participating (the “**Supporters**”); and (v) any person who has any form of licence, authorisation, registration from the Association (for example a coach or official under the LTA licensing and registration schemes), or receives any other benefit from the Association.
- 1.2 For avoidance of doubt, any reference in this Code and its appendices:
- (i) to the “**LTA**” or the “**Lawn Tennis Association**” is to the Association;
  - (ii) to the “**Disciplinary Code**” or the “**Code**”, is to this Code;
  - (iii) to the “**Articles**” is to the Articles of Association of the LTA; and
  - (iv) to the “**Rules**” is to the Rules of the LTA.
- 1.3 The Association shall exercise its disciplinary powers in the manner set out in this Code.
- 1.4 The Association shall delegate its power to:
- (i) act upon disciplinary matters to a disciplinary officer (the “**Disciplinary Officer**”) in accordance with the Terms of Reference of the Disciplinary Officer (Schedule 1);
  - (ii) decide disciplinary matters to a disciplinary panel (the “**Disciplinary Panel**”) in accordance with the Terms of Reference of the Disciplinary Panel (Schedule 2);
  - (iii) impose interim suspensions to the Disciplinary Panel in accordance with paragraph 3 below;
  - (iv) decide upon appeals against the decisions of the Disciplinary Panel and any other disciplinary matters to an appeals tribunal (the “**Appeals Tribunal**”) in accordance with the Code.
- 1.5 This Code shall apply to Anti-Doping Rule Violations (as defined in Article C of Appendix One) in accordance with Appendix One.
- 1.6 This Code shall apply to any disciplinary matter which raises child protection issues in accordance with Appendix Two.
- 1.7 This Code shall apply to any disciplinary matter in respect of match fixing, financial speculation and betting in accordance with Appendix Three.
- 1.8 The Association shall have jurisdiction to consider a matter if a formal complaint of alleged Misconduct (as defined in paragraph 2 below) is made.
- 1.9 The Association shall also have jurisdiction to investigate any other matter which the

Disciplinary Officer, in his or her sole discretion, considers may constitute Misconduct.

- 1.10 The Association shall also have jurisdiction over appeals against decisions or rulings of the governing body of a Member and/or in respect of the Association's competition regulations (including appendices) (the "**Competition Regulations**") and/or in respect of non-disciplinary decisions of the Associations. Such appeals will be dealt with by the Appeals Tribunal in accordance this Code.
- 1.11 Although the Association has jurisdiction over the persons and organisations set out in paragraph 1.1 above, Members, Associates and other bodies may have their own disciplinary jurisdiction over such persons and organisations. In such a case, paragraphs 1.12 and 1.13 below shall apply.
- 1.12 Subject to paragraph 1.13 below, where both the Association and a Member have jurisdiction over a matter, the Disciplinary Officer may, in his or her sole discretion on behalf of the Association, determine that:
- (i) such matter should be dealt with by the Association; or
  - (ii) such matter should be dealt with by the Member.

A Member may formally request that the Association deals with a matter, in which case the Disciplinary Officer shall, in his or her sole discretion on behalf of the Association, determine whether the matter should be dealt with by the Association or by the Member.

- 1.13 The Association shall have exclusive jurisdiction over the following matters:
- (i) any allegation of the commission of a Doping Offence contrary to the Association's Anti-Doping programme as set out in Appendix One; and
  - (ii) any allegation of a breach of the general conditions of the Association's coach licensing scheme as set out in Appendix Four, the Association's coach registration scheme as set out in Appendix Five or the Association's officials licensing scheme as set out in Appendix Six (together, the "**Schemes**").
- 1.14 Where an individual against whom a complaint is made is under the age of 14 years when the matter complained of occurred, correspondence will be addressed to his or her parent or guardian only. Where an individual is between 14 and 18 years of age a copy of all correspondence from the Association will be copied to a parent or guardian. In either case, if a complaint of Misconduct results in a hearing, the parent or guardian shall be entitled to be present and make such representations as the parent or guardian thinks fit on the minor's behalf.
- 1.15 The board of directors of the Association may amend these procedures as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the board of directors of the Association.

## **2. Misconduct**

- 2.1 The Disciplinary Panel and the Appeals Tribunal decide whether Misconduct has taken place.
- 2.2 Misconduct is defined as:
- (i) any breach of the Rules (including its appendices) or regulations;
  - (ii) the commission of an Anti-Doping Rule Violation (as defined in Article C of Appendix One);
  - (iii) any breach of any of the general conditions of the Schemes;

- (iv) any breach of any of the regulations concerning match fixing, financial speculation and betting as set out in Appendix Three;
- (v) any breach of any of the conditions governing players set out in the Rules; and
- (vi) any conduct which is detrimental to the interests of the game of lawn tennis.

### **3. Interim Suspension**

- 3.1 If the Disciplinary Officer considers that an allegation, complaint or matter which has been drawn to his or her attention falls within the scope of the Association's disciplinary regime and is of sufficient seriousness to warrant the suspension of a person or body from any aspect of involvement in tennis (including, where relevant, the suspension of a coach or officials licence, coach registration or coaching assistant's registration) until such time as the Disciplinary Panel has reached its decision (an "**Interim Suspension**"), s/he shall write to such person or body informing him, her or it of the position.
- 3.2 The Disciplinary Officer shall state that it is his or her intention to apply to the Disciplinary Panel for a temporary order that the person or body be so suspended until the hearing of the case before the Disciplinary Panel. The person or body involved shall be asked for his or her comments upon this application as a matter of urgency and within the time limit stated in the letter.
- 3.3 The Disciplinary Officer shall consider the response received. If no response is received within the time limit set out by the Disciplinary Officer, or if the Disciplinary Officer considers that, notwithstanding the response, his or her view remains that an interim suspension should be sought, the Disciplinary Officer shall submit the matter to the Disciplinary Panel who shall decide whether or not it is appropriate to impose an interim suspension pending a hearing before the Disciplinary Panel. Such decision may be made at a meeting of the Disciplinary Panel or by telephone or by written communication.
- 3.4 The person or body whose suspension is sought shall not have the right to appear before the Disciplinary Panel. However, the Panel, in reaching its decision, shall, take into account any representations made by such person or body either to the Disciplinary Officer in response to his or her letter informing such person or body of his or her intention to request an interim suspension or otherwise. The decision of the Disciplinary Panel, in this matter, shall not be subject to any appeal.
- 3.5 If at any time the facts or circumstances surrounding a case change, the Disciplinary Panel may consider, either of its own motion or by an application brought by a person or body subject to an interim suspension, whether such interim suspension should continue. In their absolute discretion the Disciplinary Panel may lift such suspension or may impose such conditions as they think fit in default of which the person or body will remain subject to suspension.
- 3.6 The fact of an interim suspension being imposed may be published by the Association in accordance with paragraph 10 below.

### **4. Summary Procedure**

- 4.1 Whether or not the Disciplinary Officer has set in motion the procedures under paragraph 3 above, s/he shall write to the person or body concerned directly seeking his, hers or its views on the matter. Having received these comments, or if such comments are not forthcoming within a reasonable time, the Disciplinary Officer shall then consider whether or not to charge the person or body with Misconduct. Before reaching such a conclusion, the Disciplinary Officer shall be entitled to make all reasonable enquiries and to seek such advice within the Association as s/he deems appropriate and, in an appropriate case, to seek external expert advice, including external legal advice.
- 4.2 The Disciplinary Panel shall meet at least once a year to review any decisions made by the Disciplinary Officer in the preceding year in relation to whether or not to bring a charge of Misconduct

against a person or body under paragraph 4.1 above. For the avoidance of doubt, the decision to charge a body or individual with Misconduct remains at the discretion of the Disciplinary Officer and any review by the Disciplinary Panel will have no impact on the decision itself.

4.3 The Summary Procedure (as defined and set out below) may be applied if:

- (i) the person or body admits the offence in the correspondence that has passed between that person or body and the Disciplinary Officer; and
- (ii) the Disciplinary Officer is satisfied that:
  - (a) the offence is a Summary Offence (as defined below); and
  - (b) it can properly be dealt with under this paragraph.

4.4 A “**Summary Offence**” is one where the Disciplinary Officer believes that, if the facts placed before him are true, the appropriate sanction should be no more than:

- (i) a censure;
- (ii) a suspension for a period not exceeding 28 days;
- (iii) a fine or the withholding of prize money not exceeding £250;
- (iv) a suspended penalty where, if the terms of the suspension are breached, a suspension of no more than 28 days would be appropriate; or
- (v) a combination of any of the above.

For the purposes of this paragraph 4.4 “**suspension**” shall mean suspension from Association activities or Association-sanctioned events.

4.5 Where an admission in correspondence has been made and the Disciplinary Officer considers it appropriate to invoke the Summary Procedure, the Disciplinary Officer shall write to the person or body concerned informing them that it is his or her view that this is a Summary Offence and that the Summary Procedure for dealing with such offences (the “**Summary Procedure**”) may be applied. In such correspondence, the Disciplinary Officer shall:

- (i) seek the consent of such person or body to the matter being dealt with under the Summary Procedure while advising such person or body that the Disciplinary Panel may nonetheless consider that the matter should be dealt with under the Full Disciplinary Procedure (as defined and set out at paragraph 5); and
- (ii) formally charge that person or body with Misconduct.

4.6 The Disciplinary Officer shall refer the matter to the Disciplinary Panel, and if the Disciplinary Panel concludes that a complaint or matter is an appropriate subject for summary treatment the following procedure shall apply. There will be a meeting of the Disciplinary Panel at which the dossier of evidence that the Disciplinary Officer has forwarded to the Disciplinary Panel, and any evidence provided by the person or body charged with Misconduct, shall be considered. Neither the Disciplinary Officer nor the person or body charged shall have a right to attend the meeting. The Disciplinary Panel shall then reach its view and impose the appropriate sanction. The Disciplinary Panel will then communicate that sanction to the person or body involved and to the Disciplinary Officer. There shall be no right of appeal from the imposition of a sanction imposed under the Summary Procedure.

4.7 If the Disciplinary Panel considers that the matter should not properly be brought within the scope of the Summary Procedure, it may inform the Disciplinary Officer of this. The Disciplinary Officer shall

then communicate this view to the person or body concerned and the matter will thereafter proceed on the basis set out in paragraph 5 below.

## **5. Full Disciplinary Procedure**

- 5.1 If the person or body who is the subject of the matter does not consent to the Summary Procedure or if the Disciplinary Officer or the Disciplinary Panel considers that a case is not appropriate for the Summary Procedure, the Full Disciplinary Procedure of the Association, as set out below, shall be invoked (the “**Full Disciplinary Procedure**”).
- 5.2 The Disciplinary Officer shall commence the procedure by sending to the person or body the charge in writing, setting out a summary of the alleged Misconduct, together with a short factual summary of the evidence supporting the charge.
- 5.3 The person or body against whom the charge has been made shall have 14 days following the date of receipt of the written communication setting out the charge to answer the charge. Failure to do so shall render the person or body concerned liable to an Interim Suspension from involvement in tennis (including, where relevant, the suspension of a coach or officials licence, coach registration or coaching assistant’s registration) until a reply has been received. Alternatively, the Disciplinary Officer may ask the Disciplinary Panel to schedule a hearing of the charge.
- 5.4 Once the reply to the charge has been received, the Disciplinary Officer shall liaise with the Disciplinary Panel to schedule a date for the hearing. The chairperson of the Disciplinary Panel shall select three members of the Disciplinary Panel to form a Disciplinary Tribunal to hear the charge of the alleged Misconduct, in accordance with the Disciplinary Panel’s Terms of Reference. At least 21 days’ notice will be given of the date, place and time of any hearing under the Full Disciplinary Procedure. At least 14 days before the date of the hearing, the Disciplinary Officer shall serve on the person or body charged the evidence s/he is intending to bring to support that charge. The Disciplinary Officer will also request details of any witnesses and/or evidence that the person or body subject to the charge wishes to bring before the Disciplinary Tribunal. If such evidence is not furnished to the Disciplinary Officer within the time frame specified by the Disciplinary Officer s/he may request that the hearing be adjourned upon such terms (including costs) as the Disciplinary Panel shall determine.
- 5.5 All proceedings of the Disciplinary Tribunal shall take place in private and the public and the press shall have no right of access to the room where the hearing is taking place. The Disciplinary Tribunal shall not issue any press statement or conduct any press conferences. All media announcements in relation to any decision of the Disciplinary Tribunal shall be approved by the Disciplinary Officer and published only in accordance with paragraph 10 below.
- 5.6 Every person or body responding to enquiries made by the Disciplinary Officer or giving evidence before the Disciplinary Tribunal is under a duty to give full and truthful evidence. If the Disciplinary Officer believes that a person or body has not given full and truthful evidence, this conduct may be the subject of a further charge of Misconduct.
- 5.7 Any person or body appearing before the Disciplinary Tribunal shall, at their own expense, have the right to be represented by legal counsel of his, her or its choice or may be accompanied by a person who may speak on his, her or its behalf.
- 5.8 At the hearing of the charge of Misconduct, the Disciplinary Officer shall present the evidence to the Disciplinary Tribunal. The standard of proof shall be that of the balance of probabilities. In all cases, the Association shall bear the burden of proving that the charge has been made out. The person or body subject to the charge shall have the right to cross-examine any and all witnesses called by the Association to prove the charge. However, the fact that a person charged has been convicted of a criminal offence or issued with a formal police caution shall be deemed to be conclusive evidence of a conviction or caution and of the facts and circumstances surrounding it.

- 5.9 Once the Disciplinary Officer has completed his or her presentation on behalf of the Association, the person or body subject to the charge shall then have the right to present his or her case to the Disciplinary Tribunal. The person or body subject to the charge shall be entitled (subject to considerations of relevance) to call all and any witnesses that s/he or it wishes to call. The Disciplinary Officer shall have the right to cross-examine such witnesses.
- 5.10 Once the person or body subject to the charge has completed his, her or its presentation, the Disciplinary Officer shall make his or her concluding remarks in support of the charge. The person or body subject to the charge shall then have the right to make concluding remarks or to have such remarks made on his, her or its behalf. Upon the conclusion of the closing submissions, the Disciplinary Tribunal will retire to consider its verdict.
- 5.11 The Disciplinary Tribunal shall consider its decision in private. It shall first consider whether or not the charge of Misconduct is proved. If it is so proved, then the Disciplinary Tribunal shall inform the person or body subject to the charge of this decision and invite him or it to raise matters in mitigation. Having heard such mitigation, the Disciplinary Tribunal shall retire to consider the appropriate sanction.
- 5.12 In reaching its decision, there is no requirement that the Disciplinary Tribunal be unanimous. It is sufficient if a majority of the Disciplinary Tribunal favour a particular conclusion. No minority opinion or dissenting judgment shall be produced and no indication shall be given by the Disciplinary Tribunal to any party that its decision was other than unanimous.
- 5.13 Having reached its conclusion as to whether or not the charge has been proved, the Disciplinary Tribunal shall communicate that decision either at the time of the hearing or within 14 days thereafter. In all cases the Disciplinary Tribunal shall produce a written decision setting out the reasons for reaching its conclusions. This will be conveyed to the parties to the proceedings and their representatives (if any) as soon as possible and in all events within 14 days of the date of the hearing. The period for filing an appeal shall run from the date of the receipt of the written decision by the person or body involved.
- 5.14 In exercising its functions under this Code, the Disciplinary Tribunal shall have the power to regulate its own procedure. Without prejudice to the generality of this power it shall have the power:
- (i) to extend or vary any limit set out in this Code including the 28 day limit referred to in paragraph 6.2 below;
  - (ii) to adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, to allow time for the submission of further evidence or for any other reason;
  - (iii) to ask questions directly of any party or witness to any proceeding before the Disciplinary Tribunal;
  - (iv) to admit or exclude evidence on grounds of relevance or failure to comply with directions;
  - (v) to make appropriate directions (whether in advance of the hearing or at the start or during the hearing) with respect to the conduct of proceedings before the Disciplinary Tribunal; and
  - (vi) to order that costs of, and in connection with, the hearing be paid for by a party.
- 5.15 In the course of any proceedings before the Disciplinary Tribunal, the Disciplinary Tribunal shall not be obliged to follow the strict rules of evidence and may admit such evidence as it thinks fit and accord such evidence such weight as it thinks appropriate in all the circumstances.
- 5.16 Subject to paragraph 6 below, a decision of the Disciplinary Tribunal shall be deemed to be a decision of the Association and be binding on all those set out in paragraph 1.1 above.

## 6. Appeals Tribunal Procedure

6.1 Appeals may be made to the Appeals Tribunal in the following circumstances:

- (i) a party found guilty of a charge of Misconduct or the Association may appeal as of right against the decision of the Disciplinary Tribunal to the Appeals Tribunal on the ground that the Disciplinary Tribunal in its conduct or conclusions misdirected itself or otherwise reached an erroneous conclusion. Leave to appeal is not required;
- (ii) save as to sub-paragraph 6.1(v) below, any directly affected person who disputes any decision of the Association reached on: (A) eligibility to play under the Rules; (B) interpretation of the Rules or any regulations of the Association; or (C) any non-disciplinary matter (provided leave to appeal is given in accordance with paragraphs 6.2 to 6.4 below and provided that such leave shall only be granted in circumstances where the issues raised are of general importance to the game of tennis as a whole);
- (iii) any directly affected person who brings an appeal under the Rule 49 against a decision or ruling of a Member (provided leave to appeal is given by the chairperson of the Disciplinary Panel in accordance with paragraphs 6.2 to 6.4 below);
- (iv) a tournament referee/tennis development manager/officiating manager refers an appeal to the Disciplinary Officer under the Competition Regulations (provided leave to appeal is given by the chairperson of the Disciplinary Panel in accordance with paragraphs 6.2 to 6.4 below);
- (v) the Association's competitions team refers an appeal to the Disciplinary Officer under the Competition Regulations (provided leave to appeal is given by the chairperson of the Disciplinary Panel in accordance with paragraphs 6.2 to 6.4 below);
- (vi) any directly affected person who disputes any decision reached on selection for any team representing Great Britain including but not limited to, the Davis Cup, Fed Cup and Olympic Teams, made by the Association or any Member on the grounds that the applicable selection criteria has not been followed. Leave to appeal is not required;

6.2 Subject to sub-paragraph 5.14(i) above, an appellant shall have 28 days from the date of the relevant decision to submit a notice of appeal under sub-paragraph 6.1(i). The notice of appeal shall set out the decision appealed against and the grounds upon which it is submitted that the Disciplinary Tribunal misdirected itself or otherwise reached an erroneous conclusion.

6.3 An appellant shall have 28 days from the date of receipt of the relevant decision to submit an application for leave to appeal under sub-paragraphs 6.1(ii) to 6.1(v) inclusive to the Disciplinary Officer. Such application shall in the case of an appeal under sub-paragraph 6.1(ii) above set out why the issues raised by the appeal are of general importance to the sport of tennis as a whole and shall in all other cases set out the grounds of appeal. The notice of appeal or application for leave should be accompanied by all relevant documents.

6.4 In considering whether to grant leave to appeal, the chairperson of the Disciplinary Panel may consult with the Disciplinary Officer, Chairman of the Association, President of the Association or, in his or her absence, the Deputy President of the Association. A decision as to whether leave to appeal is granted shall be taken within 28 days of receipt of the application and if no decision is made within such time limit, leave to appeal shall be deemed to have been granted.

6.5 If leave to appeal is refused, the chairperson of the Disciplinary Panel shall notify the Disciplinary Officer of the decision. S/he may indicate factors that s/he has taken into account in reaching this decision and shall give brief reasons for his or her decision. The Disciplinary Officer shall notify the potential appellant of the chairperson's decision, including any justification for the decision provided by the chairperson. This decision shall not be subject to any further right of appeal.

- 6.6 Where the Association appeals to the Appeals Tribunal under sub-paragraph 6.1(i) above, it may apply to the Disciplinary Panel to continue any suspension imposed under paragraph 3 above until the Appeals Tribunal reaches its own decision;
- 6.7 Where on receipt of the Disciplinary Tribunal's decision, the Association wishes to reserve its right to appeal, it may apply to the Disciplinary Panel to continue such suspension imposed under paragraph 3 above until expiry of the period within which it can appeal, or until, if it does appeal, the Appeals Tribunal reaches its own decision.
- 6.8 Having received the notice of Appeal under sub-paragraph 6.1(i) or 6.1(vi), or if leave to appeal has been granted, the chairperson of the Disciplinary Officer shall instruct an independent dispute resolution service (such as Sport Resolutions UK) to appoint the Appeals Tribunal for a specific case or, alternatively, shall refer the matter to Sport Resolutions UK for determination. The Appeals Tribunal shall consist of three persons with appropriate experience in accordance with the Appeals Tribunal's Terms of Reference. The chairperson of the Disciplinary Panel (via the Disciplinary Officer) will notify the appellant of the composition of the Appeals Tribunal as soon as practicable and in any event no later than 14 days from the receipt by the Association of the notice to appeal. A date shall then be set for the hearing of the appeal, which shall be expedited in the case of an appeal under sub-paragraph 6.1(vi).
- 6.9 In the case of an appeal under sub-paragraph 6.1(i) or an appeal of a disciplinary decision under sub-paragraph 6.1(iii), the appeal shall be by way of a re-hearing and, subject to paragraph 6.14 below, the procedure set out in paragraphs 5 above shall apply to the appeal proceedings. For the avoidance of doubt the Appeals Tribunal has the right to address questions of fact and questions of law.
- 6.10 The body against whose decision the appellant complains may be present at the appeal, and shall have the equivalent right to be heard as the appellant.
- 6.11 The Appeals Tribunal will consider all of the documents and evidence submitted in relation to the matter and may request the recall of any witnesses previously heard. The Appeals Tribunal shall have power to admit new evidence including evidence of any third party which the Appeals Tribunal considers is likely to be affected by the outcome of the appeal.
- 6.12 In light of the evidence received by it, the Appeals Tribunal will reach its decision. It shall have power to make a decision on the facts as it thinks fit (including, without limitation, the imposition of sanctions under paragraph 7 below). For the avoidance of doubt, it may cancel, reduce, confirm or increase the penalty under appeal or may restore a licence or registration removed by the Disciplinary Tribunal.
- 6.13 A decision of the Appeals Tribunal is final and binding and shall be deemed to be a decision of the Association and be binding on all those persons set out in paragraph 1.1 above and any third parties whose evidence is admitted under paragraph 6.11 above.
- 6.14 In exercising its functions under this Code the Appeals Tribunal shall have the power to regulate its own procedure. Without prejudice to the generality of this power, it shall have the power:
- (i) to extend or vary any limit set out in this Code;
  - (ii) to adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, to allow time for the submission of further evidence or for any other reason;
  - (iii) to ask questions directly of any party or witness to any proceeding before the Appeals Tribunal;
  - (iv) to admit or exclude evidence on grounds of relevance or failure to comply with directions;

- (v) to make appropriate directions (whether in advance of the hearing or at the start or during the hearing) with respect to the conduct of proceedings before the Appeal Tribunal; and
- (vi) to order that costs of, and in connection with, the hearing be paid for by a party.

## **7. Sanctions and Costs**

7.1 If the Disciplinary Tribunal or the Appeals Tribunal finds a charge of Misconduct to have been proven under the Full Disciplinary Procedure, it may impose upon the person or body concerned:

- (i) One of, or a combination of, the following sanctions as it considers appropriate to the type of Misconduct proven:
  - (a) suspension from competition or from taking part in any other capacity in any event sanctioned by the Association;
  - (b) permanent exclusion from competition or taking part in any other capacity in any event sanctioned by the Association;
  - (c) exclusion or suspension from coaching or playing at a Member or an Associate or at any event organised by a Member or an Associate;
  - (d) exclusion or suspension from officiating at a Member or an Associate or at any event organised by a Member or an Associate;
  - (e) exclusion or suspension from attending any event sanctioned by the Association or organised by a Member or an Associate;
  - (f) expulsion, suspension or exclusion from standing for, or holding, any office within the Association, either for a temporary period or permanently;
  - (g) a fine not exceeding £10,000;
  - (h) the withholding of all or a proportion of any prize money earned by a player from an event or tournament;
  - (i) a caution and/or censure in respect of his, her or its conduct;
  - (j) a suspended penalty, being a penalty which is only invoked in the event that a person or body, subject to the Association's disciplinary power, commits another disciplinary offence within a stated time of the date of the decision;
  - (k) the removal of a licence or registration either for a temporary period or permanently;
  - (l) the imposition of any such conditions on a licence or registration as it sees fit; and/or
  - (l) a requirement to attend appropriate training.
- (ii) A requirement to pay a contribution to, or all of, the costs of the disciplinary hearing.

7.2 In imposing or reviewing a suspension, the Disciplinary Panel or the Appeals Tribunal shall take into account the amount of interim suspension and/or suspension served by the person or body in deciding the appropriate period of such further suspension (if any) that should be imposed. Where the Disciplinary Panel imposes any period of suspension, that period of suspension shall run from the date set by the Disciplinary Panel which shall be not be:

- (i) before the deadline for the submission of an appeal or, if earlier, when the person or body subject to the suspension confirms that they will not be submitting an appeal; and

- (ii) where the person or body subject to the suspension submits an appeal in accordance with this Code, before the conclusion of such appeal process (should a suspension still be imposed).

7.3 The Disciplinary Tribunal or the Appeals Tribunal may recommend that a complete dossier of the evidence submitted in the course of the proceedings be prepared and sent to the police and other relevant authorities, together with an expression of the view of the Disciplinary Tribunal or the Appeals Tribunal that the matter should be investigated by such authorities to establish whether a criminal offence or other infringement has been committed.

## **8. Waiver of Minor Procedural Irregularities**

8.1 Without prejudice to the right of the Disciplinary Tribunal or the Appeals Tribunal to regulate its own procedure, where at any time in the course of any disciplinary proceeding carried out under the Rules or this Code there has been a breach of procedure or failure to follow any direction given, this shall not invalidate the proceedings unless such breaches have been such as to seriously and irretrievably prejudice the position of the person against whom an allegation of Misconduct is made.

## **9. Arbitration Act 1996**

9.1 The procedures in this Code shall be governed by the Arbitration Act 1996 and amounts to a binding arbitration agreement for the purposes of Section 6 of that Act. The seat of the arbitration shall be England.

## **10. Publication of Decisions**

10.1 The Association may publish details of any disciplinary action taken including publication of any decision made by the Disciplinary Tribunal or Appeals Tribunal where Misconduct has been found or in any appeal where the matter has either been put into the public domain or is of general importance to the game of tennis as a whole.

10.2 The Association may at any time during the disciplinary or appeals process notify Members, the ATP, WTA, ITF, UK Sport, UK Anti-Doping (UKAD), the British Olympic Association (BOA), the International Olympic Committee (IOC), the International Paralympic Committee (IPC) or any other relevant authority of any details relating to the matter as such authority may need to know for the proper exercise of its functions.

10.3 Where it appears that public knowledge of a matter exists, prior to its determination, the Association reserves the right to confirm the details after notifying the persons or organisations concerned.

## **11. Recognition**

11.1 The Disciplinary Officer may, on behalf of the Association, recognise disciplinary sanctions imposed by the ATP, WTA, ITF, IOC and BOA or by a member of the ITF upon players subject to the Rules, or who wish to play in tournaments sanctioned by the Association, and, with the Chairman of the Association, decide that such sanctions shall be automatically applied. There shall be no right of appeal against this decision. Where, however, any such sanction is amended, varied, reduced, withdrawn or cancelled by the body imposing such sanction, the Disciplinary Officer shall equally recognise any such alteration to such sanction.

11.2 The fact that a person, player, committee or organisation is liable or has been subject to disciplinary proceedings under the rules of another governing body shall not affect the right of the Association to conduct its own separate and independent investigation into such alleged Misconduct or its right to prosecute and impose sanctions upon those subject to the Code.

## **12. Governing Law**

12.1 This Code shall be governed by and construed in accordance with English law.

## SCHEDULE 1

### DISCIPLINARY OFFICER TERMS OF REFERENCE

#### 1. Purpose

The Disciplinary Officer acts on behalf of the LTA (the “**Association**”), exercising both the administrative and prosecutorial powers of the Association in relation to its disciplinary matters.

#### 2. The Appointment of the Disciplinary Officer

The Disciplinary Officer shall be appointed and may be replaced by the Association’s Board (the “**Board**”).

#### 3. Areas of Responsibility

##### 3.1 Jurisdiction

In exercising the disciplinary powers of the Association, the Disciplinary Officer shall have responsibility for:

- (A) investigating allegations of Misconduct (as defined in the Code) following a formal complaint;
- (B) investigating matters which the Disciplinary Officer, in his or her sole discretion, considers may constitute Misconduct;
- (C) determining pursuant to paragraph 1.12 of the Disciplinary Code (the “**Code**”) whether or not the Association has jurisdiction over a disciplinary matter; and
- (D) determining whether a matter should be dealt with by the Association or by another body in cases where either has disciplinary jurisdiction over a matter.

##### 3.2 Interim Suspension

If the Disciplinary Officer considers that a matter, allegation or complaint falls within the scope of the Association’s disciplinary regime, the Disciplinary Officer shall have responsibility for:

- (A) determining whether the alleged Misconduct is of sufficient seriousness to warrant an Interim Suspension (as defined in the Code); and
- (B) implementing the Interim Suspension procedure as set out in paragraph 3 of the Code and liaising as necessary with the Disciplinary Panel.

##### 3.3 Summary Procedure

Whether or not the Disciplinary Officer sets in motion the Interim Suspension procedure, if the Disciplinary Officer considers that a matter, allegation or complaint falls within the scope of the Association’s disciplinary regime, the Disciplinary Officer shall have responsibility for:

- (A) writing to the individuals or body concerned directly, seeking his, her or its views on the matter;
- (B) determining whether or not the severity of a matter warrants charging a person or a body with Misconduct;
- (C) if a person or body is charged with Misconduct, deciding whether it should be dealt with under the Summary Procedure (as defined in the Code) or if it should be dealt with under the

Full Disciplinary Procedure (as defined in the Code) (subject to the power of the Disciplinary Panel to invoke the Full Disciplinary Procedure under paragraph 4.7 of the code); and

- (D) implementing the Summary Procedure as set out in paragraph 4 of the Code and liaising as necessary with the Disciplinary Panel.

### **3.4 Full Disciplinary Procedure**

If the person or body charged does not consent to the Summary Procedure, or if the Disciplinary Officer or the Disciplinary Panel considers that a case is not appropriate for the Summary Procedure, the Disciplinary Officer shall have responsibility for:

- (A) implementing the Full Disciplinary Procedure as set out at paragraph 5 of the Code and liaising as necessary with the Disciplinary Panel; and
- (B) acting as prosecutor on behalf of the Association under the Full Disciplinary Procedure.

### **3.5 Appeals Tribunal Procedure**

Under the Appeals Tribunal procedure as set out at paragraph 6 of the Code, the Disciplinary Officer shall have responsibility for:

- (A) managing the appeals referred to him or her pursuant to sub-paragraphs 6.1 (ii)-(v) inclusive of the Code;
- (B) if requested, consulting with the chairperson of the Disciplinary Panel in respect of whether or not the chairperson of the Disciplinary Panel should grant leave to appeal;
- (C) informing the potential appellant of the decision of the chairperson of the Disciplinary Panel as to whether or not leave to appeal has been granted;
- (D) if appropriate, applying to the Disciplinary Panel for a suspension imposed under paragraph 3 of the Code to be continued;
- (E) instructing an independent dispute resolution service to appoint the Appeals Tribunal once instructed by the chairperson of the Disciplinary Panel; and
- (F) representing the Association at a hearing of the Appeals Tribunal pursuant to paragraph 6.9 of the Code.

### **3.6 Publication of Decisions**

The Disciplinary Officer shall be responsible for approving and/or publishing all media announcements in relation to disciplinary matters in accordance with paragraph 10 of the Code.

### **3.7 Recognition**

On behalf of the Association, the Disciplinary Officer shall be responsible for recognising any disciplinary sanctions imposed by other bodies in accordance with paragraph 11.1 of the Code and, with the Chairman of the Association, deciding whether such sanctions should automatically be applied.

### **3.8 Appointment of Disciplinary Panel Members**

The Disciplinary Officer, in conjunction with the Nominations Committee, shall compile a list of suitable candidates for appointment to the Disciplinary Panel and make these recommendations to the Board.

#### **4. Other matters**

- 4.1 The Disciplinary Officer may be assisted in discharging his or her functions by other officers or employees of the Association and may delegate his or her formal functions and responsibilities to other officers or employees of the Association or, where appropriate, to external legal counsel. All reference to actions of the Disciplinary Officer in the Code shall include any action taken on his or her behalf by any other person authorised to do so by the Disciplinary Officer.
- 4.2 The Disciplinary Officer shall have access to sufficient resources in order to carry out his or her duties.
- 4.3 The Disciplinary Officer may obtain, at the Company's expense, outside legal or other professional advice on a matter within these Terms of Reference.
- 4.4 The Disciplinary Officer is authorised to seek any information it requires from any employee of the Company in order to perform his or her duties.
- 4.5 The Disciplinary Officer, in consultation with the Chairperson of the Disciplinary Panel shall, at least once a year, review:
- (A) the provisions of the Code and all disciplinary matters dealt with over the course of the previous year; and
  - (B) his or her own performance, scope of duties and Terms of Reference, and recommend any changes considered necessary to the Board for approval.

## SCHEDULE 2

### DISCIPLINARY PANEL TERMS OF REFERENCE

#### 1. Current Membership

The current members of the Disciplinary Panel (the “**Panel Members**”) are:

- Michael Sayers
- Daniel Saoul
- David Watts
- Maureen Laffey
- Joanna Marks
- Stephen Clarke
- Andree Hawke
- Phil Evans
- Jayne Littlewood
- Andy Scholfield
- Eduardo Beltrao

#### 2. Purpose

- 2.1 The Disciplinary Panel is responsible for hearing and deciding upon each disciplinary matter referred to it by the Disciplinary Officer.
- 2.2 If a Full Disciplinary Procedure (as defined in the Disciplinary Code) is invoked, a disciplinary tribunal (the “**Disciplinary Tribunal**”) is formed from amongst the members of the Disciplinary Panel to hear a charge of misconduct in accordance with the Disciplinary Code.

#### 3. Membership

- 3.1 The chairperson of the Disciplinary Panel (the “**Chairperson**”) shall be independent of the LTA (the “**Association**”). S/he shall be a current or former member of the judiciary, Queen’s Counsel, a junior barrister or solicitor of more than 10 years standing, and be selected by the Association’s Board (the “**Board**”) to be a Panel Member and to chair the Disciplinary Panel.
- 3.2 Following recommendations by the Disciplinary Officer and the Nominations Committee, the Board shall appoint a minimum of 10 Panel Members for an initial term of three years and may, at their discretion and with the endorsement of the Board, continue for a second term of three years. In case of any vacancies on the Disciplinary Panel, following recommendations by the Disciplinary Officer and the Nominations Committee, the Board shall appoint suitably qualified replacements.
- 3.3 A minimum of two of the Panel Members appointed by the Board shall be current or former members of the judiciary, Queen’s Counsel, junior barristers or solicitors of more than 10 years standing.
- 3.4 A minimum of two Panel Members shall be independent of the Association.

- 3.5 For the purpose of these Terms, “independent” means any person who at the time of his or her appointment, or at any time up to five years prior thereto, shall not:
- (A) be serving or have served as an LTA Officer, on the Board, on Council or in a senior LTA executive position;
  - (B) be or have been an employee or officer of the Association; or
  - (C) take up any such positions after the date of appointment as a Panel Member until his or her retirement, removal or vacation from that office.
- 3.6 Save in the case of wilful disregard for these criteria, the question of whether a person is independent shall not be capable of challenge.
- 3.7 The Chairperson of a Disciplinary Tribunal shall be one of the Panel Members appointed in accordance with paragraph 3.3 above.

#### **4. Quorum**

- 4.1 When the Disciplinary Panel sits to hear a matter submitted to it by the Disciplinary Officer under the Full Disciplinary Procedure, three persons, one of whom shall be the Chairperson (or his or her nominee), shall constitute the Disciplinary Tribunal.
- 4.2 When the Panel meets for any other purpose, the quorum shall be three Panel Members of the Disciplinary Panel and there shall be no maximum.

#### **5. Formation of a Disciplinary Tribunal**

- 5.1 A Disciplinary Tribunal is formed from amongst the Panel Members. The Chairperson, in consultation with the other members of the Disciplinary Panel, will determine the membership of each Disciplinary Tribunal.
- 5.2 The Chairperson may, in his or her sole discretion, appoint an external independent professional expert to advise, but not to sit on, the Disciplinary Tribunal in an individual case. Such independent external expert shall advise the Disciplinary Tribunal as to the evidence placed before him or her, but shall not count as part of the quorum, or be entitled to exercise any decision-making functions within the Disciplinary Tribunal.
- 5.3 No Panel Member may sit on the Disciplinary Tribunal for a particular case or matter where he or she has had what is, or may reasonably be thought to be, any prior involvement with the case or matter. Neither should they have any material financial, familial or other relevant interest in the outcome of the proceedings. Any Panel Member who is asked to sit on a Disciplinary Tribunal and who may have grounds for thinking that such involvement or interest may exist shall notify the Chairperson at the first available opportunity. The Chairperson shall decide whether or not the involvement or interest justifies the exclusion of that Panel Member from the Disciplinary Tribunal in respect of that matter.
- 5.4 Should a Panel Member become unable to hear a disciplinary matter following his or her appointment on a Disciplinary Tribunal for whatever reason, the Chairperson will appoint a suitable replacement.

