



Redress

Trevor Lewis



The thing about redress is...

Competitors often get confused between protesting and asking for redress.

	Replied	Agree	No view	Don't agree
Mainly RO	29	66%	21%	14%
Mainly Judge	12	92%	0%	8%
Bit of Both	10	90%	0%	10%
Total	51	76%	12%	12%



The thing about redress is...

Competitors often ask for redress to which they are not entitled.

	Replied	Agree	No view	Don't agree
Mainly RO	29	55%	24%	21%
Mainly Judge	12	75%	8%	17%
Bit of Both	10	90%	10%	0%
Total	51	67%	18%	16%



The thing about redress is...

Competitors often fail to ask for redress to which they might be entitled.

	Replied	Agree	No view	Don't agree
Mainly RO	29	69%	21%	10%
Mainly Judge	12	58%	17%	25%
Bit of Both	10	70%	30%	0%
Total	51	67%	22%	12%



The thing about redress is...

Rule 62, Redress, is inherently too favourable to boats requesting redress

	Replied	Agree	No view	Don't agree
Mainly RO	29	10%	48%	41%
Mainly Judge	12	8%	0%	92%
Bit of Both	10	0%	60%	40%
Total	51	8%	39%	53%



The thing about redress is...

Protest committees are often too generous to boats requesting redress

	Replied	Agree	No view	Don't agree
Mainly RO	29	7%	55%	38%
Mainly Judge	12	8%	17%	75%
Bit of Both	10	10%	50%	40%
Total	51	8%	45%	47%



The thing about redress is...

Redress hearings are often a waste of race committee time

	Replied	Agree	No view	Don't agree
Mainly RO	29	14%	17%	69%
Mainly Judge	12	0%	0%	100%
Bit of Both	10	10%	20%	70%
Total	51	10%	14%	76%



The thing about redress is...

Redress hearings often bring a bad atmosphere to an event

	Replied	Agree	No view	Don't agree
Mainly RO	29	21%	28%	52%
Mainly Judge	12	17%	8%	75%
Bit of Both	10	20%	20%	60%
Total	51	205	22%	59%



The thing about redress is...

The 2-hour time limit in rule 62.2 for delivering a request is too generous

	Replied	Agree	No view	Don't agree
Mainly RO	29	21%	31%	48%
Mainly Judge	12	8%	25%	67%
Bit of Both	10	20%	30%	50%
Total	51	18%	29%	53%



The thing about redress is...

Redress should be given only to boats that asked for it

	Replied	Agree	No view	Don't agree
Mainly RO	29	34%	14%	52%
Mainly Judge	12	0%	8%	92%
Bit of Both	10	10%	0%	90%
Total	51	22%	10%	69%



The thing about redress is...

Boats that win protests should normally be entitled to regain lost places

	Replied	Agree	No view	Don't agree
Mainly RO	29	38%	45%	17%
Mainly Judge	12	17%	8%	75%
Bit of Both	10	10%	0%	90%
Total	51	27%	27%	45%



The thing about redress is...

A boat should be entitled to ask for a reopening of a redress hearing when she was not a party to the hearing

	Replied	Agree	No view	Don't agree
Mainly RO	29	28%	28%	45%
Mainly Judge	12	17%	33%	50%
Bit of Both	10	20%	20%	60%
Total	51	24%	27%	49%



The thing about redress is...

A boat should be entitled to appeal against a redress decision when she was not a party to the hearing

	Replied	Agree	No view	Don't agree
Mainly RO	29	31%	24%	45%
Mainly Judge	12	33%	25%	42%
Bit of Both	10	10%	10%	80%
Total	51	27%	52%	51%



The thing about redress is...

A race committee should be automatically entitled to refuse a finishing position to a boat seen not to sail the course earlier in the race

	Replied	Agree	No view	Don't agree
Mainly RO	29	55%	7%	38%
Mainly Judge	12	25%	0%	75%
Bit of Both	10	50%	0%	50%
Total	51	47%	4%	49%



The thing about redress is...

The race officer should be entitled to hear and decide requests for redress under rule 62.1(a) rather than it going to a protest committee

	Replied	Agree	No view	Don't agree
Mainly RO	29	31%	10%	59%
Mainly Judge	12	0%	8%	92%
Bit of Both	10	70%	0%	30%
Total	51	31%	8%	61%



The thing about redress is...

Protest committees are usually too generous in deciding when a score has been 'made significantly worse'

	Replied	Agree	No view	Don't agree
Mainly RO	29	7%	79%	14%
Mainly Judge	12	0%	25%	75%
Bit of Both	10	0%	80%	20%
Total	51	4%	67%	29%



The thing about redress is...

A boat should be entitled to redress for places lost while attending to her own injured crew member

	Replied	Agree	No view	Don't agree
Mainly RO	29	21%	24%	55%
Mainly Judge	12	17%	17%	67%
Bit of Both	10	20%	10%	70%
Total	51	20%	20%	61%



The thing about redress is...

