

# Protocol for Managing Water Polo Player Eligibility Status

## Background

To explain the issue, it is useful to reference to what a LEN International Transfer Certificate is and when it is required:

*Any new player registering for Swim England, Swim Wales or Scottish Swimming who has played in the last three years for a club belonging to another LEN Federation MUST apply for a LEN International Transfer Certificate. These certificates can only be obtained in the following calendar windows: 1 January - 30 January and 1 June - 30 September.*

*A player is not registered as a member of their new club, nor allowed to compete for them, until the International Transfer Certificate has been received.*

British Swimming (BS) are responsible for requesting and processing ITC for all home countries.

The British Water Polo League (BWPL) is affiliated to Swim England (SE) and the majority of its member clubs are affiliated to England. As a result, the majority of players are also SE Members.

## Current Process for SE registration

Currently, the Swim England (SE) Registration process includes a tick box, which requires clubs to confirm whether an ITC is required. Where an ITC is required, SE does not process the registration. SE send a request to BS who contact the player and club to complete the process. Upon completion of the process, BS updates SE. This enables SE to process the registration and the player is then eligible to play.

## The issue

BWPL takes the governance of the league and the sport seriously. The League suspects that players have participated in past events without fulfilling the ITC requirement. BWPL is reliant on clubs and players to submit registrations in good faith.

Where BWPL is aware of a breach, SE policies and complaints process apply for English clubs and players. Currently, any complaint is investigated by the SE Office of Judicial Administration (OJA) and maybe referred to LEN via BS. This has led to long delays in resolving complaints within the scope of the league rules and this has a dramatic effect on BWPL. Currently, where a player is found to be ineligible, BWPL then applies its rules to sanction the club.

## The Pilot

Working collaboratively, SE and BWPL would like to pilot an alternative approach to managing player eligibility in BWPL, focusing first on league action against the club. The idea of SE investigating all athletes is clearly not practical. Updates to the SE registration system

have also been thoroughly discussed but do not close the loop hole. The current preferred option is a “whistle blower” protocol agreed by both parties and operated by BWPL.

In proposing this, the parties are aiming to encourage clubs to either follow the LEN ITC rules or not play a non-compliant athlete. It is hoped this approach, which makes reporting more likely, will help achieve this.

Note that nothing within this protocol would affect a SE member’s usual rights to make a complaint under the Judicial Regulations.

### **BWPL and SE propose the following process**

BWPL will appoint and endorse an individual to both investigate and determine any potential infringement of the LEN ITC requirement. This individual would need to satisfy the criteria set out in the published role description and agreed with Swim England.

To initiate an investigation, BWPL will need to receive the following:

- The whistleblower provides the name of the player together with details of their club and specific match within BWPL where the player has participated.
- The whistleblower would also provide evidence in the form of documents/ weblinks to support claim (for example match sheets, news items or social media posts from matches played abroad).
- All documents relevant to the claim must be sent via email to the BWPL Secretary by noon on the Wednesday immediately after the match.
- The League Secretary will record all complaints received and forward to the League Adjudicator by 5pm on the Wednesday.
- At the same time, the League Secretary will email SE Membership (with copy to the adjudicator) requesting confirmation of the details entered by the club at the time of registration.
- SE Membership will provide confirmation of the details entered at the time of registration and confirmation of whether an ITC has been requested / granted.
- Using only the information provided by the Whistleblower and the SE membership team, the adjudicator will determine eligibility of the player.

### **Initial Action**

If the whistleblower’s complaint has merit in the view of the adjudicator (there is evidence the player has played abroad and there is NO evidence of the required ITC), the club and the player will be informed of the ineligibility for BWPL matches until such time as an ITC is applied for and confirmation produced direct to the League.

### **Secondary Action**

The League will issue notice to the club of its intention to consider a breach of the league rules by the club. The offending club will be given three working days to respond to BWPL and to the provided evidence with any mitigations, which should be considered in relation to a breach of BWPL rules.

## **Penalties**

The League rules set out the range of penalties available to the League which will be determined on a case-by-case basis.

## **Timeline**

From the receipt of the allegation to determination of the League rules, this process should be completed within 14 days of the complaint.

## **Dissatisfied with the decision**

A club that is dissatisfied with the League's decision and penalty imposed will be able to make a complaint against the League in accordance with Swim England Regulations. In such instance, the complaint will be managed according to the OJA process as directed by the Judicial Commissioner.

### **Proposed timeline of process:**

1. BWPL Event (Saturday or Sunday).
2. By the Weds noon complaint with all supporting evidence lodged with BWPL Secretary who will refer to the Adjudicator.
3. BWPL will contact Swim England to request details of any LEN ITC in the player's name copying the adjudicator.
4. Adjudicator will consider evidence submitted and information from Swim England by noon on the Friday.
5. The resulting decision passed to BWPL Secretary to advise player and club of eligibility.
6. Player's club has three days from date of eligibility decision to provide any mitigations to the League.
7. BWPL will determine the outcome of a breach of league rules by Wednesday evening 7pm, including sanctions to be imposed in accordance with BWPL rules.

### **Job Description of League Adjudicator**

The individual:

- Must have a good standing within the sport and not be associated directly with either BWPL (Member of League management or officiating) or Swim England (member of SE WPLG).
- Will have held a senior position within the sport as a player, coach, official or administrator.
- Must be a member of Swim England, Swim Wales or Scottish Swimming.
- Able to consider paper-based evidence and make a sound decision without bias
- Have sufficient time and availability to fulfil role.
- Must be available in the timeline set out.

The role:

- Receive evidence relevant to the eligibility of a player.
- Consider the matter and apply “balance of probability” reasoning to determine eligibility.
- Able to commit to a three year term.
- Report to BWPL on the outcomes reached.

The individual must have the confidence of the water polo community to act independently of both BWPL and Swim England and, most importantly, impartially in applying judgement on any complaint received.