#### **6. Frequency of Meetings**

- 6.1 The Disciplinary Panel shall meet at least once a year and at such other times as the Chairperson shall require.

#### **7. Notice of Meetings**

Meetings of the Disciplinary Panel shall be called by the Chairperson.

**8. Minutes of Meetings**

- 8.1 The Association's company secretariat shall minute the proceedings and resolutions of all Disciplinary Panel meetings.
- 8.2 Minutes of meetings shall be circulated promptly to all Panel Members unless a conflict of interest exists.

**9. Other Matters**

- 9.1 The Panel shall:
  - (A) have access to sufficient resources in order to carry out its duties, including access to the company secretariat for assistance as required;
  - (B) be authorised to seek any information it requires from any employee of the Association in order to perform its duties; and
  - (C) at least once a year, in relation to the preceding year:
    - (i) review any decisions made by the Disciplinary Officer as to whether or not to bring a charge of Misconduct against a person or a body;
    - (ii) review the matters heard by any Disciplinary Tribunals; and
    - (iii) review its own performance, constitution and Terms of Reference to ensure it is operating effectively and recommend any changes it considers necessary to the Board for approval.

## APPENDIX ONE

### TENNIS ANTI-DOPING PROGRAMME

#### A. INTRODUCTION

- A.1 The purpose of the Lawn Tennis Association's Anti-Doping Programme (the "**Programme**") is to maintain the integrity of tennis and to protect the health and rights of all tennis players.
- A.2 The International Tennis Federation (the "**ITF**") is a Signatory to the World Anti-Doping Code (the "**WADA Code**"). The Lawn Tennis Association (the "**LTA**") is a member of the ITF. This Programme is adopted and implemented pursuant to the mandatory provisions of the 2015 version of the WADA Code, of the ITF's own anti-doping rules (the "**ITF Rules**"), and the Rules of the LTA (the "**LTA Rules**") and the Disciplinary Code of the LTA (the "**LTA Disciplinary Code**"), as part of the continuing efforts of the tennis authorities to keep doping out of the sport of tennis.
- A.3 The Programme, which includes the Schedules hereto, encompasses:
- A.3.1 Incorporation of the Anti-Doping Rule Violations identified in the WADA Code, based on the list maintained by WADA identifying the Prohibited Substances and Prohibited Methods referenced in WADA Code Article 4.1, as amended from time to time (the "**Prohibited List**");
- A.3.2 Collection of Samples both In-Competition and Out-of-Competition for Doping Control purposes;
- A.3.3 Investigation of Atypical Findings, Adverse Passport Findings and/or other matters that may evidence or lead to the discovery of evidence of Anti-Doping Rule Violations;
- A.3.4 Management of the results of such Testing, and of other evidence of possible Anti-Doping Rule Violations, by UK Anti-Doping ("**UKAD**"), the public agency that acts as National Anti-Doping Organisation for the United Kingdom;
- A.3.5 Independent review of Adverse Analytical Findings, Atypical Findings and other relevant evidence of possible Anti-Doping Rule Violations, to confirm that there is a prima facie case to answer before UK Anti-Doping charges anyone with the commission of such a violation;
- A.3.6 The hearing and determination of any such charges by a first instance tribunal of the National Anti-Doping Panel, with the right to appeal from such first instance decision to an appeal tribunal of the National Anti-Doping Panel (in the case of all Players other than International-Level Players) or to the Court of Arbitration for Sport in Lausanne, Switzerland ("**CAS**") (in the case of International-Level Players); and
- A.3.7 Where it is found that an Anti-Doping Rule Violation has been committed under the Programme, imposition of Consequences of the nature and scope specified in the WADA Code.
- A.4 Italicised terms in this Programme shall bear the meaning ascribed to them in Schedule 1 to this Programme.
- A.5 The effective date of this Programme is 1 January 2015 (the "**Effective Date**").
- A.6 **Transitional provisions:**
- A.6.1 The Programme shall apply in full to all cases where the alleged Anti-Doping Rule Violation occurs after the Effective Date.
- A.6.2 Any case pending prior to the Effective Date, or brought after the Effective Date but based on an Anti-Doping Rule Violation that occurred before the Effective Date, shall be governed by the predecessor version of the Programme in force at the time of the Anti-Doping Rule Violation, save that (i) Article M.7.5 of this Programme shall apply retroactively, (ii) Article K.1 shall also apply

retroactively, unless the statute of limitations applicable under the predecessor version of the Programme has already expired by the Effective Date; and (iii) the National Anti-Doping Panel may decide other provisions from this Programme as well as where doing so benefits the Player or Other Person alleged to have committed the Anti-Doping Violation based on the principle of *lex mitior* by the tribunal.

- A.6.3 Any Filing Failure or Missed Test declared under a predecessor version of the Programme shall be carried forward and may be relied upon as one of the requisite elements of an Anti-Doping Rule Violation under Article C.4.
- A.6.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, the Player or Other Person is still serving the period of Ineligibility as of the Effective Date, the Player or Other Person may apply to UKAD for a reduction in that period of Ineligibility in light of the 2015 version of the WADA Code. To be valid, the application must be made before the period of Ineligibility has expired. UKAD's decision on such application is subject to appeal pursuant to Article K.6. The 2015 WADA Code shall have no application to any anti-doping violation case where a final decision finding an anti-doping violation has been rendered and the period of Ineligibility has expired.
- A.6.5 Anti-Doping Rule Violations committed prior to the Effective Date, whether under predecessor versions of the Programme and/or other relevant rules, count as prior offences for purposes of determining sanctions under Article M.7. If the sanction for the first violation was determined based on the pre-2015 Code rules, that sanction shall be disregarded and instead the sanction that would have been imposed for the first violation if rules compliant with the 2015 WADA Code had applied will be used. A prior offence involving a substance defined under this Programme as a Specified Substance, for which a period of Ineligibility of less than two years was imposed, shall be considered a Reduced Sanction offence for purposes of Article M.7.1.
- A.7 The Main Board of the LTA shall be responsible for the overall supervision of the Programme and for keeping the operation of the Programme under review.
- A.8 The Programme shall be interpreted in a manner that is consistent with the WADA Code. The WADA Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of any Signatory or government. The comments annotating various provisions of the WADA Code may be used to assist in the understanding and interpretation of the Programme.
- A.9 The Main Board of the LTA may amend this Programme from time to time. Any such amendments shall come into force and effect on the date specified by the Main Board.
- A.10 Subject to Article A.8, this Programme is governed by and shall be construed in accordance with English law. Strictly without prejudice to the arbitration provisions of Article K of the Programme, disputes relating to the Programme shall be subject to the exclusive jurisdiction of the English courts.

## **B. COVERED PLAYERS AND EVENTS**

- B.1 Any player who enters or participates in a Competition, Event or activity authorised, organised, or sanctioned by the LTA, or in any team selected by the LTA (a "**Player**"), shall be deemed to have agreed to and shall be required to comply with all of the provisions of this Programme, including making him/herself available as required for Testing both In-Competition and Out-of-Competition and submitting him/herself to the disciplinary jurisdiction of the National Anti-Doping Panel and/or the CAS (as applicable) under this Programme.
- B.2 **Core Responsibilities**
- B.2.1 It is the sole responsibility of each Player to:

- (a) acquaint him/herself with all of the provisions of the Programme and to ensure that each Person from whom he/she takes advice (including medical personnel) is acquainted with all the requirements of this Programme (including any amendments thereto);
- (b) to know what constitutes an Anti-Doping Rule Violation under this Programme and what substances and methods have been included on the Prohibited List;
- (c) to take personal responsibility for what he/she ingests and uses;
- (d) to carry out research regarding any products or substances which he/she intends to ingest or Use (prior to such ingestion or Use) to ensure compliance with this Programme, such research shall, at a minimum, include a reasonable internet search of (1) the name of the product or substance, (2) the ingredients/substance listed on the product or substance label, and (3) other related information revealed through research of points (1) and (2).
- (e) to ensure that any medical treatment that he/she receives does not give rise to an Anti-Doping Rule Violation under this Programme;
- (f) to disclose to the LTA, UKAD and ITF (if applicable) any decision by a non-signatory finding that he/she infringed anti-doping rules within the previous ten years; and
- (g) to cooperate with the LTA, UKAD, the ITF (if applicable) and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations.

B.2.2 It is also the sole responsibility of each Player to ensure that the LTA is able to communicate with him/her efficiently and reliably in relation to matters arising under this Programme. To that end, each Player shall be deemed to be immediately contactable at the postal address that he/she has specified on any form, including any Doping Control form, that he/she completes in relation to the Programme, and it shall be the Player's responsibility to complete such contact details (to be referred herein as the "**Player's Nominated Address**") as necessary to ensure that he/she is immediately contactable at the Player's Nominated Address. Any notice required to be given to the Player under this Programme, if delivered to the Player by registered post (or other method that includes confirmation of delivery) addressed to the Player's Nominated Address, shall be deemed to have been received by the Player on the date of delivery to such address reflected in the confirmation of delivery provided by the delivery company. At its discretion, as an alternative to or in conjunction with such posting, the LTA may use any other method of secure and confidential communication available, including but not limited to facsimile and/or e-mail; provided that if the Player denies receipt of such notice then the burden will be on the LTA to prove that he/she did receive it.

B.3 Any coach, trainer, manager, agent, team staff, official, medical, para-medical personnel, parent or any other Person working with or treating or assisting a Player participating in or preparing for a Competition ("**Player Support Personnel**") shall also be deemed to have agreed to and shall be required to comply with all of the provisions of this Programme.

B.4 It is the sole responsibility of each Player Support Personnel:

- B.4.1 to acquaint him/herself with all of the provisions of this Programme (including any amendments thereto);
- B.4.2 to know what constitutes an Anti-Doping Rule Violation under this Programme and what substances and methods are prohibited;
- B.4.3 to co-operate with the Testing of Players;
- B.4.4 to use his/her influence on Player values and behaviour to foster anti-doping attitudes;

- B.4.5 to disclose to the LTA, UKAD and to the ITF (if applicable) any decision by a non-signatory finding that he/she infringed applicable anti-doping rules within the previous ten years;
- B.4.6 to cooperate with the ITF, UKAD and the ITF (if applicable) and any other Anti-Doping Organisations conducting investigations into possible Anti-Doping Rule Violations; and
- B.4.7 not to Use or Possess any Prohibited Substance or Prohibited Method without valid justification. A Player Support Personnel who Uses a Prohibited Substance or Prohibited Method without valid justification may not provide support to any Player.
- B.5 It is acknowledged that certain of the persons that are subject to this Programme may also be subject to the anti-doping rules of other Anti-Doping Organisations, including (in the case of International-Level Players) the ITF Rules, and that the same conduct of such person may implicate not only this Programme but also the rules of such other Anti-Doping Organisations. The jurisdictional and other issues arising in such event shall be resolved in accordance with the provisions of the ITF Rules and the WADA Code.
- B.6 Where a Player is under the age of legal majority, the prior consent of a Person with parental responsibility for that Player must be obtained before that Player is subjected to Testing under the Programme. Where the Player is included in the LTA Whereabouts Pool, such consent must be provided upon notification of inclusion in the pool as a pre-condition to further participation in the sport. In all other cases, such consent must be provided at the time of the Testing in question as a pre-condition to further participation in the sport. In addition, the rules of a particular Event may require the provision of parental consent to Testing as a pre-condition of participation in the Event.
- B.7 Retirement**
- B.7.1 A Player shall continue to be bound by and required to comply with the Programme for all purposes, unless and until he/she gives written notice to the LTA, UKAD and the ITF (as applicable) that/he will not be competing in any Competition or Event with effect from a given date. If he/she gives such notice, he/she shall be deemed to have retired (and to be no longer subject to the Programme) with effect from that given date (the **"Retirement Date"**).
- B.7.2 LTA, UKAD and the ITF shall continue to have jurisdiction over a retired Player under the Programme in respect of matters taking place prior to his/her Retirement Date.
- B.7.3 After his/her Retirement Date, a Player may not return to compete in any Competition, Event or other activity covered by Article B.1 unless he/she has submitted again to the Programme, including making him/herself available for Testing, by giving six months of prior written notice to the ITF Anti-Doping Manager (if applicable), to UKAD and the LTA of his/her intent to return to competition. The Player must acknowledge in that written notice that he/she is therefore again subject to the Programme, effective from the start of that six month period, and thereafter must comply with the Programme, including making himself/herself available for Testing (including, if requested, by providing whereabouts information) during that six month period. WADA, in consultation with the ITF and UKAD, may grant an exemption to the requirement of six months of written notice of return from retirement where the strict application of that requirement would be manifestly unfair to a Player. WADA's decision may be appealed pursuant to Article K.6.
- B.7.4 A Player who retires while serving a period of Ineligibility may not return to compete in an Event, Competition or any other activity covered by Article B.1 until the Player has submitted again to the Programme, including making him/herself available for Testing, by giving six months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Player retired, if that period was longer than six months) to the ITF Anti-Doping Manager, to UKAD and to the LTA.
- B.7.5 Where a Competition, an event or other activity covered by Article B.1 that will take place after the applicable period set out in Article B.7.3 or B.7.4 has expired has an entry deadline that falls during such period, the Player may submit an application for entry in the Competition, Event or other

activity covered by Article B.1 in accordance with that deadline, notwithstanding that at the time of such application the applicable period has not yet expired.

B.7.6 Any competitive results obtained in violation of Article B.7.3 or B.7.4 shall be Disqualified.

## **C. ANTI-DOPING RULE VIOLATIONS**

Doping is defined, for the purpose of this Programme and for the purpose of Rule 32(c) of the LTA Rules, as the occurrence of one or more of the following (each, an "**Anti-Doping Rule Violation**"):

### **C.1 The presence of a Prohibited Substance or any of its Metabolites or Markers in a Player's Sample, unless the Player establishes that such presence is consistent with a therapeutic use exemption granted in accordance with Article E.**

C.1.1 It is each Player's personal duty to ensure that no Prohibited Substance enters or is found to be present in his/her body. A Player is responsible for any Prohibited Substance or any of its Metabolites or Markers found to be present in his/her Sample. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an Anti-Doping Rule Violation under Article C.1; nor is the Player's lack of intent, Fault, negligence or knowledge a defence to a charge that an Anti-Doping Rule Violation has been committed under Article C.1.

C.1.2 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, and subject to the special criteria established in the Prohibited List (and/or other International Standards) to distinguish between endogenous and exogenous production of certain substances, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Player's Sample shall constitute an Anti-Doping Rule Violation under Article C.1, unless the Player establishes that such presence is consistent with a therapeutic use exemption granted in accordance with Article E.

### **C.2 Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method, unless the Player establishes that such Use or Attempted Use is consistent with a therapeutic use exemption granted in accordance with Article E.**

C.2.1 It is each Player's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an Anti-Doping Rule Violation of Use under Article C.2; nor is the Player's lack of intent, Fault, negligence or knowledge a defence to a charge that an Anti-Doping Rule Violation of Use has been committed under Article C.2.

C.2.2 Without prejudice to Article C.2.1, it is necessary that intent on the Player's part be demonstrated in order to establish an Anti-Doping Rule Violation of Attempted Use under Article C.2.

C.2.3 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. For an Anti-Doping Rule Violation to be committed under Article C.2, it is sufficient that the Player Used or Attempted to Use the Prohibited Substance or Prohibited Method.

C.2.4 Notwithstanding Article C.2.3, however, a Player's Use of a substance Out-of-Competition shall not constitute an Anti-Doping Rule Violation under Article C.2 where the Use of that substance is not prohibited Out-of-Competition (see Article G.1.3). However, if that substance (or any of its Metabolites or Markers) is still present in a Sample collected from the Player when he/she is next In Competition that is an Anti-Doping Rule Violation under Article C.1.

### **C.3 Evading Sample Collection, refusing or failing, without compelling justification, to submit to Sample collection after notification of Testing as authorised in this Programme or other applicable anti-doping rules.**

#### **C.4 Whereabouts Failure**

C.4.1 For a Player in the LTA Whereabouts Pool, failure to comply with the requirements regarding Player availability for Out-of-Competition Testing set out in the International Standard for Testing and Investigation, including any failure to file whereabouts information in accordance with Article 1.3 of the International Standard for Testing and Investigation (a "Filing Failure") and any failure to be available for Testing at the declared whereabouts in accordance with Article 1.4 of the International Standard for Testing and Investigation (a "Missed Test").

C.4.2 Any combination of three Filing Failures and/or Missed Tests committed within an twelve-month period, whether declared by the LTA, UKAD or any other Anti-Doping Organisation with jurisdiction over the Player, shall constitute an Anti-Doping Rule Violation under this Article C.4.

**C.5 Tampering or Attempted Tampering with any part of Doping Control. This Article prohibits conduct that subverts or Attempts to subvert the Doping Control process but that would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation, or intimidating or attempting to intimidate a potential witness.**

#### **C.6 Possession of Prohibited Substances and/or Prohibited Methods.**

C.6.1 Possession by a Player at any time or place of a substance that is prohibited at all times or of a Prohibited Method is an Anti-Doping Rule Violation under Article C.6, unless the Player establishes that such Possession is consistent with a therapeutic use exemption granted in accordance with Article E or other acceptable justification.

C.6.2 Possession by a Player In-Competition of any Prohibited Substance that is only prohibited In-Competition is an Anti-Doping Rule Violation under Article C.6, unless the Player establishes that such Possession is consistent with a therapeutic use exemption granted in accordance with Article E or other acceptable justification.

C.6.3 Possession by Player Support Personnel at any time or place of a substance that is prohibited at all times or of a Prohibited Method in connection with a Player, Event or training is an Anti-Doping Rule Violation under Article C.6, unless the Player Support Personnel establishes that such Possession is consistent with a therapeutic use exemption granted to a Player in accordance with Article E or other acceptable justification.

C.6.4 Possession by Player Support Personnel In-Competition of any Prohibited Substance that is only prohibited In-Competition, in connection with a Player, Event or training, is an Anti-Doping Rule Violation under Article C.6, unless the Player Support Personnel establishes that such Possession is consistent with a therapeutic use exemption granted to a Player in accordance with Article E or other acceptable justification.

#### **C.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.**

**C.8 Administration or Attempted administration to any Player at any time or place of a substance that is prohibited at all times or of a Prohibited Method, or administration or Attempted administration to any Player In-Competition of any Prohibited Substance that is only prohibited In-Competition, unless the Player establishes that such administration or Attempted administration was consistent with a therapeutic use exemption granted as set out in Article E.**

**C.9 Complicity, assisting, encouraging, aiding, abetting, conspiring to commit, covering up or any other type of intentional complicity involving an Anti-Doping Rule Violation or any Attempted Anti-Doping Rule Violation by another person.**

## **C.10 Prohibited Association**

- C.10.1 Association by a Player or other Person subject to the authority of the LTA in a professional or sport- related capacity with any Player Support Person who:
- (a) (if subject to the authority of an Anti-Doping Organisation) is serving a period of Ineligibility; or
  - (b) (if not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a results management process pursuant to this Programme or the WADA Code) has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct that would have constituted a violation of Code-compliant anti-doping rules if such rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or
  - (c) is serving as a front or intermediary for an individual described in Article C.10.1(a) or C.10.1(b).
- C.10.2 For the avoidance of doubt, this Article C.10 applies even when the Player Support Person's disqualifying conduct occurred prior to the Effective Date. However, in order for Article C.10 to apply, it is necessary that (a) the Player or other Person has previously been advised in writing by the ITF, by UKAD or the LTA, or by WADA, of the Player Support Person's disqualifying status and the potential Consequences of prohibited association; and (b) the Player or other Person can reasonably avoid the association. The ITF, UKAD or LTA shall also use reasonable efforts to advise the Player Support Person who is the subject of the notice to the Player or other Person that he/she may, within 15 days, come forward to the ITF, UKAD or LTA to explain why the criteria described in Article C.10.1 (a) or C.10.1 (b) do not apply to him/her.
- C.10.3 The burden shall be on the Player or other Person to establish that any association with a Player Support Person described in Articles C.10.1 (a) or C.10.1 (b) is not in a professional or sport-related capacity.
- C.10.4 If the ITF, UKAD or the LTA becomes aware of any Player Support Personnel who meet the criteria described in Articles C.10.1 (a), C.10.1 (b), or C.10.1 (c), it shall submit that information to WADA.

## **C.11 Refusing or failing, without compelling justification to comply with any other provision of this Programme.**

## **D. PROHIBITED SUBSTANCES AND PROHIBITED METHODS**

- D.1 This Programme incorporates the Prohibited List and shall be deemed to be automatically updated to reflect such changes as are made by WADA to the Prohibited List from time to time. Such changes shall become effective (save where otherwise provided by WADA) three months after publication of those changes by WADA on its website (currently located at [www.wada-ama.org](http://www.wada-ama.org)), without the need for any further action by the LTA. It is the responsibility of each Player and each Player Support Personnel to be familiar with the most current version of the Prohibited List.
- D.2 WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List, and its classification of substances into categories of the Prohibited List (e.g., as prohibited at all time, or alternatively as prohibited only In-Competition; or as a Specified Substance or as a non-Specified Substance) is final and shall not be subject to challenge by a Player or other Person.
- D.2.1 Many of the substances on the Prohibited List may appear either alone or as part of a mixture within medications and/or supplements that may be available with or without a physician's prescription. Players are reminded that, as set out in Article C.1.1 of this Programme, they are

strictly liable for any Prohibited Substances present in Samples collected from them. Players must ensure that Prohibited Substances do not enter or come to be present in their bodies and that Prohibited Methods are not Used.

### D.3 **Specified Substances:**

D.3.1 For purposes of this Programme, all Prohibited Substances shall be considered "**Specified Substances**" except (a) substances in the class of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the Prohibited List. Prohibited Methods shall not be Specified Substances.

D.3.2 In the event that WADA expands the Prohibited List by adding a new class of Prohibited Substances, WADA's Executive Committee shall determine whether any or all of the Prohibited Substances within the new class of Prohibited Substances shall be considered Specified Substances within the meaning of Article D.3.1.

## E. **THERAPEUTIC USE EXEMPTIONS**

### E.1 **Scope and Effect of TUEs**

E.1.1 In order to excuse the presence or Use or Possession or administration of a Prohibited Substance or Prohibited Method that would otherwise amount to an Anti-Doping Rule Violation under this Programme, such presence or Use or Possession or administration must be consistent with the provisions of a Therapeutic Use exemption (a "**TUE**") granted to the Player in accordance with this Article E.

E.1.2 The International Standard for Therapeutic Use Exemptions sets out the circumstances in which Players may claim the benefit of a TUE. This Programme adopts that International Standard, as amended from time to time. All Players and Player Support Personnel shall be deemed to accept the International Standard for Therapeutic Use Exemptions and any amendments thereto as binding on them without further formality.

E.1.3 International-Level Players should apply to the ITF for a TUE in accordance with Article 3.5 of the ITF Rules. All other Players should apply to UKAD for a TUE in accordance with the following provisions of this Article E. The LTA and UKAD shall recognise and give full force and effect to any TUE granted by or on behalf of the ITF in accordance with the ITF Rules. It shall be the responsibility of the Player alone to give the LTA and UKAD notice of any TUE granted to him/her by or on behalf of the ITF, so that it can be taken properly into account in any results management process. It shall also be the responsibility of the Player alone, where he/she becomes subject to the anti-doping rules of a third party, to determine whether that party will recognise any TUE granted to the Player under these LTA Rules.

E.1.4 Subject to Article E.1.6 (which identifies limited circumstances in which a TUE may be granted retrospectively), the following Players must obtain a TUE in accordance with Article E.2 prior to Using or Possessing or administering the Prohibited Substance or Prohibited Method in question: (a) a Player in the LTA Whereabouts Pool and (b) any other Players designated by UKAD in consultation with the LTA.

E.1.5 If a Player not covered by Article E.1.4 is tested pursuant to this Programme, if that Player has been using a Prohibited Substance or a Prohibited Method to treat a documented medical condition, then he/she may apply to UKAD for a retrospective TUE no later than five (5) working days after the test is completed (provided that UKAD may extend this deadline upon request by the Player for good cause shown). Any such TUE application shall be resolved before any Adverse Analytical Finding or Atypical Finding relating to that Player's Sample is processed in accordance with Article J.

E.1.6 Save as set out in Article E.1.5, emergency or retrospective approval of an application for a TUE may be granted only where:

- (a) Where the Player applying for the TUE had not played in the qualifying draw or main draw of any Covered Event prior to the Covered Event at which he/she was required to submit to Testing and/or the *Player* tested was not in the LTA Whereabouts Pool and has been using a Prohibited Substance or Prohibited Method for which he/she is entitled to a TUE.

**Comment**

*If a Player is participating in his/her first ever Covered Event, he/she is deemed not to be an International Level Athlete for purposes of the Code and therefore is not required to have an advance TUE. Therefore, if such a Player is tested at that event, and a Prohibited Substance or a Marker or Metabolite of a Prohibited Substance is found to be present in his/her sample, and/or evidence of his/her Use of a Prohibited Method is found, he/she may apply for a retroactive TUE to Use that substance or method. If the TUE is granted on terms consistent with the presence/Use found, then no further action will be taken against the Player. But if the TUE is not granted on terms consistent with that practice/Use, then proceedings may be brought against the Player for an Anti-Doping Rule Violation.*

- (b) emergency treatment or treatment of an acute medical condition was necessary; or
- (c) due to other exceptional circumstances, there was insufficient time or opportunity for the Player to submit the TUE application, or for the UKAD TUE Committee to consider that application, prior to the time the Player's Sample was collected; or
- (d) Where it is agreed by UKAD, the ITF (if applicable) and by WADA that fairness requires the grant of a retroactive TUE.

**E.2 TUE Application Process for TUE from UKAD**

- E.2.1 A Player requiring a TUE must follow the process for applications to the UK TUE Committee detailed in the UK Anti-Doping Procedures Guide for Sport. The UK TUE Committee will only grant the TUE in strict accordance with the criteria set out in the International Standard for Therapeutic Use Exemptions, which it is the *Player's* burden to satisfy.
- E.2.2 The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article C.5.

**E.3 Grant of a TUE**

- E.3.1 A Player may not assume that his/her application for a TUE (or for renewal of a TUE) will be granted. Any presence, *Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method* before an application has been granted shall be entirely at the *Player's* own risk.
- E.3.2 An application for a TUE will be deemed to have been granted only when the Player receives notice that his/her application has been successful. Each grant of a TUE to a Player in the LTA Whereabouts Pool will also be communicated to WADA for purposes of Article E.5.

**E.4 Expiration or Cancellation of a TUE**

- E.4.1 A TUE may have a specified duration as decided on a case by case basis by the UK TUE Committee. It may also be granted subject to such conditions or restrictions as the UK TUE Committee sees fit. On expiry of the term of the TUE, a Player who wishes to continue to Use the Prohibited Substance or Prohibited Method in question must again apply for a TUE in accordance with this Article E.
- E.4.2 A TUE granted pursuant to this Programme:

- (a) shall expire in accordance with Article E.4.1 at the end of any term for which the TUE was granted;
- (b) may be cancelled if the Player does not promptly comply with any requirements or conditions imposed by the UK TUE Committee upon grant of the TUE;
- (c) may be withdrawn if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or
- (d) may be reviewed by WADA pursuant to Article E.5.

E.4.3 Expiration of a TUE pursuant to Article E.4.2(a) shall take effect automatically at the end of the term for which the TUE was granted without the need for any further notice or other formality.

E.4.4 Cancellation of a TUE pursuant to Article E.4.2(b) or withdrawal of a TUE pursuant to Article E.4.2(c) shall be notified by UKAD to the Player with copies to the LTA, the ITF and WADA. Such notice shall take effect upon receipt.

E.4.5 In the event of an expiration, cancellation or withdrawal of the TUE pursuant to Article E.4.2, the Player shall not be subject to any sanctions based on his/her Use or Possession of the Prohibited Substance or Prohibited Method in question in accordance with the TUE at any time prior to the effective date of expiry, cancellation or withdrawal of the TUE. The review pursuant to Article J.2 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Method prior to that date, in which event there shall be no case to answer.

## **E.5 Review of Decision Granting or Denying a TUE Application or Revoking or Withdrawing a TUE.**

E.5.1 In accordance with Article 4.4 of the WADA Code and Article 8 of the International Standard for Therapeutic Use Exemptions, WADA may review TUE decisions as follows:

- (a) WADA must review any decision by the ITF not to recognise a TUE granted by UKAD that is referred to it by UKAD or the Player. In addition, WADA must review an ITF decision to grant a TUE that is referred to it by UKAD.
- (b) WADA may review any other TUE decisions at any time, whether upon request by those affected (e.g. at the request of a Player in the LTA Whereabouts Pool whose application for a TUE has been denied by the UK TUE Committee) or on its own initiative.
- (c) If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

E.5.2 Decisions of the ITF, the UK TUE Committee (and decisions of the UK TUE Appeal Panel), and WADA may be challenged by appeal in accordance with Article K.6.

E.5.3 A failure to take action (whether by the ITF, the UK TUE Committee, or WADA) within a reasonable time on a properly-submitted TUE application shall be considered a denial of the application for purposes of the appeal rights set out in Article K.6.

E.5.4 Until such time as the grant or denial of a TUE application made pursuant to these Rules has been reversed pursuant to Article E.5 (and Article K.6), such grant or denial shall remain in full force and effect.

## **E.6 Player Consent**

E.6.1 A Player who seeks a TUE pursuant to this Programme consents to the processing of the TUE application as set out in the UK Anti-Doping Procedures Guide for Sport, including:

- (a) the communication by UKAD of the information in the application to members of the UK TUE Committee and (as required) on an anonymised basis to other independent medical or other independent medical or scientific experts consulted by the UK TUE Committee;
- (b) the disclosure by the Player's physician(s) of any further information required by the UK TUE Committee to process his/her TUE application; and
- (c) the communication of the grant or denial of a TUE, including the details of any conditions or restrictions on such grant, and any supporting documentation or information, to the LTA, the ITF, WADA and other Anti-Doping Organisations.

E.6.2 Should the Player wish to revoke the consent set out at Article E.6.1, he/she must notify UKAD and his/her physician(s) in writing of the fact; provided that upon such revocation of consent the application for a TUE (or for renewal of an existing TUE) will be deemed denied.

## **F. IN-COMPETITION TESTING**

F.1 Players shall be subject to Testing by or on behalf of the LTA (including by UKAD) at Competitions and Events covered by Article B.1 that take place in Great Britain. The selection of the Competitions and Events at which Testing is to take place, the number of Players to be selected for Testing, and the procedures for selecting the Players for Testing, shall be determined by UKAD, or by the LTA when UKAD is not conducting the Testing, and shall remain confidential except to those Persons with a reasonable need to know of such selection in order to facilitate the Testing procedures.

F.2 A Player may be notified that he/she has been selected for "In-Competition" Testing in conjunction with an Event or Competition in which he/she is participating at any time from 00.01 local time on the day of the first match of the main draw (or of the qualifying draw, if he/she is participating in the qualifying draw) of the Competition in question (a) until sixty (60) minutes after the completion of the Player's last match in the Event (120 minutes if the Player's last match in the Event is the final match in the Competition in question) (or, where the Player is participating in the Event as part of a team, sixty (60) minutes after the completion of the team's last match in the Event) (120 minutes if the team's last match in the Event is the final match in the Competition in question); or (b) further to Article F.4, until his/her withdrawal, no-show, retirement or default from the Competition. Such periods (and only such periods) shall be deemed "In-Competition" periods for the purposes of this Programme and the WADA Code and Samples collected pursuant to notifications made in such periods shall be deemed to have been collected In-Competitions. (For purposes of the WADA Code, the "Event Period" shall be deemed to start at the same time as the "In-Competition" period and to end at midnight on the date of the last match played in the Event). Where a Player is participating in the ATP World Tour Finals, the WTA season-ending championships, the Davis Cup or Junior Davis Cup, the Fed Cup or Junior Fed Cup, or the Hopman Cup, the Player may be notified that he/she has been selected for In-Competition Testing in conjunction with that Event at any time in the following period:

- (i) from 00:01 local time on
  - (a) the day of the first match of the Event; or (if earlier)
  - (b) the first day that the Player is required to attend the Event (e.g., for the official draw ceremony);
- (ii) until:
  - (a) 60 minutes after the completion of the Player's last match in the Event (120 minutes if the Player's last match in the Event is the final match in the Competition in question) (or, where he/she is participating in the Event as a nominated member of the team, 60

minutes after the completion of his/her team's last match in the Event) (120 minutes if the team's last match in the Event is the final match in the Competition in question); or

(b) (further to Article F.3) the Player's withdrawal, no-show, retirement or default from the Competition;

and (for these events only) that period (rather than the period set out in Article F.2) shall be the "**In-Competition Period**".

- F.3 The actual timing of the Testing at a selected Event or Competition, and the selection of Player to be tested at that Event or Competition, shall be at the absolute discretion of UKAD, or the LTA when UKAD is not conducting the Testing. For the avoidance of doubt, UKAD, or the LTA when UKAD is not conducting the Testing, may select Players for Target Testing, so long as such Target Testing is not used for any purpose other than legitimate Doping Control purposes.
- F.4 Any Player who retires, is a no-show, is defaulted from a match or withdraws from the Competition at any time after 00.01 local time on the day of the first match of the main draw (or of the qualifying draw, if he/she is participating in the qualifying draw) of the Competition must submit to Testing upon or after such retirement, no show, default or withdrawal, if requested to do so by UKAD. If the Competition in question is a doubles Competition, then his/her doubles partner must also submit to Testing at the same time if requested to do so by UKAD. If the Player in question is not on-site at the time of the request, UKAD may require that the Player appear for Testing at a specified time and location, in which case the Player may be required to contribute to the costs of the test in an amount not exceeding £3,000. All Samples collected in accordance with this Article F.4 – i.e., where collection of the Sample is triggered by the Player's retirement, no-show, default or withdrawal from Competition - that are collected as part of a test commenced prior to midnight of the day following the Player's retirement, no-show, default or withdrawal from Competition will be deemed to have been collected In-Competition for the purposes of this Programme, whether or not the Player has actually played a match or part of a match in the Competition.
- F.5 Where a Sample is collected In-Competition, there shall be an Anti-Doping Rule Violation under Article C.1 if any substance on the Prohibited List (or any of its Metabolites or Markers) is present in the Sample or such analysis reveals evidence of Use of a Prohibited Substance or Prohibited Method.
- F.6 Testing pursuant to this Article F shall be conducted in accordance with the International Standard for Testing and the Tennis Testing Protocols in force from time to time. Players must familiarise themselves with, and must comply with, all of the requirements of that Standard and the Tennis Testing Protocols. The ITF (if applicable) and the LTA may provide Independent Observers to observe such Testing.

## **G. OUT-OF-COMPETITION TESTING**

### **G.1 Ambit of Out-of-Competition Testing**

- G.1.1 All Players must submit if requested to Testing by or on behalf of the LTA (including by UKAD) at any time and place.
- G.1.2 Any period outside of an In-Competition period shall be deemed an "**Out-of-Competition**" period for purposes of this Programme and the WADA Code. Any Testing of a Player outside of an In-Competition period shall therefore be considered Out-of-Competition Testing. Save in exceptional circumstances, such Testing shall be No Advance Notice Testing.
- G.1.3 Where a Sample is collected during an Out-of-Competition period, there shall only be an Anti-Doping Rule Violation under Article C.1 if a substance (or any of its Metabolites or Markers) that is prohibited during Out-of-Competition periods – i.e. it is listed in the section of the Prohibited List entitled "Substances and Methods Prohibited At All Times (In- and Out-of-Competition)" – is present in the Sample.

