



British Horseracing Authority

Integrity Review

Adam Brickell

March 2016

CONTENTS

	Page
Foreword	3
Executive Summary	4
Summary of Recommendations	7
Background	10
Methodology	12
Case studies – Jim Boyle and Kate Walton	14
Themes and recommendations	15
General	15
Strategy	16
Fairness	18
Engagement with the Sport's Participants	24
Openness	25
Participant Education	26
Intelligence Collection/Partnership Working	27
Internal Process Improvement	29
Conclusion	31
Appendix A – Neville Review – Post-Implementation Update on Recommendations	32
Appendix B – Terms of Reference	37
Appendix C – Challenge Panel Biographies	39
Appendix D – Challenge Panel Assurance Report	41
Appendix E – List of Interviewees	46
Appendix F – Documents Reviewed	50
Appendix G – Out of Scope Items raised	52

FOREWORD

I am delighted to introduce this Report on the BHA's integrity work. It is based on extensive consultation with stakeholders and the racing and betting public, and has been the subject of robust, independent challenge by a panel of leading experts from the fields of Sport, Regulation and also our own industry. I would first like to thank Adam Brickell, who led the Review Team, Nick Bitel, who chaired the Challenge Panel, and everyone who contributed, for giving us the benefit of their valuable time and experience.

While the issue of integrity in sport has been receiving much attention recently, at the BHA, we have always regarded this aspect of our work as an absolute priority. Our willingness and ability to investigate integrity risks such as race-fixing, corrupt betting, doping and other serious rule breaches – without fear or favour – has earned British Racing a reputation of being among the leaders in sports integrity.

But we are not complacent. Sadly, it is inevitable with large financial gains potentially at stake, that there will always be a minority who try to break the rules and gain an unfair advantage, often at the expense of the majority who play fair. Our job, as always, is to deal with the most serious offences, firmly and fairly, to keep Racing clean, create a level-playing field for all participants, and to maintain public confidence in the sport.

We want to be open about what we do and how we do it – to act as a deterrent, but also to get feedback on what we can do differently and better. We must always be aware that our actions can and do impact directly on the thousands of people whose livelihoods depend on our sport. It is not just about what we do, but how we do it, in terms of fairness, consistency, and timeliness; and we must always make sure that we strive to achieve the right balance between education, deterrence and enforcement, and that our approach is proportionate to the seriousness of the issue.

Of course, we do not always get it right, and the Report includes two cases studies which we must learn from. I am particularly grateful to Kate Walton and Jim Boyle for allowing us to include their experiences, and I would like to add my sincere apologies to them both for falling short of the required standards during the investigations in which they were involved.

So, it should come as no surprise that one of my priorities is to continually improve our integrity work to make sure we have the confidence of participants and the racing and betting public. That is why we launched this Review in June 2015, which we timed to coincide with the appointment of Sir Paul Stephenson, our independent, regulatory non-executive director.

We have listened carefully to the many people who have taken part in this review: jockeys, trainers, owners, and their representatives, as well as many others including those representing betting and, of course, the general public.

I would like to thank everyone who has given their time to help us improve what we do. I very much hope that you will agree from the Report and the recommendations, which the BHA Board has approved, that not only have we listened to your feedback, but we are taking action based on it.

Nick Rust
Chief Executive

EXECUTIVE SUMMARY

1. On 24 June 2015, Adam Brickell, Director of Integrity, Legal and Risk for the British Horseracing Authority (“BHA”) launched a Review of the BHA’s Integrity provision. This was the first major review of this area of the BHA’s business since Dame Elizabeth Neville’s Review in 2008. However, it follows and relates to the important work done in 2014 by the Integrity and Regulation Pillar of the Racing Industry Strategy for Growth and, crucially, ties in with work recently carried out by the BHA Executive team on the BHA’s organisational strategic objectives, vision, mission and values.
2. Within those BHA organisational objectives, the key strategic objective for the Integrity department is “to continue to evolve a regulatory and integrity framework which ensures improved confidence amongst participants and the racing and betting public”. The Review Team has been mindful of the need to focus on achieving this objective in forming the recommendations set out in this Report.
3. Broadly, the Review sought to establish how the BHA will:
 - Ensure the confidence and support of the industry.
 - Develop a modern and contemporary approach to Integrity provision.
 - Improve the efficiency and consistency of regulation, standards and the prosecution process.
 - Improve communication with stakeholders and the wider public.
 - Demonstrate greater openness.
 - Show that we are in-tune, fair, accountable, open, aware and collaborative.
 - Confirm our status as world leaders in this area.
 - Ensure we are addressing current and future threats to the integrity of our sport robustly, and making effective efforts to deter, prevent, disrupt, and investigate corrupt activity.
4. One of the other main purposes of this Review was to consider how best to respond to specific concerns which had been raised in relation to the execution of the BHA’s Integrity function and other aspects relevant to the overall disciplinary process. There is a desire within the BHA to continue to be proactive in further developing its approach to protecting the integrity of the sport, whilst also seeking views of others and identifying and responding to any concerns, especially those which have developed into recurring themes.
5. However, this Review has not sought to highlight, assess or address specific threats or risks to the integrity of the sport. That is work which the BHA Integrity department must continue to do. The Review has been more focussed on how the BHA discharges its functions in this broad area, which include licensing, disciplinary, compliance and all aspects of integrity, whether that involves investigation of betting-related issues, doping, or other forms of cheating.
6. The constitution of an independent and external Challenge Panel has been an important feature of this Review. The Challenge Panel was put in place to ensure the rigour and fairness of the Review process, and to challenge the direction of the Review, its findings and its recommendations. The Challenge Panel saw all of the agreed notes of interviews conducted by the Review Team, and held two lengthy meetings with Adam Brickell, at which they asked questions and tested the Review process and the Review Team’s proposed responses to the emerging themes. In particular, the scope of the Review was widened to include other aspects of the disciplinary structure at the strong suggestion of the Challenge Panel, as was the breadth of the consultation. We are grateful for the significant contribution the Challenge Panel made to this Review.

7. The Review process focussed on individual consultation in the form of structured face-to-face, and occasionally telephone, interviews with people from across the sport and other relevant organisations. These meetings were supplemented by a public survey, an open invitation for written submissions, and specific internal audits carried out by external experts. The Review Team is very grateful to everyone who contributed for taking the time to do so.
8. This evidence gathering revealed a number of themes for the Review Team to address. It should be noted that these included a significant number of positive messages about all aspects of the BHA's Integrity provision and, importantly, the good level of integrity within the sport of horseracing today. The sport, including the BHA, should rightly be proud of that situation and its track record in this area, but not be complacent or self-congratulatory. It is important that the BHA recognises the challenges which exist in terms of maintaining and developing the position. This Report seeks to deal with some specific concerns which have been raised, and address confidence issues which exist in that regard, relating to the disciplinary structure and the operational execution of the BHA's Integrity function.
9. The specific criticisms and recurring themes which emerged were grouped into the following broad areas by the Review Team:
 - Strategic approach
 - Fairness
 - Engagement with the sport's participants
 - Openness
 - Participant Education
 - Intelligence Collection and Partnerships
 - Internal Process Improvement.
10. These themes are described more fully in the main sections of this Report. The Review Team has given consideration to these themes, carried out further specific consultation, and incorporated the views of the Challenge Panel in settling on a set of important recommendations for further action. These recommendations are listed in full in the following section of this Report, where they have been separated into six primary recommendations, and a group of other supporting recommendations.
11. A move to a more collaborative approach, through the establishment of a Stakeholder Integrity Forum (R1), is particularly important for the long-term effectiveness of this Review and its recommendations, and will also deliver greater openness and an improved environment for engagement with participants. A revised Integrity strategy incorporating a greater focus on participant "protection" (R2) will result in a more modern approach generally, and in particular in relation to the implementation of a refreshed participant integrity education programme (R2) and dedicated resource to manage its delivery.
12. Additional resource, a change in mindset, and tighter procedures within the BHA Integrity team will also be necessary to deliver more of a performance culture, and other internal process improvements. Those changes allied with recommendations (R4) to introduce an investigation guidance note, a code of conduct for hearings, and the recommendation to revisit the policy on publication of charges, should result in a more efficient and accountable operation.
13. The Review Team noted that there is a strong desire throughout the sport for the BHA to be a firm and robust regulator, dealing with the most serious offences in the strongest terms possible. The current approach including extensive monitoring of racing, betting and social media on a daily basis, a multi-faceted anti-doping testing programme, intelligence-led proactive investigation, and identifying and responding to emerging threats, must continue. That should remain an essential part of the strategy and the changes implemented as a result of this Review should not dilute that approach.

14. The Review Team is mindful of potential resource and budgetary constraints, but suggests that this Report's recommendations should be implemented in accordance with a stretching but realistic implementation plan, with a particular focus on the points set out above which might be considered priorities.
15. Overall, this Report and its recommendations set out a blueprint for how the BHA Integrity team should work with the sport to take it further forward and to set standards for others to follow.

SUMMARY OF RECOMMENDATIONS

There are six primary recommendations in this Report which are as follows:

- R1. A Stakeholder Integrity Forum should be established to operate as an advisory group with a stated objective of keeping corruption out of the sport. The Forum will provide a means by which the BHA can consult and achieve buy-in from the sport for integrity initiatives, and to identify areas for further improvement and development as far as the integrity of the sport is concerned, and it will provide visibility on the implementation of the recommendations set out in this Report.
- R2. It is recommended that the BHA establishes a renewed focus on the protection of the participants that seek to comply with the Rules, and formalises this in the development of a new BHA Integrity strategy. However, the BHA must not lose sight of the current aims of prevention and deterrence through proactive and intelligence-led monitoring, investigation, prosecution, and issuing significant but proportionate sanctions for serious breaches of the Rules. This will require a modern and refreshed approach to participant education on integrity matters.
- R3. The BHA, working closely with stakeholders, should review the structure, composition, and processes of the Disciplinary Panel, Licensing Committee, and Appeal Board as a matter of urgency, to identify and implement a practical and legally robust solution which generates greater confidence amongst the sport's participants.
- R4. With regard to the investigation, case management and disciplinary process, it is recommended that the BHA, in particular:
- produces a formal investigation charter and guidance note and provides this to any person – whether a suspect, a witness, or a complainant – involved in an investigation, at the outset of their involvement.
 - produces a formal code of conduct for case management and disciplinary inquiries for all parties to comply with during an Inquiry, covering areas such as disclosure.
 - revisits its policy (for the more serious cases likely to result in disqualification or a lengthy suspension, or other high profile cases at the BHA's discretion) of publishing disciplinary charges very shortly after the point of charge. Such publication should be delayed until after the persons charged have received the charges and the evidence and had an opportunity to provide an initial response to those charges to the BHA.
 - establishes a formal procedure for alternative disposal of matters outside of the full Disciplinary Panel procedure, to include a fast track for minor or admitted offences, formal cautions, and agreed sanctions.
 - reviews the penalty guidelines with a particular focus on the lower level fines for minor rule breaches, and give consideration to an alternative approach.
- R5. It is recommended that the BHA generally, and the Integrity department in particular, identifies ways to better inform the media, the racing and betting public, and the sport's participants on an on-going basis as to what is being done to protect the integrity of the sport.
- R6. It is recommended that the BHA Integrity team continues to build on its impressive range of partnerships with other organisations across the betting industry, other racing jurisdictions, other sports, and other regulators, formalising those relationships by way of information sharing agreements and MOUs where necessary to further develop its efforts to gather intelligence and evidence.

Other Supporting Recommendations (labelled “supp” in the Report):

STRATEGY

It is recommended that the BHA should:

- a) establish revised and specific risk/threat assessments which flow from its strategy to help drive strategic decisions and focus resources.

FAIRNESS

It is recommended that the BHA should:

- a) engage with the Chair of the Disciplinary Panel with a view to establishing a set of guidelines as to the acceptable timeframe within which a Disciplinary Panel would be expected to produce a decision and reasons following an Inquiry, and for such guidelines to be published.
- b) continue its discussions with Sport Resolutions, and also introduce the relevant stakeholder representative bodies to Sport Resolutions with a view to establishing formal partnerships potentially offering Racing’s participants access to pro-bono legal advice and representation in the event that they become subject to a BHA investigation or disciplinary proceedings and cannot afford representation themselves.
- c) review its own internal procedures for assessing the quality of rides which might form part of a corruption case prior to charges being issued, and ensure that there is sufficient internal oversight in place.

ENGAGEMENT WITH PARTICIPANTS

It is recommended that:

- a) the BHA Integrity team becomes more visible as far as the participants are concerned, to include increased presence on racedays and at the racing schools and seminars. This might include advance notice of some visits being published, and might be extended across other BHA teams.
- b) all forms of communication between the BHA and the sport’s participants be reviewed and updated where necessary to ensure they are modern and appropriate.

