



IPC ATHLETE CLASSIFICATION CODE REVIEW

**SUMMARY OF CHANGES PRESENTED IN THE FIRST
DRAFT AS PART OF CONSULTATION PHASE 2
JULY 2022**

CONTENTS

Introduction.....	3
1 Main Changes or Amendments to the draft Classification Code (version July 2022).....	4
1.1 The Code and International Standards.....	4
1.2 The Purpose and Link with IPC's Vision	4
1.3 The Scope of the Code.....	5
1.4 Fundamental Principles of Classification	7
1.5 Assessment of Underlying Health Condition and Eligible Impairment.....	9
1.6 Eligible Impairments	11
1.7 Permanent Health Conditions and Stable Impairments.....	13
1.8 Rationale for Eligible Impairments	14
1.9 Classification Panel.....	15
1.10 Minimum Impairment Criteria	16
1.11 Designation 'Not Eligible'	16
1.12 The use of Adaptive Equipment.....	17
1.13 Sport Class.....	18
1.14 Observation Assessment.....	19
1.15 Updates to Sport Class Status.....	20
1.16 Location of Evaluation Sessions	21
1.17 Remote Classification and the Use of Technology.....	21
1.18 Suspension of Evaluation Session and 'CNC' Designation	23
1.19 Protests and Appeals.....	23
1.20 Intentional Misrepresentation.....	25
1.21 Targeted Questions from Consultation Phase 1	26
1.21.1 The date for the Code to come into force.....	26
1.21.2 Changes to Classification Rules	26
2 Main changes or Additions to the International Standard for Classification Personnel and Training.....	27
3 Main changes or Additions to the International Standard for Classification Data Protection.....	29

INTRODUCTION

This document accompanies the first draft of the Classification Code (the Code) and International Standards, released in August 2022 as part of the second consultation phase in the review process of the 2015 IPC Athlete Classification Code.

The wording of, and the approach adopted in, the draft Code and International Standards are not final; they are working drafts that are subject to membership consultation, and they may change as the Code review process progresses to a final consultation phase in 2023. For reasons of transparency and open consultation, the draft Code and International Standards are shared in full, despite the fact that some sections have not yet gone through a full review by the Code Drafting Team and its Subgroups.

The purpose of this document is to highlight the main changes and amendments in the draft Code and International Standards, and to provide the rationale and context behind such changes and amendments. The document aims to guide all members and stakeholders when providing feedback during the next consultation phase. Targeted questions put forward for membership consultation are also outlined in each section of the document.

Capitalised terms used in this document are often defined terms in the draft Code and have the meaning given to them in the Code. In parallel with reading this document we encourage the reader to refer to the defined terms in the draft Code (which can be found in Appendix 1 (*Definitions*)) and the referenced articles from the draft Code.

1 MAIN CHANGES OR AMENDMENTS TO THE DRAFT CLASSIFICATION CODE (VERSION JULY 2022)

1.1 THE CODE AND INTERNATIONAL STANDARDS

Rationale: The 2015 IPC Athlete Classification Code is accompanied by five International Standards. These International Standards provide technical and operational requirements around classification, specifically focusing on Eligible Impairments, Athlete Evaluation, Protests and Appeals, Classifier Personnel and Training, and Classification Data Protection. International Standards can be amended from time to time with the approval of the IPC Governing Board, whereas amendments to the Code are subject to approval by the IPC General Assembly.

The new draft Code now incorporates three of the current International Standards (on Eligible Impairments, Athlete Evaluation, and Protests and Appeals). Upon review, it was identified that some of the fundamental aspects of Classification (and how Classification is conducted) were addressed in those International Standards. The intention of the Code Drafting Team in moving these fundamental aspects of Classification into the Code is - by ensuring all information relating to Eligible Impairments, Athlete Evaluation, and Protests and Appeals can now be found in one document - to make the Code easier to understand and use, and achieve a better flow to the Code. Two International Standards remain as standalone Standards: the International Standard for Classifier Personnel and Training (now titled the International Standard for Classification Personnel and Training), and the International Standard for Classification Data Protection. Given the specific areas these two International Standards address, they retain the same format of International Standards, providing technical and operational requirements. These International Standards are mandatory and, subject to consultation with the membership, can be amended from time to time with the approval of the IPC Governing Board.

Targeted question(s): Please provide feedback on the usability of the draft Code, which now incorporates three International Standards: on Eligible Impairments, Athlete Evaluation, and Protests and Appeals.

1.2 THE PURPOSE AND LINK WITH IPC'S VISION

Relevant article(s): 1, 2

Rationale: Chapter 1 of the draft Code includes a new section aiming to explain the link between the IPC's vision ("make for a more inclusive world through sport"), the IPC's mission ("to lead the Paralympic Movement, oversee the delivery of the Paralympic Games, and support IPC Members to enable athletes to achieve

sporting excellence”), and Classification. The Chapter explains the purpose of Classification and how it contributes to achieving the IPC’s vision and mission, thereby aiming to provide clarity (and avoid any potential confusion or misinterpretation) as to their meaning and their relationship. The content of this Chapter will be further reviewed and may be revised during the second consultation phase.

Only through Classification can the IPC establish a framework that ensures that meaningful competitive sporting opportunities – the hallmark of high-performance sport – are available to Para athletes. Classification facilitates rigorous competitive integrity, which in turn ensures (i) uncertainty of outcome, and (ii) that the outcome is determined by the factors that the sport values and wishes to celebrate and reward (e.g., skill, commitment, and training) and not by other extraneous factors (such as the impact of disability). High-performance sport is by its nature exclusive, and therefore Classification must necessarily be exclusive. Without Classification, sporting opportunities for Para athletes would be uncompetitive; one-sided, predictable, and unfair.

Through the implementation of the Code, the IPC and its members aim to uphold confidence in Classification and promote participation by a wide range of Athletes. The Code sets out principles, policies and procedures which are specific, can be commonly adopted across the Movement, yet permit flexibility to meet sport-specific demands. By providing the framework for high-performance Para sport, the IPC creates a stage for Athletes to demonstrate sporting excellence to the world. This continues to develop a global platform for increasing disability visibility worldwide thereby breaking down barriers, inspiring others to engage with Para sport, and driving social inclusion to advance the IPC’s vision of a more inclusive world.

Targeted question(s): Is the link between IPC’s vision and mission, and Classification, clearly described in the Code?

1.3 THE SCOPE OF THE CODE

Relevant articles: 3, 4, 60

Rationale: Clarity on the scope of the Code is fundamental in helping all stakeholders involved with Classification understand their roles and responsibilities. Article 4 of the draft Code: (1) states that all IPC Members and Recognised International Federations (RIFs) are bound by and must comply with the Code; (2) states that the Code is mandatory for International Competitions; and (3) lists the persons who an International Federation’s / RIF’s classification rules must apply to. This approach is consistent with the approach adopted in the 2015 Code; however, the Code Drafting Team acknowledges that this area requires further assessment and discussion.

As part of the next consultation phase, the Code Drafting Team will seek to understand the implications of this position for National and International Federations and International Organisations of Sport for the Disabled (IOSDs), and will consider whether the current scope of the Code remains appropriate. For example, should an International Federation or IOSD be able to broaden the scope of its classification programme, at levels or for disciplines that are not on the Paralympic Games programme, to include impairments that are currently non-Eligible Impairments under the Code? Or should an International Federation be able to choose to implement more relaxed processes around Evaluation Sessions for certain levels of Competition that are not directly linked to the Paralympic Games pathway? In any event, if such processes are permitted in the Code or if they fall outside the scope of the Code, this would likely need to be captured under the Compliance section of the Code, containing clear provisions on the mandatory Compliance criteria for IPC members to fulfil.