- G.1.4 A reasonable effort will be made to avoid inconvenience to a Player who is subjected to Out-of-Competition Testing. However, the LTA and UKAD shall not be liable for any inconvenience or loss caused to such a Player as a result of such Testing.
- G.2 Obligations on Players included in the LTA Whereabouts Pool.**
- G.2.1 In addition to the general Article G.1 obligation on all Players to submit to Out-of-Competition Testing under this Programme:
- (a) a Player may be designated by the ITF as part of a pool of players under the ITF Rules (the "**International Registered Testing Pool**") who are required to submit information as to their whereabouts to the ITF and to make themselves available for Testing at such whereabouts in accordance with Article I.4 of the International Standard for Testing and Investigations.
  - (b) UKAD in consultation with the LTA may designate and notify from time to time any Player to be included in a pool of Players, to be known as the "LTA Whereabouts Pool", who are required to provide up-to-date whereabouts information and to make themselves available for Testing at such whereabouts in accordance with this Article G.2.
- G.2.2 A Player in the LTA Whereabouts Pool is required: to advise UKAD (or, if he/she is also in the International Registered Testing Pool, the ITF) of his/her whereabouts on a quarterly basis, in the manner set out in Article I.3 of the International Standard for Testing and Investigations; and to be available for Testing at such whereabouts, in accordance with Article I.4 of the International Standard for Testing and Investigations. Unless otherwise specified by UKAD, Players in the LTA Whereabouts Pool shall use ADAMS to file their whereabouts information. This whereabouts information shall be maintained in strict confidence at all times,; shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential Anti-Doping Rule Violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard for the Protection of Privacy and Personal Information.
- G.2.3 Subject to the results management procedure set out at Article I.5 of the International Standard for Testing and Investigations and Article G.2.5:
- (a) a Player's failure to advise UKAD (or, where he/she is in the International Registered Testing Pool, the ITF) of his/her whereabouts shall be deemed a Filing Failure for the purposes of this Programme where the conditions of Article I.3.6 of the International Standard for Testing and Investigations are met; and
  - (b) a Player's failure to be available for Testing at his/her declared whereabouts shall be deemed a Missed Test for the purposes of this Programme where the conditions of Article I.4.3 of the International Standard for Testing and Investigations are met.
- G.2.4 Whereabouts information provided by a Player to UKAD pursuant to Article G.2.2 may be shared with the LTA, the ITF, WADA and other Anti-Doping Organisations in accordance with Article I.7.1(d) of the International Standard for Testing and Investigations.
- G.2.5 Results management in relation to an Anti-Doping Rule Violation under Article C.4:
- (a) if the Player in the LTA Whereabouts Pool is also in the International Registered Testing Pool, the ITF will be responsible for results management in respect of an apparent Filing Failure by the Player. Otherwise, however, results management in respect of an apparent Filing Failure by a Player in the LTA Whereabouts Pool shall be conducted by UKAD in accordance with Article I.6.2 of the International Standard for Testing and Investigations in order to determine whether the failure should be declared a Filing Failure for purposes of Article C.4;

- (b) results management in respect of an apparent Missed Test by a Player in the LTA Whereabouts Pool as a result of an attempt to test the Player by or on behalf of the LTA under this Programme shall be conducted by UKAD in accordance with Article I.6.3 of the International Standard for Testing and Investigations in order to determine whether the failure should be declared a Missed Test for purposes of Article C.4;
- (c) where, in any twelve-month period, a Player in the LTA Whereabouts Pool is declared to have three Filing Failures, or three Missed Tests, or any combination of Filing Failures and Missed Tests adding up to three in total, whether under this Programme, or (in accordance with Article I.1.5 of the International Standard for Testing and Investigations) under the rules of any other relevant Anti-Doping Organisation, then (save only where Article I.6.5(a) of the International Standard for Testing and Investigations provides otherwise) UKAD shall determine, in accordance with Article J.5.2 of this Programme and Article I.6.5 of the International Standard for Testing, whether the Player has a case to answer under Article C.4.

G.2.6 A Player in the LTA Whereabouts Pool shall continue to be subject to the requirements of this Article G.2 unless and until:

- (a) further to Article B.7 the Player is deemed under the LTA Rules and/or other rules applicable to him/her to have retired from the sport; or
- (b) the Player is notified in writing that he/she no longer satisfies the criteria established by UKAD pursuant to Article G.2.1 for inclusion in the LTA Whereabouts Pool.

G.2.7 A Player in the LTA Whereabouts Pool is personally responsible for compliance with the provisions of this Article G.2. It shall not be a defence to proceedings brought further to Article C.4 that a Player delegated responsibility for compliance to another person (e.g. a coach) and that person failed to ensure compliance.

#### G.2.8 **ABT Testing**

G.2.8.1 UKAD and/or the ITF shall implement its ABP Programme in accordance with the International Standard for Testing and Investigations, the International Standard for Laboratories, and the ABP Guidelines.

G.2.8.2 UKAD and/or the ITF will designate one or more person(s) to administer and manage the ABP Programme within and on behalf of UKAD and/or the ITF (the "**Athlete Passport Management Unit**", or "**APMU**"). UKAD and/or the ITF will also appoint suitably qualified, independent experts to form an expert panel ("**Expert Panel**") for purposes of the ABP Programme.

G.2.8.3 UKAD and/or the ITF as the case may be will decide, in its sole discretion, which Players will be selected for ABP Testing. UKAD and/or the ITF will also decide, consulting as appropriate with the Expert Panel (via the APMU), on the timing of such Testing. UKAD and/or the ITF will also coordinate as necessary with other competent Anti-Doping Organisations carrying out ABP Testing in relation to any Player(s). Players consent to UKAD and such other Anti-Doping Organisations sharing their data in relation to such ABP Testing with each other for purposes of their respective ABP Programmes.

G.2.8.4 Samples that are intended to be part of the ABP Programme will be collected, transported and analysed in accordance with the International Standard for Testing and Investigations, the International Standard for Laboratories, and the mandatory protocols set out in Appendices A to C of the ABP Guidelines.

G.2.8.5 The data arising from analysis of such Samples will be processed and reviewed in accordance with the ABP Guidelines to identify Atypical Passport Findings that warrant referral to a single expert from the Expert Panel, and thereafter (in the event that the evaluation of the single expert supports

the proposition that the profile is unlikely to be the result of a normal physiological or pathological condition) to a group of three experts from the Expert Panel (composed of the single expert appointed in the initial review and two further experts chosen by the APMU from the Expert Panel), for consideration in accordance with Appendix E of the ABP Guidelines.

- G.2.8.6 Where all of the three experts from the Expert Panel, having reviewed the ABP Documentation Package conclude that, subject to any explanation provided by the Player, it is highly likely that the Player Used a Prohibited Substance or Prohibited Method, and unlikely that there is any other plausible explanation for the Atypical Passport Finding, that conclusion (which should include the reasons for the conclusion) (an "**Adverse Passport Finding**"), shall be dealt with as set out in Article J.4.

### **G.3 Out-of-Competition Testing Procedures.**

- G.3.1 A Player may be selected for Out-of-Competition Testing whether or not he/she has been included in the LTA Whereabouts Pool. The timing of Out-of-Competition Testing and the selection of Players to be tested shall be at the absolute discretion of UKAD. For the avoidance of doubt, UKAD may select Players for Target Testing Out-of-Competition so long as such Target Testing is not used for any purpose other than legitimate Doping Control purposes. Decisions relating to timing and selection of Players for Out-of-Competition Testing shall remain confidential except to those with a reasonable need to know of them in order to facilitate such Testing.
- G.3.2 Out-of-Competition Testing shall be conducted in accordance with the International Standard for Testing and Investigations and the Tennis Testing Protocols. Players must familiarise themselves with, and must comply with, all of the requirements of that Standard and the Tennis Testing Protocols.

### **G.4 Testing of Minors**

- G.4.1 Testing of a Player who is a Minor shall be conducted in accordance with the International Standard for Testing and Investigations Annex C (Modifications for Players who are Minors).
- G.4.2 A Minor may not participate in any event unless a parent or guardian of that Minor has consented to Testing of the Minor. For purposes of this programme, such consent shall be deemed from the fact that the Minor has been permitted by his/her parent or guardian to participate in the sport. Confirmation in writing of such consent may be required to be provided at any time. Where the Minor is included in the LTA Whereabouts Pool, such consent must be confirmed upon notification of inclusion in the pool as a pre-condition to further participation in the sport. In addition, the rules of a particular Event may require the provision of written consent as a pre-condition of participation by any Minor in the Event.

## **H. SAMPLE ANALYSIS**

### **H.1 Use of Approved Laboratories.**

- H.1.1 For purposes of detecting the presence of a Prohibited Substance or its Metabolites or Markers and/or evidence of the Use of a Prohibited Method, Samples shall be sent for analysis only to WADA accredited laboratories or as otherwise approved by WADA.
- H.1.2 For purposes of screening of a blood (or other non-urine) Sample collected under this Programme to determine whether the Player's corresponding urine Sample should be analysed, Samples may be sent either to a WADA-accredited laboratory or to any other entity approved by WADA for this purpose (e.g. a local hospital or a mobile testing unit).
- H.1.3 Subject to Article H.1.1, the laboratory or laboratories used for the analysis of Samples collected under this Programme shall be chosen exclusively by UKAD.

## **H.2 Substances Subject to Detection**

Subject to Article G.1.3, the Samples collected under this Programme shall be analysed (a) to detect Prohibited Substances (and/or their Metabolites or Markers) and Prohibited Methods identified on the Prohibited List as updated from time to time), and/or (b) to assist in profiling relevant parameters in a Player's urine, blood or other matrix, including DNA profiling, for anti-doping purposes.

## **H.3 Restrictions on Use of Samples**

H.3.1 All Samples provided by a Player for the purposes of Testing under this Programme shall be the property of the LTA, and UKAD in consultation with the LTA shall be entitled to determine all matters regarding the analysis and disposal of such Samples.

H.3.2 No Sample may be used for any purpose other than as described in Article H.2 without the Player's written consent. A Sample used (with the Player's consent) for purposes other than as described in Article H.2 shall have the identity code removed or shall be transferred into an anonymous container so that it cannot be traced back to the Player who provided it.

## **H.4 Standards for Sample Analysis and Reporting**

H.4.1 Laboratories shall analyse Samples and report analytical results to UKAD in accordance with the International Standard for Laboratories, as amended from time to time. UKAD shall provide a copy of such analytical results to the MRO.

H.4.2 The LTA shall be responsible for the costs of collection and analysis of "A" Samples under this Programme. In the case of a "B" Sample, if the "B" Sample analysis tests negative for the Prohibited Substance or Prohibited Method that was found in relation to the "A" Sample, the LTA shall be responsible for the costs of the "B" Sample analysis. If the "B" Sample analysis tests positive for the Prohibited Substance or Prohibited Method that was found in relation to the "A" Sample, the Player shall be responsible for the costs of the "B" Sample analysis.

H.4.3 Any Adverse Analytical Findings reported by the laboratory shall be dealt with as set out in Article J.2.

H.4.4 Any Atypical Findings reported by the laboratory shall be dealt with as set out in Article J.3.

## **H.5 Re-Analysing Samples.**

A Sample collected under this Programme may be re-analysed for the purposes described in Article H.2 at any time exclusively at the direction of UKAD or WADA. The circumstances and conditions for re-analysing Samples shall conform with the requirements of the International Standard for Laboratories.

## **I. OTHER INVESTIGATIONS**

I.1 In addition to conducting the Testing referenced at Articles F and G of this Programme, UKAD shall have the power to gather anti-doping intelligence and conduct investigations in whatever manner it thinks fit into the matters that may evidence or lead to the discovery of evidence of an Anti-Doping Rule Violation. The LTA shall refer any allegations or information in this regard to UKAD for this purpose. Such investigations may be conducted in conjunction with, and/or information obtained in such investigations may be shared with, other Signatories and/or other relevant authorities. UKAD shall have discretion, where it deems appropriate, to stay its own investigation pending the outcome of investigations being conducted by other Signatories and/or other relevant authorities.

I.2 If a Participant knows or suspects that any other Participant has committed an Anti-Doping Rule Violation, it shall be the Participant's obligation to report such knowledge or suspicion as soon as possible to UKAD or the MRO (who shall immediately pass on such report to UKAD). A Participant

shall have a continuing obligation to report any new knowledge or suspicion regarding any Anti-Doping Rule Violation to UKAD or the MRO, even if the Participant's prior knowledge or suspicion has already been reported. Failure to comply with any of the foregoing without acceptable justification shall constitute an Anti-Doping Rule Violation within the meaning of Article C.11.

- I.3 Participants must cooperate fully with investigations conducted pursuant to this Article I. Failure or refusal to do so without acceptable justification shall constitute or an Anti-Doping Rule Violation within the meaning of Article C.11.
- I.3.1 If UKAD believes that a Participant may have committed an Anti-Doping Rule Violation, UKAD may make a written demand to such Participant (a "**Demand**") to furnish to UKAD any information regarding the alleged Anti-Doping Rule Violation, including (without limitation) a written statement setting forth the facts and circumstances with respect to the alleged Anti-Doping Rule Violation, provided that the Independent Reviewer(s) has/have agreed, in accordance with Article J.6, that there is a good faith basis for the Demand. The Participant must furnish such information within seven business days of the making of such Demand, or within such other time as may be set by UKAD. Any information furnished to UKAD in response to the Demand may be shared between UKAD and the LTA but otherwise shall be kept confidential except when it becomes necessary to disclose such information in furtherance of the prosecution of an Anti-Doping Rule Violation, or when such information is reported to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations.
- I.3.2 Each Participant waives and forfeits any rights, defences and privileges provided by any law in any jurisdiction to withhold information requested by UKAD in accordance with Article I.3.1. If a Participant fails to produce such information, the Participant's eligibility to compete in Competitions, Events and other activities covered by Article B.1 (or, in the case of a Player Support Personnel, to assist Players competing in such Competitions, Events and other activities) may be withdrawn, and he/she may be denied credentials and access to Competitions, Events and other activities covered by Article B.1, pending compliance with the Demand.
- I.4 Where, as the result of an investigation under this Article I, UKAD forms the view that an Anti-Doping Rule Violation may have been committed, the matter shall be dealt with as set out in Article J.4.

## **J. RESULTS MANAGEMENT**

### **J.1 Responsibility for Results Management**

- J.1.1 Results management and the investigation of potential Anti-Doping Rule Violations shall proceed pursuant to this Programme where the conduct in question:
- (a) was identified by Testing conducted pursuant to this Programme or otherwise arose in relation to this Programme;
  - (b) was identified by Testing conducted pursuant to other applicable rules (e.g. at an International Event) or otherwise arose in relation to those other rules, and the Anti-Doping Organisation that issued such rules requests or it is otherwise appropriate in all of the circumstances for the LTA and UKAD to take jurisdiction over the matter; or was identified by means other than Testing and UKAD was the first Anti-Doping Organisation to provide notice to the Player or other Person of an asserted Anti-Doping Rule Violation and it diligently pursues that Anti-Doping Rule Violation.
- J.1.2 Where responsibility for results management arises under this Programme, it shall be undertaken by UKAD.

### **J.2 Review of Adverse Analytical Findings**

- J.2.1 In respect of each Adverse Analytical Finding, in relation to an A Sample, then (save where an application for a retroactive TUE has been made to UKAD, in accordance with Article E of this Programme and/or the ITF under its Rules, in which case no action shall be taken pending a decision on the application) UKAD (involving Independent Reviewers as appropriate and consulting with the LTA) shall conduct a review of any TUE granted to the Player as well as of the documentation relating to the Doping Control and the A Sample analysis, and any other relevant documentation, as soon as reasonably practicable to determine whether:
- (a) the Adverse Analytical Finding is consistent with a TUE that has been granted or recognised in accordance with Article E; or
  - (b) there is any departure from the International Standard for Testing and Investigations or from the International Standard for Laboratories that caused the Adverse Analytical Finding.

J.2.2 If it is determined that either (a) or (b) in Article J.2.1 applies, UKAD shall advise the Player that there is no case to answer. UKAD shall also advise the LTA, WADA and any other Interested Party and (subject to any appeal) the matter shall not proceed any further.

J.2.3 If it is determined that neither (a) or (b) in Article J.2.1 applies, then there shall be deemed to be a case to answer and UKAD shall send the Player a Notice of Charge as set out in Article K.2.

### **J.3 Review of Atypical Findings**

J.3.1 In certain circumstances where a Prohibited Substance or its Marker or Metabolite detected in a Sample that may also be produced endogenously, the International Standards in certain circumstances direct laboratories to report the presence of such substance as an Atypical Finding that should be investigated further.

J.3.2 If a laboratory reports an Atypical Finding in respect of a Sample collected from a Player under this Programme, UKAD (using Independent Reviewers and consulting with the LTA as appropriate) shall conduct an initial review to determine whether:

- (a) the Atypical Finding is consistent with a TUE that has been granted or recognised in accordance with Article E; or
- (b) there is any departure from the International Standard for Testing and Investigations or from the International Standard for Laboratories that caused the Atypical Finding.

J.3.3 If it is determined that either (a) or (b) in Article J.3.2 applies, UKAD shall advise the Player that there is no case to answer. UKAD shall also notify the LTA, WADA and any other Interested Party and (subject to any appeal) the matter shall not proceed any further.

J.3.4 If it is determined that neither of (a) or (b) in Article J.3.2 applies, UKAD may conduct any necessary follow-up investigation.

J.3.5 The results of the investigation shall be referred to one or more Independent Reviewers, if appropriate. If the Independent Reviewer(s) conclude(s) that the Atypical Finding should be considered an Adverse Analytical Finding, and following due consideration (including consultation with the LTA) it is determined that there is a case to answer under Article C, the matter shall proceed in accordance with Article J.2.3.

J.3.6 Pending the outcome of the investigation, the Atypical Finding shall be kept confidential, save that:

- (a) if it determines that the B Sample should be analysed as part of the investigation, UKAD shall notify the Player in accordance with Article K.2.1(d) and such notice shall additionally include a description of the Atypical Finding and specify the Player's right to request copies of the A and B Sample Laboratory documentation packages; and

- (b) if required by the LTA, the ITF or a Major Event Organisation in the lead-up to an Event, or by the LTA or other sports organisation about to select Players for an International Event, UKAD may confirm that the Player has a pending Atypical Finding, after informing the Player.

J.3.7 If UKAD decides not to pursue the Atypical Finding as an Adverse Analytical Finding, it shall so notify the Player, the LTA, WADA and any other Interested Party and (subject to any appeal) the matter shall not proceed any further. Any Interested Party may either appeal that decision or may elect to treat the Atypical Finding as an Adverse Analytical Finding and initiate proceedings under its own rules.

#### **J.4 Review Adverse Passport Findings**

J.4.1 If an Adverse Passport Finding is reported, UKAD will notify the Player and WADA of the Adverse Passport Finding, send the Player a copy of the ABP Documentation Package, invite the Player to provide (by a specified deadline) an alternative explanation for the data on which the Adverse Passport Finding is based, and explain that, in the absence of a satisfactory alternative explanation, UKAD will proceed on the basis that the Player has a case to answer under Article C. UKAD will forward any explanation provided by the Player in response to that notice, together with any information supplied by the Player in support of that explanation, to the three experts from the Expert Panel referred to in Article G.2.8, for consideration (along with any other information that the three experts deem necessary) in accordance with the ABP Guidelines.

J.4.2. If, following such consideration, the three experts from the Expert Panel are no longer unanimously of the view that it is highly likely that the Player Used a Prohibited Substance or Prohibited Method, UKAD shall notify the Player and each Interested Party and (subject to the rights of appeal set out at Article K6) the matter shall not proceed any further.

J.4.3 If, following such consideration, the three experts from the Expert Panel maintain, notwithstanding the Player's explanation, that it is highly likely that the Player Used a Prohibited Substance or Prohibited Method, and unlikely that the Adverse Passport Finding is the result of any other cause, then UKAD shall send the Player a Notice of Charge in accordance with Article K.2.

#### **J.5 Review of Whereabouts Failures**

J.5.1 Where (in accordance with Article I.5.2 of the International Standard for Testing and Investigations) a Player requests an administrative review of an alleged Filing Failure or Missed Test, UKAD will refer the file to one or more suitably qualified Independent Reviewers who shall carry out that administrative review in accordance with Article I.5.2 of the International Standard for Testing and Investigations.

J.5.2

- (a) If following such review it is determined that the alleged Filing Failure or Missed Test should not be recorded against the Player, UKAD shall notify the Player, as well as the LTA, WADA and any other Interested Party and (subject to any appeal) the matter shall not proceed any further giving reasons for that decision.
- (b) If following such review it is determined that the alleged Filing Failure or Missed Test should be recorded against the Player, UKAD shall notify the Player, as well as the LTA, WADA and any other relevant Anti-Doping Organisation.
- (c) In such circumstances, if two whereabouts failures have already been recorded against the Player in the 12-month period prior to the alleged Filing Failure or Missed Test under administrative review, then following consultation with the LTA (and subject to Article 11.6.5 of the International Standard for Testing and Investigations) UKAD shall send the Player a Notice of Charge in accordance with Article K.2.1.

## **J.6 Review of Demands**

Where UKAD wishes to make a Demand of a Player in accordance with Article I.3, it shall first refer the Demand to an Independent Reviewer(s) to determine whether there is a good faith basis for the Demand, such that withdrawing eligibility for, access to and accreditation for Competitions, Events and other activities covered by Article B.1 in the case of non-compliance with the Demand is justified. In considering the Demand, the Independent Reviewer(s) shall have the discretion but not the obligation to invite such submissions from UKAD and the Participant in question as it sees fit. If the Independent Reviewer(s) determine(s) that there is no good faith basis for the Demand, then (a) UKAD shall not pursue the Demand with the Player; and (b) there shall be no consequences imposed on the Player for not complying with the Demand.

## **K. DISCIPLINARY PROCEEDINGS**

### **K.1 Statute of Limitations.**

No action may be commenced under this Programme against a Participant for an Anti-Doping Rule Violation under this Programme unless such action is commenced within ten years from the date that the Anti-Doping Rule Violation is alleged to have occurred.

### **K.2 Notice of Charge.**

K.2.1 Subject always to Article K.1, where it is determined, pursuant to Article J, that a Participant has a case to answer under Article C, then UKAD will as soon as practicable send the Participant a letter (the "**Notice of Charge**"), copied to the LTA, the ITF and WADA, notifying the Participant of:

- (a) the Anti-Doping Rule Violation(s) that the Participant is charged with committing;
- (b) a summary of the facts and evidence relied upon by UKAD in support of such charge and where the charge is based on an Adverse Analytical Finding, the Player's right to request copies of the "A" Sample and "B" Sample laboratory documentation package, containing the information required by the International Standard for Laboratories, should be enclosed with the Notice of Charge;
- (c) the Consequences applicable under this Programme if it is established that the Participant has committed the Anti-Doping Rule Violation(s) charged (including identifying any discretion that may exist in relation to such Consequences under this Programme);
- (d) (where applicable) the matters relating to Provisional Suspension specified at Article K.4;
- (e) where the charge is based on an Adverse Analytical Finding:
  - (i) the right of the Player to promptly request the analysis of the B Sample and, failing such request, the B Sample analysis shall be deemed to be waived;
  - (ii) notice that the place, time and date for the B Sample analysis (if such analysis is requested by the Player) must be agreed between UKAD and the Player within 10 days of the Player's receipt of the Notice of Charge; and
  - (iii) the right of the Player and/or the Player's representative to attend the analysis of the B Sample, in accordance with Article K.3; and
- (f) the right of the Player or Participant to respond to the Notice of Charge in one of the following ways:
  - (i) to admit the Anti-Doping Rule Violation(s) charged, and accede to the Consequences specified in the Notice of Charge;

- (ii) to admit the Anti-Doping Rule Violation(s) charged, but to dispute and/or seek to mitigate the Consequences specified in the Notice of Charge, and to have the Consequences determined at a hearing conducted in accordance with Article K.5; or
- (iii) to deny the charge, and to have the charge and (if the charge is upheld) any Consequences determined at a hearing conducted in accordance with Article K.5;

provided that if the Participant wishes to exercise his/her right to a hearing conducted in accordance with Article K.5, he/she must submit a written request for such a hearing so that it is received by UKAD within ten (10) days of the Participant's receipt of the Notice of Charge. The Participant's request for a hearing must also state how the Participant responds to the charge in the Notice of Charge and must explain (in summary form) the basis for that response. In the event no such response is received within the ten (10) day deadline, the Participant will be deemed to have admitted the Anti-Doping Rule Violation(s) charged, and unless UKAD (at its sole discretion) refers the determination of the applicable Consequences to a hearing in accordance with its Rules, the Participant shall also be deemed to have acceded to the Consequences set out in the Notice of Charge.

K.2.2 UKAD shall send copies of the Notice of Charge to each Interested Party.

K.2.3 In the Notice of Charge, and/or at any other time prior to the decision of the NADP tribunal, UKAD may invite the Participant to admit the Anti-Doping Rule Violation(s) charged and accede to specified Consequences.

K.2.4 In the event that UKAD withdraws the Notice of Charge or the Participant admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by UKAD (or is deemed to have done so in accordance with Article K.2.1), neither B Sample analysis nor a hearing before the NADP tribunal shall be required. Instead a decision shall be issued confirming the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences, and UKAD shall send a copy of the decision to the Participant and each Interested Party, and shall publish that decision in accordance with Article K.8.

### **K.3 B Sample Analysis**

K.3.1 If the Player exercises the right to have his/her B Sample analysed, such analysis shall be conducted on the date and at the time and place agreed to between UKAD and the Player (in accordance with Article K.2.1 (e) (i)), and the Player and/or his/her representative shall have a right to attend on that date at the Player's cost to witness the opening and analysis of the B Sample, as shall representatives of UKAD, and the LTA (at their own cost). The Player shall have no right to an adjournment of the agreed date. If the Player or his representative is unable to attend on the agreed date, then the laboratory shall arrange for an independent witness to attend the B Sample analysis to verify, in accordance with the International Standard for Laboratories, that the B Sample container shows no signs of tampering and that the identifying numbers correspond to those on the Sample collection documentation. Where a Player has been provisionally suspended (in accordance with Article K.4.1 or K.4.2), he/she shall remain provisionally suspended notwithstanding the fact that he/she has requested the analysis of his/her B Sample.

K.3.2 If the Player admits the Anti-Doping Rule Violation(s) charged, and/or does not exercise his/her right to the B Sample analysis in accordance with Article K.3, he/she will be deemed to have accepted the Adverse Analytical Finding based on the A Sample analysis alone. UKAD may however proceed with such analysis at any time if it believes that it is relevant to the proceedings against the Player, in which case an independent witness shall attend the analysis for the purpose set out in Article K.3.1.

K.3.3 If the analysis of the B Sample does not confirm the Adverse Analytical Finding in respect of the A Sample, then (unless UKAD charges the Player with Use under Article C.2) the entire test shall be

considered negative and the Player and each Interested Party will be so informed. In such circumstances, the Notice of Charge will be withdrawn, the proceedings instituted against the Player shall be discontinued, any Provisional Suspension previously imposed on the Player pursuant to Article K.4 shall be deemed automatically vacated with immediate effect, and no further disciplinary action shall be taken against the Player by UKAD in relation to the original Adverse Analytical Finding (provided, however, that UKAD may investigate why the A Sample did not match the B Sample). In addition, where the Player or the Player's team has been removed from a Competition as a result of the Adverse Analytical Finding, if it is still possible (without otherwise affecting the Competition) for the Player or team to be reinstated, the Player or team may be reinstated and continue to take part in the Competition.

K.3.4 If the B Sample analysis confirms (or is deemed to confirm) the Adverse Analytical Finding in respect of the A Sample, then UKAD shall provide the B Sample laboratory documentation package to the Player (if applicable), and the matter shall proceed to a hearing as set out in Article K.5. In case of doubt as to whether the B Sample analysis confirms the Adverse Analytical Finding in respect of the A Sample, UKAD may refer the matter to one or more Independent Reviewer(s), as it deems appropriate.

K.3.5 Where Article K.3.2 and/or K.3.3 applies, UKAD shall be responsible for the costs of the B Sample analysis. Where Article K.3.4 applies, the Player shall be responsible for the costs of the B Sample analysis.

#### **K.4 Provisional Suspension.**

K.4.1 Mandatory Provisional Suspension after an Adverse Analytical Finding:

Where an Adverse Analytical Finding or Adverse Passport Finding is issued against a Player for a Prohibited Substance or for evidence of a Prohibited Method, other than a Specified Substance, and it has been concluded in accordance with Article J.2 or Article J.4 that the Player has a case to answer under Article C.2, then (subject only to Article K.4.3) a Provisional Suspension will come into effect automatically on the date specified by UKAD in the Notice of Charge.

K.4.2 Discretionary Provisional Suspension in other cases:

- (a) In all other cases not covered by Article K.4.1 where it is determined that a Participant has a case to answer under Article 2, unless UKAD decides to disapply this Article K.4.2 then (subject only to Article K.4.3) a Provisional Suspension will come into effect automatically on the date specified by UKAD in the Notice of Charge.
- (b) If UKAD disapplies Article K.4.2 so that no date is specified in the Notice of Charge for a Provisional Suspension to come into effect, no Provisional Suspension will come into effect prior to determination of the charge unless so ordered by the NADP on application by UKAD, which application must be based on evidence that was not available to UKAD at the time the Notice of Charge was sent.

K.4.3 A Participant's right to challenge the imposition of a Provisional Suspension:

A Participant who receives notice of an automatic Provisional Suspension pursuant to Article K.4.1 or Article K.4.2(a) has the right to apply to the NADP, either immediately (i.e., before the Provisional Suspension comes into force) or at any time prior to the full hearing, showing cause why the Provisional Suspension should not be imposed (or, where it has been imposed, why it should be lifted), provided that:

- (a) If the Participant applies for an order that the Provisional Suspension not be imposed before the Provisional Suspension comes into effect under Article K.4.1 or K.4.2(a), then the Provisional Suspension shall not come into effect pending the decision on the application.

- (b) If the Participant does not make an application before the Provisional Suspension comes into effect under Article K.4.1 or K.4.2(a), but makes an application after that date for the Provisional Suspension to be lifted, the Provisional Suspension shall remain in place pending the decision on the application.
- (c) The Provisional Suspension shall be imposed (or shall not be lifted) unless the Participant establishes that:
  - (i) the charge(s) has/have no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the Participant;
  - (ii) the Participant has a strong arguable case that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation(s) charged, so that any period of Ineligibility that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article M;
  - (iii) the violation is likely to have involved a Contaminated Product; or
  - (iv) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a Provisional Suspension prior to a full hearing on the merits of the charge(s) against the Participant. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Participant participating in a particular Competition or Event shall not qualify as exceptional circumstances for these purposes.

K.4.4 Provisional Suspensions may be appealed as provided under Article K.6.

K.4.5 No Provisional Suspension if B Sample analysis does not confirm A Sample analysis:

In accordance with Article K.3, if the B Sample analysis does not confirm the Adverse Analytical Finding in respect of the A Sample, then no Provisional Suspension shall be imposed upon the Participant. If a Provisional Suspension was imposed prior to receipt of the non-confirmatory results of the B Sample analysis, it shall be deemed automatically vacated with immediate effect, without the need for any order from the NADP.

K.4.6 Effect of Provisional Suspension:

A Participant who is subject to a Provisional Suspension may not, during the period of Provisional Suspension, participate in any capacity (or, in the case of a Player Support Person, assist a Player who is participating in any capacity) in any Competition, Event or other activity organised, convened, authorised or recognised by the LTA. In addition, the LTA shall take all steps within its power to have the Provisional Suspension recognised and enforced by all other relevant parties, including in accordance with Code Article 15.1.

K.4.7 Notice of Provisional Suspension:

- (a) Any Provisional Suspension imposed under this Article K.4 will be notified to all Interested Parties, but will otherwise remain confidential in accordance with Article P, save only to the extent disclosure is required to ensure that the Provisional Suspension is recognised and enforced, including in accordance with Code Article 15.1.
- (b) In all cases where a Player has been notified of an Anti-Doping Rule Violation that does not result in a mandatory Provisional Suspension under Article K.4.1, the Player shall be offered the opportunity to accept a Provisional Suspension pending the resolution of the matter.

K.4.8 Right to expedited hearing:

A Player who is subject to a Provisional Suspension has the right, if he/she so wishes, to an expedited hearing on the merits of the charge(s) against him/her pursuant to Article K.5, to take place (save in exceptional circumstances) no later than 14 days after the date of imposition of the Provisional Suspension.

K.4.9 For the avoidance of doubt, no Provisional Suspension may be imposed on a Player under this Programme except in the circumstances set out in Article K.4.1, and in accordance with the provisions of Articles K.4.2 – K.4.8. In other cases where a Notice of Charge is issued, however:

- (a) if the Player voluntarily accepts a Provisional Suspension in writing in accordance with Article M.9.3 and thereby foregoes any form of involvement in any Event or Competition or other activity covered by Article B.1 pending determination of the charge against him/her (including but not limited to playing, coaching and/or participating in any capacity at such Events, Competitions or other activities), then that period of voluntary Provisional Suspension will be credited against any period of Ineligibility subsequently imposed on the Player; and
- (b) if the Player continues to compete in Events or Competitions pending determination of the charge against him/her, where requested by the LTA the organisers of the relevant Events or Competitions shall pay to the LTA upon demand the following proportions of any Prize Money won by the Player subsequent to his/her receipt of the Notice of Charge (taken in aggregate, across all of the relevant Events), to be held in escrow pending the determination of the charge:

Total aggregate prize money    Percentage withheld

£0-7,500	0%
£7,501-27,500	50%
£27,501+	100%

If the final decision of the NADP tribunal does not require the forfeiture of such escrowed Prize Money, then it shall be returned without delay to the Player, together with any interest earned on the money while it was in escrow. If such forfeiture is required, any interest earned shall be retained by the LTA.

K.4.10 No admission shall be inferred, or other adverse interference drawn, from (a) a Player's decision not to make an application under Article K.4.1 to avoid (or vacate) a Provisional Suspension; or (b) a Player's decision to accept a voluntary Provisional Suspension under Article K.4.9(a).

## **K.5        Proceedings before the NADP**

### **K.5.1      Jurisdiction of the NADP:**

The following matters arising under the Programme shall be submitted for determination by the NADP, in accordance with this Article K and (to the extent they do not conflict with this Article K) the procedural rules issued by the NADP (as amended from time to time):

- (a) a charge that one or more Anti-Doping Rule Violations has been committed: see Article K.2. Where such charge is upheld, the NADP tribunal will determine what Consequences (if any) should be imposed, in accordance with and pursuant to Articles L and M;
- (b) an application that a Provisional Suspension should not be imposed (or should be lifted): see Article K.4; and/or
- (c) An appeal to an NADP appeal tribunal brought in accordance with Article K.6.

## **K.5.2 Observers**

Interested Parties who are not joined as a party to the proceedings before NADP shall have the right (a) to be kept advised of the status and outcome (with reasons) of the proceedings; and (b) to attend all hearings as observers.

## **K.5.3 Rules of Evidence and Procedure before the NADP:**

- (a) UKAD (which may be assisted by a legal representative) will have the burden of establishing that the Participant has committed the Anti-Doping Rule Violation(s) specified in the Notice of Charge. The burden will be to establish to the comfortable satisfaction of the NADP tribunal that the Participant has committed the Anti-Doping Rule Violation(s) charged, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.
- (b) Where this Programme places the burden of proof on the Participant charged to rebut a presumption or established specified facts or circumstances, the standard of proof shall be by a balance of probability.
- (c) The NADP tribunal will not be bound by judicial rules governing the admissibility of evidence, relevance and the weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any legal rules in relation to such matters. Facts relating to Anti-Doping Rule Violations may be established by any reliable means, including admissions. The following rules shall apply:
  - (i) Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review shall be presumed to be scientifically valid. Any Participant seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS, on its own initiative, may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceedings.
  - (ii) WADA-accredited laboratories and other laboratories approved by WADA, shall be presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Participant charged may rebut this presumption by establishing that a departure from the International Standard for Laboratories has occurred that could reasonably have caused the Adverse Analytical Finding or the factual basis for any other Anti-Doping Rule Violation with which the Participant has been charged. If the presumption is rebutted in this way, UKAD shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding or the factual basis for such other Anti-Doping Rule Violations.
  - (iii) Departures from any other International Standard or other anti-doping rule or policy that did not cause the facts alleged in support of a charge (eg. an Adverse Analytical Finding) or the factual basis for such other Anti-Doping Violation shall not invalidate such evidence or results. If the Participant charged establishes that a departure from an International Standard or other anti-doping rule or policy occurred that could reasonably have caused the facts alleged in support of the charge, then UKAD shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding or the factual basis for such other Anti-Doping Violation.

- (iv) Any other deviation from this Programme shall not invalidate any finding, procedure, decision or result under the Programme unless the Participant relying on such deviation establishes that it casts material doubt on the reliability of that finding, procedure, decision or result, and UKAD is unable to rebut that showing.
  - (v) The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction that is not the subject of a pending appeal shall be irrebuttable evidence against the Person to whom the decision pertained of those facts, unless the Person establishes that the decision violated principles of natural justice; and
  - (vi) The NADP tribunal may draw an inference adverse to the Participant charged with an Anti-Doping Rule Violation based on the Participant's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or by telephone as directed by the NADP tribunal) and to answer questions from UKAD or the NADP tribunal.
- (d) The LTA shall have the right to participate in the proceedings as a party, including receiving notice of all matters, having the right to attend all hearings, and to make such interventions and submissions as it sees fit.

#### **K.5.4 Decisions:**

Where the NADP tribunal finds that an Anti-Doping Rule Violation has been committed, it shall impose the Consequences mandated by Articles L and M. Where those Articles confer discretion on the NADP tribunal as to any of the Consequences to be imposed for the Anti-Doping Rule Violation committed, the NADP tribunal shall also exercise that discretion to fix such Consequences within the specified range, after considering any submissions on the subject that the parties may wish to make.

#### **K.5.5 Single Hearing before CAS**

Anti-Doping Rule Violations asserted against International-Level Players or National-Level Players may, with the consent of the Player, UKAD, WADA and any other Anti-Doping Organisation that would have had a right to appeal a first instance hearing decision to CAS, be heard directly by CAS, with no requirement for a prior hearing.