OPENNESS

It is recommended that the BHA:

- a) promotes better the existing methods for the racing and betting public to contact its Integrity team directly, and considers whether alternative routes need to be established.
- b) Carries out a public integrity survey on an annual basis to provide a benchmark against which to assess future performance.

PARTICIPANT EDUCATION

It is recommended that the BHA:

- a) dedicates specific resource to taking responsibility for coordinating and participating in the delivery of Integrity and Regulation education in line with the Department’s strategic objectives in this area.

INTELLIGENCE COLLECTION/PARTNERSHIP WORKING

It is recommended that the BHA:

- a) creates a partnership with an expert consultancy firm to ensure that it has access to the latest and best quality advice for innovation in intelligence collection, to include technical capability.
- b) re-launches the confidential reporting line “Racestraight” and online reporting form – with a revised message referring to the aim of “protecting your community”, which links to the strategic developments outlined elsewhere in this Report.

INTERNAL PROCESS IMPROVEMENT

It is recommended that the BHA:

- a) adds new senior level resource within the Integrity, Legal and Risk department to ensure greater management, enhancement and oversight of investigative and licensing processes, and to ensure greater accountability for performance in line with new established service levels and key performance indicators.
- b) requests the Head of Integrity (Operations) to review the day to day monitoring and analysis of betting and racing in the light of the recent appointments to the existing roles of Betting Investigator and Intelligence Administrator. Once the development of new betting data monitoring software is completed this will have some impact upon the resourcing solution for the future.
- c) makes further procedural changes within its Integrity team to ensure more structured, focused, timely and better managed processes, these will include:
 - A set of Licensing process improvement initiatives
 - A review and consideration of changing the format of tasking and case review meetings.
 - To establish formal decision-making criteria for investigations and better recording of decisions.
 - To achieve earlier Compliance/Counsel involvement in investigations to advise, assist and challenge the investigative team.

BACKGROUND

Security Review Group Report, 2003

1. In November 2002, against a background of negative publicity arising from criminal corruption trials and two high profile television programmes which alleged that racing in Great Britain was institutionally corrupt, The Jockey Club and the British Horseracing Board commissioned a review of the integrity of the sport and how the regulator's Integrity department could be best structured and organised to deal with the threats. The Review, chaired by Ben Gunn, undertook wide consultation and made 36 recommendations for change to enhance the efficiency and effectiveness of the regulator and to address the current and emerging threats to Racing's integrity. The recommendations included a re-focussing of priorities, additional resources, and bolstering of its intelligence gathering ability, standard of investigations, and expert knowledge, along with improvements in the use of information technology. Notable amongst these changes was the implementation of Memoranda of Understanding with the betting industry to share information. Those recommendations led to the creation of the Integrity department structure that is in place today.

The British Horseracing Authority and Integrity in Horseracing – An Independent Review, 2008

2. In October 2007, the BHA instructed Dame Elizabeth Neville to carry out a post implementation review of the recommendations of the Gunn Report. The Neville Review also identified areas for development of the BHA's role in protecting the integrity of Racing. Following the collapse of the City of London Police criminal trial in December 2007, the Review's terms of reference were expanded to consider those proceedings and advise on the procedures which Racing should follow when dealing with matters that may involve breaches of the criminal law as well as its own disciplinary rules.
3. The Neville Review found that the bulk of the Gunn Report recommendations had been fully implemented resulting in significant improvements in the quality of intelligence gathering and investigation in horseracing. This had positioned the BHA Integrity department as a recognised leader in the field of integrity in sport, as later acknowledged by Rick Parry in connection with his chairmanship of the Government-commissioned Sports Betting Integrity Panel Report.
4. Dame Elizabeth Neville made 16 recommendations to further improve the efficiency and effectiveness of the Integrity department. The implementation of those recommendations has been examined as part of this Review, and that assessment is set out in Appendix A. The majority of the recommendations have been implemented, although some have been superseded by events, whilst others are still the subject of on-going pieces of work. It is notable that the issue of speed of investigations featured prominently in those recommendations. However, the Neville Review did not, understandably, recommend specific timeframes for the completion of investigations, as apparently understood by some respondents to this current Review.

McKeown v British Horseracing Authority, 2010

5. In 2009, the BHA found itself in the High Court defending a Part 8 claim, brought by the jockey Dean McKeown, seeking a declaration that the BHA (through the Disciplinary Panel and Appeal Board) had acted unlawfully in finding that he had acted in breach of the Rules of Racing by deliberately not riding a horse on its merits on four occasions, and by conspiring to commit a corrupt practice by providing inside information to enable lay betting on horses ridden by him in eight races. In a 108 page judgment, the Honourable Mr Justice Stadlen found in favour of the BHA on almost every single issue. This served as a helpful affirmation, in legal terms, of every aspect of the BHA's system and process for dealing with corruption.

Racing Industry Strategy for Growth, 2014

6. In 2014 under the auspices of the Racing Industry Strategy for Growth, the Integrity and Regulation Pillar Group reviewed a number of areas and opportunities for further improvement. The Pillar Group spoke to a range of stakeholders and the emerging themes included a desire for a more robust, responsive and efficient BHA, improved communication and consultation with stakeholders, the need for modernisation and a contemporary approach, consistency of regulation and standards and the need for greater openness and transparency. Many of the key work streams arising out of that piece of work are on-going, with much of the short-term work having been focussed on implementing the new anti-doping policy, and the themes which emerged during that process are relevant to this Review.

BHA Executive Plan, 2015-2016

7. Following the appointment of a number of new Board members and a new Chief Executive, the BHA has established new organisational strategic objectives, a vision, and a mission and values. **The key strategic objective for the Integrity department is “to continue to evolve a regulatory and integrity framework which ensures improved confidence amongst participants and the racing and betting public”.** This Review is fundamental to ensuring that this objective is met. Further, the signature, in September 2015, of the historic BHA Members’ Agreement put in place a governance structure for the sport which clearly established integrity as one of the fundamental areas in which the BHA Board has autonomy to act.
8. The BHA is one of the few organisations internationally (including sports governing bodies, regulators and law enforcement) with the willingness and ability to investigate and prosecute betting-related corruption, and with a track record of bringing corruption cases to successful prosecutions. That has been evidenced most recently by the decision of the Appeal Board in relation to the appeals of Messrs Greenwood, Ackerman, Stainton and Mackay¹.
9. There are, of course, other forms of corruption and cheating which threaten the sport, to which the BHA must continue to be alert. Most notably doping (particularly of horses) continues to be a significant threat and the Review Team notes the recent and ongoing strides being taken by the BHA to take a leadership role in this area, and these must continue. The new Anti-Doping Policy and Rules are in place and an Anti-Doping Manager has been appointed, with other related initiatives in progress. The points raised in this Report are as relevant to this and other types of cheating as they are to betting-related corruption, which understandably has been an area of particular focus.
10. This history, and the solid foundations in place, are rightly a source of both organisational pride and challenge for the BHA in terms of maintaining and developing its systems in response to genuinely held stakeholder concerns. Specific concerns relating to execution in particular cases and the disciplinary structure have been raised and have developed into themes. This Review was commissioned to help ensure continued and proactive development of these systems but also to capture and address those stakeholder concerns and confidence issues.

¹ http://www.britishhorseracing.com/press_releases/appeal-board-findings-regarding-david-m-greenwood-michael-stainton-kevin-ackerman-and-kenneth-mackay/

METHODOLOGY

The Review – Terms of Reference and Review Team

1. The terms of reference for the Review are set out at Appendix B. It should be noted that in practice the scope of the Review extended more widely than set out in those terms. This was due to the range of issues raised by respondents, many of which had direct or indirect relevance to the subject matter of this Review, along with a strong view expressed by the Challenge Panel, and recognised by the Review Team, that certain items such as the composition of Disciplinary Panels are directly relevant to “fairness”, even if responsibility for them sits within a different functional area of the BHA, so should be within scope.
2. The Review Team consisted of:
 - Adam Brickell, BHA Director of Integrity, Legal and Risk.
 - Sir Paul Stephenson Kt QPM CCMI, BHA Independent Regulatory Non-Executive Director.
 - Fiona Carlin, PA to the Director of Integrity, Legal and Risk.
 - Paul Lifton, Head of Business Change.

Evidence Gathering and Consultation

3. The Review Team issued 129 individual invitations to participate in and contribute to the Review process. In particular, the Review Team initially targeted individuals with first-hand experience of the BHA’s processes, or those who had already raised points of concern on relevant issues. Structured interviews were held with 104 individuals representing a wide range of interests from across the industry. The full list of interviewees is attached at Appendix E.
4. Separately, a public survey was posted on the BHA website. This was intended to be a snap survey to help direct the Review Team’s focus to particular areas of interest in the structured interviews. The themes emerging from those submissions are referred to at relevant points in this Report. Further, an open invitation for comments to be provided to a specific Integrity Review e-mail address was placed on the BHA website and in the Racing Post, to which some helpful responses were received.
5. A separate and on-going piece of work has involved seeking a wide range of views on various aspects of racing integrity and regulation from a group of betting customers selected for their in–depth understanding of horseracing and their practical expertise in terms of betting on it. Some elements of their (non-attributed) responses have been very relevant and instructive to this Review, and have therefore been taken into consideration in assessing the emerging themes and in developing this Report’s recommendations.
6. During the review process the Review Team also approached the following external experts to carry out audits and/or provide advice in relation to the BHA Integrity team’s internal systems and processes: Robert Hayes, Senior Director, Microsoft Global Cyber Security Group; Richard Watson, Lead Intelligence Specialist, Gambling Commission; and Sarah Keeling, FTI Consulting. The Review Team is particularly grateful for their time and assistance.
7. The Review Team studied a wide range of reading materials, including reports and documents held within the BHA and other relevant externally published documentation, with a list of examples included at Appendix F.

Challenge Panel

8. A Challenge Panel was put in place to ensure the rigour and fairness of the review process and to challenge the direction of the Review, its findings and its recommendations. The Challenge Panel Chairman was selected and appointed by the BHA Board with input from stakeholders. The Panel members were chosen by the Challenge Panel Chairman from a long list of names put forward by him, the Review Team, the BHA Board and stakeholders. The Panel members were selected on the basis of their deep, broad and varied experience in aspects of horseracing, sports regulation, gambling regulation and law, and their biographies are included at Appendix C.
9. The Challenge Panel reviewed a large amount of background documentation, along with the agreed notes of interviews which were conducted by the Review Team. There were two lengthy meetings of the Challenge Panel, during which Adam Brickell presented on the Review process and its progress against the project plan, along with describing the emerging themes from the Review and the Review Team's draft recommendations to address those themes. The Challenge Panel questioned and tested many aspects of the process and the Review Team's proposed responses to themes emerging from the consultation. In particular, the Challenge Panel felt strongly that the scope of the Review should be widened and that the composition of Disciplinary Panels should be looked at as a key factor relevant to the "fairness" theme. The Challenge Panel also held private sessions to discuss those presentations, and produced two interim reports to the Review Team to assist with its on-going work.
10. The Challenge Panel produced an Assurance Report for the BHA Board containing the Challenge Panel's observations on the project as a whole, a copy of which is included at Appendix D to this Report. The Review Team is grateful for the significant contribution that the Challenge Panel made to this Review.

CASE STUDIES – JIM BOYLE AND KATE WALTON

1. In forming the recommendations contained within this Review, the Review Team has examined past cases where aspects of the BHA's investigative and disciplinary processes have been found to be, or have been perceived to be, unsatisfactory. This Review has not included a forensic analysis of individual cases, as that takes place as a matter of course, but it has identified recurring themes and sought to establish solutions to address them. The Review Team has thus endeavoured to learn from previous cases which have attracted criticism. The BHA must do all it can to ensure that there are structures and processes in place which will minimise opportunities for mistakes in the future.
2. Two very different cases in particular demonstrate some of the themes which have arisen during this Review. First, there is the case of Jim Boyle from 2011, in relation to the horse trained by him named New Den². The Disciplinary Panel found that for far too long, Jim Boyle had a serious allegation of "milkshaking"³ hanging over him which was not proved and had an effect on his training business and his health. The BHA acknowledges that there were unsatisfactory delays in this case, and that it should have communicated better with Jim Boyle and his representative, and demonstrated greater transparency, during that process. In particular, the BHA acknowledges that at the very least it should have informed Jim Boyle that it had not in fact conducted baseline testing on New Den when the horse was returned to him after it had been taken into custody by the BHA for a number of days for that specific purpose.
3. Similarly, there are aspects of the investigation involving Kate Walton⁴ which the BHA would do differently. The BHA does not want to put somebody in the position of having been charged, those charges being publicised, and then having those charges withdrawn prior to a hearing. The BHA wants to ensure that investigations are complete, thorough and subject to sufficient checks and balances throughout and certainly prior to charges being issued. The BHA should ensure it is properly cognisant of the impact upon people involved in investigations to ensure fairness is achieved for all of them.
4. There are some things which the BHA as racing's regulator is required to investigate, and it will rightly continue to do that. However it must do so fairly. The BHA must ensure there are systems in place which deliver a rigour in investigations and include sufficient oversight and review, and internal challenge. There must be a clear and frequent review of evidence, with an aim of seeking to exculpate as well as inculcate. In other words, identifying credible evidence enabling the investigation team to exclude somebody from its enquiries should be considered as much of a success as identifying credible evidence to support the bringing of disciplinary charges.
5. The BHA is determined to learn lessons from these particular cases, and others. The Review Team is grateful to Jim Boyle and Kate Walton for taking part in this process and providing such helpful contributions, and the BHA apologises to both of them for the failings which occurred during their respective cases.