In addition, the scope of the Code will help stakeholders better understand their requirements for achieving and maintaining Code Compliance. Likewise, it will also enable the IPC to provide clarity on Code Compliance criteria and the requirements for each member. As the new draft of the Code takes shape, developing a set of Code Compliance criteria will follow in the next phase of the Code review.

Targeted question(s): Currently, International Federations and IOSDs may, in their classification rules, extend the application of the Code to national or lower-level competitions, but the Code is mandatory for International Competitions only. Guidance is sought as to the level at which the Code should be mandatory, and the amount of flexibility that should be provided for below that level.

Should the scope of the Code be limited only to sports or disciplines on the Paralympic Games programme? If so:

- Should Compliance with the Code be mandatory only at levels of International Federations' Competitions which are directly linked with qualification pathways for the Paralympic Games; and
- Should there be any mandatory provisions in the Code for other levels of Competition or for International Federations and Recognised International Federations whose sports / disciplines are not on the Paralympic Games programme?

The Code defines International Competition as "International Competition means the Paralympic Games, the World Games, the Commonwealth Games, and any other Competition authorised, organised, or recognised by or on behalf of the IPC, an International Federation, or an International Organisation of Sport for the Disabled". Please provide feedback on the definition of International Competition within the context provided in the Code.

1.4 FUNDAMENTAL PRINCIPLES OF CLASSIFICATION

Relevant article(s): 5

Rationale: Chapter 2 in the draft Code sets out the four stages of Classification. These stages are not a new concept but are now more formally recognised within the Code and aim to provide clarity around the process for classifying Athletes. The stages are also presented in a visual format in the accompanying Classification Flowchart. It is envisaged that these four stages apply to every Athlete and must be followed in the listed order, and that an Athlete will progress to subsequent stages only if they meet the requirements of the previous stages.

Note, the term 'Athlete Evaluation' is no longer used in the draft Code; instead the broader term 'Classification' is used. "Classification means the determination of which Athletes are eligible to compete in International Competitions and the grouping of eligible Athletes into Sport Classes with the aim of minimising the impact of impairment so that the outcome is determined by sporting ability and performance, based on the assessments and evaluations set out in Part IV of Chapter 2. "

Stage 1: Underlying Health Condition Assessment

Stage 1 assesses whether an Athlete has an Underlying Health Condition (i.e, a Permanent Health Condition that may lead to an Eligible Impairment). The assessment is based on a review of medical information by an International Federation or its designated Assessment Body. Conducting the assessment before an Athlete presents to the Classification Panel for an Evaluation Session helps to ensure that Athletes meet a pre-requisite of having an Underlying Health Condition before they travel to an in-person Classification event. In most cases, it prevents Athletes from traveling to an in-person Evaluation Session only to be told they do not have an Underlying Health Condition, in which case their Classification process ends there.

Stages 2 - 4: Evaluation Session

Stages 2 - 4, which comprise the Evaluation Session, must be conducted by the Classification Panel in person with the Athlete.

Stage 2: Eligible Impairment Assessment

Stage 2 deals with confirming whether an Athlete has an Underlying Health Condition that does in fact lead to an Eligible Impairment. An in-person Evaluation Session with a Classification Panel will begin with this stage. Based on the identified Underlying Health Condition, the Classification Panel will verify the presence of an Eligible Impairment, and subsequently proceed with Stage 3 solely on the merits of that Eligible Impairment. Often, the presence of an Eligible Impairment will be obvious from information presented in Stage 1; however, Stage 1 includes a review of medical information, and in Stage 2 that information is

verified in-person with the Athlete and the Classification Panel. It is important to note that the Classification Panel is not able to diagnose the Athlete and identify their Underlying Health Condition; the Classification Panel may however disagree with the assessment carried out at Stage 1 by the International Federation or its Assessment Body. It is the responsibility of the Athlete and their National Federation to provide Diagnostic Information to the International Federation as part of Stage 1, and consequently to the Classification Panel as part of Stage 2.

Stage 3: Minimum Impairment Criteria Assessment

Stage 3 addresses the assessment of Minimum Impairment Criteria based on the Eligible Impairment verified in Stage 2. International Federations must have a set of Minimum Impairment Criteria per Eligible Impairment catered for by their sport. Such criteria must be based upon and assessed using objective and reliable methods.

Stage 4: Sport Class and Sport Class Status Allocation

Lastly, Stage 4 addresses the allocation of a Sport Class based on the extent to which an Athlete's Eligible Impairment impacts their ability to execute the specific tasks and activities fundamental to the sport. Stage 4 also addresses the allocation of a Sport Class Status, which indicates whether and when the Athlete is required to undergo Classification in the future.

These four stages apply to every Athlete who undergoes Classification across every Para sport, regardless of their Eligible Impairment. However, there are scenarios within some of the current Classification systems where certain stages are merged. One example is the Classification process for Athletes with an Intellectual Impairment, where Stage 1 and 2 are merged and assessed by the Underlying Health Condition Assessment Body. Due to the nature of Intellectual Impairment and the diagnostic tools to confirm its presence, this assessment is carried out before an Evaluation Session with a Classification Panel and is currently managed by Virtus (World Intellectual Impairment Sport, formerly known as INAS), for all Para sports catering for Intellectual Impairment. Another example is the Classification process for Athletes with a Vision Impairment, where Stage 3 and 4 are merged because the Minimum Impairment Criteria and criteria for Sport Class allocation are defined using the same assessment methodology; in other words, if an Athlete meets the Minimum Impairment Criteria, depending on their assessment result, there is only one Sport Class that they can be allocated. Similar examples exist in the Classification process for Athletes with Physical Impairments across different sports, especially those sports that have one Sport Class.

Overall, the explicit recognition of the stages of Classification within the draft Code in tandem with the Classification Flowchart should make the Code and the Classification process itself simpler to follow for all stakeholders. The Code Drafting Team acknowledges further work is needed in describing Stage 1 and 2.

Targeted question(s): The way in which Classification is currently conducted across Para sports potentially differs from the four-stage process described in the draft Code, either between Para sports, or when comparing the Classification process for Athletes with Vision Impairment, Intellectual Impairment, and Physical Impairments. We welcome feedback on any specific nuances / differences applicable to Classification in different sports or across these impairment groups, and considerations on whether these differences should be reflected in the Code.

1.5 ASSESSMENT OF UNDERLYING HEALTH CONDITION AND ELIGIBLE IMPAIRMENT

Relevant article(s): 6, 11 - 13, 17 - 18

Rationale: The draft Code now includes several options for an International Federation to establish the presence of an Underlying Health Condition leading to Eligible Impairment (Stage 1 and 2). The term 'Assessment Body' is introduced, while the previous term 'Eligibility Assessment Committee' is removed.

Underlying Health Condition Assessment:

- The Underlying Health Condition Assessment is an assessment as to whether an Athlete has an Underlying Health Condition - i.e., a Permanent Health Condition that **may** lead to an Eligible Impairment.
- Under the current Code, International Federations are provided discretion as to what evidence is requested from Athletes that demonstrates that they have an Underlying Health Condition. The draft Code introduces mandatory requirements in this respect.
- The reason for making this mandatory is to ensure that assessments are conducted rigorously and to a high standard, and are conducted consistently across all Para sports - this is a crucial step in upholding confidence in Classification. It safeguards the integrity of Para sport by working to ensure that every Athlete competing at the Paralympic Games and other levels of competition is held to the same standard.
- The Underlying Health Condition Assessment is the responsibility of each International Federation. However, under the draft Code, International Federations are allowed to delegate this responsibility (although they retain ultimate responsibility) to an "Assessment Body".
- There are several advantages in moving away from the current practice where a Classification Panel deals with establishing the existence of an Underlying Health Condition at the time of an Evaluation Session. For example, such assessments can be done before an Athlete presents in front of a Classification Panel and can be completed by reviewing medical

documentation, thereby minimising the impact of on-site decisions where an Athlete is deemed Not Eligible - Eligible Impairment (NE - EI).

