

## **BHA Equine Anti-Doping Rules – Practical Advice to NTF members**

Under the rules in place from 1<sup>st</sup> September 2020, the BHA require that the responsible person (usually this will be the trainer) establishes the precise source of how the positive substance entered the horse's body and that the person had taken all reasonable precautions to avoid the rule breach.

### **Establishing the precise course of administration**

Establishing the source may be possible where it is, for example, a treatment by a vet or the wrong horse has been given medication but it is not going to be easy where the source is not immediately apparent, so an “unknown” positive.

That does not mean to say that attempts should not be made to establish the source since when deciding upon penalty the Disciplinary Panel must assess the level of culpability of the Responsible Person by “reference solely to the facts that have been established (if any) relating to the source, the involvement of the Responsible Person and the precautions in place at the yard”.

There are steps below, which may help identify the source, if notified of a positive test.

### **Reasonable Precautions**

The NTF has produced good practice guidance and template policies upon minimising the risk of contamination and cross-contamination from feedstuffs, human medication and horse medication. These are available in the Horse Welfare section of the members area of the NTF website. Implementing these policies will help demonstrate good practice in your yard.

Most racecourse stables should now be recovered by CCTV – if the stable is not covered by CCTV then ascertain if it is possible to have the horse moved to one that is, or to ensure it is attended at all times.

Ensure as well that your travelling staff do not put a horse into a racecourse stable if there are any cleanliness issues. Instead the condition of the stable must be reported to the stable manager/other official and an alternative stable provided.

In addition to the good practice guidance the NTF has issued, areas which a BHA investigator or the BHA legal representative at an enquiry may ask about include:

- Whether you have risk assessed your yard and business for security and potential contaminants?
- Do you have the NTF or other policies in place and have your staff have been trained upon them including refreshing that training at appropriate intervals ?
- If your employee/s responsible for feeding and administering medication are off, including unexpectedly away, do the employees who cover for them fully understand the precautions needed and the reasons why?

- Can you show the policies in action, for example are the feed mangers clean? Are hand washing facilities in place? If single use gloves are used for administration of medication, is there a supply on site? How are they disposed of?
- If any of your staff are asked about the practices to minimise the risk of contamination or cross contamination, would they be able to describe them?
- Would you be able to say who was responsible on a day to day basis for ensuring that these practices are followed; and if someone is identified as not following good practice, is that picked up and corrected?
- Is your medical book properly kept and all treatments entered? If it is realised that a treatment has not been recorded for some reason, add it in. It is better that is recorded slightly out of place than not at all. Ensure that treatments are signed off correctly in the records.
- Is the medication cabinet kept locked – not just at night-time but during the day even if others are around?
- Are out of date medications or medications left over after the end of treatment handed back to your vet to be destroyed?
- Are visitors given guidance in good practice?

You should also remind travelling staff and indeed anyone working for you to let you know if something out of the ordinary has happened – be that at the racecourse or in the yard.

### **Veterinary Treatment**

When relying on the defence that you followed veterinary advice, your case will be stronger if you

- Ensure the vet knows when you are planning to race the horse
- Ask if any other medication or treatment that the horse is receiving could affect the withdrawal time
- Check with the vet if there would be an increase in the withdrawal time if the horse is having more than one treatment of a particular medication or is receiving other medication
- Make a note in the diary or the horse's record that you have asked these questions
- , ensure that you have had full discussions with the vet about medication and treatment received If the horse has been off site receiving treatment and the effects of those upon withdrawal times
- are aware of the rules – the vet can advise you on medications but it is the trainer's responsibility to know the rules
- Keep up to date with information on the BHA Equine Anti-Doping website and information sent out by the NTF. The BHA page at <https://www.britishhorseracing.com/regulation/anti-doping-medication-control/prohibited-substances/> has a lot of useful information and updates on specific medications.

### **NTT Sporting Investigations yard assessment**

NTF members can access a discounted service from NTT Sporting Investigations. This is provided by Nathan Taylor, previously of the Police Counter Terrorism Command and BHA Integrity Team. For an all-inclusive price, Nathan provides:

- A full survey of your training premises identifying areas of potential compromise in relation to cross contamination and biosecurity.
- An on site consultation with key staff members in respect of best practice enabling you to improve onsite processes immediately.
- Within five days of conducting the survey he will provide the yard with a comprehensive report highlighting any identified areas of potential compromise and a bespoke user friendly, anti - contamination positive sample prevention strategy.