#### **K.6 Appeal Proceedings.**

##### **K.6.1 Appeal Rights**

Decisions made under these Articles may be challenged only by appeal exclusively as set out in this Article K6 or as otherwise provided under these Articles. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

##### **K.6.2 Appeals from TUE Decisions**

K.6.2.1 In the event that the TUE application of a Player who is not an International-Level Player is denied by the UK TUE Committee, the Player may appeal the decision, in whole or in part, exclusively to the UK TUE Appeal Panel, in the manner set out in the UK Anti-Doping Procedures Guide for Sport.

K.6.2.2 Decisions of the UK TUE Appeal Panel shall be final and binding and are not subject to appeal (but for the avoidance of doubt, they may still be reviewed by WADA at any time in accordance with these Articles).

- K.6.2.3 Any TUE decision by the ITF that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Player and/or UKAD exclusively to CAS.
- K.6.2.4 A decision by WADA to reverse a TUE decision may be appealed by the Player, UKAD and/or the ITF affected exclusively to CAS.

### **K.6.3 Appeals from Provisional Suspensions**

- K.6.3.1 If an application under the Articles not to impose (or to lift) a Provisional Suspension is rejected, only the Participant upon whom the Provisional Suspension is imposed shall have a right to appeal that decision (save that there shall be no right to appeal a decision not to eliminate a mandatory Provisional Suspension on account of the Player's assertion that the violation is likely to have involved a Contaminated Product). The Participant shall have the right to an immediate expedited appeal in accordance with Articles K.6.4 and K.6.7. The Provisional Suspension shall remain in effect pending a decision on the merits of the appeal.
- K.6.3.2 If an application under the Articles not to impose (or to lift) a Provisional Suspension is granted, that decision shall be final and binding on the parties (subject only to reconsideration in the light of any new evidence), and neither UKAD nor any other Person shall have a right to appeal against it.

### **K.6.4 Appeals from Other Decisions**

- K.6.4.1 The following decisions -- a decision that an Anti-Doping Rule Violation was (or was not) committed, a decision imposing (or not imposing) Consequences for an Anti-Doping Rule Violation (other than as provided for in Article K.6.3); a decision that a charge cannot go forward for procedural reasons (e.g., because of lapse of time); a decision by WADA not to grant an exception to the six month notice requirement for a retired Player to return to Competition under Article B.7.1; a decision by WADA assigning results management under Code Article 7.1; a decision not to bring forward an Adverse Analytical Finding or an Atypical Finding as an Anti-Doping Rule Violation, or a decision not to go forward with a charge after an investigation under Article J.4; UKAD's failure to comply with Article K.4; a decision on an application made pursuant to Article A.6.4; a decision that UKAD or a hearing panel lacks jurisdiction to deal with an alleged Anti-Doping Rule Violation or its Consequences; a decision made pursuant to Article M.6 in relation to suspension or reinstatement of a period of Ineligibility; a decision under Article M.11.16; and a decision not to recognise a decision of another Anti-Doping Organisation under Code Article 15.1 -- may be appealed by any of the following parties exclusively as provided in this Article K.6:

- (a) the Player or other Person who is the subject of the decision being appealed;
- (b) the LTA;
- (c) UKAD;
- (d) the ITF;
- (e) the National Anti-Doping Organisation(s) of the Person's country of residence, country of nationality, and country where he/she is licensed to participate in sport (if different from UKAD);
- (f) any other Anti-Doping Organisation under whose rules a sanction could have been imposed for the Anti-Doping Rule Violation in question;
- (g) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- (h) WADA.

In the absence of any such appeal, such decisions shall be final and binding on all of the above Persons.

K.6.4.2 Subject to Article K.6.4.5, an appeal pursuant to Article K.6.4.1 shall be made as follows:

- (a) In a case arising from participation in an International Event or involving an International-Level Player, the appeal shall be made exclusively to CAS, following the procedures set out in CAS Code of Sports-related Arbitration and in Article K.6.4.7 of these Rules.
- (b) In all other cases, the appeal shall be made to an NADP appeal tribunal, following the procedures set out in the NADP Rules and in Article K.6.4.7 of these Articles, unless the parties to the appeal all consent that the appeal should be heard by CAS.

#### **K.6.5 Appeals by WADA**

- (a) Notwithstanding any other provision of these Rules, where WADA has a right of appeal under these Articles against a decision, and no other party has appealed against that decision, WADA may appeal such decision directly to CAS without having first to exhaust any other remedy, including (without limitation) without having to appeal to an NADP appeal tribunal.
- (b) Where, in a particular case, UKAD fails to render a decision with respect to whether an Anti-Doping Rule Violation was committed within a reasonable deadline set by WADA, WADA shall have a right of appeal to CAS as if UKAD had rendered a decision finding no Anti-Doping Rule Violation. If CAS determines that an Anti-Doping Rule Violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in pursuing the appeal shall be reimbursed to WADA by UKAD.

#### **K.6.6 Appeals from NADP Appeal Tribunal Decisions**

For cases under Article K.6.4.2, decisions of an NADP appeal tribunal may be challenged by appeal to CAS only by WADA, the ITF, and, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, by the International Olympic Committee and International Paralympic Committee (as applicable). Subject thereto, decisions of the NADP shall be the full, final and complete disposition of the appeal and will be binding on all of the Persons identified in Article K.6.4.1. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organisation whose decision is being appealed and the information shall be provided if CAS so directs.

#### **K.6.7 Appeal Procedure**

K.6.7.1 The time to file an appeal to the NADP or to CAS (as applicable) shall be 21 days from the date of receipt of the decision by the appealing party; save that:

- (a) Within 10 days of receipt of the decision, a potential appellant that was not a party to the proceedings that gave rise to the decision shall have the right to request from the body that issued the decision a copy of the file on which such body relied. It shall then have 21 days from receipt of the file to file an appeal.
- (b) The filing deadline for an appeal filed by WADA shall be the later of:
  - (i) 21 days after the last day on which any other party in the case could have appealed; and
  - (ii) 21 days after WADA's receipt of a copy of the file on which the body that issued the decision relied.

- K.6.7.2 Each Interested Party, if not joined as a party to the appeal, shall have the right to be kept apprised of the status and outcome (with reasons) of the appeal, as well as the right to attend appeal hearings as an observer.
- K.6.7.3 Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under these Articles or the Code are specifically permitted. Any party with a right to appeal under this Article K.6 must file a cross appeal or subsequent appeal at the latest with the party's answer.
- K.6.7.4 The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.
- K.6.7.5 In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.
- K.6.7.6 UKAD (or any other Anti-Doping Organisation that is a party to an appeal) shall promptly provide the appeal decision to the Participant and to the Interested Parties. Any Interested Party may, within 15 days of receipt of a decision pursuant this Article K.6.7.6, request a copy of the full case file pertaining to the decision.

**K.7 Failure to Render a Timely Decision.**

Where, in a particular case, UKAD fails to decide whether an Anti-Doping Rule Violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if UKAD had decided there was no Anti-Doping Rule Violation. If CAS determines that an Anti-Doping Rule Violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's reasonable costs and legal fees in prosecuting the appeal shall be reimbursed to WADA by UKAD.

**K.8 Publication of Decisions.**

- K.8.1 A decision under this Programme finding that an Anti-Doping Rule Violation has been committed will be disclosed publicly once the Participant's appeal rights have been exhausted, i.e., if the Participant does not exercise his/her right of appeal or if he/she exercises that right but the finding that an Anti-Doping Rule Violation has been committed is upheld.
- K.8.2 Any decision under this Programme exonerating the Participant charged may only be publicly disclosed on an anonymised basis, unless the Participant agrees otherwise.
- K.8.3 Subject to the foregoing, and to the confidentiality provisions of Article P, UKAD shall keep the LTA, ITF, WADA and any other Interested Parties advised of the status of the disciplinary and/or appeal proceedings and any decisions taken pursuant to the Programme, and each of them is entitled to attend the disciplinary hearing(s) to observe the proceedings (subject to any directions imposed by the relevant disciplinary panel).

**L. DISQUALIFICATION OF RESULTS**

- L.1 An Anti-Doping Rule Violation committed by a Player in connection with or arising out of an In-Competition test automatically leads to Disqualification of the result obtained by the Player in the Competition in question, with all resulting consequences, including forfeiture of any medals, titles, computer ranking points and Prize Money obtained in that Competition. In addition, further results obtained by the Player in the same or subsequent Events may be Disqualified, in accordance with Article M.1 (same Event) and/or Article M.8 (subsequent Events).
- L.2 Where results obtained by a Player in a doubles Competition are Disqualified because of that Player's Anti-Doping Rule Violation, that Player shall be required to forfeit his/her share of the Prize Money that was awarded to the doubles pair in which he/she competed in such Competition. In addition:

- L.2.1 Where results obtained by a Player in a doubles Competition are Disqualified pursuant to Article L.1 because of that Player's Anti-Doping Rule Violation in connection with or arising out of that doubles Competition, the result of the Player's doubles partner in that Competition shall also be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, computer ranking points and Prize Money.
- L.2.2 Where results obtained by a Player in a doubles Competition are Disqualified pursuant to Article M.1 because of that Player's Anti-Doping Rule Violation in relation to another Competition at that Event, the result of the Player's doubles partner in that doubles Competition shall also be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, computer ranking points and Prize Money, unless the doubles partner establishes at a hearing, on the balance of probabilities, (a) that he/she was not implicated in the first Player's Anti-Doping Rule Violation; and (b) and that the result in the doubles Competition was not likely to have been affected by the first Player's Anti- Doping Rule Violation.
- L.2.3 Where results obtained by a Player in doubles Competition(s) in an Event played subsequent to the Competition that produced the positive Sample are Disqualified pursuant to Article M.8 because of that Player's Anti-Doping Rule Violation, the result of the Player's doubles partner(s) in such subsequent Competition(s) shall not be Disqualified unless UKAD establishes, to the comfortable satisfaction of the NADP tribunal, that the doubles partner(s) was implicated in the first Player's Anti- Doping Rule Violation.
- L.3 There will be no readjustment of medals, titles, computer ranking points or Prize Money for any Player who lost to a Player subsequently found to have committed an Anti-Doping Rule Violation unless provision is made for such readjustment by the regulations of the relevant Competition.

**M. FURTHER SANCTIONS**

**M.1 Disqualification of Results in the Event during or in Connection with which an Anti-Doping Rule Violation Occurs.**

- M.1.1 Subject to Article M.1.2, where a Player is found to have committed an Anti-Doping Rule Violation during or in connection with a Competition in an Event where the Player also participated in other Competitions (for example, the Anti-Doping Rule Violation was committed during or in connection with the doubles Competition and the Player also participated in the singles Competition at that Event), then in addition to the consequences set out at Article L (in relation to the Disqualification of results obtained in the particular Competition during or in connection with which the Anti-Doping Rule Violation was committed), the Anti-Doping Rule Violation will also lead to Disqualification of all of the Player's individual results obtained in the other Competitions in the Event with all resulting consequences, forfeiture of all medals, titles, computer ranking points and Prize Money.

- M.1.2 If the Player establishes that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation, the Player's individual results in other Competitions in the same Event as the Competition during or in connection with which the Anti-Doping Rule Violation occurred shall not be Disqualified unless UKAD establishes that the Player's results in the other Competition(s) were likely to have been affected by his/her Anti-Doping Rule Violation.

**M.2 Imposition of a Period of Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods.**

The period of Ineligibility imposed for an Anti-Doping Rule Violation under Article C.1 (presence of Prohibited Substance or any of its Metabolites or Markers), Article C.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method) or Article C.6 (Possession of Prohibited Substances and/or Prohibited Methods):

- M.2.1 The period of Ineligibility shall be four years where:

- (a) The Anti-Doping Rule Violation does not involve a Specified Substance, unless the Player or other Person can establish that the Anti-Doping Rule Violation was not intentional.
- (b) The Anti-Doping Rule Violation involves a Specified Substance and UKAD can establish that the Anti-Doping Rule Violation was intentional.

M.2.2 If Article M.2.1 does not apply, the period of Ineligibility shall be two years.

M.2.3 As used in Articles M.2 and M.3, the term "intentional" is meant to identify those Players or other Persons who cheat. The term, therefore, requires that the Player or other Person engaged in conduct which he or she knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk. An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not "intentional" if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition. An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered "intentional" if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

### **M.3 Imposition of a Period of Ineligibility for Other Anti-Doping Rule Violations**

The period of Ineligibility for Anti-Doping Rule Violations other under provisions other than Articles C.1, C.2 and C.6 shall be as follows, unless Articles M.5 or M.6 are applicable:

- M.3.1 For an Anti-Doping Rule Violation under Article C.3 or Article C.5 that is the Player or other Person's first anti-doping offence, the period of Ineligibility shall be four years unless, in a case of failing to submit to Sample collection, the Player can establish that the commission of the Anti-Doping Rule Violation was not intentional (as defined in Article M.2.3), in which case the period of Ineligibility shall be two years.
- M.3.2 For an Anti-Doping violation under Article C.4 that is the Player's first anti-doping offence, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Player's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Players where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Player was trying to avoid being available for Testing.
- M.3.3 For an Anti-Doping Rule Violation under Article C.7 or C.8 that is the Player's or other Person's first anti-doping offence, the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation provided that:
  - (a) An Anti-Doping Rule Violation under Article C.7 or C.8 involving a Minor shall be considered a particularly serious offence and, if committed by Player Support Personnel for violations other than those involving Specified Substances, shall result in lifetime Ineligibility for such Player Support Personnel.
  - (b) Significant Anti-Doping Rule Violations under Article C.7 or C.8 that may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.
- M.3.4 For an Anti-Doping Rule Violation under Article C.9 that is the Player or other Person's first offence, the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.
- M.3.5 For an Anti-Doping Rule Violation under Article C.10 that is the Player's or other Person's first offence, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one

year, depending on the Player or other Person's degree of Fault and other circumstances of the case.

#### **M.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence**

If a Player or other Person establishes in an individual case that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation charged, then the otherwise applicable period of Ineligibility shall be eliminated.

#### **M.5 Reduction of the period of Ineligibility based on No Significant Fault or Negligence**

##### **M.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Anti-Doping Rule Violations under Article C.1, C.2 or C.6;**

###### **(a) Specified Substances**

Where the Anti-Doping Rule Violation involves a Specified Substance, and the Player or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Player's or other Person's degree of Fault.

###### **(b) Contaminated Products**

In cases where the Player or other Person can establish No Significant Fault or Negligence and that the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Player's or other Person's degree of Fault.

##### **M.5.2 Application of No Significant Fault or Negligence beyond the Application of Article M.5.1:**

In an individual case where Article M.5.1 is not applicable, if a Player or other Person establishes that he/she bears No Significant Fault or Negligence, then (subject to further reduction or elimination as provided in Article M.6) the otherwise applicable period of Ineligibility may be reduced based on the Player's or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years.

#### **M.6 Elimination, Reduction, or Suspension of the Period of Ineligibility or other Consequences for Reasons Other than Fault**

##### **M.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations:**

- (a) The ITF and/or UKAD may, prior to a final appellate decision under Article K.6 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case in which it has results management authority where the Player or other Person has provided Substantial Assistance to an Anti-Doping Organisation, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organisation discovering or bringing forward an Anti-Doping Rule Violation by another Person, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to the ITF or UKAD. After a final appellate decision under Article K.6 or the expiration of time to appeal, the ITF or UKAD may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA and the applicable International Federation.

The extent to which the otherwise applicable period of Ineligibility and/or other Consequences may be suspended shall be based on the seriousness of the Anti-Doping

Rule Violation committed by the Player or other Person and the significance of the Substantial Assistance provided by the Player or other Person to the effort to eliminate doping in sport. No more than three quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight years. If the Player or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the ITF or UKAD shall reinstate the original period of Ineligibility and/or other Consequences. If the ITF or UKAD decides to reinstate a suspended period of Ineligibility and/or other Consequences or decides not to reinstate a suspended period of Ineligibility and/or other Consequences that decision may be appealed by any Person entitled to appeal under Article K.6.

- (b) To further encourage Players and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of the ITF and/or UKAD (provided it has results management authority) or at the request of the Athlete or other Person who has, or has been asserted to have, committed an Anti-Doping Rule Violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article K.6, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article K.6, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organisation.
- (c) If the ITF and/or UKAD suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organisations with a right to appeal under Article K.6. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise the ITF and/or UKAD to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.
- (d) Where UKAD declines to exercise the discretion conferred on it by this Article M.6.1, and the matter comes before a hearing panel under Article K.4 or an appeal panel under Article K.6, the hearing panel/appeal panel (as applicable) may exercise such discretion if the conditions of Article M.6.1(a) are satisfied.

**M.6.2 Reduction of Period of Ineligibility Based on Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence:**

Where a Player or other Person voluntarily admits the commission of an Anti-Doping Rule Violation before having received either (a) notification of a Sample collection that could establish the Anti-Doping Rule Violation (in the case of an Anti-Doping Rule Violation under Article C.1), or (b) a Notice of Charge (in the case of any other Anti-Doping Rule Violation), and that admission is the only reliable evidence of the violation at the time of the admission, then the otherwise applicable period of Ineligibility may be reduced, but not by more than 50%.

**M.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article M.2.1 or Article M.3.1**

A Player or other Person potentially subject to a four-year sanction under Article M.2.1 or M.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection), may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Player's or other Person's degree of Fault by promptly

admitting the asserted Anti-Doping Rule Violation after being confronted with it, upon the approval and at the discretion of WADA and UKAD.

**M.6.4 Application of Multiple Grounds for Reduction of a Sanction:**

Where a Player or other Person establishes entitlement to a reduction in sanction under more than one provision of Article M.4, M.5 or M.6, before applying any reduction or suspension under Article M.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Article M.2, M.3, M.4, and M.5. If the Player or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article M.6, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

**M.7 Multiple Violations**

**M.7.1 For a Player's or other Person's second Anti-Doping Rule Violation, the period of Ineligibility shall be the greater of:**

- (a) six months;
- (b) one-half of the period of Ineligibility imposed for the first Anti-Doping Rule Violation without taking into account any reduction under Article M.6; or
- (c) twice the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation, without taking into account any reduction under Article M.6.

The period of Ineligibility established above may then be further reduced by the application of Article M.6.

**M.7.2 A third Anti-Doping Rule Violation will always result in a lifetime period of Ineligibility, except if the third Anti-Doping Rule Violation fulfils the conditions for elimination or reduction of the period of Ineligibility under Article M.4 or M.5, or involves an Anti-Doping Rule Violation under Article C.4. In these particular cases, the period of Ineligibility shall be from eight years to lifetime Ineligibility.**

**M.7.3 An Anti-Doping Rule Violation for which a Player or other Person has established No Fault or Negligence shall not be considered a prior violation for purposes of this Article.**

**M.7.4 Additional Rules for Certain Potential Multiple Offences:**

- (a) For the purposes of imposing sanctions under Article M7, an Anti-Doping Rule Violation will only be considered a second Anti-Doping Rule Violation if the ITF and/or UKAD can establish that the Player or other Person committed the second Anti-Doping Rule Violation after he/she received notice, or after the ITF and/or UKAD or its designee made a reasonable attempt to give notice, of the first Anti-Doping Rule Violation. Otherwise, the Anti-Doping Rule Violations shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction.
- (b) If, after the imposition of a sanction for a first Anti-Doping Rule Violation, the ITF and/or UKAD discovers a second Anti-Doping Rule Violation by the same Player or other Person that occurred prior to notification of the first Anti-Doping Rule Violation, then an additional sanction shall be imposed based on the sanction that could have been imposed if the two Anti-Doping Rule Violations had been adjudicated at the same time. Results in all Competitions dating back to the earlier Anti-Doping Rule Violation will be subject to Disqualification in accordance with Article M.8.

**M.7.5 Multiple Anti-Doping Rule Violations during a ten-year period:**

Any prior Anti-Doping Rule Violation shall only be taken into account for purposes of Article M.7 if it took place within ten years of the Anti-Doping Rule Violation now under consideration.

M.7.6 For the avoidance of doubt, where a Player or other Person is found to have committed two or more separate Anti-Doping Rule Violations, the Ineligibility periods for the separate offences shall run sequentially, not concurrently.

**M.8 Disqualification of Results in Competitions Taking Place After the Commission of the Anti-Doping Rule Violation**

Unless fairness requires otherwise, in addition to the Disqualification of results under Article L, any other results obtained by the Player, in Competitions taking place after the date the Sample in question was collected or other Anti-Doping Rule Violation occurred through to the commencement of any Provisional Suspension or Ineligibility period, shall be Disqualified, with all of the resulting Consequences, including forfeiture of any medals, titles, ranking points and prize money.

**M.9 Allocation of CAS Cost Awards and Forfeited Prize Money**

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reimbursement of the ITF's expenses in relation to its results management in the case (for the avoidance of doubt, forfeited Prize Money will not be reallocated to other Players,) and third, reimbursement of UKAD's expenses in relation to its results in management in the case and towards UKAD's costs in enforcing these Articles.

**M.10 Commencement of Consequences.**

Any Consequences imposed under this Programme shall come into force and effect on the date that the decision imposing the Consequences is issued, save that:

M.10.1 For purposes of forfeiture of computer ranking points, the decision shall come into effect at midnight on the Sunday nearest to the date that the decision is issued.

M.10.2 UKAD shall have absolute discretion, and in addition the tribunal shall have discretion, where fairness requires, to establish an instalment plan for repayment of any Prize Money forfeited pursuant to Articles L and/or M and/or for payment of any costs awarded against the Player. For the avoidance of doubt, the schedule of payments pursuant to such plan may extend beyond any period of Ineligibility imposed upon the Player; provided, however, that in accordance with Article M.12.3 default in payment under such plan shall automatically trigger a further period of Ineligibility until such default is cured.

**M.11 Status During Ineligibility**

M.11.1 Prohibition Against Participation During Ineligibility:

- (a) No Player or other Person who has been declared Ineligible may, during the period of Ineligibility, play, coach or otherwise participate in any capacity in (or, if the Person is a Player Support Personnel, assist any Player playing, coaching or otherwise participating in any capacity in):
  - (i) any Covered Event;
  - (ii) any other Event or Competition or activity (other than authorised anti-doping education or rehabilitation programmes) authorised, organised or sanctioned by the ITF, the ATP, the LTA, or member of the LTA, or any Signatory, Signatory's member organisation, or club or member organisation of that Signatory's member organisation;

- (iii) any Event or Competition authorised or organised by any professional league or any international or national-level Event or Competition organisation; or
  - (iv) any elite or national-level sporting activity funded by a governmental agency.
- (b) The only exceptions to Article M.11.1.(a) are as follows:
- (i) A Player or other Person who is subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate as a player in local sport events not sanctioned or otherwise under the jurisdiction of a Code Signatory or member of a Code Signatory, but only so long as the local sports events are not at a level that could otherwise qualify such Player or other Person directly or indirectly to compete in (or accumulate points towards) a national championship or International Event, and does not involve the Player or other Person working in any capacity with Minors; and
  - (ii) A Player may return to train as part of a team or (subject always to Article M.11.1.b.(ii) to use the facilities of a club or other member organisation of a Signatory's member organisation during the shorter of: (1) the last two months of the Player's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.

M.11.2 Without prejudice to the generality of Article M.11.1, a Player or other Person shall not, during any period of Ineligibility, be given accreditation for, or otherwise granted access to, any Covered Event or any other Event or Competition or activity authorised, organised or sanctioned by the ITF, the ATP, the WTA, the LTA or member of the LTA, and any such accreditation previously issued shall be withdrawn.

M.11.3 Without prejudice to the automatic application of the period of Ineligibility to the events, competitions and other activities of all Signatories (as set out in Article M.11(a)(ii) and Code Article 10.12.1), the ITF will also take all necessary steps to have the Ineligibility of the Player or other Person recognised and enforced by other relevant organisations in accordance with Code Article 15 (Application and Recognition of Decisions).

M.11.4 Where an Event that will take place after the period of Ineligibility has an entry deadline that falls during the period of Ineligibility, the Player may submit an application for entry in the Event in accordance with that deadline, notwithstanding that at the time of such application he/she is Ineligible.

M.11.5 A Player subject to a period of Ineligibility shall remain subject to Testing and must provide whereabouts information for that purpose upon request. If a Player or other Person commits an Anti-Doping Rule Violation during a period of Ineligibility (including but not limited to an Anti-Doping Rule Violation under Article C.1 this shall be treated as a separate Anti-Doping Rule Violation under the Programme.

M.11.6 If a Player or other Person who has been declared Ineligible violates the prohibition on participation during Ineligibility described in Article M.11.1, a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the degree of Fault of the Player or other Person and other circumstances of the case. The determination of whether a Player or other Person has violated the prohibition against participation while Ineligible, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organisation whose results management led to the imposition of the original period of Ineligibility, and such decision shall be subject to appeal in accordance with Article K.6. In any case, any results obtained by the Player or other Person in such Event(s), with all resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money obtained in such Event(s), shall be automatically Disqualified.

M.11.7 A Player Support Person or other Person who assists another Person in his/her violation of the prohibition against participation during Ineligibility thereby commits an Anti-Doping Rule Violation under Article C.9 In addition, for any Anti-Doping Rule Violation not involving an eliminated or reduced period of Ineligibility pursuant to Article M.4 or M.5, some or all sport-related financial support or other sport-related benefits received by such Player or other Person will be withheld by the ITF or any National Association.

## **M.12 Conditions of Reinstatement**

M.12.1 As a condition of reinstatement, a Player who is subject to a period of Ineligibility must respect the conditions of Article M.11.5, failing which the Player shall not be eligible for reinstatement until he/she has made him/herself available for Testing (by notifying the LTA and UKAD in writing) for a period of time equal to the period of Ineligibility remaining as at the date he/she first stopped making him/herself available for Testing, except that in the event that a Player retires while subject to a period of Ineligibility, the conditions set out in Article B.7 shall apply.

M.12.2 The LTA, UKAD and ITF (if applicable) may also make reinstatement subject to the review and approval of a Player's medical condition by the Review Board in order to establish the Player's fitness to be reinstated.

M.12.3 Once the period of a Player's Ineligibility has expired, and the Player has fulfilled the foregoing conditions of reinstatement, then provided that (subject to Article M.10.2) the Player has paid in full all amounts forfeited under the Programme, and has satisfied in full any award of costs made against the Player, the Player will become automatically re-eligible and no application by the Player for reinstatement will be necessary. If, however, further amounts become due after a Player's period of Ineligibility has expired (as a result of an instalment plan established pursuant to the Articles, then any failure by the Player to pay all outstanding amounts on or before their respective due dates shall render the Player automatically Ineligible to participate in further Covered Events until all amounts due are paid in full.

M.12.4 Even if no period of Ineligibility is imposed, a Player may not participate in any Event or Competition or any other kind of activity covered by Article B.1 while any Prize Money ordered or agreed to be forfeit under the Programme, and/or any award of costs against the Player, remains unpaid, unless an instalment plan has been established pursuant to Article M.10.2 and the Player has made all payments due under that plan. If any instalment(s) become(s) overdue under that plan, the Player may not participate in any Covered Event until such overdue instalments are paid in full.

## **N. CONSEQUENCES TO TEAMS**

The consequences for a team entered in a Competition of the commission of an Anti-Doping Rule Violation by a Player in his/her capacity as the member of that team shall be as set out in the rules relating to that Competition, in accordance with WADA Code Article 11.

## **O. REPORTING**

### **O.1 Reporting of pending cases**

The notice given to the LTA, the ITF and WADA of pending cases pursuant to this Programme shall be provided to them on the confidential basis set out at Article P below.

### **O.2 Reporting of Testing**

To ensure efficient use of anti-doping resources, completed tests conducted pursuant to this Programme shall be reported to the WADA clearinghouse as soon as possible after such tests have been conducted.

### **O.3 Reporting under the WADA Code**

The number of Adverse Analytical Findings and Anti-Doping Rule Violations arising under this Programme shall be publicly reported as a minimum on a quarterly basis.

**P. CONFIDENTIALITY**

- P.1 Confidentiality shall be observed by all Persons involved in Testing or other matters conducted under this Programme; provided that details of all Testing carried out under this Programme, i.e. date of test, name of Player tested, and whether the test was In-Competition or Out-of-Competition, may be entered onto the WADA ADAMS database, and made available via that database to WADA and other Anti-Doping Organisations that have jurisdiction to test Players, so that duplication of anti-doping efforts may be avoided.
- P.2 All communications with the laboratory in relation to Testing carried out under this Programme must be conducted in such a way that the laboratory is not advised of the identity of the Players involved, save where required as part of the investigation of a potential case and/or the presentation of evidence to a tribunal.
- P.3 Each of UKAD and the LTA shall use its reasonable endeavours to ensure that Persons under its control do not publicly identify Participants whose Samples have resulted in Adverse Analytical Findings or Atypical Findings, or who have a Provisional Suspension imposed on them, or are alleged to have committed an Anti-Doping Rule Violation under this Programme, other than in accordance with Article K.8. However, each of UKAD and the LTA in its discretion may at any time disclose to other organisations such information as it may consider necessary or appropriate to facilitate administration or enforcement of this Programme, provided that each organisation provides satisfactory assurance that the organisation will maintain all such information in confidence. UKAD and the LTA will not comment publicly on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Participant or his/her representative.
- P.4 Subject strictly to Article P.3, the LTA may release information about the Programme for public consumption, including but not limited to the numbers of tests conducted within certain ranking groups or categories; and the identity of Events where Testing has been carried out.
- P.5 Whereabouts information provided by a Player pursuant to Article G may be entered onto the WADA ADAMS database only on the basis that it shall be maintained in the strictest confidence at all times, it shall be used by WADA and other Anti-Doping Organisations only for Doping Control purposes, and it shall be destroyed when no longer relevant for such purposes.
- P.6 All Players subject to this Programme shall be deemed to have agreed, for purposes of applicable data protection and other laws and for all other purposes, to have consented to the collection, processing, disclosure and use of information relating to them, including personal information relating to them, in accordance with the provisions of the International Standard for the Protection of Privacy and Personal Information and otherwise, as required to implement this Programme.

**Q. GOVERNING LAW AND JURISDICTION**

- Q.1 This Programme is governed by and shall be construed in accordance with English law.
- Q.2 Article K of this Programme shall constitute an agreement to arbitrate disputes arising under it, and proceedings before an NADP tribunal and/or CAS under this Programme shall constitute arbitration proceedings, for the purpose of triggering the application of the Arbitration Act 1996.
- Q.3 To the greatest extent allowable under English law, any challenge to this Programme or to a decision made pursuant to this Programme shall be made exclusively in accordance with Article K, and shall not be made by recourse to any court or other forum.

- Q.4 Subject strictly to Article Q.3, disputes relating to the Programme shall be subject to the exclusive jurisdiction of the English courts.
- Q.5 If any provision of this Programme is held invalid, unenforceable or illegal for any reason, this Programme shall remain otherwise in full force apart from such article or provision, which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

## **R. RECOGNITION OF DECISIONS**

- R.1 The provisions of this Programme shall be without prejudice to any jurisdiction that the WADA Code may give to any other Anti-Doping Organisation over a Player.
- R.2 Subject to any applicable right of appeal, the Testing, TUE and hearing results or other final adjudications of any Signatory that are consistent with the WADA Code and are within that Signatory's authority shall be recognised and respected by the LTA, its member and affiliate organisations, its licensees and all those subject to this Programme. For the avoidance of doubt, this includes treating prior offences found under the rules of such Signatories as prior offences for purposes of imposing Consequences under this Programme.
- R.3 The same actions of non-Signatories shall also be recognised and respected if the ITF confirms that it is satisfied that such actions are consistent with the WADA Code.
- R.4 The LTA shall take all steps within its power (a) to give effect to the decisions of Signatories and non-Signatories in accordance with Articles R.2 and R.3 respectively; and (b) to ensure mutual recognition by other Signatories on a reciprocal basis of Testing, TUE and hearing results or other final adjudications taken under this Programme.

## **S. PROTECTION FROM CIVIL ACTIONS**

Each Participant expressly agrees and acknowledges that neither UKAD nor the LTA nor any of the members, officers, directors, employees, representatives or agents of UKAD or the LTA, nor any Event official and/or any other Person involved in the administration of the Programme shall have any liability of any kind whatsoever, to any Participant or otherwise, for or in relation to any act done or omitted to be done in connection with the Programme that was done or omitted to be done in good faith.

## SCHEDULE 1 TO APPENDIX ONE

### Definitions

**ABP Guidelines.** WADA's Athlete Biological Passport Operating Guidelines and Compilation of Required Elements, as amended by WADA from time to time.

**ABP Programme.** The programme and methods of gathering and collating biological Markers on a longitudinal basis to facilitate indirect detection of the Use of Prohibited Substances and Prohibited Methods.

**ABP Testing.** The collection, transportation and analysis of Samples as part of the ABP Programme.

**ADAMS.** The Anti-Doping Administration and Management System maintained by WADA.

**Administration.** Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding.** A report from a laboratory or other WADA-approved entity that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a Sample the presence of a Prohibited Substance or any of its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

**Adverse Passport Finding.** A report identified as an Adverse Passport Finding as described in the applicable International Standards, and as defined in Article G.2.8.6.

**Anti-Doping Organisation.** A Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organisations that conduct Testing at their Events, WADA, International Federations and National Anti-Doping Organisations.

**Anti-Doping Rule Violation.** As defined in Article C.

**Athlete Biological Passport.** The programme and methods of gathering and collating data as described in the International Standard for Testing and Investigations and the International Standard for Laboratories.

**Attempt.** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an Anti-Doping Rule Violation. Provided, however, that there shall be no Anti-Doping Rule Violation based solely on an Attempt to commit an Anti-Doping Rule Violation if the Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

**Atypical Finding.** A report from a WADA accredited laboratory or other WADA-approved laboratory that requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.

**Atypical Passport Finding.** A report described as an Atypical Passport Finding as described in the applicable International Standards.

**CAS.** As defined in Article A.3.5.

**Code.** As defined in Article A2.

**Competition.** Any stand-alone part of an Event, such as a singles Competition or a doubles or mixed doubles Competition.

**Consequences.** An Anti-Doping Rule Violation may result in one or more of the following: (a) Disqualification means the Player's results in a particular Competition or Event are invalidated, with all resulting consequences, including forfeiture of any medals, ranking points and Prize Money; (b) Ineligibility means the Player or Other Person is barred on account of an Anti-Doping Rule Violation for a specified period of time from participating in any Competition or other activity or funding, as provided in Article M.11.1; (c) Provisional Suspension means the Player or Other Person is temporarily barred from participating in any Competition or activity pending a decision on the charge(s) against him/her, as provided in Article K.4 (d) Financial Consequences means a financial sanction imposed for an Anti-Doping Rule Violation; and (e) Public Disclosure or Public Reporting (or to Publicly Disclose or Publicly Report means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notifications under the provisions of this Programme.

**Contaminated Product.** A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search.

**Covered Events.** The Covered Events as defined by the ITF are the Grand Slam Tournaments, Davis Cup, Fed Cup, Hopman Cup, the Olympic Tennis event, the Paralympic Tennis Event, other IOC-recognised International Events, WTA tournaments and season-ending championships, ATP World Tours and ATP World Tour Finals, ATP Challenger Tour Tournaments, ITF Pro Circuit tournaments, ITF Juniors events, ITF Seniors events, ITF Wheelchair events, and ITF Beach Tennis Tour events.

**Disqualification.** See Consequences, above.

**Doping Control.** All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between, such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management and hearings.

**Effective Date.** As defined in Article A.5.

**Event.** A series of individual Competitions conducted together under one ruling body (e.g. the Olympic Games or Grand Slam).

**Fault.** Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Player or Other Person's degree of fault include, for example, the Player or Other Person's experience, whether the Player or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Player and the level of care and investigation exercised by the Player in relation to what should have been the perceived level of risk. In assessing the Player or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Player or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Player only has a short time left in his or her career, or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under Article M.5.1 or M.5.2.

**Filing Failure.** As defined in Article C.4.

**In-Competition.** The period(s) of time described in Article F.2.

**Independent Observers.** A team of observers under the supervision of WADA, who observe and provide guidance on the Doping Control process at certain Events and report on their observations.

**Independent Reviewer(s).** One or more suitably qualified experts, who are independent of UKAD, and who are appointed by UKAD to carry out the functions ascribed to Independent Reviewer(s) in this Programme.

**Ineligibility.** See Consequences, above.

**Interested Party.** The LTA, the ITF, WADA and any other Anti-Doping Organisation that has a right to appeal under Article K.6.

**International Event.** An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an international federation, a Major Event Organisation or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event. All Covered Events shall be deemed International Events for purposes of the Code and Article 5 of the International Standard for Therapeutic Use Exemptions.

**International-Level Player.** A Player so designated by the ITF on such basis as it may decide from time to time.

**International Standard.** A standard adopted by WADA in support of the WADA Code, as revised from time to time. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. The International Standards in force as of the Effective Date are published on WADA's website. However, WADA's Executive Committee may approve revisions to an International Standard at any time, and such revisions shall become effective in relation to the Programme on the date specified by WADA, without the need for any further action by the LTA.

**International Standard for Laboratories.** The International Standard of the same name adopted by WADA in support of the WADA Code.

