

British Swimming
Elite Athlete Participation & Selection Agreement & Code of Conduct
1 January 2019 - 31 December 2024
("the Code of Conduct")

FAQs for Athletes

The following is a guidance note setting out some "FAQs" in respect of the Code of Conduct.

It does not form part of the Code of Conduct and has been produced by specialist sports lawyers Brabners LLP for assistance and guidance in your consideration of the Code of Conduct only.

If you have any specific queries regarding the Code of Conduct and its application to you, please contact Jason Smith, Director of Sports Business and Legal Affairs or David Bentham, Partner, of Brabners LLP on +44 (0)161 836 8800, or email jason.smith@brabners.com or david.bentham@brabners.com.

When does the Code of Conduct apply to me?

- Whenever you compete as a member of a British Team, e.g. at an international competition.
- Whenever you attend an event as a member of a British Team, e.g. team meetings, promotional appearances.
- Whenever you take part in a British Team training camp (whether in the UK or overseas).
- Whenever you participate in any official programme run by British Swimming, including any of British Swimming's grass roots initiatives to support the wider development of the sport of swimming.
- Whenever you participate in the UK Sport funded World Class Performance Programme in which case you must comply with the Code of Conduct and the UK Sport requirements set out in the 'Statement of Shared Responsibilities' (attached to the Code of Conduct at Appendix 2).

What does the Code of Conduct oblige me to do?

- Make yourself available to British Swimming for individual and group photographs.
- Wear Official Supplier kit (see below).
- Appear for a maximum of 3 separate days (including reasonable travel) per year for personal appearances (e.g. to give autographs, pose for photographs etc.) on behalf of British Swimming's sponsors.
- Attend a maximum of 8 separate days (including reasonable travel) per year for promotional appearances (including one media training day) on behalf of British Swimming and British Swimming's sponsors (e.g. at swimming clinics, store appearances etc).
- There will be no separate payment for personal/promotional appearances but you will have the right to recover expenses in accordance with British Swimming's expenses policy.

When do I have to wear Official Supplier kit?

You **must** wear Official Supplier kit whenever you represent a British Team, meaning:

- competing for the Team
- training with the Team, e.g. at an official training camp (if required)
- posing for an individual or group photograph as part of the Team
- making an official public appearance as a Team member
- attending promotional activities on behalf of the Team

When am I not obliged to wear Official Supplier kit?

- To wear unbranded kit, you must enter into a standard agreement with British Swimming (attached to the Code of Conduct at Appendix 1). This must be signed by you (or by your Parent or Guardian if you are under age 18) and sent to your discipline administrator at British Swimming, Pavilion 3, SportPark, 3 Oakwood Drive, Loughborough, Leics LE11 3QF. Tel No: 01509 618700.
- You are entitled to wear your own choice of branded goggles when competing for a British Team (subject to FINA/IPC rules (as applicable) and you must follow the instructions of British Swimming and cover or remove any branding on your goggles which is not permitted by the rules of any competitions and/or events).
- You do not have to wear Official Supplier kit in your own free time when you are not on Team duty.
- You are not allowed to wear Official Supplier kit if you are making a personal appearance or posing for a photograph for a personal sponsor and in making any personal appearance/posing for a photograph for a personal sponsor you must not allow yourself to appear to be doing so as part of the Team.

Can I be fined for not wearing Official Supplier kit?

- Failure to wear Official Supplier kit when competing may result in a fine being made on British Swimming by the Official Supplier. As of 1 November 2019 (the date from when the Code of Conduct applies to you), the level of this fine is £800 per incident (this amount may increase in the future though if British Swimming can reasonably justify that it is required to impose a greater fine due to its contractual arrangements with any Outfitting Supplier).
- Official Supplier is only entitled to fine British Swimming – it is not entitled to fine you directly. However, British Swimming may pass on the fine to you but you are entitled to defend yourself against the allegation by giving an explanation / providing evidence. The decision of the British Swimming Managing Board shall be final.
- You may also be subject to additional disciplinary action under the British Swimming disciplinary rules.
- Whenever you compete and/or attend an event as a member of a British Team and you have a concern about wearing/using any item of Official Supplier kit and/or Official Supplier kit is not provided to you (“a **Kit Issue**”), you should speak to your Team Leader as soon as possible. The Team Leader will consider the Kit Issue and decide on the most appropriate solution. If your Team Leader instructs you to wear/use or not to wear/use the relevant item and you disagree, you must still comply with your Team Leader’s instruction but you can raise the Kit Issue at a kit meeting in due course (kit meetings are intended to take place between the Official Supplier of kit, British Swimming and representatives of the Team Members where possible each year).