Nathan has agreed to offer a 15% discount to NTF members which will be matched by the NTF, meaning a total discount of 30% (correct as at August 2023)

For more information visit [www.nttsportinginvestigations.com](http://www.nttsportinginvestigations.com)

### **Elective Testing**

The BHA provides trainers with the opportunity to have Elective Testing carried out. Elective Testing can be utilised by trainers who wish to establish that medication given for essential veterinary treatment has cleared from a horse's system before a race; and where a Trainer suspects inadvertent medication or contaminated feedstuffs may have been given to a horse or horses.

The forms for requesting and submitting a sample are on the BHA Website:

[Elective-Testing-Request-for-Approval-Form.pdf \(britishhorseracing.com\)](#)

[Elective-Testing-Sample-Submission-Form.pdf \(britishhorseracing.com\)](#)

The current price (2023) for elective testing is £142.84 for a standard 4 day turnaround, and £214.26 for a priority analysis 2 day turnaround (based on working days). Even if you as responsible person are not fined because the horse has returned a positive sample, the horse will still be disqualified from the race, so an elective test could well be something to discuss with owners in appropriate cases.

### **If you are notified of a positive test**

The first notification of a confirmed positive you will receive is an unannounced yard visit – there are rare exceptions where notification may be given.

At that visit, the BHA will inspect the yard and record an interview with you. The BHA will inform you that you are entitled to take legal advice (which includes having somebody sit in with you). The interview will not proceed if you request assistance and a rearranged time will be agreed. If you decide to proceed without assistance then you will be informed that you are entitled to stop the interview at any stage and seek assistance. The NTF can provide a representative to sit in on an interview if you ask for a delay and a suitable alternative date can be arranged.

There is a BHA investigation charter setting out the process:

<https://www.britishhorseracing.com/wp-content/uploads/2017/12/BHA-Investigation-Charter-and-Guidance-Note.pdf>

The BHA investigators may request a further recorded interview with you and interviews with members of staff. The BHA will speak with your vet and potentially other service providers such as the physio or farrier or transporter, as they consider relevant.

The BHA's investigation and processes can take a number of months before any decision is made on a charge being brought so it is important to carry out your own investigation immediately, as staff may change in the intervening period, memories may fade or yard CCTV recorded over.

Steps to take (depending of course on the facts as known to you) are:

- Securing yard CCTV so that is not destroyed
- Where relevant, speaking to the racecourse to obtain the racecourse stable CCTV (or that it is at least kept secure in case at a later stage your legal representative requires it). Depending on the nature of the positive test, the BHA may request the CCTV footage and we have made a proposal to the BHA that there should be a procedure in place for liaising with the trainer about this so that the trainer is aware whether or not the BHA are requesting it. If you consider that the racecourse CCTV may be relevant, we suggest taking pro-active steps to ensure it is requested early on.
- As part of your interviews with staff, ask if they noticed anything untoward or had any concerns
- Inspect your visitor and service provider records for the relevant periods to decide if you should speak with any of them.
- You may want to obtain a signed statement or ask an employee to sign a note of their recollection of events in case you want to use that at some point. Whilst your legal representative may in due course ask for a statement from an employee, if the employee has left by then that may not be possible to obtain.
- Depending on the matter, independent expert or veterinary advice may be needed – that is generally more likely to happen once the BHA evidence has been presented but there may be instances where that is indicated at an earlier stage.

If you have not already done so, notify the NTF/NTF legal expenses insurers – remember that as part of your NTF membership, you have legal expenses insurance cover, subject to terms and conditions. This can include, where appropriate, appointing a legal representative to attend an interview with you. Whilst at the early stage, it will not be clear whether there will be any charges brought, or what charges may be brought, you can submit a claim to the legal expenses insurers and ask them to put it on hold until more information is available. Details of the legal expenses scheme are on the front page of the NTF website, or contact the NTF office to discuss.