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## BHA Investigation Charter and Guidance Note

### **What you can expect if you become involved in an investigation**

#### What is the BHA and why do we conduct investigations?

The British Horseracing Authority (BHA) is the regulatory and governing body for the sport of horseracing in Great Britain. We conduct investigations into potential breaches of the Rules of Racing or licensing matters in order to uphold the integrity of British Racing.

#### If you become involved in an investigation

In addition to receiving this document you will have been provided with the name and contact details of the BHA Official leading the investigation. This person will usually be an Investigating Officer or Stable Inspecting Officer. They will be your primary point of contact throughout the investigation. The Officer leading the investigation will provide you with an outline of the investigation and explain why you have been contacted and what is being asked of you. Requests for your co-operation may come at different points during the investigation. All BHA Officials engaged in an investigation have photographic identification confirming they are authorised to conduct investigations on behalf of the BHA.

We carry out investigations into licensing matters or where there may be a reasonable suspicion that the Rules of Racing may have been breached or an integrity threat exists. The fact that you are involved in an investigation does not necessarily mean we are accusing you of anything. The investigation will enable us to address our concerns and will also provide you with an opportunity to have your say.

You are entitled to seek professional advice (at your own cost) at any point during the Investigation. If you are a member of the National Trainers Federation (NTF), Professional Jockeys Association (PJA) or National Association of Racing Staff (NARS) you may contact the relevant body for guidance.

We will notify you as soon as you are no longer involved in the investigation. If you are unsure at any point about your involvement in the investigation please contact the Officer leading the investigation.

#### What we may ask of you

The types of things we may ask of you include (but are not limited to):

- **Attending an interview** – this would be a recorded interview at an agreed time and location. This may, for some types of investigations, be conducted immediately when you become involved, or alternatively at a later time should you request representation. We will try to arrange the interview at a convenient time, while still trying to complete our enquiries and investigation without delay. Individuals will be given 28 days in which to agree to, and attend, an interview with an Investigating Officer. Should the individual fail to attend within that period, they will be given a further three dates within a further period of 28 days from which they may choose the venue and time of interview.
- You are entitled to have someone accompany you to an interview. This can be a friend, family member, colleague or a legal or trade union representative. The only exception is that the person must not be involved in the investigation. If you are to be accompanied to an interview, please let the Officer leading the investigation know who is to accompany you as soon as possible.
- **Providing information or records** - during the investigation you may be asked to provide information or records that we consider may be relevant to the investigation. If we make such a request, we will tell you exactly what is required and will set a reasonable deadline for receipt of the information and/or records. If you are involved in an investigation we expect you to co-operate fully, be honest, truthful and to not unduly delay the investigation.

- The BHA will not publicly disclose any information about you (without your permission) while the investigation is being conducted, unless the information is already in the public domain.
- While the BHA investigates licensing and welfare related matters, along with potential breaches of the Rules of Racing, it should be noted that we may speak to other agencies or law enforcement organisations if we think it may benefit the investigation or when appropriate to do so.

### Do you have to co-operate with an investigation?

If you hold a licence or permit issued by the BHA or are a registered participant in the sport, you have agreed to be bound by the Rules of Racing. This includes agreeing to attend an interview and to provide any information or record we believe relevant to the investigation. Failure to co-operate (without good cause for failure) is a breach of the Rules in itself.

There are people who are not bound by the Rules and the Officer will inform you if we consider that this applies to you. Those who are not bound by the Rules of Racing are not obliged to comply with our requests. However, we would still want you to co-operate and allow us to conduct a full and meaningful investigation. If you fail or refuse to co-operate and this impedes our ability to investigate, consideration will be given to excluding<sup>1</sup> you from racing.

### How long will it take?

Investigations are often complex and can involve a number of people and enquiries. This means that the time an investigation takes can vary greatly. The length of an investigation can also be affected by the level of co-operation of those involved. The Investigating Officer will endeavour to contact you at least every three months to inform you of any updates relating to the investigation. With complex investigations extending over long periods of time, updates may be less frequent, or alternatively if appropriate, the investigator may contact you more frequently. The BHA reviews its investigations regularly to ensure they are conducted as quickly as possible. In addition, you can contact the officer leading the investigation if you have any queries.

### What happens when an investigation is complete?

When the investigation has been completed it may be closed or referred to another department within the BHA (such as the Compliance Team or the Licensing Team). If the case is referred to another department you will be notified and provided with contact details for the new person who is responsible for the case. At this point that person will be your primary contact.

Such a referral to another department will involve an assessment of all the facts and evidence to establish whether further action is required, or a breach of the Rules of Racing may have occurred. Following that assessment a matter may be considered appropriate for referral to the Licensing Committee or Disciplinary Panel.

### What if you have breached a Rule of Racing?

Most Rule breaches have a specific penalty range (and entry point) associated to it. Penalties vary and are dependent on a number of factors. Details of the Rules and their penalty ranges can be found on the BHA website: <http://rules.britishhorseracing.com/>

If you wish to plead guilty to a breach of the Rules your penalty may be reduced by up to a half, if the admission is made early and therefore saving time and resources of the BHA. This is unlikely to apply to straightforward or strict liability cases where the evidence is compelling, for example the presence of a positive substance in a horse's sample.

If you have any concerns or questions about the process that have not been satisfactorily resolved by the Officer dealing with your case, you should contact the Head of Integrity, John Burgess by email: [joburgess@britishhorseracing.com](mailto:joburgess@britishhorseracing.com)

<sup>1</sup> Exclusion means you will not be allowed on any premises licensed by the BHA (including all racecourses and trainers' yards). In addition, any person bound by the Rules of Racing will be liable to disciplinary action if they are found to be associating with you in relation to racing in Great Britain.