**International Standard for the Protection of Privacy and Personal Information.** The International Standard of the same name adopted by WADA in support of the WADA Code.

**International Standard for Testing and Investigations.** The International Standard of the same name adopted by WADA in support of the WADA Code.

**International Standard for Therapeutic Use Exemptions.** The International Standard of the same name adopted by WADA in support of the WADA Code.

**ISTI.** See definition of International Standard for Testing and Investigations.

**ITF.** As defined in Article A.2.

**ITF Rules.** As defined in Article A.2.

**LTA.** As defined in Article A.2.

**LTA Disciplinary Code.** As defined in Article A.2.

**LTA Rules.** As defined in Article A.2.

**LTA Whereabouts Pool.** See Article G.2.1(b).

**Major Event Organisations.** The continental associations of National Olympic Committees and other international multi-sport organisations that function as the ruling body for any continental, regional or other International Event.

**Marker.** A compound, group of compounds or biological variable that indicates Use of a Prohibited Substance or Prohibited Method.

**Metabolite.** Any substance produced by a biotransformation process.

**Minor.** A natural Person under the age of 18.

**Missed Test.** As defined in Article C.4.

**MRO.** The Medical Review Officer appointed by the LTA, who will normally be the LTA Chief Medical Advisor, to carry out the functions ascribed to the MRO under the Programme. The LTA will provide appropriate indemnification to the MRO.

**Misconduct.** As defined by paragraph 2.1 of the LTA Disciplinary Code.

**National Anti-Doping Organisation.** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings, all at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee.

**National Anti-Doping Panel or NADP.** The panel of arbitrators administered by Sports Resolutions (UK) or its successor to whom matters may be referred under K.5 or K.6.

**NADP Rules.** The rules issued by the National Anti-Doping Panel, as amended from time to time, setting out the procedures to be followed by NADP arbitral tribunals and NADP appeal tribunals in matters referred to them under these Rules. The NADP Rules in force as of 1 January 2015 are available on the NADP website ([www.nadp.co.uk](http://www.nadp.co.uk)).

**National-Level Player.** Any Person who competes at any level in the sport under the jurisdiction of the NGB and who is not an International-Level Player shall be deemed a "National-Level Player" for purposes of the Code and the International Standards.

**No Advance Notice.** A Doping Control that takes place with no advance warning to the Player and where the Player is continuously chaperoned, or may be subject to continuous chaperoning from the moment of notification through Sample provision.

**No Fault or Negligence.** The Player or other person establishing that he/she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he/she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article C the Player must also establish how the Prohibited Substance entered his/her system.

**No Significant Fault or Negligence.** The Player or other Person establishing that his/her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation. Except in the case of a Minor, for any violation of Article C.1 the Player must also establish how the Prohibited Substance entered his/her system.

**Notice of Charge.** As defined in Article K.2.1.

**Out-of-Competition.** The periods of time described in Article G.1.2.

**Participant.** Any Player or Player Support Personnel.

**Person.** A natural Person or an organisation or other entity.

**Player.** As defined in Article B.1.

**Player's Nominated Address.** As defined in Article B.2.9.

**Player Support Personnel.** As defined in Article B.3.

**Possession.** Actual, physical possession, or constructive possession (which shall be found if the Person has exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance/Method or the premises in which a Prohibited Substance/Method exists, constructive possession shall only be found if the Person knew about the

presence of the Prohibited Substance/Method and intended to exercise control over it. Provided, however, that there shall be no Anti-Doping Rule Violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an Anti-Doping Rule Violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.

**Prize Money.** All of the consideration provided by the organiser of a Competition as a reward for performance in the Competition, whether monetary (i.e. cash) or non-monetary (e.g. a trophy, vehicle or other prize). Where the reward is attributable to performance as part of a team, the rules of the Competition may provide for how much of the reward is to be allocated to a Player for purposes of forfeiture under the Programme. Such rules shall be without prejudice to the provisions of Article L with respect to doubles Prize Money. Any Prize Money forfeited shall be repaid without deduction for tax paid by or on behalf of the Player, unless the Player shows by means of independent and verifiable evidence that such tax has been paid and is not recoverable by the Player. All Prize Money forfeited under the Programme shall be retained by the LTA.

**Programme.** As defined in Article A.1.

**Prohibited List.** As defined in Article A.3.1.

**Prohibited Method.** Any method so described on the Prohibited List.

**Prohibited Substance.** Any substance or class of substance so described on the Prohibited List.

**Provisional Suspension.** See Consequences.

**Sample.** Any biological material collected for the purposes of Doping Control. The terms “A Sample” and “B Sample” shall have the meanings ascribed to them in the International Standard for Testing and Investigations.

**Signatories.** Those entities signing the WADA Code and agreeing to comply with the WADA Code, as provided in Code Article 23.

**Specified Substance.** As defined in Article D.3.1.

**Substantial Assistance.** For purposes of Article M.6.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement all information he/she possesses in relation to Anti-Doping Rule Violations; and (2) fully cooperate with the investigation and adjudication of any case related to that information, including (for example) by presenting testimony at a hearing if requested to do so by UKAD or the tribunal. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

**Tampering.** Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

**Target Testing.** Selection of specific Players for Testing based on criteria set out in the International Standard for Testing and Investigations.

**Tennis Testing Protocols.** The supplementary testing protocols set out at Schedule 2.

**Testing.** The parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.

**Trafficking.** Selling, giving, transporting, sending, delivering or distributing (or possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by a Player, Player Support Personnel or any other person) to any third party; provided, however, that this definition shall not include (a) the actions of bona fide medical personnel involving of a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification; or (b) actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances were not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**TUE.** As defined in Article E.1.1.

**UKAD.** UK Anti-Doping Limited, which is the National Anti-Doping Organisation for the United Kingdom.

**UK Anti-Doping Procedures Guide for Sport.** The document of that name produced and amended from time to time by UKAD, the current version of which at any particular time will be posted on UKAD's website, located at [www.ukad.org.uk](http://www.ukad.org.uk).

**UK TUE Committee.** As defined in the UK Anti-Doping Procedures Guide for Sport.

**UK TUE Appeal Panel.** As defined in the UK Anti-Doping Procedures Guide for Sport.

**Use.** The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

**WADA.** The World Anti-Doping Agency.

**WADA Code.** As defined in Article A.2.

**Whereabouts Failure.** A filing failure or a Missed Test.

## APPENDIX TWO

### TENNIS TESTING PROTOCOLS

The following protocols are designed to supplement the International Standard for Testing and Investigations as necessary to reflect the specificities of tennis. They are not intended to amend or contradict the International Standard for Testing and Investigations. In the event of any conflict between these protocols and the International Standard for Testing and Investigations, the latter shall prevail.

#### 1. Collection of urine Samples

1.1 If a Sample collected from a Player does not have a Suitable Specific Gravity for Analysis (as defined in the International Standard for Testing and Investigations), the Doping Control Officer ("**DCO**") shall inform the Player that he/she is required to provide a further Sample or Samples, until a Sample that has a Suitable Specific Gravity for Analysis is provided. (See ISTI Annex G). To facilitate this, the Player should fully void his/her bladder when providing a Sample, and any further Sample should not be collected for at least one hour after the previous Sample was collected. In the meantime, the Player should avoid unnecessary hydration (i.e., liquid intake).

#### 2. Collection of blood Samples

2.1 Prior to providing a blood Sample (see ISTI Annex E), the Player should sit down in a normal seated position (not lie down), with his/her feet on the floor, for at least ten minutes.

2.2 A blood Sample collected as part of ABP Testing shall not be collected within two hours of the Player training or competing. If the Player has trained or competed within two hours of the time that the Player is notified of his/her selection for such Sample collection, the DCO or a Chaperone shall observe the Player continuously (and the Player will cooperate to facilitate such continuous observation) until the two-hour period has elapsed, and then the Sample shall be collected.

#### 3. Collection of urine Samples and/or blood Samples

3.1 In addition to the Player, the persons authorised to be present during the Sample collection session are:

- a. The DCO and his/her assistant(s).
- b. The persons identified at ISTI Article 6.3.3.
- c. The ITF Anti-Doping Manager and/or his/her designee(s).

3.2 No photography or audio or video recording of the Sample collection session is permitted. Instead, the Doping Control Form shall be the definitive record of the Sample collection session, and any comments regarding the Sample collection session shall be recorded on the Doping Control Form. A Player may not make his/her participation in a Sample collection session conditional upon being permitted to photograph or record the session. Where a Player or other Person insists on photographing or recording the session in violation of this provision, then (in accordance with the Articles) a case may be brought against the Player or other Person under Article C11. Where the conduct of the Player or other Person results in the Sample collection session being discontinued, then a case may be brought against the Player and/or other Person (on its own or in the alternative) for an Anti-Doping Rule Violation under Article C.3 and/or Article C.5. For the avoidance of doubt, any conduct by a Player Support Person or other member of the Player's entourage in relation to a Sample collection session may in appropriate circumstances be imputed to the Player for these purposes.

3.3 Where a Player who has been notified that he/she has been selected for In-Competition Testing refuses or fails to provide a Sample, the DCO must make reasonable efforts to contact the Event

Supervisor (in the case of an ATP or WTA event) or the Event Supervisor or Referee (in the case of a Grand Slam event) or the Event Referee (in the case of an ITF event) to confirm the Player's responsibilities under the Programme to comply with Sample collection procedures and the potential consequences of failing or refusing to provide a Sample.

4. Storage of Samples and Sample collection documentation

4.1 Storage of Samples prior to dispatch from collection site (ISTI Article 8.3.1):

- a. The DCO is responsible for ensuring that all Samples are stored in a manner that protects their identity, integrity and security whilst at the collection site.
- b. The DCO shall keep the Samples secured and under his/her control until they are passed to a third party (e.g., the laboratory, or a courier to take them to the laboratory). Samples must not be left unattended, unless they are locked away in a refrigerator or cupboard, for example. In the absence of a secure area where the Samples may be left, the DCO shall keep the Samples under his/her control. Access to Samples shall be restricted at all times to authorised personnel.
- c. Where possible, Samples shall be stored in a cool environment. Warm conditions should be avoided.

4.2 Secure handling of Sample collection documentation (ISTI Article 8.3.3):

- a. The DCO is responsible for ensuring that the Sample collection documentation for each Sample is securely handled after completion.
- b. Those parts of the Sample collection documentation that identify the Player or could be used to identify the Player that provided a particular Sample shall be kept separately from the Samples themselves. Where a separate secure storage site is available at the collection site (lockable and/or accessible only by authorised personnel), the documentation may be stored there. Otherwise, it shall be kept by the DCO and taken away from the site.

## APPENDIX TWO

### SAFEGUARDING PROCEDURES

#### Introduction

The LTA has a duty of care to ensure the safety and welfare of children, young people and adults at risk. This is recognised in the LTA Safeguarding Policies.

The LTA's duty towards children, young people and adults at risk has moral, ethical, contractual and statutory elements. The LTA adheres to current legislation including but not limited to: the Children Act 1989 and 2004, the Protection of Freedoms Act 2012, the Safeguarding Vulnerable Groups Act 2006, the Mental Capacity Act 2005 and the Equality Act 2010.

In particular, for children and young people, the statutory guidance *Working Together to Safeguard Children* (HM Government, 2013) places clear requirements on sports' organisations to deliver high quality work with children, and to have in place rigorous safeguarding procedures and guidelines.

For adults at risk, the LTA follows the *Pan London Policy Protecting Adults at Risk: London Multi-Agency Policy and Procedures to Safeguard Adults from Abuse* (SCIE, 2011) and seeks to promote safer community activities within tennis to prevent harm and abuse. Much of the LTA's duty in the protection of children, young people and adults at risk is met through the development of good practice across British tennis.

In order for this work to be successful, it is vital that the LTA can support and enforce the required standards. The Safeguarding Procedures ("Procedures") play a crucial role in this, by establishing a clear route within which complaints, concerns and enquiries are handled.

The Procedures reflect the need of those in registered venues, Counties and other tennis settings for flexible advice and support at the point of enquiry. They also provide a clear course along which more complex or serious matters will progress.

The Procedures also ensure that the most important decisions surrounding safeguarding cases for children, young people and adults at risk are made by an expert committee. The process for making decisions respects the needs of both the children, young people and adults at risk who require protection by the LTA and the needs of those who are subject to a complaint or investigation. This is so that the LTA can respond to cases involving children, young people and adults deemed at risk in a way that is both robust and fair. These Procedures do not provide a practice-manual for those involved in providing tennis opportunities to children and adults. These Procedures view safeguarding as a process of early intervention and prevention, to stop situations escalating; however there are some situations that require protection when a child, young person or adult at risk has been harmed or likely to be harmed and require intervention to ensure their immediate safety. The LTA Safeguarding Team provides a range of training and general guidance for this purpose and can also offer individual advice on specific issues. Those who need such advice on good practice should in the first instance access the safeguarding pages on the LTA's website and if their query cannot be resolved, contact the Safeguarding Team. The Procedures explain how a specific case is handled after it is reported to the LTA.

The Safeguarding Team strives to implement the Procedures in a fair, open and efficient manner. The Safeguarding Team believes that British tennis should be a diverse and inclusive sport and implements these procedures in a way that supports the LTA's Equality & Diversity Policy. The LTA welcomes enquiries about these Procedures or about any other issues affecting the safety and welfare and protection of children, young people and adults at risk.

LTA Safeguarding Team

Legal Services

The Lawn Tennis Association

National Tennis Centre

100 Priory Lane Roehampton London, SW 15 5JQ United Kingdom

Tel: 020 8487 7000

Email: [safeguarding@LTA.org.uk](mailto:safeguarding@LTA.org.uk)

## Section A: Definitions

In these Procedures the following words shall have the following meanings unless the context otherwise requires:

<b>“Adult”</b>	any person eighteen years of age and over;
<b>“Adult at Risk”</b>	any person eighteen years of age and over who is or may be in need of community care services by reason of mental health, age, illness or disability and who is or may be unable to take care of themselves, or protect themselves against significant harm or exploitation;
<b>“Child”</b>	a child is defined, in accordance with the Children Act 1989 in England and Wales, as a person under the age of eighteen years; in Scotland in accordance with the Children Scotland Act 1995 as up to their 16th Birthday;
<b>“Child Protection”/“CP”</b>	describes any matter or circumstance that triggers the LTA's duty to protect against any act, statement, conduct, omission or other matter by a person under the LTA's jurisdiction which harms a child, or poses or may pose a risk to a child;
<b>“CMG”</b>	the Case Management Group appointed by the Main Board of the LTA from time to time in accordance with the terms of reference set out in Schedule 1;
<b>“CPSU”</b>	the Child Protection in Sport Unit of NSPCC;
<b>“DO”</b>	the Disciplinary Officer of the LTA as appointed under paragraph 3 of the Code (to which these Procedures are appended);
<b>“Criminal Record Check”</b>	includes Disclosure and Barring Service (DBS) checks, Protecting Vulnerable Groups (PVG) Scheme and overseas criminal record checks;
<b>“Level One case”</b>	a Safeguarding case which the Safeguarding Manager (SM) does not deem necessary to refer to Level Two of these procedures;
<b>“Level Two case”</b>	a Safeguarding case which the SM deems necessary to refer to the CMG and which may then be referred to the Safeguarding and Protection Committee (SPC) or another LTA Committee or Panel;
<b>“Level Three case”</b>	a Safeguarding case which the CMG has referred to the SPC for determination;
<b>“LTA”</b>	the Lawn Tennis Association Limited (the national governing body of tennis in Great Britain, the Isle of Man and the Channel Islands);
<b>“Procedures”</b>	means the Safeguarding Procedures;
<b>“Safeguarding case(s)”</b>	a matter which is deemed by the SM to raise concerns about a child, young person or adult at risk, which decision is not overruled by the CMG;
<b>“Safeguarding Team”</b>	means the Safeguarding department of the LTA;
<b>“Social Care”</b>	the name used to define statutory local authority social services for both children and adults;
<b>“SM”</b>	the person appointed to carry out the duties of the LTA Safeguarding Manager from time to time; and

**"SPC"**

the Safeguarding and Protection Committee is appointed by the Board of the LTA in accordance with the terms of reference set out in Schedule 2;

**"Tennis Activities"**

any activity in tennis.

In these Procedures:

- (a) clause headings are included for convenience only and shall not affect the construction of the procedures;
- (b) references to clauses and the Schedules are references to the clauses and the Schedules to these Procedures;
- (c) words denoting the singular shall include the plural and vice versa and references to the male include the female and vice versa;
- (d) references to any legislation or to any provision of any legislation shall include any modification, replacement or re-enactment of that legislation for the time being in force; and
- (f) any reference to days in these Procedures shall include all calendar days, including bank holidays.

## **Section B: General Principles**

1. The LTA has a duty to deal with all complaints and concerns about persons within its jurisdiction which raise protection issues about children, young people or adults at risk.
2. All Safeguarding cases shall be dealt with in accordance with these Procedures.
3. The SM may at any time contact the Chairperson of the SPC for guidance and advice on a Safeguarding case.
4. An individual who is subject to an investigation may make a written submission to the CMG appointed to deal with his case stating his objection to the classification of the case as a Safeguarding case. The CMG shall consider the objection raised and shall make the final decision as to whether or not the case is a Safeguarding case.
5. The SM may contact the police or Social Care at any point for advice on an anonymous basis or during an investigation if he believes that a child or adult may be at risk of harm or a crime has occurred or to prevent a crime.
6. If the police or Social Care commences an investigation into a Safeguarding case which has been notified to the LTA, the LTA will immediately suspend its own investigation until it has been formally notified that the police or Social Care investigation has been completed. For the avoidance of doubt, a determination by the police or Social Care in relation to a Safeguarding case does not prevent the LTA further investigating a case under these Procedures. However, the fact that a person has been convicted of a criminal offence or issued with a formal police caution shall be treated as conclusive evidence of a conviction or caution and of the facts and circumstances surrounding it.
7. In certain circumstances, the LTA may seek temporarily to suspend the coach licence, coach registration, coaching assistant registration, official's licence or official's accreditation of the individual concerned or temporarily suspend him from Tennis Activities whilst the individual concerned is under investigation. The LTA shall in all such cases follow the procedure set out in Schedule 3 within these Procedures, under which it shall be required to satisfy the SPC that such a suspension is necessary.
8. In certain circumstances, the LTA may seek temporarily to suspend a venue's Tennismark or Tennismark+ accreditation if it is considered that the venue is in serious breach of its duty of care or safeguarding practices. The LTA shall in all such cases follow the procedure set out in Schedule 3 within these Procedures, under which it shall be required to satisfy the SPC that such a suspension is necessary.
9. The LTA will ensure that appropriate support and expertise are in place to support any Child, Adult at Risk or adult involved in a safeguarding case who has impaired mental capacity.

10. All LTA staff members using these Procedures will strive to maintain the confidentiality of the children and adults involved in investigations. However, all staff members have an overriding obligation to protect children and adults at risk of harm and may therefore share information as appropriate with third parties with the prior agreement of the SM. This could include the police, Social Care and those working in tennis and other sports for the protection of children and adults at risk.
11. Information gathered during the course of an investigation will be retained by the LTA as part of its duty to protect children and adults at risk and will be kept for a minimum of 25 years. If the investigation results in a decision this will be recorded on the LTA database, and shall be communicated where appropriate to relevant registered venues, players, tennis associations, local authorities and other organisations.
12. All proceedings will be confidential. They will take place in private and the public and the press shall have no right of access.
13. The Board of the LTA may amend these Procedures as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the Board of the LTA.
14. Any deviation from these Procedures shall not invalidate any decision unless it was such as to cast material doubt on the reliability of that decision.
15. These Procedures shall be governed and construed in accordance with English Law.

## **Section C: Step by Step Procedure**

### **1. Summary**

There are three levels through which a Safeguarding case may progress. These Procedures allow the LTA (either through the Safeguarding Team, SM or the CMG) to take the view that a case has been satisfactorily resolved at Level One or Level Two. All Safeguarding cases which could lead to sanctions being imposed on the individual concerned shall progress to Level Three. The SM may escalate a case to Level Three should he deem the information so serious that he reasonably considers only a sanction can be imposed on the individual.

### **2. Level One**

#### ***General queries and Level One cases***

- 2.1 All Level One cases and all general safeguarding queries referred to the LTA shall be dealt with by the Safeguarding Team in the first instance.
- 2.2 The Safeguarding Team may answer general safeguarding queries from individuals within tennis and from members of the public.
- 2.3 The Safeguarding Team may carry out initial reviews of criminal record checks which contain details of criminal offences committed. The Safeguarding Team may contact the subject of the disclosure to determine the circumstances surrounding the offence prior to submitting the information to the SM in order that the suitability of the individual concerned for the intended role or training can be considered.
- 2.4 The Safeguarding Team shall refer all cases and queries which might be considered serious, controversial or complex to the SM who shall decide whether or not the case is a Safeguarding case and whether it can be resolved at Level One; or whether it should progress to Level Two; or whether it should be escalated immediately to Level Three.
- 2.5 The SM may decide that a Level One case can be satisfactorily dealt with through advice or ongoing monitoring of the individual concerned without the need for further investigation. The SM is not able to impose a sanction upon an individual or organisation under these Procedures, but can

recommend a particular course of remedial action should be followed if this is agreed between the parties.

- 2.6 The Safeguarding Team shall keep a written record of all matters relating to children, young people and adults at risk which are not deemed to require Level Two decision-making. This record will not include matters deemed by the SM to be matters of general policy and practice.
- 2.7 The Safeguarding Team shall complete criminal record checks and other relevant statutory checks on all persons eligible, which will include those working in a regulated activity/work relating to children, young people or adults at risk.

### ***Level Two cases***

- 2.8 Upon receipt of notification of a concern relating to a child, young person or adult at risk which the SM deems to be a Level Two case or upon a determination by the SM that a Level One case has now become a Level Two case, he shall do the following:
  - 2.8.1 decide whether or not the Safeguarding case needs to be escalated to Level Three;
  - 2.8.2 decide whether or not the police or Social Care should be involved and, if necessary, contact them;
  - 2.8.3 support an adult at risk who has reported a criminal offence, that is not tennis related, to contact the police or Social Care;
  - 2.8.4 consider requesting an interim suspension of the coach licence, coach registration, coaching assistant registration, official's licence or official's accreditation of the individual concerned or an interim suspension from Tennis Activities in accordance with Schedule 3 to these Procedures and, if appropriate apply for one;
  - 2.8.5 consider requesting an interim suspension of a venue's Tennismark or Tennismark+ accreditation in accordance with Schedule 3 to these Procedures and, if appropriate, apply for one;
  - 2.8.6 carry out any necessary preliminary investigation into the matter (in accordance with the procedure set out below in 3.8 to 3.11 inclusive);
  - 2.8.7 inform the individual or venue concerned that a Safeguarding issue has been raised (provided that this will not place the individual at risk of harm or hinder any police investigation). If necessary, telephone contact should first be made with the individual concerned to ascertain the appropriate address to which sensitive material should be sent;
  - 2.8.8 convene a meeting of the CMG which shall meet within 28 days of the notification or determination under 2.8 above; and
  - 2.8.9 consider whether or not it is necessary to seek advice in relation to the case from external advisers, such as the CPSU or other professionals who are deemed experts in the protection of children and adults and, if so, contact them to obtain such advice.
- 2.9 The SM may, if he deems it necessary, instruct an external investigator to commence an investigation into a Safeguarding case; any such investigator appointed shall follow the investigatory process set out below in 3.8 to 3.11 inclusive. In most cases, this would be requested after consultation with the CMG as part of Level Two below, however in some cases the SM may request the investigation as part of a Safeguarding case being escalated to Level Three.

### **3. Level Two**

#### **CMG**

- 3.1 The composition, proceedings and powers of the CMG are set out in Schedule 1 to these Procedures.
- 3.2 The CMG shall act as final arbiter of whether or not a particular matter is to be treated as a Safeguarding case.

#### **General queries and Level One cases**

- 3.3 A summary of the record for all matters relating to children, young people and adults at risk which the SM has dealt with shall be kept in accordance with 2.6 above and shall be made available to the CMG at the request of the Chairperson of the CMG.
- 3.4 In relation to any case that the SM has decided is a Level One case, the CMG may ask the SM for further information, may require the SM to carry out a further investigation, and/or may determine that the case is not a Level One case and require the SM to carry out the procedure outlined in 2.7 above.

#### **Level Two cases**

- 3.5 The SM shall present a report of his preliminary investigations (together with any advice received) and any correspondence with the individual concerned to the CMG together with a recommendation for the next stage of action.
- 3.6 Upon consideration of the facts already ascertained and the recommendation of the SM the CMG may:
  - 3.6.1 instruct the SM to apply for an interim suspension of the coach licence, coach registration, coaching assistant's registration, official's licence or official's accreditation of the individual concerned or an interim suspension from Tennis Activities in accordance with Schedule 3 to these Procedures;
  - 3.6.2 instruct the SM to carry out an investigation into the case in accordance with the procedure set out below;
  - 3.6.3 require the SM to appoint an external investigator to carry out an investigation into the case in accordance with the procedure set out below;
  - 3.6.4 refer the case directly to the SPC for determination, or where a case is considered by the CMG that is not a Safeguarding case, refer the case to the relevant LTA Committee or Panel;
  - 3.6.5 instruct the SM to propose a course of action to the individual concerned and seek his agreement to this;
  - 3.6.6 require the SM to seek advice in relation to the case from external advisers, such as the CPSU; or
  - 3.6.7 declare that no further action is necessary.
- 3.7 The SM shall keep minutes of the CMG's decisions made under 3.6 above.

## ***Investigatory Procedure***

- 3.8 Investigations may be carried out internally or externally as authorised by the SM.
- 3.8.1 If the SM deems a case to be a Level Two case before authorising investigation, the SM should obtain the agreement of the CMG before commencing the investigation or as soon as reasonably practicable.
- 3.8.2 If the SM deems a case to be a Level Two case as a result of information emerging from initial investigations, he should seek the agreement of the CMG before further stages of investigation are authorised.
- 3.8.3 If the SM deems a case to be escalated to a Level Three case as a result of information emerging from initial investigations, he should seek agreement of the CMG Chairperson before further stages of investigation are authorised.
- 3.9 All internal or external investigations shall be conducted in accordance with the following guidelines:
- 3.9.1 Any such investigation shall be conducted in a fair and impartial manner.
- 3.9.2 The LTA shall contact the individual concerned in writing to inform him of the investigation and set out the procedure to be followed. This shall normally be within seven days of the CMG request but the SM may obtain the agreement of the CMG to delay this notification if it is in the best interests of the investigation. The LTA shall also update the individual concerned on the progress of the investigation every two weeks, or arrange for such updates to be provided by the investigator.
- 3.9.3 The investigator shall be suitably trained in using the Achieving Best Evidence (ABE) interview technique when interviewing children, young people and adults at risk.
- 3.9.4 The investigator if relevant should seek to gain an external assessment regarding the mental capacity of the complainant (if any), the individual concerned and any other witnesses.
- 3.9.5 The investigator should normally interview the complainant (if any), the individual concerned and any other witnesses. If it is not possible to conduct interviews in person or by telephone, written submissions should be sought from relevant persons. The individual concerned must be notified of the complaints against him in order to respond unless to do so would put an individual at risk of harm.
- 3.9.6 Upon conclusion of an investigation that was authorised by the CMG, or which was not authorised by the CMG but is deemed by the SM to relate to a Level Two case, the investigator shall produce a written report setting out the procedure followed and his findings. This report shall be given to the CMG and the CMG shall follow the procedure set out in 3.6 above unless the CMG has already given permission for the case to be referred directly to the SPC (or other LTA Committee or Panel) without further review.
- 3.10 Internal investigations shall be undertaken by the SM in conjunction with members of the Safeguarding Team. The Chairperson of the CMG may request reports from the SM on the progress of the investigation, and can require the SM to present a report for the review of the CMG at any time.
- 3.11 External investigations shall be conducted by an independent external investigator appointed by the SM as soon as reasonably practicable after the CMG's decision. The external investigator shall carry out the investigation promptly and shall be required to report to the SM every 14 days on the progress of the investigation.

#### **4. Level Three**

- 4.1 Upon the CMG referring a case to the SPC, and upon completion of any investigation outstanding at the time of this referral, the SM will convene a meeting of the SPC to consider the case. The composition, proceedings and powers of the SPC are set out in Schedule 2 to these Procedures.
- 4.2 The SM shall provide to the individual concerned:
- (a) the full contents of the internal or external report (including any advice received from external advisers) prepared for the LTA (subject to 4.4 below);
  - (b) any additional documents or correspondence which the SM considers relevant to the presentation of the case to the SPC; and
  - (c) the LTA's written submissions for the SPC.
- 4.3 The SM shall ask the individual concerned to provide written submissions on the contents of the report within such time limit as the SM shall decide.
- 4.4 The SM may choose not to disclose information gathered during the course of the investigation to the individual concerned if to do so would breach the privacy of another individual or place another person at risk. If the SM wishes to disclose the withheld information to the SPC, he must apply to the SPC Chairperson for permission to do so, setting out in writing the reasons why this is necessary. The Chairperson shall take the final decision as to whether or not the information can be withheld from the individual concerned and/or considered by the SPC and the individual will be notified.
- 4.5 Upon receipt of written submissions from the individual concerned, the SM shall provide within 14 days any further written submissions on behalf of the LTA to the individual concerned. The individual concerned shall have the opportunity to amend his own written submission if desired within such time limit as the SM shall decide.
- 4.6 Upon receipt of an amended written submission from the individual concerned or upon expiry of the time limit set out in 4.3 or 4.5 above, the SM shall provide the following to the SPC and to the individual concerned:
- 4.6.1 the information as set out at 4.2, above;
  - 4.6.2 the written submissions on behalf of the LTA; and
  - 4.6.3 the written submissions received from the individual concerned.
- 4.7 The SPC Chairperson shall have power (in his sole discretion) to set directions generally as to the conduct of the proceedings. In addition, the Chairperson may, upon receipt of the above, request further information from the LTA or the individual concerned, ask the SM to conduct further internal or arrange further external investigation.
- 4.8 The SPC will usually consider the case based on the documents submitted. There is no right to attend. However, in exceptional circumstances the SPC Chairperson may invite an individual to attend the SPC meeting, who may be accompanied by a family member or friend. In such circumstances, the SPC Chairperson may give directions to allow a fair opportunity for all relevant views to be heard.
- 4.9 If, upon consideration of the documents provided and hearing any individuals invited to speak at their meeting, the Chairperson deems it will not be possible to take a decision without a professional risk assessment he may request that the individual concerned obtains one at his or her own expense. Such assessment shall then form part of the evidence considered by the SPC.

- 4.10 If any person deemed to be vulnerable attends the Committee Chairperson shall issue directions taking into account the person's vulnerabilities.
- 4.11 If, upon consideration of the documents provided and hearing any individuals invited to speak at their meeting, the SPC conclude that the individual concerned does or would pose a risk to children, young people or adults at risk if he were permitted to come into contact with either, children, young people or adults at risk in the tennis environment, the SPC shall decide upon one or more of the following options:
- 4.11.1 refer the matter to police, Social Care and/or the Disclosure and Barring Service;
  - 4.11.2 impose a written warning outlining the areas of concern which must be addressed by the individual concerned either before any coach licence, coach registration, coaching assistant's registration, official's licence or official's accreditation is granted or within a specified period;
  - 4.11.3 impose conditions upon any coach licence, coach registration, coaching assistant's registration, official's licence or official's accreditation held by the individual concerned;
  - 4.11.4 require that the individual concerned be supervised and/or work with a mentor for a specified period of time or permanently;
  - 4.11.5 suspend, revoke or place any restrictions on any coach licence, coach registration, coaching assistant's registration, official's licence or official's accreditation or other form of endorsement, accreditation or membership of the individual concerned for a specified period of time or permanently;
  - 4.11.6 where it has found the individual to pose a low risk to children and young people, refer the matter to the Licensing and Registration Committee to consider whether it wishes to refuse to grant or impose conditions upon any coach licence, coach registration, coaching assistant's registration, officials licence or officials accreditation held by the individual concerned on the basis that the individual by virtue of holding LTA Coach or Official Accreditation may bring the LTA and/or the LTA Coach Accreditation Scheme or the LTA Official Licensing Scheme into disrepute.
  - 4.11.7 disqualify from competition or from taking part in any other capacity in any events sanctioned by the LTA for a specified period of time or permanently;
  - 4.11.8 extend the period of any temporary suspension until such time as the individual concerned has complied with any other decision made under this section;
  - 4.11.9 require the individual concerned to complete a probationary period;
  - 4.11.10 disqualify the individual concerned from Tennis Activities for a period of time or permanently;
  - 4.11.11 suspend, revoke or place any restrictions on a venue's Tennismark or Tennismark+ accreditation for a specified period of time or permanently; and/or
  - 4.11.12 reach any other decision which the SPC deem is appropriate having regard to the circumstances of the case.
- 4.12 Where the SPC has made a decision that meets the appropriate criteria it may direct that the SM apply to the Disclosure and Barring Service or appropriate statutory agency for the individual's inclusion on any statutory 'barred list' in force for the protection of children and adults at risk.

- 4.13 If the SPC concludes that the individual concerned does not or would not pose a risk to children or adults at risk if he were permitted to come into contact with either group in the tennis environment where Tennis Activities take place, they shall decide that no further action shall be taken.
- 4.14 The SPC shall notify their decision (with written reasons) to the LTA and to the individual concerned within 14 days of their meeting (except in exceptional circumstances). The notification shall advise the LTA and the individual concerned that they have 28 days from the date of the notification in which to appeal the decision. The appeal shall be conducted in accordance with the procedure set out in Schedule 4 to these Procedures.
- 4.15 The SPC shall also consider which other individuals or organisations should be made aware of the decision (once the period for an appeal has passed) in order to achieve the aim of the decision and in the interests of protecting children and adults at risk and shall direct the SM appropriately. As a guide, the decision shall normally be communicated to the county association, the registered tennis venue with which the individual concerned is associated, to any members of LTA staff who work with affected organisations or individuals, and the complainant (if any). If, at a later stage, the SM wishes to communicate the decision to another organisation or individual, he must revert to the SPC Chairperson for guidance.
- 4.16 Subsequent to a decision of the SPC, the LTA may refer the same case to the SPC if new information becomes available regarding the case or the individual concerned which, in the opinion of the SM and the CMG, could make a significant and substantive addition or alteration to the SPC's understanding of the risk posed by the individual concerned. The SPC may choose to preclude any such new referral or to indicate a date before which it will not consider any such new referral.

## **SCHEDULE 1 TO APPENDIX TWO**

### **Terms of Reference for Case Management Group (“CMG”)**

#### **1. Membership, meetings and quorum**

- 1.1 The Group shall comprise a minimum of eight individuals. The following principles shall apply to the appointment of members of the Case Management Group (“Group”). They shall:
  - 1.1.2 be employees of the LTA, or members of the groups listed in section 1.2 below;
  - 1.1.3 be sufficiently skilled and experienced to exercise their duties to a satisfactory standard;
  - 1.1.4 represent the interests and technical knowledge from diverse areas of tennis; and
  - 1.1.5 be capable of exercising proper discretion to legitimately represent the interests of tennis.
- 1.2 The following individuals shall be appointed to the Group:
  - 1.2.1 The Secretary or his appointed delegate.
  - 1.2.2 The senior executive with specific responsibility for the LTA’s Coach Education structure or his appointed delegate.
  - 1.2.3 The senior executive with specific responsibility for Registration, Licensing and accreditation of coaches or his appointed delegate.
  - 1.2.4 The senior executive with specific responsibility for LTA strategy in relation to competitive tennis or his appointed delegate.
  - 1.2.5 The senior executive with specific responsibility for officiating or his appointed delegate.
  - 1.2.6 The senior executive with specific responsibility for equality and diversity.
  - 1.2.7 The senior executive with specific responsibility for education.
- 1.3 Appointments to the Group may also be made from the following groups of people:
  - 1.3.1 The senior executives of other LTA teams or their appointed delegates.
  - 1.3.2 Board Members of the LTA.
- 1.4 Other individuals, including the Safeguarding Manager may also attend Group meetings.
- 1.5 The Secretary or his appointed delegate shall chair the Group and shall select in addition a minimum of two and a maximum of four appropriate additional Group members to consider each case referred to the Group having taken into account the particular facts of that case and the expertise of the individual members.
- 1.6 The Group may meet in person or by telephone or video conference. A quorum for every decision is three Group members and, if necessary, the Chair shall have a casting vote.
- 1.7 The Group has the power to consult with other relevant people and organisations who may be invited to attend a meeting. These individuals, if attending, would not have voting rights.
- 1.8 A Group member may resign with immediate effect by notifying the Chair and the Chair may remove a member from the Group by giving written notice which shall have immediate effect.

## **2. Purpose**

The Group shall take decisions in accordance with the Safeguarding Procedures (Appendix Two to the Disciplinary Code) and also advise generally on safeguarding, poor conduct and disciplinary matters.

## **2. Duties**

The Group shall report on its decisions (as appropriate) and be accountable to the Board. For the avoidance of doubt, the Board shall not be able to override a decision of the Group.

