

[Department for  
Digital, Culture,  
Media & Sport](#)

Consultation outcome

# UK National Anti-doping Policy (2021)

Updated 26 April 2021

## Contents

### Introduction

1. The objectives of the UK national anti-doping policy and the anti-doping responsibilities of the UK government and the devolved administrations
  2. The roles and responsibilities of UKAD
  3. The anti-doping roles and responsibilities of the sports councils and sports institutes
  4. The anti-doping roles and responsibilities of the national governing bodies of sport in the UK
  5. The anti-doping roles and responsibilities of the BOA, BPA, and CGAs
  6. The anti-doping roles and responsibilities of the National Anti-Doping Panel
- Annex - Compliance with the UK National Anti-Doping Policy



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# Introduction

The UK government and the devolved administrations in Scotland, Wales and Northern Ireland (the ‘devolved administrations’) condemn doping in sport and are committed to the pursuit of clean sport. They consider that this objective is best pursued through a partnership between government and the sports movement (in line with that represented on a global level by the World Anti-Doping Agency, or ‘WADA’), and through the harmonisation of anti-doping rules using the framework provided by the World Anti-Doping Code (the ‘Code’). Accordingly, by ratifying the UNESCO International Convention Against Doping in Sport (the ‘UNESCO Convention’), the UK Parliament has formally committed the UK government as well as the devolved administrations to the pursuit of clean sport based on the principles set out in the Code.

Acting with the guidance of UK Anti-Doping (‘UKAD’), the UK’s National Anti-Doping Organisation, which is a Non-Departmental Public Body accountable to Parliament through the [Department for Digital, Culture, Media & Sport](http://www.culture.gov.uk/) (<http://www.culture.gov.uk/>), and with the support of UK Sport and each of Sport England, sportscotland, Sport Northern Ireland, and Sport Wales (the five of them together, the ‘Sports Councils’), the UK government and the devolved administrations have sought to satisfy the requirements of the UNESCO Convention by adopting the anti-doping policy framework set out in this document (the ‘UK National Anti-Doping Policy’, or ‘Policy’).

The purpose of the UK National Anti-Doping Policy is to set out the policy objectives and requirements of the UK government and the devolved administrations in the field of anti-doping in sport, and to identify the roles and responsibilities of each of the following (and any successor bodies) in delivering on and/or otherwise supporting those objectives and requirements:

- the UK government and/or the devolved administrations
- UKAD
- the Sports Councils
- the Sports Institutes of England, Scotland, Wales, and Northern Ireland (the ‘Sports Institutes’)
- the national governing bodies of sport in the UK (‘NGBs’) (being those bodies that serve as the ruling body for a sport or for an event involving one or more sports, as determined by UKAD)
- the British Olympic Association (‘BOA’)
- the British Paralympic Association (‘BPA’)
- the Commonwealth Games Associations of England, Scotland, Wales, and Northern Ireland (the ‘CGAs’) and
- the National Anti-Doping Panel

The first UK National Anti-Doping Policy came into force on 14 December 2009. Following a process of consultation with the UK sports movement and other

relevant parties, this revised version of the Policy will come into force on 26 April 2021, and it may be amended as required from time to time to ensure it properly reflects governmental policy objectives and requirements in the fight against doping in sport.

Terms used in this Policy that begin with capital letters but are not defined in this Policy are used as defined in the Code or a WADA International Standard in effect as at the date this Policy came into force.

# **1. The objectives of the UK national anti-doping policy and the anti-doping responsibilities of the UK government and the devolved administrations**

1.1. Doping in sport is cheating. It is fundamentally contrary to the “spirit of sport” set out in the Code, it endangers the health of Athletes and of those who emulate and aspire to become Athletes, and it undermines the otherwise positive impact of sport in society. Accordingly, the UK government and the devolved administrations regard the elimination of doping in sport as an important public policy objective.

1.2. Eliminating doping in sport requires a commitment to harmonised anti-doping rules, and to consistent, transparent and accountable Results Management and sanctioning of Athletes, Athlete Support Personnel, and other Persons who commit anti-doping rule violations. It also requires a concerted and coordinated effort and partnership between the government and the sports movement to prevent doping through effective anti-doping Education programmes and through the development of effective means of policing and enforcing the anti-doping rules.

1.3. WADA represents that public-private partnership at a global level, and the Code provides the framework for the adoption of clear and consistent anti-doping rules across all sports and all nations, around the world. That is why the UK Parliament made a formal legal commitment through its ratification of the UNESCO Convention that the UK government and the devolved administrations will work with sport, under the auspices of WADA and the Code, to eradicate doping in sport. This includes a commitment to adopt appropriate measures to implement the principles of the Code, as well as additional measures complementary to the Code, on a national level within the UK, to support the mission of WADA in the international fight against doping, and to fulfil a number of specific commitments, including (without limitation):

1.3.1. adopting and/or encouraging the sports movement to adopt Code-compliant measures to prevent the Use and Possession of Prohibited

Substances and Prohibited Methods by Athletes (other than pursuant to a Therapeutic Use Exemption ('TUE'));

1.3.2. adopting and/or encouraging the sports movement and other competent bodies to adopt Code-compliant measures to sanction Athlete Support Personnel and other Persons who commit anti-doping rule violations or other offences connected with doping in sport;

1.3.3. where appropriate, encouraging and facilitating the implementation by sports bodies and Anti-Doping Organisations of Testing programmes that are consistent with the principles of the Code, including no advance notice Out-of-Competition and In-Competition Testing;

1.3.4. encouraging competent bodies to develop and implement appropriate codes of conduct relating to doping in sport that are consistent with the Code;

1.3.5. where appropriate, withholding financial or other sports-related support from Athletes, Athlete Support Personnel, or other Persons during any suspension imposed on them on account of an anti-doping rule violation;

1.3.6. where appropriate, withholding some or all financial or other sports-related support from any sports body not in compliance with the Code or applicable anti-doping rules adopted pursuant to the Code; and

1.3.7. bringing all other governmental involvement in anti-doping in sport into harmony with the Code.

1.4. Article 22 of the Code (Involvement of governments) records the expectation of Signatories that governments will take all actions and measures necessary to comply with the UNESCO Convention. This Policy has been issued by the Secretary of State for Digital, Culture, Media and Sport, together with the Secretary of State's counterparts in the devolved administrations, as part of the effort of the UK government and the devolved administrations to satisfy the requirements of the UNESCO Convention.

1.5. In relation to Code Article 22, the UK government and the devolved administrations:

1.5.1. refer to Schedule 1, Part 2, paragraph 27 of the Data Protection Act 2018, which expressly facilitates the processing of personal data (a) for the purposes of measures designed to eliminate doping which are undertaken by or under the responsibility of a body or association that is responsible for eliminating doping in a sport, at a sporting event or in sport generally, or (b) for the purposes of providing information about doping, or suspected doping, to such a body or association;

1.5.2. will encourage all of their public services and agencies to cooperate and share information with Anti-Doping Organisations on a timely basis that would be useful in the fight against doping, where doing so would not otherwise be

legally prohibited, and in particular will encourage the signing of agreements between UKAD and such other public services and agencies to facilitate the sharing of information that would be useful in the fight against doping;

1.5.3. will support the unrestricted transport of urine and blood samples into and out of the UK in a manner that maintains their security and integrity, and the unrestricted entry into and exit from the UK of Doping Control officials and their unrestricted access to all areas where Athletes live or train to conduct no advance notice Testing, subject to applicable border control, immigration, and access requirements and regulations;

1.5.4. (a) will discipline government officials and employees who are involved in Doping Control, sport performance, or medical care in a sport setting (including in a supervisory capacity), if they engage in activities that would have constituted an anti-doping rule violation if they had been subject to Code-compliant anti-doping rules; and (b) will not permit such involvement by any Person who is serving a period of Ineligibility for an anti-doping rule violation, or has been convicted of or found in a criminal, disciplinary or professional proceeding to have engaged in conduct that would have constituted an anti-doping rule violation if they had been subject to Code-compliant anti-doping rules (in which case the Person shall be disqualified from such involvement for the longer of six years from the criminal, disciplinary or professional decision or the duration of any sanction imposed);

1.5.5. confirm their respect for arbitration as the preferred means of resolving doping-related disputes, subject to human and fundamental rights and applicable law, and accordingly re-affirm their support for the work of the National Anti-Doping Panel at the national level and of the Court of Arbitration for Sport at the international level;

1.5.6. will respect the autonomy of UKAD, the National Anti-Doping Panel and the WADA-accredited laboratory at King's College, London, and will not interfere with their operational decisions and activities; and

1.5.7. will not do anything to limit or restrict WADA's access to any doping Samples or anti-doping records or information held or controlled by any Signatory, member of a Signatory, or WADA-accredited laboratory.

## **2. The roles and responsibilities of UKAD**

As the UK government's policy advisor in relation to the fight against doping in sport, and as the National Anti-Doping Organisation for the United Kingdom, UKAD must meet a number of legal, technical and operational requirements that are set out in this Policy, the Code (see, in particular, Article 20.5 of the Code), and the International Standards. UKAD also respects the rights of

Athletes that are specifically identified in the Code and the International Standards, which are now compiled in one place in the Athletes' Anti-Doping Rights Act referenced in Code Article 20.7.7. Each of the Code, the International Standards, and the Athletes' Anti-Doping Rights Act (as each may be amended from time to time) is available on [WADA's website](https://www.wada-ama.org/) (<https://www.wada-ama.org/>).

Further to the above, UKAD shall have the following roles and responsibilities:

## **2.1 Code compliance**

UKAD will comply with the Code and will discharge in the UK the responsibilities that the Code confers on National Anti-Doping Organisations, including (without limitation):

2.1.1. being independent in its operational decisions and activities from sport and government, including (without limitation) by prohibiting any involvement in its operational decisions or activities by any Person who is at the same time involved in the management or operations of any International Federation, National Federation, Major Event Organisation, National Olympic Committee, National Paralympic Committee, or government department with responsibility for sport or anti-doping;

2.1.2. adopting and implementing anti-doping rules and policies that are compliant with the Code and the International Standards, including effective operational policies and procedures for the collection of Samples, for the administration of applications for TUEs, and for the collection and use of whereabouts information;

2.1.3. cooperating with other Anti-Doping Organisations, relevant national organisations and agencies, and other agencies and services active in the fight against doping, including by developing protocols for the sharing of anti-doping intelligence;

2.1.4. encouraging reciprocal Testing between Anti-Doping Organisations;

2.1.5. cooperating fully with WADA in connection with investigations conducted by WADA pursuant to Code Article 20.7.14;

2.1.6. pursuing diligently all potential anti-doping rule violations within its jurisdiction, including investigating whether Athlete Support Personnel or other Persons may have been involved in cases of doping by Athletes and (if so) ensuring the enforcement of appropriate Consequences;

2.1.7. conducting an automatic investigation of any Athlete Support Person within its jurisdiction who has provided support (a) for a Protected Person who

has been found to have committed an anti-doping rule violation; or (b) for more than one Athlete who has been found to have committed an anti-doping rule violation;

2.1.8. promoting anti-doping research;

2.1.9. planning, implementing, evaluating, and promoting anti-doping Education in line with the requirements of the International Standard for Education, and acting as the authority on anti-doping Education within the UK;

2.1.10. requiring all of its board members, directors, officers, and those employees (and those of appointed Delegated Third Parties) who are involved in any aspect of Doping Control, to agree to be bound by and to comply with the UK Anti-Doping Rules;

2.1.11. subject to applicable law, not knowingly employing a Person in any position involving Doping Control (other than authorised anti-doping Education or rehabilitation programmes) who is Provisionally Suspended or is serving a period of Ineligibility under the Code or (if not subject to the Code) who has directly and intentionally engaged in conduct within the previous six years that would have constituted an anti-doping rule violation if Code-compliant rules had been applicable to them;

2.1.12. respecting the operational independence of laboratories as provided in the International Standard for Laboratories;

2.1.13. adopting a whistle-blower policy; and

2.1.14. taking appropriate action within its authority to discourage non-compliance with the Code and the International Standards by Signatories and by any other sporting body over which it has authority.

