

BRITISH HORSERACING AUTHORITY
CODE OF CONDUCT
PROCEDURES & PENALTIES

The Rules of Racing provide that the BHA may issue an Exclusion Order against any person, whether or not they are subject to the Rules of Racing, where it is in the interests of racing to do so.

Those who are subject to the Rules of Racing and who breach the BHA Code of Conduct (the 'Code') can expect the following process to apply.

Solutions

If the BHA considers the alleged breach to be minor it may well consider an alternative solution to a referral to the Disciplinary Panel. This approach recognises that even minor breaches of the Code are not acceptable, but that it is not always appropriate for a full disciplinary process to take place.

A solution-based approach is likely to only be considered in the following circumstances (all must be present):

1. For first-time breaches of the Code.
2. If the Person admits the breach and acknowledges that their behaviour was inappropriate/unacceptable.
3. If the Person remedies the breach, to the extent that is possible and / or appropriate to do so.

An alternative solution must be agreed by both the BHA and the Person in breach of the Code. If it cannot be agreed, the BHA may commence disciplinary proceedings. If it is agreed a written warning will be issued which states that there has been a breach of the Code and that disciplinary proceedings will follow for any future breach.

The potential solutions set out here are guidelines and are not exhaustive. Suitable alternative solutions will be considered where appropriate. If the Solution is not completed to the satisfaction of the BHA, it is void and the Person concerned should expect to then be the subject of disciplinary proceedings.

Potential Solutions

Acknowledge the breach of the Code and any harm caused (which may be required to be public) and apologise to the individual who's right to be treated with dignity and respect was breached; and/or

a financial contribution to an appropriate charity; and/or

attending at (and actively contributing to) a course of mediation with the individual(s) harmed by the breach of the Code; and/or

completion of an appropriate course of behaviour management therapy or an appropriate course designed to increase understanding of equality/diversity/inclusion.

'Fast-Track'

A 'Fast-Track' process is designed to facilitate resolution of what might be considered minor cases where a disciplinary process is required. It is dependent upon an admission of breach and acceptance of a penalty.

Whether 'Fast-Track' is appropriate and available at all will be dependent on the particular circumstances of the breach. Some cases will be unsuitable for 'Fast-Track' adjudication regardless of the severity of the breach.

This process is likely to only be available in the following circumstances:

1. For low-level breaches of the Code where a solution-based approach is unachievable;
2. For first-time medium level breaches of the Code;

The Chairman of the Independent Judicial Panel must approve the suggested penalty. If the Chairman does not approve the suggested penalty, then the matter will be referred to a Disciplinary Panel in the usual way.

Penalty Guidance

Save in circumstances where a 'Solution' or 'Fast-Track' is considered appropriate the breach will be referred to the Disciplinary Panel for a decision on whether a breach has occurred and, if it has, what the appropriate penalty is.

This document should not be seen as either a replacement for, or an interpretation of, the Rules of Racing. The guidelines as to penalties are not intended to override the discretion of the Disciplinary Panel. However, in the interest of consistency and fairness, Panels are expected to operate within the guidelines unless they have good reason to consider that there are exceptional circumstances in the case before them which justifies a greater or lesser penalty outside the guidelines; Panels should be prepared to explain their reasons for so doing.

When considering what penalty would be appropriate for a breach that is proven, a Disciplinary Panel will first decide how serious the breach is and whether it is a low, medium or high level breach.

Once that assessment has been made, the tables below set out the recommended penalty for low, medium and high-level breaches. Panels should start at the entry point for the appropriate level of breach, as identified by the Panel, and adjust for the mitigating and aggravating features they have found as part of their consideration of the evidence.

A financial penalty only should be imposed in exceptional circumstances only. The exceptional circumstances must be identified and explained by the Disciplinary Panel. The Disciplinary Panel will need to consider carefully the impact of suspension/withdrawal/disqualification or exclusion on individuals who rely on the sport as their primary source of income. In suitable cases, it may be proportionate to suspend part of or all of the sanction dependent upon future compliance with the Code and the successful completion of appropriate training courses.

Assessment of Culpability

The Disciplinary Panel must first assess the level of culpability. The below may form part of the considerations of the Disciplinary Panel but the Panel will form their own view of the evidence and all factors relevant to the assessment of culpability.

Low	<ul style="list-style-type: none"> - A single breach of the Code and the Person has engaged appropriately in the Disciplinary Process. - Limited or no harm caused to the victim and/or impact upon the reputation of the sport. - No or limited previous disciplinary history.
Medium	<ul style="list-style-type: none"> - A single breach involving harm to the victim and/or impact upon the reputation of the sport. - Persistent less serious breaches of the code. - Evidence of premeditation or a pattern of misconduct. - Limited or no engagement with the Disciplinary Process.
High	<ul style="list-style-type: none"> - Serious harm caused to the victim and/or impact upon the reputation of the sport. - Limited or no engagement with the Disciplinary Process. - Misconduct involving discrimination based on protected characteristics or a vulnerable victim. - Sexual misconduct. - Criminal conduct. - Manipulation of or attempts to interfere with witnesses and victims.

Once an Assessment of Culpability has been made the Penalty Guidance is as follows.

Low Level Breach

Entry Point	Range
1 month suspension/withdrawal/disqualification or exclusion and/or a financial penalty of £1,000.	14 days – 6 months suspension/withdrawal/disqualification or exclusion; and/or a financial penalty of £500- £10,000

Medium Level Breach

Entry Point	Range
6 months suspension/withdrawal/disqualification/ exclusion and/or a financial penalty of £2,000.	3 months – 1 year suspension/withdrawal/disqualification/ exclusion and/or a financial penalty of £500- £10,000

High Level Breach

Entry Point	Range
1 year suspension/withdrawal/disqualification/ exclusion.	6 months – 10 years suspension/withdrawal/disqualification /exclusion.