

RYA GUIDANCE

REDRESS

WHAT IS REDRESS?

It is compensation awarded to a boat when, in the words of rule 62, 'a boat's score in a race or series has, through no fault of her own, been made significantly worse'. However, there are only four reasons why compensation can be given.

WHAT ARE THOSE REASONS?

The reasons are listed in rule 62.1, sections a) to d).

Redress only can be given if one of the following is true:

- a) The race committee or the protest committee or the organising authority made a mistake either by doing something it should not have done (an improper action), or by not doing something that it was required to do (an omission).

For example, disqualifying a boat without a hearing for not correctly sailing the course is an improper action; failing to make the sound signal of an individual recall is an omission.
- b) Damage or injury to a boat was caused by another boat that was required to keep clear (or to give room or mark-room, or to avoid her). The damage or injury has to be physical. There is no compensation for mental upset.
- c) A boat lost time or places while helping another boat (or person) that may have been in danger.
- d) A boat was the victim of unfair sailing (another boat broke rule 2), or gross misconduct (another boat was subject to disciplinary action under rule 69).

It is important to remember that there is no automatic entitlement to compensation for places or time lost simply because another boat broke a rule. One of the conditions above must have been met.

WHO DECIDES ON REDRESS?

The protest committee (even though a request for redress is not a protest – see below).

WHAT IS THE DIFFERENCE BETWEEN A PROTEST AND A REQUEST FOR REDRESS?

A protest is a claim that a boat broke a rule. If the claim is found to be true in a hearing, then the boats that have broken a rule will normally be penalised. A boat can't be penalised if she has already taken the correct penalty for the incident or retired.

A request for redress is a claim for compensation for lost places in a race or series. No boat can be penalised in a hearing called just to consider redress.

It is possible for a hearing to be both a protest hearing and a redress hearing, see below for more details.

WHO CAN ASK FOR REDRESS FOR A BOAT?

The request must be in writing. The usual way to do this is on a protest form, using the appropriate tick-boxes on the form. However the use of a protest form is not compulsory – a written note will be sufficient, provided that it contains a claim that the boat's score has been affected and why.

A boat can request redress, either for herself, or for another boat.

Remember that a boat can use the same protest form to protest, and to request redress for the same incident. The protest and the request will normally be considered in the same hearing.

A race committee can request redress for one or more boats. For example:

- When it realises that a boat has lost time or places while giving help, but has not requested redress for herself,
- When it realises that it may have made a mistake that has affected a boat, or indeed the whole fleet.

A protest committee can request redress for one or more boats. For example:

- During a protest hearing, it may learn facts that could justify redress for a party to the hearing. Once it has decided the protest, it should go on to consider redress even if the boat concerned did not request redress, without the need for fresh paperwork or a new hearing.
- It may become aware of a race management issue that is likely to result in several boats requesting redress. It can simplify the procedures by calling its own hearing to consider redress for them.

A protest committee is not compelled to act unrequested, but to do so is good practice.

IS THERE A TIME LIMIT FOR REQUESTING REDRESS?

Yes. It is normally the same as the time limit for raising a protest.

The protest committee must extend the time limit if there is a good reason to do so, (see rule 62.2). For example, the reason for a request for redress could be a disputed score in the results, which a boat did not learn about until several days after the event. Provided the request is raised promptly after the relevant information becomes known it should be accepted by the protest committee.

IS A REQUEST FOR REDRESS THE ONLY WAY TO GET A SCORE CORRECTED?

No. A race committee that realises that it has made a scoring error should correct it on its own initiative. Many events use special forms for boats to use to request a correction to a score. It would only be necessary for a boat to request redress if she is not satisfied with the race committee's response to the correction request.

HOW MUCH WORSE IS 'SIGNIFICANTLY WORSE'?

That is for the protest committee to decide.

Normally, a protest committee will not apply this limitation too strictly; the fact that a boat has asked for redress means that the issue is significant to her.

But it could be reasonable for a protest committee to decide that a request is invalid if it relates to a few series places for a boat well down the scoring list, particularly if a hearing would delay a prize giving.

WHY MUST A BOAT NOT BE AT FAULT?

Simply, because that is what the rule says. A boat is not entitled to any redress if her actions contributed, even partially, to the worsening of her score. Specifically, the rules do not allow a protest committee to award reduced redress to take account of a boat's partial responsibility.