² http://www.britishhorseracing.com/press_releases/disciplinary-panel-result-reasons-and-penalties-regarding-jim-boyle/ (December 2012)

³ A colloquial term for a procedure that usually involves the administration to a horse of an alkalinising agent such as sodium bicarbonate (and possibly other substances) through a nasogastric tube or syringe with the intention of neutralising the build-up of lactic acid which causes fatigue in the muscles.

⁴ http://www.britishhorseracing.com/press_releases/notice-forthcoming-disciplinary-panel-hearing-aspey-mcgrath-et-al/ (September 2014)
http://www.britishhorseracing.com/press_releases/charges-against-kate-walton-and-four-others-withdrawn/ (March 2015)

THEMES AND RECOMMENDATIONS

1. GENERAL

- 1.1 The Review Team has identified a number of recurring themes which have arisen during this Review, which are expanded upon below. One of those themes relates to the Review itself. Whilst the Review is generally seen as a positive move by the BHA in showing it is willing to listen and seek to address any issues raised, there are concerns that previous Reviews in this area have not been sufficiently open, or publicised, and that the implementation of their recommendations does not appear (from an external perspective) to have been appropriately monitored or reported upon. Those points are consistent with the observations made by many respondents, that the BHA and its Integrity department should be more open about what it does.
- 1.2 It is with these comments in mind that it was decided and agreed with the BHA Board at an early stage that this Report would be published, in full. Also, the Challenge Panel has played an important role in providing external oversight and scrutiny of the process. Further, it is recommended that there should be greater stakeholder visibility and further opportunity to input specifically on the implementation of the recommendations made within this Report. For that reason, amongst others described below, it is recommended that:

R1. A Stakeholder Integrity Forum should be established to operate as an advisory group with a stated objective of keeping corruption out of the sport. The Forum will provide a means by which the BHA can consult and achieve buy-in from the sport for integrity initiatives, and to identify areas for further improvement and development as far as the integrity of the sport is concerned, and it will provide visibility on the implementation of the recommendations set out in this Report.

- 1.3 It is recommended that this Forum be chaired by a BHA Independent Regulatory Non-Executive Director, and include within its membership the BHA Director of Integrity, Legal and Risk. The other members should be individuals offering a range of perspectives from across the sport and bringing a collective commitment to keeping corruption out of the sport, which will be the key objective for this Forum. Membership will be by invitation, with relevant expertise and insight being the primary criteria for membership, rather than strict direct representation of stakeholder groups. However, key perspectives, such as those of licensed personnel, must be covered within the membership.
- 1.4 This Forum will operate as an advisory group, and it will have no executive function. It will provide a channel for preliminary high level consultation to ensure a good understanding of the impact, in particular the practical impact, of potential proposals and through which buy-in can be sought from across the sport in relation to integrity objectives and the rationale behind BHA decisions. It will also provide stakeholders with a vehicle for raising areas of concern. It should be noted that this will supplement, not replace, existing methods of consultation in relation to Rule amendments, for example.
- 1.5 This Forum will help make the BHA Integrity department more effective and accountable in its work, and also address other themes which have arisen during this Review which are dealt with more fully below, such as engagement with the sport's participants, openness, and intelligence collection. It is envisaged that this Forum will also monitor and assist with the implementation of the recommendations set out in this Review, which will be overseen by the BHA Board through the Chief Executive.

2. STRATEGY

- 2.1 The Review Team noted that there has been an evolution of the BHA's Integrity strategy since the Security Review in 2003, which is still on-going. The shift has been relatively subtle, but over the course of the last year or so there has been a growing desire within the BHA to move the strategy on again, with some evidence of that happening in practice (such as the production of the Fergal Lynch education video). This Review provides an opportunity to formally record a further milestone in that evolution.
- 2.2 In 2003, hard-edged and intelligence-led investigation to clean up the serious corruption-related problems present at the time was the correct and necessary approach. However, by 2008, with the integrity of the sport in a much better place, the strategy had moved on to one which was more focussed on prevention and deterrence. Currently, according to a clear and repeated theme arising in responses to this Review, there is a good and recognised level of integrity in the sport, and general confidence in that being the case.
- 2.3 However, that does not mean the system is without issues, nor does it mean there are not current and future risks and threats to that situation. For example, the economics of the sport continue to present challenges at certain levels and exert pressure on participants. There are also still individuals seeking to corrupt the sport's participants as has been seen in recent Disciplinary Panel cases. Sadly, this is inevitable when the sport is so inextricably linked to betting and there is money involved. Therefore the BHA and the sport as a whole must remain vigilant, not be complacent, and ensure that there is an appropriate strategy in place to address such threats.
- 2.4 As referred to above, one of the BHA's organisational strategic objectives is to continue to evolve a regulatory and integrity framework which ensures improved confidence amongst participants and the racing and betting public. This must drive everything the Integrity department does and its own strategy should flow from this.
- 2.5 In that regard, the good work that has been done in the past and the trends in recent cases have led the Review Team to recommend a reassessment of the BHA's strategy in this area. The strategy to drive the integrity of the sport forward should have more of a focus on the protection of the majority of participants who adhere to the Rules of Racing. This is by no means a radical or revolutionary idea. It is an ambition which is promoted overtly by the International Olympic Committee, and which also drives the approach to integrity within organisations such as the England and Wales Cricket Board. It is a concept which has received support from respondents to this Review.
- 2.6 A public strategic shift away from "policing" towards "protection" requires a degree of confidence and maturity from the BHA. However, recent (and historical) cases have shown that corruption is often instigated by outsiders, seeking to profit from the sport, and being prepared to seek to corrupt the sport's participants in order to do so. The vast majority of racing's participants are honestly complying with the Rules. A tiny minority are not. However, even those law-abiding citizens might be susceptible to corrupt approaches. Whilst ultimately it is their individual responsibility to resist those approaches, report them to the BHA, and comply with the Rules of Racing, there is an important role for the BHA to play in advising and protecting those individuals, primarily through its education programmes, which are covered more fully below.
- 2.7 Such an approach to protecting the sport and its participants should also help prevent corrupt activity occurring in the first place, which is an obvious aim which also avoids tying up Racing's resources on potentially lengthy investigations and prosecutions.
- 2.8 Having said that, on top of education, protection, and prevention, there must remain a strong deterrent. Significant sanctions handed down in recent cases for the most serious offences are necessary to remind people of the risks attached to succumbing to temptation. Interestingly, many respondents from across the industry, but particularly amongst the betting public, urged the BHA to consider increasing sanctions for the most

serious offences, to include life bans. The Review Team considers that penalties are currently at a level which establishes a good deterrent, but would support a review of the current penalty structure, perhaps as part of the Rules rewrite project, or in conjunction with the implementation of the supporting recommendations relating to alternative disciplinary procedures below.

- 2.9 There is a strong desire throughout the sport for the BHA to be a firm and robust regulator, dealing with the most serious offences in the strongest terms possible. The current approach including extensive monitoring of racing, betting and social media on a daily basis, a multi-faceted anti-doping testing programme, and intelligence-led proactive investigation, should continue. That should remain an essential part of the strategy and any changes implemented as a result of this Review should not dilute that objective. However, there should be changes in the manner in which that objective is pursued to ensure confidence amongst the industry that the BHA is being fair and consistent in how it achieves that objective.
- 2.10 These issues are covered in more detail in section 6 below (participant education), which is the main area in which the new elements of this strategy, as recommended below, will be delivered:

R2. It is recommended that there is a formal adoption of a new BHA Integrity strategy with an additional focus on protection, but without losing sight of the current aims of prevention and deterrence through proactive and intelligence-led monitoring, investigation, prosecution, and issuing severe but proportionate sanctions for serious breaches of the Rules.

Supp: It is recommended that revised specific risk/threat assessments which flow from this strategy are established as internal documents to help drive strategic decisions and focus resources.

3. FAIRNESS

- 3.1 One of the main areas of focus in the responses to questions could be broadly described as the “fairness” of the overall investigative and disciplinary process. These views were wide-ranging, and referred to a number of different elements within those processes, and in some cases also touch on the licence application process. A handful of knowledgeable and influential respondents have suggested that there are significant deficiencies in the system. With respect to that point of view, the Review Team, reinforced by comments from a significant number of respondents, is of the opinion that the basic overall system is sound and withstands legal scrutiny (as recognised by the High Court), but issues regarding confidence and execution in certain cases have been legitimately raised and must be addressed.

Timeliness

- 3.2 The overriding theme in this area was of no surprise to the Review Team, as it has been a constant and vexing challenge for the BHA and others over several years, and has been highlighted in previous Reviews. That theme is the timeliness of the investigative, disciplinary and licensing processes.
- 3.3 This theme came through strongly from respondents in various sections of the sport and the wider industry, and is arguably the single biggest issue encountered by the Review Team during this piece of work. It is also a challenge for other bodies investigating the type of complex cases the BHA often finds itself to be concerned with, which are often akin to complex fraud investigations. For example, with the investigation of a betting-related conspiracy, it is difficult, from the starting position of a blank piece of paper, to gather the various pieces of evidence necessary to understand what has taken place and satisfy a Disciplinary Panel of that, particularly with limited powers of investigation and often varying levels of cooperation from those involved in the investigation.
- 3.4 There is no single easy answer to the issue of delay when so many factors can impact on the length of an investigation, and the investigations vary so greatly in nature. However, the Review Team feels strongly that this issue must be addressed, and whilst it would not want to set unrealistic expectations that these investigations will suddenly be completed within much shorter timeframes, it is confident that the implementation of a number of recommendations within this Review (particularly within this section and the “Internal Process Improvement” section below), in aggregate, will help improve and/or mitigate the situation which should be the subject of ongoing monitoring and, where possible, measurement.

Disciplinary Panel Inquiries

- 3.5 At the outset of this Review, it quickly became clear to the Review Team (and indeed to the Challenge Panel) that the terms of reference for the Review were drawn too narrowly. There was some logic in initially categorising as “out of scope” certain items sitting under separate functional areas of the BHA, such as composition of Disciplinary Panels. There is, as a matter of fact, a separation within the BHA between the “prosecution” and the “judiciary”. However, for most observers there is no distinction between the prosecutorial and judicial stages of the disciplinary process. It is seen as one process for which the BHA is responsible. Therefore the scope of the Review was widened, although the recommendations in certain areas are necessarily aspirational rather than providing final solutions. There are also a number of clearly out of scope items listed in Appendix G which have been passed to the relevant BHA department for further consideration and action where appropriate.
- 3.6 A number of themes relating to “fairness” emerged from the interviews conducted by the Review Team, in particular from a relatively small but important group of respondents who have had first-hand experience of the relevant processes. In fact the strength of

feeling with which those individuals expressed their views, and the obvious insight displayed by those respondents, was noted by the Review Team.

- 3.7 One of the most significant concerns for one particular section of the sport relates to the Disciplinary Panel, and specifically its composition and its approach. Respondents stopped short of suggesting any actual unfairness in the process but expressed a strong belief that there is a perception of unfairness and bias towards the BHA, along with concerns about the composition and approach of Disciplinary Panels. This has led to a lack of confidence in the disciplinary process in some quarters. The Review Team notes that this criticism is not universal, and it has certainly not identified any evidence of actual unfairness or prejudice occurring, and is satisfied that the Disciplinary Panel, its structure, and the way it operates, stands up to legal scrutiny.
- 3.8 However, the Review Team recognises how important it is that the industry has confidence in all aspects of the disciplinary process, and accepts that the BHA has been empowered by the sport to deliver a regulatory function. If parties within the sport are dissatisfied with how that function is being discharged, then the system must be looked at, and different approaches considered. Therefore, the Review Team makes the following recommendation, in respect of which some background work and research has already commenced, and suggests that the recent review of the Licensing Committee structure which was put on hold pending the completion of this Review is revisited at the same time:

R3. The BHA, working closely with stakeholders, should review the structure, composition, and processes of the Disciplinary Panel and Appeal Board as a matter of urgency, to identify and implement a practical and legally robust solution which generates greater confidence amongst the sport's participants. It is recommended that this review be carried out by the recently appointed BHA Head of Legal – Governance, with close stakeholder involvement and reference to systems in place in other racing jurisdictions, other sports, and other regulatory environments.