## **2.2 Influencing national and international anti-doping policy**

2.2.1. UKAD will act as the main policy advisor to the UK government in relation to the fight against doping in sport, keeping it abreast of all relevant developments on a national and international level.

2.2.2. UKAD will also act as policy advisor to the UK government on the implications of doping in the wider context of public health, education, and sport integrity, and support the development of a cross-departmental approach to doping and its wider implications.

2.2.3. UKAD will act as custodian of this Policy, managing its operation on a day-to-day basis, and making recommendations for its amendment and/or



supplementation as required from time to time to reflect best practice in anti-doping.

2.2.4. UKAD will cooperate with WADA and other relevant Anti-Doping Organisations in the coordination and implementation of a high quality and efficient anti-doping effort for sport worldwide.

2.2.5. UKAD will conduct international advocacy for clean sport, including leading on the development of anti-doping standards worldwide and ensuring that the views of the UK government on all important anti-doping issues are heard and taken properly into account.

## **2.3 The UK Anti-Doping Rules**

2.3.1. UKAD will publish and maintain a set of UK Anti-Doping Rules that implement the requirements of the Code and International Standards (as amended from time to time) on a national level within the United Kingdom.

2.3.2. UKAD may from time to time publish and amend policies and procedures required for the effective operation of the UK Anti-Doping Rules. These policies and procedures will be made available on UKAD's website.

2.3.3. UKAD will keep the UK Anti-Doping Rules and related operational policies and procedures under review to ensure that they are consistent with the Code and the International Standards and reflect best practice in anti-doping.

2.3.4. UKAD will offer guidance to NGBs as to the process to be followed in order for an NGB to adopt the UK Anti-Doping Rules effectively and efficiently so that they apply to and govern the conduct of Athletes, Athlete Support Personnel, and other Persons who are subject to the NGB's jurisdiction.

2.3.5. As set out in section 4.3 of this Policy, in certain circumstances an NGB may adopt anti-doping rules other than the UK Anti-Doping Rules, provided that those other anti-doping rules comply with the Code and are consistent with this Policy. For the avoidance of doubt, references in this Policy to 'the UK Anti-Doping Rules' may refer to either (1) the UK Anti-Doping Rules published and maintained by UKAD in accordance with paragraph 2.3.1 of this Policy; or, where the context so requires, (2) other anti-doping rules adopted by an NGB in accordance with section 4.3 of this Policy.

## **2.4 Education**

In accordance with the International Standard for Education:

2.4.1. UKAD will plan, implement, evaluate and promote anti-doping information, Education and prevention programmes, including values-based programmes directed at young people (appropriate to their stage of development) in schools and sport clubs, parents, Athletes, sport officials, coaches, medical personnel, other Athlete Support Personnel, the media, and any other relevant Persons or other stakeholders who might be identified from time to time.

2.4.2. UKAD will promote and support active participation by NGBs, Athletes and Athlete Support Personnel and other relevant Persons in anti-doping information, Education and prevention programmes.

2.4.3. UKAD will cooperate with other stakeholders to coordinate efforts in anti-doping information and Education in order to share experience and ensure the effectiveness of the education programmes in preventing doping in sport.

2.4.4. UKAD will support NGBs in developing information, education and prevention programmes appropriate for the Athletes, Athlete Support Personnel, and other Persons under their jurisdiction.

2.4.5. In accordance with the Clean Games Policy (as amended from time to time), UKAD will lead the Education programme for Athletes, Athlete Support Personnel and other Persons participating at Major Games (as defined in the Clean Games Policy), in collaboration with the BOA, BPA, and each of the CGAs.

2.4.6. UKAD will coordinate the notification and induction of, and provide ongoing support for, Athletes in the National Registered Testing Pool and Domestic Testing Pool.

2.4.7. UKAD will coordinate the Education of Athletes returning to sport after a period of Ineligibility.

## **2.5 Research**

2.5.1. UKAD will encourage and promote anti-doping research and take all reasonable measures to ensure that the results of such research are used to promote the anti-doping effort in a manner consistent with the principles of the Code.

2.5.2. UKAD will work with WADA to coordinate anti-doping research. Subject to intellectual property rights, UKAD will provide copies of anti-doping research results to WADA and, where appropriate, will share those results with other relevant Persons.

## 2.6. Testing

2.6.1. UKAD will undertake Testing to obtain analytical evidence as to Athletes' compliance (or non-compliance) with the strict Code prohibition on the Presence/Use of a Prohibited Substance or a Prohibited Method.

2.6.2. UKAD will develop an effective, intelligence-led and proportionate Test Distribution Plan for sport in the UK, including a National Registered Testing Pool and a Domestic Testing Pool. The Test Distribution Plan will prioritise appropriately between sports, disciplines, categories of Athletes, types of Testing, types of Samples collected, and types of Sample analysis, consistent with the principles set out in the Code and in compliance with the requirements of the International Standard for Testing and Investigations. UKAD will give due consideration, in this context, to an NGB's recommendations as to the quantity, type, and spread of Testing to be deployed in its sport, and as to how to select Athletes under its jurisdiction for Testing; provided always however that UKAD will make the final decision on such issues.

2.6.3. Where UKAD determines that Athletes from a particular sport should be included in the National Registered Testing Pool or Domestic Testing Pool, UKAD will consult with the relevant NGB in determining which Athletes under that NGB's jurisdiction should be so included, and will take the NGB's comments into account in good faith; provided always that, in accordance with the International Standard for Testing and Investigations, UKAD will make the final decision on the composition of the National Registered Testing Pool and Domestic Testing Pool.

2.6.4. UKAD will conduct Testing and (where relevant) provide other anti-doping services on one of the following bases:

- 2.6.4a. free of charge in accordance with its Test Distribution Plan (also known as "Public Interest Testing");
- 2.6.4b. on an agreed contractual basis at the request of an International Federation and/or other Anti-Doping Organisation;
- 2.6.4c. on an agreed contractual basis at the request of an NGB; and/or
- 2.6.4d. on a commercial basis for the purpose of generating revenue that may be used to underwrite its activities under this Policy. (For this purpose, such services may be provided to (a) organisations that are not Code Signatories, and/or (b) organisations that are Code Signatories, but in respect of activities that are not governed by the Code (for example, testing for social drugs Out of Competition), provided in each case that the provision of such services does not conflict with or undermine UKAD's roles and responsibilities under this Policy).

2.6.5. For the avoidance of doubt, (i) all forms of Code-compliant Testing carried out by UKAD shall be conducted in accordance with the International Standard for Testing and Investigations; (ii) in accordance with Article 5.3.1 of the International Standard for Testing and Investigations and its accompanying

comment, no International Federation, Major Event Organisation or NGB will be given advance notice of Testing (and nor may they insist on advance notice of Testing) of Athletes under their jurisdiction (save in exceptional and justifiable circumstances, as determined by UKAD and as permitted by the International Standard for Testing and Investigations); and (iii) no NGB will have the right to demand any form of Testing for its sport. Testing will be at the sole discretion of UKAD at all times.

2.6.6. UKAD will make appropriate arrangements with the WADA-accredited laboratory at the Drug Control Centre, King's College, London, and/or other WADA-accredited or WADA-approved laboratories, as necessary to enable the analysis in accordance with the Code and the International Standard for Laboratories of Samples collected by UKAD.

## **2.7 Investigations and intelligence gathering**

2.7.1. UKAD will obtain, assess, and process anti-doping intelligence from all available sources to inform the development of an effective, intelligence-led and proportionate Test Distribution Plan, to plan Target Testing, to form the basis of an investigation into a possible anti-doping rule violation(s), or for any other legitimate anti-doping purpose.

2.7.2\ UKAD will investigate Atypical Findings and Adverse Passport Findings and any other analytical or non-analytical information or intelligence that indicates a possible anti-doping rule violation(s) in order either to rule out the possible violation or to develop evidence that would support the initiation of anti-doping rule violation proceedings.

2.7.3. UKAD will investigate any potential non-compliance with this Policy.

## **2.8. Developing other anti-doping intelligence**

2.8.1. UKAD will put into place memoranda of understanding or similar arrangements as appropriate with law enforcement and other public agencies and services to facilitate the sharing of anti-doping intelligence between such bodies and UKAD.

2.8.2. In addition to its whistle-blower policy, UKAD will also put into place procedures to facilitate the provision of anti-doping intelligence and other relevant information to it by NGBs, Athletes, Athlete Support Personnel, and others. These procedures may be supplemented by appropriate guidance on data sharing and information-sharing agreements to facilitate the sharing of such information.

2.8.3. UKAD will implement policies and procedures to ensure that all intelligence that it receives is handled safely and securely and in accordance with applicable legal requirements, is assessed for relevance and reliability, and (where appropriate) is properly investigated and followed up (and/or referred to other agencies as required).

2.8.4. UKAD will apply the provisions of the Code and the UK Anti-Doping Rules relating to Substantial Assistance as appropriate to assist in obtaining anti-doping intelligence from Athletes, Athlete Support Personnel, and other Persons.

## **2.9 Results management**

In accordance with the International Standard for Results Management:

2.9.1. Subject to paragraph 2.10.6 of this Policy, in all cases of a potential anti-doping rule violation, UKAD will have the sole and exclusive right and responsibility to determine whether an Athlete, Athlete Support Personnel or other Person under the jurisdiction of an NGB has a case to answer for violation of the UK Anti-Doping Rules. UKAD will discharge that function responsibly and in good faith. In determining whether or not there is a case to answer, UKAD will apply the relevant provisions of the International Standards and Code, and take into account the applicable standard of proof and available evidence. UKAD will always seek to act in furtherance of the objectives of the Policy, provided those objectives are not inconsistent with any provision of the Code and the International Standards.