- The draft Code offers flexibility to International Federations in respect of the Assessment Body. The Assessment Body may be permanent or ad hoc; it may be centralised or decentralised; and if decentralised, it may be internal or external.
- An example of an existing centralised body is Virtus, which is one of the founding members of the IPC (recognised as an IOSD). Virtus carries out Underlying Health Condition Assessments (and also Eligible Impairment Assessments) for Athletes with Intellectual Impairment, on behalf of International Federations.
- Identifying / establishing a centralised body to deal with Underlying Health Condition Assessments for Physical Impairments and Vision Impairment could be a unique opportunity to increase the standard to which such assessments are conducted **and** ensure consistency in application. The Code Drafting Team will give further consideration to this approach and explore criteria the Assessment Body would need to meet.

Targeted question(s): Should the IPC explore forming / endorsing one or more centralised Assessment Bodies for Athletes with Physical, Vision and Intellectual Impairments, with the option for International Federations to make use of such Assessment Bodies (similar to the concept of the Board of Appeal of Classification, which is optionally available to all International Federations)?

Eligible Impairment Assessment:

- The Eligible Impairment Assessment is an assessment as to whether the Athlete's Underlying Health Condition **does in fact** lead to an Eligible Impairment. It is conducted in-person by a Classification Panel as part of an Evaluation Session (as noted above, the current approach for Intellectual Impairment differs).
- Similarly to Underlying Health Condition Assessments, under the current Code, International Federations are provided discretion as to what evidence is requested from Athletes to demonstrate their Eligible Impairment. The draft Code introduces mandatory requirements in this respect. The reasons for making this mandatory are the same as those given above in relation to Underlying Health Condition Assessments - high standards and consistency, which in turn safeguard integrity.

Targeted question(s): In respect to article 18.1.1 in the draft Code, the Code Drafting Teams wishes to understand what the current provisions each International Federation has in place around the Classification Panel's assessment on whether the Athlete's Underlying Health Condition leads to an Eligible Impairment are. Please provide feedback on whether the Code should provide further detail in explaining Stage 2, for example by linking it with the assessment

methodology for Minimum Impairment Criteria or providing discretion to the Classification Panel to carry out further tests / assessments.

1.6 ELIGIBLE IMPAIRMENTS

Relevant article(s): 8, 9

Rationale: The list of ten Eligible Impairments recognised in the Movement has historical origin from the activities carried out by IOSDs. Changes presented in this section of the draft Code aim to provide a clearer taxonomy of Eligible Impairments and strengthen their definitions. While there are no changes to the list of ten Eligible Impairments, they are now grouped differently bringing Limb Deficiency and Leg Length Difference together under the same Eligible Impairment, and bringing Hypertonia, Ataxia and Athetosis under the umbrella term 'Coordination Impairments'.

The changes made to the definitions include:

- **Impaired Muscle Power:** more clearly defined in stating that it must be a result of structural and physiological changes either in the central or peripheral nervous system or the muscles (including muscle origin and insertion). This excludes decreased muscle power as a result of lack of training, which is consistent with how the definition is currently applied. The word "voluntarily" has been removed from the definition to avoid confusion around Health Conditions that may lead to inability to voluntarily contract the muscles due to having pain or psychosomatic origin (for example, Dissociative Motor Disorders, Conversion Disorder). The definition reads: *"Athletes with Impaired Muscle Power have an Underlying Health Condition affecting the structure and physiology of the central or peripheral nervous system or the muscles (including the muscle origin and muscle insertion) that reduces or eliminates their ability to generate force to contract their muscles in order to move a joint."*
- **Impaired Passive Range of Motion:** clarified that it must be a result of structural changes in bones, joints, connective tissue, or soft tissues. The definition reads: *"Athletes with Impaired Passive Range of Movement have an Underlying Health Condition affecting a structure of bones, joints, connective tissue, or soft tissues resulting in an irreversible restriction or lack of passive movement in one or more joints."*
- **Limb Deficiency and Leg Length Difference:** are grouped together under one Eligible Impairment. The definition is broadened to include upper limb length difference, in other words both leg and arm length difference are now included. The definition reads: *"Athletes with Limb Deficiency or Limb Length Difference have an Underlying Health Condition resulting from trauma, illness, or congenital causes affecting the bones or joints which*

leads to a total or partial absence of a limb or anatomically irregular dimensions."

- **Short Stature:** the definition will be subject to further review by the Code Drafting Team and ISEI Subgroup as part of the next consultation phase. For now, the same definition is kept in the draft Code: *"Athletes with Short Stature have an Underlying Health Condition resulting in reduced length of the bones of the upper limbs, lower limbs, and/or trunk."*
- **Hypertonia/Spasticity, Ataxia and Athetosis** are now included under the umbrella term '**Coordination Impairments**'. Athletes with a Coordination Impairment have an Underlying Health Condition causing structural damage to the central nervous system that results in one of the following three movement disorders adversely affecting the ability to voluntarily produce skilled movement fluidly, rapidly, and accurately: Hypertonia/Spasticity, Ataxia or Dyskinesia.
- The term Spasticity has been added alongside Hypertonia in the new draft to capture both terms commonly used for this Eligible Impairment. The definition of **Hypertonia/Spasticity** reads: *"Athletes with Hypertonia/Spasticity have an Underlying Health Condition causing structural damage to the central nervous system resulting in an increase in muscle tension by increasing angular velocity and a reduced ability of a muscle to stretch."* Further consideration will be given to the use of both terms and whether other subtypes of Hypertonia should be specifically defined.
- Uncoordinated movements in the context of the definition for **Ataxia** are explained in the draft more clearly. The definition reads: *"Athletes with Ataxia have an Underlying Health Condition causing structural damage to the central nervous system resulting in an impairment in direction and velocity of voluntary movement."*
- **Athetosis** is no longer considered as a standalone Eligible Impairment, but instead it is now included under a broader term **Dyskinesia** (alongside Dystonia and Chorea). *"Athletes with Dyskinesia have an Underlying Health Condition causing structural damage to the central nervous system resulting in continual involuntary movements that interfere with the velocity and accuracy/direction of voluntary movements."* Dyskinesia is a broader and more recognised term. The changes made in defining this Eligible Impairment capture the current application in practice, where some International Federations have used different terms to describe involuntary movements as a result of Athetosis, Chorea and/or Dystonia. The clarity provided in the new definition will facilitate standardised application and assessment of this Eligible Impairment.
- **Vision Impairment:** clarification is added in the definition to explain that reduced vision cannot be fully compensated through equipment, surgery, or any other intervention. The definition reads: *"Athletes with Vision*

Impairment have an Underlying Health Condition causing damage to the eye structure, optic nerves or pathways, or visual cortex of the brain resulting in reduced or no vision that cannot be fully compensated through equipment or surgery or other intervention". This definition will be subject to further consultation and review with input from experts in this field as part of consultation phase 2.

- **Intellectual Impairment:** a new definition is adopted from the World Health Organization's International Classification of Functioning, Disability and Health (known more commonly as ICF (B117)) which encompasses the wider family of Global Mental Functions and is more inclusive. The definition reads: "*Athletes with an Intellectual Impairment have a restriction in general mental functions required to understand and constructively integrate the various mental functions including all cognitive functions and their development over the life span*".

