

## **BHA Disciplinary Enquiries**

### **Legal expenses insurance**

The legal expenses insurance provided as part of NTF membership includes the legal costs of representation at a formal investigation by the BHA.

Such cover is subject to the terms and conditions of the insurance cover including that the claim must have a reasonable chance of success or of mitigating a guilty plea and the NTF member must notify the insurers immediately after first becoming aware that a claim has occurred or of circumstances which could give rise to a claim. More details can be found [here](#)

The contact number to notify of a potential claim is : 0845 900 3585.

### **The interview/s**

When notified by the BHA that an investigation is underway, a trainer may wish to have someone attend the interview with them. The NTF will not normally be aware that an investigation is underway unless advised by the trainer.

Either Dawn Bacchus or Rupert Arnold is able to attend interviews with an NTF member, though members must appreciate that particularly at short notice this may not be possible due to other commitments. Trainers can be accompanied by their own solicitor at an interview, though bear in mind that if it is a matter likely to be covered by the legal expenses insurance the insurers must be notified as soon as possible and that any costs incurred prior to the claim being accepted by the insurers would not be covered.

An NTF representative or solicitor cannot, of course, answer questions put to the trainer at interview or tell a trainer what to say but by having early knowledge of a matter, a solicitor or NTF representative may be able to advise the trainer as to potential disciplinary outcomes, further enquiries the trainer themselves could make or suggestions as to steps to take to prevent future problems.

Even where a member does not feel that it is necessary or that they do not wish to have someone attend an interview with them, members can, of course, ring the NTF for advice in connection with an investigation or enquiry.

### **The enquiry**

#### **Representation**

It is of course not essential for a trainer to be legally represented at all BHA enquiries and some enquiries are dealt with in writing without the trainer being required to attend at the BHA. It is important to ensure that the trainer's case will not be prejudiced by not attending the enquiry or not being represented and the NTF can advise upon this and liaise with the BHA.

#### **External representation**

As mentioned above, the legal expenses insurance provided as part of NTF membership includes the legal costs of representation at a formal investigation by the BHA – subject to meeting the conditions and terms of the cover and dependent upon the insurers accepting the claim for cover.

The insurers will wish to use solicitors or barristers appointed by them.

Where a member has a BHA enquiry which is not covered by the legal expenses insurance and is looking to arrange external representation, the NTF can provide contact details to members for solicitors and barristers experienced in BHA matters including a direct access barrister. Direct access means that a member of the general public seeking legal advice or representation can, in certain areas of the law, go straight to a barrister rather than instructing a solicitor first.

### **In-house representation**

Through its in-house legal executive, Dawn Bacchus, the NTF can offer representation at suitable enquiries. The final decision as to whether a matter is suitable for in-house representation will be made by the NTF executive taking into account the particular circumstances of the case and as to whether or not the matter is covered by the legal expenses insurance.

The NTF does not provide representation for trainers in “interference” cases as there will in most cases be NTF members on “both sides”.