

**Final Report of the Independent
Review Commissioned by the
UK Anti-Doping Board**

Wednesday 1 June 2016

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Introduction

1. This is the final report to the United Kingdom Anti-Doping (UKAD) Board on the Review that they commissioned into that agency's management of information provided to them.
2. This report is supplementary to the interim report that was presented to the UKAD Board on 3 May 2016.
3. The Review has completed a detailed confidential report for the UKAD Board in which it has provided detailed findings in response to the questions posed within the agreed Terms of Reference. A summary of the findings are detailed in the conclusion below.
4. The Review would like to place on record that they have received total support from the members of UKAD with whom they have engaged during this Review. UKAD members were completely open and honest in providing their explanations and in discussing every aspect of their individual involvement in this case. There was no evidence of any individual working against the objectives and aims of UKAD, all members displayed complete transparency, are clearly motivated to support the organisation and have an obvious pride in their role.

Background

5. The principal aim of this Review has been to assess how the UKAD managed information that was passed to them by an athlete, some detail of which has been the subject of media coverage, particularly in the Sunday Times published on 3 April 2016.
6. Whilst the athlete concerned has publicly declared himself as the source of the information to both UKAD and the media, UKAD have never confirmed his identity. Whilst the motive for the initial disclosures made by the athlete to UKAD was clearly to benefit from a reduction in his ban under the 'substantial assistance' rules, it would appear that his intention in making an approach to the media was to expose the concerns that he holds around his perception of the lack of action by UKAD in response to the information he provided.
7. The terms of reference for this Review as agreed by the Board, are as follows:
 - Were UKAD's processes for investigation properly followed in response to the information provided by the athlete concerned in connection with the claim for substantial assistance? In particular was the information given by the athlete properly recorded, assessed and handled in accordance with UKAD procedures in force at the time?

- Did UKAD take sufficient and proportionate steps in investigating the matters raised by the athlete?
 - Should UKAD have attempted to investigate the activities of Dr Bonar?
 - Should information have been passed to other concerned bodies such as the General Medical Council?
 - Is there anything else that should have been done with the information supplied by the athlete?
 - Can the processes be improved for dealing with information from those seeking to provide 'substantial information' to UKAD?
 - Are there any further recommendations as a result of this Review?
8. The commissioning of this Review and the terms of reference were agreed on 7 April 2016 and included the requirement for the submission of the interim report.
 9. During the presentation of the interim report to the UKAD Board on 3 May 2016, members specifically requested the Review team to extend the terms of reference in order to include an assessment as to whether there was at any stage, prior to the notification to UKAD from the Sunday Times that they were intending to publish this story, that the Board should have been informed about the case.
 10. This Review has been conducted by Mr Andrew Ward QPM and Mr Brian McNeill QPM, who are currently working to the National Police Chief Constables Council.

Methodology

11. A significant number of relevant documents have been gathered in order to provide the Review with detail of the applicable codes, standards, policies and procedures.
12. Other material that the Review has collated includes all associated UKAD intelligence reports, the timeline and the action plan compiled by UKAD, documents pertaining to the Appeal by the athlete concerned and correspondence between him, UKAD (including UKAD Legal) and their respective legal representatives.
13. The Review process has also involved meeting with a number of members of staff from UKAD, a demonstration and some interrogation of the UKAD intelligence system ('Wynyard'), and a number of enquiries with other agencies and individuals outside of UKAD itself.
14. In order to progress the Review, all documentation gathered as part of the process has been dealt with in accordance with the College of Policing Major Incident Room Standard Administrative Procedures (MIRSAP) 2005. This has involved all of the material gathered during the Review being read, marked up and all actions raised as an outcome of that reading process, or

as a result of considerations by the Review team, being entered on to an action log.

Review Findings

15. Using the methodology described above, the Review has provided its detailed findings in response to the questions posed within the agreed Terms of Reference in a separate confidential report to the UKAD Board. A summary of the findings are detailed in the conclusion below.
16. The Review has considered a timeline in relation to the management of the athlete concerned and the information he provided to UKAD in 2014, which indicates that the majority of the information was correctly managed and handled in a timely manner.
17. As part of the findings identified, the Review has also made nine recommendations for consideration by the UKAD Board. The recommendations are contained within appendix 1 of this report.