For the avoidance of doubt, the changes in definitions of Eligible Impairment are not more restrictive and as a result there should be no impact on current Athletes.

Furthermore, sections from the current International Standard on Eligible Impairments (providing examples of Underlying and non-Underlying Health Conditions) have been removed from the Code. Such examples are intended to be captured in a guideline document(s) accompanying the Code.

The examples of non-Eligible Impairments are retained in the draft Code. However, for the avoidance of doubt, any impairment that is not included in the list of Eligible Impairments will fall under non-Eligible Impairments. The Code aims to provide some common, helpful examples, but not an exhaustive list.

Targeted question(s): Please provide feedback on the definitions of each Eligible Impairment. Would including specific references to common Underlying Health Conditions that may lead to Eligible Impairments (for each Eligible Impairment) make the Code and the Classification process easier to understand? Or could such examples be provided in separate guidance on specific Health Conditions?

1.7 PERMANENT HEALTH CONDITIONS AND STABLE IMPAIRMENTS

Relevant article(s): Appendix One Definitions, Permanent and Stable

Rationale: Through the implementation of the current Code and International Standards, a need to clarify the meaning of 'Permanent' arose. Under the current Code, 'Permanent' is defined as "*an Impairment that is unlikely to be resolved meaning the principal effects are lifelong*". Following further reflection on the concept of Underlying Health Conditions and Eligible Impairments, the Code Drafting Team and ISEI Subgroup established the need to differentiate the

permanence and stability characteristics for both Health Conditions and impairments. The term Permanent is now defined in the context of having a Permanent Health Condition. A new term 'Stable' is introduced in respect to impairments and is defined as: *"Stable means that an impairment will not change for a defined period of no less than the duration of the Competition. Minor fluctuations in the impairment are acceptable except where they would change the assessment of whether or not the Athlete has an Eligible Impairment that meets the applicable Minimum Impairment Criteria"*. This separation requiring that Underlying Health Conditions (defined as: "Permanent Health Conditions that may lead to an Eligible Impairment") must be Permanent is more accurate and allows for clarification around impairments needing to be Stable to be recognised as Eligible Impairments. Linking the term Stable with Eligible Impairments must be seen in the context of needing to demonstrate that the impairment is not going to disappear from one Competition to another. All currently recognised Eligible Impairments meet these criteria.

These changes do not address other characteristics of Eligible Impairments (such as fluctuating, Progressive and regressive), which will be further considered as part of the next consultation phase.

Targeted question(s): Any new impairment applying to be recognised as an Eligible Impairment, must, as one of the criteria, "be Stable or Progressive for a defined period of no less than the duration of a Competition". Please provide feedback on the definitions of Permanent, Stable, and Progressive and their use in relation to Underlying Health Conditions, Eligible Impairments and the duration of a Competition. Should the Code provide further clarify around these terms, including the term 'fluctuating'?

1.8 RATIONALE FOR ELIGIBLE IMPAIRMENTS

Relevant article(s): 10

Rationale: A new section introduced in the draft Code captures the historical rationale for the existing ten Eligible Impairments and, more importantly, provides criteria for any new impairment to be recognised as an Eligible Impairment. The criteria are split into scientific and pragmatic criteria, aiming to: (i) determine if the new impairment meets the fundamental principles of Classification, and (ii) to demonstrate whether there is an existing organisation catering for Athletes with that impairment and whether it offers sporting opportunities. The organisation catering for the new impairment to be included in the list of Eligible Impairments is expected to demonstrate to the IPC how it meets the scientific and pragmatic criteria. Upon review, this assessment would then be presented to the IPC General Assembly, for approval. Further details on this process will be explored at a later stage of the Code review process. While no such assessment was formally carried

out for the currently recognised Eligible Impairments, The Code Drafting Team and its Subgroups are in view that all Eligible Impairments do meet these criteria.

Providing the basis for what constitutes an Eligible Impairment along with a set of criteria for any new impairment to be included in the Code provides a clear rationale for the position, as well as creating an opportunity for potential growth of the Paralympic Movement in line with its core principles. Important to note is that the concept of Eligible Impairments is retained in the Code, meaning Classification in the Paralympic Movement remains based on Eligible Impairments and not on individual Health Conditions (defined as "*a disease (acute or chronic), disorder, injury or trauma*").

Targeted question(s): Please provide feedback on this section of the Code.

1.9 CLASSIFICATION PANEL

Relevant article(s): 7, 18, 27.1.3

Rationale: The draft Code states that Classification Panels are responsible for conducting Evaluation Sessions (stages 2-4). The draft Code further specifies that at least one member of a Classification Panel must not be of the same nationality as the Athlete being assessed. Where an International Federation has authorised a Classification Panel to consist of only one Classifier (pursuant to article 7.3), the sole Classifier must not be of the same nationality as the Athlete being assessed. In practice, Classifiers across different International Federations commonly act in a capacity as both a national and international Classifier or have multiple roles on a national and/or international level. Furthermore, a Classifier pathway often includes involvement on a national level as a mandatory step to obtain certification as an international Classifier. The addition of the provisions above protect the integrity of the Classification process from potential, perceived, or actual bias or conflict of interest.

Two new provisions around Classification Panels and Evaluation Sessions are a requirement for the Classification Panel to assess the Athlete in person and for the same Classification Panel to carry out all stages of an Evaluation Session. In doing so, as above, these changes aim to reinforce the robustness and integrity of the Classification process. The use of video technology in Evaluation Sessions is addressed in Article 32.

Targeted question(s): Should the Code require that an International Federation must appoint a Classification Panel constituted of at least one Classifier who is not of the same nationality as the Athlete being assessed (as in the current draft)? Should the Code prescribe that an International Federation must not appoint a Classification Panel consisting of two Classifiers of the same nationality? In exceptional circumstances, where an International Federation has authorised a

Classification Panel to consist of one Classifier, should the International Federation exercise discretion in deciding whether that Classifier can proceed with an Evaluation Session with an Athlete of the same nationality?

1.10 MINIMUM IMPAIRMENT CRITERIA

Relevant article(s): 20

Rationale: The Minimum Impairment Criteria define the minimum level of impairment required to participate in a Para sport. It must be based on and assessed using objective and reliable methods to assess the Eligible Impairment, and not influenced by training, skill, or equipment. This section in the draft Code has not changed, but it requires further consideration. For example, a review of different practices exercised across the Movement in assessing the Minimum Impairment Criteria and whether the Code should aim to provide more guidance or require standardisation, and consideration of addressing novel ways of establishing and assessing the Minimum Impairment Criteria. This is especially pertinent for Eligible Impairments where the clinically available impairment-based tests are not objective and reliable (e.g., for some Coordination Impairments). In addition, the Code Drafting Team will also continue to consider the issues of multiple Eligible Impairments which individually do not meet the Minimum Impairment Criteria, but should their combinations be permitted, they would meet the Minimum Impairment Criteria (the so called 'multiple subminimal impairments').

Targeted question(s): Should the Code include regulations for the Minimum Impairment Criteria to be assessed: (i) solely based on an evaluation of the Athlete's Eligible Impairment using impairment-based tests, (ii) based on an evaluation of the Athlete's Eligible Impairment where the Minimum Impairment Criteria can be set as a combination of multiple Eligible Impairments, (iii) based on an evaluation of the Athlete's Eligible Impairment where the Minimum Impairment Criteria can be set as a combination of multiple Eligible Impairments and a combination of impairment-based tests and sport-specific tests (excluding sport performance tasks)?