## **SCHEDULE 2 TO APPENDIX TWO**

### **Terms of Reference for Safeguarding and Protection Committee (“SPC”)**

1. Membership, meetings and quorum
  - 1.1 The Committee shall comprise a suitably qualified individual as Chairperson of the Committee ("the Committee Chairperson") and a minimum of five and a maximum of ten further persons to serve as members of a Committee established to consider Safeguarding Cases appointed upon the recommendation of the Committee Chairperson in accordance with these Standing Orders. A minimum of two of these persons shall be Eligible Council Members.
  - 1.2 The Committee Chairperson may select a minimum of two Committee members to consider a particular Safeguarding case along with the Chairperson, having taken into account the particular facts of that case and the expertise of the individual members.
  - 1.3 The Committee Chairperson shall have the power to invite a lawyer independent of the LTA to act as adviser to the Committee.
  - 1.4 The Board shall determine the LTA's policy on payment of fees and expenses for Committee members from time to time.
  - 1.5 The Committee shall meet in person or by telephone or video conference. The quorum for every meeting is three Committee members and decisions shall be taken by a majority. If a member of the Committee has a conflict of interest in a particular Safeguarding case, they shall declare it and will take no part in the discussion or decision-making process of that Safeguarding case.
  - 1.6 The Committee Chairperson shall have the power to appoint another member of the Committee to act as Vice Chairperson for the purpose of considering a particular case or of conducting a particular meeting (“the Vice Chairperson”).

### **2. Purpose**

The Committee shall:

- 2.1 make decisions in accordance with the Safeguarding Procedures (Appendix Two to the Disciplinary Code); and
- 2.2 advise generally on matters of safeguarding and protection of children, young people and adults at risk policies, strategy and procedures.

### **3. Duties**

The Committee will:

- 3.1. have the ability at its sole discretion, having reviewed the documents, to request individuals involved in the case to attend the Committee meeting to clarify particular issues. If new evidence is adduced which has not been commented upon by other relevant individuals involved in the case, the Committee shall put that evidence to those other individuals;
- 3.2. if a child or adult at risk is asked to attend a Committee meeting, ensure that the child or adult at risk is treated in an appropriate manner in relation to their age, mental capacity or disability and the nature of the evidence in question. If necessary, the Committee Chairperson shall take advice in relation to the involvement of any child or adult at risk attending a meeting; and
- 3.3 report on its decisions to the Board. For the avoidance of doubt the Board shall not be able to override a decision of the Committee. The Board may choose to use the formal procedure as set out in Schedule 4 to the Safeguarding Procedures to appeal a decision of the Committee.

## SCHEDULE 3 TO APPENDIX TWO

### Interim Suspension Procedures

1. The SM may apply for an interim suspension of an individual or a venue's Tennismark accreditation in accordance with the procedures set out above and the CMG may require the SM to apply for an interim suspension of the coach licence, coach registration, coaching assistant's registration, official's licence or official's accreditation of the individual concerned or an interim suspension from Tennis Activities and/or an interim suspension of a venue's Tennismark accreditation.
2. Upon his decision to apply for an interim suspension or upon receipt of the CMG's order to apply for an interim suspension, the SM shall immediately write to the individual or in the case of a venue's Tennismark accreditation, the secretary or manager of the venue, concerned stating that he intends to make such an application. The SM shall explain the reasons for the application and ask for his comments on the application within a stated period of time.
3. The SM shall consider the response received. If no response is received within the stated time limit or the response received does not satisfy the reasons for the SM's application, the SM will apply to the SPC for an interim suspension.
4. The SM will inform the SPC in writing of the reasons why he considers an interim suspension should be imposed together with copies of any correspondence with the individual concerned.
5. The SPC shall consider the documents provided by the SM and decide whether or not to grant an interim suspension. Its decision shall be taken in accordance with the Terms of Reference set out in Schedule 2.
6. The decision of the SPC shall be final.
7. If the circumstances surrounding a case change, the SPC may consider, either of its own motion or by an application brought by a person subject to an interim suspension, whether or not such suspension should continue. In its absolute discretion the SPC may lift such suspension or may impose such conditions as it thinks fit in default of which the person or body will remain subject to suspension.
8. If, in exceptional circumstances, the SM considers that suspension is required forthwith, the SM shall have discussed this with the Chairperson of the SPC or in the absence of the Chairperson, the Vice Chairperson, or a Senior Committee member, prior to the SM imposing an interim suspension and inform the individual concerned or in the case of suspension of a venue's Tennismark accreditation, the secretary or manager of the venue, in writing inviting his comments, within the time stated in that letter. Upon receipt of the individual's response the SM shall decide whether to lift the interim suspension or apply to the SPC to confirm the interim suspension. The matter will be dealt with in accordance with 4 to 7 above.

## SCHEDULE 4 TO APPENDIX TWO

### Appeal Procedures

#### 1. Scope

These Appeal Procedures govern the conduct of all appeals by an individual or the Main Board of the LTA (in both cases "the Appellant") against a decision by the SPC ("a Decision").

For the avoidance of doubt the Board of the LTA shall not be able to override a decision of the SPC but it may choose to use the formal appeal procedure set out below to appeal a Decision.

#### 2. Procedure

- 2.1 An Appellant should be aware of the importance of the time limits contained within these Appeal Procedures which will be strictly enforced.
- 2.2 No later than 14 days from the date of a Decision (except in exceptional circumstances), the SPC shall notify the LTA and the individual concerned of the Decision (referred to in these Appeal Procedures as "the Notification"). The Notification shall contain the following information:
  - (a) the reasons for and the effect of the Decision;
  - (b) the date the Decision was made;
  - (c) the date the Decision takes effect; and
  - (d) these Appeal Procedures.
- 2.3 Any individual who wishes to appeal a Decision must serve a Notice of Appeal and a non-refundable Appeal Fee of £100 to the LTA within 28 days of receipt of the Notification. If either the Notice of Appeal or the Appeal Fee is not served within that 28 day period, the Appeal shall not be considered unless in the sole opinion of the LTA President (who may seek external legal advice) it was not reasonably practical for submission within the time limit.
- 2.4 If the Board of the LTA wish to appeal a Decision, it must serve a Notice of Appeal on the DO within 28 days of receipt of the Notification. If the Notice of Appeal is not served within 28 days, the Appeal shall not be considered unless in the sole opinion of the LTA President (who may seek external legal advice) it was not reasonably practical for submission within the time limit.
- 2.5 The Notice of Appeal shall set out the decision appealed against and the grounds upon which it is submitted the CMG or the SPC misdirected itself or otherwise reached an erroneous decision.
- 2.6 Following receipt of the Notice of Appeal and Appeal Fee, the DO shall forthwith instruct Sport Resolutions (UK) to appoint an Appeal Committee in accordance with paragraphs 2.7 to 2.9 below subject to approval by the DO and shall notify the individual of the composition of the Appeal Committee no later than ten days from receipt by the LTA of the Notice of Appeal (unless Sport Resolutions (UK) have not provided the composition of the Appeal Committee in that time).
- 2.7 The Appeal Committee shall comprise three members, one of whom shall be designated by Sport Resolutions (UK) as Chairperson. The Appeal Committee shall have the powers set out in paragraph 3 below.
- 2.8 In approving the composition of the Appeal Committee, the LTA undertakes to ensure that the Appeal will be conducted fairly and impartially. The Appeal Committee shall not include individuals with any connection to the individual concerned or the matters being considered but for the avoidance of doubt, the Appeal Committee may comprise individuals with a connection to the LTA so long as they are independent.
- 2.9 Should a member of the Appeal Committee become unable to hear the Appeal following the appointment of the Appeal Committee for whatever reason, Sport Resolutions (UK) shall appoint a replacement member.

- 2.10 An Appellant may object to the composition of the Appeal Committee by notifying the DO of the objection and setting out the reasons for such an objection (the notification shall be referred to as "an Objection") no later than 7 days from the date of receipt of notice of the composition of the Appeal Committee in paragraph 2.7 above.
- 2.11 The DO shall, within seven days from the date of receipt of an Objection, notify the Appellant that either:
- (a) the composition of the Appeal Committee has changed (in which case the DO shall provide details of the new Appeal Committee); or
  - (b) the composition of the Appeal Committee has not changed (in which case then DO shall give reasons why it has not accepted the individual's Objection). The decision by the DO on the composition of the Appeal Committee under this Rule shall be final.
- 2.12 Within 14 days from the date on which the time limit for an Appellant to object to the composition of the Appeal Committee under paragraph 2.10 has expired or within 14 days from the date the LTA respond to the Objection under paragraph 2.11 (as appropriate), the Chairperson of the Appeal Committee shall give such directions (to both the individual and the LTA) as are appropriate for consideration of the matter, in particular
- (a) the date and place at which the Appeal Committee will meet to determine the Appeal, provided that the Appeal shall not be heard later than 56 days from the date of the receipt of the Notice of Appeal by the LTA (unless otherwise agreed between the parties or Sport Resolutions (UK) are unable to hold the hearing with that time period);
  - (b) whether or not the Appeal will proceed by way of written submissions or an oral hearing; and
  - (c) whether or not the parties should be required to submit statements of their evidence and/or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.
- 2.13 An Appeal before the Appeal Committee shall be a re-hearing.
- 2.14 The Appeal Committee shall meet on the date fixed by the Chairperson and shall, no later than two weeks after hearing the Appeal, inform the individual concerned and the LTA of its decision together with written reasons for its decision. The decision of the Appeal Committee shall be final and binding.

### **3. Powers of the Appeal Committee**

- 3.1 The Appeal Committee may at its sole discretion disregard any failure by a party to adhere to these Appeal Procedures and may give such further directions as may be appropriate.
- 3.2 Prior to and at the Appeal, the Chairperson may give such directions whether or not made at the request of the parties, for the proper conduct of the Appeal as he deems may be reasonably necessary for the fair conduct of the appeal, including changes to these Appeal Procedures.
- 3.3 The Appeal Committee has the power to uphold or dismiss a Decision and, where dismissing an appeal, to take any decision which the SPC has the power to make under the Safeguarding Procedures and to make such other recommendations to the LTA as it thinks fit. In dismissing an appeal, the Appeal Committee has the power to award legal costs or a contribution towards the legal costs and/or the administration fees of the Appeal hearing where the appeal has been conducted in a vexatious or frivolous manner. In upholding an appeal, the Appeal Committee has the power to award legal costs or a contribution towards legal costs.

#### **4. Correspondence**

Any notification, correspondence or any other document submitted under these Appeal Procedures shall be sent in writing by first class post or recorded delivery (or airmail if outside the UK) and such documents shall be deemed to have been received by the intended recipient 48 hours (or if by airmail four working days) after posting.

## APPENDIX THREE

### REGULATIONS CONCERNING MATCH FIXING, FINANCIAL SPECULATION and BETTING

#### 1. Jurisdiction

- 1.1 The provisions of this Appendix apply to all persons over whom the LTA exercises disciplinary jurisdiction under the Code, and specifically they apply to the following:
- (i) players;
  - (ii) officials including referees and umpires (including, but not limited to, LTA licensed officials);
  - (iii) any LTA licensed coach;
  - (iv) any coach, trainer, manager, agent, tournament staff, official or other personnel working with or treating a player;
  - (v) any other person under the LTA's jurisdiction who is able directly or indirectly to influence:
    - (a) the outcome of any game, match or tournament; or
    - (b) any event in any game, match or tournament.
- 1.2 Any breach of these Regulations shall be dealt with in accordance with the Code (subject to the provisions of Regulation 3 below).
- 1.3 The conduct prohibited under the provisions of these Regulations may also be a criminal offence and/or a breach of other applicable laws and regulations. Reference is made in particular to section 42 of the Gambling Act 2005, which makes it a criminal offence if a person "(a) cheats at gambling, or (b) does anything for the purpose of enabling or assisting another person to cheat at gambling". These Regulations are intended to supplement such laws and regulations with further rules of professional conduct for those involved in the game of tennis. They are not intended, and may not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations. Those people set out at Regulation 1.1 above must comply with all applicable laws and regulations at all times.

#### 2. Prohibitions

- 2.1 A player shall not:
- (i) place, accept, lay or otherwise enter into any wager or bet or any other form of financial speculation (a "**Bet**") with any individual, company, organisation or other body in relation to the result, progress, conduct or any other aspect of any game, match or tournament in which the player is participating or in which the player has any influence, either direct or indirect;
  - (ii) solicit, induce, entice, instruct, persuade, facilitate, permit or encourage any other person to enter into a Bet in connection with any aspect of his own or any other player's performance in any game, match or tournament in which he is playing or in which he has any influence, either direct or indirect;
  - (iii) deliberately under-perform for reward in any game, match or tournament.
- 2.2 A person listed in Regulation 1.1(ii) to (v) shall not:

- (i) enter into a Bet in respect of any aspect of any player's performance in any game, match or tournament, if that person listed in Regulation 1.1(ii) to (v) is connected to the player or is connected to or has any influence over the tournament concerned, either direct or indirect; or
- (ii) solicit, induce, entice, instruct, persuade, facilitate, permit or encourage any other person to enter into a Bet in connection with any aspect of any player's performance in any game, match or tournament, if that person, listed in Regulation 1.1(ii) to (v), is connected to the player or is connected to or has any influence over the tournament concerned, either direct or indirect.
- (iii) For the avoidance of doubt and without limitation: a person is connected to the player concerned if he is the player's coach, agent, tournament guest, a member of the player's immediate family, a member of the player's coaching group; and, a person is connected to the tournament concerned if he is an employee, contractor, agent, officer of the tournament or is an official, or committee member of the tournament.

2.3 No person listed in 1.1 (including a player) (a "**Person**"):

- (i) may contrive (in a corrupt or fraudulent manner) whether alone or with others, the result, progress, conduct or any other aspect of any game, match or tournament;
- (ii) ensure the occurrence of a particular incident in any game, match or tournament, which occurrence is to the Person's knowledge subject to a Bet and for which he expects to receive any reward (other than, in the case of a player, official prize money and/or contracted performance-related payments under endorsement or sponsorship contracts);
- (iii) may induce or encourage any player to under-perform for reward in any game, match or tournament;
- (iv) shall offer or give (or agree to offer or give) anything of value (whether or not financial) to any other person with the intent to influence either his or another person's efforts or participation in any game, match or tournament;
- (v) shall solicit or accept (or agree to solicit or accept) anything of value (whether or not financial) from any other person with the intent to influence his own or another person's efforts or participation in any game, match or tournament;
- (vi) shall have any commercial arrangement (apart from a personal Betting account with a Betting operator which, for the avoidance of doubt, may not be utilised in breach of these regulations) with, or any stake (whether active or passive) in, any company or other undertaking that promotes, brokers, arranges or conducts any form of Betting activity in relation to the game of tennis;
- (vii) shall use in relation to Betting or providing any other person for use in relation to Betting, any information relating to any game, match or tournament that the person has in his possession by virtue of his position in the game of tennis and that is not in the public domain or readily accessible by the public without unreasonable restriction;
- (viii) shall provide information to any person for reward, before or after any game, match or tournament, regarding the players in the game, match or tournament, the conditions, tactical considerations or any other aspect of the game, match or tournament, unless such information is already in or will come into the public domain without unreasonable delay or is readily accessible by the public without unreasonable restriction. For example, it shall not be a breach of this clause to provide such information as opinion to a journalist for immediate publication as part of an article or column in a newspaper;

- (ix) shall engage in any conduct (i.e. beyond that specified in this Regulation 2) that is corrupt or fraudulent, or creates an actual or apparent conflict of interest for the Person, or otherwise risks impairing public confidence in the integrity and/or honest and orderly conduct of any game, match or tournament;
- (x) shall provide or receive any reward that could bring the Person or the game of tennis into disrepute;
- (xi) shall fail to disclose to the Disciplinary Officer without delay full details of any approaches or invitations received by the Person to engage in conduct that would amount to a breach of these Regulations;
- (xii) shall fail to disclose to the Disciplinary Officer without delay full details of any approaches or invitations of which the Person is aware that have been received by any other Person to engage in conduct that would amount to a breach of these Regulations;
- (xiii) shall fail to cooperate with any investigation by the LTA in relation to possible breaches of these Regulations, including failure, without reasonable excuse to provide information requested by the LTA that is relevant to such investigation.

2.4 An attempt by a Person, or any agreement by a Person with any other person, to act in breach of these Regulations shall be treated for the purposes of these Regulations as if the breach of the relevant Regulation(s) has been committed, whether or not such attempt or agreement in fact resulted in a breach.

### **3. Investigatory Powers**

3.1 In addition to the powers of the Disciplinary Officer set out in the Code, this Regulation 3 confers specific authority on the Disciplinary Officer and such persons as the Disciplinary Officer may nominate to assist him to exercise all such powers as he may reasonably deem necessary to complete a full investigation of any alleged breach of these Regulations.

3.2 In particular and without prejudice to the generality of Regulation 3.1 above, the LTA shall have the following powers in relation to obtaining information that is reasonably related to any alleged breach of these Regulations.

- (i) If the Disciplinary Officer reasonably believes that a Person (or a third party whose actions may be imputed to the Person for this purpose) may have committed a breach of these Regulations, the Disciplinary Officer may make a written demand to the Person (a "Demand") to furnish to the Disciplinary Officer any information that is reasonably related to the alleged breach, including (without limitation) (a) copies of or access to all records relating to the alleged breach (such as telephone records, bank statements, Internet service records, and other records stored on computer hard drives and other information storage equipment); and/or (b) a written statement made by the Person, setting out in detail all of the facts and circumstances with respect to the alleged breach.
- (ii) Subject only to the right to object to the Demand set out at Regulation 3.2(iii) below, the Person shall furnish the information requested in the Demand within seven days of his receipt of the Demand, or by such other deadline as may be specified in the Demand.
- (iii) If the Person wishes to object to the Demand, he must file a formal objection with the Disciplinary Officer by the specified response deadline, which objection must set out with specificity the nature and scope of and grounds for the objection. Failure without good reason to make such filing shall constitute an irrevocable waiver of any objection.
- (iv) Any objection duly filed in accordance with Regulation 3.2(iii), above, will be referred by the Disciplinary Officer, together with any comments that the Disciplinary Officer may wish to make with respect to the objection, to the Chairperson of the Disciplinary Panel, who may

resolve the objection himself or else may designate another person to resolve the objection. The Chairperson or their designee may in his absolute discretion invite further submissions or hold a hearing prior to making his determination, or may simply determine the matter on the basis of the objection itself and the comments of the Disciplinary Officer, if any, with respect to that objection. If (and to the extent that) the Chairperson or their designee determines that the Demand is fair and reasonably tailored to obtain evidence relevant to the alleged breach, and that it is consistent with applicable law, the Chairperson or their designee shall direct the Person to produce all (or, if he believes the objection should be sustained to some degree, the remaining part) of the information specified in the Demand.

- (v) Subject to any ruling made by the Chairperson of the Disciplinary Panel or their designee pursuant to Regulation 3.2(iv) above, any failure by the Person to produce the information specified in the Demand shall have each of the following consequences, without prejudice to one another:
  - (a) during any period in which the Person fails to produce such information, he shall be deemed ineligible to participate in and/or denied credentials for and access to any LTA sanctioned Tournament or any other LTA approved event or activity;
  - (b) the Disciplinary Panel shall be entitled to draw such adverse inference against the Participant as the Panel shall reasonably determine; and
  - (c) such failure may lead to the disciplinary action being taken under the Code.

3.3 A Disciplinary Panel convened to consider a charge of breach of these Regulations may request, at any time prior to issuing a final decision, and having first given the parties an opportunity to make any submissions on the matter, that an additional investigation be conducted into any matter reasonably related to the alleged breach. The Disciplinary Officer will conduct that investigation in accordance with the Chairperson's request and the Person charged and all other Persons must cooperate with that investigation.

3.4 Where a Person is charged with breach of these Regulations, and other relevant authorities are also conducting investigations or proceedings into the same or related matters, the Disciplinary Panel shall have discretion, where it is established to its satisfaction that clear prejudice would otherwise result, to stay the proceedings under these Regulations pending the outcome of the investigations or proceedings being conducted by the other relevant authorities.

3.5 The Disciplinary Officer shall be entitled to share any information received with other regulatory authorities including without limitation the police, National Criminal Intelligence Service, HM Revenue & Customs, the Serious Fraud Office and the Gambling Commission; other sports authorities including without limitation the ITF, ATP, WTA, ABTO, DCMS and UK Sport; and any betting organisations whether pursuant to a formal information-sharing agreements or otherwise.

3.6 As part of any investigation into possible breaches of these Regulations, the LTA may seek relevant information from other regulatory authorities and/or from any third party, including bookmakers and other Betting operators, whether pursuant to formal information-sharing agreements with such authorities or third parties, or otherwise. In accordance with Regulation 3.7, below, acceptance of these Regulations shall constitute agreement by a Person to the disclosure of such information by the authority and/or third party to the LTA. Where necessary, the Person shall confirm such consent in writing to or for the benefit of the authority and/or third party. A failure to do so without reasonable excuse shall amount to a breach of this Regulation and may lead to disciplinary action being taken under the Code.

3.7 Each Person specifically consents, pursuant to the Data Protection Act 1998 and other relevant laws, as applicable, to the sharing of information relating to activities covered by these Regulations, including personal information relating to himself and his activities, both by the LTA with the

regulatory authorities and relevant third parties, and by the regulatory authorities and/or any relevant third parties (including without limitation any bookmaker or other Betting operator) with the LTA.

#### **4. Compliance**

- 4.1 The LTA Board shall appoint from time to time a compliance officer to monitor compliance with these Regulations. The Disciplinary Officer shall usually be appointed as the compliance officer, unless the Main Board otherwise directs.
- 4.2 The Main Board shall have power to amend these Regulations as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the Board.

#### **5. Interpretation**

- 5.1 For the avoidance of doubt, nothing in these Regulations is intended to prevent the payment of prize money and/or any other official incentive to participants in any game, match or tournament and/or contracted performance-related payments under endorsement or sponsorship contracts.
- 5.2 In these Regulations words importing the singular include the plural and vice versa and the masculine gender includes the feminine gender.
- 5.3 This Appendix shall be governed by and construed in accordance with English law.

## APPENDIX FOUR

### LTA COACH LICENSING SCHEME GENERAL CONDITIONS

#### 1. Introduction

- 1.1 All Coach Licences are issued subject to these Conditions which may be varied from time to time at the discretion of the Lawn Tennis Association Limited ("the **LTA**") in accordance with Condition 12.2.
- 1.2 These Conditions (apart from the LTA Code of Ethics and Conduct for Licensed and Registered Tennis Coaches and Assistants (the "**LTA Code of Ethics**"), set out at the Schedule 1 to these Conditions) shall not apply to the issue, renewal, upgrade, removal or any other matter (including disciplinary) relating to a Coach Licence which raises a safeguarding or protection concern about a child, young person or adult deemed at risk, and is designated as a Safeguarding case under the Safeguarding Procedures (Appendix Two to the Disciplinary Code) ("a **Safeguarding case**") and such matters shall be dealt with under those Safeguarding Procedures and these Conditions shall be read subject to this provision.

#### 2. Eligibility for a Coach Licence

##### Eligibility

- 2.1 A coach is eligible to apply for a Coach Licence if he has:
- 2.1.1 attained an "LTA Coach Licence Eligible Qualification" defined in Condition 2.3 below;
  - 2.1.2 attained a minimum of 15 Continuing Professional Development Credits ("**Credits**") within the twelve month period prior to the issuing of the Coach Licence;
  - 2.1.3 completed a criminal record check where appropriate and been cleared through the LTA Safeguarding Team; and
  - 2.1.4 successfully completed the Safeguarding and Protection in Tennis training; and
  - 2.1.5 paid the applicable fee for the Coach Licence.
- 2.2 A coach who holds a coaching qualification, that meets the criteria stipulated by the LTA, from a foreign national governing body of tennis affiliated to the International Tennis Federation or from another coaching organisation is eligible to apply for and may be issued with a Coach Licence subject to such Conditions, including successful completion of an LTA Coach Licence Eligible Course or the attainment of Credits, as the LTA deems appropriate.
- 2.3 Any qualification which is the Level 3 UKCC or above will be considered an LTA Coach Licence Eligible Qualification.
- 2.4 Any coach who has met the criteria stipulated by the LTA is eligible to apply for assessment against the Level 3 UKCC standards. Upon successful completion of the assessment a coach will gain the Level 3 UKCC Qualification and subsequently may apply for a LTA Licence.
- 2.5 The LTA will, at its discretion, provide courses of additional training that enable coaches holding certain tennis coaching qualifications (as specified by the LTA from time to time) to attain a level of training that confers eligibility for a Coach Licence. The LTA will maintain and publish a list of LTA courses.

## Duration

- 2.6 A Coach Licence shall in normal circumstances be valid for one year from the date of issue, unless the LTA decides it is appropriate in the circumstances that the Licence should be issued for a shorter period of time in accordance with the Conditions 4.6, 4.7, 4.9 and 6.4 below or the Licence is removed either on a temporary basis or permanently in accordance with the Disciplinary Code, these Conditions and/or the Safeguarding Procedures.
- 2.7 Upon the granting of a Coach Licence the LTA may issue a Certificate or similar as evidence of the holding of a Coach Licence.

## **3. Licensing and Registration Committee**

- 3.1 The LTA shall appoint annually a Licensing and Registration Committee ("**the Committee**") comprising seven members, one of whom shall be legally qualified and shall be designated as the Chairperson and one of whom shall be a member of the Association of British Tennis Officials.
- 3.2 The quorum shall be three.
- 3.3 The Committee shall be responsible for all matters relating to the interpretation, implementation and enforcement of these Conditions including, in particular, the provisions of Condition 4 relating to the processing of applications, Condition 9 relating to disciplinary matters and Condition 10 relating to loss of licence.
- 3.4 Any member of the Committee who has an interest in any matter before the Committee must declare that interest and may be precluded from participation in the matter concerned.
- 3.5 The Safeguarding Manager may at any time contact the Committee Chairperson for guidance and advice on a Licensing case.

## **4. Applications**

- 4.1 All applications for a Coach Licence and payment of the fee (as stipulated from time to time by the LTA) shall be made in the form or manner prescribed by the LTA.
- 4.2 It is the responsibility of the applicant to ensure that all information provided to the LTA is up to date and accurate so that the LTA may process the application for the Coach Licence. A failure to do so may delay the processing of his application or result in its refusal.
- 4.3 Applicants are required (at their own expense) to:
- 4.3.1 provide a current Eligible First Aid Certificate (as defined in Condition 4.5);
  - 4.3.2 (subject to Condition 4.4), have completed an appropriate criminal record check through the LTA with a disclosure date not more than 12 months before the date of processing of the registration application and it having been assessed as being acceptable by the LTA Safeguarding Team; and
  - 4.3.4 if required by the LTA, provide the names of two independent persons from whom a confidential reference may be sought and to provide such further information including but not limited to the qualifications, suitability or training record of any applicant as the LTA may deem appropriate.
- 4.4 Where an applicant renews a Coach Licence under Condition 6.1, the LTA may waive Condition 4.3.2 for a maximum of two consecutive applications.

4.5 The following certificates will be considered "**Eligible First Aid Certificates**" for the purposes of the Coach Licensing Scheme, where such courses and the provider are accredited by the Health and Safety Executive:

4.5.1 a six hour "Emergency First Aid at Work" course; or

4.5.2 an eighteen hour "First Aid at Work" course.

The LTA will maintain and publish a list of courses and/or course providers through which coaches can obtain an Eligible First Aid Certificate.

4.6 The Committee may decline to issue a Coach Licence or may issue a Coach Licence subject to such restrictions as it thinks appropriate on any of the following grounds:

4.6.1 where the LTA has undertaken an appropriate criminal record check and the results of that check are not in the Committee's decision satisfactory;

4.6.2 where another sports' governing body or coaching organisation has withdrawn the applicant's coaching licence or similar licence or accreditation;

4.6.3 the applicant has in the Committee's opinion, unsuitable qualities, attitudes or abilities to be a coach and/or the applicant's behaviour suggests he is unsuitable to be issued a Coach Licence including but not limited to drugs, dishonesty, violence or sexual offences;

4.6.4 the provision of misleading or false information or the refusal to provide information properly requested by the LTA pursuant to Condition 4.2 and 4.3;

4.6.5 failure (where applicable) to attain the required Credits or to fulfil any other proper application requirements;

4.6.6 the commission of an act which has been disclosed or is otherwise known to the LTA which amounts to a breach of professional standards for the purposes of these Conditions or otherwise amounts to Misconduct under the Disciplinary Code;

4.6.7 failure to hold current public liability insurance cover in accordance with Condition 8.2.4 below;

4.6.8 to issue a Coach Licence could bring the Scheme and/or the LTA into disrepute;  
and/or

4.6.9 any other material reason which in the opinion of the Committee renders that person not a fit and proper person to be issued with a Coach Licence.

The holder of a Coach Licence shall be under a continuing obligation to satisfy the provisions this Condition and any failure to do so shall render him liable to disciplinary action for Misconduct in accordance with the Disciplinary Code.

4.7 Where the Safeguarding Manager has considered an application and, has concerns as to whether the LTA should grant a Licence, it should inform the applicant of its concerns within such time limit as the Safeguarding Manager shall decide.

4.8 If the Safeguarding Manager decides to send the case to the Committee to decide whether it should grant a licence then the Safeguarding Manager will convene a meeting of the Committee to consider the case.

4.9 The Safeguarding Manager shall provide to the applicant concerned in advance of the case being considered by the Committee:

- (a) the full contents of the internal or external report (including any advice received from external advisers) prepared for the LTA;
  - (b) any additional documents or correspondence which the Safeguarding Manager considers relevant to the presentation of the case to the Committee; and
  - (c) the LTA's written submissions for the Committee.
- 4.10 The Safeguarding Manager shall ask the applicant concerned to provide written submissions on the contents of the report within such time limit as the Safeguarding Manager shall decide.
- 4.11 Upon receipt of written submissions from the applicant concerned, the Safeguarding Manager shall provide within 14 days any further written submissions on behalf of the LTA to the applicant concerned. The applicant concerned shall have the opportunity to amend his own written submission if desired within such time limit as the Safeguarding Manager shall decide.
- 4.12 Upon receipt of an amended written submission from the applicant concerned or upon expiry of the time limit set out in 4.10 or 4.11 above, the Safeguarding Manager shall provide the following to the Committee and to the applicant concerned:
- 4.12.1 the information as set out at 4.9 above;
  - 4.12.2 the written submissions on behalf of the LTA; and
  - 4.12.3 the written submissions received from the applicant concerned.
- 4.13 The Committee Chairperson shall have power (in his sole discretion) to set directions generally as to the conduct of the proceedings. In addition, the Chairperson may, upon receipt of the above, request further information from the LTA or the applicant concerned and/or ask the Safeguarding Manager to conduct further internal or arrange further external investigation.
- 4.14 The Committee will usually consider the case based on the documents submitted. There is no right to attend. However, in exceptional circumstances the Committee Chairperson may invite an applicant to attend the Committee meeting, who may be accompanied by a family member or friend. In such circumstances, the Committee Chairperson may give directions to allow a fair opportunity for all relevant views to be heard.
- 4.15 If, upon consideration of the documents provided and hearing any individuals invited to speak at their meeting, the Committee shall decide upon one or more of the following options:
- 4.15.1 that no further action be taken and grant an unrestricted Coach Licence;
  - 4.15.2 refuse the application for a Coach Licence;
  - 4.15.3 impose a written warning outlining the areas of concern which must be addressed by the individual concerned either before the Coach Licence is granted or within a specified period;
  - 4.15.4 impose conditions upon any Coach Licence, held by the individual concerned; and/or
  - 4.15.5 require that the individual concerned be supervised and/or work with a mentor for a specified period of time or permanently.
- 4.16 If, having issued a Coach Licence it comes to the attention of the Committee that information which relates to the conduct of the Licensed Coach prior to the grant of his Coach Licence (and which the Committee considers falls within any of the grounds set out in Condition 4.6 above) has either:

4.16.1 not been considered during the application process in accordance with Condition 4.7 to 4.15;  
or

4.16.2 has come to light after the grant of the Coach Licence;

the Committee may inform the Licensed Coach of its concerns and seek his comments upon these concerns. The Committee has the discretion to request the Licensed Coach to make oral representations to the Committee and the Licensed Coach may be accompanied by a representative, whether legal or otherwise. Based upon the information and the comments of the Licensed Coach, the Committee shall reach its decision and may cancel the Coach Licence or impose such conditions on the Coach Licence as it thinks appropriate.

4.17 It is the responsibility of every Licensed Coach to update his online profile with any changes to the initial information supplied to the LTA and in particular any change of address (including email address).

## **5. Training**

5.1 All Licensed Coaches are required to undertake training as stipulated from time to time by the LTA to obtain their Credits.

5.2 The holder of a Coach Licence is required to attain a minimum of fifteen Credits in each year of his Licence period in order to be eligible to renew his Coach Licence.

5.3 A list of Continuing Professional Development Courses and the Credits applicable to them will be drawn up and published by the LTA on at least an annual basis.

5.4 The LTA reserves the right:

5.4.1 to amend the number and type of courses and Credits applicable to each of them;

5.4.2 to divide the Credit system into categories;

5.4.3 to require that Credits are attained in more than one category and to restrict the number of Credits that may be attained in each category;

5.4.4 to make a particular element or elements of training compulsory;

5.4.5 to require third-party course providers who wish to provide Continuing Professional Development Courses which attract Credits to register with the LTA and to charge them an annual registration fee;

5.4.6 to specify minimum standards and criteria to be met by all providers of Continuing Professional Development Courses which attract Credits; and/or

5.4.7 to charge a reasonable administration fee for the approval of individual Coach Development Courses as eligible to award Credits.

5.5 It is the responsibility of each Licensed Coach (and where applicable an applicant) to ensure that a full and proper record of his training is maintained in the form or manner from time to time prescribed by the LTA. A failure to ensure the maintenance of a full and proper record of his training in the form or manner prescribed may result in a decision not to issue or renew a Coach Licence or to issue a Coach Licence with such restrictions as the Committee thinks appropriate.

## **6. Renewals and Upgrading**

- 6.1 A Coach Licence may be renewed on expiry for one year (or such lesser time as the Committee considers appropriate in the circumstances) on fulfillment of the requirements for renewal as specified by the LTA from time to time including payment of the fee (as stipulated from time to time by the LTA ). A new Coach Licence will be issued subject to continued adherence to these Conditions, including that the Licensed Coach has satisfied the requirements of Condition 5.5 relating to the proper maintenance of records.
- 6.2 Where a Coach Licence is renewed before its expiry, a new Coach Licence will run from the date of expiry of the previous Coach Licence.
- 6.3 It is the responsibility of a Licensed Coach to renew his Coach Licence in a timely fashion. If a Licensed Coach does not renew his Coach Licence within a two month period after the date of expiry of his previous Coach Licence, it will be considered that he has left the LTA Coach Licensing Scheme and is no longer a Licensed Coach. Coaches are free to re-apply for a Coach Licence at any time, but will be treated as a new applicant, and therefore will be required to complete a new criminal record check. If a Coach Licence is renewed by a Licensed Coach on time, an appropriate criminal record check for that Licensed Coach will only be required every three years. However, a Licensed Coach must on their first and second anniversary of the date of their criminal record check complete the LTA Self-Declaration form otherwise they will not be eligible to renew their Licence.
- 6.4 The LTA may decline to renew a Coach Licence or decide to renew a Coach Licence subject to such restrictions as it thinks appropriate on the same grounds as are set out in Condition 4.6. The LTA will follow the procedure set out in Conditions 4.7 to 4.15 above.

## **7. Promotion**

- 7.1 The holder of a Coach Licence may describe himself, for the duration of his licence only, as being an "LTA Licensed Tennis Coach" but on written material of any description these words must be accompanied by a statement of his actual coaching qualification.
- 7.2 A Licensed Coach may not use the name or initials or logo of the LTA on any stationery or promotional literature save as provided in Condition 7.1.
- 7.3 A Licensed Coach shall not make or publish or knowingly permit the making or publication of any statement pertaining to his qualifications as a tennis coach which is false or misleading and in particular shall not make or publish or permit the making or publication of any statement the effect of which is to mislead the public into believing that such coach is qualified to a higher standard than that which he currently holds.

## **8. Professional Standards**

- 8.1 Licensed Coaches (whether or not they discharge their responsibilities in a professional capacity) are required to uphold the highest standards of honesty, reliability, integrity and confidentiality, to discharge diligently their coaching duties to the best of their ability and to behave in an equitable manner as befits their status as recognised qualified sports' coaches.
- 8.2 In particular a Licensed Coach must:
- 8.2.1 comply at all times with these Conditions and with any Conditions from time to time varying the same;
- 8.2.2 comply at all times with the LTA Rules and the Disciplinary Code (including for the avoidance of doubt the provisions of the LTA's Anti-Doping Programme as set out in Appendix One to the Disciplinary Code and the Regulations concerning match fixing,

financial speculation and betting as set out in Appendix Three to the Disciplinary Code) in force from time to time;

- 8.2.3 adhere to the LTA's Safeguarding Children and Young People policy and Safeguarding Adults policy and follow guidelines laid down from time to time by the LTA;
- 8.2.4 maintain in force throughout the period of the Coach Licence appropriate public liability insurance cover;
- 8.2.5 maintain in force throughout the period of the Coach Licence a current Eligible First Aid Certificate;
- 8.2.6 not do anything which would damage the reputation and good standing of the LTA and/or the LTA Coach Licensing Scheme and/or the profession of coaching or which would bring the game of tennis into disrepute; and
- 8.2.7 at all times observe the LTA Code of Ethics in force from time to time and any directions or guidelines from time to time published by the LTA.

