

# National Caving Association / British Caving Association

**Minutes of the Conjoint Meeting of NCA & BCA National Councils  
held on Saturday 8<sup>th</sup> January 2005 at the Alvechurch Baptist Church Hall, Alvechurch.**

<b>Mick Day</b>	<b>Chairman</b>
<b>Eddy Hill</b>	<b>Secretary</b>
<b>Bob Mehew</b>	<b>Observer</b>
<b>Chris Broome</b>	<b>Observer</b>
<b>Elsie Little</b>	<b>Conservation Officer</b>
<b>David Judson</b>	<b>Legal and Insurance Officer / BCRA Rep.</b>
<b>Les Williams</b>	<b>Publications and Information Officer</b>
<b>Jenny Potts</b>	<b>DCA</b>
<b>Idris Williams</b>	<b>Training Officer</b>
<b>Sue Mabbett</b>	<b>Cambrian CC Chair</b>
<b>Glenn Jones</b>	<b>CNCC</b>
<b>Dave Cooke</b>	<b>CSCC</b>
<b>Steve Holding</b>	<b>NAMHO</b>
<b>Nick Williams</b>	<b>Insurance Officer</b>

**1. Chairman's welcome and address**

The Chairman welcomed those present and declared proceedings open at 10:40am.

**2. Apologies for absence**

Apologies were received from David Jean, Alan Finch, Andy Pryke and Jim Cochrane.

**3. Applications for Membership.**

An application for membership was received from United Cavers Exploration Team. The application being correct and in accordance with the requirements of BCA, UCET was accepted as a member by council.

**4. Minutes of NCA/BCA Council Meeting of 9th October 2004**

These were accepted as a true and valid record after minor modifications.

**5. Matters arising from minutes 9<sup>th</sup> October 2004**

No matters arising.

**6. Chairman's Report**

- No correspondence has been received from UK Sport nor Sport England. It seems that recent redundancies have caused us to fall out of the communication loop. It is now time to start hassling them for next years income as they have had our application for some time but we are still to receive a confirmation of future funding.

IW pointed out that the loss of the grant would be horrendous to the training initiative.

Discussion ensued to try and find an alternative form of funding expeditions and training but it was agreed that no grant would equate to no money for these activities.

IW interjected that he has made a commitment to fund several initiatives. Council agreed that BCA should support the funding where IW had made a commitment but that IW should make no further financial commitments until the grant situation is clarified.

MD informed council that CCPR is making representations to highlight the ways in which outdoor pursuit sports are being treated by UK Sport and Sport England.

- MD informed the meeting that regrettably BCA's auditor and treasurer had resigned.

Despite resigning as BCA treasurer, BM had agreed to complete the accounts for NCA before the handover to the incumbent treasurer in March.

## 7. Treasurer's Report

- In the absence of Jonathan Roberts, BM suggested he be co-opted to the position of BCA treasurer until his election at the AGM. This was **agreed** by council
- BM reported that he had stepped down as treasurer of BCA so as not to interfere with the formation of the new accounts system. He differentiated between the roles of the BCA Treasurer (from which he resigned) and that of NCA Treasurer, under which he is completing NCA's accounts for 2004 so they could be wound up at the 12 March SGM..

Several points were then raised under the Treasurer's banner as they have the potential to affect BCA income:

- IW introduced his paper on: Compulsory BCA Membership for LCMLA Registrants (Annex 1)  
After some discussion in which arguments for and against were put forward, the consensus was reached that a problem exists and BM suggested that council does not insist at this stage that LCMLA registrants join BCA. This approach was **agreed**.
- NW reported he believes insurance can be made financially viable this year; as it was last year.
- BM introduced his paper 'Insurance – BCA's Business Model and a need to consider an update for 2005 / 2006' (Annex 2) which contained three recommendations:
  1. BCA only accepts name duplication where the first name, surname and full address are the same. It is a matter for clubs to ensure their members' names are accurate. BCA does not accept any responsibility for pointing out 'near' duplications. **Agreed by council**
  2. BCA does not change its business model and absorbs any potential loss. **Agreed by council**
  3. The policy be urgently compared with the Insurance Requirements Specification and BCA Council be provided with a detailed statement linking each requirement to the policy as soon as is possible.

NW and DJ argued that the policy is suitable for all the requirements of BCA, including that of covering people commissioned by BCA to carry out a paid job, whether or not they are volunteers.

JP proposed that the word 'urgently' be removed from the wording of recommendation 3. This was **agreed** and allowed the recommendation to be **agreed by council**.

In response to a query, BM advised that the new accounts for BCA had not yet been opened. Following a discussion, **Council agreed** that the NCA account should be used to fund BCA activities in 2005. BM noted that having resigned as BCA Treasurer, he no longer had authority to issue cheques without a direction. However, he was prepared to undertake the basic issue of cheques etc on direction from MD or EH. BM accepted that he should remain the point of receiving BCA's bills and would communicate with MD or EH as required.