2.9.2. In respect of all potential anti-doping rule violations other than those under Article 2.1 of the UK Anti-Doping Rules, at an appropriate point in the Results Management process, UKAD will consult with the relevant NGB. UKAD will advise the NGB (on a strictly confidential basis) of the grounds on which UKAD bases its view that there is or may be a case to answer. The NGB will then be given a reasonable opportunity (taking into account the need for expedition in anti-doping cases generally, and/or any particular need for expedition in a specific case) to consider the information supplied by UKAD, and to make any points that it believes should be taken into account by UKAD in its assessment of the matter. Where any such points are made, UKAD will take them into account in good faith in making its final determination as to whether there is a case to answer. For the avoidance of doubt, UKAD will not be obliged to consult with a relevant NGB in respect of any potential violation under Article 2.1 of the UK Anti-Doping Rules (which cases concern the presence of a Prohibited Substance or its Metabolites or Markers, and as such are based on independently reviewed analytical data).

2.9.3. When an Athlete, Athlete Support Person, or other Person is given notice that UKAD considers they may have committed an anti-doping rule violation,

UKAD will (simultaneously or otherwise as soon as is practicable) inform the relevant NGB.

2.9.4. Any determination by UKAD that an Athlete, Athlete Support Person, or other Person may have committed a violation of Article 2 of the UK Anti-Doping Rules will be independently reviewed where and as required by the UK Anti-Doping Rules (i.e., depending on the specific Article 2 violation in question), before notification is given to the Athlete, Athlete Support Person, or other Person in accordance with the UK Anti-Doping Rules. The nature and scope of such independent review (and therefore the expertise of the person(s) conducting the independent review) will depend on the nature and scope of the matter at hand, and in particular the specific anti-doping rule violation(s) alleged and the nature of the evidence supporting such allegation(s). For the avoidance of doubt, in circumstances where UKAD considers that an independent reviewer has made an error in their consideration of a case, UKAD may highlight the perceived error to the independent reviewer in order that they may reconsider the case and/or UKAD may seek a second opinion from another independent reviewer (who shall be no less qualified than the first independent reviewer).

2.9.5. In any case where an Athlete, Athlete Support Person, or other Person has been charged, UKAD will continue to monitor whether or not pursuing the charge remains the most appropriate course of action. Any decision not to bring a charge or to drop a charge that has been brought will be notified to WADA and all other parties with a right of appeal, in accordance with the relevant requirements of the Code and the UK Anti-Doping Rules.

2.9.6. For the avoidance of doubt, any deviation from this section of this Policy will not invalidate any charge or other Results Management step.

## **2.10. Case presentation**

2.10.1. Subject to paragraph 2.10.5 of this Policy, UKAD shall have the sole and exclusive right and responsibility:

- 2.10.1.a. to charge an Athlete, Athlete Support Person, or other Person with violation of the UK Anti-Doping Rules;
- 2.10.1.b. to present that charge to a disciplinary tribunal for hearing and determination; and
- 2.10.1.c. to pursue or defend (as applicable) any application and/or appeal or other form of challenge arising in relation to such proceedings.

2.10.2. In discharging these case presentation responsibilities, UKAD will endeavour at all times to respect the duty of procedural fairness owed to

Athletes, Athlete Support Personnel, and other Persons who have been charged with the commission of anti-doping rule violations.

2.10.3. UKAD will be responsible for the costs incurred in exercising its rights under paragraph 2.10.1 of this Policy, subject to any right set out in the UK Anti-Doping Rules, the NADP Procedural Rules, and/or the CAS Code of Sports-related Arbitration to seek an order shifting some or all of the costs to the relevant Athlete, Athlete Support Person, Person, or any other party.

2.10.4. Subject always to the requirements of the Code and the International Standards, an NGB may reserve to itself in its anti-doping rules (a) a right to attend all hearings, either in an observer capacity or (at its election) as a party to the proceedings (i.e., with a right to make submissions); and/or (b) a right to appeal against any decision made pursuant to those rules. In any event, again subject always to the requirements of the Code and the International Standards, UKAD will keep the relevant NGB informed as to the status of any proceedings brought by UKAD against Athletes, Athlete Support Personnel, or other Persons who are subject to the NGB's jurisdiction, including as required to enable the NGB to discharge any reporting duty it may owe to its International Federation.

2.10.5. Where it considers it appropriate to do so (for example, to minimise the burden on its limited anti-doping resources), UKAD may agree terms with an Athlete, Athlete Support Person, or other Person who has been charged with an anti-doping rule violation for disposition of the charge without a hearing. Such disposition shall include confirmation of the commission of the anti-doping rule violation(s) charged and acceptance of the Consequences to be imposed under the UK Anti-Doping Rules. UKAD will inform the relevant NGB of the proposed disposition before agreeing the relevant terms (which will be entered into without prejudice to the NGB's right of appeal, unless the proposed disposition is a Case Resolution Agreement that is also agreed by WADA in accordance with Code Article 10.8.2, in which case it will not be subject to appeal by anyone).

2.10.6. UKAD may enter into a written agreement with an NGB on terms for the NGB to assume the responsibility to determine whether an Athlete, Athlete Support Personnel or other Person under its jurisdiction has a case to answer for a violation of the UK Anti-Doping Rules and / or to exercise some or all of the powers set out in paragraph 2.10.1 of this Policy. UKAD will consider requests for any such agreement in good faith, and will not refuse to enter into such an agreement where appropriate terms and conditions are accepted by the NGB that protect and promote the objectives of this Policy and meet all applicable Code obligations, including for example safeguards that ensure the robustness, independence, transparency, accountability, and general suitability of the NGB's processes; provided that UKAD shall not in any event waive its right to be an observer or (at its election) a party to any disciplinary proceedings brought by an NGB pursuant to such an agreement, or its right of appeal against any decision made by the NGB or the disciplinary tribunal, in accordance with the UK Anti-Doping Rules. Unless contrary and prevailing

terms exist in any pre-existing agreements between UKAD and an NGB, all prior agreements (including, without limitation, in respect of case to answer determinations and case presentation) shall cease to have effect upon the entering into force of this Policy. The terms of any written agreement that UKAD enters into with an NGB in accordance with this paragraph 2.10.6, and the performance of the NGB under that agreement, will be subject to regular review by UKAD to ensure that the agreed arrangements and the NGB's performance of them remain effective to meet all applicable obligations under the Code, the objectives of this Policy, and the UK Anti-Doping Rules.

## **2.11. Quality assurance**

2.11.1. UKAD will act at all times in accordance with the Code, the International Standards, and all applicable laws and regulations.

2.11.2. UKAD will conduct regular internal auditing of its performance of the functions assigned to it under this Policy and/or under the UK Anti-Doping Rules.

2.11.3. UKAD will maintain applicable current quality management certification, including submitting to annual inspection and auditing by an independent auditor accredited by the United Kingdom Accreditation Service.

## **2.12. Confidentiality**

2.12.1. UKAD will put in place appropriate policies and procedures to respect and ensure the confidentiality of information as required by the Code, the International Standard for the Protection of Privacy and Personal Information, other International Standards (to the extent relevant), the UK Anti-Doping Rules, and applicable laws and regulations.

2.12.2. UKAD will not comment publicly on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the respondent Athlete, Athlete Support Person, or other Person (or their entourage or other representatives), or as otherwise permitted by the Code.

## **2.13. Accountability**



2.13.1. UKAD will be accountable to the Department of Digital, Culture, Media & Sport.

2.13.2. UKAD will be accountable to Parliament and to the Parliamentary and Health Service Ombudsman through the Department of Digital, Culture, Media & Sport.

2.13.3. UKAD will make its staff members available to an NGB during working hours for consultation on any matter arising out of UKAD's performance of the functions assigned to it under this Policy. In addition, UKAD will make itself available for meetings with NGBs on at least an annual basis to discuss any matters of concern (such meetings may be conducted in person or remotely). Comments made by an NGB in relation to the Policy and its operation will be considered in good faith.

2.13.4. To the extent that an NGB is held liable to an Athlete, Athlete Support Person, or other Person in damages and/or costs as a result of the fault of UKAD in the discharge of its responsibilities under this Policy and/or the UK Anti-Doping Rules, then (provided the NGB has done everything reasonably possible to mitigate such damages and/or costs, has given UKAD conduct of the matter, has given UKAD all reasonable assistance in defending the matter, and has done nothing to prejudice that defence) UKAD will indemnify the NGB in respect of the same.

2.13.5. In the event that a Sports Council, an NGB, the BOA, the BPA, any CGA and/or any other body to which this Policy applies considers that UKAD has failed to meet its obligations under this Policy, it should in the first instance address the matter directly with UKAD (to the attention of its Chief Executive Officer), setting out in writing the alleged failure(s) and the factual basis for them. In the event that the matter cannot be resolved between UKAD and the complaining party, the complaining party may then address the matter in writing directly to the Secretary of State for Digital, Culture, Media and Sport for resolution. In the event the Secretary of State for Digital, Culture and Sport is unable or unwilling to resolve the matter, a formal complaint may be made to the Parliamentary and Health Service Ombudsman in accordance with its relevant procedures.

## **2.14. Assessment of policy compliance and assurance framework**

2.14.1. UKAD will assess whether NGBs are in compliance with this Policy.

2.14.2. Where UKAD considers that an NGB has fulfilled its obligations under this Policy, UKAD will declare the NGB to be 'compliant' with the Policy.

2.14.3. Where UKAD considers that an NGB has failed to meet its obligations under this Policy, UKAD may follow the process set out in the Annex to this Policy. No determination of non-compliance shall be effective, and no consequences may be applied for non-compliance, except where the determination has been reached in accordance with that process.

2.14.4. In order to enable UKAD to assess NGBs' compliance with this Policy on a regular and structured basis, UKAD will introduce and maintain an anti-doping 'Assurance Framework', which will set out in detail the specific actions that UKAD will expect the NGB to have taken in order to comply with the requirements of this Policy. Each NGB must periodically (as determined by UKAD, e.g., annually) submit evidence to UKAD (in a form and by a time specified by UKAD), in respect of its compliance with this Policy. UKAD will assess the evidence provided by an NGB and report back to the NGB in respect of its assessment of the NGB's compliance.

2.14.5. UKAD may share with the relevant Sports Council any part of any submission made to it by an NGB pursuant to this Policy. UKAD may from time to time publish a summary report on compliance by NGBs generally, which may also include any related correspondence and/or documents.

2.14.6. For the avoidance of doubt, UKAD may assess an NGB's compliance with this Policy at any time, whether as part of the Assurance Framework process or otherwise (for example, by way of audit or investigation).

## **2.15. Prioritisation of particular sports**

UKAD may prioritise its focus and its resources, including in respect of its approach to monitoring and managing compliance with this Policy, as it sees fit in order to further the objectives of this Policy. However, UKAD will generally prioritise its focus and resources towards sports in receipt of public funding and/or that are considered by UKAD to carry a higher doping risk.

