

Admin 129: Member group Proposal: that articles 10, 11 and 13 of the Constitution be amended to institute a Disciplinary SubCommittee and introduce new disciplinary processes for the BKA.

DOCUMENT A

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What you are being asked to do at the 2021 AGM about this proposal:

In this documents area you can find the following documents:

1. This note to members; a short summary of the proposal
2. A detailed description of the proposal, reasoning and the pilot project carried out
3. A description of the role of Co-ordinator which is up for election
4. The actual changes to the Constitution that you'll be asked to vote on

In the circumstances of the AGM this year- online format and with an unprecedented number of posts up for election at the same time- we will be asking you to make a decision at this AGM in principle as to whether you want to change to this new system.

It will be implemented as from the 2022 AGM, and the Constitutional changes will come into effect at that point.

There will be 12 elected posts for Panel members which will be elected at the AGM in July 2022.

The Co-ordinator will be elected in December 2021, so that they can work with the new NC and the complaints officer to set up the system to hit the ground running in 2022.

Who we are:

We are a small group of members who have been working for the last 2 years to produce a plan to reform the BKA's complaints and disciplinary system. We have conducted a pilot project to test out the feasibility of our plan. From this we have developed materials which can be used for training and guidance for the new Panels.

There were about 20 people involved in the development of this plan, but the Steering committee are: Alex Jovanovic, Amanda Allen (current jodo DRC) Andy Watson and Darren Waghorne (current complaints officer).

Applications from all members for the post of Coordinator would be welcome. Please submit your application to the Secretary in the usual way. If you would like further information about the scheme, beyond what is contained in the documents in this subsection of the website, then please email bkadocumentcontrol@gmail.com .

Alex will also be standing for the post of Coordinator, and has been pivotal in developing this proposal. Given his detailed knowledge of the proposed system the proposers of this motion would recommend him to you as Coordinator.

Executive Summary:

The BKA complaints process:

- currently relies on a small group of existing NC and Bu officers who
 - may have other Association commitments or
 - may be more likely to be the subjects of complaints; and
- has been seen to lead to a delay in resolving complaints or in other responsibilities.

A trial has been carried out for a new system:

- to have a dedicated group of complaint-resolution panelists
- to work with a slightly different procedure and structure.

The trial was largely successful and showed that this proposed new system could

- ensure complaints were dealt with in a timely manner
- by a group of independent volunteers
- in a fair and transparent way.

Introduction to the Proposal:

The BKA complaints process currently relies on a small group of existing Bu and NC officers. There are potentially **14-20** officers involved; 3 panels of 3-5 from the Bu (usually a mix of elected and co-opted) and 5 NC members for appeals.

There are a number of problems with this:

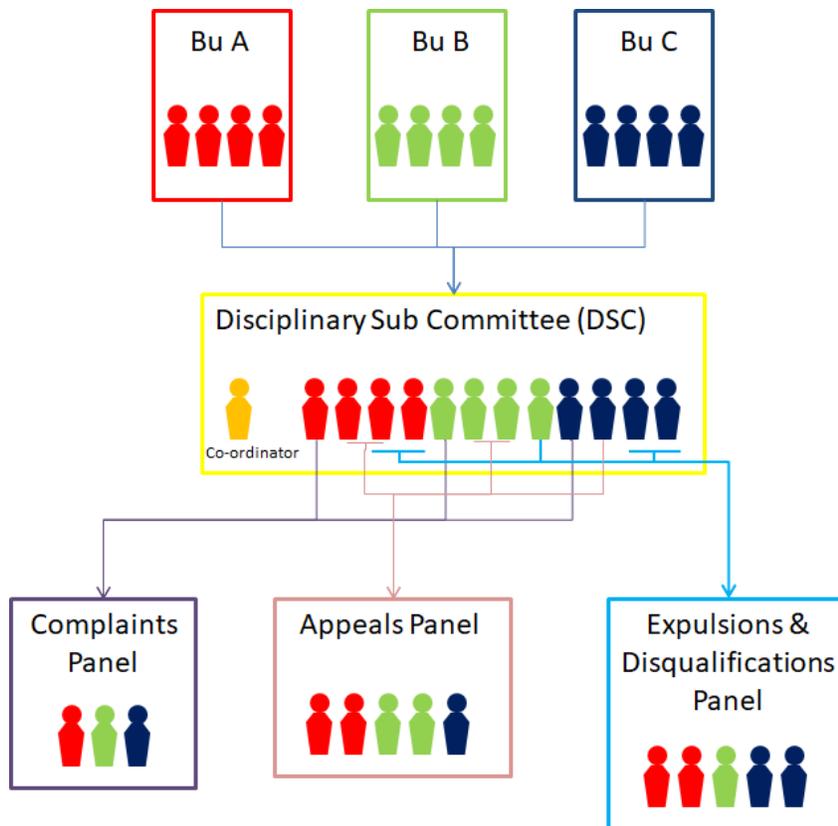
- Workload - officers may be overloaded, leading to
 - Delays
 - Impact on NC or Bu work
- Different skill set needed for panel membership and Bu or NC officer role
- Potential conflicts of interest (officers are more in the firing line as the subject of complaints)