- 3.9 More immediately, it has been noted that sometimes the decisions and/or reasons of the Disciplinary Panel have taken a relatively long time to be produced. This causes obvious frustrations for all parties involved, and the racing and betting public at large, but also goes to the fairness of the overall process. Therefore:

Supp: It is recommended that, as a priority, the BHA engages with the Chair of the Disciplinary Panel with a view to establishing a set of guidelines as to the acceptable timeframe within which a Disciplinary Panel would be expected to produce a decision and reasons following an Inquiry, and for such guidelines to be published.

“Inequality of Arms”

- 3.10 A further common theme in this area is the suggestion that there is the risk of an “inequality of arms” for certain participants that find themselves the subject of an investigation which culminates in a Disciplinary Panel Inquiry, and are unable to afford legal representation to assist them during that process, whilst the BHA will invariably instruct an external barrister on more complex cases. It has been suggested that the BHA should therefore consider providing funding for defence lawyers.
- 3.11 The Review Team agrees that it is preferable for all concerned that any person facing serious charges, with potentially significant consequences for their career, is advised and

represented at a hearing. Whilst it is recognised that in theory there is potential for a participant to be at a disadvantage at such a hearing if not legally represented, there is no evidence of any person having been actually prejudiced. The Review Team has not, nor has any respondent, identified any other sports governing body which would fund the costs of a defence, or not use external counsel itself if the situation required it.

- 3.12 Currently, the PJA and the NTF have separate insurance policies in place which provide for limited and modest funds to be made available to their members for legal advice and representation. The Review Team has explored and consulted on a number of potential options for defence funding, including other insurance policies and an industry fund for defence costs. None of these options provide a feasible solution.
- 3.13 However, the BHA has entered into discussions with Sport Resolutions, the independent dispute resolution service for sport in the UK, in relation to its pro-bono legal advice and representation service. There is potential for legal advice and representation to be sourced through this service for any of Racing's participants who cannot afford representation themselves. Whilst it should be noted that such free advice is likely to be limited in scope and not available in all cases, the Review Team believes this provides a new potential option for participants which is worth exploring further. The BHA should not be too closely involved in the specifics of any arrangement of representation of participants, but it should do what it can to facilitate further specific discussions and the setting up of any arrangement between Sport Resolutions and Racing's relevant stakeholder representative bodies.

Supp: It is recommended that recent discussions between the BHA and Sport Resolutions be continued, and that the BHA introduces the relevant stakeholder representative bodies to Sport Resolutions with a view to establishing formal partnerships offering Racing's participants access to pro-bono legal advice and representation in the event that they become subject to a BHA investigation or disciplinary proceedings and cannot afford representation themselves.

- 3.14 In connection with this theme, it has been suggested by some respondents that the BHA might consider making itself liable for costs in the event of a failed prosecution. However, the Review Team considers that would be highly unusual, and a step too far which would unreasonably inhibit the BHA in discharging its regulatory functions. It is a model which has not been identified as existing anywhere else.
- 3.15 There are already established processes in place before the Disciplinary Officer⁵ approves the bringing of charges in every case, and a high bar must be met before those charges are brought. Events post-charge, including the parties' written responses and the Disciplinary Panel's opinion of oral evidence at Inquiry, have a significant impact on the outcome, and the BHA cannot possibly bring cases with 100% assurance that charges will be proved, and nor should it be expected to do so. There will be cases in which the Disciplinary Panel does not find charges proved. That is not in itself, necessarily, a failure on the part of the BHA, as it is part of a regulator's role to apply scrutiny and often the complete picture does not emerge until during or after an Inquiry. However, the aim should of course be to minimise the frequency of such cases.
- 3.16 The Review Team hopes that the implementation of the recommendations within this Report will increase the actual and perceived fairness of the process and, at the very least, mitigate and hopefully eliminate, this as an area of concern.

⁵ The Disciplinary Officer has the authority and responsibility to review all cases and take the final decision as to: whether a prosecution under the Rules of Racing should be initiated or not; the nature of the charges; and case preparation and presentation; and shall report and be accountable to the Disciplinary Review Group (which is appointed by and reports to the Board).

Investigation and Case Management

- 3.17 A number of other issues which relate to fairness were raised by respondents. Some of these points are touched on in the case studies outlined above. In summary, the issues keep coming back to the themes of delay, the lack of individual communication during investigative processes which further aggravate any delays, and a lack of appreciation for the impact which involvement in an investigation has on people. For example, there have been instances where persons have been interviewed and then not contacted again for months, before being issued with charges, which is generally an undesirable outcome. There have also been instances where, in the interests of openness and following the criminal justice model, the BHA has been quick to publish the fact of disciplinary charges. Whilst the desire to be open is commendable, a number of respondents, and not only those who have personal experience of these processes, have expressed concern at the impact on individuals of having their name publicly linked to corruption offences before having their case heard. That position is aggravated if charges are not proved or withdrawn before the hearing. A better balance must be struck.
- 3.18 Another common theme in this context is the approach which the BHA takes to disclosure of documentation during the disciplinary process, and a feeling that at best the BHA does not have a sufficiently thorough and exhaustive procedure in place for carrying out disclosure, or at worst it is on occasion deliberately withholding information. The Review Team has seen no evidence of the latter, and believes it is more likely the case that a clear policy needs to be established and published by the BHA, and the internal procedure for delivering against that policy needs to be tightened up.
- 3.19 In order to address these shortcomings, the BHA has already initiated a number of internal policy and process improvements which are covered in section 8 below. There is, however, clearly more work to do. The Review Team believes that it would be beneficial for the BHA to take further outward-facing steps to seek to improve the situation and address the themes which have emerged from the Review.

R4(a). It is recommended that the BHA produces a formal investigation charter and guidance note and provides this to any person – whether a suspect, a witness, or a complainant – involved in an investigation, at the outset of their involvement. This will set out what a person should expect from the process including what the BHA will aim to deliver, in particular in relation to approximate timings and communications, and will ensure a consistent message is delivered to everyone.

- 3.20 In a similar vein, the Review Team considers it would be helpful to set out more fully a code for the conduct of the parties following the issuance of disciplinary charges. This would apply to those persons charged as well as to the BHA, and could cover a number of areas pertinent to the smooth running of an Inquiry.
- 3.21 Participants and their advisers must recognise that an investigation and Inquiry is a two-way street, and it is important in the interests of timeliness and fairness that those individuals also put their position fairly, frankly and in a timely manner. The more information that is provided by them, the easier it is for the BHA to review a case and its merits. It is true that sometimes delays are caused by the behaviour of those persons who are the subject of the investigation or Inquiry. The BHA, whilst addressing its own processes, must deal robustly with non-cooperation by those persons. It has recently toughened its stance in this area by acting swiftly to exclude persons not bound by the Rules of Racing or suspend those that are bound by the Rules pending cooperation, and it must continue to use any tools it has at its disposal to speed up these processes.

R4(b). It is recommended that the BHA produce a formal code of conduct for case management and disciplinary inquiries for all parties to comply with during an Inquiry. This code could cover a number of areas such as case management, directions hearings, and evidence, and should include a policy on disclosure, which from the BHA's perspective should deliver a commitment to ensure that those persons facing charges have sufficient material at the point of charge to prepare a response, namely: the charges; the evidence upon which the BHA relies; and relevant disclosure at the time.

3.22 As referred to above, there have been concerns raised in relation to the BHA's current policy of publishing the fact of disciplinary charges immediately. The Review Team has spent some time grappling with this thorny issue. On the one hand, the BHA has a desire to be as open as possible, and in particular identify through this Review ways to achieve greater openness. On the other hand, there are concerns about the impact on individuals of charges being published in advance of hearings, and also their ability to respond to queries about such charges. Further, it is recognised that whilst a message that the BHA is acting to protect the integrity of the sport is a strong one, such reports inevitably link the sport to corruption and that unnecessarily has an adverse impact on public perception if allegations are unfounded. On balance, the Review Team believes that a small but significant change of approach is justified. Following on from the point on disclosure above:

R4(c). It is recommended that the BHA revisits its policy (for the more serious cases likely to result in disqualification or a lengthy suspension, or other high profile cases at the BHA's discretion) of publishing disciplinary charges very shortly after the point of charge. Such publication should be delayed until after the persons charged have received the charges and the evidence and had an opportunity to provide an initial response to those charges to the BHA. It is suggested that 14 days would be sufficient for this to take place, although a trial period may be necessary to establish what works best in practice.

3.23 Another recurrent theme relevant to corruption Inquiries is how evidence relating to how a horse has been ridden - i.e. the videos of suspect races - is dealt with where it is alleged that the horse has not been ridden on its merits. The BHA has already taken steps to amend its own processes to ensure all views of suspect rides are secured at a very early stage in the investigation or as soon as a ride forms part of that investigation, to avoid the unsatisfactory situation which arose in a recent case of incomplete and therefore inadequate video footage being available for the Inquiry. However, it is noted that capacity and cost considerations mean that videos cannot be retained indefinitely, so early decisions are crucial.

3.24 The way in which that evidence is dealt with at Inquiry has been the subject of much debate. The current approach taken by the BHA is to show the videos of the relevant ride to the Disciplinary Panel, and for the BHA's advocate to ask questions of the jockey as to why they did, or did not do, certain things during the race. The jockey has the opportunity to give an explanation to the Disciplinary Panel.

3.25 There is a strong feeling held by a few respondents that the BHA should put forward an expert witness race reader to be cross-examined on these points. The Review Team does not concur with this view for the following reasons. The evidence consists of the set of videos and the jockey's explanation. The Appeal Board has recently addressed this point and cited the decision of Stadlen, J in *McKeown v BHA*, which stated that there is no general requirement flowing from the overriding requirement of fairness for the prosecuting body to adduce and tender for cross-examination or for the Disciplinary

Panel to ensure the attendance of expert witnesses, and there is every reason why a Disciplinary Panel with relevant experience should be free to draw on that experience itself in forming its own view. There are experts on the Disciplinary Panel, and the Review Team does not believe that the fairness or quality of an Inquiry would be increased by the BHA adducing such expert evidence.

- 3.26 However, the Review Team does believe there is merit in the following whilst recognising that recent improvements have already been implemented in this area:

Supp: It is recommended that the BHA reviews its own internal procedures for assessing the quality of rides which might form part of a corruption case prior to charges being issued, and ensure that there is sufficient internal oversight in place.

- 3.27 Finally on this theme, the Review Team feels there is much to be gained from the BHA giving consideration to an alternative approach to dealing with more minor and admitted disciplinary offences. It is noted that there are many offences which have a recommended fine which, whilst no doubt meaningful to the penalised individual, is still at a relatively low level in the grand scheme of things. There is a prevailing feeling that it comes across as quite petty for some of these fines to be handed out for relatively minor offences. These matters (indeed all matters) are dealt with either by the Stewards or the Disciplinary Panel, with no option for alternative administrative disposal. This results in quite a bureaucratic system which can make it disproportionately onerous to see a case through to its conclusion.

- 3.28 The Review Team believes that the BHA should focus its resources on dealing with more serious matters, and speeding up those processes, rather than spending time on more minor and/or admitted offences. The Review Team notes that disruption is a tactic legitimately deployed by the BHA and suggests that such a tactic be more formally adopted and used, alongside the following recommendation. This will release valuable resource for other matters and should assist in improving the raceday environment by removing some of the perceived or actual pettiness which has been identified. The following recommendation is likely to be particularly relevant to aspects of raceday regulation and the principle has the support of Jamie Stier, the BHA's Director of Raceday Operations and Regulation.

R4(d). It is recommended that a formal procedure for alternative disposal of matters be established outside of the full Disciplinary Panel procedure, to include a fast track for minor or admitted offences, formal cautions, and agreed sanctions. Further, the penalty guidelines should be reviewed with a particular focus on the lower level fines for minor rule breaches, and consideration given to an alternative approach.