Redress is not a means of punishing a race committee, nor can you 'protest the race committee'.

There must be a direct link between something that did (or did not) happen and the worsening of a boat's score. If a mistake has been made, to get redress you must show that it was the mistake that affected your score not your own actions.

For example - if a starting signal is made 10 seconds late, that is an error, but a boat that was already OCS when the starting signal should have been made is not entitled to redress. Her score of OCS was entirely due to her own error and was not caused by the delayed starting signal.

Similarly, if a boat is damaged by a boat that was required to keep clear of her but she is able to continue in the race without losing any places, she cannot get redress for that race because her score has not been made worse. However, if she is unable to take part in the next two races of the series because her damage needs prompt attention she will be entitled to redress for those races.

TO GET REDRESS, MUST I ALSO PROTEST THE OTHER BOAT?

It depends on nature of the actions by the other boat:

If she caused damage during an incident in which she broke a rule of Part 2, then a protest is not essential - but protesting is more likely to result in reliable evidence to justify the claim for redress.

If it is claimed that the other boat's action was "unfair sailing" or "gross misconduct", this has to be proved in a hearing before any redress can be awarded.

In the case of "unfair sailing", the other boat must be protested and found to have broken rule 2, Fair Sailing. Remember that, 'rule 2' is NOT a 'rule of Part 2'.

Similarly, in the case of "gross misconduct", that must be proved in a hearing called under rule 69.1. Remember that a boat cannot protest another boat under rule 69.1. A rule 69.1 hearing must be called by the protest committee.

CAN SAILING INSTRUCTIONS REMOVE OR LIMIT A BOAT'S ENTITLEMENT TO REQUEST REDRESS?

Yes, provided that they also say that rule 60.1(b) is changed. However, it is rarely good practice to do this.

CAN ANY ACT OR OMISSION BY RACE OFFICIALS BE CHALLENGED WITH A REQUEST FOR REDRESS?

A boat may request redress in respect of anything an organizing authority or a race committee does or does not do.

A boat that is not a party to a hearing can request redress if she believes her score is unfairly made worse by the protest committee's decision.

A party to a hearing cannot request redress against protest committee's decision (see rule 62.1(a)). Instead, a party that thinks the protest committee has made an error can ask for the hearing to be reopened (rule 66), or appeal (rule 70).

As a first step it is best to ask for the hearing to be reopened as this can usually be done quickly.

Remember that a reopening under rule 66 can be refused by the protest committee (unlike a request for redress, where a properly lodged request must be heard).

If a party is still unhappy with the result then his last option is to appeal.

WHEN REDRESS IS REQUESTED BY ONLY ONE OR A FEW BOATS, CAN THE HEARING BE OPENED UP TO OTHER BOATS THAT MIGHT BE AFFECTED?

Normally, only a boat that requested redress is entitled to be present throughout the hearing, but when a protest committee awards redress, it has to be as fair as possible to all the boats in the race. It can only do this by getting all the relevant information (remember that if abandonment is a possible outcome, rule 64.2 requires this to be done). This can be difficult if the incident affects many boats but only one or a few of these have requested redress.

Another problem arises if some boats think that redress given to other boats is unfair. These boats can ask for redress for themselves, claiming that the redress already given improperly affected their own scores.

Together these two problems can lead to a series of requests for redress, sometimes taking several days to resolve, and neither the process nor the outcome will satisfy many competitors.

There are two ways to avoid a series of redress hearings on the same issue.

The protest committee can invite the other boats affected to give evidence at the hearing. But, because witnesses must be heard one by one and cannot stay for the whole hearing, this can take a long time and leave the witnesses feeling left out of the process.

A better solution may be for the protest committee to use rule 60.3(b) to open the hearing to all boats affected, giving adequate notice of the time and place of the hearing, so that they can all be present throughout the hearing as parties, can speak, can hear the views of others and can ask questions. Often, the fairest outcome to a difficult problem will emerge from the competitors themselves.

IF A PROTEST COMMITTEE DECIDES THAT A REQUEST IS JUSTIFIED, DOES IT HAVE TO AWARD REDRESS?

Yes, but the redress must be 'as fair as possible for all boats affected'.