1.11 DESIGNATION 'NOT ELIGIBLE'

Relevant article(s): 5.2, 14, 21

Rationale: An Athlete who does not have an Eligible Impairment, or does not meet the sport-specific Minimum Impairment Criteria, is designated as Not Eligible - Eligible Impairment (NE - EI) or Not Eligible - Minimum Impairment Criteria (NE - MIC) respectively. This designation under the current Code is defined as a Sport Class, whereas the new draft suggests two amendments:

1. Not Eligible should not be a Sport Class but rather a designation. Doing so ensures that Sport Classes are reserved only for Athletes who have an Eligible Impairment and meet the Minimum Impairment Criteria, i.e., those Athletes who are allowed to compete.
2. An Athlete can be deemed Not Eligible for two reasons. Consequently, the new draft captures both reasons by having two Not Eligible designations: NE - EI and NE - MIC. An Athlete who is deemed NE - EI does not have an Eligible Impairment and that designation can be applied to all sports. An Athlete deemed NE - MIC does have an Eligible Impairment but does not meet the sport-specific Minimum Impairment Criteria for a particular sport and cannot compete in that sport, but may go through Minimum Impairment Criteria assessment for another sport.

Carried over from the current Code, both designations are not subject to a Protest but may be Appealed. An Athlete designated with NE - EI will have an opportunity to comment on the decision and provide further Diagnostic Information in support of identifying an Underlying Health Condition that leads to an Eligible Impairment. An Athlete designated with NE - MIC will have an automatic right for a second Evaluation Session by a different Classification Panel.

These changes aim to resolve confusion around the use of 'Not Eligible' in addressing two substantially different outcomes. Whilst technical in nature, the changes will help to make Classification more logical and easier to follow for all stakeholders.

Targeted question(s): Are you in support of the changes suggested for this section with: (i) Not Eligible no longer being a Sport Class but rather a designation, and (ii) Not Eligible being split into two categories to differentiate two potential uses of this designation in relation to not having an Eligible Impairment and not meeting the Minimum Impairment Criteria?

1.12 THE USE OF ADAPTIVE EQUIPMENT

Relevant article(s): 20.2.2, 23.4.4, 27.1.2(c)

Rationale: By improving the guidance on Adaptive Equipment, the draft Code aims to further ensure that the Classification process is as accurate and consistent as possible. The term 'Adaptive Equipment' means any implements, apparatus, and/or technical aids adapted to the special needs of Athletes that are used by Athletes during competition. When an Athlete uses Adaptive Equipment, the Code clearly defines that such equipment must not be considered as part of the assessment of Minimum Impairment Criteria, with the exception of Minimum Impairment Criteria assessment for Vision Impairment (the difference in approach for Athletes with Vision Impairment must be seen within the historical context of Classification for these Athletes, which is an assessment with 'best correction' as

used in the context of medical diagnostics for visual acuity). When it comes to Sport Class allocation, the Classification Panel must evaluate the Athlete when they are using the Adaptive Equipment that they will use in competition (if any), taking into account the (optimal) use of such equipment, such as strapping or gloves, during competition. The Athlete is therefore required to attend the Evaluation Session with any sports attire and Adaptive Equipment that they intend to compete with. Should the Athlete not bring the attire/Adaptive Equipment to their Evaluation Session, the Classification Panel may, in its discretion, decide to suspend the Evaluation Session (article 27.1.1).

Targeted question(s): The Code gives discretion to the Classification Panel to decide how to handle situations where (i) an Athlete attends an Evaluation Session without their Adaptive Equipment, or (ii) an Athlete attends an Evaluation Session with Adaptive Equipment different to that which they intend on using / subsequently use in Competition. Should the Code prescribe what the consequences should be in these two scenarios? If so, should these consequences differ based on (a) the sport in question, and (b) the reason the Athlete attended the Evaluation Session without their Adaptive Equipment / with different Adaptive Equipment?

1.13 SPORT CLASS

Relevant article(s): 23

Rationale: While the definition of Sport Class has not been altered, it is recognised that the Code does not specifically address how Sport Classes are to be developed by each sport and whether any consideration is to be given to the number of available Sport Classes within a sport, depending on the number of Eligible Impairments that the sport caters for and the evidence in support of the sport's Classification system. Some Classification systems currently operate based on one Sport Class, with a set of Minimum Impairment Criteria but no further assessment in *"reference to the extent to which an Athlete's Eligible Impairment impacts their ability to execute specific tasks and activities fundamental to the sport"*. Other systems use the Minimum Impairment Criteria to define each of their Sport Classes, which effectively means they provide a minimum and maximum criteria within each Sport Class. As part of the next consultation phase, the Code Drafting Team will seek to understand whether the Code should provide more details for International Federations to consider when defining and deciding on the available Sport Classes for the sport(s) they govern.

The draft Code states that *"an Athlete must compete in a Sport Class allocated to them"* (Article 23.6). However, the Code currently does not address issues regarding the concepts of 'combining classes', 'competing up' or 'factor systems' in relation to Competition formats. This will be an area of focus during the next

consultation phase, especially with sports that currently adopt such concepts. The Code Drafting Team will seek to understand the current practices, the potential need for standardisation of such practices and what the scope of the Code is in addressing these given that such decisions are linked closely with the rules of each sport.

Targeted question(s): Please provide your views on whether the Code should stipulate how Sport Classes are to be defined and decided on within each sport. Feedback on whether the Code should address the link between Sport Classes and Competition formats is also encouraged. If you are in favour, please explain what should be included in the Code. If not, please clarify whether the Code should specifically allow International Federations' full discretion in deciding on their Competition formats.

1.14 OBSERVATION ASSESSMENT

Relevant article(s): 24

Rationale: The draft Code provides an option for a Classification Panel to conduct Observation Assessment at more than one event within the same Sport Class, i.e., not just at their First Appearance event (in individual sports). This provision provides an opportunity for a Classification Panel to carry out a meaningful Observation Assessment for the relevant event or discipline the Athlete wishes to compete in. An example provided in the draft Code is from the sport of swimming, where an Athlete allocated in the 'S' Sport Class is entitled to compete in three disciplines (freestyle, backstroke and butterfly) but under the current Code, a Classification Panel would only be allowed to observe them in one of those events, whichever one is scheduled first at the relevant Competition. For team sports, the provisions around First Appearance now allow International Federations the flexibility to decide that a team may select Athletes for participation in elimination rounds even if those Athletes have not made a First Appearance in earlier non-elimination rounds.

Further on, the draft Code provides two possible outcomes as a result of an Observation Assessment: 1) the Classification Panel will allocate the Athlete a final Sport Class and Sport Class Status, or 2) should the Observation Assessment reveal inconsistencies, the Classification Panel will re-assess any or all components of an Evaluation Session at their discretion. Should the latter occur, the Classification Panel, after carrying out further evaluation, will either: (i) allocate a Sport Class and a Sport Class Status, (ii) designate the athlete as NE-EI or NE-MIC, or (iii) suspend the Evaluation Session and designate CNC.

Observation Assessment is used as a control mechanism to verify that previous components of an Evaluation Session match and confirm the Classification Panel's decision around the allocated Sport Class. Therefore, the same Classification

Panel that conducted the preceding components of the Evaluation Session in relation to an Athlete must also conduct the Observation Assessment, except in exceptional circumstances. Allowing the Panel to re-do some or all components of an Evaluation Session in cases where Observation Assessment reveals inconsistencies serves as another control mechanism to ensure accurate Sport Class allocation. The Panel can use its discretion to re-assess the presence of an Eligible Impairment and compliance with the Minimum Impairment Criteria. Whilst unlikely in most cases, this change means that a Panel could technically deem an Athlete as Not Eligible on re-assessment. However, the expected outcome of this re-assessment is that the Panel will clarify inconsistencies revealed during the initial Observation Assessment or that there will be a change to an Athlete's Sport Class.