4. ENGAGEMENT WITH THE SPORT'S PARTICIPANTS

- 4.1 The Review Team is very aware that there is understandably, and perhaps necessarily, a certain distance between any regulator and those whom it regulates. There is nothing wrong with this. However, there have been suggestions that there is a lack of understanding, and a perceived lack of accessibility, which need to be addressed. Indeed, despite recognition of recent improvements, the occasional reference from respondents to there being a lingering feeling of “them and us”, particularly on the racecourse, suggests there is work to be done to bridge the gap.
- 4.2 The approach of the BHA under its current leadership is very much focussed on engaging with the sport and being in-tune with its participants. Teams across the organisation are expected to demonstrate this approach.
- 4.3 With specific reference to the Integrity department, it is important, particularly in delivering a new strategic approach as described above, that the sport's participants know who the members of the Integrity team are. Participants should feel able to approach members of the BHA team for advice, or to raise concerns, and trust them to deal with matters confidentially. This happens at the moment, but quite rarely. There is a need and a desire for greater relationship building, and to “put a face” to the BHA team. The aim should be to find ways of building trust and confidence between the participants and the regulator, and increased respect for and understanding of each other's roles. This is obviously a two-way thing which requires commitment from both sides, and will take time.

Supp: It is recommended that the BHA Integrity team becomes more visible as far as the participants are concerned, to include increased presence on racedays and at the racing schools and seminars. This might include advance notice of some visits being published, and might be extended across other BHA teams.

- 4.4 Any feeling of “them and us” seems to partly stem from the approach and attitude of some BHA Officials, and the tone and content of some examples of BHA correspondence which the Review Team has been shown, and which it considers to be overly formal and quite old-fashioned in tone. Changes in culture do not happen overnight, but there is already a shift taking place within the BHA being led by the Chief Executive and the BHA Executive team. That cultural change needs to be demonstrated across the various BHA teams.

Supp: It is recommended that all forms of communication between the BHA and the sport's participants be reviewed and updated where necessary to ensure they are modern and appropriate.

5. OPENNESS

- 5.1 The Review Team noted a general lack of understanding amongst respondents of the BHA's day to day work on Integrity matters, and a strong theme amongst responses, that the BHA communicates poorly about integrity and regulatory processes, and some think it conducts those activities with a degree of secrecy. It is difficult to have confidence in something which one knows little about. It is also evident that people generally find it difficult to express views on integrity matters directly to the BHA, even though there are several routes available.
- 5.2 However, the BHA has also been commended by a range of respondents on its transparency in publishing decisions and reasons of Disciplinary Panels and Stewards' Reports, and in televising Stewards' Enquiries, for example. The Review Team notes that other sports tend to publish much less in these areas. There is a genuine desire to reassure participants and the racing and betting public that the necessary steps will be taken to protect the integrity of the sport.
- 5.3 There are of course certain things which must remain confidential, in particular in relation to on-going investigations. That seems to be broadly understood by respondents. However, the Review Team considers that more can be done to educate the public as to the work done by the BHA Integrity team on a day to day basis, and the challenges it faces. It is important for the BHA to promote positive proactive messages and demonstrate to the sport that it is active in ensuring the integrity of the sport. It is noted that the recent recruitment of a BHA Director of Communications will no doubt assist in this regard.

R5. It is recommended that the BHA generally, and the Integrity department in particular, identifies ways to better inform the media, the racing and betting public, and the sport's participants on an on-going basis as to what is being done to protect the integrity of the sport. This should be done in a contemporary way to ensure maximum reach, and might include publication of policies and statistics.

Supp: It is recommended that the BHA better promotes existing methods for the racing and betting public to contact its Integrity team directly, and considers whether alternative routes need to be established.

Supp: It is recommended that the BHA carries out a public integrity survey on an annual basis to provide a benchmark against which to assess future performance.

6. PARTICIPANT EDUCATION

- 6.1 An effective participant education programme is a fundamental part of a successful Integrity strategy. It is of increased importance as part of a strategy which prioritises “protection” and prevention as referred to above. The Review Team notes that the BHA has a longstanding and multi-faceted education programme in place, and that recent BHA structural changes have resulted in a renewed focus on the training and development of people generally within the industry. Whilst Integrity education forms an important part of that programme, there was mixed feedback from respondents with regard to its effectiveness, and the Review Team considers that this is a good opportunity to review and refresh the whole approach to Integrity education.
- 6.2 The recent production of the participant education video featuring the jockey Fergal Lynch was a positive step forward which evidenced a change of approach in this area. The use of participants or former participants with relevant experiences is a very effective way of delivering messages, and it is recommended that other participants or respected intermediaries such as jockey coaches be approached to assist with the delivery of education messages and advice.
- 6.3 It is important that education is aimed at participants across the industry, to include stable employees, trainers, jockeys and owners, although the Review Team recognises that some of these may be difficult populations to capture. All of those people are required to comply with the Rules of Racing and have a role to play in ensuring the integrity of the sport.
- 6.4 Education should be delivered as a rolling programme of repeated reminders, offering practical advice and assistance. The aim should be to assist participants to understand how to comply with the Rules of Racing, and how to deal with difficult situations which they might find themselves in. For example, understanding how to identify disqualified persons or potential corruptors, and how to deal with any possibly corrupt approaches, would be important areas to cover in order to help prevent corrupt activity occurring.
- 6.5 It is anticipated that a different approach in this area should provide opportunities for greater engagement between the BHA and the sport’s participants, and in the longer term deliver other benefits such as an environment for a better two-way flow of information between the BHA and the sport’s participants.

Supp: It is recommended that the BHA formally establishes a renewed focus on the protection of the participants that seek to comply with the Rules of Racing. Linked to R2 above, this requires a more modern and refreshed approach to participant education on integrity matters, using respected intermediaries to work with the BHA team to deliver helpful and practical advice in a contemporary way to participants to help them individually to comply with the Rules, and also to assist the BHA in keeping corruption out of the sport. A means of reviewing the success of the education programme should also be established.

Supp: It is recommended that specific resource be dedicated to taking responsibility for coordinating and participating in the delivery of Integrity and Regulation education in line with the Department’s strategic objectives in this area.

- 6.6 Finally on this subject, it is noted that the long-awaited project to rewrite the Rules of Racing has recently commenced. It is intended that this will result in a more contemporary rulebook, which will be easier to understand and navigate, and will be supported by practical guidance notes for participants. This will be a significant factor in a refreshed education programme.

7. INTELLIGENCE COLLECTION/PARTNERSHIP WORKING

- 7.1 Intelligence is the lifeblood of any anti-corruption programme. For several years, the BHA Integrity team has operated in an intelligence-led manner, based upon an information system using elements of the National Intelligence Model⁶ commensurate with the BHA's business needs. The BHA system, and the processes established around it, ensures that information is reliable, credible and secure, and gives confidence to other organisations to share relevant information, which at times can be very sensitive, with the BHA team. In particular, respondents from the betting industry and other regulatory environments spoke of the importance of the credibility of the BHA Integrity team and its systems, and the confidence which that gives such organisations to share information with the BHA.
- 7.2 The Review Team also noted recent strengthening of relationships with regulators in other racing jurisdictions such as the Irish Turf Club and the Hong Kong Jockey Club, and other sports and the betting industry through the BHA's membership of the Sports Betting Group and the Sports Betting Integrity Forum, the UK national platform responsible for delivering the Sports Betting Integrity Action Plan.
- 7.3 The BHA system and partnerships is an area of strength which needs to be built on and further developed and updated. To that end, the Review Team has met with and facilitated further discussions with experts in this area to ensure the BHA is operating in line with best practice and keeping pace with current and future threats to the sport's integrity.
- 7.4 The BHA obtains information from a wide range of sources and must continue to develop and refresh that network, and ensure it has access to the most up to date technical capability for intelligence gathering. It must also continue to use the powers of other bodies where they extend further than those of the BHA, whether that be for intelligence collection or investigative evidence gathering.

R6. It is crucial that the BHA continues to build on its impressive range of partnerships with other organisations across the betting industry, other racing jurisdictions, and other sports, formalising those relationships by way of information sharing agreements and MOUs where necessary to further develop its efforts to gather intelligence and evidence. In particular the relationships with the Gambling Commission, the betting industry, the Irish Turf Club, the Hong Kong Jockey Club and membership of the Sports Betting Group and the Sports Betting Integrity Forum are crucial to the continued development of the BHA's work in this area.

Supp: It is recommended that a partnership should be created with an expert consultancy firm to ensure that the BHA has access to the latest and best quality advice for innovation in intelligence collection, to include technical capability.

⁶ The National Intelligence Model (NIM) is a well-established and recognised model within policing and regulatory environments that is used for: setting strategic direction; making prioritised and defensible resourcing decisions; allocating resources intelligently; formulating tactical plans and tasking and coordinating resulting activity and managing the associated risks. It provides a standardised approach to gathering, coordinating and disseminating intelligence which can be integrated across all forces and law enforcement agencies.

(References: <https://ict.police.uk/national-standards/intel/>
<http://www.intelligenceanalysis.net/National%20Intelligence%20Model.pdf>)

- 7.5 An important element of the BHA's intelligence framework is the confidential reporting line "Racestraight", provided by Crimestoppers. This service is supplemented by a confidential online reporting form on the BHA website, as well as the promotion of an e-mail address and telephone number giving direct access to the BHA Integrity team. These avenues for reporting have been the source of valuable information leading to successful prosecutions. They are not intended for the airing of personal grievances, but for the provision of information relevant to the general health of the sport. They are aimed at capturing information from people who are not necessarily participants in the sport and who do not have the confidence to come forward any other way.
- 7.6 Recently, an advertising campaign for this service was launched in racecards and on BHA e-mail banners. This received a mixed response, with some people noting that it gave the impression that the sport is corrupt. That was obviously not the intention of the campaign, but the message requires clarification if that is how it has been received. The Review Team believes that the message should more be one of reassurance that the BHA is on top of the issue, and in order to maintain that position and protect the sport and its participants, it would like to hear from anyone with any concerns so it can act quickly to address any issues which do arise. The BHA has recently met with Crimestoppers and discussed options for a relaunch of the service.

Supp: It is recommended that the confidential reporting line "Racestraight" and online reporting form be re-launched – with a revised message referring to the aim of "protecting your community", which links to the strategic developments outlined elsewhere in this Report.

8. INTERNAL PROCESS IMPROVEMENT

- 8.1 Many of the themes which have arisen during this Review can to a certain degree be addressed through internal operational improvements. Before implementing such changes, the Review Team considers that a shift in mindset to more of a performance-driven culture within the Integrity team is necessary. Essentially, that means an injection of greater business discipline into the processes of the various teams within the department. Such a change will take time to implement, but once effective should bring more efficient and faster systems and processes, greater accountability, and the opportunity to more accurately measure performance. The aim of this would be to give a more timely, responsive and better quality service to the sport.
- 8.2 The Review Team notes that there is currently a lack of resource, capacity and perhaps capability within the team to fully introduce and maintain such a change in the way of working, and that relevant skilled resource needs to be put in place. There are also other resourcing pinch-points within the Integrity team, particularly in the Licensing team, which is the product of budget-driven downsizing in certain areas in the years since the Neville Review. It is recommended that work on system and operational process improvement, as set out in the recommendation below, should continue with greater urgency. However, if the BHA is to be successful in addressing the themes arising, particularly those relating to timeliness and responsiveness, resource will have to be increased as well. The current budgetary challenges are recognised, however, and whilst there may be some scope for immediate recruitment in one or two specific areas, the addition of any other new resource is likely to be a longer term aspiration.

Supp: It is recommended that the BHA adds new senior level resource within the Integrity, Legal and Risk department to ensure greater management, enhancement and oversight of investigative and licensing processes, and to ensure greater accountability for performance in line with new established service levels and key performance indicators

- 8.3 It is noted that the recent appointments of the Head of Legal – Governance and the Anti-Doping Manager have enabled the Director of Integrity, Legal and Risk to give greater focus to integrity matters, and also allowed the Head of Legal – Regulation to more closely oversee the progress of cases through the Disciplinary and Compliance teams. This should have a positive impact on the team's performance, and other areas need to be looked at as set out below.

Supp: It is recommended that the Head of Integrity (Operations) reviews the day to day monitoring and analysis of betting and racing in the light of the recent appointments to the existing roles of Betting Investigator and Intelligence Administrator. Once the development of new betting data monitoring software is completed this will have some impact upon the resourcing solution for the future.

