

WHIP CONSULTATION REPORT

July 2022



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Executive Summary

1. Introduction and background

This is an Executive Summary of the full report on the Consultation on the use of the whip in British Racing. The Steering Group advises those with an interest in this subject to read the document in full, to understand not only the recommendations, but also the reasoning behind them.

The British Horseracing Authority (BHA) has undertaken this consultation in response to a recommendation made by the Horse Welfare Board (HWB) in its strategy document, *A Life Well Lived* (2020).

The HWB's only explicit recommendation related to the need for increased penalties for misuse of the whip, and for the industry to take greater control of conversations relating to the use of the whip for encouragement, with views to be gathered via an open consultation.

2. Project governance

Terms of Reference for the BHA Whip Consultation Project were agreed by the BHA Board in January 2021. A Steering Group was established, with the aim that this group would play an active role in the process, bringing forward recommendations that the BHA Board would be asked to approve. Membership of the Steering Group is as follows:

- **David Jones (Chair)**, BHA Independent Regulatory Non-Executive Director
- **Tom Blain**, Managing Director, Barton Stud
- **Henry Daly**, racehorse trainer
- **Celia Djivanovic**, racehorse owner
- **Tom Goff**, founding partner, Blandford Bloodstock
- **John Gosden OBE**, racehorse trainer
- **Sue Hayman, Baroness Hayman of Ullock**, Member of the House of Lords
- **Dr Neil Hudson MP FRCVS**, Member of Parliament, equine Veterinary Surgeon and academic
- **Nick Luck**, broadcaster and journalist
- **P.J. McDonald**, professional jockey
- **Roly Owers MRCVS**, Chief Executive Officer, World Horse Welfare, and Veterinary Surgeon
- **James Savage**, Head Lad/Assistant to Sir Michael Stoute
- **Tom Scudamore**, professional jockey
- **Nick Smith**, Director of Racing and Public Affairs, Ascot Racecourse
- **Sulekha Varma**, North West Head of Racing, Jockey Club Racecourses, Clerk of the Course (Aintree and Carlisle Racecourses)

The Steering Group was supported by a BHA Project Team, led by Brant Dunshea (Executive Sponsor) and Alison Enticknap (Project Lead).

3. Consultation format and process

To ensure independent oversight of both the consultation process and the subsequent analysis of the findings, the BHA engaged a recognised and accredited research consultancy, Trinity McQueen.

In line with the recommendations of the Horse Welfare Board, the BHA conducted an open consultation, consisting of an online questionnaire and six independently facilitated focus groups. The online consultation opened on 1 July 2021, running for ten weeks, until 6 September 2021.

Following the consultation, the BHA project team invited a number of key stakeholders (those who had submitted responses on behalf of organisations or groups) to discuss their feedback in more detail.

Promotional activities were undertaken to ensure widespread awareness of the consultation. Despite this additional promotion, the online questionnaire received 2,147 responses, which was considerably lower than expected.

4. Regulatory context

Detailed background on regulation of the whip in British racing is included in section 2 of the main document.

The whip used in British racing is foam-padded and energy absorbing, comprising a composite spine with a polymer surround, encased in thick foam padding. It is used in racing for three main purposes:

- Safety, of both horse and rider.
- Correction and focus, e.g., in the closing stages of a race, or when jumping an obstacle, which can be for either safety or encouragement.
- Encouragement, as an aid to activate the horse, which motivates a horse to give of its best and realise its potential in a race.

The last significant BHA review of the whip rules and penalties in Great Britain was published in 2011¹, most notably leading to a limit being placed on the number of times the whip could be used in a race.

¹ <https://www.britishhorseracing.com/wp-content/uploads/2017/03/WhipReview.pdf>

5. Current rules and penalties

The rules governing the use of the whip in British racing were extensively revised after the 2011 Review, making them amongst the strictest in the world. Riders are required:

- To carry a whip during a race, though there is no obligation on them to use it.
- To use the whip no more than a maximum of seven times in a Flat race and eight times in a Jump race.
 - Any number above this prompts the Stewards to review the ride, to identify whether any whip rules have been broken and to penalise any licensed persons found to be in breach of the Rules.

Other factors reviewed by the Stewards include, for example, force of use, placement of use, time given to the horse to respond, whether the horse was in contention, or clearly winning.

Penalties are typically suspensions, with financial penalties also being applied in some cases. The Stewards apply the penalty for use above the permitted level and then augment this with additional penalties for any further offences committed during the ride, e.g., those listed as 'other factors' above. They will also consider whether the rule breach is a repeat offence and whether a referral to the Disciplinary Panel is required.

More detailed explanation of the whip rules and penalties is provided in section 4 of the main report.

6. Whip offences since 2010

When assessing whip offences between 2010 and 2018 in *A Life Well Lived*, the Horse Welfare Board noted that the number of whip offences had decreased by 40% over the period, with 2-day suspensions being the most common penalty imposed, making up 63% of the total.²

Since the welfare strategy was published, the number of recorded offences has fluctuated, but the overall trend over the past ten years has been downwards.

7. International comparisons

The International Federation of Horseracing Authorities (IFHA), of which all major racing jurisdictions are members, has established international minimum standards for whip regulation around the world. The guidelines allow for each country to interpret and develop their own rules and penalties.

Even within that framework, there is wide variation in the whip rules across different racing jurisdictions.

² http://media.britishhorseracing.com/bha/Welfare/HWB/WELFARE_STRATEGY.pdf, p.85

8. Evidence base

When assessing the scientific research into the impacts of the whip, the BHA's 2011 Review noted that, "the evidence is limited in some areas and further research is needed".³ When reassessing this evidence in 2019, the Horse Welfare Board (HWB) noted that, while there have been some further studies since 2011, scientific evidence relating to any potential welfare impact of the whip remains inconclusive.

The Steering Group held varying views on the validity and usefulness of the science (as discussed in Section 13.1 of the main document), though all agreed that future policymaking in this area would benefit greatly from further research.

9. Social and political context

The social and political context relating to the whip was discussed extensively by the Horse Welfare Board in *A Life Well Lived*. The HWB document was published in February 2020 and, perhaps in part due to the preoccupation with major issues such as Brexit and Covid-19 in political and social discourse since then, it is hard to discern any significant change in this context.

Public opinion polls continue to indicate that the whip is disliked by a majority of the public when prompted for a view, but also that its use (and the regulations governing this) is little understood. The Steering Group was mindful of this during its discussions.

10. Consultation findings and themes

(a) Views on the whip rules

Few concerns were raised during the consultation regarding use of the whip for safety. The main consideration in relation to the whip rules was around its use for encouragement.

- Views were divided on this, with groups within racing more likely to favour its retention for this purpose (though often also favouring further restrictions on its use), whereas those outside/further removed from racing were significantly more likely to favour its removal.

The use of a defined permitted whip use frequency or "count" was not universally popular, though its value in ensuring greater consistency in the application of the rules was recognised, so there was little appetite to change this principle.

Greater harmonisation of the whip rules internationally was considered desirable by a majority of respondents.

³ BHA Whip Review (2011), Chapter 3

(b) Views on the penalties

There was a wider consensus of opinion in relation to the penalties. Overall, a majority felt that the current penalty framework does not provide a sufficient deterrent against breaches of the whip rules and needs to be stronger.

- Again, this view was expressed most strongly by groups outside racing, but it was also the view of many groups within racing, with jockeys being the clearest exception.
- A strong view within the qualitative responses and the focus groups was that penalties for Group/Graded and other high value races should be increased.

One theme that emerged was that many respondents felt that the rules and penalties themselves were fine, but were not being enforced and applied consistently.

(c) Extended penalties, including disqualification

Respondents were asked to consider whether it is appropriate that the penalty framework is focused principally on jockeys.

46% of the total sample felt that penalties should apply to the owner and trainer as well as the jockey, but there was a split between racing participant groups and audiences a step or more removed from racing, with the latter being more likely to think that the owner and trainer should also be penalised.

One set of sanctions that could be applied and that affects connections other than the jockey is disqualification and/or demotion. While support for such penalties is again strongest outside racing, there is a moderate level of support for disqualification within the sport.

(d) The name of the whip

There was little appetite for renaming the whip, in order to aid public understanding, amongst most groups. Overall, around 6 in 10 respondents did not see any benefit in renaming the whip. Amongst those in favour of a name change, there was no strong consensus in favour of any specific alternative.

11. Key considerations and principles

The membership of the Whip Consultation Steering Group contained a wide breadth of perspectives, and there were few issues on which agreement was universal. However, the Group recognised, when assessing the themes raised in the consultation, the need to seek consensus in as many areas as possible.

In explaining the recommendations in the main report, we have been clear where there was a difference of view within the Group.

A number of cross-cutting themes emerged during the Steering Group's discussions, which ultimately formed the basis of some key principles:

- Rules that foster more considered and judicious use of the whip for encouragement.

- A more balanced regulatory approach to the whip, ensuring a stronger focus on education, and continuous improvement of standards of use, relative to the current focus on issuing penalties for misuse.
- A stewarding approach that complements this, ensuring that appropriate time is taken to identify and consider whip offences and to apply more considered actions and to be more proactive in preventing further misuse.
- Retaining an element of appropriate discretion, whilst improving the consistency of stewarding of whip offences.
- The need for penalties to act as an effective deterrent against misuse, including in situations where the incentive to break the rules was likely to be greater.

It should be noted that, notwithstanding the agreement of these principles, some members of the Steering Group retained a preference for removal of the whip for encouragement.

12. Recommendations: The whip rules

The Group unanimously agreed the following points:

- Use of the whip for safety purposes should remain a cornerstone of whip regulation in British racing. This was discussed in the interests of completeness, as the Group noted that this principle is widely accepted and non-controversial.
- With safety in mind, there was discomfort amongst Group members about relaxing the requirement that the whip be carried, and therefore no change was proposed to this rule.

(a) Use for encouragement

The question of the use of the whip for encouragement was a more challenging one.

- A majority within the Steering Group was in favour of retaining it, though (mirroring the consultation) many in the Group also favoured greater restrictions on its use.
- A minority was in favour of removal for encouragement.

This spread of views defined the Group's discussions and the development of the recommendations in this report.

Ultimately a majority of the Group determined in favour of retaining the whip for encouragement, feeling that complete removal would be a disproportionate response, in the sense that:

- When further explanation is given of the whip design and controls on its use, negative opinion can sometimes be changed to understanding and acceptance.
- Further steps can be taken, both to ensure the whip is used less often and to encourage more considered and skilful use. This was a key theme of the recommendations.
- It would be disproportionate to remove the whip completely for encouragement when some of these steps have not yet been considered and/or tested.
- It is an important tool for focusing the horse, particularly in the closing stages of a race.

It should again be noted some members of the Group did not share this view and retained their opposition to the use of the whip in principle, whilst agreeing to move forward with the process and to make improvements.

(b) Frequency and permitted action

The Steering Group concluded that the count is now a widely accepted principle around the world, and has been helpful in creating greater consistency in the application and enforcement of the whip rules. Hence a majority of the Group concluded that the count is here to stay for the foreseeable future.

The Steering Group gave serious consideration to the question of further reducing the permitted frequency of use, or whip count, which would have been a compromise between those who favoured significant reduction or removal of the whip for encouragement, and those who felt the current frequency was satisfactory.

Compromise is not the same as consensus, and some members of the Group were uncomfortable that a reduction in the count was not true to the guiding principles around improving standards of whip use and deterring misuse.

Reaching a consensus therefore required the Group to find an alternative proposition, and a solution emerged that related not to the frequency with which the whip can be used, but how it can be used:

- Currently, and subject to certain restrictions, jockeys are permitted to use the whip in both the forehand and the backhand positions.
- Consensus in the Group was forged around **maintaining the current permitted frequency** of use, but **restricting whip use for encouragement to the backhand position** only. This was the preferred approach for the following reasons:
 - It is more difficult, though of course not impossible, to strike a horse with excessive force from the backhand position.
 - The backhand discourages a wide arm action, which is neater, more stylish, and reduces the likelihood that the whip will be used with excessive force and/or from above shoulder height.
 - The backhand is used effectively by many jockeys and is an action that all jockeys should be encouraged to learn, train for, and adopt.
 - Use in the backhand only is a regulatory approach that is gaining traction internationally.

A few caveats around this change were applied, namely:

- Use of the whip in the forehand position will continue to be permitted for safety purposes.
- Use down the horse's shoulder will be permitted only when both the jockey's hands remain on the reins.
- A bedding-in period will be applied to allow jockeys to seek further training.
- New guidance will be required defining use of the whip for encouragement in the forehand position as misuse, for which an appropriate penalty will be applied.

(c) International harmonisation

The Steering Group supported the principle of harmonisation, but felt that this should be considered principally in relation to those jurisdictions with which British racing has the closest links and proximity. Even with Britain’s closest neighbours, there are still differences in the way racing is governed, structured, and perceived within countries, which can influence the evolution of whip rules.

With that in mind, the Steering Group was reluctant to make a clear recommendation that British racing should automatically harmonise with one or other of these countries, instead feeling that the BHA should continue to play a leading role in discussions about harmonisation with its international counterparts.

Recommendations: The Whip Rules	
1	Use of the whip for safety purposes should continue to be a fundamental principle of regulation.
2	The Rule requiring the whip to be carried (though not necessarily used) should be retained.
3	Use of the ProCush whip should continue to be permitted for encouragement, with strong and appropriate regulation of its use.
4	The whip rules will be amended to restrict use for encouragement to the backhand position only.
5	Harmonisation of whip rules and penalties is a positive aspiration. The BHA should continue to play a leading role in discussions about harmonisation with its international counterparts, particularly Ireland and France.

13. Recommendations: Approach to regulation and enforcement

(a) Outcome focused regulation

The Steering Group discussed the current regulatory framework relating to the whip and whether it is effective in driving positive outcomes. The Group considered that the current approach could be improved in a number of areas. For example:

- A penalty framework that focuses less on penalising improper whip use, and more on improving standards of use.
- Jockeys are elite athletes and assessing potential performance improvements and adjusting where necessary, perhaps via further coaching, is good practice.
- Further steps to ensure that Stewards are applying discretion within a common framework to ensure greater consistency of stewarding.
 - Guidance provided alongside the rules could be improved, so there is greater clarity and less ambiguity.
- Intervention at an earlier stage to prevent repeated misuse, or to address issues with a rider's whip action.
- More continuous, proactive monitoring of whip offences to help inform remedial actions.

(b) Whip review panel

The current regulatory system, in which whip offences are identified by the Stewards during, and immediately after a race, can undermine consistency. The Group noted that Stewards have limited time in which to make this assessment on a raceday, and that they are not always in a position to consider the circumstances of the offence in great depth, or to apply remedial solutions such as further training. They can simply penalise and/or refer the jockey.

As a primary focus of this report's recommendations is to improve standards of whip use, along with early intervention to address issues, the concept of a whip review panel was discussed and was unanimously agreed as a positive step forward in the regulation of whip use.

This panel will be a central referral point, to which raceday Stewards will refer potential whip offences for evaluation and, where necessary, appropriate sanction or action (e.g., directing jockeys to further training). It will also have power within the rules to initiate its own review, and will be responsible for ongoing monitoring of whip offences and penalties.



Recommendations: Approach to regulation and enforcement	
6	The regulatory approach to the whip should be reframed to drive continuous improvement, both in standards of whip use and in the consistency of stewarding.
7	Official guidance notes relating to some aspects of the whip rules should be refined and improved, so they are less ambiguous and open to interpretation, and to ensure greater consistency in the enforcement of the rules.
8	A whip review panel will be established, which will assess all potential whip offences and apply sanctions or remedial actions where appropriate. The panel will deal with referrals from the Stewards, as well as having the power to initiate its own review.

14. Recommendations: Penalties

(a) General principles

As in the polling conducted by the Horse Welfare Board in 2019, a desire for stronger penalties was a consistent theme in this whip consultation.

The Steering Group formed a number of key principles, which informed the proposals around specific penalties. These were:

- In general, increases in penalties should be targeted at offences that:
 - Reflect an underlying issue with a jockey's riding style, or attitude to the whip.
 - Make up the biggest proportion of offences by volume, and where the deterrent effect may therefore need to be more effective, including notably offences for use of the whip above the permitted level.
 - Take place in Group/Graded and other high value races, where the deterrent is not proportionate to the potential payoff.
 - Are repeat or recurring whip offences.
- The notion of "minor" penalties should be dispelled – any misuse is unacceptable.
- Sanctions should aim to improve the standard of whip use, e.g., via mandatory training.
- Earlier intervention to reduce likelihood of repeat offences.
- Flagrant flouting of the rules should not be tolerated and the deterrent should therefore be set at a level that aims to reduce the likelihood of such offences to zero.

These principles are reflected in the recommendations, which are outlined in full in section 12 of the main document. Some specific recommendations are discussed in below, as these warrant further explanation.

(b) Major race whip penalties

In the new framework, suspensions for whip use above the permitted level in “major” races will be double those for the same offence in “standard” races. In the current rules, the definition of a non-standard or major race is based on a prize money threshold.

This will now be broadened to include all Class 1 and Class 2 races in both codes (thereby covering all Group and Graded races, Heritage Handicaps, and major festival races), and any other race with a Total Prize Fund exceeding £27,500 for a Flat race, or £20,000 for a Jump race.

(c) Disqualification

There were different views within the Steering Group on the subject of disqualification of the horse as a potential penalty for breaches of the whip rules, though a consensus was reached on the subject via an assessment of the various pros and cons.

While disqualification is an appealing principle for many, and the strongest potential deterrent against misuse, the practical difficulties mean it would be risky to apply this as a general sanction for all whip offences.

However, where there is flagrant abuse of the whip rules, with no room for doubt that a jockey has wilfully sought to gain an advantage through misuse of the whip, the Group felt that there was a place for disqualification within the penalty framework.

Consequently, the Group recommends that disqualification be introduced for offences **in which the whip has been used four uses or more above the permitted level**. For consistency and clarity, very limited discretion will be applied and any use above the permitted level will be counted unless, for example:

- It is clearly and justifiably used for reasons of safety
- It is used down the shoulder with BOTH hands on the reins

Any disqualification decision should ideally be made by the Stewards on the raceday.

(d) Whip penalties for amateur riders

Views were expressed both during the consultation and within the Steering Group that offences committed by amateur riders were a particular problem, especially in highly visible races at the Cheltenham and Grand National Festivals. The financial penalties for amateur riders were felt to be inadequate and will therefore be increased. Details are outlined in full in section 12.8 of the main document.

Recommendations: Penalties	
9	The threshold for the application of some whip penalties will be lowered, to increase the deterrent effect and ensure earlier intervention.
10	Penalties will be increased for some specific offences where the current penalty is considered inadequate.
11	Financial penalties applied to amateur riders for whip offences will be increased.
12	The penalty structure for use of the whip above the permitted level, which are the most frequently committed offences, will be revised to increase the deterrent effect.
13	Penalty structure for use of the whip above the permitted level in major races to be revised as a doubling of the suspensions for the same offence in standard races.
14	Repeat whip offences should be addressed at an earlier stage, and the penalties for repeat offences increased to deter further repetition.
15	Disqualification of the horse will be introduced into the penalty framework for particularly serious use of the whip above the permitted level, where there has been a clear and flagrant disregard for the rules.