The current system sees expulsions and disqualifications go to the AGM for hearing. The problems with this are:

- Confidentiality - all details of cases are disclosed to the membership
- Waiting a year for a resolution (difficult for the member, and may allow problems to 'fester')
- Difficulties of hearing evidence at a mass meeting:
 - Members' lack of motivation to read the documents
 - Severe time constraints
 - Does not deal well with natural justice
 - Public nature can be intimidating

Having the evidence heard by a panel who can make findings and send a brief report to the AGM would mitigate these problems.

Under the proposed system, this would be the structure of the DSC, which would involve 13 elected officers and operate as a subcommittee of the NC. The DSC would have 12 panellists who could sit on any panel:



A trial has been carried out for a new system to have a dedicated group of complaint-resolution panelists to work with a slightly different procedure and structure.

The detailed reasoning for the need for such a change and explanation of the proposals can be found here: [2021Proposal v5 - Google Docs](#)

The Pilot Scheme:

How it was set up:

This took place between September 2019 and March 2020:

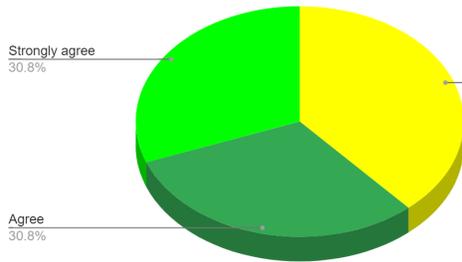
- **Round 1 complaints:** A team of volunteers were organised into 5 groups of 3 and each heard one complaint. Panels considered written 'statements' by the protagonists and conferred by email, phone or social media. They produced a 'determination' and proposed sanctions.
- **Round 2: Appeals.** There were two groups. One consisted of 3 people and determined an appeal against a refusal to approve a coach for DBS purposes. The other consisted of 5 and determined an appeal against a complaint.

- **Round 3: Expulsions and qualifications:** one panel of 7 determined 3 expulsion cases and one case to disqualify from office.

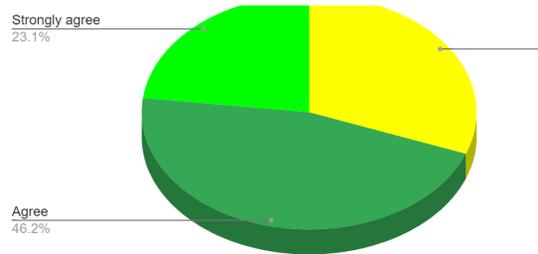
Decisions were peer reviewed and participants completed a survey.

