

Official

Ref: FOI-291

Sent via email only: [REDACTED]

15 March 2021

Dear [REDACTED]

1. We write in relation to your request for information under the Freedom of Information Act 2000 (the 'Act'), reference FOI-291.

### Request for Information

2. In an email dated 28 October 2020, you requested the following information from UKAD:

"1. *Section 2.12 of the UKADP provides UKAD with the policy framework to monitoring NGB Compliance with the UKADP, with section 2.12.1 advising that it shall be UK Anti-Doping's responsibility to monitor compliance by NGBs with the requirements of the UKADP.*

(a) *Please provide full disclosure and auditable details of how UKAD have monitored compliance by the RFL over the past 5 years (2016 – 2020).*

(b) *Please provide any written responses from the RFL or directions and sanctions made by UKAD as part of such a process.*

(c) *Please provide full disclosure and auditable details of how UKAD have monitored compliance with the UKADP by all the NGB's that fall under UKAD umbrella over the past 5 years (2016 – 2020).*

(d) *Please provide any written responses from the relevant NGB or directions and sanctions made by UKAD as part such a process.*

2. *Section 2.12.2 of the UKADP advises that where UKAD considers that an NGB has failed to comply with the requirements of the UKADP, UKAD will follow the process set out in Appendix Two of the UKADP.*

(a) *Please provide full disclosure of any circumstances were UKAD has had to followed the process set out in Appendix Two of the UKADP, and then taken action against the RFL for non-compliance with the UKADP over the past 5 years (2016 – 2020).*

(b) *Please provide full disclosure of any circumstances were UKAD has had to followed the process set out in Appendix Two of the UKADP, and then*

*taken action against any of the NGB's under its umbrella for non-compliance with the UKADP over the past 5 years (2016 – 2020).*

3. *Section 4.5 (testing) of the UKADP, provides instructions (4.5.1) that RFL (NGB) shall cooperate with UKAD and support it in the finalisation of its Test Distribution Plan for sport in the UK.*
  - (a) *Please provide full disclosure and auditable details of how the RFL have co-operated with UKAD in its test distribution plan over the past 5 years (2016 – 2020).*
  - (b) *Please provide full disclosure and auditable details of how the RFL have co-operated with UKAD in its test distribution plan over the past 5 years (2016 – 2020), specifically in relation to the RL Community game, so that each and every player within the Community game understands that they may be liable for such tests to take place, within the framework of the ADR's.*
4. *The RFL produced a letter to all Community Clubs on 1<sup>st</sup> August 2020, to explain that it would be introducing anti-doping education to the Community game in 2021. You have a copy of that letter.*

*Please provide full disclosure and auditable details of how UKAD and the RFL have corresponded between 1<sup>st</sup> August 2020 and 28<sup>th</sup> October 2020, with regards to the delivery of anti doping education to the Community game, including any directions in relation to possible sanctions as prescribed under 2.12.2 of the UKADP.”*

3. In a further email dated 6 November 2020, you requested the following information from UKAD:
  - “5. *Do UKAD have a adopted scheme of delegation, where it is set out who within thee organisation is required to carry out certain duties, such as the ones listed in my FOI submission?*
  6. *If there is such a scheme who is delegated within the UKA organisation to ensure that UKAD complies with the provisions of the UKADP 2009, specifically in relation to the sections of the Policy identified in the FOI?*
  7. *If there is no delegation of duties or a scheme of delegation, who within the organisation takes ultimate responsibility to ensure that the provisions within the UKADP 2009 are carried out in the public interest? i.e who is the accountable person for the purposes of accountability as set out in the same UKADP 2009.”*

#### **Information relating to parts 1(a), 1(b), 1(c) and 1(d) of your request**

4. The anti-doping roles and responsibilities of each National Governing Body ('NGB') for sport in the UK, including the RFL, can be found at section 4 of the UK

National Anti-Doping Policy (the 'Policy'). The UKAD Assurance team has general oversight for NGB compliance with the provisions in the Policy. In addition, other teams at UKAD including (but not limited to), the Education, Testing and Case Management teams frequently liaise with NGBs in the context of their respective areas. In the event that any NGB acts in a way that is non-compliant with the Policy, this would be reported to the UKAD Assurance team for review.

5. In UKAD's search for "... *auditable details of how UKAD have monitored compliance [with the requirements of the Policy] by the RFL over the past 5 years (2016 – 2020) ... and any written responses from the RFL or directions and sanctions made by UKAD as part of such a process*" we have identified **2,261** potentially relevant records which will require review in order to enable us to respond to parts 1(a) and 1(b) of your request for information. We estimate that it will take around 2 – 3 minutes to review each record. This will take UKAD an estimated 75 – 113 hours.
6. In UKAD's search for "... *auditable details of how UKAD have monitored compliance with the UKADP by all the NGB's [excluding the RFL] that fall under UKAD umbrella over the past 5 years (2016 – 2020) ... and any written responses from the relevant NGB or directions and sanctions made by UKAD as part such a process*" we have identified **33,152** potentially relevant records which will require review in order to enable us to respond to parts 1(c) and 1(d) of your request for information. We estimate that it will take around 2 – 3 minutes to review each record. This will take UKAD an estimated 1,105 – 1,658 hours.
7. Section 12 of the Act states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of compliance would exceed the appropriate limit. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limited and Fees) Regulations 2004 and Schedule 1(1) of the Act, which provides that the limit for the cost of compliance is £450, or 18 hours at the flat rate of £25 per hour.
8. You therefore may wish to reconsider part 1 of your request for information. For example, you may wish to request copies of correspondence between certain persons only and/or for a shorter period of time.