### **8.3 Criminal and Other Proceedings**

- 8.3.1 Without prejudice to the generality of the foregoing, a criminal conviction or formal police caution, being guilty of an offence relating to match fixing, financial speculation or betting, being guilty of an anti-doping offence, a social care investigation, the abuse of alcohol or drugs, dishonesty, violence or a sexual offence may be regarded as a breach of this Condition. The fact that a Licensed Coach has been convicted of a criminal offence, issued with a formal police caution or found guilty of an anti-doping offence or corruption offence by the relevant body shall be deemed to be conclusive evidence of the conviction or caution and of the facts and circumstances surrounding it.
- 8.3.2 Notwithstanding the fact that a Licensed Coach may not be charged formally with a criminal offence or may be charged but subsequently not be brought to trial or may be acquitted, the LTA shall nevertheless have the right to instigate or continue a disciplinary action against him with regard to the matter concerned.

8.4 Any breach of these Conditions by a Licensed Coach may result in disciplinary action being taken pursuant to Condition 9 and the Disciplinary Code.

### **9. Disciplinary Matters**

- 9.1 The Committee may instruct the Disciplinary Officer to investigate any disciplinary matter that comes to its attention whether as a result of media publicity or otherwise.
- 9.2 If, having investigated the matter, the Committee considers that the holder of a Coach Licence may have breached either Condition 4.6 above or may have failed to comply with the professional standards as set out in Condition 8 above, then the Committee shall make a formal complaint to the Disciplinary Officer of the LTA in accordance with the Disciplinary Code.
- 9.3 If any further material matter comes to the attention of the Committee which may be relevant to the Disciplinary Officer in considering whether disciplinary action should be brought against the holder of a Coach Licence, or in prosecuting such disciplinary action, the Committee shall convey that information to the Disciplinary Officer.

### **10. Consequences of Refusal to Grant a Licence, Suspensions, Removal of Licence**

- 10.1 Where an applicant's licence has not been granted or their Coach Licence has been removed or restricted under Condition 4, the Committee shall notify their decision (with written reasons) to the individual concerned within 14 days of the meeting (unless exceptional circumstances arise). The

notification shall advise the LTA and the individual concerned that they have 28 days from the date of the notification in which to appeal the decision. The appeal shall be conducted in accordance with the procedure set out in Schedule 2 to these Conditions.

The Committee shall also consider which other individuals or organisations should be made aware of the decision (once the period for an appeal has passed) in order to achieve the aim of the decision appropriately. As a guide, the decision shall normally be communicated to the county association, the registered tennis venue with which the individual concerned is associated, to any members of LTA staff who work with affected organisations or individuals and the complainant (if any).

10.2 A coach whose Coach Licence has been removed either on a temporary basis or permanently may not describe himself or hold himself out to be an LTA Licensed Coach (which shall include not wearing or using any clothing or equipment provided to or available only to Licensed Coaches) and the LTA retains the right to refuse to accept such a coach on any LTA course.

10.3 A coach whose Coach Licence has been removed either on a temporary basis or permanently shall return to the LTA upon request any Licence Card, Certificate, clothing, equipment or other material that has been issued to him by the LTA in connection with his Coach Licence.

10.4 A coach whose Coach Licence has been removed permanently may apply to the Committee for his case to be reviewed following the third anniversary of the date of the removal of his Coach Licence and every three years thereafter or if the coach can show to the Committee's satisfaction that the circumstances have changed to such an extent that his case should be reviewed. Upon review, the Committee may reduce the sanction subject to any conditions it considers appropriate or may decline to do so. Before reaching any decision adverse to the coach, the Committee will give the individual concerned the opportunity to address its concerns and the Committee will furnish brief reasons for any such decisions.

## **11. Data Protection Act**

11.1 The applicant acknowledges and agrees that his name and status of his Licence may be included in the LTA's public register of Licensed Coaches.

11.2 The applicant acknowledges and agrees that the LTA may use his personal data for reasonable purposes in connection with administering the Coach Licence Scheme and pass the personal data to such other organisations as the LTA considers necessary (including, but not limited to, the police, the NSPCC, other sports National Governing Bodies and relevant social care departments).

## **12. General**

12.1 All applications for a Coach Licence are subject to these Conditions whether or not such applications result in the issue of a Coach Licence and all Coach Licences are issued subject to these Conditions which constitute a binding contract between each Licensed Coach and the LTA.

12.2 These Conditions may be varied from time to time by LTA Board. Any variation to these Conditions will be notified in writing via email to all Licensed Coaches and following notification will be deemed to be incorporated in these Conditions and be binding on all Licensed Coaches with immediate effect. The sending of such notification by email to the email address last notified to the LTA by the Licensed Coach will be deemed sufficient notification for the purpose of these Conditions. Licensed Coaches who do not have an email address can request that the LTA informs them of any variation to these Conditions in writing via post. Such requests should be made in writing to the LTA, addressed to the Coach Licensing Administrator, and any changes of postal address should be notified to the same.

12.3 Any documents from time to time appended to these Conditions are intended to form part of them but if there is conflict between their respective provisions these Conditions will prevail.

- 12.4 In these Conditions words importing the singular include the plural and vice versa and the masculine gender includes the feminine gender.
- 12.5 These Conditions shall be governed by and construed in accordance with English Law.

## SCHEDULE 1 TO APPENDIX FOUR

### LTA CODE OF ETHICS AND CONDUCT FOR LICENSED AND REGISTERED TENNIS COACHES AND ASSISTANTS

LTA Licensed & Registered Coaches and Coaching Assistants are deemed to be bound by, and to have accepted, this Code of Ethics and Conduct. This sets out responsibilities to tennis players and parents, to coaching and other colleagues, to the LTA as their National Governing Body, to their coaching employer and to society.

LTA Licensed & Registered Coaches will adhere to the following Code of Ethics and Conduct:

1. Always put your players' best interests at the centre of everything you do.
2. Treat players with respect at all times. Be honest and consistent with them.
3. Treat all players fairly regardless of (but not limited to) athletic potential, socio-economic status, age, disability, ethnicity, gender, gender reassignment, marital or civil partnership status, pregnancy or maternity status, religion/belief or sexual orientation.
4. Encourage all players and fellow coaches and assistants to have respect for one another.
5. Encourage players and other coaches and assistants to develop and maintain integrity.
6. Prepare players to respond to success and failure in a dignified manner.
7. Respect the confidentiality of players/parents/official as appropriate.
8. Clarify in advance with players/parents/employers the number of sessions, fees, method of payment; explain expected outcome and progression from the coaching or sessions.
9. Be sensitive to your players' self-esteem when providing constructive feedback to players.
10. Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
11. Involve the players in decisions that will affect them.
12. Recognise players' rights to consult with other coaches and advisers. Co-operate fully with other specialists (eg sport scientists, doctors, physiotherapists, etc).
13. When asked to coach a player, ensure that any previous coach/player relationship has been ended by the players/others in a professional manner.
14. Be acutely aware of the power that coaches and coaching assistants develop over players in the coaching relationship and avoid any intimacy (sexual or otherwise) with players.
15. Avoid situations with players that could be construed as compromising and actions that others could perceive inappropriate.
16. Actively discourage the use of performance enhancing drugs or any illegal substance.
17. At all times act as a role model by maintaining the highest standards of personal conduct and projecting a favourable image of tennis and of coaching at all times.
18. Accept and respect the role of Officials in ensuring that competitions are conducted fairly and according to the rules.

19. Ensure that qualifications and affiliations to associations are not misrepresented.
20. Following completion of your criminal record check, report any alleged criminal offence police, investigation, court case or social care investigation to the LTA at the earliest opportunity.
21. Know and abide by tennis rules, regulations and standards and encourage players to do likewise.
22. Know and abide by the LTA's Anti-Doping Programme. Any breach of the LTA's Anti-Doping Programme will be deemed a breach of this Code of Ethics.
23. Know and abide by the terms of the Uniform Tennis Anti-Corruption Programme. Any breach of the Uniform Tennis Anti-Corruption Programme will be deemed a breach of this Code of Ethics.

Any breach of any of the provision(s) of this Code of Ethics and Conduct by a Licensed Coach, Registered Coach or Registered Coaching Assistant shall constitute a breach of the Conditions of the LTA Coach Licensing Scheme or of the Conditions of the LTA Registration Scheme as applicable and shall be dealt with under the procedures as set out in those Conditions.

## SCHEDULE 2 TO APPENDIX FOUR

### Appeal Procedures

#### 1. Scope

These Appeal Procedures govern the conduct of all appeals by an individual or the Board of the LTA (in both cases "the Appellant") against a decision by the Licensing and Registration Committee ("LRC") ("a Decision").

For the avoidance of doubt the Board shall not be able to override a decision of the LRC but it may choose to use the formal appeal procedure set out below to appeal a Decision.

#### 2. Procedure

- 2.1 An Appellant should be aware of the importance of the time limits contained within these Appeal Procedures which will be strictly enforced.
- 2.2 No later than 14 days from the date of a Decision (except in exceptional circumstances), the LRC shall notify the LTA and the individual concerned of the Decision (referred to in these Appeal Procedures as "the Notification"). The Notification shall contain the following information:
  - (a) the reasons for and the effect of the Decision;
  - (b) the date the Decision was made;
  - (c) the date the Decision takes effect; and
  - (d) these Appeal Procedures.
- 2.3 Any individual who wishes to appeal a Decision must serve a Notice of Appeal and a non-refundable Appeal Fee of £100 to the LTA within 28 days of receipt of the Notification. If either the Notice of Appeal or the Appeal Fee is not served within that 28 day period, the Appeal shall not be considered unless in the sole opinion of the LTA President (who may seek external legal advice) it was not reasonably practical for submission within the time limit.
- 2.4 If the Board of the LTA wish to appeal a Decision, it must serve a Notice of Appeal on the Disciplinary Officer within 28 days of receipt of the Notification. If the Notice of Appeal is not served within 28 days, the Appeal shall not be considered unless in the sole opinion of the LTA President (who may seek external legal advice) it was not reasonably practical for submission within the time limit.
- 2.5 The Notice of Appeal shall set out the decision appealed against and the grounds upon which it is submitted the LRC misdirected itself or otherwise reached an erroneous decision.
- 2.6 Following receipt of the Notice of Appeal and Appeal Fee, the Disciplinary Officer shall forthwith instruct Sport Resolutions (UK) to appoint an Appeal Committee in accordance with paragraphs 2.7 to 2.9 below subject to approval by the Disciplinary Officer and shall notify the individual of the composition of the Appeal Committee no later than ten days from receipt by the LTA of the Notice of Appeal.
- 2.7 The Appeal Committee shall comprise three members, one of whom shall be designated by Sport Resolutions (UK) as Chairperson. The Appeal Committee shall have the powers set out in paragraph 3 below.
- 2.8 In approving the composition of the Appeal Committee, the LTA undertakes to ensure that the Appeal will be conducted fairly and impartially. The Appeal Committee shall not include individuals with any connection to the individual concerned or the matters being considered but for the

avoidance of doubt, the Appeal Committee may comprise individuals with a connection to the LTA so long as they are independent.

2.9 Should a member of the Appeal Committee become unable to hear the Appeal following the appointment of the Appeal Committee for whatever reason, Sport Resolutions (UK) shall appoint a replacement member.

2.10 An Appellant may object to the composition of the Appeal Committee by notifying the Disciplinary Officer of the objection and setting out the reasons for such an objection (the notification shall be referred to as "an Objection") no later than 7 days from the date of receipt of notice of the composition of the Appeal Committee in paragraph 2.7 above.

2.11 The Disciplinary Officer shall, within seven days from the date of receipt of an Objection, notify the Appellant that either:

- (a) the composition of the Appeal Committee has changed (in which case the Disciplinary Officer shall provide details of the new Appeal Committee); or
- (b) the composition of the Appeal Committee has not changed (in which case the Disciplinary Officer shall give reasons why it has not accepted the individual's Objection).

The decision by the Disciplinary Officer on the composition of the Appeal Committee under this Rule shall be final.

2.12 Within 14 days from the date on which the time limit for an Appellant to object to the composition of the Appeal Committee under paragraph 2.10 has expired or within 14 days from the date the LTA respond to the Objection under paragraph 2.11 (as appropriate), the Chairperson of the Appeal Committee shall give such directions (to both the individual and the LTA) as are appropriate for consideration of the matter, in particular:

- (a) the date and place at which the Appeal Committee will meet to determine the Appeal, provided that the Appeal shall not be heard later than 56 days from the date of the receipt of the Notice of Appeal by the LTA;
- (b) whether or not the Appeal will proceed by way of written submissions or an oral hearing; and
- (c) whether or not the parties should be required to submit statements of their evidence and/or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

2.13 An Appeal before the Appeal Committee shall be a re-hearing.

2.14 The Appeal Committee shall meet on the date fixed by the Chairperson and shall, no later than two weeks after hearing the Appeal, inform the individual concerned and the LTA of its decision together with written reasons for its decision. The decision of the Appeal Committee shall be final and binding.

### **3. Powers of the Appeal Committee**

3.1 The Appeal Committee may at its sole discretion disregard any failure by a party to adhere to these Appeal Procedures and may give such further directions as may be appropriate.

3.2 Prior to and at the Appeal, the Chairperson may give such directions whether or not made at the request of the parties, for the proper conduct of the Appeal as he deems may be reasonably necessary for the fair conduct of the appeal, including changes to these Appeal Procedures.

3.3 The Appeal Committee has the power to uphold or dismiss a Decision and, where dismissing an appeal, to take any decision which the LRC has the power to make under the LTA Coach Licensing

Scheme General Conditions and to make such other recommendations to the LTA as it thinks fit. In dismissing an appeal, the Appeal Committee has the power to award legal costs or a contribution towards the legal costs and/or the administration fees of the Appeal hearing where the appeal has been conducted in an a vexatious or frivolous manner. In upholding an appeal, the Appeal Committee has the power to award legal costs or a contribution towards legal costs.

#### **4. Correspondence**

Any notification, correspondence or any other document submitted under these Appeal Procedures shall be sent in writing by first class post or recorded delivery (or airmail if outside the UK) and such documents shall be deemed to have been received by the intended recipient 48 hours (or if by airmail four working days) after posting.

## APPENDIX FIVE

### LTA COACH REGISTRATION SCHEME GENERAL CONDITIONS

#### 1. Introduction

- 1.1 All coaching assistants and coaches registered under the LTA Registration Scheme ("**Registered Coaching Assistants**" and "**Registered Coaches**") are subject to these Conditions, which may be varied from time to time at the discretion of the Lawn Tennis Association Limited ("the LTA") in accordance with Condition 11.2.
- 1.2 A coach is defined as a person who is eligible to apply for a LTA Coach Licence under Appendix Four to the Disciplinary Code ("**Coach**"). A coaching assistant is a person who is eligible to be registered under this Appendix but is not eligible to apply for an LTA Coach Licence ("**Coaching Assistant**").
- 1.3 These Conditions (apart from the LTA Code of Ethics and Conduct for Licensed and Registered Tennis Coaches and Assistants, set out at the Schedule to these Conditions) shall not apply to the issue, renewal, upgrade, removal or any other matter (including disciplinary) relating to Registration which raises a safeguarding or protection concern about a child, young person or adult deemed at risk is designated as a Safeguarding case under the Safeguarding Procedures (Appendix Two to the Code) ("a Safeguarding Case") and such matters shall be dealt with under those Child Protection Procedures and these Conditions shall be read subject to this provision.

#### 2. Eligibility for Registration Scheme

##### Eligibility

- 2.1 A coaching assistant or coach is eligible to apply to be registered under the LTA Registration Scheme ("Registration") if he:
- 2.1.1 has attained any LTA Coaching Assistant or Coach qualification;
- 2.1.2 holds a coaching qualification from a coaching organisation or a tennis organisation (including a foreign national governing body of tennis affiliated to the International Tennis Federation) provided that the qualification requires a minimum of six hours of learning or of learning and assessment; and
- 2.1.3 has completed a criminal record check and where appropriate and been cleared through the LTA Safeguarding Team; and
- 2.1.4 paid the applicable fee for Registration.

##### Duration

- 2.2 Registration shall in normal circumstances be for a term of 12 months from the date of issue unless the LTA decides it is appropriate in the circumstances that the Registration should be for a shorter period of time in accordance with Conditions 4.6, 4.7, 4.9 and 5.4 below or the Registration is removed either on a temporary basis or permanently in accordance with the Disciplinary Code, these Conditions and/or the Safeguarding Procedures.

#### 3. Licensing and Registration Committee

- 3.1 The LTA shall appoint annually a Licensing and Registration Committee ("the Committee") comprising seven members, one of whom shall be legally qualified and shall be designated as Chairman and one of whom shall be a member of the Association of British Tennis Officials.
- 3.2 The quorum shall be three.

- 3.3 The Committee shall be responsible for all matters relating to the interpretation, implementation and enforcement of these Conditions including, in particular, the provisions of Condition 4 relating to the processing of applications, Condition 8 relating to disciplinary matters and Condition 9 relating to loss of registered status.
- 3.4 The Committee may advise on future eligibility of those applicants who would be eligible for Registration upon successful completion of a qualification stated in Condition 2 above.
- 3.5 Any member of the Committee who has an interest in any matter before the Committee must declare that interest and may be precluded from participation in the matter concerned.
- 3.6 The Safeguarding Manager may at any time contact the Committee Chairperson for guidance on a Coach Registration case.

#### **4. Applications**

- 4.1 All applications for Registration and payment of the fee (as stipulated from time to time by the LTA) shall be made in the form or manner prescribed by the LTA.
  - 4.2 It is the responsibility of the applicant to ensure that all information provided to the LTA is up to date and accurate so that the LTA may process the application. A failure to do so may delay the processing of the application or result in its refusal.
  - 4.3 All applicants are required (at their own expense) to:
    - 4.3.1 provide a current Eligible First Aid Certificate (as defined in Condition 4.5);
    - 4.3.2 (subject to Condition 4.4), have completed an appropriate criminal record check through the LTA with a disclosure date not more than 12 months before the date of processing of the registration application and it having been assessed as being acceptable by the LTA Safeguarding Team; and
    - 4.3.3 The LTA also reserves the right to require the applicant to provide the names of two independent persons from whom a confidential reference may be sought and to seek such further information including but not limited to the qualifications or suitability of any applicant as the LTA may deem appropriate.
  - 4.4 Where an applicant renews his registration under Condition 5.1, the LTA may waive the requirements under Condition 4.3.2 for a maximum of two consecutive applications.
  - 4.5 The following certificates will be considered "Eligible First Aid Certificates" for the purposes of the Registration Scheme:
    - 4.5.1 a six hour "Emergency First Aid at Work" course; or
    - 4.5.2 an 18 hour "First Aid at Work" course, where such courses are accredited by the Health and Safety Executive.
- The LTA will maintain and publish a list of courses and/or course providers through which coaching assistants/coaches can obtain an Eligible First Aid Certificate.
- 4.6 The Committee may decline an application to become Registered or may enforce restrictions as it thinks appropriate on any of the following grounds:
    - 4.6.1 where the LTA has undertaken an appropriate criminal record check and the results of that check are not in the Committee's decision satisfactory;

- 4.6.2 where another sports' governing body or coaching organisation has withdrawn the applicant's coaching licence or similar licence;
- 4.6.3 the applicant has, in the Committee's opinion, unsuitable qualities, attitudes or abilities to be a Registered Coach Assistant/Coach and/or the applicant's behaviour suggests he is unsuitable to be issued a Registration including but not limited to drugs, dishonesty, violence or sexual offences;
- 4.6.4 the provision of misleading or false information or the refusal to provide information properly requested by the LTA pursuant to Conditions 4.2 and 4.3;
- 4.6.5 the commission of an act which has been disclosed or is otherwise known to the LTA which amounts to a breach of professional standards for the purposes of these Conditions or otherwise amounts to Misconduct under the Disciplinary Code;
- 4.6.6 failure to hold current public liability insurance cover in accordance with Condition 7.2.3 below; or
- 4.6.7 to issue a Registration could bring the Scheme and/or the LTA into disrepute; and/or
- 4.6.8 any other material reason which in the opinion of the Committee renders that person not a fit and proper person to be Registered.

Registered Coaching Assistants/Coaches shall be under a continuing obligation to satisfy the provisions of this Condition and any failure to do so shall render him liable to disciplinary action for Misconduct in accordance with the Code.

- 4.7 Where the Safeguarding Manager has considered an application and, has concerns as to whether the LTA should grant Registration, it should inform the applicant of its concerns within such time limits as the Safeguarding Manager shall decide.
- 4.8 If the Safeguarding Manager decides to send the case to the Committee to decide whether it should grant Registration then the Safeguarding Manager will convene a meeting of the Committee to consider the case.
- 4.9 The Safeguarding Manager shall provide to the applicant concerned in advance of the case being considered by the Committee:
  - (a) the full contents of the internal or external report (including any advice received from external advisers) prepared for the LTA;
  - (c) any additional documents or correspondence which the Safeguarding Manager considers relevant to the presentation of the case to the Committee; and
  - (c) the LTA's written submissions for the Committee.
- 4.10 The Safeguarding Manager shall ask the applicant concerned to provide written submissions on the contents of the report within such time limit as the Safeguarding Manager shall decide.
- 4.11 Upon receipt of written submissions from the applicant concerned, the Safeguarding Manager shall provide within 14 days any further written submissions on behalf of the LTA to the applicant concerned. The applicant concerned shall have the opportunity to amend his own written submission if desired within such time limit as the Safeguarding Manager shall decide.
- 4.12 Upon receipt of an amended written submission from the individual concerned or upon expiry of the time limit set out in 4.10 or 4.11 above, the Safeguarding Manager shall provide the following to the Committee and to the individual concerned:

- 4.12.1 the information as set out at 4.9 above;
- 4.12.2 the written submissions on behalf of the LTA; and
- 4.12.3 the written submissions received from the applicant concerned.
- 4.13 The Committee Chairperson shall have power (in his sole discretion) to set directions generally as to the conduct of the proceedings. In addition, the Chairperson may, upon receipt of the above, request further information from the LTA or the applicant concerned and/or ask the Safeguarding Manager to conduct further internal or arrange further external investigation.
- 4.14 The Committee will usually consider the case based on the documents submitted. There is no right to attend. However, in exceptional circumstances the Committee Chairperson may invite an applicant to attend the Committee meeting, who may be accompanied by a family member or friend. In such circumstances, the Committee Chairperson may give directions to allow a fair opportunity for all relevant views to be heard.
- 4.15 If, upon consideration of the documents provided and hearing any individuals invited to speak at their meeting, the Committee shall decide upon one or more of the following options:
- 4.15.1 that no further action be taken and grant an unrestricted Registration;
- 4.15.2 refuse the application for a Registration;
- 4.15.3 impose a written warning outlining the areas of concern which must be addressed by concerned either before Registration is granted or within a specified time limit;
- 4.15.4 impose conditions upon any Registration, held by the individual concerned; and/or
- 4.15.5 require that the individual concerned be supervised and/or work with a mentor for a specified period of time or permanently.
- 4.16 If, having issued a Registration it comes to the attention of the Committee that information which relates to the conduct of the Registered Assistant Coach/Coach prior to the grant of Registration (and which the Committee considers falls within any of the grounds set out in Condition 4.6 above) has either:
- 4.16.1 not been considered during the application process in accordance with Condition 4.7 to 4.15; or
- 4.16.2 has come to light after the grant of the Registration;
- the Committee may inform the Registered Coaching Assistant/Coach of its concerns and seek his comments upon these concerns. The Committee has the discretion to request the Registered Coaching Assistant/Coach to make oral representations to the Committee and the Registered Coaching Assistant/Coach may be accompanied by a representative, whether legal or otherwise. Based upon the information and the comments of the Registered Coaching Assistant/Coach, the Committee shall reach its decision and may cancel the Registration or impose such conditions on the Registration as it thinks appropriate.
- 4.17 It is the responsibility of every Registered Coaching Assistant/Coach to update his online profile with any changes to the initial information supplied to the LTA and in particular any change of address (including email address).

## **5. Renewals and Upgrading**

- 5.1 Registration may be renewed on expiry for 12 months on fulfilment of the requirements for renewal as specified by the LTA from time to time including payment of the fee. Registration will be issued subject to continued adherence to these Conditions.
- 5.2 Where a Registration is renewed before its expiry, the new Registration will run from the date of expiry of the previous Registration.
- 5.3 It is the responsibility of a Registered Coaching Assistant/Coach to renew his Registration in a timely fashion. A Registered Coaching Assistant/Coach who has not renewed his Registration before the end of the two month period after the date of expiry of his previous term of Registration will be treated as a new applicant and shall not be treated as renewing his Registration for the purposes of Condition 4.4 and therefore will be required to complete a new criminal record check. If a Registration is renewed by a Registered Coaching Assistant/Coach on time an appropriate criminal record check for that Registered Coaching Assistant /Coach will only be required every three years. However, a Registered Coaching Assistant/Coach must on their first and second anniversary of the date of the criminal record check complete the LTA self-declaration form otherwise they will not be eligible to renew their Registration.
- 5.4 The LTA may decline to renew a Registration or grant the renewed Registration subject to such restrictions as it thinks appropriate on the same grounds as are set out in Condition 4.6. The LTA will follow the procedure set out in Condition 4.7 to 4.15 above.

## **6. Promotion**

- 6.1 Registered Coaching Assistants/Coaches may describe themselves, for the duration of Registration only, as being a "LTA Registered Coaching Assistant/Coach" (as applicable) but on written material any use of these words must be accompanied by a statement of his actual qualification.
- 6.2 Registered Coaching Assistants/Coaches may not use the name or initials or logo of the LTA on any stationery or promotional literature save as provided in Condition 6.1.
- 6.3 Registered Coaching Assistants/Coaches shall not make or publish or knowingly permit the making or publication of any statement pertaining to his qualifications which is false or misleading and in particular shall not make or publish or permit the making or publication of any statement the effect of which is to mislead the public into believing that he is qualified to a higher standard than that which he currently holds.

## **7. Professional Standards**

- 7.1 Registered Coaching Assistants/Coaches (whether or not they discharge their responsibilities in a professional capacity (full or part-time)) are required to uphold the highest standards of honesty, reliability, integrity and confidentiality, to discharge diligently their coaching duties to the best of their ability and to behave in an equitable manner as befits their status as recognized qualified sports coaches.
- 7.2 In particular, Registered Coaching Assistants/Coaches must:
- 7.2.1 comply at all times with these Conditions and with any Conditions from time to time varying the same;
- 7.2.2 comply at all times with the LTA Rules and the Disciplinary Code (including for the avoidance of doubt the provisions of the LTA's Anti-doping Programme as set out in Appendix One to the Disciplinary Code and the Regulations concerning match fixing, financial speculation and betting as set out in Appendix Three to the Disciplinary Code.

- 7.2.3 adhere to the LTA's Safeguarding Children and Young People policy and Safeguarding Adults policy and follow the guidelines laid down from time to time by the LTA;
- 7.2.4 maintain throughout the period of the Registration appropriate public liability insurance cover and a current Eligible First Aid Certificate;
- 7.2.5 not do anything which would damage the reputation and good standing of the LTA and/or the LTA Coach Registration Scheme and/or the profession of coaching or which would bring the game of tennis into disrepute; and
- 7.2.6 at all times observe the LTA Code of Ethics in force from time to time and any directions or guidelines from time to time published by the LTA.

### 7.3 Criminal and other Proceedings

- 7.3.1 Without prejudice to the generality of the foregoing, a criminal conviction or formal police caution, being guilty of an offence relating to match fixing, financial speculation or betting, being guilty of an anti-doping offence, a social care investigation, the abuse of alcohol or drugs, dishonesty, violence or a sexual offence may be regarded as a breach of this Condition. The fact that a Registered Coaching Assistant/Coach has been convicted of a criminal offence, or found guilty of an anti-doping offence or corruption offence by the relevant body or issued with a formal police caution shall be deemed to be conclusive evidence of the conviction or caution and of the facts and circumstances surrounding it.
- 7.3.2 Notwithstanding the fact that a Registered Coaching Assistant/Coach may not be charged formally with a criminal offence or may be charged but subsequently not be brought to trial or may be acquitted, the LTA shall nevertheless have the right to instigate or continue a disciplinary action against him with regard to the matter concerned.

- 7.4 Any breach of these Conditions by a Registered Coach Assistant/Coach may result in disciplinary action being taken pursuant to Condition 8 and the Code.

## 8. Disciplinary Matters

- 8.1 The Committee may instruct the Disciplinary Officer to investigate any disciplinary matter that comes to its attention whether as a result of media publicity or otherwise.
- 8.2 If, having investigated the matter, the Committee considers that the Registered Coaching Assistant/Coach may have breached either Condition 4.6 above or may have failed to comply with the professional standards as set out in Condition 7 above, then the Committee shall make a formal complaint to the Disciplinary Officer of the LTA in accordance with the Disciplinary Code.
- 8.3 If any further material matter comes to the attention of the Committee which may be relevant to the Disciplinary Officer in considering whether disciplinary action should be brought against the Registered Coaching Assistant/Coach, or in prosecuting such disciplinary action, the Committee shall convey that information to the Disciplinary Officer.

## 9. Consequences of Refusal to Grant a Registration, Suspensions, Removal of Licence.

- 9.1 Where an applicant's Registration has not been granted or their Registration has been removed or restricted under Condition 4, the Committee shall notify their decision (with written reasons) to the individual concerned within 14 days of the meeting (unless exceptional circumstances arise). The notification shall advise the LTA and the individual concerned that they have 28 days from the date of the notification in which to appeal the decision. The appeal shall be conducted in accordance with the procedure set out in Schedule 2 to these Conditions.

The Committee shall also consider which other individuals or organisations should be made aware of the decision (once the period for an appeal has passed) in order to achieve the aim of the decision appropriately. As a guide, the decision shall normally be communicated to the county association, the registered tennis venue with which the individual is associated, to any members of LTA staff who work with affected organisations or individuals and the complainant if any).

- 9.2 A Registered Coaching Assistant/Coach who has had his Registration terminated either on a temporary basis or permanently may not describe himself or hold himself out to be an "LTA Registered Coaching Assistant/Coach" (which shall include not wearing or using any clothing or equipment provided to or available only to Registered Coaching Assistants/Coaches) and the LTA retains the right to refuse to accept such a coach on any LTA course.
- 9.3 A coach whose Registration has been cancelled either on a temporary basis or permanently shall immediately return to the LTA upon request any official documentation, clothing bearing the LTA logo, equipment or other material that has been issued to him by the LTA in connection with his Registration.
- 9.4 Any Registered Coaching Assistant/Coach who has had his Registration terminated either on a temporary basis or permanently may apply to the Committee for his case to be reviewed following the third anniversary of the date of the removal of his Registration and every three years thereafter or if the coach/coaching assistant can show to the Committee's satisfaction that the circumstances have changed to such an extent that his case should be reviewed. Upon review, the Committee may reduce the sanction subject to any conditions it considers appropriate or may decline to do so. Before reaching any decision adverse to the coach/coaching assistant, the Committee will give the individual concerned the opportunity to address its concerns and the Committee will furnish brief reasons for any such decisions.

## **10. Data Protection Act**

- 10.1 The applicant acknowledges and agrees that his name and status of his Registration may be included in the LTA's public register of Registered Coaching Assistants/Coaches.
- 10.2 The applicant acknowledges and agrees that the LTA may use his personal data for reasonable purposes in connection with administering the Registration Scheme and pass the personal data to such other organisations as the LTA considers necessary (including, but not limited to, affiliated bodies of the LTA, Sport England, Sport Coach UK, , the NSPCC, other sports National Governing Bodies; the police and relevant social care departments).

## **11. General**

- 11.1 All applications for Registration are subject to these Conditions whether or not such Applications result in the issue of Registration and all Registrations are issued subject to these Conditions which constitute a binding contract between each Registered Coaching Assistant/Coach and the LTA.
- 11.2 These Conditions may be varied from time to time by the LTA Board. Any variation to these Conditions will be notified in writing via email to all Registered Coaching Assistants/Coaches and following notification will be deemed to be incorporated in these Conditions and be binding on all Registered Coaching Assistants/Coaches with immediate effect. The sending of such notification by email to the email address last notified to the LTA by the Registered Coaching Assistants/Coaches will be deemed sufficient notification for the purpose of these Conditions.
- 11.3 Any documents from time to time appended to these Conditions are intended to form part of them but if there is conflict between their respective provisions these Conditions will prevail.
- 11.4 In these Conditions words importing the singular include the plural and vice versa and the masculine gender includes the feminine gender.
- 11.5 These Conditions shall be governed by and construed in accordance with English Law.

## SCHEDULE 1 to APPENDIX FIVE

### LTA CODE OF ETHICS AND CONDUCT FOR LICENSED AND REGISTERED TENNIS COACHES AND ASSISTANTS

LTA Licensed & Registered Coaches and Coaching Assistants are deemed to be bound by, and to have accepted, this Code of Ethics and Conduct. This sets out responsibilities to tennis players and parents, to coaching and other colleagues, to the LTA as their National Governing Body, to their coaching employer and to society.

LTA Licensed & Registered Coaches will adhere to the following Code of Ethics and Conduct:

1. Always put your players' best interests at the centre of everything you do.
2. Treat players with respect at all times. Be honest and consistent with them.
3. Treat all players fairly regardless of athletic potential, socio-economic status, age, disability, ethnicity, gender, gender reassignment, marital or civil partnership status, pregnancy or maternity status, religion/belief or sexual orientation.
4. Encourage all players and fellow coaches and assistants to have respect for one another.
5. Encourage players and other coaches and assistants to develop and maintain integrity.
6. Prepare players to respond to success and failure in a dignified manner.
7. Respect the confidentiality of players/parents/officials as appropriate.
8. Clarify in advance with players/parents/employers the number of sessions, fees, method of payment; explain expected outcome and progression from the coaching or sessions.
9. Be sensitive to your players' self-esteem when providing constructive feedback to players.
10. Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
11. Involve the players in decisions that will affect them.
12. Recognise players' rights to consult with other coaches and advisers. Co-operate fully with other specialists (eg sport scientists, doctors, physiotherapists, etc).
13. When asked to coach a player, ensure that any previous coach/player relationship has been ended by the player/others in a professional manner.
14. Be acutely aware of the power that coaches and coaching assistants develop over players in the coaching relationship and avoid any intimacy (sexual or otherwise) with players.
15. Avoid situations with players that could be construed as compromising and actions that others could perceive inappropriate.
16. Actively discourage the use of performance enhancing drugs, drugs and any illegal substance.
17. At all times act as a role model by maintaining the highest standards of personal conduct and projecting a favourable image of tennis and of coaching at all times.

18. Accept and respect the role of Officials in ensuring that competitions are conducted fairly and according to the rules.
19. Ensure that qualifications and affiliations to associations are not misrepresented.
20. Following completion of your criminal record check, report any alleged criminal offence, police investigation, court case or social care investigation to the LTA at the earliest opportunity.
21. Know and abide by tennis rules, regulations and standards, and encourage players to do likewise.
22. Know and abide by the LTA's Anti-Doping Programme. Any breach of the LTA's Anti-Doping Programme will be deemed a breach of this Code of Ethics.
23. Know and abide by the terms of the Uniform Tennis Anti-Corruption Programme. Any breach of the Uniform Tennis Anti-Corruption Programme will be deemed a breach of this Code of Ethics.

Any breach of any of the provision(s) of this Code of Ethics and Conduct by a Licensed Coach, Registered Coach or Registered Coaching Assistant shall constitute a breach of the Conditions of the LTA Coach Licensing Scheme or of the Conditions of the LTA Registration Scheme as applicable and shall be dealt with under the procedures as set out in those Conditions.

## **SCHEDULE 2 TO APPENDIX FIVE**

### **Appeal Procedures**

#### **1. Scope**

These Appeal Procedures govern the conduct of all appeals by an individual or the Board of the LTA (in both cases "the Appellant") against a decision by the Licensing and Registration Committee ("LRC") ("a Decision").

For the avoidance of doubt the Board of the LTA shall not be able to override a decision of the LRC but it may choose to use the formal appeal procedure set out below to appeal a Decision.