15. Other recommendations

A number of other recommendations were made by the Steering Group, in relation to areas that would:

- Advance the evidence base relating to the whip and its effects.
- Further advance the design and specifications of the whip, to reflect any useful technological advances.
- Improve public understanding of the whip, including how it is used, and its regulation.
- Improve the way the whip is spoken about and described, to avoid reinforcing negative perceptions.
 - Formally changing the name of the whip was not recommended, due to concerns that this would be viewed with cynicism, until any such time that the design, composition and/or specifications of the whip are significantly changed.
- Address concerns about misuse of the whip in high profile charity and legends races.

Other recommendations	
16	The BHA, on behalf of the racing industry, should commission and support further objective research into the effects of the whip, using any relevant scientific advances to inform policy.
17	The BHA should regularly consider the design and specifications of the approved whip, with a view to incorporating any technological innovations or advances that could further improve equine welfare and safety.
18	Reasonable efforts should be made by British racing to explain the design, use and regulation of the whip to key audiences.
19	While changing the name of the whip is not a direct, formal proposal, racing participants and media should be encouraged and supported to speak about the whip using appropriate and responsible language.
20	The BHA and racecourses should agree a standard rider contract for charity and legends races, to ensure riders in such races are clear on their obligations in relation to use of the whip.

16. Implementation

Following approval of this report by the BHA Board:

- Further, technical discussions will be held with key participant groups, particularly jockeys, and with BHA officials, particularly Stewards to discuss considerations linked to implementation.
- A detailed implementation plan will be developed, with the aim of implementing the new framework from Autumn 2022 onwards.
- Within that plan, allowance will be made for appropriate education and training of participants and officials, as required.
- An appropriate bedding-in period will be incorporated into the implementation plan, to support the transition to the new framework.

17. Concluding comment

This has been a thorough, detailed review, achieving consensus on a package of measures across a group containing a range of opinion and expertise, and considering a range of complex factors. The Steering Group asks anyone discussing these recommendations to bear this in mind.

1. Introduction

1.1 Background

The British Horseracing Authority (BHA) has undertaken this consultation on the use of the whip in British horseracing, in response to a recommendation made by the Horse Welfare Board (HWB) in its strategy document, *A Life Well Lived* (2020).⁴

The independently chaired Horse Welfare Board was created in 2019, with a brief from British racing's Members' Committee to produce a cross-industry welfare strategy, including the requirement that the question of the use of the whip for encouragement be specifically considered.

The Horse Welfare Board, having assessed the matter and the context at that time, and recognising that the question of the whip was a complex one requiring consideration of a range of perspectives, made the following recommendation. This was endorsed by the Members' Committee, which approved the recommendations in *A Life Well Lived* in January 2020:

*The Horse Welfare Board reiterates that the following is a **recommendation and not a requirement**, recognising and in no way undermining the BHA's autonomy on regulatory matters of this nature.*

We recommend that the BHA should conduct a consultation on the whip in 2020, as follows:

***With a view, regardless of other outcomes discussed in the consultation, to reviewing penalties** for breaches of the whip rules as quickly as possible and ideally by the end of October 2020, noting that the need to increase penalties is a **clear, minimum recommendation** of the Horse Welfare Board, with particular consideration of increased penalties for:*

- **Whip action offences**, e.g., use of the whip over shoulder height, where evidence suggests that greater deterrents are required
 - **Whip modification offences**, penalties for which are felt to be inadequate
 - **Repeat/multiple offences** by the same jockey, increasing the progressive penalties applied for multiple offences
- *Consultation on penalties should seek views and ideas on a range of sanctions, e.g., **fines and/or suspensions** for jockeys, and **prize money** sanctions.*
- *The Horse Welfare Board recognises that different views exist on the feasibility and desirability of sanctions involving **disqualification of the horse** but feels this question*

⁴ http://media.britishhorseracing.com/bha/Welfare/HWB/WELFARE_STRATEGY.pdf

could usefully be considered and resolved through consultation. Should the BHA choose to exclude this from the consultation, it must set out clear reasons for doing so.

In that consultation, the BHA should also take the opportunity to gather views, and potentially to consider:

- ***Future banning/retention of the whip for encouragement***, in order to foster a controlled, constructive and managed discussion.
- ***Changing the rules to place further restrictions on use of the whip for encouragement*** (e.g., reduction in number of permitted strikes, or restricting use during particular stages of a race).

The Horse Welfare Board wishes to be clear that the only explicit recommendation for immediate action on the whip relates to the need for increased penalties and for the industry to take greater control of conversations relating to the use of the whip for encouragement, initially expressing views via an open, managed consultation process

The COVID-19 pandemic, and the temporary shutdown of racing during the Spring and early Summer of 2020, caused a temporary postponement, though planning resumed following the resumption of racing in July 2020, and the consultation was rescheduled for 2021/22.

1.2 Context

Since the previous review in 2011, (see section 2.4) the issue of whip use has remained a subject of debate and discussion, both inside and outside the sport, with occasional associated calls for further review. It is an issue that ebbs and flows, with debate often centred on the major racing meetings and festivals.

In conducting this consultation, the BHA was fulfilling the recommendation set out by the Horse Welfare Board, as commissioned and subsequently approved by the racing industry's Members' Committee. This whip consultation project was therefore undertaken voluntarily by racing and not in response to any specific incident, issue or campaign.

1.3 Project governance and Terms of Reference

The Terms of Reference (ToR) for the BHA's whip consultation project were agreed by the BHA Board in January 2021. The ToR allowed for a consultation project to determine potential regulatory reform with regard to the use of the whip in British horseracing, using the HWB recommendations as a framework. The ToR specified that the project would involve an open, online consultation and focus group meetings, with recommendations being made by a dedicated Steering Group for formal approval by the BHA Board.

1.4 Whip Consultation Steering Group

The formation of a Whip Consultation Steering Group was an essential element of the project. The Steering Group has played a very active and important part in the whip consultation process.

The responsibilities of the Steering Group included:

- **Oversight of the process**, ensuring it was fair, open, and managed in line with objectives and expectations.
- **Representation**, in the sense of providing practical experience, expertise and insight, both personally and on behalf of a range of audiences and stakeholders.
- **Decision-making**, actively reviewing and assessing the consultation feedback and forming the key recommendations, ideally via a process of consensus building.
- **Engagement and advocacy**, providing advice on engagement and playing a role in supporting and promoting the process.

The membership of the Whip Consultation Steering Group is:

- **David Jones (Chair)**
David is an Independent Non-Executive Director of the BHA and former Stewards' Panel Chair. He is also a former member of the Racecourse Committee at Kempton Park and has previously owned racehorses.
- **Tom Blain**
Tom is the Managing Director of Barton Stud, Suffolk, which specialises in boarding broodmares and young horses, foaling, and preparation of horses for major bloodstock sales. He is a member of the Board of the Thoroughbred Breeders' Association.
- **Henry Daly**
Henry has been a racehorse trainer at Downton Hall Stables, Shropshire, since 1998 and has trained more than 600 winners, including of the Welsh National and a number of Grade 1 races. He is a member of the Council of the National Trainers Federation.
- **Celia Djivanovic**
Celia is a racehorse owner and former national level eventing and dressage competitor. She is a member of the Board of the Racehorse Owners Association and a Trustee of Retraining of Racehorses.
- **Tom Goff**
Tom is a founding partner of Blandford Bloodstock with a track record of top-class yearling purchases. A former assistant to Dick Hern, Tom is a former member of the Epsom Downs Race Committee and former Director of the National Stud. He is a current member of the Board of the Racehorse Owners Association.
- **John Gosden OBE**
John is a racehorse trainer, based at Clarehaven Stables, Newmarket. He has trained more than 3,000 winners worldwide, including more than 100 Group 1 winners. He is a member of the Council of the National Trainers Federation.
- **Sue Hayman, Baroness Hayman of Ullock**
Sue grew up in Newbury and is a life peer, former MP for Workington, and former Shadow Secretary of State for Environment, Food and Rural Affairs, a brief for which she remains a Shadow Spokesperson. She runs a smallholding in Cumbria and is the President of the Rare Breeds Survival Trust.

- **Dr Neil Hudson MP FRCVS**

Neil is a Veterinary Surgeon and has been the Member of Parliament for Penrith and The Border since 2019. He is a Fellow of the Royal College of Veterinary Surgeons, an RCVS Diplomat in Equine Internal Medicine, and member of the British Equine Veterinary Association. He has worked in veterinary practice and academia in the UK and Australia, and is a member of the House of Commons Environment, Food and Rural Affairs Select Committee.

- **Nick Luck**

Nick is a racing broadcaster and journalist, who currently appears on Racing TV, including as the host of *Luck on Sunday*, and who previously presented Channel 4 Racing. He writes regularly for a range of print publications, and is the BBC's Equestrian commentator, covering events such as the Tokyo 2020 Olympics.

- **P.J. McDonald**

PJ is a professional Flat jockey and winner of multiple Group 1 races, having previously tasted success as a Jump jockey, winning the Scottish Grand National in 2007. He is Joint President of the Professional Jockeys Association.

- **Roly Owers MRCVS**

Roly has been Chief Executive of World Horse Welfare since 2008. He is a Veterinary Surgeon who previously served with the Royal Army Veterinary Corps. He is member of the Steering Group of the British Horse Council and Treasurer for the British Equine Veterinary Association.

- **James Savage**

James is Head Groom/Assistant Trainer to multiple Group 1 winning trainer Sir Michael Stoute in Newmarket. James is a former finalist in the Leadership category of the prestigious Godolphin Stud and Stable Staff Awards.

- **Tom Scudamore**

Tom is a third-generation professional jockey and in the top ten of the most successful Jump jockeys in history. He has won multiple Grade 1 races, including the King George Chase on Thistlecrack. He is a member of the Jockey Advisory Group of the Professional Jockeys Association.

- **Nick Smith**

Nick is Director of Racing and Public Affairs at Ascot Racecourse, where he has worked for 22 years. With strong relationships across international racing, Nick has been responsible for attracting many international runners to the prestigious Royal Ascot meeting.

- **Sulekha Varma**

As North West Head of Racing for Jockey Club Racecourses, Sulekha is Clerk of the Course at Aintree, where she is responsible for the world famous Grand National, and Carlisle. Having previously worked for Lucinda Russell, and for the Arabian Racing Organisation, she trained as a Clerk at Haydock Park and went on to become Clerk of the Course at Nottingham, Market Rasen, Warwick, Huntingdon and Hamilton. She also oversees the Aintree International Equestrian Centre.

1.5 BHA Whip Consultation Project Team

A BHA Project Team worked alongside the Steering Group, managing the consultation process, providing advice on regulatory and other technical matters, and facilitating the work of the Steering Group.

This group included:

- **Brant Dunshea (Executive Sponsor)**, Chief Regulatory Officer.
- **Alison Enticknap (Project Lead)**, Interim Director of Communications and Corporate Affairs.
- **Sam Angell**, Regulatory Adviser.
- **Gemma Grant**, Regulatory Operations Project Officer.
- **Amanda McNamara**, Personal Assistant.
- **Sean Maxwell**, Regulatory Operations Project Officer.
- **Robin Mounsey**, Head of Communications.
- **Cathy O'Meara**, Head of Raceday Officials.

1.6 Approach to consultation

In line with the recommendations of the Horse Welfare Board, the BHA conducted an open consultation, consisting of two main elements:

- An online questionnaire, consisting of 29 structured questions. This generated both quantitative data and qualitative insight. Supporting information and content was included in the online consultation, to inform respondents about the design of the whip, its use in British racing, and the rules and penalties that underpin existing regulation of the whip.
- Six focus groups, each consisting of 5-8 participants, invited at random from those who had volunteered to be involved when responding to the questionnaire. These sessions were independently facilitated (see section 1.7 below), and provided an opportunity to discuss and raise questions linked to the questionnaire in more detail, and/or were in-depth discussions around specific themes emerging during the course of the consultation. The focus groups took place between July and September 2021.

The online consultation opened on 1 July 2021, running for ten weeks, until 6 September 2021.

Following the consultation, the BHA project team invited a number of key stakeholders (those who had submitted responses on behalf of organisations or groups) to face-to-face meetings, to give them an opportunity to highlight key points from their submissions in more detail and to ask questions about the process. Some requested anonymity as part of the consultation process and so, for consistency, we have not listed them by name.

1.7 Research and analysis

To ensure independent and objective oversight of both the consultation process and the subsequent analysis of the findings, the BHA engaged a recognised and accredited research consultancy, Trinity McQueen.

Trinity McQueen provided the following support:

- Ensuring the questions were in line with research standards and were not loaded or leading.
- Running the focus groups, including selection of participants and facilitation of sessions.
- Conducting qualitative and quantitative analysis of the consultation responses.
- Reporting this analysis to the Whip Consultation Steering Group.

1.8 Promotion of the consultation

Promotional activities were undertaken to ensure awareness of the consultation amongst a wide range of audiences. These activities included:

- Media briefings and media releases
- Stakeholder briefings
- Social media activity, including both unpaid promotion via the BHA's own social media channels, and paid promotion to reach audiences outside the BHA/racing's typical support base.

Despite this promotion, the response rate of over 2,147 was considerably lower than expected, leading some of the Steering Group to raise concerns about its usefulness in determining outcomes and recommendations. See section 8.3 for more information.



2. Regulatory context

2.1 Role of the BHA

The British Horseracing Authority (BHA) is the regulator for the sport of horseracing in Great Britain. The BHA's role is to set the standards required of its licensed participants, ensuring that any rules or guidance are relevant, clear and easily understood. The BHA is also responsible for ensuring these standards are met. If standards fall short, the regulator is responsible for taking appropriate action in the best interests of the sport, which may involve the application of penalties.

Regulation is applied in a number of key areas, including in relation to the welfare and safety of jockeys and racehorses.

2.2 Approach to regulation of the whip

Standards for whip use in racing are set out in the Rules of Racing. Breaches of the Rules are addressed by either the Stewards or the Disciplinary Panel, and may be subject to appeal.

Regulation of the whip covers:

- The design and specifications of the whip.
- How it can and can't be used, e.g., in relation to the permitted whip action.
- Where it can and can't be used on the horse.
- How often it can be used.

Penalties are applied for breaches of the whip rules. These are applied to the jockey who has committed the breach. Penalties are typically suspensions, though financial penalties and remedial training may also be applied in some cases.

The current Rules and penalties relating to the whip are discussed in more detail in Section 4.

2.3 How and why the whip is used in racing

The whip is used in racing for three main purposes:

- Safety, of both horse and rider.
- Correction and focus, e.g., in the closing stages of a race, or when jumping an obstacle, which can be for either safety or encouragement.

- Encouragement, as an aid to activate the horse, which motivates a horse to give of its best and realise its potential in a race, or to trigger a “gear change”.

It is also important to note how it is not used:

- The whip may never be used to coerce the horse, e.g., with excessive force, or without giving the horse time to respond.
- A common misperception is that the whip is used to make the horse go faster. While it can sometimes generate an increase in speed, it is more about sustaining the horse’s pace, particularly in the closing stages of a race.

2.4 The 2011 Whip Review

The last significant BHA review of the whip rules and penalties in Great Britain was published in 2011.⁵ The 2011 review made 19 recommendations, most notably leading to a limit being placed on the number of times the whip could be used in a race.

A limited “whip count” is now applied in many racing jurisdictions around the world, including France and Ireland, though the number of permitted strikes varies internationally. The international context is discussed in more detail in Section 5.

In the months following the publication of the 2011 review, a number of further amendments were made to the rules:

- [November 2011 adjustments](#)
- [March 2012 adjustments](#)



⁵ <https://www.britishhorseracing.com/wp-content/uploads/2017/03/WhipReview.pdf>

3. Current whip design

The current design of the whip used in British racing was developed with input from the RSPCA. The whip is foam-padded and energy absorbing, comprising a composite spine with a polymer surround, encased in thick foam padding.

The cushioned whip was first introduced in Britain in 2004 for Jump racing and 2007 for Flat racing (the two whips have different specifications, with the Flat whip being slightly lighter in weight). The principle of energy absorbing whips has since been adopted both in international racing jurisdictions and in other equine sports.

There is only one current accredited supplier of whips for use in British racing, to ensure that whips carried by jockeys in Britain conform to required standards. Racing with a modified whip, which deviates from the required specification, is an offence under the Rules.

Jockeys' whips are checked by the Clerk of the Scales to ensure they are in good condition before they are used in a race.

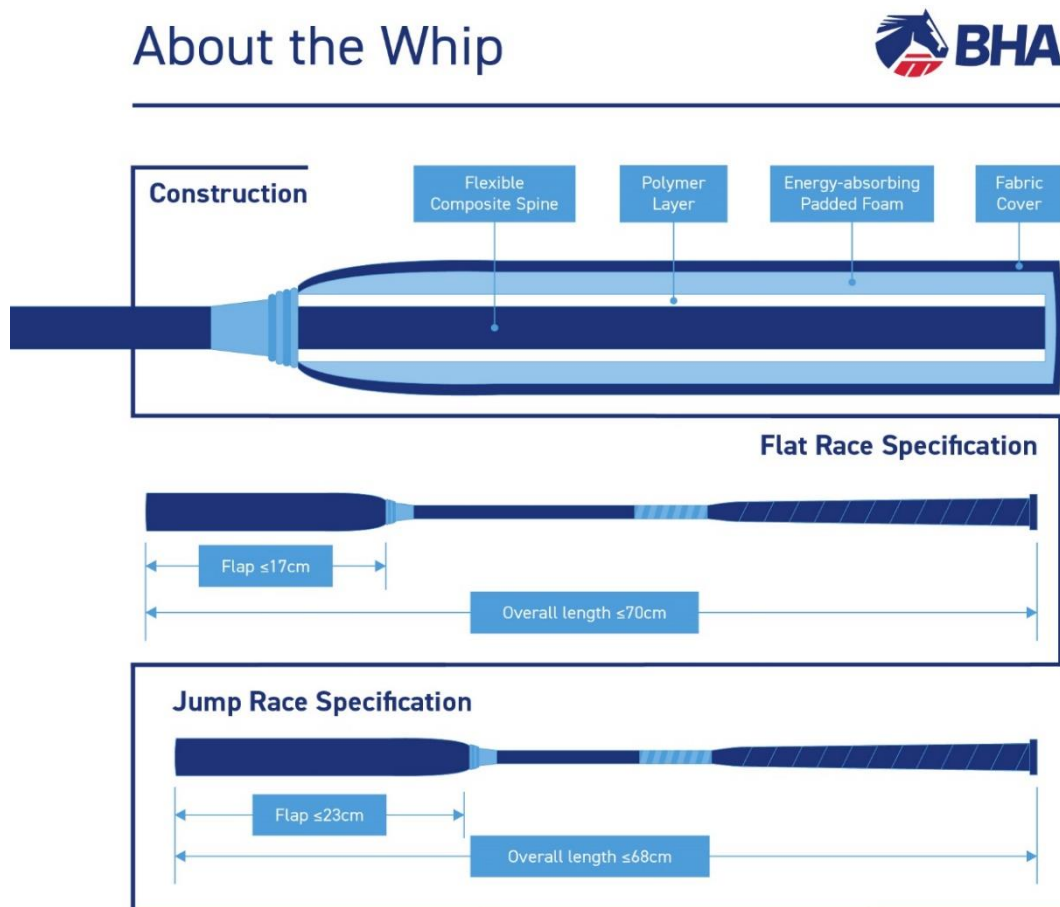


Figure 1: Design and specification of the approved racing whip

4. Current whip regulation

4.1 Current rules

Following the 2011 Whip Review, the rules governing the use of the whip in British racing were extensively revised, making them amongst the strictest in the world. The thresholds were also set at a restrictive level, to minimise the likelihood of any negative impact on horse welfare.