#### **Information relating to parts 2(a) and 2(b) of your request**

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9. During the period 1 January 2016 – 31 December 2020 inclusive, there were no circumstances which required UKAD to follow the process set out at Appendix Two of the Policy. As such, UKAD does not hold any information in relation to parts 2(a) or 2(b) of your request.

### Information relating to parts 3(a) and 3(b) of your request

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10. In accordance with section 2.5.1 of the Policy, UKAD has developed a Test Distribution Plan for sport in the UK that is consistent with the principles set out in the World Anti-Doping Code and the International Standard for Testing and Investigations. UKAD gives due consideration to recommendations from the RFL as to the quantity, type and spread of testing to be deployed in the sport of rugby league. However, all final decisions as to which rugby league players are selected for testing remains the responsibility of UKAD.
11. Where requested, the RFL cooperates with UKAD and supports us in the finalisation of the annual Test Distribution Plan for the sport of rugby league pursuant to section 4.5.1 of the Policy. The RFL also supports UKAD, where requested, in the implementation of the annual Test Distribution Plan for the sport of rugby league pursuant to section 4.5.2 of the Policy. The RFL does not, however, have any involvement in UKAD's decision as to which rugby league players are selected for testing, nor does it have any sight of UKAD's annual Test Distribution Plan for the sport of rugby league.
12. In UKAD's preliminary search for "... *auditable details of how the RFL have cooperated with UKAD in its test distribution plan over the past 5 years (2016 – 2020), specifically in relation to the RL Community game ...*" we have identified **971** potentially relevant records which will require review in order to enable us to respond this part of your request for information. We estimate that it will take around 2 – 3 minutes to review each record. This will take UKAD an estimated 32 – 46 hours.
13. As explained at paragraph 7 above, section 12 of the Act states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of compliance would exceed the appropriate limit.
14. You therefore may wish to reconsider part 3 of your request for information. For example, you may wish to request copies of correspondence between certain persons only and/or for a shorter period of time.
15. However, as correspondence between UKAD and the RFL in relation to the annual Test Distribution Plan for the sport of rugby league may well be exempt from disclosure under the Act, you may alternatively wish to indicate to UKAD what specific information it is you are looking for. We may then be able to provide you with more particular advice and assistance in refining your request.

### **Information relating to part 4 of your request**

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16. UKAD's search for any correspondence between UKAD and the RFL during the period 1 August – 28 October 2020 (inclusive) relating to the delivery of anti-doping education to Community-level rugby league clubs and/or players has not returned any relevant correspondence for disclosure. As such, UKAD does not hold any relevant information in relation to part 4 of your request.

### **Information relating to part 5 of your request**

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17. In response to part 5 of your request for information, to confirm, UKAD does not have a formal scheme of delegation that sets out which individual within the organisation is required to carry out certain duties on behalf of UKAD.
18. UKAD is an executive non-departmental public body sponsored by the Department for Digital, Culture, Media and Sport ('DCMS'). As the National Anti-Doping Organisation for the United Kingdom, UKAD is therefore accountable to Parliament through DCMS and has the following corporate structure in place:
- a. The UKAD Board has corporate responsibility for ensuring UKAD fulfils its strategic aims and objectives. The UKAD Board comprises a Chair and six non-executive Directors.
  - b. The Chair, working with the UKAD Board, has responsibility for leading the governance of the organisation and ensuring its effectiveness.
  - c. The Chief Executive is the senior executive of UKAD, appointed by the Board, and is accountable to the Board through the Chair. The Board has delegated day-to-day responsibility for the leadership and administration of all aspects of UKAD's operations to the Chief Executive.

### **Information relating to part 6 of your request**

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19. In response to part 6 of your request for information, please refer to paragraphs 17 and 18 above. UKAD does not have a formal scheme of delegation in place. Rather, UKAD has a corporate structure which delegates day-to-day responsibility for the leadership and administration of all aspects of UKAD's operations to the Chief Executive.

### **Information relating to parts 7 of your request**

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20. In response to part 7 of your request for information, please refer to paragraphs 17 and 18 above. UKAD has a corporate structure which delegates day-to-day

responsibility for the leadership and administration of all aspects of UKAD's operations to the Chief Executive. As an organisation, UKAD is accountable to Parliament through DCMS.

## **Conclusion**

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21. If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of this response via email to [foi@ukad.org.uk](mailto:foi@ukad.org.uk). Please remember to quote the reference number above in any further communications.
22. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

A handwritten signature in blue ink that reads "UK Anti-Doping".

**UK Anti-Doping**