# **3. The anti-doping roles and responsibilities of the sports councils and sports institutes**

**3.1. Each of the Sports Councils and the English Institute of Sport (EIS) shall [\[footnote 1\]](#):**

3.1.1. recognise UKAD as the autonomous National Anti-Doping Organisation for the United Kingdom and fully support the efforts of UKAD in the fight against doping in sport, including by respecting and promoting the principles of this Policy;

3.1.2. respect the rights of Athletes set out in the Code and the International Standards, and compiled in the Athletes' Anti-Doping Rights Act;

3.1.3. designate one suitably trained staff member or other person to act as its nominated lead on anti-doping matters, responsible for ensuring that it satisfies the requirements of this Policy. The anti-doping lead will engage with UKAD as required to discuss the Sports Council's/Sports Institute's responsibilities under this Policy, and the responsibilities of relevant NGBs to which the Sports Council/Sports Institute provides funding and/or support;

3.1.4. designate one suitably trained board member to act as the nominated lead on the board with respect to anti-doping matters, who shall ensure that anti-doping matters are appropriately and regularly raised and considered at board level (for these purposes, anti-doping matters should be discussed at least annually);

3.1.5. provide support to UKAD and NGBs in carrying out their obligations to ensure that Athletes, Athlete Support Personnel, and other relevant Persons are educated as to their individual rights and responsibilities in relation to anti-doping, including those that fall under the Clean Games Policy and/or as otherwise agreed with UKAD;

3.1.6. upon request by UKAD, sign an information-sharing agreement with UKAD that enables UKAD to access relevant and proportionate data relating to Athletes, Athlete Support Personnel, and other relevant Persons for the purposes of fulfilling its role and responsibilities under this Policy;

3.1.7. immediately report in full to UKAD any information it learns suggesting or relating in any way to an apparent anti-doping rule violation by an Athlete, Athlete Support Person, or other Person, prior to taking any action itself (unless such action is necessary to protect the safety of any person). Thereafter it shall support and cooperate fully with UKAD in its investigation of that information, including (without limitation) reporting any further information received on the same or any related subject. It shall also provide the same support and cooperation for any investigation conducted by UKAD into information obtained from any other source;

3.1.8. support and cooperate fully with any UKAD investigations when requested by UKAD to do so;

3.1.9. have in place and effectively enforce disciplinary rules that make it an offence triggering a material sanction for any person or entity within its jurisdiction to delay or impede in any way, or fail or refuse (without compelling

justification) to cooperate with, an anti-doping investigation or proceedings conducted by UKAD or any other relevant Anti-Doping Organisation;

3.1.10. ensure that its written agreements with Athletes, Athlete Support Personnel and other relevant Persons (which shall include as a minimum those of its employees who are involved in any aspect of Doping Control) include provisions confirming that such individuals (i) agree to be bound by the UK Anti-Doping Rules, and (ii) will cooperate with Code-compliant anti-doping investigations and proceedings;

3.1.11. use its best endeavours to procure that other relevant Persons under its authority (i.e., those not covered by paragraph 3.1.10 of this Policy, including its employees not involved in any aspect of Doping Control) cooperate with Code-compliant anti-doping investigations and proceedings;

3.1.12. post anti-doping information on its website, including posting a link to the official website of UKAD and providing any other links and information as specified by UKAD from time to time;

3.1.13. ensure that it maintains confidentiality as required by the UK Anti-Doping Rules and any applicable policies and procedures that may be issued by UKAD from time to time; and

3.1.14. keep confidential any information supplied to it in confidence by UKAD, unless it is authorised to disclose such information by UKAD, or it is required to disclose such information by judicial, administrative, governmental or regulatory process, or by any applicable law.

### **3.2 Each of the Sports Institutes (whether a division of or operationally independent from its Sports Council) shall:**

3.2.1. ensure that all relevant internal documentation (such as codes of conduct) refers to any requirements that have been agreed with UKAD, for example minimum levels of anti-doping education for staff members;

3.2.2. have in place and effectively enforce provisions that make it a disciplinary offence (triggering a material sanction) for an Athlete Support Person within its jurisdiction who is Using Prohibited Substances or Prohibited Methods without valid justification to provide support to an Athlete; and

3.2.3. keep and preserve proper and accurate records of all pharmaceutical and medical treatments provided to Athletes by its employees (or others acting under its instructions), in line with General Medical Council and/or Royal Pharmaceutical Society guidance.

### **3.3. Addressing non-compliance with the UK Anti-Doping Rules and (where relevant) this Policy by an Athlete, Athlete Support Person, or**

**other relevant Person who receives public funding and/or publicly funded benefits from a Sports Council/Sports Institute:**

3.3.1. Each Sports Council and each Sports Institute will make compliance with the UK Anti-Doping Rules and (where relevant) this Policy an ongoing condition of eligibility for receipt of public funding and/or publicly funded benefits by an Athlete, Athlete Support Personnel or other relevant Persons (to the extent such is provided by the Sports Council/Sports Institute in question). It will ensure that it has the power, under the terms of its grant of funding and/or other benefits, to sanction non-compliance appropriately, including (without limitation) (a) the power to withdraw public funding or other benefits from an Athlete, Athlete Support Person or other relevant Person during any period of Ineligibility imposed on the Athlete, Athlete Support Person or other Person for an anti-doping rule violation; and (b) the power to claw back public funding received by the Athlete, Athlete Support Person, or other relevant Person in the period of non-compliance.

3.3.2. Where an Athlete, Athlete Support Person or other relevant Person who is a recipient of public funding and/or publicly funded benefits from a Sports Council or Sports Institute is charged with an anti-doping rule violation, upon being notified of the charge (in accordance with the confidentiality requirements of the UK Anti-Doping Rules), then (subject to any legal constraints) the Sports Council/Sports Institute will suspend provision of such funding and/or benefits pending hearing and determination of the charge, and will take all necessary steps to ensure that such person does not receive such funding or benefits indirectly (e.g. by means of assistance or benefits provided by the Sports Council or Sports Institute via an NGB, including but not limited to coaching internships or apprenticeships) pending final determination of the charge (including expiry or exhaustion of all appeal rights).

3.3.3. If it is finally determined that no anti-doping rule violation has been committed, or if it is finally determined that a violation has been committed but no period of Ineligibility is imposed, UKAD will notify the Sports Council/Sports Institute, which will remit any suspended payments to the Athlete, Athlete Support Person or other relevant Person as soon as possible and will reinstate access for that Person to any relevant services.

3.3.4. If it is finally determined that an anti-doping rule violation has been committed and a period of Ineligibility is imposed, UKAD will notify the Sports Council/Sports Institute, which will:

- 3.3.4a. ensure that no further publicly funded benefits are provided to the Athlete, Athlete Support Person, or other relevant Person during the period of Ineligibility;
- 3.3.4b. retain the suspended payments referenced in paragraph 3.3.2 of this Policy; and
- 3.3.4c. exercise its contractual rights to obtain repayment from the Athlete, Athlete Support Person, or other relevant Person of all or part of any funding provided to them by the Sports Council/Sports Institute, either directly or via

an NGB, in relation to the period when the anti-doping rule violation was committed (save where the costs of doing so would outweigh the sums to be repaid).

3.3.5. Notwithstanding the foregoing provisions of this paragraph 3.3.5, support and/or funding may be made available at any time by a Sports Council and/or a Sports Institute to any Athlete, Athlete Support Person, or other relevant Person (as applicable), who is subject to a charge brought in respect of an anti-doping rule violation, or who is serving a period of Ineligibility, where the Sports Council and/or Sports Institute determines that there are legitimate concerns as to the well-being of the Athlete, Athlete Support Person, or other relevant Person arising from the charge or period of Ineligibility (for example, if they are suffering from addiction or physical and/or mental health issues).

#### **3.4. Addressing non-compliance with this Policy by an NGB:**

3.4.1. Each Sports Council and Sports Institute will make compliance with this Policy an ongoing condition of NGB eligibility to receive public funding and/or publicly funded benefits and services from the Sports Council/Sports Institute. Each Sports Council/Sports Institute will ensure that it reserves the power, under the terms of its grant of such funding and/or benefits or services, to enforce that condition.

3.4.2. In the event that an NGB is determined (following the process set out in the Annex to this Policy) to have failed to comply with the requirements of this Policy, and the consequences applied for such non-compliance impact upon said funding or benefits or services, the Sports Council/Sports Institute shall take all necessary steps to implement those consequences (subject to any legitimate concerns that doing so, and thereby impacting on the funding or benefits or services that the NGB provides to Athletes, Athlete Support Personnel, or other relevant Persons, may jeopardise the well-being of any such Athlete, Athlete Support Person, or other Person – for example, if they are suffering from addiction or physical and/or mental health issues).

3.5. Each Sports Council and Sports Institute shall, whenever requested to do so by UKAD, cooperate fully with any investigation or any request for information by UKAD (including as part of any audit) into its compliance or non-compliance with this Policy, including answering questions and providing any information or documentation requested by UKAD. A failure to do so will be considered a serious non-compliance with the Sports Council's/Sports Institute's obligations under this Policy.

3.6. Unless otherwise resolved between UKAD and a Sports Council/Sports Institute, instances of non-compliance with the Policy by a Sports Council/Sports Institute, as well as the consequences of such non-compliance, shall be determined by following the procedure set out in the **Annex** to this Policy.

## **4. The anti-doping roles and responsibilities of the national governing bodies of sport in the UK**

Each NGB shall have the following anti-doping roles and responsibilities:

### **4.1 Recognition of and support for the UK National Anti-Doping Policy and for UKAD**

4.1.1. Each NGB must recognise UKAD as the National Anti-Doping Organisation for the United Kingdom, must respect the autonomy of UKAD as the National Anti-Doping Organisation for the United Kingdom, must not interfere or attempt to interfere with its operational decisions and activities, and must fully support the efforts of UKAD in the fight against doping in sport, including (without limitation) by (i) complying with this Policy and all other applicable policies and procedures that may be issued by UKAD from time to time; (ii) upon request by UKAD, working with UKAD to agree a risk-based anti-doping strategy and implementation plan for its sport; and (iii) upon request by UKAD, distributing UKAD's educational and informative material to Athletes, Athlete Support Personnel and other relevant Persons under the NGB's jurisdiction.

4.1.2. Each NGB must designate one suitably trained staff member or other person to act as its nominated lead on anti-doping matters, responsible for ensuring that it satisfies the requirements of this Policy. The NGB's designated anti-doping lead will engage with UKAD as required to discuss the NGB's responsibilities under this Policy, including completing or attending training as required by UKAD from time to time.

4.1.3. Each NGB must designate one suitably trained board member (or, if it does not have a board, a senior official of equivalent standing) to act as the nominated lead on the board in respect of anti-doping matters. The designated board lead will complete or attend training as required by UKAD from time to time. The designated board lead will be responsible for ensuring that anti-doping matters are appropriately and regularly (at least annually) raised and considered at board level (or equivalent).