Riders are required under the Rules to carry a whip during a race, though there is no obligation on them to use it.

The whip can currently be used a maximum of seven times in a Flat race and eight times in a Jump race. Any number above this prompts the Stewards to review the ride.

Other factors reviewed by the Stewards include:

- The force with which the whip is used.
- Whether the horse has been given sufficient time to respond.
- Whether the horse was in contention at the point the whip was used.
- Whether the horse was already clearly winning at the point the whip was used.
- Whether the whip has been used in the correct place (i.e., on the horse's hindquarters rather than flanks).

A summary of the current Rules is shown in Figure 2. They can also be read in their entirety here: [Racing Whip rule-f45](#)

4.2 Stewarding and enforcement of the rules

British Stewards view all races to ensure the Rules of Racing are followed correctly. Stewards' Enquiries are conducted on the raceday, and allow the panel of Stewards to question participants in connection with any potential breach of the Rules of Racing.

In relation to the use of the whip, the Stewards' role involves assessing the race to identify whether any whip rules have been broken and penalising any licensed persons found to be in breach of the rules.

If the Stewards observe that the whip has been used above the permitted number of times, or inappropriately, this acts as the trigger for examining the ride. The Stewards consider the ride as a whole, particularly the closing stages, when determining whether a rider is in breach of the rules. As such, they are able to apply an element of discretion, informed by a guidance framework, when making their assessment.

Existing guidance can be viewed here: [Racing Whip rule-f45](#) (*Guidance on use of the whip, and When to hold an enquiry*).

In most cases, penalties are handed down on the raceday. Riding suspensions are typically applied no earlier than 14 days after the date of the Stewards' decision, to allow time for any booked engagements to be fulfilled, and for an appeal to be considered if one is lodged.

Rules and Penalties



-  **Seven uses are permissible on the flat for the entire race**
-  **Eight uses are permissible over jumps for the entire race**
-  **Use must not compromise the welfare of the horse**
-  **Hands and heels must be used to encourage first prior to using the whip**
-  **After using the racing whip, the horse must be given a chance to respond**
-  **Must not be used when horse is out of contention or clearly winning**
-  **Must not be used with excessive force**
-  **Must not be used over shoulder height**
-  **May only be used on the horse's hindquarters, or down its shoulder if used in the backhand position**

There are strict limits on the amount of times a whip can be used during the course of a race, and if those limits are exceeded the stewards will then examine the ride to see if a breach of the rules has occurred. Stewards will look at how the whip was used and its context throughout the race, not just count the times it was used.

Minimum two-day suspension with range up to six days for lower-level offences.

More serious offences attracting penalties over seven days can be referred for further review by an independent disciplinary panel.

Additional financial penalties are applied for breaches where specific prize money thresholds are met.

Jockeys who collect bans on a frequent basis (for example five or more 'lower-level' offences in six months) will be referred to an independent disciplinary panel and may receive significantly longer suspensions.

Figure 2: Summary of the current whip rules and penalties

4.3 Current penalties

Having found the rider in breach of the Rules, the Stewards must then decide on the level of penalty for the offence.

A summary of the current penalty framework can be found in Figure 2.

- “Lower level” offences incur suspensions of 2-6 days and are treated differently to those incurring suspensions of 7 days or more.
- Having determined the penalty, the Stewards then establish whether the rider has committed previous breaches. If it is either (a) The rider’s fifth suspension of 2 - 6 days within the previous 6 months, or (b) The rider’s fourth suspension of 7 days or more within the previous 6 months, then the rider is referred to the Disciplinary Panel.
- If the Stewards consider that a whip offence merits a suspension of 20 days or more, this is referred to the Disciplinary Panel.
- For whip suspensions of 4 days or fewer, the jockey is not required to serve one day of that suspension on a day in which a Group 1/Grade 1 race is programmed, unless they wish to do so. These exemptions do not apply to suspensions imposed by the Disciplinary Panel following a referral.
- Financial penalties may also be applied to a rider who is suspended for 7 days or more, where the prize money exceeds set thresholds. These penalties range from £200 and £10,000 (£100 to £5,000 for apprentices, £200 to £400 for Amateur Riders), depending on the type/value of the race, the jockey’s finishing position, and the length of the suspension imposed.
- For repeat offences, using the thresholds explained above, the penalties are currently:
 - **Fifth suspension of 2-6 days within previous 6 months:**
14-42 days suspension, with an entry point of 21 days
 - **Fourth suspension of 7 or more days within previous 6 months:**
2-6 month suspension, with an entry point of 3 months
- In the very rare instance that a rider is found to have wealed (physically marked) the horse when committing a whip offence, this is treated as an aggravating feature and an additional penalty of 5 or 8 days is applied.

Full details of the current penalty framework for whip offences can be found here: [Racing Whip rule-f45](#)

4.4 Data on whip offences in Great Britain

When assessing whip offences between 2010 and 2018 in *A Life Well Lived*, the Horse Welfare Board noted that the number of whip offences had decreased by 40% over the period, with 2-day suspensions being the most common penalty imposed, making up 63% of the total.⁶

⁶ http://media.britishhorseracing.com/bha/Welfare/HWB/WELFARE_STRATEGY.pdf, p.85

Since the welfare strategy document was published, the number of recorded offences has fluctuated, but the overall trend over the past ten years has been downwards.

A summary is shown in Figure 3. A more detailed review of the whip offences from 2010-2021 can be found here: [whip-data-summary-2021-final-pdf \(britishhorseracing.com\)](http://whip-data-summary-2021-final-pdf.britishhorseracing.com)

Whip Offences Over Time

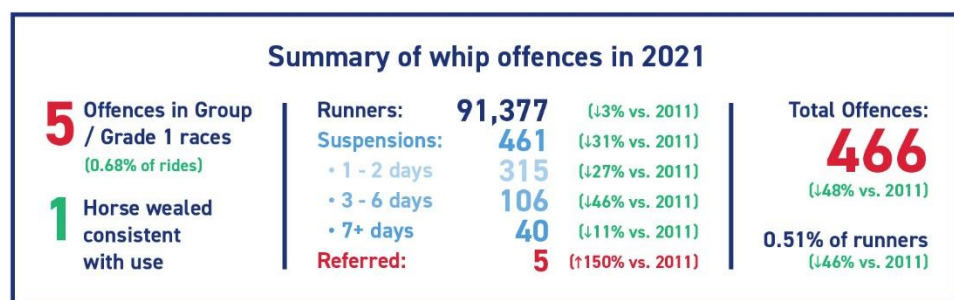
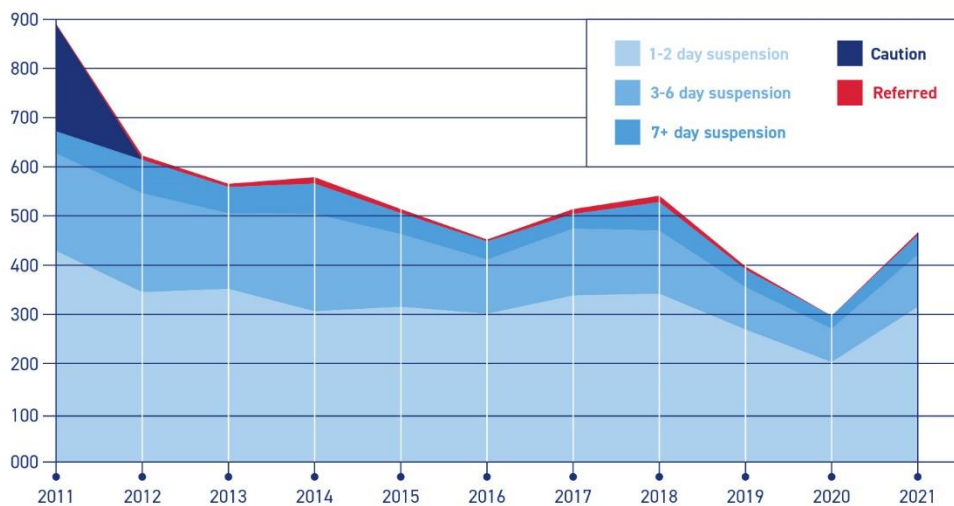


Figure 3: Summary of whip offences in Great Britain, 2010-2021

5. International Comparisons

The International Federation of Horseracing Authorities (IFHA), of which all major racing jurisdictions are members, has established broad good practice principles for the use of the whip in horseracing, which are the basis of international minimum standards for whip regulation around the world. The guidelines allow for each country to interpret and develop their own rules and penalties.

Even within that framework, there is wide variation in the whip rules across different racing jurisdictions. This was discussed by the Horse Welfare Board in *A Life Well Lived*.⁷

Of particular note is the variation in definition of 'excessive frequency'. The rules in France and Germany limit use to no more than five occasions during the whole race. In Ireland the number was reduced to eight in 2019, in South Africa the number is 12, while in Australia it is no more than five uses prior to the 100-metre mark of the race but, after this point, it is unlimited.

In Hong Kong and Singapore, no limit is specified. The Hong Kong rule states that, "any rider who misuses the whip or uses the whip in an improper manner will be subject to disciplinary action". In Singapore, the rule provides that, "No person in a race or trial, or in track work, or elsewhere shall use a whip in an excessive, unnecessary or improper manner". It is a matter for the Stewards in Hong Kong and Singapore to determine what constitutes misuse, whether excessive, unnecessary or improper.

In March 2022 in the United States of America, new legislation creating revised whip rules was passed for implementation from 1 July 2022.⁸ This establishes minimum requirements under US Federal Law that Racing Commissions in all US States will have to adopt under their rules. Most notably, the new law will limit whip use to 6 uses free hand, with no wrist above head height, use no more than twice in succession and with a minimum of two strides before the whip can be drawn again.⁹

Amongst the jurisdictions adopting this new legislation is New Jersey, which has thereby rescinded its previous ban on use of the whip for encouragement, introduced ahead of the 2021 Monmouth Park meeting. At that time, New Jersey was the only US state in which use of the whip for encouragement was prohibited.

Norway is the only country to have banned the whip both for encouragement and safety purposes. Use of the whip for encouragement was banned by the Norwegian Parliament in 1986, while its use for safety purposes was prohibited by the industry in 2009 (*HWB 2020*), except in 2YO Flat races and Jump races, where its use is permitted for safety only.

⁷ Ibid., p87

⁸ [Federal Register :: HISA Racetrack Safety](#)

⁹

https://static1.squarespace.com/static/604f6ab712afe14e11227976/t/62630cf045a4e1062552cb4a/1650658650746/HISA_Rules+and+Requirements+for+Jockeys

As part of a move towards harmonisation of the rules in Scandinavian racing jurisdictions, the Swedish jurisdiction, Svensk Galopp, has not permitted use of the whip for encouragement since April 2022.¹⁰ The Danish jurisdiction, Dansk Galop, subsequently announced that it would be adopting the same whip rules from the beginning of the current season in 2022.¹¹

A summary of the rules in major racing jurisdictions is provided in Figure 4.

Major Racing Nations



Figure 4: Summary of whip rules in major racing nations

¹⁰ <https://www.horseracingsweden.com/news-and-features/swedish-horse-racing-bans-the-whip/#:~:text=The%20use%20of%20the%20whip,racing%20season%20begins%20in%20April.>

¹¹ <http://www.ovrevoll.no/Ovrevoll/Skandinavisk%20Reglement%20fra%202021/English%20version.pdf>

6. Evidence base

6.1 Scientific and ethical research

The BHA's 2011 Whip Review assessed the science relating to the whip and concluded that, when used correctly, "The whip stimulates a horse and should not cause pain. Inappropriate use of the whip during a race may be counterproductive and may not produce a positive response from a horse. A horse in pain will not perform at its best and is likely to underperform". However, the Review also noted that, "the evidence is limited in some areas and further research is needed".¹²

When reassessing this evidence in 2019, the independently chaired Horse Welfare Board (HWB) noted that, while there have been some further studies since 2011, scientific evidence relating to the welfare impacts of the whip remains inconclusive. The HWB reached a view that, "On scientific grounds, the evidence supports neither the continued use of the whip in racing nor a ban on the use of the whip. Indeed, the science does not provide a definitive answer to any of the main questions raised concerning the whip, such as its effect on the performance of the horse, effect on the behaviour of the horse, or the physiological effects experienced by the horse."¹³

The HWB also highlighted potential challenges around conducting further scientific research, such as the ethical difficulties of assessing potential pain, and the likely subjectivity of any assessment of potential stress caused by stimulus of horses' flight response. They point to a 2014 study, which concluded that, "to investigate the welfare concerns of whip use, an objective measurement of pain perception by the horse needs to be explored. Given the intricacies involved in pain perception, this may prove a difficult and complex endeavour."¹⁴

Much of the existing scientific literature itself acknowledges the lack of evidence, underlining the case for further research to provide a more complete picture.

For the purposes of this consultation project, the Steering Group held varying views on the validity and usefulness of the science (as discussed in Section 13.1), though all agreed that future policymaking in this area would benefit greatly from further research.

A desktop review of the main studies and reports related to the whip which have been published since 2011, was undertaken in the preparation of this report. A list of the studies reviewed is provided in Appendix 1.

¹² BHA Whip Review (2011), Chapter 3

¹³ http://media.britishhorseracing.com/bha/Welfare/HWB/WELFARE_STRATEGY.pdf pp.87-8

¹⁴ Noble, Dodd, Nelson, Spurrell and Knight (2014, Rural Industries Research and Development Corporation): Determining forces generated using a padded whip and impacts on the horse

The HWB noted in its assessment that, besides being a scientific question, use of the whip, particularly in relation to its use for encouragement, is perhaps more accurately an ethical one.¹⁵

The body of academic literature in this field, specific to the whip, is limited. It is an area that continues to develop, including the ongoing development of an ethical framework tool for horse sport, which is being undertaken by Dr. Madeleine Campbell of the Royal Veterinary College, in conjunction with World Horse Welfare.¹⁶ Racing is supportive of this project and will continue to engage with Dr. Campbell as it progresses.



¹⁵ http://media.britishhorseracing.com/bha/Welfare/HWB/WELFARE_STRATEGY.pdf p.92

¹⁶ <https://www.worldhorsewelfare.org/news/world-horse-welfare-funded-research-project-with-the-royal-veterinary-college-produces-ethical-framework-for-competitive-horse-sports>

7. Social and political context

The social and political context relating to the whip was discussed extensively by the Horse Welfare Board in *A Life Well Lived*. The HWB document was published in February 2020 and, perhaps in part due to the preoccupation with major issues such as Brexit and Covid-19 in political and social discourse since then, it is hard to discern any significant change in this context that renders the HWB analysis in need of updating.

Public opinion polls continue to indicate that the whip is disliked by a majority of the public when asked, but also that its use is little understood. A survey of 1,119 British adults, conducted by Ipsos UK as recently as April 2022, tracked in line with the surveys noted in the HWB document, with 55% “supporting a ban on use of the whip”. This figure dropped by 12% when further explanation of the design and use of the whip was offered. Also, in line with previous surveys, positivity towards the whip was lower with younger respondents.¹⁷

Opinion polling is a helpful litmus test but has limitations, and is rarely the sole determinant of decision making, as responses are often instinctive and not deeply considered, and can vary according to the framing of the question. Polls also often fail to ascertain *depth* of feeling, and frequently of understanding, on an issue.

As the HWB notes in its strategy document, public attitudes to animals constantly evolve and there is little doubt that public concern for animal welfare and for the ethical treatment of animals continues to be high, and arguably increasing. The Steering Group was mindful of this during its discussions.

In terms of political debate around the whip, there have been few major developments since 2020, and dialogue between the racing industry and political stakeholders tends to focus on areas with a direct link to substantive equine welfare and safety, in line with the key outcomes of *A Life Well Lived*.

The salience of the whip as a political issue tends, in general, to increase if rules are breached on high profile racedays and festivals, as well as in the run up to General and Devolved Parliament Elections, in the context of occasional policy statements and manifesto commitments relating to animal welfare and ethics.

¹⁷ ¹⁷ [More than one in two support ban on whipping racehorses | Ipsos](#)

8. Consultation findings and themes

Detailed analysis of the consultation findings and themes is provided in Appendix 2. This section provides a shorter summary of some of the key themes that emerged in the consultation.

8.1 Introduction

As noted in section 1, the BHA conducted an open consultation to gather views on a wide range of questions relating to the whip in British horseracing. The consultation consisted of an online questionnaire and a series of focus groups.

As with any such consultation, this exercise was not a ballot or referendum. Instead, it was undertaken to provide the Steering Group with a sense of the range of opinions, both as a whole and across different groups, on various aspects of the use of the whip in general, and on the whip rules and penalties in particular.

The online consultation was open to anyone, respondents could choose to be anonymous, and could also indicate an interest in participating in the subsequent focus groups.

8.2 Weighting of responses

Prior to the launch of the consultation, the Steering Group discussed the question of “weighting” of responses, i.e., whether it was possible or desirable to give more weight to responses that reflected particular areas of expertise.

It was concluded that weighting some responses over others in any formal statistical sense was unhelpful, on the basis that this would involve an element of subjective manipulation of the overall dataset. All viewpoints were valid and entitled to due consideration.

Instead, when viewing the responses, the Steering Group was able to see both an overall summary, and a breakdown of responses by different audience segments. This allowed them to compare strength of views between, for example, racing’s participants and public audiences, between racing fans and those who do not engage with the sport, or between different groups within racing.

It should be noted that, as with many consultations, the overall dataset contained responses from many people with a close connection to, or direct stake in, the subject. As expected, there were a large number of responses from within the racing industry, so the overall totals were not representative of the general population. This was another reason for ensuring that the dataset was segmented to allow general public responses to be viewed separately.

It was also noted that some responses were identifiable as responding to a campaigning action by an animal rights group, aimed at driving responses to the consultation. These were all counted as individual responses but the Steering Group was made aware of this and was able to view the public audience response both with and without this segment included.

Where organisations submitted collective responses that were signed by identifiable individuals, all of these individuals were counted as part of the total.

Further information on the approach and methodology is outlined in sections 1.6-1.8 above.

8.3 Response rate

The online consultation received a total of 2,147 responses.

While this was considered by the Steering Group to be an adequate response, which provided a sufficient basis for the discussion and subsequent recommendations, it was a smaller response than many members of the group had anticipated.

As noted in section 1.8, promotional activity was undertaken to ensure widespread awareness of the consultation, yet comparatively few people took advantage of the opportunity to respond. While some in the Group were happy to take the response at face value, others concluded that there is widespread apathy on this issue, and the question of whip use in racing does not loom large in the public consciousness.