Supp: It is recommended that a number of further changes be made within the BHA Integrity team to ensure more structured, focused, timely and better managed processes, these will include:

- **A set of Licensing process improvement initiatives.**
- **A review and consideration of changing the format of tasking and case review meetings.**
- **To establish formal decision-making criteria for investigations and better recording of decisions.**

- To achieve earlier Compliance/Counsel involvement in investigations to advise, assist and challenge the investigative team.
 - To establish a continuous and comprehensive structured training programme for BHA Integrity staff, which may include for example interview and witness training.
-

CONCLUSION

1. The Review Team considers that this was a good time to conduct a Review such as this. The BHA Integrity team is not in the eye of a storm, nor is it in crisis. However, there are some specific examples of issues arising in recent cases, and of confidence lacking in some quarters. This Review has provided an opportunity to better understand and seek to address those issues, improve operational execution, and to build on the existing foundations and solid track record of the BHA in this area.
2. There is much work to do, and with cultural and strategic change required, some of the recommendations will take some time and resource to fully implement. However, there is clearly a desire within the BHA Integrity team to change and improve. This desire and a sensible implementation programme, utilising the Stakeholder Integrity Forum and others to assist, should allow the concerns which have been raised to be successfully addressed, and ensure further progress.
3. The Review Team considers that the recommendations set out in this Report present an exciting opportunity for the BHA, working with others, to take the sport and its Integrity function further forward, and set high standards for others to follow.

Neville Review – Post-implementation Update on Recommendations

This section sets out the 16 recommendations from the Neville Review with a post-implementation update on each of them.

R1: The Review Team recommends that the IS&LD reviews its strategy to ensure that it derives from the BHA Strategy which is currently being developed, taking into account the recommendations of this Review. The Review Team recommends that the BHA’s strategic position on protecting the integrity of horseracing militates against it taking on a pan sport role. This does not preclude consideration of offering contracted out services to other sports which should be restricted to betting analysis, and possibly inputting and analysis of intelligence product. IS&LD should not consider taking on the intelligence gathering function for any other sport.

Response: As set out in this Report, the strategy for the Integrity department continues to evolve but is now closely aligned to the BHA’s organisational strategic objectives. The Integrity team have previously provided services to other sports and would continue to consider doing so if resources permit and if there is benefit (to British Racing) in doing so, with the obvious priority being to direct resources to protecting Racing’s integrity.

R2: The Review Team recommends that an analysis of intelligence flow be undertaken by the newly appointed Head of Intelligence with a view to ensuring that intelligence links are maintained with all departments of the BHA. Within this, consideration should be given to the best way of enhancing the proactive field intelligence gathering capacity and ensuring that all intelligence within the BHA is stored on a common database. To enhance the performance of the raceday team, a nominated individual, probably the Weighing Room Security Officer (WRSO) should take responsibility on behalf of the BHA for intelligence and integrity at all racing events. All security staff must be briefed at the commencement of each race meeting, such briefings to include any intelligence alerts and overall security arrangements. Similarly, intelligence debriefs should be held at the end of each meeting.

Response: The Head of Intelligence role worked well but was dispensed with in 2009 following a restructuring of the department. The position of Raceday Integrity Co-ordinator was created and provides a conduit between the Integrity team and the Raceday teams (through the Stipes and Stewards) and ensures that any relevant information is disseminated to the Raceday team before racing with a debrief procedure after each raceday. There is an enhanced flow of information between the Integrity team and other BHA departments, including the Handicappers, with opportunities for further improvement.

R3: In support of improved intelligence function and investigation, the following recommendations are made:

- There is greater scope for the Legal Department and Investigators to agree an investigation plan early on in the process and for the Legal Department to take a more active part in case management. We recommend the drafting of a protocol between the two departments setting out the role of each in the prosecution process, the levels of service each can expect from the other and joint case management protocols.

- The approach to case debriefs should be reviewed to ensure that learning is relayed to all interested parties and incorporated into future investigations.
- The IS&LD should review the procedures in place to ensure the integrity of all evidence.
- The IS&LD should review the issue of all equipment such as digital cameras and adopt a consistent documented approach to their use. Guidance should be given to ensure they are not used inappropriately or intrusively.
- There should be a specified minimum induction programme for new IS&LD staff designed to ensure familiarity with all other aspects of the BHA operation. Similarly other departments should arrange familiarisation with IS&LD functions and processes as part of the standard induction of their staff at all levels.

Response: All of the above points have been implemented.

R4: The Review Team recommends that the BHA should deliver its aim of preserving the integrity of horseracing by focussing its efforts on those who fall within its regulatory ambit. When it becomes aware of wrongdoing by those outside of its regulatory remit it should report such wrongdoing to the appropriate body, usually the Gambling Commission and/or the City of London police. If a joint investigation is agreed, the terms of reference must be carefully drafted to ensure that the BHA element is focussed on areas subject to its regulation, where it has expertise and powers and that its contribution is not disproportionate. The BHA should develop formal arrangements in the form of MOUs with the City of London Police and the Gambling Commission, and consider the interrelationship of the two bodies. The BHA should also review existing MOUs to ensure they cover the appropriate range of organisations, are up to date in the light of the Gambling Act 2005 and the existence of the Gambling Commission.

Response: The Integrity team has developed closer working relationships with the Gambling Commission. This is a key partnership which continues to evolve. The BHA's membership of the Sports Betting Integrity Forum is crucial. The BHA has continued to prosecute cases under the Rules of Racing where the Gambling Commission and the Police have been unable or unwilling to act.

R5: The Review Team recommends that the whole approach to regulation should be reviewed and considerably streamlined and simplified. The underpinning principles should be articulated, together with codes of conduct. The rules should flow from these. The rules for licensed and regulated persons should be restricted to those which are relevant to horseracing. The BHA should consider what elements of the existing rules are either superfluous or more properly licensing conditions or conditions of registration. The procedures for horseracing should be gathered into a separate body of documentation. There may also be a place for guidance which should be distinct from rules and procedures. Adherence to guidance may be a relevant consideration either for discipline or licensing and registration.

Response: A complete rewrite of the Rules of Racing was delivered in 2009. As outlined in this Report a further Rules rewrite and improvements to communications around them has recently commenced.

R6: The Review Team recommends a number of changes to Rule 241 to assist investigations and to ease the difficulty of obtaining telephone records. We also recommend that jockeys are required to register their mobile telephone details with the BHA and keep them up to date.

Response: This recommendation has been implemented and a more robust approach is now being taken against individuals refusing or being slow to provide records during investigations.

R7: The Review Team recommends that the role of Licensing as the gateway to the sport be strengthened and that procedures for the exchange of information and intelligence between Regulation, the Intelligence Unit and the Licensing Unit be reviewed. Full checks must be carried out before the grant or renewal of any licence or registration.

It is also recommended that two changes be made to the Orders and Rules of Racing. First, we would propose that the second sentence of Part 1(a)(v)(a), which treats renewals of licences as if they were initial applications, be deleted as it does not reflect the current law. Indeed it is in direct conflict with it. Secondly, we would propose a new paragraph (i) at Part 22, Rule 220 of the Orders and Rules of Racing. This would create an obligation on all persons who participate in racing to be fit and proper persons to do so at all times. Consequently, if the BHA were to find that by virtue of past or present conduct or associations that a person was not such a person, this would also constitute a breach of the Rules and Orders of Racing and could be dealt with as a disciplinary matter. In the longer term, if the Orders and Rules of Racing are revised as we have suggested, the obligation to be a fit and proper person might be more properly enshrined in the codes of conduct. A breach of the codes would be a disciplinary breach, whether or not there was any breach of a rule.

Response: This recommendation has been implemented. Developments in this area will continue with the implementation of the Licensing process review and the Rules rewrite project.

R8: The Review Team recommends:

- that the investigative, licensing, prosecution and judicial functions be kept discrete (specifically, that the investigative and intelligence handling roles be kept separate from decision making on grant and renewal of licences and institution of disciplinary proceedings);
- improved processes for decision making on prosecution and for managing the disciplinary process, with the appointment of a Disciplinary Officer who should be a lawyer;
- quicker and improved management of cases which are to be prosecuted;
- that the Disciplinary Procedures set out in Appendix S of the Orders and Rules of Racing be amended to reflect the revised processes for case management.

Response: The implementation of this recommendation has progressed well. The appointment of a Disciplinary Officer, as outlined in this Report, has further improved the process. However there are examples of cases that still present a challenge in terms of timescales.

R9: The Review Team considers that the BHA should investigate and prosecute alleged breaches of the Rules and Orders of Racing notwithstanding that this conduct may amount to a criminal offence, subject to the exceptions set out below. The only circumstances in which disciplinary matters which are under investigation by the BHA should be remitted to the police or the Gambling Commission for consideration for criminal investigation are:

- where the disciplinary powers of the BHA are so inadequate in an individual case that the evidence necessary to prove the charge cannot be obtained or the penalty would be ineffective;
- where the conduct disclosed to the BHA concerns substantial non-racing or non-betting matters of a serious nature;
- where a disciplinary panel, appeal board or the Board of the BHA recommends such a step at the conclusion of disciplinary proceedings.

Response: As outlined above, the working relationship with the Gambling Commission continues to improve and the Sports Betting Integrity Forum has an important role to play.

R10: The Review Team recommends that the IS&LD develops a prevention and deterrence strategy and plan. Following from this, we recommend that the IS&LD establishes what remains to be actioned from the Review of Inside Information and draws up an implementation plan. A plan should also be drawn up to convey the Inside Information message to the whole regulated community and also to deliver it at the point of entry. This should include consideration of translation of some of the material into commonly spoken foreign languages. Improving relationships with other bodies can contribute to the effective dissemination of the Inside Information message. We recommend that the BHA considers how its relationship with the National Trainers' Federation might be enhanced. The same applies to the National Association of Stable Staff. The plan should include promoting awareness of the existence of Race Straight as widely as possible.

Response: This recommendation has been implemented but the position has since moved on and further improvements can be made in relation to education and communication as set out in this Report.

R11: The Review Team has considered training in the context of integrity, but this has led us to make a general recommendation about training for the regulated community. We recommend that the BHA reviews its approach to training, to ensure that it matches the BHA strategic aims and to professionalize its delivery. Oversight and quality and content control should rest with the Head of Industry Recruitment and Training who should act in consultation with the relevant departments.

Response: Implementation of recommendations made by the Industry Strategy's Participant Welfare & Training Pillar Group, are progressing well. As outlined in this Report, further work will be required to develop the integrity education programme in conjunction with the BHA's Industry People and Development team.

R12: The Review Team's primary recommendation for the SSO and WRSO roles is that the two should be brought closer together, and that the WRSO should be responsible for raceday intelligence and integrity and be in charge of the SSOs. This will ensure better briefing and a better flow of intelligence. The WRSO would liaise with racetrack staff, brief and debrief all BHA staff, and also racecourse security staff. We make a number of subsidiary recommendations in relation to the WRSOs and SSOs with a view to improving their efficacy.

- Appropriate training should be given to the WRSOs for their current and any future role.
- The SSOs should have access to the database of licensed and registered persons at all times. They should be encouraged to submit more intelligence, particularly relating to whether people are fit and proper persons to be licensed or registered.
- Owners should be issued with passes and the SSOs should be provided with lists of relevant owners for any given raceday.
- Arm bands should be used at all race meetings pending the introduction of a technological solution, as a means of identifying those authorised to enter secure areas.
- The SSOs uniforms be assessed, any necessary changes made and that they be required to wear them so they look professional, are visible and project the corporate image of the BHA. Consideration should be given to the wearing of

uniforms to all Integrity Services and Licensing Department staff who appear in public.

Response: This recommendation has been superseded but in practice implemented through the introduction of the Equine Welfare and Integrity Officer (EWIO) role which now falls within the remit of the Director of Raceday Operations and Regulation. The Weighing Room Security Officer (WRSO) role was dispensed with in 2012, and the roles of Stable Security Officer (SSO) and Veterinary Technician were combined.

R13: The Review Team recommends a review of the CCTV systems for both the Weighing Rooms and the stable areas should be carried out and both systems brought up to an appropriate standard at all locations. This should permit the rapid and remote downloading of data. Recording equipment and tapes should be stored securely.

Response: This recommendation is still under review.

R14: The Review Team recommends that the BHA retains consultants to recommend the best way to provide an integrated access system for ALL restricted areas. The BHA can then make a policy decision on the way forward before going out to tender for this major piece of work.

Response: The implementation of this recommendation was commenced under a separate project but was not progressed further due to financial constraints.

R15: The Review Team recommends that the BHA develops a communications strategy encompassing its three audiences: external, the regulated community, and internal to the BHA. This will ensure the delivery of agreed consistent messages. It should include website strategy and content which should be controlled from the Communications Department.

Response: As recommended in this Report further improvement is required on integrity communications. Some progress has been made with developments to the Integrity pages on the BHA's website and production of blogs by the Head of Integrity (Operations) and Raceday Integrity Co-ordinator.

