

The Channel Islands Horseracing Authority

Fast Track Case Resolution

The “Fast-track” procedure is designed for a swifter resolution of minor cases in order to reduce the resources needed and subsequent cost for all involved in such matters before the Disciplinary Panel.

As this system is a procedural adaptation of the current procedures set out in Schedule (A)3, it does not require formalisation into the Rules of Racing. Currently, the Chairman of any Disciplinary Panel can adapt the procedures as set out in the Schedule as they see fit including consideration of the matter by telephone or in this case on papers.

Process Overview

The starting point for all potential proceedings for breaches of the Rules is the Head of Integrity. This is either as the result of a referral from the racecourse or following an investigation from the Authority. The ‘Fast Track’ cases will be administered in line with the case management process as set out below:

1. Case Review

The Head of Integrity or his deputy (“**Integrity**”) will review the circumstances of the alleged breach for evidential sufficiency. At this stage, it is not necessary for any material supporting the allegation to be formalised into witness statements or formal exhibits. Integrity should consider, if possible, what admissions or comments have been made by the subject of the allegation as well as the nature of the breach alleged when deciding whether the case might be suitable for ‘Fast Track’ resolution.

2. Communication

Having approved the case for ‘Fast Track’ resolution, Integrity will contact the subject of the allegation in writing requesting confirmation of their approval to proceed. The Authority will set out the following:

- 2.1. the alleged breach including date of commission, place, and brief details of the facts of the allegation including any part or full admissions;
- 2.2. that the matter is deemed suitable for Fast Track resolution;
- 2.3. a proposed sanction for agreement¹; and
- 2.4. a response date to the notification letter, 7 days² from sending, including appropriate contact details at the Authority. Should the Authority not receive a response within this timeframe, the offer of Fast Track resolution will be withdrawn (the consequences of missing the response deadline should be made clear in the notification letter).

¹ The Authority reserves the right to include any proposed sanction it deems appropriate in the circumstances of the case, the ordinary proposed sanction would be the entry point within the Guide to Procedures and Penalties. In cases where it is deemed appropriate a 1/3 discount will be applied to reflect the early admission. If the Fast Track process is not taken up, the Authority’s stance will be that the individual does not qualify for credit for an early admission.

² The response date should be 7 days unless there are exceptional circumstances as to why the deadline has been missed. If Integrity is satisfied that there are exceptional circumstances, they will have the discretion to extend the period as appropriate. In doing so, Integrity should bear in mind that the overarching aim of this process is to speed up the process so any extension should be minimal.

3. Admission

The Authority will expect the subject of the allegation to respond by returning the 'Fast Track' response form. (Appendix A) This should include:

- 3.1. an admission to the alleged breach; (this cannot be qualified in any way);
- 3.2. agreement that the matter can be dealt with through the Fast Track process;
- 3.3. agreement to the proposed sanction; and
- 3.4. any personal mitigation that the Authority and the Disciplinary Panel are requested to take into consideration.³

4. Referral

Once the response form is received, Integrity will refer the matter to the Judicial Panel Chairman within 7 days of receipt. The referral will include the following:

- 4.1. the notification letter;
- 4.2. the response form; and
- 4.3. a summary of the facts of the alleged breach including proposed sanction details and any supporting evidence. (Appendix B)⁴

The Judicial Panel Chairman will select a Disciplinary Panel Chairman to consider the matter.

5. Consideration by the Disciplinary Panel Chairman

The Disciplinary Panel Chairman will then consider the matter on the basis of the referral documents alone. He can make the following decisions or appoint a Panel to do so:

- 5.1. approve the proposed resolution including suggested sanction;
- 5.2. refer the matter back to all parties with a varied sanction; or
- 5.3. refer the matter back for listing for an oral hearing.

6. Resolution

If the Disciplinary Panel approves the proposal, they will inform all parties and publish a short decision in the usual way. If the matter is referred with an amended proposed sanction (5.2 above) then both parties will have 7 days to agree to the proposal and notify the Disciplinary Panel Chairman in writing.

If the matter is referred back to the Authority without an amended proposal, or the parties do not agree the amended proposal, the Authority will follow ordinary procedures and list for an oral hearing before the

³ Mitigation should only be of a personal nature. The acceptance of the charge cannot be qualified in any way. If the Authority is of the view that the acceptance is equivocal, the individual will be contacted and if necessary, the case will be set down for a full hearing in the usual way instead. The Authority can reduce the proposed penalty if appropriate in the circumstances of the case having received the personal mitigation.

⁴ Each referral will depend on the circumstances of the alleged breach. The Authority reserves the right to vary the format and content of the referral. The Authority will provide such information as is deemed necessary to understand the circumstances of the breach.

Disciplinary Panel. The individual will have the opportunity to provide further mitigation either in writing or by attending at the hearing.

Appendix A

FAST TRACK RESPONSE FORM

I, admit that I breached Rule..... of the Rules of Racing.

I am aware of the Authority's Fast Track Procedure and understand the process.

Furthermore, I agree to:

1. this matter being resolved by way of the Channel Island Horseracing Authority's Fast Track Procedure;
and
2. the penalty proposed by the Channel Island Horseracing Authority, namely.....

I would like the following to be taken into consideration: (Personal Mitigation only)

I also accept that the Disciplinary Panel retains the right to reject the Fast Track Procedure and order a full oral hearing, if it requires such a hearing to fairly and justly resolve this matter.

SIGNED:

DATE:

Appendix B

BEFORE THE DISCIPLINARY PANEL OF THE CHANNEL ISLANDS HORSERACING AUTHORITY

FAST TRACK REFERRAL

[NAME]

[DATE]

Introduction

1. This a referral to the Disciplinary Panel of the Channel Islands Horseracing Authority, (“**Authority**”) for resolution through the Fast Track disciplinary system.
2. [Insert name] has admitted a breach/breaches of Rule/s [Insert] of the Rules of Racing and agreed that this matter can be resolved administratively.

Summary

3. [Insert brief summary of facts of breach]

Penalty

4. The Authority proposes
5. a penalty of [Insert penalty]. This is appropriate in the circumstances of this case and has been accepted by [Insert name]. [Insert additional explanation relating to why penalty level has been chosen, eg reflects further mitigation, early admission, any aggravating features.]
6. [Insert any further orders requested, eg disqualification]

[Insert Date]