Provided you follow your Team's Leader's instruction (whether the Team Leader instructs you to wear/use or not to wear/use an item of Official Supplier kit), British Swimming will not pass on any fine to you.

What about personal appearances / use of my image?

- Maximum of 3 separate days per year for the Official Supplier and other British Swimming's sponsors to require you to make personal appearances such as posing for photographs and/or signing autographs.
- British Swimming is required to give you no less than 14 days' notice of a personal appearance. You must confirm your availability/non-availability within 4 days of receipt of such notice from British Swimming (or within another time period only if specifically agreed with British Swimming).
- Unless you agree otherwise personal appearances must be with 4 other Team members unless you have a personal endorsement with that particular sponsor.
- The Official Supplier and other British Swimming's sponsors must not use your image to suggest a personal endorsement and no Team member can be shown more prominently than his / her colleagues.
- Consideration shall be given to your training/competition schedule.
- You are required to attend personal and promotional appearances except where you can show British Swimming that you have a valid reason why you are not available. A valid reason will be determined by British Swimming. If you fail to make any personal and/or promotional appearances, this may lead to disciplinary action in accordance with the Disciplinary Procedures and Sanctions.

How many promotional days may I have to attend?

- Maximum of 8 separate days per year for British Swimming and British Swimming's sponsors to require you to attend promotional appearances – e.g. swimming clinics, store openings, trade fairs etc.
- Promotional appearances may be overseas but you are entitled to recoup expenses in accordance with British Swimming's expenses policy.
- Any appearance that lasts over 4 hours (including travelling time) constitutes a full day – British Swimming and British Swimming's sponsors may require you to make a half-day appearance (an appearance of less than 4 hours (including travelling time)).
- Same rules apply as for personal appearances, i.e. 4 other Team members, no suggestion of personal endorsement (unless you agree otherwise), consideration of your training/competition schedule.
- To assist British Swimming in coordinating the management of Team Member appearances, you are required (to the extent you are able under your confidentiality obligations of any personal sponsorship agreements) to provide the following details of each of your personal sponsorship agreements to British Swimming (on a form provided by British Swimming):
 - a. the name of your sponsor;
 - b. the duration of the agreement;
 - c. the products and/or services covered by the agreement; and
 - d. any pre-existing dates where you are unable to provide a personal or promotional appearance for or on behalf of British Swimming.

British Swimming's Sponsorship Contract Guidance for Individual Athletes

British Swimming has its own specific guidelines in respect of personal sponsorship contracts for individual athletes, which is reproduced for your ease below:

Personal Sponsorship Guidelines – Branding

You may enter into a personal sponsorship agreement; however, you must adhere to the following guidelines:

- When representing the personal sponsor you must not wear your British Swimming Team kit, unless such sponsor is also a sponsor of the Team or the Official Supplier to the Team.
- When on British Swimming Team duty (including participating in any media activity on behalf of British Swimming), you must wear only the kit provided by the Official Supplier to the Team and you are not permitted to wear items supplied by your personal sponsor.
- Your personal sponsor is not entitled to any branding on your British Swimming Team kit or on your racing suit, even when you exercise freedom of choice to wear an alternative brand to compete in.
- When on international duty and participating in any media activity, you may not display any personal sponsor branded products.
- When competing in selection events e.g. Olympic Trials, you are competing for your club and can therefore carry branding on your kit, apparel and swimwear, provided that such branding is in line with FINA General Rule 6 (Advertising) and FINA Bye-Law 7, which stipulates the number and size of any branding or advertising permitted.

British Swimming's Betting and Integrity Regulations

- British Swimming has specific regulations in relation to betting and integrity and as a Team Member you must abide by these regulations which are set out in the Code of Conduct at Schedule 5. You should read these Betting and Integrity Regulations in full.

British Swimming's Social Media Guidelines

- British Swimming has produced specific guidelines which are designed to provide helpful, practical advice for Team Members on using social media effectively. As a Team Member you are required to comply with these guidelines set out in the Code of Conduct at Schedule 6. You should read these Social Media Guidelines in full.

What do I do if I have any concerns whilst I am on British Swimming Team duty?

- If you have any concerns about any matter whilst on British Swimming Team duty (other than concerns about kit for which you must speak to your Team leader (as set out above) and follow his/her instructions) you can at any time contact your Athlete Representative who may (in his/her discretion) liaise with British Swimming on your behalf with a view to resolving your concern. For the avoidance of doubt, you must continue to comply with a decision taken by your Team Leader or National Performance Director.