

Case 27 – Qualification Appeal 2012 London Olympic Games

Key Words

Selection; Selection Policy; Qualification; Selection Agreement; Olympics; Gymnastics; Olympic Test Event; Qualifying Competition; Benchmark Score; Fair Selection of athletes

Summary

The Great Britain Rhythmic Gymnastics Group (“GB Group”) appealed against a decision of the British Amateur Gymnastics Association (“BAGA”) not to select the GB Group to compete at the London 2012 Olympic Games on the grounds that the GB Group had failed to achieve the agreed necessary standard for qualification during a three-day Olympic qualifying competition. Sport Resolutions appointed a sole arbitrator pursuant to an arbitration agreement entered into by the parties. The GB Group argued that the results from all three days of the competition should be taken into account; rather than the first two days. The arbitrator ruled that BAGA had incorrectly applied the policy by only taking into account the scores from the first two days of competition. The Appeal was allowed.

Background Facts

The Team appealed against a decision of BAGA not to select them to compete at the London 2012 Olympic Games on the grounds that the GB Group had failed to achieve the necessary standard for qualification during a qualifying competition. Prior to the qualifying competition, the parties had agreed a selection policy, drafted by BAGA, stating that a *“benchmark score of 45.223...will be the largest score that a British Senior Group will need to achieve at the 2nd Olympic qualification, CI, 15th-18th January 2012, [Test Event].”*

The competition consisted of a two day qualification phase and a one day final phase. During the qualification phase of the competition, The Team scored 44.950, below the 'benchmark score', and during the final phase scored 47.200, above the 'benchmark score'.

Reasoning and Decision of Arbitrator

The GB Group argued that BAGA had incorrectly applied the agreed selection policy by refusing to nominate the GB Group to compete in the Olympics, despite the fact that they had scored in excess of the 'benchmark score' at the qualifying competition.

BAGA stated that the terminology "CI" in the selection policy was well known to refer to only the qualification phase of World Championship format competitions, and that therefore the GB Group did not meet the minimum requirements for selection.

The arbitrator noted that the selection policy referred throughout to the dates of the qualifying competition as 15th-18th January 2012 and found that it was therefore reasonable to assume the selection policy permitted GB Group to achieve the 'benchmark score' during the qualification phase or the final phase of the competition, and not be limited to the qualification phase only. The arbitrator observed that the selection policy was not well drafted, and that the policy could easily have included language to state that the 'benchmark score' referred to the score achieved during the qualification phase of the competition only, if that was what was intended.

The arbitrator therefore allowed the appeal and ordered that the GB Group be nominated for the Home Nation place at the 2012 Olympic Games.

Learning Points

- It is important to ensure that a selection policy is clear, that both parties are fully aware of the selection criteria and conditions, and thought is given

about the meaning of technical phrases. If the meaning is unclear or in dispute, it will be determined by reference to what a reasonable person with all of the background knowledge (which would have reasonably been made available to the parties at the time the policy was made) would have understood it to have meant.

