



BRITISH KENDO ASSOCIATION

DISCIPLINARY SUBCOMMITTEE PROPOSAL

AGM 2021

bkadocumentcontrol@gmail.com

This proposal has been made by a group of members including Alex Jovanovic, Amanda Allen, Andy Watson and Darren Waghorne (current complaints officer) and was endorsed by the NC in April 2021.

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 consists of NC officers, which has some inherent possibilities for conflicts of interest.

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/ expulsion is a serious matter, requiring fair and reasonable procedures.

PROPOSED SCHEME

An independent DSC (Disciplinary Sub-Committee) consisting of a pool of 12 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 5 - to hear evidence on expulsion cases and report findings to the AGM and membership

RESULTS OF PILOT SCHEME

We have run the proposed scheme as a pilot with a group of 'panelists' from a panel of 18 people from all Bu determining several complaints and appeals by email.

- Complaints were dealt with within a timescale of 4-6 weeks
- Surveys conducted of the panelists determined that:
 - They felt the new system was fair to all concerned
 - They were able to work with others under it
 - A majority would consider volunteering for the role 'in real life'.

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) may act as an appeals tribunal from the NC's own decisions, which should be avoided.
- In 2019 the new constitution **removed suspended officers' 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 a Panel (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

WHAT AM I BEING ASKED TO VOTE ON AT THE AGM?

- Approve the changes in principle for implementation July 2022:
 - This is being done to avoid having to elect 12 new posts at the same time as 18 main officer posts at this AGM
- Elect a Coordinator for the DSC
 - They will be in a position to set up the subcommittee so it can be effectively immediately the panellists are elected

FAQs:

Won't this proposal undermine existing officers?

No: it will take some of the burden of work from them but does not imply lack of confidence in existing officers. The NC remains the overall managing committee for complaints. There is a mechanism to sort out disagreements.

Will you have enough people standing for posts to run this?

- This system could run with 10 people as opposed to the 14-20 currently involved.
- the positive response of the pilot scheme panellists indicates that we should be able to find that number of additional officers.
- Given the usual low number of complaints in any given year, this is not going to be an onerous job.
- If new officers can be recruited to do this, they may be interested in going on to more major roles, therefore this could be good for succession planning within the Association.
- There is a failsafe mechanism if there are not enough people:
 - co-opting from the ranks of those who would be doing the job under the present system. This should ensure that the Association cannot end up in a worse situation than now.
 - The new system should be reviewed in 1-2 years to see how it is working.

FOR MORE INFORMATION PLEASE READ THIS: [Agenda item 8 doc A intro/note to members \(britishkendoassociation.com\)](#)