Boats should not be entitled to question the race officer's OCS calls

	Replied	Agree	No view	Don't agree
Mainly RO	29	28%	14%	59%
Mainly Judge	12	0%	0%	100%
Bit of Both	10	10%	0%	90%
Total	51	18%	8%	75%



Boat A crossed the finishing line in the direction of the course from the last mark.

The race committee scored her DNF because it believed she had left a rounding mark on the wrong side.

Her request for redress says only 'I can prove that I left that mark on the required side. So I did sail the course correctly.' Her witnesses confirm this.

Your decision?



ISAF Case 80 – a double-edged sword?

In case 80, boat A crossed the finishing line in the direction of the course from the last mark.

The race committee scored her DNF because it believed she had left a rounding mark on the wrong side.

Her request for redress was refused because she was at fault, and the race committee was not. She appealed.



ISAF Case 80 – a double-edged sword?

Her appeal was upheld. She had finished as defined, and so should have been recorded in her finishing position. If the race committee believed she had not complied with rule 28, it should have then protested her.



ISAF Case 80 – a double-edged sword?

The case includes these words:

‘A fundamental principle...is that a hearing must be limited to the particular ‘incident’...alleged to be an improper action or omission.

Although the incident was that the subject of A’s request for redress was that she had been incorrectly scored DNF, the protest committee turned to a different incident when it considered whether or not she had failed to sail the course...

Since that incident was not the incident alleged in the R for R, the committee acted improperly.’



ISAF Case 80 – a double-edged sword?

‘A fundamental principle...is that a hearing must be limited to the particular ‘incident’...alleged to be an improper action or omission.’

This is a very strict test. How does it apply to the slightly different situation I posed, where the request for redress referred only to sailing the course, and not to finishing?



ISAF Case 80 – a double-edged sword?

ISAF Case 80 says:

‘Although the incident was that the subject of A’s request for redress was that **she had been incorrectly scored DNF**, the protest committee turned to a different incident when it considered **whether or not she had failed to sail the course...**’

So would the opposite also be true if the protest committee upheld the request because the boat in our case had sailed the course?

‘Although the incident was that the subject of A’s request for redress was **whether or not she had failed to sail the course**, the protest committee turned to a different incident when it considered **whether or not she had been incorrectly scored DNF ...**’



ISAF Case 80 – a double-edged sword?

Do we have to require a very strict standard of identification of the improper act or omission?

For every Case-80-type competitor that would benefit when the request is correctly worded, would we reject far more badly-worded requests than we currently do?

Or, in situations like this, should protest committees act (either implicitly or explicitly) as if to call a hearing to consider redress on what the requester should have written in the first place?



The ISAF Judges Manual regarding Redress

Good points:

A boat can ask for redress for another boat
(rule 60.1(b), 'A boat may...request redress')

The PC can move to redress consideration for a boat that appears to deserve it though has not asked for it, based on evidence in a protest hearing



The ISAF Judges Manual regarding Redress

Good point:

There must be a causal link between an improper act / omission by the RC or OA and the worsened score.

Example – an OCS boat will not be entitled to redress when the starting signal is made five seconds late if she was OCS 15 seconds before the actual starting signal (and therefore 10 seconds before when the starting signal should have been made).

On the other hand, a boat that was OCS two seconds before the actual (and late) starting signal has a good redress case.



The ISAF Judges Manual regarding Redress

The Judges Manual, giving this example of a boat that is OCS 15 seconds before a starting signal that is made five seconds late, actually treats this as an example of the requirement for a boat not to be at fault. She was the author of her own downfall, and the signalling error had no effect on her mistake.

On the other hand, the boat that is OCS two seconds before the same late starting signal cannot be said to be at fault.



The ISAF Judges Manual regarding Redress

Good point?

When no boat finishes within the time limit where the race officer could have shortened course but did not do so, his / her failure is not an omission that can lead to redress, because rule 32.1(c) is not mandatory ('may shorten course...'). The same principle is said to apply to any ill-judged but non-mandatory action or omission.

Is that true? RYA case 1969/12 says that a race committee action or omission may be improper, even if no rule is broken (moving starting marks before the prep as permitted by rule 27.2, but by several miles!)



The ISAF Judges Manual regarding Redress

Good point:

In the context of whether or not to abandon when only one boat or very few, have requested it, abandonment should be the last resort, and *'it is useful (and often a requirement in order to fulfil its obligation under rule 64.2) for the PC to obtain evidence from leading boats not involved in the R for R.'*

Question:

Is this better done under usual witness rules, or would a general meeting be better?

Suggestion:

Surely this advice applies to other 'knock-on' situations?



The ISAF Judges Manual regarding Redress

Good point:

‘Sometimes the fairest arrangement is to do nothing’

Bad points:

No guidance on the relative merits of A10 options. What redress can / should you give to a boat that is wrongfully damaged and thus out of the series if the incident occurred:

- when leading during the first race of 10?
- in race 5 of 10?

When should redress points change the points of others?



The ISAF Judges Manual regarding Redress

Note – a revised Judges Manual will be released shortly.