Within the overall total, 1,939 respondents (96%) stated that they were responding as individuals. A further 54 (3%) said they were responding on behalf of a business/organisation or group.

In the consultation, respondents were asked to self-identify as being members of various subgroups within the overall sample. The table below outlines the breakdown of respondents by group. For some of the subgroups listed, the response rate was small and was therefore not statistically reliable.

Some group responses (e.g., veterinary membership bodies, racing stakeholder groups, welfare organisations) did include submissions from member organisations potentially representing a much larger constituency of opinion. These group responses were considered separately and qualitatively, and follow up meetings were offered to inform understanding of how these responses were formed and agreed.

It should be noted that many respondents were members of two or more subgroups. These respondents were recorded once in the overall total, but recorded separately in each of the groups with which they identified, to ensure the dataset for each of the subgroups was as complete as possible for comparative purposes. Hence the “total” figure in the table below is lower than the figure derived when adding together the numbers within each subgroup.

It should also be noted that the Professional Jockeys Association chose to submit a single response on behalf of 130 named jockeys, and only a small number of other jockeys submitted individual responses. While all 130 jockeys on the PJA submission were counted individually, this heavily skewed the data for jockeys as there was no variation, and minimal nuance in these responses.

Figure 5: Total responses to the consultation, with figures for individual groups (note that individuals could be members of more than one group)

Subgroup	Size
Total	2,147
Member of the general public (non-racegoer)	510
Racegoer/television racing viewer	685
Racing media	46*
Professional gambler	25*
Bookmaker	6*
Other equestrian sport	213
Racehorse owner	429
Racehorse trainer/assistant trainer	99
Jockey**	149
Breeder	117
Stable staff	55
Racecourse sector	55
Raceday official	72
Ancillary industry	20*
Veterinary surgeon	44***
Other	240

* Small base size

** Jockey segment included a combined submission from the Professional Jockeys Association, signed by 130 named jockeys.

*** The survey distinguished equine veterinarians (36) from other vets (8). As both sample sizes were small, these have been combined for the purposes of this report. The veterinary responses included group submissions from member bodies (e.g. , BEVA) on behalf of their members.

8.4 Views on the whip rules

The main consideration in relation to the whip rules was around its use for encouragement.

Views were divided on this, and there was an overall tendency for groups within racing to favour its retention for this purpose, whereas those outside (or further removed from) were significantly more likely to favour its removal.

It should be noted, moreover, that more than half of those who favoured the retention of the whip nevertheless felt that further restrictions on its use would be desirable.

The use of a defined permitted whip use frequency or “count” was not universally popular. There was a general view, however, that widespread application of a count internationally and its value in ensuring greater consistency in the application of the rules meant that, if the whip is permitted for encouragement, the principle of a count was not something that could or should be changed.

Those who favoured retention of the whip were asked what this count should be. There was significant variation in the response to this and no clear consensus in the data around any particular figure.

Greater harmonisation of the whip rules internationally was considered desirable by a majority of respondents.

8.5 Views on the whip penalties

(a) Views on current penalties

There was a greater consensus of opinion in relation to the penalties. Overall, a majority felt that the current penalty framework does not provide a sufficient deterrent against breaches of the whip rules. Again, this view was expressed most strongly by groups outside racing, but was also the view of many groups within racing, with jockeys being the clearest exception.

Within the focus groups, there was a majority view that there is a need to curb excessive or inappropriate use, and to avoid a “win at all costs” mentality. This was important both in enhancing public perceptions and in improving standards of whip use by jockeys.

One theme that emerged from the qualitative feedback received from both the online questionnaire and the focus groups, was that many respondents felt that the rules and penalties themselves were fine, but were not being applied consistently.

With the exception of jockeys, most groups favoured increased penalties, with this view remaining relatively consistent regardless of the type of penalty (suspension, financial penalty) being discussed.

A strong theme within the qualitative responses and the focus groups was that penalties for Group/Graded and other high value races should be increased, with many feeling that any penalty needs to be proportionate to the importance/profile of the race and/or the financial reward. This was again related to concerns about public perception when whip breaches occur in such races, as well as the greater incentive to break the rules in such races.

(b) Views on extended penalties, including disqualification and/or demotion

The current penalty framework is focused principally on jockeys, based on the premise that, as decisions about use of the whip during a race are made by the jockey, the jockey is therefore directly responsible and accountable for any resulting breaches of the rules.

Consultation respondents were asked to consider whether this principle is correct, or whether penalties should apply to other connections, notably the trainer or owner. There was no clear consensus on this question. While 46% of the total sample felt that penalties should apply to the owner and trainer as well as the jockey, there was a definite split between racing’s direct participants (owners, trainers, jockeys, racecourses, stable staff, breeders and officials), none of which favoured extending penalties beyond the jockey, and audiences a step or more removed from racing.

One potential set of sanctions that would affect connections other than the jockey is disqualification and/or demotion. These options garnered a mixed response. While support for

such penalties is again strongest outside racing, there is a body of support, particularly for disqualification, within the sport.

In the focus groups, which were randomly selected from a pool of volunteers, there was a similar mix of opinion. Those in favour of disqualification expressed the view that:

- It is the strongest, most effective deterrent against breaches of the rules.
- It would encourage jockeys to use the whip more as a last resort.
- It would demonstrate to the non-racing public that racing does not tolerate misuse of the whip and is tough on those who break the rules.
- It would have a positive impact on public perceptions of racing and attract new supporters.
- If a horse wins when the rules have been broken, it should be disqualified.

Those opposed to disqualification considered that:

- It is a disproportionate and unfair sanction that impacts multiple parties, including stable staff with regard to pool money.
- It creates a layer of complexity around form figures and particularly black type (with associated complication for selling and breeding purposes).
- Delays in calling the result on raceday may impact betting, and public engagement – comparisons with the unpopularity of VAR amongst football fans were regularly cited.
- Disqualification, particularly in a high-profile race, could draw negative attention to whip use in racing and fuel negative perceptions.
- There was potential for integrity concerns, linked to lay betting.

8.6 Other questions

(a) The name of the whip

As it is often suggested anecdotally within racing, and by some media commentators, that use of the word “whip” to describe the air cushioned ProCush, creates a misleading and unnecessarily negative impression, views on this subject were sought as part of the consultation. Respondents were therefore asked to consider whether renaming the whip would aid public understanding.

There was little appetite for renaming it amongst most groups. Overall, around 6 in 10 respondents did not see any benefit in renaming the whip. Amongst the individual groups, only jockeys (89%) and professional gamblers (52% - small base size) returned a majority in favour of doing so.

Those in favour of renaming it suggested a range of possible alternatives, principally:

- Persuader
- Crop
- Corrector
- Safety/Racing Aid
- Encourager

- Stick
- Foam Pad/Paddle
- Guidance Tool

There was no strong consensus within the qualitative feedback for any one alternative.



9. Key considerations

9.1 Whip Consultation Steering Group discussions

The Steering Group took on a difficult challenge. It is sometimes noted by people in racing that the whip is one of those topics where you can get ten people into a room to discuss it, and emerge with fifteen different opinions. Even where there is agreement on some aspect of the whip, the rationale and reasoning underpinning that agreement can vary significantly between individuals. This applies to conversations both within racing, and to those between racing and any number of external stakeholders.

The membership of the Whip Consultation Steering Group contained a wide breadth of perspectives, which were likewise varied and multi-faceted. Numerous questions were discussed and there were few issues, not least the core question of the use of the whip for encouragement, on which agreement was universal. However, the Group was conscious of this and recognised the need to seek consensus in as many areas as possible, in which ground was given on one aspect, and was often then regained on another.

The Steering Group was always cognisant of the fact that, whatever it decided, a wide range of opinions will be offered on its conclusions and recommendations, with the likelihood that most stakeholders, media commentators, racing participants – anyone, in fact - will nod in agreement with some aspects, whilst disagreeing with others.

Having an opinion is easy; having the decision-making responsibility, factoring in a wide range of considerations and perspectives, is much harder. It is our view that any similarly broad group charged with the same task would encounter the same difficulties.

In explaining the recommendations, we will be clear where there was a difference of view within the Group, though we will not attribute particular views to specific individuals. It was our collective belief throughout that being open about areas of disagreement was an essential element of the consensus building process, and in building trust within the Group.

9.2 Key principles

As the Steering Group progressed through its discussions, a number of cross-cutting themes emerged, which ultimately formed the basis of some key principles:

- Rules that foster more considered and judicious use of the whip for encouragement.
- A more balanced regulatory approach to the whip, ensuring a stronger focus on education, leading to continuous improvement of standards of use, relative to the current focus on issuing penalties for misuse.

- A stewarding approach that complements this, ensuring that appropriate time is taken to identify and consider whip offences and to apply more considered actions and to be more proactive in preventing further misuse.
- Retaining an element of appropriate discretion, whilst improving the consistency of stewarding of whip offences.
- The need for penalties to act as an effective deterrent against misuse, including in situations where the incentive to break the rules was likely to be greater.

It should be noted that, notwithstanding the agreement of these principles, some members of the Steering Group retained a preference for removal of the whip for encouragement.



10. Recommendations: The whip rules

In this section, we outline the Steering Group's reflections in relation to the whip rules and the recommendations resulting from these.

10.1 Use of the whip for safety

The Steering Group considered whether the use of the whip for safety purposes should remain a cornerstone of whip regulation in British racing. This was discussed in the interests of completeness, as the Group noted that this principle is widely accepted and non-controversial. For example:

- The Review Group that conducted the BHA's 2011 Review unanimously agreed this principle. Their arguments for doing so, in relation to the safety of both horse and rider, with use of the whip in that context forming part of the rider's duty of care to the horse and to other riders, remains relevant and important.
- The Horse Welfare Board recognised the importance of the whip for safety purposes and made no recommendation that this be considered as part of the BHA's consultation.
- No international racing jurisdiction has a complete ban on use of the whip for safety. Even Norway, which has the most restrictive whip rules in world racing, allows the whip to be carried for safety purposes in 2YO Flat races and in Jump racing.
- The whip is carried for safety in other equine sports, as well as by many leisure riders.
- The importance of the whip as a tool for safety of horse and rider is recognised by some animal welfare groups.¹⁸

The retention of this principle was therefore unanimously agreed by the Steering Group.

RECOMMENDATION

1

Use of the whip for safety purposes should continue to be a fundamental principle of whip regulation.

¹⁸ <https://www.worldhorsewelfare.org/what-we-do/sport/use-of-the-whip-in-racing>

10.2 Requirement for the whip to be carried

As noted above (Section 4.1), riders are required under the rules to carry a whip when racing, though they are not obliged to use it. Views on the continuation of this requirement were canvassed during the consultation and gained a mixed response, with 47% in favour of no change, and 49% favouring a change to the rule to allow jockeys to race without carrying the whip.

The Steering Group concluded that:

- The whip is an essential tool for the safety of horses and riders and should always be available for use for this purpose.
- Many jockeys would feel uncomfortable, and potentially unsafe, if asked to ride without a whip, particularly when riding inexperienced or challenging horses, and/or during Jump races.
- The current Rule is clear that there is no obligation for a jockey to use the whip, and an owner or trainer would be able to express to the jockey a preference for this in relation to its use for encouragement on particular horses, whilst still respecting the jockey's right to use it for safety purposes.

10.3 Use of the whip for encouragement

The question of continued use of the whip for encouragement is the one that polarises opinion the most. The Steering Group was keen from the outset that the consultation should not become a binary debate over the question of “keep it or ban it?”. It is more complex than that.

To illustrate, some people who might instinctively prefer that the whip is no longer used for encouragement also recognise that doing so may have unintended consequences. Those who have no problem with its use also recognise that there is a large swathe of opinion that would prefer to see it used less, or not at all.

When discussing this question, it is important to restate that the whip is used for encouragement in order to activate the horse, or to trigger a “gear change”, which is a cue to the horse to give of

RECOMMENDATION

2

The Rule requiring the whip to be carried (though not necessarily used) should be retained.

its best and to realise its potential in a race. It should never be used, as some may imagine it is, to coerce a horse.

The Steering Group encompassed the full range of views on this question and we felt it was important to say so. A majority within the Group was in favour of retaining it, though (as in the consultation) this subgroup contained a majority who favoured further restrictions on its use. A minority of the Steering Group, meanwhile, was in favour of removal for encouragement. This spread of views defined the Group's discussions and the subsequent development of the recommendations in this report.

Ultimately a majority of the Group determined to retain the whip for encouragement, feeling that complete removal would be a disproportionate response, in the sense that:

- While it is clear that there is a body of opinion that would prefer to see the whip removed, some members of the Group felt strongly that the strength and volume of that opinion is limited, and is perhaps principally one of optics/perception. It is clear that, when further explanation is given of the whip design and controls on its use, negative opinion can sometimes be changed to understanding and acceptance.
- Other steps can be taken, both to ensure the whip is used less often and to encourage more considered and skilful use. It would be disproportionate to remove the whip completely for encouragement when some of these steps have not yet been considered and tested.

It should be noted that some members of the Group did not share this view and retained their opposition to the use of the whip in principle, whilst agreeing to move forward with the process in order to secure improvements.

Some specific areas of discussion were as follows:

(a) Potential welfare and safety consequences

Concerns were also raised by some Group members about potential unintended consequences of removing the whip for encouragement, particularly those which may have a detrimental impact on the horse. For instance:

- It was observed, albeit anecdotally, that races in which the whip is not permitted to be used for encouragement can be more unattractive and potentially harmful to the horse. Other forms of encouragement might be used instead, and concerns were raised about the potential for "bumping" in the saddle, or excessive use of the reins and/or feet to encourage a horse when a whip is not available.
 - The current ProCush racing whip has been designed to minimise impacts on the horse and its regulation has evolved and improved over many years.
 - Use of the whip is highly visible to the Stewards in ways that other forms of encouragement may not be.
 - Reference is often made to Norway as a country that races without the whip for encouragement. Some members of the Steering Group noted that the structure, scale and pace of racing in Norway is vastly different to that in Great Britain and was therefore not a helpful like-for-like comparison.

There is a crossover between safety and encouragement, e.g., focusing the horse can be necessary for both purposes. In general, a focused, appropriately activated horse will tend to race more safely.

(b) Scientific evidence and the ‘precautionary principle’

While there is some scientific evidence on the impacts of the whip, the Steering Group felt this was incomplete and not without flaws. This is discussed further in Section 6.1 above, and in Section 13.1 below.

It was noted that some respondents to the consultation, including some veterinary and animal welfare groups, advocated the application of the ‘precautionary principle’, a concept that is sometimes used by decision-makers “to adopt precautionary measures when scientific evidence about an environmental or human health hazard is uncertain and the stakes are high”,¹⁹ but which has increasingly been adopted by animal welfare advocates in relation to issues of animal sentience.²⁰

The precautionary principle is not without its challenges, however, and its critics note that it is ambiguous, is itself unscientific, lacks nuance, and can be disproportionate.²¹

It was the proportionality of the principle in relation to this issue that led to its rejection by a majority of the Steering Group in relation to the whip, which is already both designed and regulated to minimise potential harm, and where it remains possible to implement further reforms, in order to mitigate and prevent potential negative impacts from any misuse.

(c) Economic risks

Potential unintended consequences for the industry are hard to predict with any certainty and this presented an area of potential (though not proven) risk, particularly in a context in which racing, like every other industry in the country, is recovering from the impacts of the Covid-19 pandemic and the impacts of inflation and rising costs. Anything that significantly threatens the economics of racing potentially has a greater knock-on impact on horse welfare than any aspect of regulated whip use.

British racing does not exist in isolation but is part of an international industry, and a leading player in a global sport. As a major employer and contributor to the economy, particularly the rural economy, multiple public benefits are derived from the international competitiveness of British racing. This was an important consideration for the Steering Group, and a good illustration that the issue of whip use is more complex than it first appears.

¹⁹ [https://www.europarl.europa.eu/thinktank/en/document/EPRS_IDA\(2015\)573876](https://www.europarl.europa.eu/thinktank/en/document/EPRS_IDA(2015)573876)

²⁰ http://eprints.lse.ac.uk/84099/1/Birch_%20Animal%20sentience%20and%20the.pdf

²¹

https://ec.europa.eu/environment/integration/research/newsalert/pdf/precautionary_principle_decision_making_under_uncertainty_FB18_en.pdf, pp.6-7

Three factors in particular were discussed, all of which are potential and hypothetical, as all are hard to quantify with any certainty:

- Major owners potentially moving horses overseas to jurisdictions with fewer restrictions on use, with an associated impact on the competitiveness of British racing in general, and the economics of some training centres and yards in particular.
 - Any significant loss of horses from Great Britain would equate directly to the loss of jobs in the industry.
- Impacts on betting revenues and Levy turnover.
- Impacts on the breed, and knock-on impacts on the global competitiveness of British horses, both commercially and in terms of their racing performance.
- Impacts on engagement with the sport, or sponsorship income. While use of the whip may be one barrier to engagement, it is not the only one, and it should not be assumed that removing it will convert negative sentiment into mass engagement.

On balance, however, a majority of the Steering Group felt an element of caution was necessary, as major change on the whip had the potential to be conflated with other current racing issues.

(d) Making the case for encouragement

Many of those in the Steering Group who supported continued use for encouragement (and all of those that did not) nonetheless felt that racing could and should do more to explain how and why the whip is used for encouragement and why it is considered important. This would help to build understanding and to dispel myths and generalisations that feed negative perceptions.

In summary then, whilst recognising that use of the whip for encouragement is unpopular with sections of the public, a majority of the Group felt that, with use of the approved ProCush whip within clear and consistently enforced rules, a horse can be encouraged and motivated without any significant welfare impact. It should be noted, however, that a minority of the Group retained a preference for the removal of the whip for encouragement.

In driving for a consensus, the Group also recognised that further steps could be taken to minimise risks, both to the horse (when the whip is misused, or used without due care), and to perceptions of racing. This recognition is reflected in many of the following recommendations in this report.

RECOMMENDATION**3**

Use of the ProCush whip should continue to be permitted for encouragement, with strong and appropriate regulation of its use.

10.4 Frequency and permitted action

Frequency of whip use, also known as the whip count, was discussed at length by the Steering Group, and was another area to elicit a wide range of opinion.

Firstly, the mere principle of the count is not universally supported. The Steering Group concluded, as did many respondents to the consultation, that it is now a widely accepted principle across the world, and has been helpful in creating greater consistency in the application and enforcement of the whip rules. Hence a majority of the Group concluded that the count is here to stay for the foreseeable future.

In the consultation itself, those who had no issue with the principle of the count tended to favour the existing number (7 on the Flat, 8 over Jumps). The Steering Group gave serious consideration to the question of further reducing the permitted count, which would have been a compromise between those who favoured significant reduction or removal of the whip for encouragement, and those who felt the current frequency was satisfactory.

Compromise is not the same as consensus, and some members of the Group were uncomfortable that a reduction in the count was not true to the guiding principles of the report, which are framed around improvements in standards of whip use and deterring any misuse.