#### **2. Procedure**

- 2.1 An Appellant should be aware of the importance of the time limits contained within these Appeal Procedures which will be strictly enforced.
- 2.2 No later than 14 days from the date of a Decision (except in exceptional circumstances), the LRC shall notify the LTA and the individual concerned of the Decision (referred to in these Appeal Procedures as "the Notification"). The Notification shall contain the following information:
- (a) the reasons for and the effect of the Decision;
  - (b) the date the Decision was made;
  - (c) the date the Decision takes effect; and
  - (d) these Appeal Procedures.
- 2.3 Any individual who wishes to appeal a Decision must serve a Notice of Appeal and a non-refundable Appeal Fee of £100 to the LTA within 28 days of receipt of the Notification. If either the Notice of Appeal or the Appeal Fee is not served within that 28 day period, the Appeal shall not be considered unless in the sole opinion of the LTA President (who may seek external legal advice) it was not reasonably practical for submission within the time limit.
- 2.4 If the Board of the LTA wish to appeal a Decision, it must serve a Notice of Appeal on the Disciplinary Officer within 28 days of receipt of the Notification. If the Notice of Appeal is not served within 28 days, the Appeal shall not be considered unless in the sole opinion of the LTA President (who may seek external legal advice) it was not reasonably practical for submission within the time limit.
- 2.5 The Notice of Appeal shall set out the decision appealed against and the grounds upon which it is submitted the LRC misdirected itself or otherwise reached an erroneous decision.
- 2.6 Following receipt of the Notice of Appeal and Appeal Fee, the Disciplinary Officer shall forthwith instruct Sport Resolutions (UK) to appoint an Appeal Committee in accordance with paragraphs 2.7 to 2.9 below subject to approval by the Disciplinary Officer and shall notify the individual of the composition of the Appeal Committee no later than ten days from receipt by the LTA of the Notice of Appeal.
- 2.7 The Appeal Committee shall comprise three members, one of whom shall be designated by Sport Resolutions (UK) as Chairperson. The Appeal Committee shall have the powers set out in paragraph 3 below.
- 2.8 In approving the composition of the Appeal Committee, the LTA undertakes to ensure that the Appeal will be conducted fairly and impartially. The Appeal Committee shall not include individuals

with any connection to the individual concerned or the matters being considered but for the avoidance of doubt, the Appeal Committee may comprise individuals with a connection to the LTA so long as they are independent.

- 2.9 Should a member of the Appeal Committee become unable to hear the Appeal following the appointment of the Appeal Committee for whatever reason, Sport Resolutions (UK) shall appoint a replacement member.
- 2.10 An Appellant may object to the composition of the Appeal Committee by notifying the Disciplinary Officer of the objection and setting out the reasons for such an objection (the notification shall be referred to as "an Objection") no later than 7 days from the date of receipt of notice of the composition of the Appeal Committee in paragraph 2.7 above.
- 2.11 The Disciplinary Officer shall, within seven days from the date of receipt of an Objection, notify the Appellant that either:
- (a) the composition of the Appeal Committee has changed (in which case the Disciplinary Officer shall provide details of the new Appeal Committee); or
  - (b) the composition of the Appeal Committee has not changed (in which case the Disciplinary Officer shall give reasons why it has not accepted the individual's Objection).

The decision by the Disciplinary Officer on the composition of the Appeal Committee under this Rule shall be final.

- 2.12 Within 14 days from the date on which the time limit for an Appellant to object to the composition of the Appeal Committee under paragraph 2.10 has expired or within 14 days from the date the LTA respond to the Objection under paragraph 2.11 (as appropriate), the Chairperson of the Appeal Committee shall give such directions (to both the individual and the LTA) as are appropriate for consideration of the matter, in particular:
- (a) the date and place at which the Appeal Committee will meet to determine the Appeal, provided that the Appeal shall not be heard later than 56 days from the date of the receipt of the Notice of Appeal by the LTA;
  - (b) whether or not the Appeal will proceed by way of written submissions or an oral hearing; and
  - (c) whether or not the parties should be required to submit statements of their evidence and/or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

2.13 An Appeal before the Appeal Committee shall be a re-hearing.

2.14 The Appeal Committee shall meet on the date fixed by the Chairperson and shall, no later than two weeks after hearing the Appeal, inform the individual concerned and the LTA of its decision together with written reasons for its decision. The decision of the Appeal Committee shall be final and binding.

### **3. Powers of the Appeal Committee**

3.1 The Appeal Committee may at its sole discretion disregard any failure by a party to adhere to these Appeal Procedures and may give such further directions as may be appropriate.

3.2 Prior to and at the Appeal, the Chairperson may give such directions whether or not made at the request of the parties, for the proper conduct of the Appeal as he deems may be reasonably necessary for the fair conduct of the appeal, including changes to these Appeal Procedures.

3.3 The Appeal Committee has the power to uphold or dismiss a Decision and, where dismissing an appeal, to take any decision which the LRC has the power to make under the LTA Coach Registration Scheme General Conditions and to make such other recommendations to the LTA as it thinks fit. In dismissing an appeal, the Appeal Committee has the power to award legal costs or a contribution towards the legal costs and/or the administration fees of the Appeal hearing where the appeal has been conducted in a vexatious or frivolous manner. In upholding an appeal, the Appeal Committee has the power to award legal costs or a contribution towards legal costs.

#### **4. Correspondence**

Any notification, correspondence or any other document submitted under these Appeal Procedures shall be sent in writing by first class post or recorded delivery (or airmail if outside the UK) and such documents shall be deemed to have been received by the intended recipient 48 hours (or if by airmail four working days) after posting.

## APPENDIX SIX

### LTA OFFICIALS LICENSING SCHEME GENERAL CONDITIONS

#### 1. Introduction

- 1.1 The Lawn Tennis Association Limited ("the LTA") encourages all tennis officials to apply for a licence under the Officials Licensing Scheme ("**Officials Licence**"). The Officials Licence Scheme is a scheme run by the LTA which grants accreditation to officials who meet the LTA's required standards. These standards include a commitment to continuing personal development, conduct and possession of a satisfactory Disclosure Barring Service (DBS) check and Barred List check. The scheme is an easy way for parents, players and tennis venues to identify those officials who meet these standards. The purpose of the scheme is to create a recognised standard which officials involved in British tennis can attain, thereby allowing officials to become more proficient, including by taking advantage of benefits offered by the LTA (a list of which shall be published by the LTA from time to time) and enhancing the standing of officiating in British tennis further. Only Licensed Officials will be eligible for selection for Grade 5 and above LTA approved competitions.
- 1.2 All Officials Licences are issued subject to these Conditions which may be varied from time to time at the discretion of the LTA in accordance with Condition 12.2.
- 1.3 These Conditions (apart from the LTA Code of Ethics and Conduct for Licensed Officials (the "**LTA Code of Ethics**"), set out at the Schedule to these Conditions) shall not apply to the issue, renewal, upgrade, removal or any other matter (including disciplinary) relating to an Officials Licence which raises a safeguarding or protection concern about a child, young person or adult deemed at risk, and is designated as a Safeguarding case under the Safeguarding Procedures (Appendix Two to the Disciplinary Code) ("**a Safeguarding case**") and such matters shall be dealt with under those Safeguarding Procedures and these Conditions shall be read subject to this provision.

#### 2. Eligibility for and duration of an Officials Licence

##### Eligibility

- 2.1 A person who wishes and is eligible to be an LTA licensed official must apply to the LTA for an Officials Licence in the form and manner required by the LTA. An official is eligible to apply for an Officials Licence if he has:
- 2.1.1 passed an "LTA Officials Basic Course" as defined in Conditions 2.3 and 2.4 below;
- 2.1.2 save for when a person has not previously held an Officials Licence, attained a minimum of 8 Continuing Personal Development Credits ("**Credits**") within the twelve month period prior to the issuing of the Officials Licence;
- 2.1.3 completed a criminal record check where appropriate and been cleared through the LTA Safeguarding Team; and
- 2.1.4 natural or corrected 20/20 vision and natural or corrected adequate hearing and submit to eye and/or hearing tests as reasonably required by the LTA; and
- 2.1.5 paid the applicable fee for the Officials Licence.
- 2.2 An official who holds an officials qualification, that meets the criteria stipulated by the LTA, from a foreign national governing body of tennis affiliated to the International Tennis Federation or from another recognised organisation is eligible to apply for and may be issued with an Officials Licence subject to such conditions, including successful completion of an LTA Officials Basic Course or the attainment of Credits, as the LTA deems appropriate.
- 2.3 Either of the following will be considered as an LTA Officials Basic Course:

- 2.3.1 an LTA Basic Referee Course; or
- 2.3.2 an LTA Basic Line Umpire Course.
- 2.4 Any official who has met the criteria stipulated by the LTA is eligible to apply to take one of the LTA Officials Basic Courses.
- 2.5 The LTA will, at its discretion, provide courses of additional training in order to enable officials to attain (and maintain) the level of Credits required to be eligible for an Officials Licence. The LTA will maintain and publish a list of LTA courses.

#### Duration

- 2.6 An Officials Licence shall in normal circumstances be valid for one year from the date of issue (as stated on any certificate or licence card issued), unless the LTA decides it is appropriate in the circumstances that the Officials Licence should be issued for a shorter period of time in accordance with the Conditions 4.6, 4.7, 4.9 and 6.4 below or the Officials Licence is removed either on a temporary basis or permanently in accordance with Condition 9, the Disciplinary Code and/or the Safeguarding Procedures.
- 2.7 Upon the granting of an Officials Licence the LTA may issue a Certificate or similar as evidence of the holding of an Officials Licence.

### **3. The Licensing and Registration Committee**

- 3.1 The LTA shall appoint annually a Licensing and Registration Committee ("**the Committee**") comprising seven members, one of whom shall be legally qualified and shall be designated as the Chairperson.
- 3.2 The quorum shall be three.
- 3.3 The Committee shall be responsible for all matters relating to the interpretation, implementation and enforcement of these Conditions including, in particular, the provisions of Condition 4 relating to the processing of applications, Condition 9 relating to disciplinary matters and Condition 10 relating to loss of licence.
- 3.4 Any member of the Committee who has an interest in any matter before the Committee must declare that interest and may be precluded from participation in the matter concerned.
- 3.5 The Safeguarding Manager may at any time contact the Committee Chairperson for guidance and advice on an Official's Licence case.

### **4. Applications**

- 4.1 All applications for an Officials Licence and payment of the fee (as stipulated from time to time by the LTA) shall be made in the form or manner prescribed by the LTA.
- 4.2 It is the responsibility of the applicant to ensure that all information provided to the LTA is up to date and accurate so that the LTA may process the application for the Officials Licence. A failure to do so may delay the processing of his application or result in its refusal.
- 4.3 Applicants are required (at their own expense) to:
  - 4.3.2 (subject to Condition 4.4), have completed an appropriate criminal record check through the LTA with a disclosure date not more than 12 months (the LTA may, at its discretion, in individual circumstances change this time period) before the date of processing of the

registration application and it having been assessed as being acceptable by the LTA Safeguarding Team;

- 4.3.3 if requested by the LTA, complete the LTA self-declaration form; and
- 4.3.4 if requested by the LTA, provide the names of two independent persons from whom a confidential reference may be sought and to provide such further information including but not limited to the qualifications, suitability or training record of any applicant as the LTA may deem appropriate.

4.4 Where an applicant renews an Officials Licence under Condition 6.1, the LTA may waive Condition 4.3.2 for a maximum of two consecutive applications.

4.5 The following certificates will be considered "Eligible First Aid Certificates" for the purposes of the Officials Licensing Scheme, where such courses and the provider are accredited by the Health and Safety Executive:

4.5.1 a six hour "Emergency First Aid at Work" course; or

4.5.2 an eighteen hour "First Aid at Work" course.

The LTA will maintain and publish a list of courses and/or course providers through which officials can obtain an Eligible First Aid Certificate.

4.6 The Committee may decline to issue an Officials Licence or may issue an Officials Licence subject to such restrictions as it thinks appropriate on any of the following grounds:

4.6.1 where the LTA has undertaken an appropriate criminal record check and the results of that check are not in the Committee's decision satisfactory;;

4.6.2 where another sports' governing body or coaching organisation has withdrawn the applicant's coaching licence or similar licence or accreditation;

4.6.3 the applicant has in the Committee's opinion, unsuitable qualities, attitudes or abilities to be an official and/or the applicant's behaviour suggests he is unsuitable to be issued an Official's Licence including but not limited to drugs, dishonesty, violence or sexual offences;

4.6.4 the provision of misleading or false information or the refusal to provide information properly requested by the LTA pursuant to Condition 4.2 and 4.3;

4.6.5 failure (where applicable) to attain the required Credits or to fulfil any other eligibility requirements;

4.6.6 the commission of an act which has been disclosed or is otherwise known to the LTA which amounts to a breach of professional standards for the purposes of these Conditions or otherwise amounts to Misconduct under the Disciplinary Code;

4.6.7 the LTA reasonably believes that the applicant does not have natural or corrected 20/20 vision and natural or corrected adequate hearing or the applicant refuses to submit to a sight and/or hearing test following a request by the LTA;

4.6.8 to issue an Officials Licence could bring the Scheme and/or the LTA into disrepute; and/or

4.6.9 any other material reason which in the opinion of the Committee renders that person not a fit and proper person to be issued with an Officials Licence.

The holder of an Officials Licence shall be under a continuing obligation to satisfy the provisions of this Condition and any failure to do so shall render him liable to disciplinary action for Misconduct in accordance with the Disciplinary Code.

- 4.7 Where the Safeguarding Manager has considered an application and, has concerns as to whether the LTA should grant an Officials Licence, it should inform the applicant of its concerns within such time limit as the Safeguarding Manager shall decide.
- 4.8 If the Safeguarding Manager decides to send the case to the Committee to decide whether it should grant a licence then the Safeguarding Manager will convene a meeting of the Committee to consider the case.
- 4.9 The Safeguarding Manager shall provide to the applicant concerned in advance of the case being considered by the Committee:
- (a) the full contents of the internal or external report (including any advice received from external advisers) prepared for the LTA;
  - (b) any additional documents or correspondence which the Safeguarding Manager considers relevant to the presentation of the case to the Committee; and
  - (c) the LTA's written submissions for the Committee.
- 4.10 The Safeguarding Manager shall ask the applicant concerned to provide written submissions on the contents of the report within such time limit as the Safeguarding Manager shall decide.
- 4.11 Upon receipt of written submissions from the applicant concerned, the Safeguarding Manager shall provide within 14 days any further written submissions on behalf of the LTA to the applicant concerned. The applicant concerned shall have the opportunity to amend his own written submission if desired within such time limit as the Safeguarding Manager shall decide.
- 4.12 Upon receipt of an amended written submission from the applicant concerned or upon expiry of the time limit set out in 4.10 or 4.11 above, the Safeguarding Manager shall provide the following to the Committee and to the applicant concerned:
- 4.12.1 the information as set out at 4.9 above;
  - 4.12.2 the written submissions on behalf of the LTA; and
  - 4.12.3 the written submissions received from the applicant concerned.
- 4.13 The Committee Chairperson shall have power (in his sole discretion) to set directions generally as to the conduct of the proceedings. In addition, the Chairperson may, upon receipt of the above, request further information from the LTA or the applicant concerned and/or ask the Safeguarding Manager to conduct further internal or arrange further external investigation.
- 4.14 The Committee will usually consider the case based on the documents submitted. There is no right to attend. However, in exceptional circumstances the Committee Chairperson may invite an applicant to attend the Committee meeting, who may be accompanied by a family member or friend. In such circumstances, the Committee Chairperson may give directions to allow a fair opportunity for all relevant views to be heard.
- 4.15 If, upon consideration of the documents provided and hearing any individuals invited to speak at their meeting, the Committee shall decide upon one or more of the following options:
- 4.15.1 that no further action be taken and grant an unrestricted Officials Licence;
  - 4.15.2 refuse the application for an Officials Licence;

- 4.15.3 impose a written warning outlining the areas of concern which must be addressed by the individual concerned either before the Official's Licence is granted or within a specified period;
  - 4.15.4 impose conditions upon any Officials Licence, held by the individual concerned; and/or
  - 4.15.5 require that the individual concerned be supervised and/or work with a mentor for a specified period of time or permanently.
- 4.16 If, having issued an Officials Licence it comes to the attention of the Committee that information which relates to the conduct of the Licensed Official prior to the grant (or renewal) of his Officials Licence (and which the Committee considers falls within any of the grounds set out in Condition 4.6 above) has either:
- 4.16.1 not been considered during the application process in accordance with Condition 4.7 to 4.15; or
  - 4.16.2 has come to light after the grant (or renewal) of the Officials Licence;
- the Committee may inform the Licensed Official of its concerns and seek his comments upon these concerns. The Committee has the discretion to request the Licensed Official to make oral representations to the Committee and the Licensed Official may be accompanied by a representative, whether legal or otherwise. Based upon the information and the comments of the Licensed Official, the Committee shall reach its decision and may cancel the Officials Licence or impose such conditions on the Officials Licence as it thinks appropriate.
- 4.17 It is the responsibility of every Licensed Official to update his online profile with any changes to the initial information supplied to the LTA and in particular any change of address (including email address).

## **5. Training**

- 5.1 All Licensed Officials are required to undertake training as stipulated from time to time by the LTA to obtain their Credits.
- 5.2 Where an individual has not previously held an Officials Licence, that individual will not be required to have attained the relevant Credits to obtain an Officials Licence for the first year.
- 5.3 The holder of an Officials Licence is required to attain a minimum of eight (8) Credits in each year of his Officials Licence period in order to be eligible to renew the Officials Licence. The LTA may at its discretion in individual cases deem that part or all of this requirement has been fulfilled through other accreditations gained or the membership of other schemes.
- 5.4 A list of Continuing Personal Development Courses and the Credits applicable to them will be drawn up and published by the LTA on at least an annual basis.
- 5.5 The LTA reserves the right:
  - 5.5.1 to amend the number and type of courses and Credits applicable to each of them;
  - 5.5.2 to divide the Credit system into categories;
  - 5.5.3 to require that Credits are attained in more than one category and to restrict the number of Credits that may be attained in each category;
  - 5.5.4 to make a particular element or elements of training compulsory;

- 5.5.5 to require third-party course providers who wish to provide Continuing Personal Development Courses which attract Credits to register with the LTA and to charge them an annual registration fee;
- 5.5.6 to specify minimum standards and criteria to be met by all providers of Continuing Personal Development Courses which attract Credits; and/or
- 5.5.7 to charge a reasonable administration fee for the approval of individual Officials Development Courses as eligible to award Credits.

5.6 It is the responsibility of each Licensed Official (and where applicable an applicant) to ensure that a full and proper record of his training is maintained in the form or manner from time to time prescribed by the LTA. A failure to ensure the maintenance of a full and proper record of his training in the form or manner prescribed may result in a decision not to issue or renew an Officials Licence or to issue an Officials Licence with such restrictions as the Committee thinks appropriate.

## **6. Renewals**

6.1 An Officials Licence may be renewed on expiry for one additional year (or such lesser time as the Committee considers appropriate in the circumstances) on fulfilment of the requirements for renewal as specified by the LTA from time to time including payment of the fee (as stipulated from time to time by the LTA ). A new Officials Licence will be issued subject to continued adherence to these Conditions, including that the Licensed Official has satisfied the requirements of Condition 5.6 relating to the proper maintenance of records.

6.2 Where an Officials Licence is renewed within two months of its expiry, a new Officials Licence will run from the date of expiry of the previous Officials Licence.

6.3 It is the responsibility of a Licensed Official to renew his Officials Licence in a timely fashion. The Official may apply to renew the Officials Licence at any time from the period commencing one month prior to the expiry of the Officials Licence. If a Licensed Official does not renew his Officials Licence within a two month period after the date of expiry of his previous Officials Licence, it will be considered that he has left the LTA Officials Licensing Scheme and is no longer a Licensed Official. Officials are free to re- apply for an Officials Licence at any time, but will be treated as a new applicant (save that the exemption under clause 5.2 will not apply to such individuals and they will be required to attain the relevant Credits prior to attaining the Officials Licence again), and therefore will be required to complete a new criminal record check. If an Officials Licence is renewed by a Licensed Official on time, an appropriate criminal record check for that Licensed Official will only be required every three years. However, a Licensed Official must on the first and second anniversary of the date of the DBS check and Barred List check complete the LTA annual self-declaration form.

6.4 The LTA may decline to renew an Officials Licence or decide to renew an Officials Licence subject to such restrictions as it thinks appropriate on the same grounds as are set out in Condition 4.6. The LTA will follow the procedure set out in Condition 4.7 to 4.15 above.

6.5 Having reached its decision the Committee shall inform the official and follow the procedure outlined in Condition 4.7.

## **7. Promotion**

7.1 The holder of an Officials Licence may describe himself, for the duration of the Officials Licence only, as being an "LTA Licensed Tennis Official" but on written material of any description these words must be accompanied by a statement of his actual qualification.

7.2 A Licensed Official may not use the name or initials or logo of the LTA on any stationery or promotional literature save as provided in Condition 7.1.

7.3 A Licensed Official shall not make or publish or knowingly permit the making or publication of any statement pertaining to his qualifications as a Licensed Official which is false or misleading and in particular shall not make or publish or permit the making or publication of any statement the effect of which is to mislead the public into believing that such official is qualified to a higher standard than that which he currently holds.

## **8. Professional Standards**

8.1 Licensed Officials (whether or not they discharge their responsibilities in a professional capacity) are required to uphold the highest standards of honesty, reliability, integrity, impartiality and confidentiality, to discharge diligently their officiating duties to the best of their ability and to behave in an equitable manner as befits their status as a recognised qualified official.

8.2 In particular a Licensed Official must:

8.2.1 comply at all times with these Conditions and with any Conditions from time to time varying the same;

8.2.2 comply at all times with the LTA Rules and the Disciplinary Code (including for the avoidance of doubt the Regulations concerning match fixing, financial speculation and betting as set out in Appendix Three to the Disciplinary Code) in force from time to time;

8.2.3 adhere to the LTA's Safeguarding Children and Young People policy and Safeguarding Adults policy and follow guidelines laid down from time to time by the LTA;

8.2.4 comply with the relevant rules of any LTA sanctioned event at which he is selected to officiate and co-operate with other officials to ensure the fair and equitable management of that event;

8.2.5 not do anything which would damage the reputation and good standing of the LTA and/or the LTA Officials Licensing Scheme and/or officiating generally or which would bring the game of tennis into disrepute; and

8.2.6 at all times observe the LTA Code of Ethics and Conduct in force from time to time and any directions or guidelines from time to time published by the LTA.

## **8.3 Criminal and other Proceedings**

8.3.1 Without prejudice to the generality of the foregoing, a criminal conviction or formal police caution, an offence relating to match fixing, financial speculation or betting, a social care investigation, the abuse of alcohol or drugs, dishonesty, violence or a sexual offence may be regarded as a breach of this Condition. The fact that a Licensed Official has been convicted of a criminal offence, found guilty of a corruption offence by the relevant body or issued with a formal police caution shall be deemed to be conclusive evidence of the conviction or caution and of the facts and circumstances surrounding it.

8.3.2 Notwithstanding the fact that a Licensed Official may not be charged formally with a criminal offence or may be charged but subsequently not be brought to trial or may be acquitted, the LTA shall nevertheless have the right to instigate or continue a disciplinary action against him with regard to the matter concerned.

8.4 Any breach of these Conditions by a Licensed Official may result in disciplinary action being taken pursuant to Condition 9 and in accordance with the Disciplinary Code.

## **9. Disciplinary Matters and Withdrawal of the Officials Licence**

- 9.1 The Committee may instruct the Disciplinary Officer to investigate any complaint or disciplinary matter that comes to its attention, whether as a result of media publicity or otherwise, in order to establish if the official has been or is in breach of these Conditions, is guilty of Misconduct (as defined in the Disciplinary Code) or is otherwise unsuitable to hold an Officials Licence.
- 9.2 If, having investigated the matter, the Committee considers that the holder of an Officials Licence may have breached either Condition 4.6 above or may have failed to comply with the professional standards as set out in Condition 8 above, then the Committee shall make a formal complaint to the Disciplinary Officer of the LTA in accordance with the Disciplinary Code.
- 9.3 If any further material matter comes to the attention of the Committee which may be relevant to the Disciplinary Officer in considering whether disciplinary action should be brought against the holder of an Officials Licence, or in prosecuting such disciplinary action, the Committee shall convey that information to the Disciplinary Officer.
- 9.4 The Disciplinary Officer shall investigate the complaint in accordance with the Disciplinary Code and is entitled to impose an interim suspension, place restrictions on the Officials Licence, reduce the level at which the official is entitled to officiate or withdraw the Officials Licence for such period as is seen fit.

## **10. Consequences of Suspension or Removal of the Officials Licence**

- 10.1 Where an Officials Licence has been granted or their Licence withdrawn, suspended or 9.4 (or during any period of investigation under condition 9.1), the Committee shall notify their decision (with written reasons) to the individual concerned within 14 days of the meeting (unless exceptional circumstances arise). The notification shall advise the LTA and the individual concerned that they have 28 days from the date of the notification in which to appeal the decision. The appeal shall be conducted in accordance with the procedure set out in Schedule 2 to these Conditions.
- 10.2 Where an official is under an interim suspension (in accordance with the Disciplinary Code) the LTA shall be entitled to take one or more of the following actions:
- 10.2.1 inform the Association of British Tennis Officials, the Tennis Integrity Unit, the DBS and the relevant tennis venues, players, tennis associations and local authorities that the official has had his Officials Licence suspended;
- 10.2.2 suspend the official's insurance cover; and
- 10.2.4 withdraw or no longer propose the official for accreditation by the LTA for any LTA sanctioned events.
- 10.3 An official whose Officials Licence has been removed either on a temporary basis or permanently may not describe himself or hold himself out to be an LTA Licensed Official (which shall include not wearing or using any clothing or equipment provided to or available only to Licensed Officials) and the LTA retains the right to refuse to accept such an official on any LTA course or to appoint/recommend such an official to officiate at any event.
- 10.4 An Official whose Officials Licence has been removed either on a temporary basis or permanently shall return to the LTA upon request any Licence Card, Certificate, clothing, equipment or other material that has been issued to the individual concerned by the LTA in connection with his Officials Licence.
- 10.5 An official whose Officials Licence has been removed permanently may apply to the Committee for his case to be reviewed following the third anniversary of the date of the removal of his Officials Licence and every three years thereafter or if the official can show to the Committee's satisfaction that the circumstances have changed to such an extent that his case should be reviewed. Upon

review, the Committee may reduce the sanction subject to any conditions it considers appropriate or may decline to do so. Before reaching any decision adverse to the official, the Committee will give him the opportunity to address its concerns and the Committee will furnish brief reasons for any such decisions.

## **11. Data Protection Act**

- 11.1 The official acknowledges and agrees that his name and status of his Officials Licence may be included in the LTA's public register of Licensed Officials.
- 11.2 The official acknowledges and agrees that the LTA may use his personal data for reasonable purposes in connection with administering the Officials Licence Scheme and pass the personal data to such other organisations as the LTA considers necessary (including, but not limited to, the police, the NSPCC, other sports National Governing Bodies and relevant social care departments).

## **12. General**

- 12.1 All applications for an Officials Licence are subject to these Conditions whether or not such applications result in the issue of an Officials Licence and all Officials Licences are issued subject to these Conditions which constitute a binding contract between each Licensed Official and the LTA.
- 12.2 These Conditions may be varied from time to time by the LTA Board. Any variation to these Conditions will be notified in writing via email to all Licensed Officials and following notification will be deemed to be incorporated in these Conditions and be binding on all Licensed Officials with immediate effect. The sending of such notification by email to the email address last notified to the LTA by the Licensed Official will be deemed sufficient notification for the purpose of these Conditions. Licensed Officials who do not have an email address can request that the LTA informs them of any variation to these Conditions in writing via post. Such requests should be made in writing to the LTA, addressed to the Officials Licensing Administrator, and any changes of postal address should be notified to the same.
- 12.3 Any documents from time to time appended to these Conditions are intended to form part of them but if there is conflict between their respective provisions these Conditions will prevail.
- 12.4 In these Conditions words importing the singular include the plural and vice versa and the masculine gender includes the feminine gender.
- 12.5 These Conditions shall be governed by and construed in accordance with English Law.

## SCHEDULE 1 TO APPENDIX SIX

### LTA CODE OF ETHICS AND CONDUCT FOR LICENSED OFFICIALS

Licensed Officials are deemed to be bound by, and to have accepted, this Code of Ethics and Conduct. This sets out responsibilities to tennis players, parents, officials and other colleagues, the LTA as the National Governing Body and to society.

LTA Licensed Officials will adhere to the following Code of Ethics and Conduct.

1. At all times act as a role model by maintaining the highest standards of professional conduct and projecting a favourable image of tennis and officiating at all times.
2. Maintain complete impartiality with respect to all players and other officials at all times. Avoid situations with players, parents and others involved in tennis which could be construed as compromising your impartiality and avoid actions that others could perceive as inappropriate. This includes socialising with players whilst at events where you are officiating.
3. Do not officiate in any match in which you have a relationship with one of the players that might be considered a conflict of interest. You must register any conflict or potential conflict of interest with LTA Officiating. This includes when you are a coach, team captain, friend or relative of an individual competing in a tournament where you are officiating. You must also register with LTA Officiating the fact that you work for or have an interest in a company that has a commercial interest in tennis. This is to enable the LTA to assess whether this could affect your impartiality or perceived impartiality.
4. Know and abide by the ITF Rules of Tennis, the ITF Duties and Procedures for Officials and all LTA, ITF, ATP and WTA Tournament Regulations and codes of conduct for events where you are officiating.
5. Abide by the terms of the Uniform Tennis Anti-Corruption Programme. You must not be involved in any betting activity in connection with any tennis event or receive any money, benefit or other reward (whether financial or otherwise) for the provision of any information concerning the weather, court conditions, status, outcome or any other aspect of any match or occurrence at any tennis event. Any breach of the Uniform Tennis Anti-Corruption Programme shall be deemed to be a breach of this Code.
6. Treat players, their entourage, parents, spectators, officials and others involved in tennis with respect at all times and treat all players fairly regardless of (but not limited to) socio- economic status, age, disability, ethnicity, gender, gender reassignment, marital or civil partnership status, pregnancy or maternity status, religion/belief or sexual orientation.
7. Respect the confidentiality of players, parents, coaches and officials. This includes, but is not limited to, medical information.
8. Do not criticise or attempt to explain calls or decisions by other officials to anyone (including on social media) other than, privately, to those officials, the Supervisor/Referee and/or the Chief Umpire/Manager.
9. Do not have conversations with spectators whilst officiating except in the ordinary course of controlling spectators during a match.
10. Following completion of your criminal record check, complete the LTA annual self-declaration form and report any alleged criminal offence, police investigation or court case or social care investigation to the LTA at the earliest opportunity.
11. Ensure that qualifications and affiliations to associations are not misrepresented.
12. Maintain a professional appearance at all times and wear the correct uniform.

13. Do not drink any alcoholic drinks before any match on the day you are officiating (and for at least 12 hours prior to officiating), at any time on-site whilst play is in progress or whilst in uniform.
14. You must not be under the influence of any drugs and/or illegal substances. In the case of prescription drugs, where prescribed medication may have side effects which affect performance, such as drowsiness, you must notify the tournament organisers and LTA Officiating immediately.
15. Do not participate in a media interview or meeting with a journalist where your statements relating to any tennis matter can be printed or broadcast without the prior written approval of the governing body responsible for your appointment.
16. You must adhere to the terms and conditions of each selection including by being available for the duration of the appointment (unless you have been permitted to withdraw by an individual with appropriate authority).

Any breach of any of the provision(s) of this Code of Ethics and Conduct by a Licensed Official shall constitute a breach of the Conditions of the LTA Officials Licence Scheme and shall be dealt with under the procedures as set out in those Conditions.

## **SCHEDULE 2 TO APPENDIX SIX**

### **Appeal Procedures**

#### **1. Scope**

These Appeal Procedures govern the conduct of all appeals by an individual or the Board of the LTA (in both cases "the Appellant") against a decision by the Licensing and Registration Committee ("LRC") ("a Decision").

For the avoidance of doubt the Board of the LTA shall not be able to override a decision of the LRC but it may choose to use the formal appeal procedure set out below to appeal a Decision.

#### **2. Procedure**

- 2.1 An Appellant should be aware of the importance of the time limits contained within these Appeal Procedures which will be strictly enforced.
- 2.2 No later than 14 days from the date of a Decision (except in exceptional circumstances), the LRC shall notify the LTA and the individual concerned of the Decision (referred to in these Appeal Procedures as "the Notification"). The Notification shall contain the following information:
  - (a) the reasons for and the effect of the Decision;
  - (b) the date the Decision was made;
  - (c) the date the Decision takes effect; and
  - (d) these Appeal Procedures.
- 2.3 Any individual who wishes to appeal a Decision must serve a Notice of Appeal and a non-refundable Appeal Fee of £100 to the LTA within 28 days of receipt of the Notification. If either the Notice of Appeal or the Appeal Fee is not served within that 28 day period, the Appeal shall not be considered unless in the sole opinion of the LTA President (who may seek external legal advice) it was not reasonably practical for submission within the time limit.
- 2.4 If the Board of the LTA wish to appeal a Decision, it must serve a Notice of Appeal on the Disciplinary Officer within 28 days of receipt of the Notification. If the Notice of Appeal is not served within 28 days, the Appeal shall not be considered unless in the sole opinion of the LTA President (who may seek external legal advice) it was not reasonably practical for submission within the time limit.
- 2.5 The Notice of Appeal shall set out the decision appealed against and the grounds upon which it is submitted the LRC misdirected itself or otherwise reached an erroneous decision.
- 2.6 Following receipt of the Notice of Appeal and Appeal Fee, the Disciplinary Officer shall forthwith instruct Sport Resolutions (UK) to appoint an Appeal Committee in accordance with paragraphs 2.7 to 2.9 below subject to approval by the Disciplinary Officer and shall notify the individual of the composition of the Appeal Committee no later than ten days from receipt by the LTA of the Notice of Appeal.
- 2.7 The Appeal Committee shall comprise three members, one of whom shall be designated by Sport Resolutions (UK) as Chairperson. The Appeal Committee shall have the powers set out in paragraph 3 below.
- 2.8 In approving the composition of the Appeal Committee, the LTA undertakes to ensure that the Appeal will be conducted fairly and impartially. The Appeal Committee shall not include individuals

with any connection to the individual concerned or the matters being considered but for the avoidance of doubt, the Appeal Committee may comprise individuals with a connection to the LTA so long as they are independent.

- 2.9 Should a member of the Appeal Committee become unable to hear the Appeal following the appointment of the Appeal Committee for whatever reason, Sport Resolutions (UK) shall appoint a replacement member.
- 2.10 An Appellant may object to the composition of the Appeal Committee by notifying the Disciplinary Officer of the objection and setting out the reasons for such an objection (the notification shall be referred to as "an Objection") no later than 7 days from the date of receipt of notice of the composition of the Appeal Committee in paragraph 2.7 above.
- 2.11 The Disciplinary Officer shall, within seven days from the date of receipt of an Objection, notify the Appellant that either:
- (a) the composition of the Appeal Committee has changed (in which case the Disciplinary Officer shall provide details of the new Appeal Committee); or
  - (b) the composition of the Appeal Committee has not changed (in which case the Disciplinary Officer shall give reasons why it has not accepted the individual's Objection).

The decision by the Disciplinary Officer on the composition of the Appeal Committee under this Rule shall be final.

- 2.12 Within 14 days from the date on which the time limit for an Appellant to object to the composition of the Appeal Committee under paragraph 2.10 has expired or within 14 days from the date the LTA respond to the Objection under paragraph 2.11 (as appropriate), the Chairperson of the Appeal Committee shall give such directions (to both the individual and the LTA) as are appropriate for consideration of the matter, in particular:
- (a) the date and place at which the Appeal Committee will meet to determine the Appeal, provided that the Appeal shall not be heard later than 56 days from the date of the receipt of the Notice of Appeal by the LTA;
  - (b) whether or not the Appeal will proceed by way of written submissions or an oral hearing; and
  - (c) whether or not the parties should be required to submit statements of their evidence and/or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

2.13 An Appeal before the Appeal Committee shall be a re-hearing.

2.14 The Appeal Committee shall meet on the date fixed by the Chairperson and shall, no later than two weeks after hearing the Appeal, inform the individual concerned and the LTA of its decision together with written reasons for its decision. The decision of the Appeal Committee shall be final and binding.

### **3. Powers of the Appeal Committee**

- 3.1 The Appeal Committee may at its sole discretion disregard any failure by a party to adhere to these Appeal Procedures and may give such further directions as may be appropriate.
- 3.2 Prior to and at the Appeal, the Chairperson may give such directions whether or not made at the request of the parties, for the proper conduct of the Appeal as he deems may be reasonably necessary for the fair conduct of the appeal, including changes to these Appeal Procedures.

3.3 The Appeal Committee has the power to uphold or dismiss a Decision and, where dismissing an appeal, to take any decision which the LRC has the power to make under the LTA Officials Licensing Scheme General Conditions and to make such other recommendations to the LTA as it thinks fit. In dismissing an appeal, the Appeal Committee has the power to award legal costs or a contribution towards the legal costs and/or the administration fees of the Appeal hearing where the appeal has been conducted in an a vexatious or frivolous manner. In upholding an appeal, the Appeal Committee has the power to award legal costs or a contribution towards legal costs.

#### **4. Correspondence**

Any notification, correspondence or any other document submitted under these Appeal Procedures shall be sent in writing by first class post or recorded delivery (or airmail if outside the UK) and such documents shall be deemed to have been received by the intended recipient 48 hours (or if by airmail four working days) after posting.