R16 The Review Team recommends that the emphasis on future recruitment concentrates on skills rather than background. Recruitment campaigns should be spread as widely as possible and not restricted to police specialist publications.

Response: This recommendation has been implemented.

Terms of Reference

1. **Purpose of the Review**

It has been widely recognised for a number of years that the BHA Integrity Unit is a model for others to follow, particularly in the areas of intelligence management and betting and race monitoring. The BHA is one of the very few organisations internationally (including sports' governing bodies, regulators and law enforcement) with the willingness and ability to investigate and prosecute betting-related corruption, and one of the very few with a track record of bringing corruption cases to successful prosecutions.

However, there is always room for improvement, particularly in response to genuinely held stakeholder concerns. Over recent years, the BHA team has sought to improve its processes and ensure it is continuing to do all it can to address current and future threats to the integrity of our sport, and make efforts to deter, disrupt, and investigate corrupt activity. Whilst improvements have been achieved, there is a desire to go further, and to address specific concerns which are raised, particularly when they indicate the development of common themes. It is crucial that the BHA Integrity Team has the confidence and support of the industry in relation to the way it operates. These terms of reference set out how that will be achieved.

Hopefully, this review will also provide an opportunity to explain to stakeholders the challenges we face, and ensure a better understanding of the BHA's role and the difficulties it has to overcome in fulfilling that role.

2. **Aims and Objectives**

The broad aims of the review are to establish how the BHA will:

- Ensure the confidence and support of the industry.
- Develop a modern and contemporary approach.
- Improve efficiency and consistency of regulation, standards and prosecution process.
- Improve communication with stakeholders and wider public.
- Demonstrate greater openness.
- Show that we are in-tune, fair, accountable, open, aware and collaborative.
- Confirm our status as world leaders in this area.
- Ensure we are robustly addressing current and future threats to the integrity of our sport, and making effective efforts to deter, disrupt, and investigate corrupt activity.

3. **Scope**

The Project Team anticipates the conclusions of this review to fall into five broad areas as follows:

- Personnel – Structure, Governance, Resources, Capacity, Capability.
- Policies
- Processes
- Technical capability
- Other Initiatives

More specifically, the areas which the review will focus on are as follows:

- Timeliness of investigations (including role of Strategic and Tactical Tasking processes and meetings), case management, and licence applications.
- Dealing with non-cooperation and delays outside of the BHA's control.
- Communications:
 - generally (e.g. public, stakeholder, media) to include policy on publication of charges; and
 - specifically (e.g. those involved in investigations etc).
- Participant education programmes and building greater trust between the BHA and the sport's participants.
- Reporting of suspicious approaches and misconduct.
- Internal structure and resourcing model.
- Internal processes to include prioritisation of investigations and decision making methodologies.
- Performance data capture, reporting, monitoring, and publication.
- Race reading and expert evidence.
- Risk/Threat Assessments.
- Intelligence network and access to information.
- Technology - threats and opportunities.

The following areas are out of scope as far as this review is concerned:

- Specific detailed forensic analysis of the McGrath and Aspey case, which is not the sole driver for this review, and will be the subject of a separate process. However, recurring themes which arose in that case, and the outcomes of the detailed case review, will be addressed as part of this review, and some of those persons consulted may wish to use aspects of this case as evidence to support their comments.
- Rules, in particular Inside Information, as there are separate work streams already underway in relation to these areas.
- Disciplinary Panel and Appeal Board structure, composition and procedures. Responsibility for administering these external tribunals sits within a separate functional area of the BHA, under "Raceday Operations and Regulation" rather than "Integrity, Legal and Risk". This helps to maintain an appropriate separation between the "judicial" and the "investigative/prosecutorial" functions. Further, there are separate on-going discussions in relation to these areas which are likely to be picked up as part of a separate piece of work.
- Stewards Enquiries, and appeals, relating to on-course offences. As above, this sits within a separate functional area within the BHA.

Challenge Panel Biographies

Nick Bitel (Chair)

Nick Bitel was appointed Chair of Sport England in April 2013 following three years as a Board Member. He has been the Chief Executive of the London Marathon, the world's most successful city centre marathon, since 1995. The event has grown substantially in that time and now sees over 37,000 finishers each year who between them raise a world record £52 million per annum.

Nick is also a solicitor and consultant at Kerman & Co specialising in sports law. His clients include The Wimbledon Championships, UEFA, European Tour and the Ryder Cup. Nick is a Board Member of the London Legacy Development Corporation. He is also a Board Member of UK Sport.

Simon Barker

Simon is a former professional footballer who played for Blackburn Rovers, Queens Park Rangers and Port Vale in a 19 year career between 1981 and 2000, appearing in a total of 624 competitive matches and scoring 84 goals.

After retiring from professional football he joined the Professional Footballers Association (PFA) where he has worked for the last 15 years. Whilst at the PFA he earned a Business Management degree at Manchester Metropolitan University and a Masters in Business Administration (MBA) at Manchester Business School.

In his role as Assistant Chief Executive at the PFA, Simon manages contractual, regulation and disciplinary issues between players, clubs and governing bodies, and educates and assists members on issues that affect their playing careers.

Simon sat on the Sports Betting Integrity Panel set up by the UK Government in 2009 and chaired by Rick Parry to make recommendations on designing and implementing an integrated strategy to uphold integrity in sports and associated betting. He is also a member of the Sports Betting Group and Sports Betting Integrity Forum which were set up as a result of the Parry Panel report and has a wide range of knowledge and experience of education programmes for participants in sports.

Simon is also a Trustee of the Professional Footballers' Pension Scheme and National Football Museum and a Director of the Professional Players Federation and Sports Resolutions (UK).

Philip Freedman

Philip Freeman is Chairman of the Horsemen's Group as well as Managing Director of Cliveden Stud in West Berkshire, Chairman of Trustees of the British European Breeders Fund and is a Member of the Jockey Club. His previous roles have included two spells as Chairman of the Thoroughbred Breeders Association, Director of Jockey Club Estates, Chairman of the Flat Pattern Panel, Chairman of the BHA Taxation Panel and a Steward at Kempton Park and Sandown Park Racecourses.

Terry Miller OBE

Terry Miller was General Counsel for The London Organising Committee of the Olympic Games and Paralympic Games from 2006 to 2013, heading a legal team responsible for covering all aspects of LOCOG's operations from planning through delivery and winding up. Before joining LOCOG in October 2006, Terry spent seventeen years at Goldman Sachs, where she was a partner and served as International General Counsel of Goldman Sachs International. In 2006, Terry was selected as Legal Week's General Counsel of the Year, and in 2013 she was selected as Legal Business Lawyer of the Year. She was appointed an Officer of the Order of the British Empire in the New Year's Honours List, for her services to the London 2012 Games.

Most recently, she has served as a director of the organising committee for the 2014 Invictus Games, and is now a trustee of the Invictus Games Foundation. She is also a non-executive director of Galliford Try plc, Goldman Sachs International Bank, and the British Olympic Association.

Nick Tofiluk

Nick Tofiluk's focus is upon corporate leadership of the Gambling Commission with strategic focus upon licensing, compliance, intelligence and enforcement. He has specific responsibility for the Commission's focus upon sports betting integrity issues and in developing with UK government, the national approach to address the risk of the manipulation of sports competitions which is based upon aligning the intelligence and investigation work of the Commission, sports betting operators and associations, sports governing bodies and national and international law enforcement agencies.

Nick works extensively within the international context. He is a trustee of the International Association of Gaming Regulators (IAGR), was a UK delegate in the negotiation of the Council of Europe Convention on the Manipulation of Sports Competitions, is Chair of the Council of Europe (EPAS) network of Regulators, a member of EU Expert Groups and works with the International Olympic Committee in developing the legacy of the 2012 London Games sports betting integrity strategy and with UEFA.

Before joining the Gambling Commission in 2007 Nick was an Assistant Chief of Police with extensive experience territorial policing, serious and organised crime and criminal intelligence matters. He was the UK director for National Ballistics Intelligence Programme, chair of the UK Firearms Intelligence Committee, vice chair of the UK Firearms Strategy Group and UK Director of the Police National Database programme. Nick has degrees from the Universities of Birmingham and Cambridge and an Advanced Diploma in Organisational Management from Manchester University.

Challenge Panel Assurance Report

Introduction

The British Horseracing Authority (“BHA”) is the governing and regulatory body of the sport of Horseracing in Great Britain. An important part of its role is to promote the highest standards for the sport and its participants on and away from the racecourse through a combined strategy of fairness, education, prevention and deterrence.

In June 2015, the BHA announced that it would be conducting a review of the BHA’s Integrity provision to be led by Adam Brickell, Director of Integrity, Legal and Risk at the BHA (“Review”). The Review was to consider the BHA’s policies and processes in this sphere, and its Integrity department’s structure. It had the objectives of establishing how the BHA would continue to develop a modern and contemporary approach to integrity; improve efficiency, consistency, and communication; demonstrate greater openness; and show that it is fair, accountable and in tune with its participants.

Key elements which were to be covered by the Review included the timeliness of investigations, case management and processing of applications; communication; participant engagement and education; internal processes and performance monitoring; and technological threats and opportunities.

As longer-term goals, the Review seeks to confirm the BHA’s status as world leaders in this area and to ensure it is robustly addressing current and future threats to the integrity of the sport, and making effective efforts to deter, disrupt, and investigate corrupt activity.

As part of the assurance process for the Review, the BHA established an independent Challenge Panel.

Challenge Panel Members

The Challenge Panel has been chaired by Nick Bitel and its members are:-

Nick Bitel (Chair of Sport England, CEO of London Marathon and Consultant at Kerman & Co)

Simon Barker (Assistant Chief Executive of the Professional Footballers Association);

Philip Freedman (Chairman of the Horsemen’s Group);

Terry Miller OBE (former General Counsel for The London Organising Committee of the Olympic Games and Paralympic Games and former International General Counsel of Goldman Sachs International); and

Nick Tofiluk (Executive Director, Regulatory Operations for the Gambling Commission)

Scope

The terms of reference for the Challenge Panel set out that its role was to rigorously and robustly test and challenge the scope, Terms of Reference, assumptions, methodology and conclusions of the Review and to provide an opinion to the BHA Board on the overall performance of the Review.

Assurance work performed

In order to carry out its role the Challenge Panel planned and performed its work to obtain the evidence, information and explanations considered necessary in relation to the assurance scope. Its terms of reference specifically set out that in carrying out its aims, the Challenge Panel's tasks would include the following methodology:

- To ensure that stakeholders are consulted in an appropriate and meaningful way in relation to the Review. Officers will be required to provide a list of consultations they intend to carry out for consideration by the Challenge Panel.
- To ensure that the Review considers best practice from other equivalent bodies both from horseracing and other sports.
- To examine the Review strategies, consider findings, monitor action plans and outcomes.
- To receive, consider and challenge reports from the Review team and make comments to them on those reports.
- To assess and challenge the performance and methodology of the Review team.
- To assess whether the Review has met its objectives and issue an opinion to the Board on the overall performance of the Review.

In carrying out its terms of reference the Chair and Challenge Panel:

- Met with Adam Brickell and Sir Paul Stephenson, including two meetings with Adam Brickell to review the approach, direction and progress of work, and held additional separate meetings outside the presence of any BHA representative;
- Required the creation and use of an online survey to ensure public participation in the consultation by as wide a group as possible;
- Made recommendations for potential improvements to the Integrity system for the Review to consider and evaluate;
- Reviewed the list of those to be consulted on a one to one basis and required additions to the list of consultees;
- Assessed the suitability of the Review's policies, procedures and controls;
- Reviewed all supporting documentation including the minutes of meetings with all the main consultees;
- Reviewed the design and implementation of the systems and process used by the Review to carry out its remit and evaluated the Review's methodology;
- Considered the final report of the Review;
- Evaluated the overall materiality, balance and performance of the Review;
- Assessed whether the overall conclusions of the Review are satisfactory and whether the final report is appropriate and fair

The Challenge Panel believes that its procedures are sufficient and appropriate to provide it with an appropriate basis for its opinion, conclusion and recommendations.

Inherent limitations

The fact that assurance provision can be subjective and professional judgements have to be made (for example, about what aspects of the subject matter are the most important, and how much evidence to obtain).

The fact that in carrying out its work the Challenge Panel has had to rely on the responsible party and its staff to provide accurate and complete information, which in some cases may be impossible to verify by other means.

The fact that the nature of the assurance report might itself be limiting, as every judgement and conclusion the assurance provider has drawn cannot be included in it.

The fact that much of the evidence available is persuasive and subjective rather than conclusive and objective.

The use of judgement in gathering and evaluating evidence and forming conclusions based on that evidence.