Reaching a consensus therefore required the Group to find an alternative proposition, and a solution emerged that related not to the frequency with which the whip can be used, but how it can be used. Specifically, the conversation focused on potential changes to the permitted whip action.

Currently, and subject to certain restrictions, jockeys are permitted to use the whip in both the forehand and the backhand positions.

- The forehand position is where the jockey turns the whip in their hand and the whip comes through the top of the hand.
- The backhand position is where the jockey does not turn the whip in their hand and the whip comes through the bottom of the hand.

Consensus in the Group was forged around maintaining the current permitted frequency of use, but restricting whip use for encouragement to the **backhand position only**. This was the preferred approach for the following reasons:

- It is more difficult, though of course not impossible, to strike a horse with excessive force from the backhand position.
- The backhand discourages a wide arm action, which is not only neater and more stylish, it also reduces the likelihood that the whip will be used with excessive force and/or from above shoulder height.
- The backhand is used effectively by many jockeys and is an action that all jockeys should be encouraged to learn, train for, and adopt.
- Use in the backhand only is a regulatory approach that is gaining traction internationally and which is expected to be adopted more widely in the future.

A few caveats around this change were applied, namely:

- Use of the whip in the forehand position will continue to be permitted for safety purposes, provided the need for its use in this context is clear and unequivocal.
- Use of the whip down the horse's shoulder is permitted only when both of the jockey's hands remain on the reins. If the whip is used in the forehand with the hand off the reins, this will constitute misuse.
- The 2011 Review noted that backhand whip use may increase the potential for the whip to be used on the horse in the incorrect place. This is a particular concern in relation to less experienced riders.
 - With that in mind, a bedding-in period will be applied to enable jockeys to seek further training.
- New guidance will be required defining use of the whip for encouragement in the forehand position as misuse, for which an appropriate penalty will be applied.

RECOMMENDATION

4

The whip rules will be amended to restrict use for encouragement to the backhand position only.

10.5 International harmonisation

As part of the consultation, respondents were asked to consider whether the BHA should continue to work towards international harmonisation of the racing whip rules. There was majority agreement with this, with 61% of respondents answering yes to the question.

However, given international variance in the rules, different preferences emerged in the qualitative responses regarding the nature of that harmonisation, with some favouring harmonisation with countries with less restrictive regulation of the whip, whilst others looked to Norway, which only permits use in limited types of races, for safety purposes only.

The Steering Group supported the principle of harmonisation, but felt that this should be considered principally in relation to those jurisdictions with which British racing has the closest links and proximity, and where there are the strongest similarities in terms of the scale of the industry (including the breeding and bloodstock sectors) and quality of racing, principally Ireland and France.

However, even with Britain's closest neighbours, there are still differences in the way racing is governed, structured, and perceived within countries, which can influence the evolution of whip rules.

With that in mind, the Steering Group was reluctant to make a clear recommendation that British racing should automatically harmonise with one or other of these countries, instead feeling that the BHA should continue to play a leading role in discussions about harmonisation with its international counterparts, as part of its role within the IFHA, the European and Mediterranean Horseracing Federation (EMHF) and other relevant international groups.

RECOMMENDATION

5

Harmonisation of whip rules and penalties is a positive aspiration. The BHA should continue to play a leading role in discussions about harmonisation with its international counterparts, particularly Ireland and France.

11. Recommendations: Regulation and enforcement

11.1 Outcome focused regulation

The Steering Group discussed the current regulatory framework relating to the whip and whether it is effective in driving positive outcomes. The Group considered that the current approach could be improved in a number of areas, both in relation to the effect on individual jockeys and at a more general level. For example:

- The current penalty framework for the whip is focused more on penalising improper whip use and does not necessarily improve standards. It could be viewed more as a “speeding ticket” system in which fixed penalties are issued, with only limited further intervention in most cases.
- The Group considered that jockeys are elite athletes and that, as with any other sports, assessing potential performance improvements and adjusting where necessary, perhaps via further coaching, is good practice.
- While the need for continued, appropriate discretion in the enforcement of the whip rules was generally endorsed by the Steering Group, concerns around consistency of stewarding were a common theme in the consultation survey and focus groups. Further steps could be taken to ensure that Stewards are applying discretion within a common framework.
- The Group’s hypothesis is that intervention at an earlier stage would help to prevent repeated misuse, or to address issues with a rider’s whip action. Preventing misuse before it occurs needs as much, if not more, focus as penalising it when/after it occurs.
- Overarching this, there is a need for more continuous, proactive monitoring of whip offences, to ensure that misuse of the whip is reduced and ideally eliminated, to identify the development of any negative trends in relation to particular offences, to identify and address any inconsistencies in the application of the rules, and continually to assess whether there are particular situations in which whip misuse is more likely to occur.

This would help inform remedial actions. For example:

- If data indicates an increase in the number/type of whip offences, this should be addressed appropriately with jockeys, which could initially be via communication or education. Then, if there is no improvement, via further adjustments to the rules or penalties where needed.
- Data may indicate inconsistencies in the application of the rules, which should then be used by the BHA to reiterate or refine the guidance, and also used as part of the continuous professional development of Stewards.

In summary then, the current approach is tipped too heavily in favour of handing out penalties, relative to education and remedial action to improve standards of whip use or to deter/prevent

repeat offences. The former will always have limited impact, and therefore a shift in the balance is recommended.

RECOMMENDATION**6**

The regulatory approach to the whip should be reframed to drive continuous improvement, both in standards of whip use and in the consistency of stewarding.

11.2 Guidance

Guidance is provided alongside the rules to provide further information and clarification on what is and is not permitted. The aim of this guidance is to support jockeys (to act within the rules) and Stewards (to apply and enforce the rules correctly and consistently).

As noted in section 11.1 above, clearer guidance was considered important in providing a common framework for the application of discretion, giving better advice to jockeys on the boundaries between permissible and impermissible whip use, and improving perceptions of the consistency of stewarding.

The Steering Group identified areas where this guidance was potentially ambiguous or open to interpretation, and which therefore could be revised and improved. These included, for example:

- Excessive force: This important area is not clearly defined. Experienced Stewards are able to judge this from consideration of a jockey's body position and the position of the arm/whip relative to the horse. Capturing this guidance more formally would be helpful.
- Use of the whip when out of contention: Guidance defining this has not been updated since the previous whip review in 2011. It is unclear whether the existing guidance refers purely to contention for a win/place and other standard betting propositions, or whether it also extends to contention for prize or appearance money outside the formal placings, recognising that money is frequently paid in relation to horses finishing in fifth to eighth places in some races.²²
- Use of the whip above shoulder height: The whip action of some jockeys was a source of concern for some within the Group, some of whom felt that a few jockeys were tending to maximise the impact of the ProCush by extending the arm outwards from the body,

²² <https://www.hblb.org.uk/page/42>

rather than using it in a backward or forward sweeping/brushing or flicking motion along the line of the horse.

- While, in some cases, the wide arm action practised by some jockeys may be defined by some as within the current rules, it is visually unattractive, and other recommendations in this report should help to address this. However, use of the whip above shoulder height is a particularly concerning example of a poor or incorrect action, and the guidance should be updated to provide a clear definition, which leaves no room for creative reinterpretation.
- Use of the whip without allowing the horse time to respond: The action of some jockeys can at times mean (or give the impression) that the horse is being struck twice in succession without having been given time to respond. The guidance relating to this is currently unclear and should be amended to ensure that such an action is considered unacceptable.

RECOMMENDATION

7

Official guidance notes relating to some aspects of the whip rules should be refined and improved, so they are less ambiguous and open to interpretation, and to ensure greater consistency in the enforcement of the rules.

11.3 Whip review panel

Along with the need to ensure consistency of stewarding and a clear framework for the application of discretion, the Steering Group considered the process through which the whip rules are policed and enforced.

The normal process is that whip offences are identified by the Stewards during, and immediately after a race. The Group noted that Stewards have limited time in which to make this assessment on a raceday, and that they are not always in a position to consider the circumstances of the offence in great depth, or to apply remedial solutions such as further training. They can simply penalise and/or refer the jockey.

Stewards are also not responsible for the ongoing monitoring of whip offences in general, and there is no formal mechanism for doing so. As noted in 11.1, this continuous monitoring of data would be helpful in identifying any emerging issues or trends at an early stage.

As a primary focus of this report's recommendations is to improve standards of whip use, along with early intervention to address issues, the concept of a whip review panel was discussed and was unanimously agreed as a positive step forward in the regulation of whip use.

This panel, drawn from a pool of experienced Stewards, working with relevant external advisors who will contribute additional expertise and perspective to the process, will be convened regularly, ideally every 1-2 working days but never less often than once a week, to avoid delays in the issuing of penalties, away from the raceday. The panel will:

- Be a central referral point, to which raceday Stewards will refer potential whip offences for evaluation and, where necessary, appropriate sanction or action. While raceday Stewards will continue to identify potential whip offences, the whip review panel will assume responsibility for determining/confirming offences and issuing penalties.
- Have power within the rules, both to deal with referrals from raceday Stewards and to initiate its own review and, where appropriate, to apply sanctions or other action. It is intended that the Panel will be proactive, analysing races in detail, and not just waiting for referrals.
- Make decisions that are subject to appeal to the Independent Judicial Panel in the usual way.
- Ensure consistency in the assessment of whip breaches and the application of sanctions.
- Provide a mechanism by which jockeys can be directed to further mandatory training at the British Racing School, National Horseracing College, or via Jockey Coaches, as part of a revised penalty framework.
- Be responsible for the monitoring and quarterly reporting of whip offences and penalties to the BHA Board and Horse Welfare Board, with quarterly data on breaches and sanctions also being published on the BHA website.

The whip review panel will only be used in relation to rule breaches linked to the whip. Any other raceday rule infringements will continue to be handled by the Stewards in the usual way.

RECOMMENDATION

8

A whip review panel will be established, which will assess all potential whip offences and apply sanctions or remedial actions where appropriate. The panel will deal with referrals from the Stewards, as well as having the power to initiate its own review.

12. Recommendations: Penalties

As noted in Section 8.5, the question of penalties emerged as a strong theme from the consultation, with 67% of all respondents believing that the current penalty framework does not provide an effective deterrent against rule breaches.

This view was also reflected in the submissions made by particular groups of respondents, including those within racing. The only groups who felt strongly that the penalties are effective were jockeys. A majority of the bookmakers who responded shared this view, though it should be noted that this was a small, and therefore not statistically robust, sample.

The consultation response also mirrors the polling conducted by the Horse Welfare Board in 2019, which led them to determine an increase in penalties as their minimum recommendation. The HWB's industry survey asked respondents to select one option from a list of five potential scenarios on the whip, ranging from no change to an outright ban for encouragement, and an increase in penalties was the most preferred option.²³

In its discussions, the Whip Consultation Steering Group considered all aspects of the whip penalties and their conclusions are set out in the sections below. As well as assessing the existing penalty framework, this section also discusses the question of whether penalties should be extended to parties other than the jockey (including the owner and/or trainer and, in some sense, the horse). This also therefore brings in the challenging question of whether disqualification or demotion of the horse is appropriate when whip rules have been breached.

12.1 Penalties: Key principles

The Steering Group formed a number of key principles, which informed the proposals around specific penalties. These were:

- In general, increases in penalties should be targeted at offences that:
 - Reflect an underlying issue with a jockey's riding style, or attitude to the whip.
 - Make up the biggest proportion of offences by volume, and where the deterrent effect may therefore need to be more effective.
 - Take place in races where there is seemingly a greater incentive to break the rules, because the deterrent is not proportionate to the potential payoff.
 - Are repeat or recurring whip offences.
- The notion of "minor" penalties should be dispelled, instilling an understanding that any misuse of the whip is unacceptable.
- Sanctions should include measures aimed at improving the standard of whip use, e.g., mandatory training.

²³ http://media.britishhorseracing.com/bha/Welfare/HWB/WELFARE_STRATEGY.pdf p.129

- Earlier intervention should be a focus to reduce likelihood of repeat offences.
- Flagrant or egregious flouting of the rules should not be tolerated and the deterrent should therefore be set at a level that aims to reduce the likelihood of such offences to zero.

12.2 Threshold for application of whip penalties, and changes to the penalties

In line with the guiding principles listed in section 12.1 above, the Steering Group agreed that the threshold at which penalties for some specific offences are introduced should be lowered, to ensure earlier intervention.

As well as lowering these thresholds, the penalties for use of the whip in the incorrect place will also be increased to improve the deterrent effect.

Penalties for use of the whip above the permitted level will be increased, which was considered important if the permitted whip count remains unchanged. At the lower level, these are sometimes referred to as “minor” offences, but they make up the highest proportion of total whip offences by volume and therefore require an increased deterrent.

Furthermore, the view of these as “minor” offences was felt by some in the Steering Group to be a misnomer – no whip offence, with all the issues of perception associated with it, should be regarded or spoken of as “minor”.

12.3 Penalties in major races

Recognising the increased tendency for rules to be breached in major races, particular consideration was given to these. The Steering Group was concerned that, based on the data before them, breaches in such races were not only more likely to occur, and were therefore in need of a much stronger deterrent, they also presented a much higher reputational risk to racing, as they are often committed in the “shop window” of mass audience television and mainstream media coverage.

In the new framework, suspensions for whip use above the permitted level in major races will be double those for the same offence in “standard” races. In the current rules, the definition of a non-standard or major race is based on a prize money threshold. This has now been broadened to include all Class 1 and Class 2 races in both codes (thereby covering all Group and Graded races, Heritage Handicaps, and major festival races), and any other race with a Total Prize Fund exceeding £27,500 for a Flat race, or £20,000 for a Jump race.

Consideration was given to applying like-for-like penalties, e.g., if the rules are breached in a Group/Grade 1 race, the jockey would miss a subsequent Group /Grade 1 fixture. The framework described above would, at most times of the year, have the same effect. Furthermore, a jockey who breaks the rules in a Group 3, may be required to miss a Group 1 under this penalty structure. One of the difficulties with a direct like-for-like framework is that some races, such as

the Grade 3 Aintree Grand National, does not have a comparator in the same grade that matches its public status.

Financial penalties will also apply in some circumstances. See section 12.7 below.

12.4 Extended penalties

As noted previously, penalties for breaches of the whip rules are currently applied principally to the jockey, and not to other connections such as owners and/or trainers. The Steering Group discussed this principle and whether it was appropriate to 'extend' whip penalties to other parties besides the jockey.

In general, it was felt that doing this was problematic. While an owner or trainer could theoretically instruct a jockey to breach the rules, the decision to do so rests ultimately with the person riding the horse and, for most offences, the Steering Group agreed with the 2011 Whip Review's conclusion that it would not be appropriate to penalise persons who are not directly responsible for, or party to, the breach.²⁴

The exception to this principle is discussed in section 12.5 below.

12.5 Disqualification of the horse

The question of disqualification of the horse when the jockey breaches the whip rules is a contentious and challenging one, with strong views being offered both for it and against it during the consultation. See Section 8.5 (i) for more information.

There were different views within the Steering Group on the subject, though a consensus was reached via an assessment of the various pros and cons.

In general, those who favour disqualification do so on matters of principle, for example:

- A horse/jockey should not derive any benefit or keep a race when the rules have been broken.
- Breaking the whip rules arguably gives the jockey an unfair advantage in a race.
- Disqualification is regarded by many as the ultimate deterrent, with the belief that jockeys simply would not break the rules if there was a risk of disqualification.

Those who have concerns about disqualification tend to cite practical/pragmatic considerations, such as:

- The time it would take to clear a race and declare a result in the event of any potential disqualification, as this would require the review of any/all other rides that are relevant for betting or prize money purposes. This would have knock-on impacts in terms of:

²⁴ <https://www.britishhorseracing.com/wp-content/uploads/2017/03/WhipReview.pdf> pp.28-9

- The presentation of racing, and the enjoyment or engagement of television and on-course audiences.
- The challenges for bookmakers, particularly those on course, who tend to pay out on the initial placings and prior to the official result being confirmed.
- Challenges for the Stewards, who would need to assess other rides in the race before declaring any revised result.
- The impacts on the horse's race record, particularly in relation to black type status for breeding purposes.
- It is difficult, if not impossible, to evaluate whether a breach of the whip rules has had a clear influence on the outcome of a race (e.g., relative to the impact of interference).
- Disqualification penalises persons who are not directly involved in, or party to, the breach.
- Potential integrity concerns, in which disqualification becomes a route by which a race might be lost deliberately, or might be perceived to have been lost deliberately.

The above considerations led the Steering Group to conclude that, while disqualification is an appealing principle and the strongest potential deterrent against misuse, the practical difficulties mean it would be risky to apply this as a general sanction for all/all levels of whip offences.

However, where there is flagrant or egregious abuse of the whip rules, where there is no room for doubt that a jockey has wilfully sought to gain an advantage through misuse of the whip, the Group felt that there was a place for disqualification within the penalty framework.

Consequently, the Group recommends that disqualification be introduced for offences **in which the whip has been used four uses or more above the permitted level**. For consistency and clarity, very limited discretion will be applied and any use above the permitted level will be counted unless:

- It has clearly and justifiably been used for reasons of safety, and/or
- It has been used down the shoulder with BOTH hands on the reins.

Any disqualification decision should ideally be made by the Stewards on the raceday.

12.6 Repeat offences

Repeat offences were an area of particular concern to the Steering Group, which felt that these needed to be addressed appropriately at an earlier stage, to deter further repetition. While the establishment of the whip review panel, with its ability to refer repeat offenders to remedial training, was felt to be one way of addressing this, it was also considered that the option to refer such offenders to the Judicial Panel for appropriate sanction should be retained, and for this referral to take place sooner than under the current framework.

The current framework is based on referrals for a set number of repeat offences committed over a six-month period, with different frameworks depending on the severity of the offences. These will be revised, so that the number of offences needed to trigger a referral is lowered. The specific thresholds and time periods are shown in Figure 11 below.

12.7 Fines

The current penalty framework has provision for financial penalties to be levied on the jockey in some circumstances. These will continue to apply, but any use of the whip four times or more above the permitted level that leads to disqualification of the horse would also result in the forfeiting of all prize money from that race.

These two changes will apply both in standard and major races and are not subject to the prize money thresholds in place for other financial penalties under the whip rules.

12.8 Penalties for amateur riders

Penalties for amateur riders were re-examined, with comments expressed both during the consultation and within the Steering Group that offences committed by amateur riders were a particular concern, notably in highly visible races at the Cheltenham and Grand National Festivals.

The financial penalties for amateur riders were felt to be inadequate. Fines for amateur riders are currently capped at £400, whereas those for apprentice jockeys are applied up to a maximum of £5,000 (the financial penalty scale for apprentices being set at 50% of the scale applied for professional jockeys, which has a maximum of £10,000).

It is recommended that the financial penalties for amateur riders riding in amateur-only races be increased to match those applied to apprentice jockeys.

Furthermore, if an amateur rider chooses to ride in any race that is also open to professional jockeys and breaches the whip rules, they will be subject to the same sanctions applied to professional jockeys in any such race.

12.9 Other penalties

Penalties for some other offences, particularly those relating to use of the whip to strike, or attempt to strike, another horse or jockey, will be increased, as the current penalties were felt to be inadequate. The BHA had already considered these penalties to be in need of revision but felt it would be helpful to do so under the umbrella of this wider whip project. The BHA therefore submitted a proposal for revised penalties, which the Steering Group agreed and accepted within its recommendations.

