



# DISCIPLINARY SUBCOMMITTEE PILOT PROPOSAL

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# THE CURRENT SYSTEM

- In the current system the **Bu Complaints Committee** (there is one Complaints Committee per Bu) **hear complaints** and the **NCAC** (National Committee Appeals Committee) hear appeals and suspend prior to expulsion at AGM
- Overall there are 14-20 people involved in this system
  - Most of these are elected officers. Their **elected roles** require **different skills** and they **may not even be aware** of these secondary obligations
  - Officers are generally **overworked** which risks introducing **delays** into proceedings with **adverse effects** on individuals and the BKA itself
- The NCAC is a subset of the NC, which causes some systemic problems:
  - In the 2017 constitution, for appeals against suspensions of officers, the NCAC is effectively **hearing the appeal of its own decision to suspend**. This is contrary to natural justice.
  - There has been an attempt to address this in the 2019 version by **removing the right of appeal**, but it would be better to find another way round it as otherwise officers could be left 'in limbo' for **up to a year** until the next AGM
  - Under a system **independent** from the NC all these problems could be **avoided** or **minimised**.



# EXPULSIONS

## UNDER THE CURRENT SYSTEM



The NC suspends members/officers, referring the matter for a decision on expulsion at an EGM or AGM.

It is often hard to meet the quorum at an EGM, meaning that these cases may not be heard for **up to a year**, leaving members suspended **without tested evidence**.

Due to the large volume of business at AGMs, the case is very unlikely to be **thoroughly and fairly evaluated**.

Suspension is a serious matter, requiring fair and reasonable procedures.

# PROPOSED PILOT SCHEME

An independent DSC (Disciplinary Sub-Committee) consisting of a pool of 9 people from which several panels can be drawn:

- A **complaints panel** of 3 (one from each Bu) to replace the current BuCC panels
- An **appeals panel** of 5, to replace the NCAC
- An **expulsions/disqualifications panel** of 7 - to hear evidence on expulsion cases and report findings to the AGM and membership

### Why a pilot scheme?

- Disciplinary systems are **complex**
- There is more than one way of achieving the aim of an independent system and a pilot gives the chance to make **decisions based on evidence**
- Anything that does not work can be adjusted before implementation

### How would it work?

- A **minimum of 9 people** to act as a 'Panel'
- We will run (by email) an exercise designed to **test** out all stages of a new disciplinary system by getting the 'panel' to decide on constructed case scenarios
- We will **report the results back to the NC** so they can evaluate the data

# A NEW SYSTEM

## HOW WILL IT IMPROVE THINGS?

### Separation of executive and quasi-judicial functions:

- The NC already has a **high workload**, making it hard to find time to deal with appeals.
- The NC's sub-committee (NCAC) act as an appeals tribunal from the NC's own decisions, which should be avoided.
- The 2019 constitution **removes the suspended officer's right of appeal**, leaving them without access to redress.
- Where the grounds are "an inability to sustain a relationship with the NC", the matter should go **directly** from the **NC to the membership**, as it is the members' choice in who to trust to represent them.
- The '**separation of powers**' are a part of 'checks and balances' **beneficial** to democratic associations.
- NC officers are elected for qualities that suit their main role – elections for a complaints panel could result in a **better fit**.
- This does **not** add bureaucracy to the BKA as it is replacing a layer of administration that is already there

### Avoiding AGM 'trials'

- Instead of hearing evidence at the AGM, the **membership** will have a report of **facts** found and **recommendations** from an AEDC (available in advance)
- The membership will still make the final decision
  - The NC and Defendant member may make a written statement to the AGM but the full evidence will have been heard before
- This has **several advantages**:
  - There is never enough time at the AGM to deal with 'trials' properly
  - It is **intimidating** to have to defend yourself in front of hundreds of people
  - Cases could be heard **sooner**
  - If a case is dismissed the defendant can be reinstated sooner and **confidentiality** maintained

This proposal sets out an example of how we think a new system could be achieved; there may be more than one way of setting it up and constructive suggestions are welcome.