Targeted question(s): Should the Code allow for a Classification Panel to carry out Observation Assessment in all First Appearance events within a Sport Class (as currently drafted)? Following an Observation Assessment, the Classification Panel may either: allocate the Athlete a final Sport Class and Sport Class Status; or require the Athlete to redo any or all of the components of the Evaluation Session (including Observation Assessment) that the Classification Panel deems necessary. If the Athlete is required to re-do components of the Evaluation Session, should it be mandatory that the Athlete undergoes a further Observation Assessment (as prescribed in the current Code), or should this decision be left to the discretion of the Classification Panel (as prescribed in the draft Code)?

1.15 UPDATES TO SPORT CLASS STATUS

Relevant article(s): 25

Rationale: Sport Class Statuses have been expanded and further clarified in the draft Code. Sport Class Status 'Review' is now defined as 'Review at the Next Available Opportunity' (R - NAO), which must take place within one year of it being allocated. Clarification is provided on the reasons for designating R - NAO.

Further on, a new Sport Class Status, titled 'Lapsed' (L), is introduced. This Status is used if (subject to certain exceptions, which are designed to ensure the Athlete is treated fairly) an Athlete (a) fails to undergo an Evaluation Session within a specified time period or, (b) retires from the sport, or does not compete in any International Competition for a continuous period, as defined in the International Federation's classification rules. An Athlete is not allowed to compete under Sport Class Status Lapsed unless they undergo a new Evaluation Session.

The rationale for the inclusion of the Lapsed Sport Class Status is: (i) to provide a tool to ensure the Classification process of each Athlete is and remains up-to-date

and accurate, and (ii) to increase consistency across all Para sports when dealing with expired Sport Class Statuses.

Targeted question(s): Do you support the introduction of the Sport Class Status Lapsed to manage situations when: (i) an Athlete fails to undergo a further Evaluation Session as prescribed by the Sport Class Status 'Review at Next Available Opportunity' and 'Review with a Fixed Review Date', and (ii) an Athlete retires from the sport / does not compete for a continuous period of time? In respect to Sport Class Status Confirmed, should the Code specify further details around when a Classification Panel may consider allocating this Status?

1.16 LOCATION OF EVALUATION SESSIONS

Relevant article(s): 31

Rationale: The draft Code draws a distinction between Evaluation Sessions that take place In-Competition and Out-of-Competition. International Federations are given discretion to decide whether Evaluation Sessions can take place both In-Competition Out-of-Competition and specify which components of an Evaluation Session and/or which impairment types can be carried out In-Competition and/or Out-of-Competition. Classification Out-of-Competition is defined in two formats: (i) an Evaluation Session is conducted at a Competition in which the Athlete is not competing; or (ii) an Evaluation Session is conducted at a place and time other than at a Competition.

The Code further specifies provisions addressing the situation where an International Federation provides that an Evaluation Session may take place Out-of-Competition, but Observation Assessment is also required (which, naturally, must take place In-Competition). For such cases, the Classification Panel may either: (a) decide to allocate a Sport Class to an Athlete and allocate the Sport Class Status 'Review at the Next Available Opportunity', or (b) decide they are unable to allocate a Sport Class and instead designate the Athlete with 'Classification Not Completed'.

Overall, this inclusion will enable further Classification opportunities as well as provide additional guidance for the use of Classification Out-of-Competition.

Targeted question(s): Please provide feedback on the clarification provided in this article in further distinguishing between Evaluation Sessions held In-Competition and Out-of-Competition.

1.17 REMOTE CLASSIFICATION AND THE USE OF TECHNOLOGY

Relevant article(s): 32, 74

Rationale: The option for a Classification Panel to conduct an Evaluation Session using video technology is not expressly addressed in the current Code. Given the impact of the pandemic in recent years, with limited travel and competition opportunities, some International Federations have sought to explore the use of video technology where one or more members of a Classification Panel and/or the Athlete would carry out an Evaluation Session over a video screen rather than in person. It was therefore a topic that received a good level of feedback during the first phase of consultation and so needed to be carefully considered by the Code Drafting Team.

With this in mind, the Code Drafting Team, with the support of the IPC and the IPC Classification Committee, carried out a detailed assessment on the possible approaches to the use of video technology in Classification. Given the nature of the Classification process, where a Classification Panel is required to physically conduct certain assessments to: (i) verify the presence of an Eligible Impairment, (ii) assess compliance with the Minimum Impairment Criteria, and (iii) assess the impact of the Athlete's Eligible Impairment on the fundamental activities of a sport as part of Sport Class and Sport Class Status allocation; the Code Drafting Team is of the view that each Evaluation Session must be carried out in person by a full Classification Panel (with the exception of having a one-person Classification Panel addressed in article 7.3). The use of video technology during an Evaluation Session is currently introduced and limited to the following persons: Athlete representative, interpreter (if required), and any person the Classification Panel seeks to consult with during an Evaluation Session (e.g., Chief Classifier).

Classification using video technology may also be a helpful tool in screening Athletes as part of talent identification or developing Para sports at grassroots levels, and there is nothing in the Code that would prevent International Federations and National Paralympic Committees from exploring such screening methods to provisionally determine an Athlete's Sport Class. However, where the Code is of mandatory application (currently, all International Competitions), then the standard is set for a Sport Class to be allocated by a Classification Panel assessing the Athlete in-person.

Should future developments in Classification research identify methods whereby a Classification Panel can accurately and objectively allocate a Sport Class using video technology, the use of such methods will be addressed in future editions of the Code. Separately, in circumstances of force majeure (e.g., the COVID-19 pandemic), the Code allows for the IPC to issue supplementary regulations (article 74) to address these exceptional circumstances. Such regulations were introduced during the COVID-19 pandemic to address challenges around providing classification opportunities in the lead up to Tokyo 2020 Paralympic Games and Beijing 2022 Paralympic Winter Games.

Targeted question(s): For mandatory levels of Competition that the Code applies to, the draft Code sets the standard for all Evaluation Sessions to be held in person with the Classification Panel and the Athlete. There is nothing in the Code that prevents an International Federation or National Federation from implementing a different standard for other levels of Competition. Please provide feedback on the Code specifically restricting the format of Evaluation Sessions to 'in person' for mandatory levels that the Code applies to. Article 32.2 identifies which persons may attend Evaluation Sessions remotely. Are there any other persons that should be added to this list?

1.18 SUSPENSION OF EVALUATION SESSION AND 'CNC' DESIGNATION

Relevant article(s): 29, 30

Rationale: While this section is not a new one, the draft Code provides further clarity on the reasons for suspending an Evaluation Session and the process to do so. The designation of Classification not Completed (CNC) is introduced in the Code (taken from a Model of Best Practice – the Model Rules for Para Sports) to indicate when an Athlete has undergone an Evaluation Session, but for various reasons the Evaluation Session was not completed and no Sport Class or Sport Class Status was allocated. The draft Code adds that the 'Classification not Completed' designation can be assigned a maximum of three times consecutively, after which an International Federation may decide not to provide further Evaluation Session opportunities for a specified period of time, at the discretion of the International Federation. A designation of Classification not Completed is not subject to Protest or Appeal. These additions aim to provide International Federations with flexible options to form an approach that deals with challenging situations where a Classification Panel is unable to finalise an Evaluation Session.

Targeted question(s): Should there be a specific limit on the number of times that an Athlete can be designated 'Classification not Completed' before they are prevented from attending further Evaluation Sessions for a specified period of time, as suggested in the draft Code? If so, should International Federations specify, at their discretion, the period of time until an Athlete can present for an Evaluation Session again, or should this be prescribed in the Code?