Penalties for whip modification are also felt to be inadequate, but are currently applied under more general fixed bands. The Steering Group agreed that these should be increased as part of a complete BHA penalties review, already planned for later in 2022/2023.

Figure 7: Penalty framework (misuse) – proposed changes highlighted in blue

Example of misuse	THRESHOLD		PENALTY	
	Use of the whip that could amount to a breach (current rules)	Use of the whip that could amount to a breach (proposed new rules)	Minimum penalty - days (current rules)	Minimum penalty (proposed)
Arm above shoulder height, evidenced by clear space between whip hand and top of helmet.	2	1	2	2
Without regard to stride, evidenced by actual or perceived impression of a double strike.	3	1	2	2
Excessive force, evidenced by either pulling the whip through from the opposite side of the body or rotation of the core to generate increased leverage.	3	1	2	2
Without time to respond (allow 3 strides per stroke)	3	2	2	2

Showing no response	3	2	5	5
Out of contention, evidenced by use of the whip when there is no realistic prospect of finishing in the first four places.	2	2	5	5
Clearly winning (or other placing)	2	2	2	2
Past the post	2	2	2	2
Incorrect place, evidenced by use of the whip on any area of the horse other than the hindquarters or down the shoulder in the backhand position.	1	1	2	3
Use of the whip in the forehand	N/A	1	N/A	7

Figure 8: Penalty framework (frequency - uses above the permitted level: more than 7 times in a Flat race, or 8 times in a Jump race)

Strikes above permitted level	Standard races		Major races	
	Penalty - days (current)	Penalty – days (proposed)	Penalty (current)	Penalty – days (proposed)
1	2	3	2	6
2	4	5	4	10
3	7	7	7 + FINANCIAL PENALTY	14 + FINANCIAL PENALTY
4	7	14 HORSE DISQUALIFIED	9 + FINANCIAL PENALTY	28 HORSE DISQUALIFIED

Figure 9: Improper riding penalties

Rule (F) 45 - Examples of Improper Riding which are not breaches of Rule (F) 45 that should be treated as breaches of Rule (D) 2. (This list is not exhaustive)	Penalty (current)	Penalty (proposed)
Jabbing the horse in the mouth, kicking or striking the horse in any way when not mounted, or any behaviour towards the horse whether mounted or not which the Stewards consider to be unacceptable.	1 – 5 days	3 - 28 days

Figure 10: Striking or attempting to strike other horses or riders with a whip

Striking or attempting to strike other horses or riders with a whip		Penalty (current)	Penalty (proposed)
Rider accidentally strikes another horse or rider with the whip causing interference.	Accidental Interference	N/A	N/A
Rider unintentionally strikes another horse or rider causing some interference but should have moderated the use of the whip because of the close proximity of another horse or rider.	Careless Riding	2 - 4 days	2 - 4 days
Rider attempts to strike another horse or rider with the whip.	Improper Riding	4 - 7 days	7 - 10 days
Rider intentionally strikes another horse or rider with his whip.	Improper Riding	7 – 10 days	14 - 28 days

Figure 11: Referral framework for repeat offences

Repeat offenders	Lower penalty breach (2-4 days)	Higher penalty breach (7+ days)
Current rules	Refer to Judicial Panel on 5 th offence in 6 months	Refer to Judicial Panel on 4 th offence in 6 months
Proposed alternative	Refer to Judicial Panel on 3 rd offence in 6 months	Refer to Judicial Panel on 2 nd offence in 6 months

RECOMMENDATION**9**

The threshold for the application of some whip penalties will be lowered, to increase the deterrent effect and ensure earlier intervention.

RECOMMENDATION**10**

Penalties will be increased for some specific offences where the current penalty is considered inadequate.

RECOMMENDATION**11**

Financial penalties applied to amateur riders for whip offences will be increased.

RECOMMENDATION**12**

The penalty structure for use of the whip above the permitted level, which are the most frequently committed offences, will be revised to increase the deterrent effect.

RECOMMENDATION

13

Penalty structure for use of the whip above the permitted level in major races to be revised as a doubling of the suspensions for the same offence in standard races.

RECOMMENDATION

14

Repeat whip offences should be addressed at an earlier stage, and the penalties for repeat offences increased to deter further repetition.

RECOMMENDATION

15

Disqualification of the horse will be introduced into the penalty framework for particularly serious use of the whip above the permitted level, where there has been a clear and flagrant disregard for the rules.

13. Recommendations: Other

13.1 Further research

The 2011 Whip Review contained a recommendation that, because of limitations in the scientific evidence relating to the impacts of the whip, further research was needed.²⁵

As noted in Section 6.1 above, there are still limitations in the research and the Steering Group felt that racing could and should do more to advance scientific understanding in this area, not least because research, and PR activity linked to research, are tactics increasingly used by groups who oppose horse sport in general, and horseracing in particular.

Methodology is also important. Any research needs to be based on the ProCush whip used in British racing, in the context of the rules applied here. Appropriate care should be taken, for example, when considering the impacts of different whip designs used in other jurisdictions, under different rules, and then extrapolating these to British racing.

Racing needs to be on the front foot in remaining in touch with any emerging science, ensuring that the impacts of the whip are well understood, and that the justification for its continued use is clearly and evidentially explained.

As also noted in Section 10.3 (b) above, the Group noted calls for the precautionary principle to be applied in the absence of clear scientific opinion but the majority felt this would be disproportionate.

With the above in mind, it is proposed that racing should convene a discussion with leading researchers to outline areas where the evidence base is deficient, and to discuss the feasibility and potential funding of further research that could advance existing science, or address any notable gaps, recognising that any research in this area would itself need to be undertaken ethically.

RECOMMENDATION

16

The BHA, on behalf of the racing industry, should commission and support further objective research into the effects of the whip, using any relevant scientific advances to inform policy.

²⁵ <https://www.britishhorseracing.com/wp-content/uploads/2017/03/WhipReview.pdf> p.20

13.2 Improvements in whip design

While it is felt that the current ProCush whip design has been highly effective in minimising negative impacts to the horse, the design is now more than a decade old. Technology moves on, and it is worth exploring whether further improvements are possible, e.g., to the specifications of the whip, its construction, or the materials used in its manufacture.

For example, the Steering Group wondered whether the seam on the leather section of the whip could be removed, and perhaps replaced with a strong and durable adhesive.

We have also noted that other designs have been piloted elsewhere in the world, and these should also be assessed against the current ProCush design.

This recommendation is not driven by significant concerns about the current design, but it is good practice to ensure that British racing is continuing to use the best equipment possible.

RECOMMENDATION

17

The BHA should regularly consider the design and specifications of the approved whip, with a view to incorporating any technological innovations or advances that could further improve equine welfare and safety.

13.3 Education and engagement

The Steering Group recognised that educating the public en masse on the design, use and regulation of the whip is a mammoth task, and that significant investment far beyond the means of British racing would be required to develop widespread understanding, particularly amongst audiences who have little or no engagement with the sport. A similar conclusion was reached by the Horse Welfare Board in *A Life Well Lived*.

However, it was noted that market research evidence regularly shows that people with negative preconceptions of the whip do often moderate this view when given more information.

An Ipsos UK survey released in April 2022 noted that 23% of people who initially supported a ban on use of the whip, “believed jockeys should be allowed to use it once the regulations had been explained to them.”²⁶ A potential conversion rate of almost one in four is worth pursuing, where the opportunity exists to do so.

²⁶ [More than one in two support ban on whipping racehorses | Ipsos](#)

The Steering Group agreed that, where possible and proportionate, reasonable efforts should be taken to engage and inform key audiences. Where an opportunity exists to explain it, that opportunity should be embraced positively. It was noted that TV broadcasters, particularly ITV Racing, have worked hard to explain the design and regulation of the whip to their audiences.

The Group felt that more could be done to explain the whip to racegoing audiences, whether in racecards, or via face-to-face engagement on racedays. It is a bigger risk to shy away from the conversation than it is to address it positively and proactively.

RECOMMENDATION**18**

Reasonable efforts should be made by British racing to explain the design, use and regulation of the whip to key audiences.

13.4 Naming the whip

It is often remarked that the word “whip” is itself problematic and conjures up a negative image in the minds of many audiences – an image that bears little relation either to the ProCush design, or to the restrictions on its use. For that reason, some people in the sport, and some media commentators, have occasionally argued that use of the word be discontinued, to be replaced by something more palatable.

This question was asked in the consultation, in which respondents were asked to consider whether renaming the racing whip would aid public understanding of its use.

Around two-thirds of respondents (64.69%) disagreed with the statement, feeling that it made little or minimal difference. Many respondents and focus group participants went a stage further, saying that changing the name would be widely derided as a cynical PR ploy by racing, which could backfire and would undermine the reason for changing it in the first place.

Most of the Steering Group shared this reservation, particularly given that no immediate change is being proposed to the current whip design, composition, or specification. The moment to reconsider the name is perhaps the point at which there is a discernible alteration to some physical aspect of the design.

In any case, potential alternative words were felt to be similarly problematic. “Persuader” or “Encourager” divide the crowd, and like most other alternatives are euphemistic and give rise to the sorts of PR concerns noted above.

The most satisfactory alternative is probably the ProCush brand name, which is not used in the rules, in which brand names are not permitted, though this policy could perhaps be reviewed in relation to the whip, for which there is only one approved design and specification for each code, and only one approved manufacturer for both.

Changing the language of the whip was, however, high on the Steering Group’s wish list. This is not confined simply to the use of word “whip” but more particularly alternative words and vocabulary that are commonly used in racing but which do not translate comfortably to the outside world.

A jockey “picking up the stick” and “giving the horse a couple of smacks” may be part of racing’s informal lexicon, but care should be taken by participants and media pundits, particularly during post-race interviews and analysis. Recognising that not everyone listening will do so from a position of detailed understanding, and that they may have negative preconceptions, is vital. Injudicious use of language is a missed opportunity to change a negative view into something more neutral, or even something positive.

RECOMMENDATION

19

While changing the name of the whip is not a direct, formal proposal, racing participants and media should be encouraged and supported to speak about the whip using appropriate and responsible language.

13.5 Charity and legends races

A minor concern arose in relation to use of the whip in charity or “legends” races, in which amateurs or ex-professionals compete in showpiece races, with a charity fundraising objective. These are organised directly by racecourses, are not run under the Rules of Racing, and a jockey’s licence is not required.

Charity races play an important role in racing’s calendar and in its social responsibility work. Misuse of the whip in such races happens with disappointing regularity, however, which can undermine their otherwise positive reputational impact, and also reinforce negative perceptions of whip use in racing, particularly when this happens on major racedays, in front of large audiences.

Most such races only allow the whip to be used for safety, though this requirement is occasionally ignored by those taking part. As most races of this type are run outside of the rules, the BHA does not have any power to penalise participants.

While this topic was something of a distraction from the main issues under discussion, it made little sense to address whip use under the rules, but then do nothing to address misuse in races that are often well publicised.

It was felt that a simple course of action could be via contractual agreements between riders in such races, and the racecourses staging the races. For example, anyone misusing the whip could be subject to a penalty imposed by the racecourse, or prevented from participating in any future charity race.

RECOMMENDATION

20

The BHA and racecourses should agree a standard rider contract for charity and legends races, to ensure riders in such races are clear on their obligations in relation to use of the whip.

13.6 Future review

While the BHA will undertake a formal post-implementation review following the completion of the Whip Consultation Project, and while the implemented recommendations will be monitored to ensure they are working effectively, it was the view of the Steering Group that the proposed changes be given time to bed in.

This has been a thorough process, by a Steering Group representing a wide range of opinion and with extensive expertise, across all areas of racing and equine/animal welfare, who have considered a number of complex issues. It is our opinion that any further review, representing a comparably broad range of perspectives and which is required to make definitive decisions as this Group has done, is unlikely to reach dramatically different conclusions.

The Steering Group, like the Horse Welfare Board before it, agreed that the issue must be placed in context. It is important that racing be allowed to focus effort and resources on substantive equine welfare and safety improvements, as outlined in *A Life Well Lived*. The whip distracts from these, and we ask the sport's participants, and the full range of external stakeholders, to recognise this.

There is significant subjectivity in the debate and a tendency for people to adopt narrow positions that do not take account of the full range of potential considerations. The Steering Group has been asked to understand the issues, and the opinions accompanying those issues, in the round, whereas other discussions, on all sides of the debate, frequently take place in echo chambers, in which those taking a particular position will tend only to hear the views of others who agree with them.

CONCLUDING COMMENT

This has been a thorough, detailed review, achieving consensus on a package of measures across a group containing a range of opinion and expertise, and considering a range of complex factors. The Steering Group asks anyone discussing these recommendations to bear this in mind.



14. Summary of recommendations

Recommendations	
The Whip Rules	
1	Use of the whip for safety purposes should continue to be a fundamental principle of whip regulation.
2	The Rule requiring the whip to be carried (though not necessarily used) should be retained.
3	Use of the ProCush whip should continue to be permitted for encouragement, with strong and appropriate regulation of its use.
4	The whip rules will be amended to restrict use for encouragement to the backhand position only.
5	Harmonisation of whip rules and penalties is a positive aspiration. The BHA should continue to play a leading role in discussions about harmonisation with its international counterparts, particularly Ireland and France.
Approach to regulation and enforcement	
6	The regulatory approach to the whip should be reframed to drive continuous improvement, both in standards of whip use and in the consistency of stewarding.
7	Official guidance notes relating to some aspects of the whip rules should be refined and improved, so they are less ambiguous and open to interpretation, and to ensure greater consistency in the enforcement of the rules.
8	A whip review panel will be established, which will assess all potential whip offences and apply sanctions or remedial actions where appropriate. The panel will deal with referrals from the Stewards, as well as having the power to initiate its own review.

Penalties	
9	The threshold for the application of some whip penalties will be lowered, to increase the deterrent effect and ensure earlier intervention
10	Penalties will be increased for some specific offences where the current penalty is considered inadequate.
11	Financial penalties applied to amateur riders for whip offences will be increased.
12	The penalty structure for use of the whip above the permitted level, which are the most frequently committed offences, will be revised to increase the deterrent effect.
13	Penalty structure for use of the whip above the permitted level in major races to be revised as a doubling of the suspensions for the same offence in standard races.
14	Repeat whip offences should be addressed at an earlier stage, and the penalties for repeat offences increased to deter further repetition.
15	Disqualification of the horse will be introduced into the penalty framework for particularly serious use of the whip above the permitted level, where there has been a clear and flagrant disregard for the rules.
Other recommendations	
16	The BHA, on behalf of the racing industry, should commission and support further objective research into the effects of the whip, using any relevant scientific advances to inform policy.
17	The BHA should regularly consider the design and specifications of the approved whip, with a view to incorporating any technological innovations or advances that could further improve equine welfare and safety.
18	Reasonable efforts should be made by British racing to explain the design, use and regulation of the whip to key audiences.

19	While changing the name of the whip is not a direct, formal proposal, racing participants and media should be encouraged and supported to speak about the whip using appropriate and responsible language.
20	The BHA and racecourses should agree a standard rider contract for charity and legends races, to ensure riders in such races are clear on their obligations in relation to use of the whip.
Concluding comment	This has been a thorough, detailed review, achieving consensus on a package of measures across a group containing a range of opinion and expertise, and considering a range of complex factors. The Steering Group asks anyone discussing these recommendations to bear this in mind.



15. Implementation of recommendations

Following approval of this report by the BHA Board, a detailed implementation plan will be developed. It is anticipated that the recommendations will be introduced from Autumn 2022 onwards, with allowance made for appropriate education and training of participants and officials, as required.

This implementation plan will be informed by technical discussions with key participant groups, particularly jockeys, and BHA officials, particularly Stewards, and with training providers.

As noted, an appropriate bedding-in period will be incorporated into the implementation plan, to support the transition to the new framework, and which allows for further training to be undertaken, as or if required.



Appendices

Appendix 1: Studies/research relating to whip use in horseracing since 2011

List of studies/reports relating to whip use in horseracing (since publication of 2011 Whip Review, in which studies from pre-2011 are listed):

Date of Publication	Title	Authors	Link
Undated	The use of aversive stimuli in horse racing.	International Society of Equestrian Science	https://equitation.com/equitation/positionstatement-on-aversivestimuli-in-horse-training
27 January 2011	An Investigation into Racing Performance and Whip Use by Jockeys in Thoroughbred Races	David Evans Paul McGreevy	https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0015622
19 March 2012	Whip Use by Jockeys in a Sample of Australian Thoroughbred Races – An Observational Study	Paul McGreevy Robert A Corker Hannah Salvin Celeste M Black	https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033398
2014	Determining forces generated using a padded whip and impacts on the horse	Glenys Noble Jessica Dodd Sharon Nelson Brian Spurrell Peter Knight	https://researchoutput.csu.edu.au/en/publications/determining-forces-generated-using-a-padded-whip-and-impacts-on-t
July 2014	Handedness of whip use by Australian Jockeys	PK Knight NA Hamilton	https://www.ncbi.nlm.nih.gov/pubmed/24964830
20 March 2015	A Critical Analysis of the BHA's Review of the Use of the Whip in Horseracing	Bidda Jones Jed Goodfellow Jamie Yeats and Paul McGreevy	https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4494335/
24 March 2015	Horse Whip	ABC Catalyst Program	https://www.abc.net.au/catalyst/horse-whip/11015810

3 May 2016	Changing Human-Animal Relationships in Sport: An Analysis of the UK and Australian Horse Racing Whips Debates	Raewyn Graham Phil McManus	https://www.mdpi.com/20762615/6/5/32/html
16 January 2017	Whip Rule Breaches in Major Australian Racing Jurisdictions: Welfare and Regulatory Implications	Jennifer Hood Carolyn McDonald Bethany Wilson Phil McManus Paul McGreevy	https://www.mdpi.com/20762615/7/1/4/html
21 February 2018	Flogging Tired horses: who wants whipping and who would walk away if whipping horses were withheld?	Paul McGreevy Mark D Griffiths Frank R Ascione Bethany Wilson	https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0192843
7 March 2018	Longitudinal trends in the frequency of medium and fast race winning times in Australian harness racing: relationships with rules moderating whip use.	Bethany Wilson Bidda Jones Paul McGreevy	https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0184091
29 October 2020	Is Whip Use Important to Thoroughbred Racing Integrity? What Stewards' Reports Reveal about Fairness to Punters, Jockeys and Horses	Kirrilly Thompson Phil McManus Dene Stansall Bethany J. Wilson Paul McGreevy	https://doi.org/10.3390/ani10111985
11 November 2020	A Comparative Neuro-Histological Assessment of Gluteal Skin Thickness and Cutaneous Nociceptor Distribution in Horses and Humans	Lydia Tong Melinda Stewart Ian Johnson Richard Appleyard Bethany Wilson Olivia James Craig Johnson Paul McGreevy	https://doi.org/10.3390/ani10112094
14 December 2020	A system for simulating the kinematics and measuring the impact force from riding whips used in Thoroughbred horseracing	John W Bridge Kaleb M Dempsey Kayla M Danicki Robin L Angotti Alan K Kwiatkowski Camie R Heleski Michael L Peterson	https://doi.org/10.1177/1754337120980627
March 2021	Assessing Forces Exerted on Horses Using Varying Riding Crops	Milan Toma Yesha Hitesh Pandya Dhaval Dongre Michael Nizich	https://doi.org/10.1016/j.jevs.2020.103341
2022	The case against the use of the air-cushioned whip in horseracing: analyzing the arguments	Mahon O'Brien	10.1080/19406940.2021.2005662

Appendix 2: Consultation findings and themes – full summary

A: Introduction

As noted in section 1, the BHA conducted an open consultation to gather views on a wide range of questions relating to the whip in British horseracing. The consultation consisted of an online questionnaire and a series of focus groups.