4.1.4. Each NGB must also designate a member (or members) of staff to liaise with UKAD in relation to (i) anti-doping Education; (ii) Testing; (iii) intelligence and investigations; (iv) communications; (v) medical / TUEs; and (vi) Results Management and legal affairs. For the avoidance of doubt, one member of staff may be the point of contact for one or more area (and the person designated in accordance with paragraph 4.1.2 of this Policy above may also be designated for the purposes of this paragraph 4.1.4).

## **4.2. Compliance with this Policy and the Assurance Framework**

4.2.1. As set out in section 2.14 above, UKAD will monitor compliance by each NGB with the requirements of this Policy, primarily by way of an 'Assurance Framework'.

4.2.2. If, at any time, an NGB becomes aware of any facts or circumstances that might reasonably be considered to amount to non-compliance by the NGB with this Policy, it must disclose such facts or circumstances to UKAD in writing and without delay, together with any explanation or justification offered for such non-compliance. The NGB must also provide such further information as UKAD may reasonably require in relation to such non-compliance. The NGB's approach to the self-disclosure of relevant facts or circumstances (where such facts or circumstances are not otherwise known to UKAD) will be considered by UKAD in determining its response to the disclosure. In particular, due credit will be given for proactive, timely, and full disclosures.

4.2.3. In accordance with the Assurance Framework (see paragraph 2.14.4 above), each NGB must accurately and completely submit information and evidence periodically (as determined by UKAD, e.g. annually) to UKAD (in a form and by a time specified by UKAD) in order to enable UKAD to assess the NGB's compliance with its obligations under this Policy. A failure to submit evidence when required by UKAD shall be considered a serious non-compliance with the NGB's obligations under this Policy.

4.2.4. The information and evidence sought by UKAD from an NGB to demonstrate compliance with this Policy, through the Assurance Framework process or at any other time, may relate to any of the NGB's obligations under this Policy. NGBs should therefore ensure that they are in a position to evidence their compliance with each and every obligation under this Policy.

4.2.5. In order to assist NGBs in demonstrating compliance under the Assurance Framework, information as to the compliance evidence that UKAD will request by way of the Assurance Framework will be provided to NGBs periodically and will be made available on UKAD's website. For the avoidance of doubt, however, the evidence required may be subject to change from time to time.

4.2.6. Without prejudice to the above provisions of this section 4.2, each NGB must, whenever requested to do so by UKAD, cooperate fully with any investigation or any request for information by UKAD (including as part of any audit) into the NGB's compliance or non-compliance with this Policy, including answering questions and providing any information or documentation requested by UKAD. A failure to do so will be considered a serious non-compliance with the NGB's obligations under this Policy.



## **4.3. Adoption of Code-compliant Anti-Doping Rules**

4.3.1. Each NGB must take all necessary steps to ensure that it has disciplinary jurisdiction over all Athletes, Athlete Support Personnel, and other relevant Persons participating in its sport and under its auspices.

4.3.2. Each NGB must adopt, bring into force, and implement, as part of the rules and regulations applicable to Athletes, Athlete Support Personnel, and other relevant Persons under its jurisdiction, anti-doping rules that UKAD agrees are Code-compliant and consistent with this Policy. Any dispute as to whether the NGB's anti-doping rules are Code-compliant will be referred to WADA (or WADA's delegate for these purposes), whose decision shall be final.

4.3.3. Save for good cause shown (such as contrary and mandatory requirements of the International Federation of which it is a member), an NGB must satisfy the requirements of paragraph 4.3.2 by adopting as its own the UK Anti-Doping Rules issued by UKAD (as amended from time to time); provided that UKAD will permit such amending and/or supplementary provisions to the UK Anti-Doping Rules as the NGB demonstrates are required in the specific context of its sport, provided they are compliant with the Code, the International Standards, and this Policy.

4.3.4. Where an NGB shows good cause as to why it cannot adopt as its own the UK Anti-Doping Rules issued by UKAD, the NGB must give UKAD an adequate opportunity to review the anti-doping rules that the NGB proposes to adopt instead (and any subsequent amendments to those rules), and prior to the adoption (or amendment) of those rules the NGB must make such changes to those proposed rules as are required by UKAD in order for the rules to comply with the Code and the International Standards and to be consistent with this Policy.

4.3.5. Each NGB must provide UKAD with a complete copy of its anti-doping rules, as well as of each update or amendment of those rules, when they come into force, together with evidence of formal adoption and/or such other evidence as may be sufficient to demonstrate compliance with the requirements of this section 4.3.

4.3.6. It is acknowledged that (a) certain of the Persons who are subject to the NGB's jurisdiction may also be subject to the anti-doping jurisdiction of other Anti-Doping Organisations, including the International Federation of which the NGB is a member; and (b) the same conduct of such Persons may engage not only the UK Anti-Doping Rules but also the anti-doping rules of such other Anti-Doping Organisations. In such circumstances, the jurisdictional and other issues that arise shall be resolved in accordance with the Code.

4.3.7. Where NGBs within a particular sport allocate responsibility amongst themselves for compliance with this Policy (e.g., a UK governing body takes responsibility for compliance with this Policy on behalf of the English, Scottish, Welsh and/or NI NGBs for that sport), (i) each relevant NGB shall put in place in

their respective constitutions provisions binding on their Athletes, Athlete Support Personnel, and other Persons, that are satisfactory to UKAD and that give effect to that allocation of responsibility and ensure accountability at each level; and (ii) certain requirements of this Policy will still need to be met by each relevant NGB, as determined by UKAD in each case (e.g., taking the above example, the English, Scottish, Welsh and NI NGBs would still need to meet certain requirements of this Policy independently of the UK NGB).

#### **4.4. Athletes, Athlete Support Personnel, and other relevant Persons**

4.4.1. Each NGB must adopt Code-compliant measures in order to prevent Athletes, Athlete Support Personnel, and other Persons under its jurisdiction committing anti-doping rule violations or other offences connected with doping in sport.

4.4.2. Each NGB will respect the rights afforded to Athletes under the Code and the International Standards, as compiled in the Athletes' Anti-Doping Rights Act.

4.4.3. Each NGB must provide UKAD with information about the number of Athletes and Athlete Support Personnel under the NGB's jurisdiction and the levels at which those Athletes compete.

4.4.4. Each NGB must take responsibility for, and work with UKAD in relation to, the anti-doping Education of Athletes and Athlete Support Personnel and other relevant Persons within its jurisdiction. Each NGB must work with UKAD in such manner, and with such frequency, as may be required in order to develop and deliver effective Education and prevention programmes (in a manner approved by UKAD) to ensure that all such Athletes and Athlete Support Personnel and other Persons become and remain familiar with:

- 4.4.4a. the provisions of the UK Anti-Doping Rules, and in particular their individual rights and responsibilities thereunder;
- 4.4.4b. the Prohibited List;
- 4.4.4c. the risks relating to medication and supplement usage;
- 4.4.4d. ethical values relating to their participation in sport;
- 4.4.4e. where relevant, Athletes' responsibilities relating to the National Registered Testing Pool or Domestic Testing Pool; and
- 4.4.4f. any other matter that UKAD may consider appropriate from time to time in the specific context of any NGB or sport.

4.4.5. Subject to any more specific requirements arising out of the NGB's work with UKAD in accordance with paragraph 4.4.4 above (and/or elsewhere in this Policy), each NGB shall:

- 4.4.5a. post accurate and relevant anti-doping information on its website, including a link to the relevant provisions of the NGB's rulebook and/or a link to the UK Anti-Doping Rules on UKAD's website (if the NGB has adopted the same);
- 4.4.5b. proactively provide Athletes, Athlete Support Personnel, and other relevant Persons with key anti-doping messages and information (through its website and other appropriate communication channels);
- 4.4.5c. publish an annual summary of its anti-doping activities prominently on its website; and
- 4.4.5d. publish and disseminate other anti-doping communications as specified by UKAD from time to time.

4.4.6. Each NGB must maintain records of attendance at/completion of anti-doping Education by Athletes, Athlete Support Personnel, and other Persons, and must make those records available to UKAD on request.

4.4.7. Each NGB must ensure that its written agreements with Athletes, Athlete Support Personnel and other relevant Persons (which shall include as a minimum those employees of the NGB who are involved in any aspect of Doping Control) include provisions confirming that such individuals (i) agree to be bound by the UK Anti-Doping Rules, and (ii) will cooperate with Code-compliant anti-doping investigations and proceedings by UKAD and/or others. Each NGB that is a Delegated Third Party must additionally ensure that it has in place written agreements with board members, directors and officers that include these provisions.

4.4.8. Each NGB must use its best endeavours to procure that other relevant Persons under its authority (i.e., those not covered by paragraph 4.4.7 of this Policy, including its employees not involved in any aspect of Doping Control) cooperate with Code-compliant anti-doping investigations and proceedings by UKAD and/or others.

4.4.9. Each NGB's written agreements with Athlete Support Personnel and other Persons engaged in its performance pathway and/or who are medical or paramedical personnel must require the Athlete Support Personnel and such other Persons to undertake (and keep up-to-date) appropriate anti-doping Education.

4.4.10. If an NGB issues licences or memberships, or permits 'one-off' entry into Events or Competitions, it must ensure that the Athletes, Athlete Support Personnel, and/or other relevant Persons involved are bound by the UK Anti-Doping Rules for a minimum period of 12 months from commencement of the licence or membership (even if the licence or membership is for a shorter duration for other purposes) or 12 months from the date of the relevant Event or Competition (as applicable).

4.4.11. Each NGB must put disciplinary rules in place that make it a serious offence for Athlete Support Personnel within its authority who are Using

Prohibited Substances or Prohibited Methods without valid justification to provide support to Athletes.

4.4.12. Each NGB must put in place a mechanism for Athletes under its authority to notify the NGB of their retirement from competition, and for the NGB to notify UKAD of the effective date of such retirement. As part of that mechanism, the NGB will remind the retiring Athlete that they remain bound by the UK Anti-Doping Rules after their retirement in respect of any actions or omissions of the Athlete prior to the effective date of their retirement.

## **4.5. TUEs**

4.5.1. After due consultation with an NGB, UKAD may designate a category of Athletes who, although not in a Registered Testing Pool, may also be required to obtain a TUE prior to Use or Possession of a Prohibited Substance or Prohibited Method (such Athletes to be referred to as being in the 'National TUE Pool'). In that case, the NGB must cooperate with UKAD in giving effect to that designation, including by notifying Athletes that they have been included in the National TUE Pool and of the consequences of that inclusion.

4.5.2. Each NGB must ensure that all medical personnel under its jurisdiction who are concerned with TUE applications undertake appropriate TUE training as determined by UKAD. For the avoidance of doubt, this includes any medical personnel bound by the NGB's rules (e.g., a team or club doctor) and is not limited to those employed or engaged directly by the NGB.