1.19 PROTESTS AND APPEALS

Relevant article(s): 39-50

Rationale: The provisions from the current International Standard for Protests and Appeals have now been integrated in the draft Code with further clarification on what constitutes a Protest and what constitutes an Appeal, as well as further

clarification on the process for each challenge. As part of this next consultation phase, the Code Drafting Team will seek to better understand different views and proposals from the membership specifically in relation to Protests.

Protests are described as a challenge filed against the Athlete's allocated Sport Class (Protests cannot be made in relation to the Athlete's allocated Sport Class Status), whereas Appeals are described as a challenge to any aspect of the Classification process where a breach of the international Federation's classification rules has occurred during Classification and that breach could reasonably have caused the Athlete to be incorrectly designated as 'Not Eligible - Eligible Impairment' or 'Not Eligible - Minimum impairment Criteria', or allocated an incorrect Sport Class and/or Sport Class Status.

The types of Protests (National Federation's and International Federation's) have not changed, but further consideration will be given to defining the threshold for a Protest to be accepted.

In terms of the Protest Panel, the Protest Panel is specifically prohibited from speaking to the Classification Panel that carried out the initial Evaluation Session (see article 27.1.4 and article 44.3). This aims to ensure a completely independent and objective assessment by the Protest Panel. As part of that assessment, they are able to review the Protested decision and any documents related to it (albeit only after the Classification Panel has completed its own evaluation) but cannot discuss the case details directly with the members of the Classification Panel. For the avoidance of doubt, consultation with the Chief Classifier is still permitted.

It should be noted that - compared to National Federation Protests which are always linked to an Evaluation Session - International Federation Protests can be made at any time and regardless of when the last Evaluation Session for that Athlete took place. In order to address this situation, the draft Code includes another new provision (article 44.6) which permits for the outcome of an International Federation Protest to be challenged by a National Federation Protest if the International Federation Protest occurred a certain number (to be determined) of months since the Athlete was allocated the protested Sport Class.

In respect to Appeals, the new draft includes provisions on the composition of an Appeal Body, requiring it to be operationally independent from the International Federation.

Targeted question(s): The threshold for a National Protest to be upheld in the draft Code requires the National Federation to establish a reasonable basis upon which it believes an Athlete may have been allocated an incorrect Sport Class. Please express your view on whether each Athlete should instead be entitled to simply object to the Sport Class they were allocated, and thereby automatically receive the right for a second Evaluation Session (i.e., an automatic reassessment right), or whether the Code should retain a threshold (and what that threshold

should be)? In respect to article 44.6, please provide feedback on the timeframe between the Athlete being allocated a Sport Class and the International Federation's Protest in respect to that Sport Class, which would allow a National Federation to challenge the protest decision.

1.20 INTENTIONAL MISREPRESENTATION

Relevant article(s): 51-58

Rationale: As Intentional Misrepresentation represents a major threat to the integrity of Classification and Para sport, the section on Intentional Misrepresentation has been expanded in the draft Code. It now includes provisions on what constitutes Intentional Misrepresentation, the responsibilities of each Participant, the investigation process, proceedings, the suspension mechanisms, charging Participants, possible sanctions, and the opportunities to appeal the decision.

The draft Code introduces a definition of a First Instance Body as the disciplinary body designated by an International Federation to hear and determine cases of alleged Intentional Misrepresentation. The draft Code also introduces a process for an International Federation to impose a provisional suspension on a Participant alleged to have been involved in a case of Intentional Misrepresentation. Note, the term Participant is defined as Athletes, Athlete Support Personnel, National Federation representative, other persons under its jurisdiction who participate in any aspect of Classification in relation to International Competitions, and any other persons who agree in writing to be bound by its Classification rules. Should the International Federation impose a provisional suspension against a Participant, the International Federation must, upon request, provide an opportunity for an expedited hearing within 14 days of the decision being made. For Participants charged with Intentional Misrepresentation, the draft Code includes possible sanctions depending on the circumstances during which the incident occurred, the cooperation during the investigation process including voluntarily admitting the commission of an Intentional Misrepresentation violation, and sanctions for multiple violations.

Intentional Misrepresentation was a topic that received feedback during the first phase of consultation. As the Code review progresses, consideration will continue with ways to increase guidance on this topic, both in and outside of the Code.

Targeted question(s): The draft Code now provides more details on provisions around Intentional Misrepresentation. Please provide feedback on the new section on Intentional Misrepresentation in the draft Code.

1.21 TARGETED QUESTIONS FROM CONSULTATION PHASE 1

1.21.1 THE DATE FOR THE CODE TO COME INTO FORCE

The first targeted question in Consultation Phase 1 addressed the timing of the new Code coming into force. The suggested timelines were January 2025 for the summer sports and July 2026 for the winter sports. These were suggested based on the anticipated timeframes for consultation, with three consultation rounds and a final approval at the IPC General Assembly. The dates were set at the start of the new Paralympic cycle, both for the summer and winter sports. The feedback received during the consultation phase indicated agreement with these timelines. Subject to the outcomes of the next consultation phase, the Code Drafting Team will propose separate timelines for compliance with the new Code. These timelines can only be set once the extent and the nature of changes are known.

1.21.2 CHANGES TO CLASSIFICATION RULES

Relevant article(s): 38, 68

Rationale: The second targeted question in Consultation Phase 1 addressed whether the Code should regulate when changes can be introduced by International Federations within a Paralympic cycle. The changes referred to in this context are any changes made to the Para sport's classification system which would impact (i) how Underlying Health Condition Assessments or Eligible Impairment Assessments are conducted, (ii) the assessment methodology or criteria for Minimum Impairment Criteria, and/or (iii) the assessment methodology or criteria for Sport Class allocation. The current Code does not set any timeframes; it does however indicate a process International Federations are required to go through should they wish to introduce changes (article 68).

Over the past years, the IPC has received feedback on the challenges faced by members when major changes to classification systems were implemented. This item was discussed at length and the feedback received as part of Consultation Phase 1 was analysed. There is agreement that the Code needs to regulate provisions around changes to Classification rules, however it is felt that the timings of such changes should be at the discretion of each International Federation. The draft Code provides mandatory provisions that each International Federation must consider when making such changes, including the timing of implementation within a Paralympic cycle or, for example, qualification periods for a major event. Each International Federation is required to provide appropriate notice to its National Federations and the IPC, including the rationale for changes, implementation timelines and, if applicable, transition provisions. The National Federations and the IPC must be given an opportunity to provide feedback prior to adopting the changes.

2 MAIN CHANGES OR ADDITIONS TO THE INTERNATIONAL STANDARD FOR CLASSIFICATION PERSONNEL AND TRAINING

Classification Personnel are fundamental to the management and delivery of Classification. The International Standard for Classification Personnel and Training (name changed from 'Classifier' to 'Classification') sets out provisions on the roles, responsibilities, recruitment and development of Classification Personnel, including Classifiers as the key personnel. The draft International Standard has been expanded and now provides a clearer set of roles and responsibilities of each personnel.

The Standard aims to contribute to further development in recruiting, training, and upskilling all Classification Personnel, which will in turn contribute to the main aim of the Code in upholding confidence in Classification. The internal review of this International Standard by the Code Drafting Team and ISCPT Subgroup is not finalised and consequently extensive revisions can be expected. Nonetheless, the key changes and the rationale from the working draft are detailed below.

Classification Personnel means Persons, including Classifiers, acting with the authority of a Classification organisation in relation to Classification, as well as for example, administrative officers.

Head of Classification: It is recommended that the Head of Classification be a certified Classifier and that they have acted as a Chief Classifier for the sport within the previous eight years. This is to ensure familiarity with the position's duties. Furthermore, the roles and responsibilities of the Head of Classification have also received an update to better reflect the nature of the position.