As with any such consultation, this exercise was not a ballot or referendum. Instead, it was undertaken to provide the Steering Group with a sense of the range of opinions, both as a whole and across different groups, on various aspects of the use of the whip in general, and on the whip rules and penalties in particular.

The online consultation was open to anyone, and respondents were able to indicate an interest in participating in the subsequent focus groups.

B: Weighting of responses

Prior to the launch of the consultation, the Steering Group discussed the question of “weighting” of responses, i.e., whether it was possible or desirable to give more weight to responses that reflected particular areas of expertise.

It was concluded that weighting some responses over others in any formal sense was unhelpful, on the basis that this would involve an element of subjective manipulation of the overall dataset. All viewpoints were valid and entitled to due consideration.

Instead, when viewing the responses, the Steering Group was able to see both an overall summary, and a breakdown of responses by different audience segments. This allowed them to compare strength of views between, for example, racing’s participants and public audiences, between racing fans and those who do not engage with the sport, or between different groups within racing.

It should be noted that, as with many consultations, the overall dataset contained responses from many people with a close connection to, or direct stake in, the subject. As expected, there were a large number of responses from within the racing industry, so the overall totals were not representative of the general population. This was another reason for ensuring that the dataset was segmented to allow general public responses to be viewed separately.

It was also noted that some responses were identifiable as responding to a campaigning action by an animal rights group, aimed at driving responses to the consultation. These were all counted as individual responses but the Steering Group was made aware of this and was able to view the public audience response both with and without this segment included.

Where organisations submitted collective responses that were signed by identifiable individuals, all of these individuals were counted as part of the total.

Further information on the approach and methodology is outlined in sections 1.6-1.8 above

C: Response rate

The online consultation received a total of 2,147 responses.

While this was considered by the Steering Group to be an adequate response, which provided a sufficient basis for the discussion and subsequent recommendations, it was a smaller response than many members of the Group had anticipated.

As noted in section 1.8, promotional activity was undertaken to ensure widespread awareness of the consultation, yet comparatively few people took advantage of the opportunity to respond. While some in the Group were happy to take the response at face value, others concluded that there is widespread apathy on this issue, and the question of whip use in racing does not loom large in the public consciousness.

Within the overall total, 1,939 respondents (96%) stated that they were responding as individuals. A further 54 (3%) said they were responding on behalf of a business/organisation or group.

In the consultation, respondents were asked to self-identify as being members of various subgroups within the overall sample. The table below outlines the breakdown of respondents by group. For some of the subgroups listed, the response rate was small and was therefore not statistically reliable.

Some group responses (e.g., veterinary bodies, racing stakeholder groups, welfare organisations) did include submissions from member organisations potentially representing a much larger constituency of opinion, which was recognised as significant. These group responses were considered separately and qualitatively, and follow up meetings were offered to inform understanding of how these responses were formed and agreed.

The Professional Jockeys Association chose to submit a single response on behalf of 130 named jockeys, and only a small number of other jockeys submitted individual responses. While all 130 jockeys on the PJA submission were (unlike the other group submissions) counted individually, this heavily skewed the data for jockeys as there was no variation, and minimal nuance in these responses.

It should be noted that many respondents were members of two or more subgroups. These respondents were recorded once in the overall total, but recorded separately in each of the groups with which they identified, to ensure the dataset for each of the subgroups was as complete as possible for comparative purposes. Hence the “total” figure in the table below is lower than the figure derived when adding together the numbers within each subgroup.

Figure 12: Total responses to the consultation, with figures for individual groups (note that individuals could be members of more than one group)

Subgroup	Size
Total	2,147
Member of the general public (non-racegoer)	510
Racegoer/television racing viewer	685
Racing media	46*
Professional gambler	25*
Bookmaker	6*
Other equestrian sport	213
Racehorse owner	429
Racehorse trainer/assistant trainer	99
Jockey**	149
Breeder	117
Stable staff	55
Racecourse sector	55
Raceday official	72
Ancillary industry	20*
Veterinary surgeon	44***
Other	240

* Small base size

** Jockey segment included a combined submission from the Professional Jockeys Association, signed by 130 named jockeys.

*** The survey distinguished equine veterinarians (36) from other vets (8). As both sample sizes were small, these have been combined for the purposes of this report. Note that veterinary responses included submissions from membership bodies (e.g., BEVA) representing a larger membership.

D: Views on the whip rules

i. Views on whether a whip should be carried

The consultation asked respondents to provide views on the current rule that requires a jockey to carry, but not necessarily use, a racing whip.

86% of the general public felt that jockeys should be able to ride without a whip, as did 62% of those stating involvement in other equestrian sports and vets (58% - small base size).

All other groups felt this rule should remain unchanged, most notably trainers (91% in favour of the current rule), jockeys (100%) and raceday officials (79%) felt that this rule should remain unchanged.

Overall, 51% were in favour of retaining the current rule.

ii. Views on use of the whip for encouragement

As anticipated, there was a mix of views on whether the whip should continue to be permitted for encouragement. Of the overall sample, 46% favoured its retention, and 41% its removal. It should be noted that around 13% of the total sample was identified as potentially having responded to the consultation on the back of campaigning actions by animal rights groups (the Steering Group was made aware of this for information and context, but the segments or sample sizes were not adjusted in any way as a consequence).

Of the 46% in favour of retaining the whip, 56% of these favoured further restrictions on its use.

Opposition to the whip for encouragement is strongest amongst the general public (78% of this segment opted for removal), vets (56%), and those stating an involvement in other equestrian sports (54%). These were the only groups with an overall majority in favour of this option.

The two groups with a majority in favour of retaining the whip, with no change to the current restrictions were trainers (58%) and professional gamblers (60% - small base).

All other groups were in favour of retaining the whip for encouragement, but with mixed views on whether the current rules were sufficient or in need of further restrictions on use. Those most in favour of further restrictions were racecourses (43% of respondents from this sector favoured retention with further restriction) and raceday officials (45%).

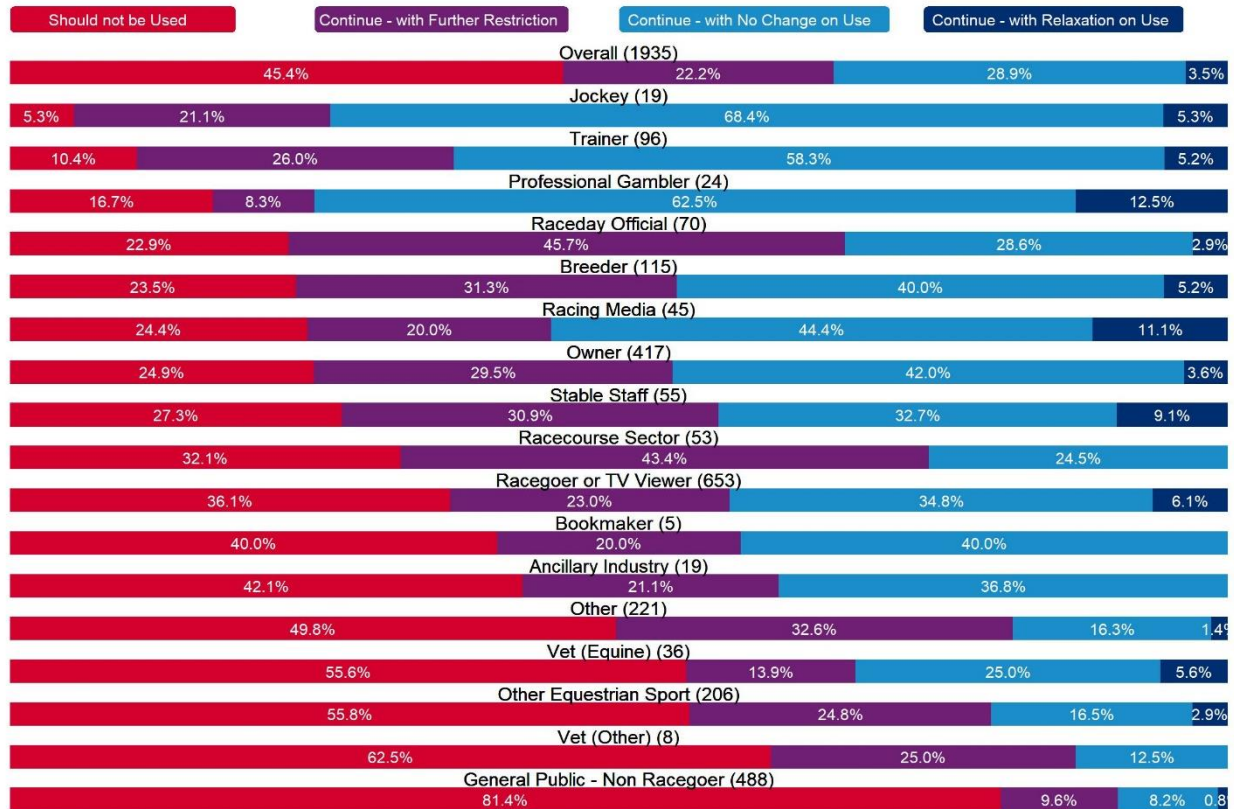
The combined response from jockeys had difficulty with this question and opted for “other” (87%), noting that the spread of views within the group meant they were unable to tick any single box, indicating that some may have been in favour of further restriction while others felt the rules were sufficient as they are.



Figure 13: Views on use of the whip for encouragement

Use of the Racing Whip for Encouragement

Shown by Group and Overall



Question: What is your opinion on the use of the racing whip for encouragement within horseracing. 'Don't Know' or 'Other' are excluded from this analysis, base sizes shown per group.
Source: Public Consultation on the Use of the whip in British Racing, 01/07/2021-06/09/2021

iii. Impact of the whip on engagement

A related point was that respondents were also asked if removal of the whip for encouragement would change their engagement (positively or negatively) with racing.

Overall, the sample was split. 65% of general public respondents felt that removal of the whip would have a positive impact on their engagement with racing, as did 64% of those responding from other equestrian sports. Views elsewhere were not strongly held. Amongst racegoing and television racing audiences, 44% said that they would feel more positive towards racing if the whip were removed, against 31% of the same audience, who said it would have a negative impact.

This theme was also discussed during the focus groups. Across all the groups, concerns were raised about negative media coverage and public perceptions of racing in general. For some, the whip was considered to be a visible symbol that has become a lightning conductor for public unease.

In general, younger focus group participants were less comfortable with the whip and would like to see the industry take a positive and proactive stance. Societal norms have evolved and further restrictions on whip use were viewed as progressive by younger participants in this context.

However, older participants felt that concerns about the whip were overstated and frequently misinformed and more could still be done by racing to educate non-racing audiences on the composition and impact of the ProCush whip design.

iv. Views on the principle of the whip count

Opinions were canvassed on the principle of applying a whip “count”, i.e., restrictions on the frequency with which it is permitted to use the whip for encouragement during races.

While some respondents regret the introduction of the count, it is widely accepted by most groups, with only the combined jockey response showing a majority against it. Within the qualitative feedback, many of those who personally disliked it stated that, despite this, the widespread adoption of a whip count around the world meant they could see considerable difficulty in removing the principle, as this would be seen as a retrograde step.

v. Views on frequency of use

Only those who were in favour of the count were asked for views on what the permitted frequency should be. 65% of this overall subset were in favour of retaining the current number for Flat races, and 66% for Jump races.

There was considerable variation beyond this: Most groups that favoured reduction leaned marginally towards a reduction of between one and three strikes. The general public and other equestrian sports were marginally more likely to go beyond this in favouring a reduction of four or more strikes.

As there was little variation between the data for Flat and Jump races, the data relating to Jump races only has been included as an illustration.



Figure 14: Views on preferred maximum number of strikes that should be permitted in a Jump race

% favouring each option	What should the limit be in the number of strikes permitted in a Jump race?							
	1 use	2 uses	3 uses	4 uses	5 uses	6 uses	7 uses	8 uses (no change)
Total (1,163 – sample from those in favour of a count)	3%	2%	5%	5%	8%	5%	6%	66%
Member of the general public (non-racegoer) (104)	13%	4%	5%	12%	11%	9%	3%	45%
Racegoer/television racing viewer (416)	3%	1%	7%	5%	7%	8%	4%	65%
Racing media (32)	3%	0%	3%	0%	6%	3%	6%	78%
Professional gambler (21)	5%	0%	5%	0%	0%	5%	5%	81%
Bookmaker (3)	0%	0%	0%	0%	0%	0%	0%	100%
Other equestrian sport (90)	6%	9%	11%	9%	9%	3%	1%	52%
Racehorse owner (301)	1%	3%	3%	4%	11%	7%	7%	63%
Racehorse trainer/assistant trainer (80)	0%	5%	0%	3%	5%	0%	10%	78%
Jockey (145)	0%	1%	0%	0%	1%	0%	1%	97%
Breeder (83)	0%	1%	2%	6%	13%	7%	10%	60%
Stable staff (39)	0%	5%	8%	3%	5%	3%	15%	62%
Racecourse sector (34)	0%	6%	0%	9%	26%	3%	21%	35%
Raceday official (54)	0%	6%	9%	2%	22%	6%	6%	50%
Ancillary industry (10)	0%	20%	0%	10%	0%	0%	0%	70%
Veterinary surgeon (18)	6%	0%	17%	17%	6%	0%	6%	50%
Other (112)	10%	1%	12%	7%	14%	8%	8%	40%

vi. International harmonisation

The desirability of further moves towards international harmonisation of the whip rules was considered by consultation respondents, with 65% of the total sample supporting the principle of harmonisation.

All groups other than bookmakers and professional gamblers (both small base sizes) were supportive of work by the BHA towards greater harmonisation.

E: Views on the whip penalties

i. Views on the overall penalty framework

A majority of respondents (67%) believed that the current penalty framework does not provide a sufficient deterrent for breaches of the whip rules. This view was expressed most strongly by members of the general public (non-racegoers), 87% of whom felt the penalty framework could be stronger. Amongst racegoers and racing viewers, this figure dropped to 66%, in line with the overall average.

The industry response, in general, also mirrored the overall average, with racecourses (73%), trainers (62%), owners (63%), and breeders (64%) all favouring stronger penalties.

The exceptions to this were jockeys, of whom 93% felt the existing penalty framework provided a sufficient deterrent.

These metrics were similar to those derived from the survey work undertaken by the Horse Welfare Board in 2019, where again there was widespread consensus around the idea of increased penalties amongst public and industry audiences, with jockeys again being the exception.²⁷

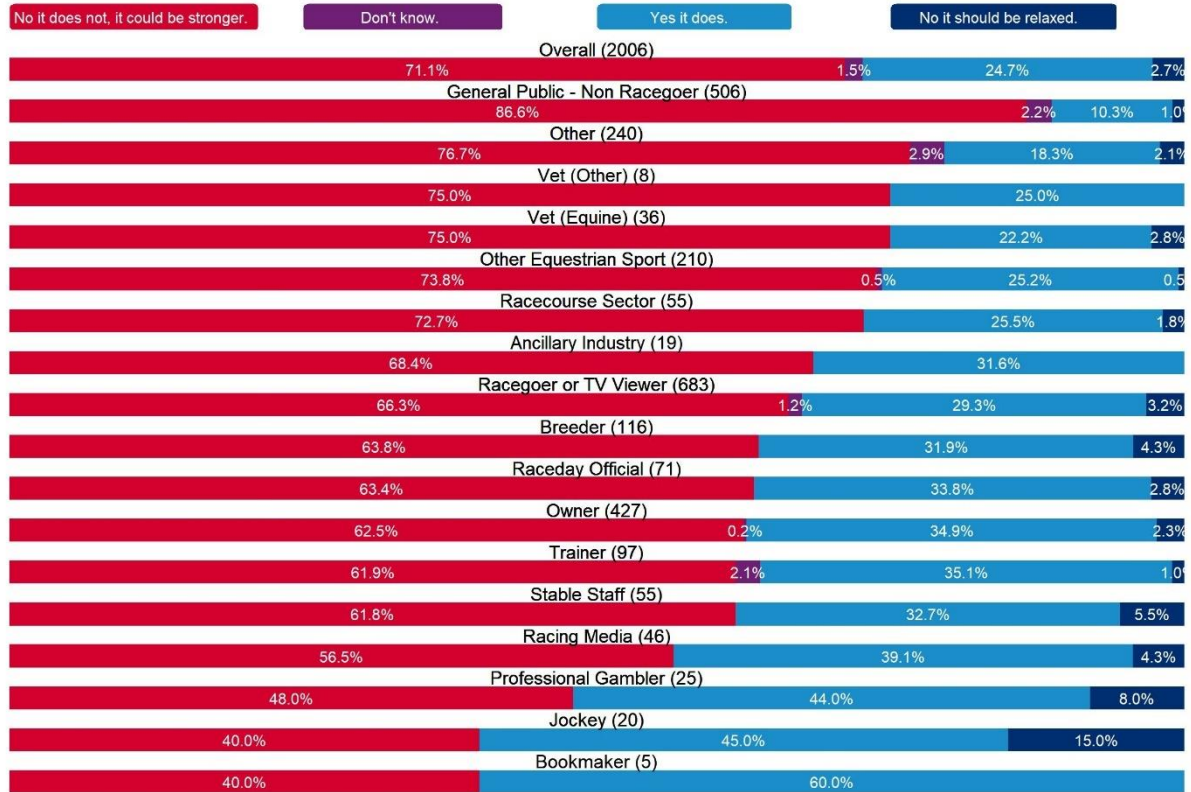


²⁷ http://media.britishhorseracing.com/bha/Welfare/HWB/WELFARE_STRATEGY.pdf pp.89-91

Figure 15: Views on the effectiveness of the current whip penalty framework

Does the Existing Penalty Framework provide a Sufficient Deterrent for Breaching Whip Rules?

Shown by Group and Overall



Question: With reference to the racing whip penalties, as outlined in the 'Summary of the existing racing whip penalties' above, does the existing framework offer an appropriate deterrent for breaches of the racing whip rules?
 All who answered the question are included, base sizes shown per group.
 Source: Public Consultation on the Use of the Whip in British Racing, 01/07/2021-06/09/2021

ii. Standards of whip use

Within the focus groups, there was a majority view that there is a need to curb excessive or inappropriate use, and to avoid a “win at all costs” mentality. This was important both in enhancing public perceptions and in improving standards of whip use by jockeys.