The characteristics of the subject matter mean that there is no overall accepted standards for conduct of such a review against which to test.

Conclusion

On the basis of our procedures aimed at obtaining reasonable assurance, we conclude that in our opinion:

1. The structure of having a challenge group is well established within Government for triennial reviews. The role of the Challenge Group is to rigorously and robustly test and challenge the assumptions and conclusions of the review. Whilst therefore the establishment of the Challenge Panel was appropriate and in our view extremely useful, the key difference between this situation and that of Government is that Challenge Groups for triennial reviews also agree the Terms of Reference for the review. This was missing in this case and as the Review notes the Panel believed that the terms of reference for the Review were too narrow. At the Panel's request the Review was widened to include aspects of the disciplinary structure originally identified as out of scope, with the results supporting the Panel's view (which has been accepted by the Review) that a further separate review of the structure, composition and processes of the Disciplinary Board and Appeal Panel is now urgently required.
2. Despite its speed, the Review has been properly and thoroughly undertaken in all material respects in accordance with its remit.
3. Despite the internal nature of the Review, it has been carried out insofar as possible with an appropriate degree of independent thought and its conclusions do not appear to be restricted or altered by any undue influence.
4. The nature, number and content of the specific recommendations set forth in the Report generally align with the stated objectives of the Review and reflect a serious and constructive approach by the BHA to achieving those objectives.
5. The Panel applauds the willingness of the BHA to recognise and apologise for past failings both generally and in the specific case studies of Jim Boyle and Kate Walton included within the Review.
6. In some areas where stakeholders have clear concerns the Review has been unable to reach conclusions as to the best solutions to resolve the issues. This in particular relates to:
 - 6.1.1 The structure, composition and processes of the Disciplinary Panel and Appeal Board; and
 - 6.1.2 The perceived "inequality of arms".
7. In the case of 6.1.1, this was due to this being out of the original scope for the Review rather than any unwillingness to address the issue.
8. In the case of 6.1.2, this is as a result of the inherent difficult nature of the problem. The Review has considered various solutions but there has been insufficient time to reach any final conclusions. However, the initial work with Sport Resolutions is promising and we encourage the BHA to pursue this with the other relevant bodies within the sport.
9. One of the objectives of the Review was to show that the BHA integrity system is fair, accountable and in tune with its participants. This is not something that is capable of being achieved by a one-off review. It requires constant dialogue and monitoring and for

this reason the Panel particularly welcomes the proposal to establish a Stakeholder Integrity Forum as a means of ensuring that the aims and specific recommendations of this Review are implemented.

When reading our assurance report, the inherent limitations set out above should be taken into consideration.

Recommendations

Without qualifying the conclusion of our engagement set out above, we make the following recommendations for the further development of a modern and fair integrity system:

Management Response: *We welcome the Challenge Panel's conclusions and are grateful for its considerable input throughout the Review process. The Challenge Panel very helpfully sets out some further recommendations below which will be considered by those responsible for implementing the recommendations of the Review. At this stage, we would like to make the points below in response.*

1. In order to give confidence to stakeholders, the BHA should consider appointing as Chair of the Stakeholder Integrity Forum ("Forum") a person who is independent of the BHA Board and Executive. The role of the Forum in the implementation of this review is very important and its terms of reference and membership need to enable it to have the confidence and support of the industry.
-

Management Response: *We are pleased that the Challenge Panel acknowledges and supports the importance of our recommendation relating to the establishment of the Forum, particularly as the Review's recommendations move forward into implementation. Clearly, membership of the Forum should be wide and varied if it is to achieve its potential in building and maintaining confidence throughout the industry, and in increasing the effectiveness of the BHA's Integrity function. However, with Integrity being one of the core autonomous functions of the BHA, as recently recognised in the BHA Members' Agreement, we continue to believe that a development of this importance should be linked directly to the BHA Board through its Chair. Having said that, we will consider other models, including the option of not formally appointing a chair at all.*

2. The Forum should be charged with setting timetables and accountabilities for implementation of the Review's recommendations.
-

Management Response: *The significance of the Forum, and its opportunity for success, is to be found in being able to exercise a developing influence as a formal body for consultation. This must not be diluted by, or confused with, formal responsibility for executive functions such as accountabilities and timetables, with the inevitable association with wider budget management, which remain with the BHA Executive and ultimately the BHA Board.*

3. In addition, the Forum should have an important role to play in the consultation and agreement of the proposed alternative means of disposal and a more modern and refreshed approach to participant education .
-

Management Response: *As noted above, the Forum will have an important role in consultation, but not agreement.*

4. We entirely agree that a separate review of the structure, composition and processes of the Disciplinary Panel and Appeal Board needs to be carried out urgently, building on the information and views provided by those contributing to this Review. Beyond this, we recommend:

4.1 the review should not have any limitations to its scope imposed by its terms of reference;

4.2 The Forum must be involved in monitoring this review and contributing to its outcomes. Although this will help ensure a level of independent scrutiny if the review is carried out by the BHA Head of Legal – Governance, we urge the BHA to consider appointing an external expert to carry out this discrete piece of work.

Management Response: *We will seek to ensure the review of the Disciplinary Panel and Appeal Board is based on broad terms of reference which do not artificially constrain that piece of work (although sensible parameters will be established to keep that review relevant and within budget). The Review Team will consider whether, and specifically what sort of, external expertise would enhance that review.*

5. Whilst we strongly agree the need for risk/threat assessments, consideration should be given as to how to use them to communicate the risks to those involved in the industry rather than just keeping them internal. There is a need to raise the awareness of owners and trainers as to the types of threats being faced and place on them a responsibility to demonstrate their efforts to ensure that their employees are aware of the threats, report suspicions and otherwise take prevention measures.

Management Response: *We agree that the publication of a threat assessment to assist with efforts to protect and educate the sport's participants would be a prudent step once the areas of focus are agreed internally.*

Nick Bitel
Chair

List of Interviewees

During the course of the Review, members of the Review Team spoke to 104 stakeholders and other individuals.

Name	Area
PJA and Jockeys	
Stephen Donohoe	Professional Jockey
Martin Dwyer	Professional Jockey
Mick Fitzgerald	Media / ex-Jockey
John Francome MBE	Media / ex-Jockey
Richard Johnson	Professional Jockey
Fergal Lynch	Professional Jockey
Tom Marquand	Champion Apprentice Jockey
Nigel Payne	PJA Chairman
Jimmy Quinn	Professional Jockey
John Reid MBE	ex-Jockey
Jamie Spencer	Professional Jockey
Paul Struthers	PJA Chief Executive & REL Board member
NTF and Trainers	
Rupert Arnold	NTF Chief Executive & BHA Board Member
Dawn Bacchus	NTF Legal Advisor
Kim Bailey	Trainer
Jim Boyle	Trainer / NTF President 2015
Karl Burke	Trainer
Richard Fahey	Trainer
John Ferguson	Trainer
James Given	Trainer and BRS Trustee
Micky Hammond	Trainer
Mark Johnston	Trainer / ex-BHA Board
Hughie Morrison	Trainer
Lucinda Russell	Trainer
Oliver Sherwood	Trainer
Kate Walton	Former Trainer

ROA and Owners

James Callow	Owner
Jeremy Gompertz QC	ROA Member and DRG Member
Justin Wadham	ROA Council Member / ex-BHA Board
Richard Wayman	ROA Chief Executive & REL Board member

RCA and Racecourses

Stephen Atkin	RCA Chief Executive & REL Board Member
Simon Bazalgette	The Jockey Club Chief Executive, RCA Board & REL Board Member
Caroline Davies	RCA Racecourse Services Director
Norman Gundill OBE	Managing Director Pontefract Racecourse (former BHB Board Member)
Simon Knapp	RCA Veterinary Advisor

Other Industry

Denis Egan	Irish Turf Club
Chris Gordon	Irish Turf Club
Grant Harris	British Racing School, Chief Executive
Clare Hazel	Point to Point Association
George McGrath	NASS Chief Executive
Rod Street	GBR Chief Executive

Disciplinary Panel and Appeal Board

Bruce Blair QC	Chairman of Appeal Board
The Hon Lucinda Cavendish	Disciplinary Panel Chair
Tim Charlton QC	Disciplinary Panel Member

Lawyers

Kevin Carpenter	Captivate Legal Sports
Andrew Chalk	Withy King
Nick de Marco	Blackstone Chambers
David Fish QC	Deans Court
Robin Leach	3PB
Rory Mac Neice	Ashfords
Graeme McPherson QC	4 New Square
Roderick Moore	Slee Blackwell
Huw Roberts	Bird & Bird
Christopher Stewart-Moore	Stewart-Moore Solicitors
Louis Weston	3PB

Media	
Sean Boyce	ATR
Charlie Brooks	The Telegraph
Alan Byrne	Racing Post
Chris Cook	The Guardian
Lydia Hislop	RUK
Alan Lee	The Times
Jim McGrath	Channel 4
Tony Smurthwaite	Racing Post
Tanya Stevenson	Channel 4
Greg Wood	The Guardian
Dave Yates	The Mirror

Betting Industry	
Balthazar Fabricius	Fitzdares
Carl Leaver	Gala Coral
Tim Moore	Association of Gambling on Tracks
Gerry Mulgrew	Ladbrokes
David O'Reilly	Colossus Bet (formerly at Betfair)
Bill South	William Hill
Russell Wallace	Betfair

Other	
Darren Bailey	FA
Neil Basseu	Metropolitan Police
Sarah Beveridge	Financial Conduct Authority
Richard Harry	Sports Resolutions
Robert Hayes	Microsoft
Sarah Keeling	FTI Consulting
Rob King	Former BHA Investigator
Nigel Mawer	WPBSA
Andy Parkinson	British Rowing (formerly at UKAD)
Steve Richardson	ECB
Dyllan Tappenden	Financial Conduct Authority
Richard Watson	Gambling Commission
Chris Watts	ECB

BHA

Annette Baker	Licensing Team leader
Paul Beeby	Head of Integrity (Operations)
Mark Blackman	Raceday Integrity Co-ordinator
John Burgess	Investigating Officer
Jon Dunn	Investigating Officer
Brant Dunshea	Head of Raceday Operations
Gill Greeves	Vocational Training Manager
Jenny Hall	Chief Veterinary Officer
Steve Harman	Chairman
Jerry Hill	Chief Medical Advisor
Hannah McLean	Head of Legal – Regulation
Andrew Merriam	Board Member
Tim Miller	Investigating Officer Team Leader
Robin Mounsey	Media Manager
Lucy Price	Point to Point Executive
Patrick Russell	Disciplinary Officer
Danielle Sharkey	Legal and Compliance Adviser
Jamie Stier	Director of Raceday Operations and Regulation

Documents Reviewed

Members of the Review Team referred to a range of documentation as background to the Review, including the following:

Previous Reviews

- The British Horseracing Authority and Integrity in Horseracing – An independent Review (Neville)
- The Jockey Club/British Horseracing Board – Security Review Group Report (Gunn)

BHA documents

- Rules of Racing
- Internal Policy and Procedural documents

External documents

- An independent governance review of the International Cricket Council (Woolf / Pricewaterhouse Coopers LLP)
- Commission of Inquiry on Horseracing in Mauritius (Parry/Gunn/Scotney)
- Cycling Independent Reform Commission – report to the President of the Union Cycliste Internationale
- Environmental review of Integrity in Professional Tennis (Gunn/Rees)
- EU Report of Good Governance in Sport (Bailey)
- Gambling Commission – Betting Integrity Decision Making Framework
- ICC – Olympic Agenda 2020
- Implementing the recommendations arising from the Review of Integrity Assurance in the Victorian Racing Industry (Lewis)
- IOC/UNODC – Criminalisation approaches to Combat Match-Fixing and Illegal/Irregular Betting: A global perspective.
- Office of the Racing Integrity Commissioner Annual Report 2013-2014

- Queensland Greyhound Racing Industry Commission of Inquiry (MacSporran)
- Report of the Sports Betting Integrity Panel (Parry)
- Review of Victorian Racing Industry's Appeals and Disciplinary Model 2010 – 2012 Public Report (Perna)
- RFU Governance Review
- TAS / CAS Code for Arbitration in Sport and Legal Aid Guidelines
- Triennial Review of UK Sport and Sport England (September 2015)
- WPBSA Disciplinary Rules

Out of Scope Items Raised

- Handicapping.
- Review approach of Stewards.
- Whip Rule penalties.
- Regulation of Jockeys' Agents.
- Recruitment of Stable Staff.
- Proportionality of penalties as between different categories of participant.
- BHA should facilitate weekend changes to jockeys' suspensions.
- Racecourse environment.