Conclusion

18. The Review has been left in no doubt as to the commitment and determination of all the staff within UKAD to tackle doping in sport. This case however has been particularly difficult and has highlighted confusion and a lack of clarity in the process to manage a challenging athlete who, for whatever reason, was determined to achieve the maximum possible suspension of his doping ban by providing 'substantial assistance'. The Review has made a number of recommendations but would highlight three particular areas of concern.
19. Firstly, the 'substantial assistance' process. The Review believes that the process by which an athlete might elect to provide 'substantial assistance', as defined in the World Anti-Doping Code and UK Anti-Doping Rules and then further explained in the UKAD 'Substantial Assistance Guidelines', is unclear and confusing, both in what it is seeking to achieve, i.e. intelligence or evidence, and in how an athlete should be treated, as a confidential intelligence source or witness. The Review questions whether Anti-Doping Rule 10.5.3 (ADR 10.6.1 now refers) is in fact an intelligence-led approach and believes that intelligence opportunities are being lost. The very definition of 'substantial assistance' for the purposes of 10.5.3 requires that a participant must provide a signed written statement and must fully co-operate with the investigation, which may include testifying at a hearing if requested to do so.
20. Secondly, the management and investigation of the information concerning Dr Mark Bonar provided by the athlete. The Review believes that as a

minimum standard of investigation a simple check with Bonar's governing body, the General Medical Council (GMC), should have been undertaken to establish whether any other intelligence may exist to support or negate the allegations made by the athlete. It is difficult to understand why no contact was in fact made with the GMC when that course of action was suggested on at least seven occasions, either by members of UKAD or by the athlete and his legal representatives, throughout 2014.

21. Furthermore despite finally taking possession of an unsigned statement and documentary prescription evidence supporting the account provided by the athlete regarding the activities of Bonar, the Review can find no evidence that any further action was taken in relation to these documents or against Bonar, save for the discussions with an independent doctor and surprisingly still no contact was made with the GMC until after the Sunday Times article. The Review believes that in light of the documentary prescription evidence, the press statement made by UKAD stating that they did not believe that were grounds to refer the case to the GMC, should be revisited.
22. It would appear that no attempt was ever made to get the athlete to sign the statement or establish if in fact he was willing to provide evidence at any future hearings. The Review is, therefore, unable to say whether the athlete would in fact have considered either signing the statement he provided or have given testimony but suspect that, if by doing so it would have led to a further suspension of his ban, there is a high probability he would have done. It is clear to the Review, however, that opportunities to gather intelligence, secure evidence, and investigate Bonar have been missed.
23. Finally, whether the decision that the information provided by the athlete should not be regarded as 'substantial assistance' was correct. Whilst recognising that it is a very subjective decision whether any information supplied by a participant falls within the definition of 'substantial assistance', the Review would argue that in this case the decision determined by UKAD is particularly harsh and could understandably be seen as unfair. Without doubt the source identifies another athlete to UKAD who is then prioritised for testing as part of an operation. Two events are then targeted in which the athlete is actually named in the Mission Order for the first but, for reasons unclear, not in the second where they commit an Anti-Doping Rule Violation (ADRV). It is without question that the testers would not have been at either event had it not been for the source's information.

Appendix 1

Recommendations

Recommendation 1

That UKAD, in agreement with WADA, review the guidance to any Registered Medical Practitioner who is governed by the code regarding what action should be taken if they are approached by an athlete who is subject of a suspension or ban.

Recommendation 2

That UKAD review their press statement issued in response to the questions posed by the Sunday Times newspaper, specifically with regard to whether any other evidence was in existence against Dr Bonar.

Recommendation 3

That UKAD initiate immediate liaison with the GMC in order to discuss all available information and evidence in their possession relating to Dr Bonar, thereby allowing for assessment of any offences or breach of the GMC guidelines and to consider any appropriate sanctions.

Recommendation 4

That UKAD conduct an immediate review of all agencies that they currently have an ISA with to determine that all relevant agencies are included, that the GMC is specifically added to that list and that all such agreements are appropriate and up to date.

Recommendation 5

That UKAD consider the implementation of a Significant Incident Management Policy.

Recommendation 6

That UKAD, in agreement with WADA, review how the suspension of a ban is determined after the provision of 'substantial assistance' and how this is communicated to athletes who decide to participate.

Recommendation 7

That UKAD introduce the use of one case management system by all departments to deal with every aspect of cases that are under their control and that this should be the existing IT platform 'Wynvard'.

Recommendation 8

That UKAD, in agreement with WADA, review and clarify Code 10.6.1 regarding the status of athletes who decide to provide 'substantial assistance', as a confidential intelligence source in the first instance and then as an evidential witness when required, and that this position is set out clearly in the letter that accompanies the 'notice of charge'.

Recommendation 9

That UKAD consider becoming a member of the Government National Investigators Group.