The discussions raised several questions around standards and training:

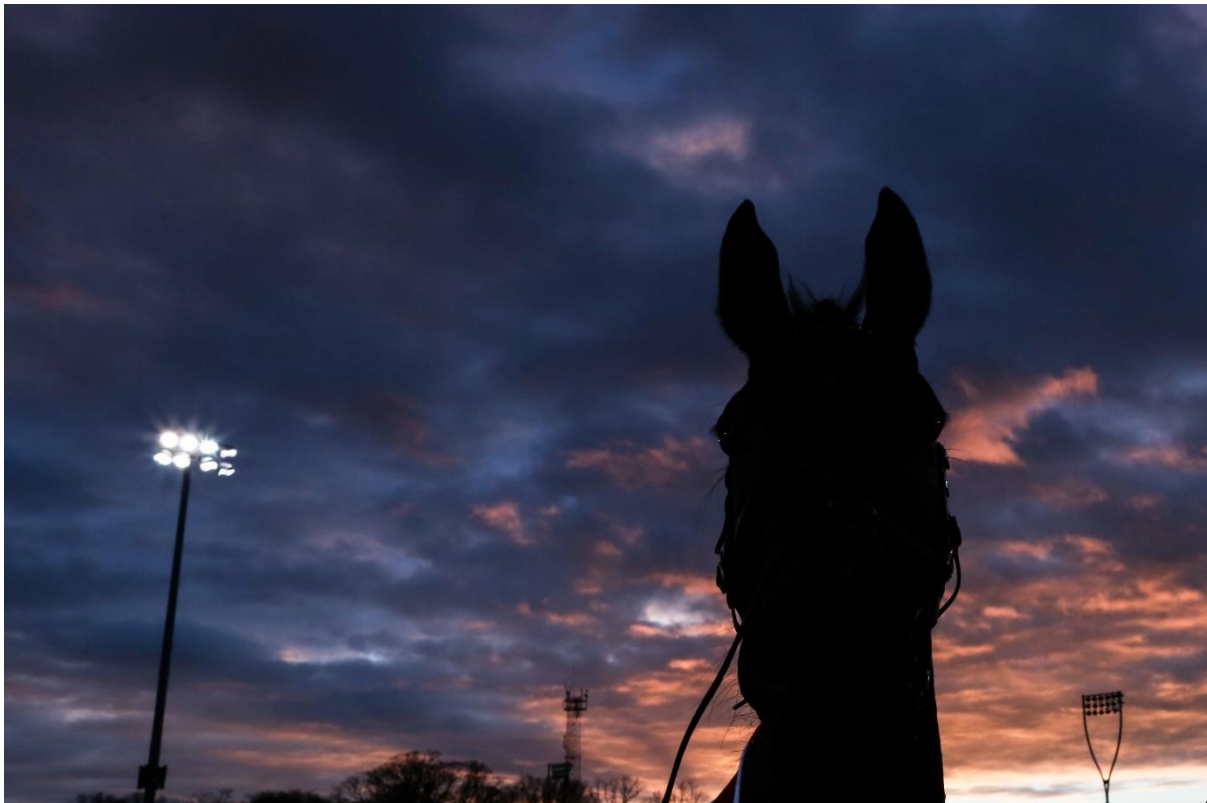
- Some believed the whip is being relied on excessively, particularly by young riders. It was suggested that more emphasis could be placed on instilling use of the whip as a last resort.
- Some expressed a desire to see more evidence/trials to establish the impact of whip use, including giving more prominence to races ridden under “hands and heels” rules.

iii. Views on penalties for specific offences

There was some variation in these figures when respondents were asked about the penalties for specific offences.²⁸

Some groups, such as raceday officials, professional gamblers, stable staff, and trainers, did feel that some penalties were adequate, but not others, while most other groups tended to make minimal distinction between different offences, expressing similar views to those expressed previously for the penalty framework in general.

Penalties for whip modification offences recorded higher levels of dissatisfaction than the rest amongst all groups, including jockeys. This was the one offence where jockeys favoured an increase in the penalties, with just 5% believing the current penalties are appropriate.



²⁸ Respondents were asked for their views on the adequacy of the penalties for use above the permitted level, use above shoulder height, use with excessive force, use when out of contention, whip modification.

Figure 16: Views on the appropriateness of existing penalties for specific breaches of the whip rules

To what extent do you agree or disagree that the existing penalties for the following offences are appropriate to the rule breach?						
% Net Agree	Use of the whip above the permitted level	Use of the whip above shoulder height	Use of the whip with excessive force	Use of the whip when not in contention	Whip modification offences	Repeat whip offences by the same jockey
Total (2110)	38%	37%	34%	40%	20%	34%
Member of the general public (non-racegoer) (502)	19%	15%	14%	15%	11%	12%
Racegoer/television racing viewer (599)	40%	37%	32%	41%	25%	34%
Racing media (41)	36%	37%	39%	48%	22%	43%
Professional gambler (24)	46%	60%	50%	60%	50%	56%
Bookmaker (5)	40%	40%	40%	20%	20%	20%
Other equestrian sport (208)	34%	26%	25%	30%	16%	25%
Racehorse owner (423)	43%	44%	43%	48%	29%	39%
Racehorse trainer/assistant trainer (90)	44%	55%	52%	56%	41%	54%
Jockey (147)	93%	95%	95%	95%	5%	97%
Breeder (115)	39%	37%	38%	44%	26%	40%
Stable staff (49)	42%	56%	44%	35%	40%	43%
Racecourse sector (49)	36%	44%	40%	35%	21%	31%
Raceday official (69)	59%	65%	54%	59%	38%	52%
Ancillary industry (19)	37%	39%	39%	39%	22%	39%
Veterinary surgeon (37)	36%	29%	29%	21%	17%	20%
Other (223)	22%	23%	19%	32%	14%	19%

iv. Application of rules and penalties

Respondents were asked to consider whether more discretion should be allowed to the Stewards when applying penalties. There were mixed views on this, which can be seen in Figure 17 below.

Again, jockeys (94%) strongly favour more discretion, with the racecourse sector (57%), racing media (55%) and stable staff (51%) all narrowly in favour. Racing fans were split squarely down the middle.

The general public (31%) and bookmakers (20% - small base size) were the two groups who felt strongly that the Stewards should not have more discretion when applying penalties.

A theme which emerged from the qualitative feedback received from both the online questionnaire and the focus groups, was that many respondents felt that the rules and penalties themselves were fine, but were not being applied consistently.

While a few concerns were expressed about the general principle of Stewards' discretion, the issue for most who raised this point was less about the principle of discretion per se, but more about the perceived lack of a clear, consistent framework or set of guidance within which discretion might be applied more consistently.

As a result, many were wary of changes to the rules and penalties that would give even greater weight to the judgement of individual Stewards or stewarding panels.

Whether this is a question of perception or reality is a moot point, but it was presented to the Steering Group as an issue worthy of consideration, which had not been a specific line of questioning in the consultation, but which had nonetheless emerged spontaneously through the process.

v. Jockey suspensions

There was more variation in the relative strength of opinion on the subject of jockey suspensions for whip rule breaches, and whether these were sufficient, or should be changed.

While there was no appetite in any group for reducing suspensions, the view on increasing them was broadly in favour, with 65% of the overall sample favouring this.

The numbers across the different segments varied. 90% of the general public wanted the penalties increased, against just 5% of jockeys. Racecourses (71%), respondents from other equestrian sports (74%) and veterinary surgeons (73% - small base size) were also quite strongly in favour, with trainers (50%) split down the middle. Racing media and professional gamblers (both small sample sizes) were the only groups besides jockeys who did not favour an increase in suspensions.

vi. Financial penalties for jockeys

An average of 70% of all respondents felt that financial penalties for jockeys should be increased when whip rules are breached, including fines and/or removal of the jockey's share of any prize money.

Jockeys were the only group who disagreed, with only 3% feeling these additional financial penalties were necessary. This contrasts strongly with the view of the general public, 91% of whom felt that these penalties should be stronger.

vii. Penalties for major races

Respondents were asked whether jockey penalties for high value and/or Group and Graded races should be increased.

Again, a majority of all groups, other than jockeys, were in favour of this.

It was a strong theme within the qualitative responses and the focus groups, with many feeling that any penalty needs to be proportionate to the importance/profile of the race and/or the financial reward. This was again related to concerns about public perception when whip breaches occur in such races, as well as the greater incentive to break the rules in such races.

Many focus group participants also felt that jockey suspensions should be applied like-for-like, e.g., a whip offence in a Group or Grade 1 race should mean that any suspension is applied on subsequent Group/Grade 1 racedays.

Figure 17: Views on the appropriateness of Stewards' discretion, and of current penalties

To what extent do you agree or disagree that the existing penalties for the following offences are appropriate to the rule breach?				
% Net Agree	Stewards should have more discretion when applying penalties	Financial penalties, inc. fines and/or jockey's share of prize money should be increased	Jockey penalties for higher value and/or Group/ Graded raced should be increased	Current jockey suspensions should be increased
Total (1917)	50%	70%	67%	65%
Member of the general public (non-racegoer)	35%	91%	83%	90%
Racegoer/television racing viewer	50%	70%	67%	64%
Racing media	55%	43%	52%	39%
Professional gambler	36%	55%	55%	38%
Bookmaker	20%	60%	60%	60%
Other equestrian sport	48%	79%	71%	74%
Racehorse owner	54%	68%	68%	54%
Racehorse trainer/assistant trainer	45%	57%	54%	50%
Jockey	96%	3%	3%	5%
Breeder	54%	59%	68%	52%
Stable staff	51%	76%	69%	57%
Racecourse sector	57%	73%	65%	71%
Raceday official	42%	66%	71%	57%
Ancillary industry	72%	61%	59%	67%
Veterinary surgeon	41%	74%	79%	73%
Other	44%	75%	74%	70%

viii. “Extended” penalties

The current penalty framework is focused principally on jockeys, based on the premise that, as decisions about use of the whip during a race are made by the jockey, the jockey is therefore directly responsible and accountable for any resulting breaches of the rules.

Consultation respondents were asked to consider whether this principle is correct, or whether penalties should apply to other connections, notably the trainer or owner. Respondents applied their personal judgement and perception when answering this question, and their rationale was not always given, so there was likely to be some variation in the reasoning underpinning the various quantitative responses.

It was clear from the qualitative responses that some people believe that jockeys routinely ride under clear instructions from trainers and/or owners, and that these instructions include direction on use of the whip.

Others felt that trainers and owners derive a benefit from breaches of the whip rules by the jockey. Some felt that extending the penalties to trainers and owners would be a more effective deterrent, in the sense that a jockey may be less likely to break the rules in the knowledge that the penalty for doing so would also be extended to others, while owners and trainers may also be stronger in impressing on the jockey the importance of using the whip within the rules.

There was no clear consensus on this question. While 46% of the total sample felt that penalties should apply to the owner and trainer as well as the jockey, there was a definite split between racing’s direct participants (owners, trainers, jockeys, racecourses, stable staff, breeders and officials) and audiences a step or more removed from racing.

None of racing’s core participant audiences, including jockeys themselves, felt that responsibility should be extended beyond the jockey, a view shared with racing media and professional gamblers. Meanwhile, the general public (73%) and veterinary surgeons (74% - small base) were those with the strongest view that penalties should be applied more widely.

In Figure 18 below, data has been given only for responses relating to jockey only penalties, or penalties for trainer, owner and jockeys combined. While respondents were asked to consider different permutations, there was little support for any other option or combination.



Figure 18: Views on extension of penalties beyond the jockey, to owners and/or trainers

In your opinion, who should be penalised for breaching the current whip rules?		
% in favour	Jockey only	Trainer, Owner and Jockey
Total (1917)	39%	46%
Member of the general public (non-racegoer)	12%	73%
Racegoer/television racing viewer	36%	44%
Racing media	54%	33%
Professional gambler	58%	33%
Bookmaker	40%	60%
Other equestrian sport	22%	56%
Racehorse owner	46%	35%
Racehorse trainer/assistant trainer	81%	13%
Jockey	96%	3%
Breeder	50%	32%
Stable staff	51%	42%
Racecourse sector	50%	37%
Raceday official	61%	33%
Ancillary industry	25%	65%
Veterinary surgeon	19%	74%
Other	25%	56%

ix. Disqualification (and/or demotion) of the horse

The question of disqualification was discussed in the consultation, principally because, anecdotally, the feasibility of this penalty is a frequent talking point.

Respondents were asked to consider whether, if a jockey is found in breach of the whip rules, the horse should be disqualified.

There was a real mix of opinions, with 50% of the overall sample in favour (with 40% against, and 10% don't know/other). As with extended penalties in general, views in favour of disqualification were strongest outside of racing, with 72% of the general public in favour of this sanction. More engaged racegoers and television racing viewers were 49% in favour, though only 39% against, with the rest undecided.

There are areas of support within racing for this option. Racecourses responded similarly to the racegoing audience, with 49% in favour of disqualification. There was also a groundswell of support amongst owners (41% in favour).

Trainers (63% opposed) and raceday officials (65%) were the two direct racing segments most clearly against disqualification, with the combined jockey response again putting this group at the other end of the spectrum to the public, with 97% against.

In the focus groups, which were randomly selected from a pool of volunteers, there was a similar mix of opinion. Those in favour of disqualification expressed the view that:

- It is the strongest, most effective deterrent against breaches of the rules.
- It would encourage jockeys to use the whip more as a last resort.
- It would demonstrate to the non-racing public that racing does not tolerate misuse of the whip and is tough on those who break the rules.
- It would have a positive impact on public perceptions of racing and attract new supporters.
- If a horse wins when the rules have been broken, it should be disqualified.

Those opposed to disqualification considered that:

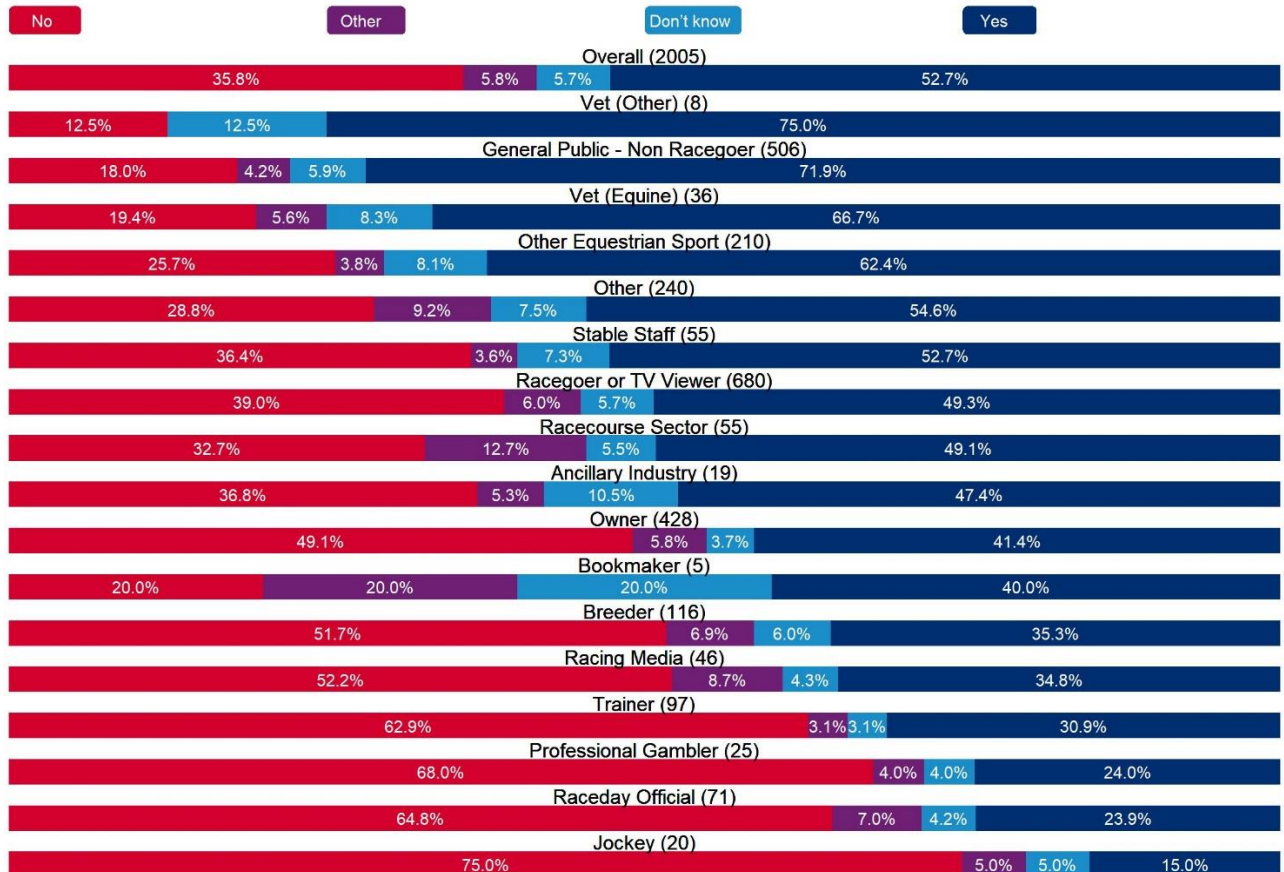
- It is a disproportionate and unfair sanction that impacts multiple parties, including stable staff pool money.
- It creates a layer of complexity around form figures and particularly black type (with associated complication for selling and breeding purposes).
- Delays in calling the result on raceday may impact betting, and public engagement – comparisons with the unpopularity of VAR amongst football fans were regularly cited.
- Disqualification, particularly in a high-profile race, could draw negative attention to whip use in racing and fuel negative perceptions.
- There was potential for integrity concerns, linked to lay betting.

Demotion was also discussed as a potential sanction, though this was perceived as more subjective and less clear cut than disqualification. Those in favour of disqualification generally considered demotion an insufficient deterrent. Those against disqualification felt that demotion was the worst of both worlds, with all the complexity of disqualification, as well as being a less effective deterrent.

Figure 19: Views on disqualification of the horse in the event of a whip rule breach

Should the Horse be Disqualified if the Jockey breaches Whip Rules?

Shown by Group and Overall



Question: If the jockey is found in breach of the racing whip rules in a race, should the horse be disqualified?
 All who answered the question are included, base sizes shown per group.
 Source: Public Consultation on the Use of the Whip in British Racing, 01/07/2021-06/09/2021

F: Other questions

i. The name of the whip

As it is often suggested anecdotally within racing, and by some media commentators, that use of the word “whip” to describe the air cushioned ProCush, creates a misleading and unnecessarily negative impression, views on this subject were sought as part of the consultation. Respondents were therefore asked to consider whether renaming the whip would aid public understanding.

There was little appetite for renaming it amongst most groups. Overall, around 6 in 10 respondents did not see any benefit in renaming the whip. Amongst the individual groups, only jockeys (89%) and professional gamblers (52% - small base size) returned a majority in favour of doing so.

Those in favour of renaming it suggested a range of possible alternatives, principally:

- Persuader
- Crop
- Corrector
- Safety/Racing Aid
- Encourager
- Stick
- Foam Pad/Paddle
- Guidance Tool

There was no strong consensus within the qualitative feedback for any one alternative.



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