4.5.3. Each NGB must cooperate fully with UKAD in relation to the processing of TUE applications, including (without limitation) by forwarding any TUE applications received from Athletes to UKAD without delay.

4.5.4. Each NGB must treat in confidence all medical and other information of which its personnel become aware in relation to TUE applications made by Athletes under its jurisdiction, and ensure that such personnel sign appropriate undertakings to that effect, if so required by UKAD.

## **4.6. Testing**

4.6.1. The NGB must cooperate with and support UKAD in putting together UKAD's Test Distribution Plan for sport in the United Kingdom, including by providing UKAD with such information as it might require to finalise that plan.

4.6.2. The NGB must cooperate with UKAD and support it in the implementation of its Test Distribution Plan with respect to Athletes under the

NGB's jurisdiction, including (without limitation):

- 4.6.2a. confirming in its anti-doping rules the right of UKAD to test any Athlete under the NGB's jurisdiction at any time;
- 4.6.2b. assisting UKAD as required in the implementation of its Test Distribution Plan, including (without limitation) by providing access to Athletes under its jurisdiction, and such other logistical and other assistance as may be required to facilitate UKAD's conduct of no advance notice, Out-of-Competition and In-Competition Testing of such Athletes;
- 4.6.2c. assisting UKAD as required in the implementation of its National Registered Testing Pool and Domestic Testing Pool, including as regards notification and induction of Athletes who are included in either pool, and in the enforcement of such Athletes' obligations to provide personal details required for carrying out Testing, to file whereabouts information with UKAD, and to make themselves available at such whereabouts for Out-of-Competition Testing;
- 4.6.2d. ensuring that the details of Testing to be conducted by UKAD are not revealed in advance by NGB personnel other than to those who need to know such details in order for the Testing to be implemented;
- 4.6.2e. providing UKAD with, or otherwise ensuring that UKAD has, immediate and unobstructed access to sports venues (including training facilities) in order to carry out no advance notice Testing in accordance with the International Standard for Testing and Investigations, i.e., so that notification of Sample collection takes place with no advance warning to an Athlete and so that the Athlete may be continuously chaperoned from the moment of notification through to Sample provision (and it is noted that, further to the comment to Article 5.3.1 of the International Standard for Testing and Investigations, an NGB will not be given advance notice of Testing of Athletes under its jurisdiction, save in exceptional and justifiable circumstances as determined by UKAD and as permitted by the International Standard for Testing and Investigations).
- 4.6.2f. in relation to Team Sports, ensuring that relevant teams provide timely, accurate and complete whereabouts information for the Athletes in the team (including by enforcing that requirement through disciplinary action where necessary); and
- 4.6.2g. where relevant, providing UKAD with Athlete long lists/short lists and Athletes' home addresses prior to Major Events and such other Events or Competitions as UKAD may specify.

4.6.3. In accordance with Code Articles 6.1 and 6.4, UKAD has the exclusive right to choose the WADA-accredited and/or WADA-approved laboratory/ies that will analyse Samples collected pursuant to the Test Distribution Plan, and the Sample analysis menu to be used by the laboratory/ies. In exercising these rights, UKAD will take into account in good faith any relevant factors brought to its attention by the NGB.

4.6.4. As between the NGB and UKAD, all Samples collected by or on behalf of UKAD belong to UKAD. UKAD may make directions in relation to the analysis and disposal of Samples, including (without limitation) in relation to the re-analysis of Samples based on knowledge or information arising after the initial analysis of the Samples. The NGB must comply with such directions.

4.6.5. In accordance with paragraph 2.6.4 of this Policy, UKAD may agree terms for the provision of further Testing services to any NGB or Anti-Doping Organisation on a contracted basis, whether or not UKAD also conducts Public Interest Testing on the Athletes under the jurisdiction of that NGB or Anti-Doping Organisation.

4.6.6. It shall not constitute non-compliance with this Policy for an NGB to contract with a Sample Collection Agency other than UKAD to collect Samples from Athletes, provided that (a) the Testing is conducted in accordance with the Code (including Article 20.3.2) and International Standards; (b) UKAD is notified in advance of such Testing to help with coordination of Testing (in line with Article 4.9 of the International Standard for Testing and Investigations); and (c) where UKAD would be responsible for managing the results of such Testing, UKAD must have consented in advance to the Testing (such consent not to be unreasonably withheld or delayed). For the avoidance of doubt, this clause does not apply to testing for substances that are not prohibited under the Code; any such testing shall not be governed by this Policy.

4.6.7. Each NGB must ensure that the consent of a parent, carer, or other relevant responsible adult is in place for the Testing of Minors, and that the need for such consent (which shall be a condition of participation) is communicated to the relevant individuals alongside any relevant procedures for the Testing of Minors.

4.6.8. For the avoidance of doubt, no provision of this Policy precludes UKAD from entering into an agreement with an NGB to test Athletes for substances that are not Prohibited Substances under the Code.

## **4.7. Results management**

4.7.1. Subject to any agreement made with UKAD in accordance with paragraph 2.10.6 of this Policy, the NGB must recognise, in its anti-doping rules, the sole and exclusive right of UKAD to determine whether an Athlete, Athlete Support Person, or other Person under the NGB's jurisdiction has a case to answer for violation of those rules, and must take all necessary steps to give effect to that right.

4.7.2. Where it is determined by UKAD that an Athlete, Athlete Support Person, or other Person under the NGB's jurisdiction has a case to answer for violation of the UK Anti-Doping Rules, then (subject to any contrary agreement made in

accordance with paragraph 2.10.6 of this Policy) the NGB must recognise the sole and exclusive right of UKAD to bring and pursue disciplinary charges against that Athlete, Athlete Support Person, or other Person in respect of such violation(s).

4.7.3. Subject to the Code and International Standards, UKAD will provide the NGB with a copy of each and every notice that UKAD issues to an Athlete, Athlete Support Person, or other Person under the NGB's jurisdiction (a) informing them that UKAD considers they may have committed a violation of the UK Anti-Doping Rules, and (b) charging them with a violation of the UK Anti-Doping Rules; and thereafter will keep the NGB informed of the progress of disciplinary proceedings. In particular, where the UK Anti-Doping Rules create a discretion as to the imposition of a Provisional Suspension, UKAD will consult with the NGB, and take its comments into account in good faith, before exercising that discretion (provided always that circumstances may require that such consultation is undertaken on an expedited basis).

4.7.4. The NGB must cooperate with UKAD's pursuit of disciplinary charges against the Athlete, Athlete Support Person, or other Person, including (without limitation) by recognising and giving effect to any Provisional Suspension imposed.

4.7.5. Subject to the Code and International Standards, the NGB must provide UKAD with a copy of each and every notice that the NGB receives from a third party (e.g., its International Federation or another Anti-Doping Organisation) asserting that an Athlete, Athlete Support Person, or other relevant Person under the NGB's jurisdiction may have committed an anti-doping rule violation, and thereafter must keep UKAD informed of the progress of the matter as necessary, including any ensuing disciplinary proceedings.

4.7.6. The NGB may provide information and other support (e.g., referral to suitable advisors, including legal and/or health advisors) to an Athlete, Athlete Support Person, or other relevant Person who is charged with violation of the UK Anti-Doping Rules. However, the NGB (a) must not take any position or otherwise act in any way that undermines the integrity of its anti-doping rules; and (b) must not in any circumstances act as advocate for the Athlete, Athlete Support Person, or other Person in response to the charge(s).

4.7.7. In relation to anti-doping proceedings brought by UKAD, where an issue is raised at or prior to the hearing that requires the input of the NGB, UKAD will so advise the NGB, and UKAD and the NGB will consult and cooperate with each other in relation to the resolution of such issue.

4.7.8. In accordance with paragraph 2.10.3 of this Policy, subject to any contrary provision in the Code and/or the International Standards an NGB may reserve to itself in its anti-doping rules a right to appeal against any decision made by UKAD and/or a tribunal under those rules.

## **4.8 Disciplinary proceedings at first instance and on appeal**

4.8.1. Subject to paragraph 4.8.2 of this Policy, the NGB must recognise (a) the sole and exclusive jurisdiction of the National Anti-Doping Panel to hear and determine, in accordance with the NADP Procedural Rules (as amended from time to time), any charges brought against an Athlete, Athlete Support Person, or other Person for violation of the UK Anti-Doping Rules; and (b) the sole and exclusive jurisdiction of the National Anti-Doping Panel (in the case of National-Level Athletes) or the Court of Arbitration for Sport (in the case of International-Level Athletes) to hear and determine appeals from decisions at first instance of NADP tribunals. The NGB must take all necessary steps to ensure that Athletes, Athlete Support Personnel, and other relevant Persons, also recognise and submit to that jurisdiction.

4.8.2. UKAD may enter into a written agreement with an NGB, setting out the terms on which that NGB may refer (i) disciplinary proceedings against an Athlete, Athlete Support Person, or other Person under the NGB's jurisdiction for violation of the UK Anti-Doping Rules; and/or (ii) any appeal arising out of such proceedings, not to the National Anti-Doping Panel but rather to a tribunal established by the NGB in accordance with its rules (provided such tribunal respects and satisfies the requirements of the Code, the International Standard for Results Management, the rights afforded to Athletes under the Athletes' Anti-Doping Rights Act, and the standards set out at section 6 of this Policy). UKAD will consider any requests for such agreement in good faith, and will not refuse to enter into such agreement where appropriate terms and conditions are accepted by the NGB; provided that UKAD shall not in any event waive its right to be a party (or, at its election, an observer) to any disciplinary proceedings brought pursuant to such an agreement, or its right of appeal against any decision made by the disciplinary tribunal, in accordance with the UK Anti-Doping Rules. Unless contrary and prevailing terms exist in any pre-existing agreements between UKAD and an NGB, all prior agreements shall cease to have effect upon the entering into force of this Policy. The terms of any written agreement that UKAD enters into with an NGB in accordance with this paragraph 4.8.2, and the performance of the NGB and tribunal under such written agreement, will be subject to regular review by UKAD to ensure that the agreed arrangements and the performance of them remain effective to meet all applicable Code obligations, the objectives of this Policy, and the requirements of the UK Anti-Doping Rules.

4.8.3. Subject to the terms of any agreement made in accordance with paragraph 4.8.2, an NGB must not publicly disclose any determination that an anti-doping rule violation has been committed until UKAD has Publicly Disclosed that decision.

4.9. Ineligible athletes, Athlete Support Personnel, and other Persons



4.9.1. Where an Athlete, Athlete Support Person, or other Person under the NGB's jurisdiction is Provisionally Suspended, the NGB must take all necessary steps in its power to recognise and give effect to that Provisional Suspension, including seeking recognition of the Provisional Suspension by other relevant bodies, and must procure that its members and affiliates and other Persons under its jurisdiction do the same.