What is fairest for all boats may not always seem fair to some individual boats. For example, when many boats are seriously affected by a race committee mistake, the best redress may be to abandon the race concerned, and to resail it on a future day. That remains the right decision, even if only one boat asked for redress, and she is then not able to take part in the resail for which only one date is possible.

Sometimes it is not possible to identify any suitable redress, particularly for a race that is not part of a series. For instance, a boat is given misleading information by the race committee which results in her not reaching the starting line until after the starting signal. She races and gets a bad result. She asks for redress. The protest committee has no way of knowing what her finishing position would have been if she had started on time. So it is likely that any redress granted would be seen by other boats as unfair to them.

WHAT TYPES OF REDRESS ARE POSSIBLE?

The protest committee can award whatever form of redress it feels is best, provided it meets the test of being fair to all the boats affected (see rule 64.2).

However, there are some options that are often used:

To Adjust the Boat's Score for the Race

If the protest committee decides to adjust a boat's score, rule A10 suggests awarding her:

- a) Average points for all the other races in the series (rule A10(a)), or
- b) Average points for all the previous races in the series (rule A10 (b)), or
- c) The points for the position she was in at the time of the incident concerned (rule A10(c)).

Remember that these are only recommendations; in some cases it may be better to use the average of a different set of races or to use a different form of redress.

When option a) is used, all the other race scores in the series must be used to calculate the average. This means that the boat's actual score for the race concerned will not be known until the series is complete.

Using option b) has the advantage of giving the boat concerned a fixed score, which makes the situation clear for everyone for later races in the series.

When using option c) it is usual for the places for the boats that finished normally not to be changed. This means that there will be two boats with the same points, the boat which actually finished in that position and the boat awarded those points as redress. For example, if a boat is awarded points for second place as her redress, the race scores will be 1, 2, 2, 3, 4 etc. These duplicate scores of 2 points are fixed - they must not be treated as a tie to be broken by rule A7. Similarly, if the boat being given redress finished the race, there will be a gap in the race scores at the position she finished. For example, if she finished 20th, the race scores will be 18, 19, 21, 22, etc.

An exception to the above occurs when it is reasonably certain that the boat would have finished in a particular place if there had been no incident requiring redress. For example, if a boat is scored OCS, and is then able to show that the race committee wrongly identified her. She will normally get the score for her actual finishing position, and the scores and positions of other boats will be changed accordingly.

Common sense has a part to play in deciding redress. Take a boat that is seriously damaged by a boat required to keep clear, when lying in first place in the first race of a 10 race series, such that she is not able to take further part in the event. Should she be given redress of first place for the race in question and in all the remaining races, so that this would result in her winning the event? At such an early stage of an event, that would be clearly speculative, as well as unfair to other boats. Judges will often limit the number of races for which they will grant redress. ISAF Q&A F 004 (2007-001) suggests a general principle that, out of the counting races in a boat's series score, the majority of scores should be based on finishing positions in completed races. See also ISAF Q&A L 009 (2011-15). In this extreme example, redress should not be extended to future races, and might even be refused for the race in question unless there were specific prizes for that race.

To Adjust the Boat's Finishing Time

Sometimes, the exact amount of time lost in an incident will be known. If so, it is possible to deduct that time from a boat's finishing time, so that new race scores can be calculated. However, this method of granting redress should be treated with caution, especially when it occurs in a long-distance race (perhaps after giving help to another boat). The affected boat, having lost time, may then be sailing in different winds or tides, compared with the boats she was previously near, and a fixed deduction from her finishing time can be either insufficient or excessive.

To Abandon the Race

This should normally be the last resort when it is not possible to construct an outcome for the race that is fair to all.

The fewer the boats affected, the less likely it is that abandonment is the best outcome.

Remember that the last sentence of rule 64.2 requires the protest committee to get as much information as possible before deciding on redress, especially if it is considering abandoning the race.

To Let the Results Stand

There may be no redress that is fair to the boat concerned. That should not lead to a race being abandoned if other boats had a satisfactory race

To Make Some Other Arrangement

Special circumstances may require other arrangements, for example:

- To reinstate a boat's entry to an event after a hearing called to consider refusal of her entry (see rule 76.1 and the RYA prescription to that rule).
- To correct an unfair handicap.
- To reallocate a prize.