Analysis:

Most of the participants would be happy for the new system to be used if they were involved in a complaint:

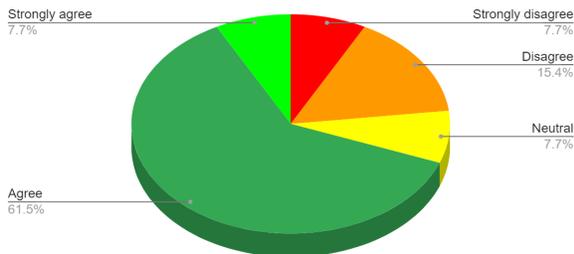


A as complainant



B as 'complained of'

In answer to the question-” would you be interested in sitting on a real complaints panel under this system in the future?” a large % of the participants responded positively:



The full analysis of the survey is in the link to the longer more detailed proposal document (above).

Conclusions:

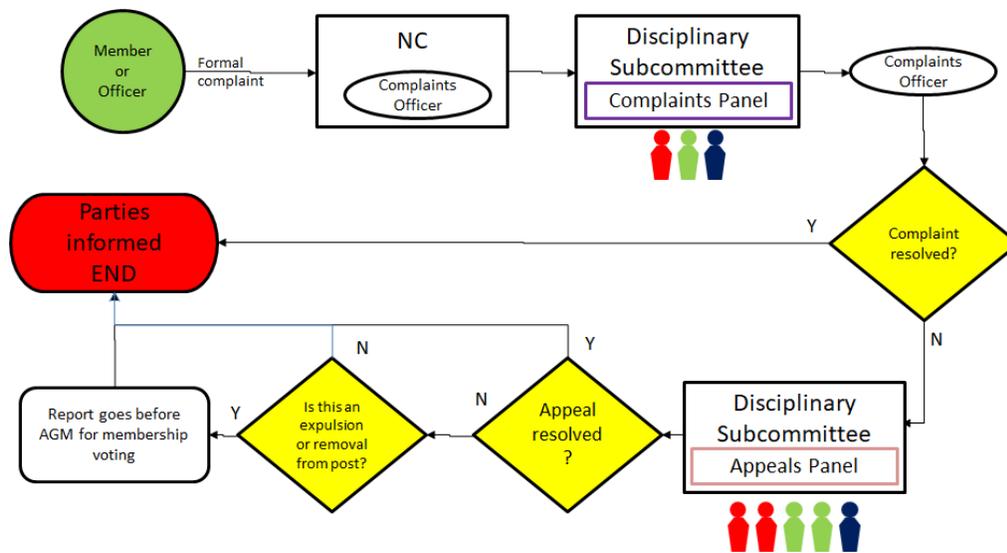
- The processes within the pilot were reasonably successful
- There was a drop out rate of around 33%
- A minimum of 9 people would be required to work this system
- The original proposals could be improved or streamlined in places

The trial was largely successful and showed that this proposed new system could ensure complaints were dealt with in a timely manner by a group of independent volunteers in a fair and transparent way.

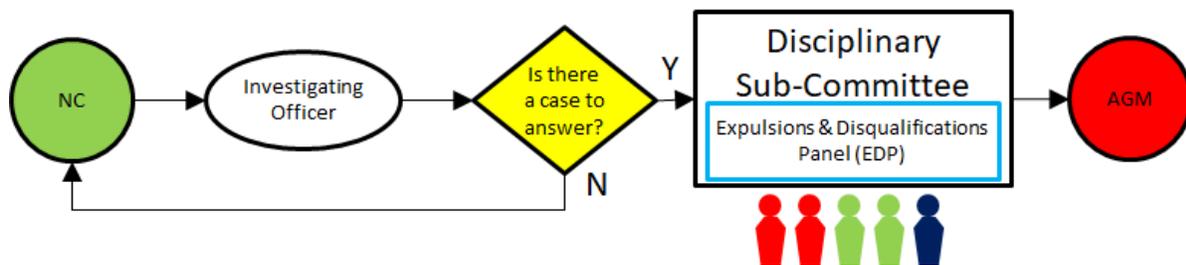
Proposed changes:

- Replace existing structure with a DSC of 13 elected people (4 from each Bu) plus a Co-ordinator
- DSC will be a subcommittee of the NC to retain overall responsibility for BKA with NC and avoid over complicating the structure of the BKA
- DSC Coordinator to select panels for individual cases with a balance between Bu; the Panel Chair will be one of the panellists and that role will rotate between panellists
- Panels of 3 to hear complaints, replacing all BuCC
- Panels of 5 to hear appeals, replacing the NCAC
- Panel of 5 to hear most expulsions cases replacing 'trial' at AGM but will report to AGM for ratification by membership. Membership will still decide the outcome, but on the basis of conclusions and recommendations of the panel.
- Expulsions can happen via a complaints route, or by NC asking for an investigation (a different and separate process)
- Complaints and appeals; evidence will be supplied primarily by the parties and co-ordinated via the complaints officer; panels can request further evidence
- There will be a co-opted 'investigating officer' for the NC-instigated expulsions route *only*, who will collate evidence for the panel or may recommend 'no case to answer' to the NC. This person is there to assist the panel in weighing up the facts and is not a 'prosecutor'. They would usually be the complaints officer but do not have to be.
- 'Safety net' provision: if there are not enough elected officers at any point then the posts will be filled by co-option from ranks of Bu or NC officers.
- There will be an anonymised archive of summaries of previous decisions available to Panels to try to ensure consistency of sanctions
- Appeals may be conducted on paper unless there is a need for further evidence
- New system to be trialled for a year

NB Situations where the issue is a breakdown in working relationships will still need to be decided by the AGM as they are a question of confidence in officers.



Proposed procedure for cases originating from a complaint



Proposed procedure for cases originating with concerns in NC

Things that won't change:

- Complaints confidentiality
- Complaints hearings
- Grounds for appeals
- Filtering process for deciding whether a complaint is in remit
- Right to a hearing for complaints and expulsions
- Sanctions available to panels
- Written reasons will be given for decisions.
- NC power to suspend
- Matters will still need to go directly to the AGM where the issue is the breakdown of the relationship between an officer and the NC or Bu.

Proposed changes to the Constitution:

The changes to the wording of articles 10, 11 and 13 can be found here: [amendments to article 10-13 v2 - Google Docs](#), and also in Doc 3 in the AGM documents area on the website.

If there are amendments to Bylaw 22/article 10 decided within the voting at the AGM, then these amendments will be imported into any alternative clause under the DSC scheme.

Positives:

- Reduces workload for existing elected officers
- Avoids conflicts of interest and personnel difficulties where officers are subject to complaint
- Allows earlier hearing of cases
- Avoids confidentiality and data protection problems inherent in disclosing material to whole membership
- Allows adequate time to deal with hearings
- Avoids evidence having to be heard at the AGM
- Separates the 'judicial' and 'executive' powers in the BKA
- Decisions made by an elected panel separate to the NC are less likely to be perceived as 'political'
- Investigating officer can be appointed by NC to look at evidence where there are concerns about a member /officer and report back allowing NC to refer to panel /AGM where there is a need; this is additional to the complaints system

Challenges:

- Requires between 10 and 13 new officers
- There is a (rare) possibility of the NC ending up disagreeing with the Panel
- Cannot improve current system in situations of breakdown of relationships between officers
- Increases workload for Complaints officer

Further information:

If you would like more details in respect of this proposal, you can find this on the following links:

[8docA2part1 - Google Docs](#) - Details of how the current system works, reasons for reforming it and how we think the new system will improve the situation

[8- doc A2part2 - Google Docs](#) - The pilot project, how it was set up and detailed analysis of the results.

[8- doc A part 3- structure and processes - Google Docs](#)- The structure and processes of the new system

[DocA2- part 4 decision making - Google Docs](#) - the different options for the new system and why we chose the ones in the proposal

[8docA- part 5role of panellists - Google Docs](#) - description of the role of panellists, co-ordinator , investigating officer. You can find a detailed description of the skills required for the Coordinator in a separate document in the AGM documents area.

If you have any questions, please take a look in these expanded sections. If they don't answer your question we can be contacted on bkadocumentcontrol@gmail.com . We would appreciate it if you could copy this address into any relevant questions on the GM discussion forum as well.

Alex Jovanovic, Amanda Allen, Darren Waghorne, Andy Watson
August 2021