4.9.2. Where an Athlete, Athlete Support Person, or other Person is found to have committed an anti-doping rule violation, the NGB must recognise, implement and give effect to the Disqualification of results and to the period of Ineligibility and/or other Consequences imposed on the Athlete, Athlete Support Person, or other Person in relation to that anti-doping rule violation, including seeking recognition, implementation and enforcement thereof by other relevant bodies, and must procure that its members and affiliates do the same.

4.9.3. Where the NGB provides benefits or services to its Athletes, Athlete Support Personnel or other Persons, the NGB must ensure that no Athlete, Athlete Support Personnel, or other Person receives such benefits or services during any period of Provisional Suspension or Ineligibility.

4.9.4. NGBs shall seek to provide such support as is practicable to Athletes, Athlete Support Personnel, and other Persons who are subject to a charge brought in respect of an anti-doping rule violation, or a period of Ineligibility, where there are legitimate concerns as to the well-being of an Athlete, Athlete Support Person, or other Person arising from the charge or period of Ineligibility (for example, if they are suffering from addiction or physical and/or mental health issues). With a view to preventing repeated anti-doping rule violations, NGBs shall also support Athletes, Athlete Support Personnel, and other Persons returning to sport after a period of Ineligibility, in particular by updating them on any relevant anti-doping rules, policies, programmes, and procedures.

## **4.10 Related misconduct**

4.10.1. In the event that a Person who is subject to the NGB's jurisdiction commits an act of misconduct under any of the NGB's rules or regulations that relates to anti-doping but does not also amount to a violation of the UK Anti-Doping Rules (e.g., an Athlete Support Person who Uses a Prohibited Substance or Prohibited Method without valid justification providing support to an Athlete), the NGB must bring disciplinary proceedings against that Person for such misconduct, including consulting with UKAD in relation thereto and taking its views into account in good faith.

4.10.2. Without limitation to paragraph 4.10.1, each NGB must ensure that its rules make it a serious disciplinary offence for any Person under its jurisdiction to delay or impede in any way, or to fail or refuse (without compelling justification) to cooperate with, an anti-doping investigation or proceedings

conducted by UKAD or any other relevant Anti-Doping Organisation. The NGB will seek appropriate sanctions against anyone who commits such an offence.

## **4.11. Intelligence, data, and information-sharing**

4.11.1. Where the NGB learns (from any source) of information suggesting or relating in any way to the commission or possible commission of an anti-doping rule violation by an Athlete, Athlete Support Person, or other relevant Person under its jurisdiction, the NGB must immediately report that information in full to UKAD prior to taking any action itself (unless such action is necessary to protect the safety of any person). Thereafter the NGB must support and cooperate fully with UKAD in its investigation of that information, including (without limitation) reporting any further information received on the same or any related subject. The NGB must also provide the same support and cooperation for any investigation conducted by UKAD into information obtained from any other source.

4.11.2. Each NGB must cooperate with UKAD and support UKAD in developing intelligence to inform intelligence-based Testing and in gathering intelligence and evidence in order to determine whether any Athlete, Athlete Support Person or other Persons may have been involved in anti-doping rule violations.

4.11.3. Each NGB must maintain adequate, relevant records relating to Athletes, Athlete Support Personnel, and other Persons under its jurisdiction, in order to enable it to comply with its obligations under the Code, this Policy, and any other relevant requirements from time to time in force. Each NGB must confirm to UKAD on demand whether or not any individual participates in its sport and is subject to the UK Anti-Doping Rules.

4.11.4. Without limitation to paragraph 4.11.3, each NGB must keep and preserve proper and accurate records of all pharmaceutical and medical treatments provided to Athletes by the NGB's employees (or other persons acting under instruction of the NGB), in line with the applicable General Medical Council and/or Royal Pharmaceutical Society guidance.

4.11.5. If so requested by UKAD, an NGB must enter into an information-sharing agreement with UKAD that enables UKAD to access relevant and proportionate data relating to Athletes, Athlete Support Personnel, and other relevant Persons under the NGB's jurisdiction for the purposes of fulfilling its role and responsibilities under this Policy.

## **4.12. Consequences of non-compliance**

4.12.1. Compliance with the requirements of this Policy shall be a condition of an NGB's eligibility for receipt of public funding and of publicly funded benefits and services and, where relevant, its membership of or recognition by the Sports Councils, the Sports Institutes, the BOA, the BPA, and any relevant CGA.

4.12.2. Unless otherwise resolved between UKAD and an NGB, instances of non-compliance with the Policy by an NGB, as well as the consequences of such non-compliance, shall be determined by following the procedure set out in the Annex to this Policy.

4.12.3. It is acknowledged that the NGB is a member of and subject to the jurisdiction of the International Federation for its sport, and that in such capacity the NGB is required to comply with the anti-doping obligations imposed upon it by that International Federation (the 'IF Anti-Doping Obligations'). To the extent that the NGB can demonstrate both (a) that its IF Anti-Doping Obligations conflict with the requirements of this Policy; and (b) that such IF Anti-Doping Obligations are compliant with the Code (as determined by WADA), to that extent (and only to that extent) the NGB's non-compliance with the requirements of this Policy shall not be treated as a case of non-compliance; provided that the NGB shall seek in good faith to facilitate a dialogue between UKAD and the International Federation in question to explore ways of resolving the conflict between the IF Anti-Doping Obligations and the requirements of this Policy.

4.12.4. No waiver of any requirement of this Policy shall be effective unless made in a document signed by a duly authorised representative of UKAD. Any such waiver shall be effective only as against the NGB(s) named in the document, and only as to the specific requirement(s) identified in the document.

## **4.13. Confidentiality**

4.13.1. Each NGB must ensure that it maintains confidentiality in respect of anti-doping matters as required by the Code, the International Standard for the Protection of Privacy and Personal Information, other International Standards (to the extent relevant), the UK Anti-Doping Rules, and any applicable policies and procedures that may be issued by UKAD from time to time.

4.13.2. Each NGB must also keep confidential any information supplied to it in confidence by UKAD, unless it is authorised to disclose such information by UKAD, or it is required to disclose such information by judicial, administrative, governmental or regulatory process, or by any applicable law.

# 5. The anti-doping roles and responsibilities of the BOA, BPA, and CGAs

5.1. Each of the BOA and the BPA and each CGA must:

- 5.1.1. comply, and ensure that its anti-doping policies and procedures comply, with the Code, the International Standards, and this Policy;
- 5.1.2. require all of its board members, directors, and officers, as well as those members of its staff and its contractors and volunteers who are involved in any aspect of Doping Control, to agree to be bound by the UK Anti-Doping Rules;
- 5.1.3. designate one suitably trained staff member or other person to act as its nominated lead on anti-doping matters, with responsibility for ensuring that it satisfies the requirements of this Policy, including liaising with UKAD as required.
- 5.1.4. designate one suitably trained board member to act as its nominated lead on the board in respect of anti-doping matters, who shall ensure that anti-doping matters are appropriately and regularly raised and considered at board level (for these purposes, anti-doping matters should be discussed at least annually);
- 5.1.5. respect the autonomy of UKAD as the National Anti-Doping Organisation for the United Kingdom, not interfere or attempt to interfere with its operational decisions and activities, and fully support its efforts in the fight against doping in sport, including by respecting and promoting the principles of this Policy;
- 5.1.6. respect the rights of Athletes set out in the Code and the International Standards, and compiled in the Athletes' Anti-Doping Rights Act;
- 5.1.7. put in place and enforce effectively disciplinary rules that make it a serious offence (i) for Athlete Support Personnel under its jurisdiction who are Using Prohibited Substances or Prohibited Methods without valid justification to provide support to Athletes; and (ii) for any Person or entity under its jurisdiction to delay or impede in any way, or to fail or refuse to cooperate with, an anti-doping investigation or proceedings conducted by UKAD or any other relevant Anti-Doping Organisation;
- 5.1.8. work in collaboration with other organisations, including the UK government, devolved administrations, Sports Councils and UKAD to plan, implement, evaluate, and promote anti-doping Education for all Athletes, Athlete Support Personnel and other relevant Persons that come under its jurisdiction, in line with the requirements of the International Standard for Education and the Clean Games Policy, including posting anti-doping information on its website, such as a link to the official website of UKAD and any other links and information as specified by UKAD from time to time;
- 5.1.9. require as a condition of membership or affiliation that an NGB's anti-doping policies and rules comply with the Code and the International

Standards and with this Policy, and take appropriate action to enforce compliance;

- 5.1.10. adopt a policy or rule implementing Article 2.11 of the Code/ UK Anti-Doping Rules;
- 5.1.11. if it learns of information (from any source) suggesting or relating in any way to the commission or possible commission of an anti-doping rule violation by an Athlete, Athlete Support Person, or other relevant Person, immediately report that information in full to UKAD prior to taking any action itself (unless such action is necessary to protect the safety of any person). Thereafter it must support and cooperate fully with UKAD in its investigation of that information, including (without limitation) reporting any further information received on the same or any related subject. It must also provide the same support and cooperation for any investigation conducted by UKAD into information obtained from any other source;
- 5.1.12. require, as a condition of participation in a team that it enters in an Event, that Athletes who are not regular members of an NGB makes themselves available for Sample collection by providing whereabouts information in accordance with Article 4.8.8 of the International Standard for Testing and Investigations as soon as they are identified on the long list or subsequent entry document submitted in connection with the Event in question;
- 5.1.13. not knowingly employ or engage anyone in any position involving Doping Control (other than authorised anti-doping Education or rehabilitation programs) who has been Provisionally Suspended or who is serving a period of Ineligibility in respect of an anti-doping rule violation under Code-compliant anti-doping rules or (if they are not subject to Code-compliant anti-doping rules) who has directly and intentionally engaged in conduct within the previous six years that would have constituted a violation of such anti-doping rules;
- 5.1.14. cooperate with UKAD and other Anti-Doping Organisations (and any other relevant organisations and agencies);
- 5.1.15. upon request by UKAD, enter into an information-sharing agreement that enables UKAD to access relevant and proportionate data relating to Athletes, Athlete Support Personnel and other relevant Persons for the purposes of fulfilling its role and responsibilities under this Policy;
- 5.1.16. provide UKAD with relevant information prior to Events for which it is entering a team, such as Athlete long lists/short lists, Athletes' home addresses, training camp participants, selection decisions, and travel plans, if and when known, and in accordance with the Clean Games Policy;
- 5.1.17. keep and preserve proper and accurate records of all pharmaceutical and medical treatments provided to Athletes by its employees (or others acting under its instructions), in line with General Medical Council and/or Royal Pharmaceutical Society guidance;
- 5.1.18. ensure that it maintains confidentiality in respect of anti-doping matters as required by the Code and any applicable policies and procedures that may be issued by UKAD from time to time; and

- 5.1.19. ensure that any information supplied to it in confidence by UKAD remains confidential, unless it is authorised to disclose such information by UKAD, or it is required to disclose such information by judicial, administrative, governmental or regulatory process, or by any applicable law.

5.2. Where UKAD considers that the BOA, the BPA or any CGA has failed to comply with the Code, it will report the matter to WADA, as well as to the International Olympic Committee, the International Paralympic Committee, and the Commonwealth Games Federation (as may be appropriate in each case).

