

Proposal concerning: Article 7.2 responsibilities of members. To amend the wording of the penultimate sentence:

~~“To immediately inform the Chair of the BKA if on police bail or been charged or convicted of a criminal offence involving a child or a violent offence against a person.”~~

by replacing it with the following wording - and to add guiding principles in a new Byelaw (21):

Amended wording:

“To immediately inform the Chair of the BKA if on police bail for, been charged with, or convicted of an offence which could on conviction, incur barring from working with children, or offences of Actual or Grievous Bodily Harm; or assault against a child, or if convicted of common assault. The Chair, Vice-chair and Child Protection officer shall make a decision on any steps which in their opinion are required to protect other members according to the approach set out in Byelaw 21.”

Byelaw 21;

Where the Chair is notified by a member under article 7.2 that he is subject to police bail or has been charged with an offence of the type mentioned in that article, any decisions by the Chair and other relevant officers should be made with regard to the following principles:

- Any restrictions placed upon the member concerned should be proportionate to the degree of potential risk;
- Any restrictions placed upon the member concerned should be the minimum necessary to adequately protect others from such risk;
- At any stage before a person is charged, suspension should only be considered if the situation cannot safely be managed any other way;
- Disclosure of information concerning the members situation should be on a strict ‘need to know’ basis and the minimum required to protect others.
- The member must be kept informed in writing of any decisions made about him or her and the reasons for such decisions.
- The situation should be reviewed regularly and restrictions should only continue for the minimum amount of time necessary for the protection of others
- Where a child is likely to be affected by decisions made then their interests should be paramount
- The member should also consider the responsibilities and position of the BKA in this situation and act accordingly in respect of coming to an agreement with the BKA over his or her conduct

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Reasons for proposal;

I was one of the team assisting with the constitutional amendments and the author of parts of 7.2. The intention of this provision was to enable the BKA to be in as good a position as possible to be able to assess risk to other Members in the situation where someone is under investigation for/ convicted of a serious offence. Police bail was added to this as there can be a 'gap' of 6-9 months before charge during which it is still a necessity to take steps to protect children involved in the BKA's activities.

Following feedback from some members concerning the rights and position of people arrested for possible offences but not convicted, and consultation with the Chair and Vice-Chair, I am proposing these amendments because:

- Being more specific about what offences exactly are covered is clearer for all concerned and prevents 'mission creep'
- In addition to offences that may incur 'barring' to working with minors, ABH and GBH are included as although not the 'list' they may give rise to concerns about risk to other members. 'Assault' is now confined to notifying convictions because of the very wide range of circumstances common assault covers and less defined link to risk, so this seems a more proportionate approach.
- It is now clearer what the Chair will be doing with the information
- There are some principles in Byelaw 21 which attempt to ensure that the infringement of the person's rights is proportionate to risk and only as intrusive as necessary, whilst making it clear that the rights of any children are still paramount.

Clearly this is a difficult situation where there is no perfect solution but I feel that this wording takes account of the points raised by members and acknowledges the rights of the person accused while not compromising protection of others especially children.

Notes:

List of 'relevant offence' for barring purposes:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/157242/dbs-factsheet-05.pdf