Chief Classifier: Likewise, the roles and responsibilities of the Chief Classifier have also received an update to better reflect the nature of the position. It is stated that unless in exceptional circumstances (where there is only one Classification Panel appointed to a Classification event), a Chief Classifier cannot be part of a Classification Panel. This is to ensure that the supervision and administration responsibilities of the Chief Classifier can be carried out, as well as to facilitate robustness in managing potential Protests.

Classifier: This has been an area of focus for the ISCPT Subgroup. It is now stated that the term Classifier means 'International Classifier' and includes both Medical and Technical Classifiers. In accordance with the scope of the Code (see above), the term Classifier does not include National Classifiers. However, National Classifiers are recognised as an important part of Classification and the draft International Standard now includes a specific definition for National Classifiers detailing the extent of the role. In addition, the roles of Medical Classifier and

Technical Classifier are also defined and described. The rationale for these updates is to facilitate standardisation of the various levels and roles of Classifiers that previously went undefined.

Trainee Classifier: The draft International Standard includes reference to appointing educators or mentors for Trainee Classifiers, which is an important aid for supporting their development. The draft International Standard also states that a Trainee Classifier cannot allocate a Sport Class or Sport Class Status at a Competition at which they are appointed as a Trainee Classifier.

Competencies: These have received an update in the draft International Standard to reflect the requirements for each role, including interpersonal skills. Additional focus is placed on the Classifier Competencies to be a Medical Classifier (article 5.3.5) and a Technical Classifier (article 5.3.6). The competencies for a Medical Classifier include having a medical qualification, for example as a doctor with experience in dealing with Health Conditions that may lead to an Eligible Impairments catered for by the sport, a physiotherapy qualification or other related disciplines involving clinical experience in working with Eligible Impairments. Whilst the current International Standard includes only Classifier Competencies, the draft International Standard expands on this to now include additional competencies for the Head of Classification (article 5.5) and Chief Classifier (article 5.4).

Training, Education and Pathway: The Classifier Training section from the current International Standard has been expanded with more emphasis on the continuous development of Classifiers and their development pathway. International Federations must publish strategies in this regard and provide the necessary training and support for Classifiers. In addition, International Federations must support National Federations in delivering Classification (see article 6.5). The rationale is to further increase the understanding and knowledge of Classification across all levels and support the development of national Classification.

Conflict of Interest: In order to strengthen a potential risk area for Classification, the draft International Standard contains a section dedicated to identifying and managing Conflicts of Interest (article 8). This article contains guidance on Classifiers declaring personal and professional relationships that may impact their ability to make objective decisions as a Classifier. Furthermore, article 8.8 states that a person who has a close association with a National Federation cannot become a Classifier until they have ceased involvement with the National Federation for a minimum of two years, or four years in the case of an Athlete. This provision would not prevent impacted individuals from acting as a National Classifier at the same time as acting as an International Classifier for the same sport. It is recognised that this could impact the current pool of Classifiers across the Movement. However, it is felt that taking action against the risk of Conflict of Interest cannot be postponed.

Classifier Code of Conduct: the draft International Standard includes a bolstered section on the Classifier Code of Conduct with additional focus on maintaining high standards and always having high regard for Athlete welfare.

Targeted question(s): Should the Code and International Standards regulate Classifiers' involvement in different roles as a requirement for their certification by an International Federation (both in respect to involvement in different roles within the National Federation / National Paralympic Committee, and the status of active Athletes competing in the sport the International Federations governs)? Should the Code and International Standards provide further guidance on the roles and responsibilities of other Classification Personnel (e.g., administrative officers, research partners, and education managers)? Do you have an objection around the Head of Classification at the same time acting as a Classifier or a Chief Classifier for the same International Federation; if yes please specify why?

3 MAIN CHANGES OR ADDITIONS TO THE INTERNATIONAL STANDARD FOR CLASSIFICATION DATA PROTECTION

Classification involves using a significant amount of personal information. In many parts of the world Athletes, like all people, have fundamental rights that apply to the use of their personal information. This International Standard contains precise and specific provisions as regards the standards that Classification Organisations should adopt and implement relating to the personal data that they process during Classification. The new draft builds on the current International Standard and provides clearer and up-to-date information. There are no new sections in this International Standard, but all the provisions have been further clarified. Below we summarise the most important changes.

General Provisions: Classification Organisations will usually be subject to the data privacy laws implemented by the country within which they are 'resident' - the IPC, for example, is subject to German data privacy laws. Classification Organisations need to understand how their national laws apply to their use of personal data in conjunction with complying with this International Standard.

Principles for Processing Classification Data: An Athlete has a number of legal rights in relation to their personal information. Although Classification Organisations can use this information in connection with Classification, there are a number of key principles that the Classification Organisation must adhere to as part of this use. These include that the information will be looked after properly, only used for a legitimate Classification-related reasons, and that the use ceases when there is no longer any Classification purpose. These principles are extremely

important and the new draft captures them in more detail compared to the current International Standard.

Lawful grounds for Processing Classification Data: Data privacy laws typically state that Classification Organisations can only use an Athlete's personal information if there is a 'lawful ground' for doing so. These 'lawful grounds' include that the Athlete has consented to the use, but there are other equally important legal grounds, including that the Classification Organisation has a legitimate reason for using the personal information (even if the Athlete does not consent). For example, a Classification Organisation might ask an Athlete to consent to the use of personal information in relation to an Evaluation Session, but also might take the view that it has a legitimate reason for recording an Athlete practicing, training, or preparing for a competition, even if that Athlete has not been asked to consent to that recording. This provision represents a change from the current practice, where obtaining consent is the main basis for processing Classification data.

Processing for Classification Research: The continuing development of classification techniques and approaches will be an important part of a Classification Organisation's classification strategy. This development will be supported by research carried out by the Classification Organisation, and this research will generally utilise data obtained from Athletes. It is important that Classification Organisations explain to Athletes that they wish to use their data in this way, and make sure that the Athletes understand (and if necessary agree to) the use.

Notification to Athletes and others: Notification is an essential part of the process by which Classification Organisations obtain and use personal information. It requires the Classification Organisation to provide (in a clear and comprehensible fashion) key information required by the ISCDP (and any extra information that might be required by national data privacy laws). This in turn tells people what their information is going to be used for, why it is needed, and how it will be managed.

The usual way in which this information is provided is by the Classification Organisation making sure that the Athlete is aware of the Classification Organisation's data privacy policy, and/or any consent/other forms that the Athlete might sign when first providing information to the Classification Organisation.

Classification Data Security: Classification Organisations must take care to protect and safeguard the personal information they hold. Classification Organisations should undertake a risk analysis to make sure that their operational policies and processes ensure the confidentiality and integrity of personal information. There are no set techniques, technologies, or processes in this respect

- they should be reasonable and proportionate to the amount of personal information that the Classification Organisation holds.

Disclosures of Classification Data: Classification Organisations often need to share Athlete information with other bodies, such as Competition organisers. Classification Organisations should only share personal information relating to Athletes if the sharing is needed in relation to activities provided by in the Code, or the sharing is permitted (or required) by national data protection laws.

Retaining Classification Data: Classification Organisations should only keep personal information for as long as it is needed. Once that point has passed, it should be deleted and/or anonymised. It is helpful for Classification Organisations to develop a policy that explains how long they will retain personal information for.

Rights relating to Classification Data: Classification Organisations can be asked by people whose personal information they hold for a number of things, including details of the information that is held, and for the information to be corrected, or deleted. Classification Organisations do not automatically have to comply with these requests, but should nevertheless establish a policy that explains when and why they will, and will not, comply.