## **6. The anti-doping roles and responsibilities of the National Anti-Doping Panel**

6.1. The National Anti-Doping Panel consists of a panel of suitably qualified and experienced legal and lay members, administered by an independent secretariat.

6.2. The National Anti-Doping Panel shall (in accordance with section 4.8 of this Policy) make one or more of its members (as set out in the NADP Procedural Rules) available to hear and determine charges brought asserting violations of the UK Anti-Doping Rules by Athletes and/or Athlete Support Personnel and/or other Persons, as well as any related applications and/or appeals.

6.3. The National Anti-Doping Panel will hear and determine such charges, applications and/or appeals in accordance with the Code and the UK Anti-Doping Rules, and will comply with the International Standard for Results Management and follow best practice in relation to the conduct and resolution of disciplinary proceedings generally, including in particular (but without limitation) respecting the duty of procedural fairness owed to Athletes, Athlete Support Personnel, and other Persons who are charged with violating the UK Anti-Doping Rules.

6.4. The National Anti-Doping Panel is and shall remain at all times fully independent, both operationally and institutionally, from the UK government, the devolved administrations, UKAD, the Sports Councils, NGBs, BOA, BPA, CGAs, and all Athletes, Athlete Support Personnel, and other relevant Persons. This independence is of fundamental importance to the Policy, providing comfort that the decisions of the National Anti-Doping Panel will be made independently and with fairness, impartiality, and integrity.

6.5. In accordance with paragraph 6.4 of this Policy, while the NADP Secretariat will put in place mechanisms for receiving and addressing comments received by any of UKAD, the Sports Councils, NGBs, BOA, BPA, CGAs, Athletes,

Athlete Support Personnel, and other relevant Persons in relation to the functions being discharged by the National Anti-Doping Panel, none of those bodies/persons shall have any right to intervene or take any part in the management or operation of the National Anti-Doping Panel, and none of them shall have any funding or contractual control over the National Anti-Doping Panel. Instead, the National Anti-Doping Panel shall provide its services, and receive its funding, pursuant to a contract with the Department of Digital, Culture, Media and Sport, and it shall be subject to such quality assurance standards as the Department of Digital, Culture, Media and Sport shall set from time to time.

## **Annex - Compliance with the UK National Anti-Doping Policy**

### **Monitoring compliance**

A1.1. Where UKAD considers that any NGB, Sports Council or Sports Institute (including the EIS) (each, a Respondent Body for the purposes of this Annex) has failed to comply with the requirements of the UK National Anti-Doping Policy, UKAD may send a written notice to the Respondent Body, identifying the alleged failure(s) and requiring an explanation and/or (where the failure(s) can be remedied) a proposal for corrective action(s) to remedy the failure(s) within a specified time period. In any notice UKAD sends to a Respondent Body, UKAD should also advise the Respondent Body of the consequences (if any) that UKAD considers to be warranted by the alleged failure(s), whether or not the failure is remedied.

A1.2. Save in exceptional cases where a matter is particularly urgent and so UKAD has specified in the notice that a speedier response is required, the Respondent Body shall have twenty (20) working days from receipt of the notice to respond to the notice, failing which it shall be deemed to have admitted the failure(s) alleged and to have accepted the consequences proposed, and such admission and acceptance shall be final and binding upon it. In any response, the Respondent Body must:

A1.2.1. deny or seek to justify or excuse the alleged failure(s), and set out with specificity the basis of such denial, justification, or excuse; or

A1.2.2. admit the alleged failure(s) and (where the failure(s) can be remedied) make a proposal for corrective action(s) to remedy the failure(s) within a specified time-period, for UKAD's consideration. (UKAD may conclude the matter by agreeing to the Respondent Body's proposal, subject to the

imposition of consequences and/or such other terms and conditions as UKAD may consider appropriate in the circumstances of the case); and

A1.2.3. accept or dispute the appropriateness of the consequences (if any) proposed by UKAD.

A1.3. UKAD shall advise the Respondent Body in writing to what extent (if any) the Respondent Body's denial of or explanation or justification or excuse for non-compliance is accepted, giving the reasons for that view, and (where the proposed corrective action is not fully accepted) explaining what further corrective action is required (the 'Compliance Issue'). To the extent the denial or explanation or justification or excuse offered by the Respondent Body is not accepted, UKAD shall also advise the Respondent Body in writing of the consequences (if any) that UKAD considers to be warranted, giving the reasons for that view (the 'Consequences Issue').

A1.4. Save in exceptional cases where a matter is particularly urgent and so a speedier response is required, the Respondent Body shall have twenty (20) working days from receipt of the correspondence referenced in paragraph A1.3 to dispute UKAD's position on the Compliance Issue and/or the Consequences Issue. If the Respondent Body does not dispute the Compliance Issue by that deadline, it shall be deemed to have admitted the non-compliance alleged by UKAD, which admission shall be final and binding upon it, as well as the proposed further corrective action, if any. If the Respondent Body does not dispute the Consequences Issue by that deadline, it shall be deemed to have accepted the consequences proposed by UKAD, which acceptance shall be final and binding upon it.

## **Referral to arbitration**

A1.5. Where the Respondent Body disputes the Compliance Issue and/or the Consequences Issue by the relevant deadline, the Respondent Body or UKAD shall have the right to refer that dispute to arbitration by sending a written notice of such referral to the other party and Sport Resolutions (UK). In that event, the dispute shall be resolved by a sole, independent, and impartial arbitrator appointed by Sport Resolutions (UK) and acting in accordance with its Rules of Arbitration (Full Arbitration Procedure).

A1.6. The fact of a referral to arbitration by UKAD or by any Respondent Body may be publicised by way of statement on UKAD's website. Any such statement will detail the provision(s) of the Policy with which the Respondent Body is alleged to have failed to comply, but it will otherwise be restricted to matters of process.

A1.7. The seat of the arbitration shall be London and (unless otherwise agreed between UKAD and the Respondent Body) any hearings shall be held in



London. The arbitrator shall fix the procedure to be followed in accordance with Sport Resolution (UK)'s Rules of Arbitration (Full Arbitration Procedure), provided that each party (i.e., both UKAD and the Respondent Body) is given a full and fair opportunity to make its case and to respond to the case made against it.

A1.8. The arbitrator shall resolve the issue(s) referred to arbitration by reference to the following:

- A1.8.1. Where the Compliance Issue is referred to arbitration, the issue for the arbitrator shall be to determine the nature and extent of the Respondent Body's failure(s) to comply with this Policy (if any); provided, however, that where the issue referred requires a determination of whether or not an NGB has adopted Code-compliant anti-doping rules, and/or of whether or not an NGB's International Federation's Anti-Doping Obligations are Code-compliant, then in accordance with paragraph 4.3.2 or paragraph 4.12.3 of the Policy (as applicable) that issue shall be referred to WADA for determination, and shall only be determined by the arbitrator if WADA declines or fails to determine it.
- A1.8.2. Where non-compliance is admitted by a Respondent Body or determined by arbitration in accordance with paragraph A1.8.1, and the Consequences Issue has been referred to arbitration:
  - A1.8.2.1. in cases where the Respondent Body is an NGB, the issue for the arbitrator shall be what consequences (if any) are proportionate to the non-compliance in issue, having regard to the objectives of this Policy and the nature and scope of the non-compliance in question (as well as the NGB's previous record as to compliance with the Policy); provided that if the Secretary of State for Digital, Culture, Media and Sport has issued any guidelines as to the exercise of discretion in relation to the consequences to be applied for non-compliance with the Policy ('Guidelines'), the arbitrator shall also follow those Guidelines in resolving the Consequences Issue; and
  - A.1.8.2.2. in cases where the Respondent Body is a Sports Council or Sports Institute, the sole consequence for such a body shall be referral to the UK government/the devolved administrations (as appropriate) for determination as to what action should be taken in respect of the Sport Council or Sport Institute's compliance failure, i.e., it will be for the UK government/the devolved administrations to determine any consequences.

A1.9. Subject to any Guidelines, the consequences that may be applied for failure by an NGB to comply with the Policy may include any (or any combination) of the following:

- A1.9.1. a public warning;
- A1.9.2. a public reprimand;
- A1.9.3. withdrawal of some or all publicly funded services or benefits currently provided directly or indirectly by UKAD and/or any Sports Council(s) and/or Sports Institute and/or the BOA and/or the BPA and/or any CGA

and/or the UK government/the devolved administrations (the "**Public Funders**");

- A1.9.4. withdrawal of eligibility to receive publicly funded services or benefits from or via one or more of the Public Funders, with conditions provided for the reinstatement of such eligibility;
- A1.9.5. withdrawal (or withholding for a stated period, on specified terms) of some or all public funding awarded by any one or more of the Public Funders but not yet paid to the NGB;
- A1.9.6. a requirement to repay funding paid to the NGB by one or more of the Public Funders during the period(s) of non-compliance;
- A1.9.7. withdrawal of eligibility to receive public funding from any one or more of the Public Funders, with conditions provided for the reinstatement of such eligibility;
- A.1.9.8. a statement that the relevant Sports Council(s) should consider withdrawal of its recognition of the NGB;
- A.1.9.9. where the non-compliance can be but has not yet been corrected, provision for further consequences to accrue unless and until the non-compliance has been corrected; and/or
- A1.9.10. such other consequences as are considered appropriate in all of the circumstances of the case;

provided that where appropriate some or all of the consequences may be applied on a suspended basis (i.e., to come into effect only if the NGB fails to comply with the Policy again within a specified period).

A1.10. The arbitrator shall also have the power to order any party to the arbitration to pay the costs of the arbitrator as well as some or all of the costs incurred by the other party in connection with the arbitration.

A1.11. The arbitrator's award on the issue(s) referred in accordance with paragraph A1.5 and as to costs (the "**Award**") shall be final and binding on the parties as from the date it is made, and the parties shall be deemed to have waived irrevocably any right to appeal or review or recourse to a court of law in respect of such Award, other than as set out in sections 67 and 68 of the Arbitration Act 1996.

A.1.12. Any entity whose funding (and/or publicly funded benefits or services) is implicated by the Award shall take all necessary steps within its power to give effect to the Award. A failure to do so shall itself be considered a serious case of non-compliance with this Policy.

## **Publication**

A.1.13. UKAD may publish details of any determination of non-compliance that may result from the process set out in this Annex (however so determined), which may include publication of the Award.

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1. It is acknowledged that the Irish National Anti-Doping Organisation (Sport Ireland) also operates within the jurisdiction of Northern Ireland. Sport Northern Ireland will meet the requirements set out within this National Anti-Doping Policy, save that, where required, allowances may be made to reflect the unique anti-doping landscape that exists within Northern Ireland. In contrast to the other Sports Institutes of the UK, the EIS is a wholly owned subsidiary of UK Sport.

[↑ Back to top](#)

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