- BM reported he has a potential auditor in line but did not have a specific name. This raised the prospect of the auditor having to be appointed before the next meeting of council. Under the current circumstances, **Council authorised** NCA and BCA executives to appoint an auditor.

## 8. Secretary's Report

- EH raised the question of BCA's logo and was assured that a winner for the logo competition would be selected soon and that BCA would have a logo by the end of January 2005.

- EH informed council that he had received an appropriate number of requests for the dissolution of NCA and that he had called a SGM to discuss this matter and reach agreement. The SGM is to be held after NCA's AGM, on the same date as the AGM. Initially, the announcement has been made on NCA's website and a note supplied to Descent for inclusion in the next issue. Written confirmation will be posted to all members with the AGM's agenda.
- EH introduced an article on caving that appeared in the Times, Sport Section on 31<sup>st</sup> December 2004. The article, by Sarah Potter, had been possible thanks to cavers volunteering to be interviewed and it was agreed gave the right impression.
- On the topic of the forthcoming election of candidates, EH reported he has received forms from 4 candidates. One for Treasurer, two for Club Rep. and one for Publications and Information Officer. The deadline for submission of candidatures having passed, any candidates expressing interest before the AGM will have to be accepted by the Chairman.
- JP expressed the view that minutes should be sent out by post and at a date that would allow her to present them to meetings of DCA. In the recent past, minutes have been issued too late for this. After some discussion it was agreed that minutes should be mailed to those who expressed an interest in receiving them by post. EH accepted JP's point and undertook to alter the current practice.

#### 9. Conservation Officers Report

- EL reported that planning permission has been granted to ARCO Quarry to carry out work at the hard rock quarry at Helwith Bridge. The situation is now deemed to be beyond repair.
- English Nature is now under upheaval since being re-structured by Government.
- EL has used funds on distance measuring devices for cave surveying were surveying is made difficult by the presence of a conservation area. The devices are lodged with RCCs and are available on request.
- The C&A budget is still to receive an application for funding.

#### 10. Training Officer's Report

- IW reported that Dave Edwards has been taken back into hospital. During his absence and until a suitable substitute can be found, IW proposes that all queries pass through him. The full wording and conditions of this proposal are available as Annex 3. **Seconded SH Council agreed.**

Furthermore, **council approved** that BM to enter negotiations to conclude matters with Dave Edwards and Associates under the current sad circumstances.

#### 11. Equipment Officer's Report

- LW commented that no equipment meetings had been held for a very long time and one is needed with urgency.

#### 12. Publicity and Information Officer's Report

- LW reported that the poster design proceeds but that appropriate wording is required. After some discussion, it was proposed that the wording should read '...so you want to go caving?' **Agreed by council.**
- LW enquired when the next handbook would be issued. Consensus was that the handbook should not be issued until after the next AGM. This should become the norm over future years.
- LW asked for guidance as to how to deal with publications with the NCA address on them and what should be done with the large number of Weil's disease cards that are now obsolete. After some discussion it was

agreed that NCA's address and details should be changed to those of BCA by means of a sticky label. Weil's decease cards should be donated to a worthy cause.

**13. Webmaster**

- LW reported that he requires information for the new BCA website and as soon as he has it, the website will become live.

**14. Legal and Insurance Officer**

- NW reports no surprises on the insurance front. Interest from other brokers came to nothing. The premium for this year's insurance came in at 5% below last year's. The decision to continue charging last year's sub means that it should be possible to remove duplication without incurring a financial loss on the policy.
- NW expects an increase in participation from several large clubs new to the scheme. It is hoped that this will help balance any loss from SWCC.
- Amongst new clubs, NW mentioned that he had received an expression of interest from Swedish cavers to come under BCA's PL insurance. SM raised the point of whether this would not be seen as a commercial undertaking on the part of BCA. Following some discussion it was agreed that since (a) BCA has been approached, (b) they would join BCA and (c) they have a common interest in line with those of BCA, their joining the scheme could not be seen as BCA marketing an insurance product. Despite this, it was agreed that NW should approach the insurers to gain their agreement with foreign nationals joining BCA's scheme.
- NW expressed the desire that the message should go back to cavers that BCA's membership fee is not the cost of running the insurance but of financing the national body that works to the benefit of all cavers.
- NW introduced the concept that full time students in a university club are offered a special rate of insurance to reflect their student status. Council agreed that student clubs are very important to the sport and that all possible help and support should be provided to them. NW was instructed to study this matter further and to report back to council with a full proposal.
- DJ reported *the legal and insurance publication* had been very successful and issue 1 had been sold out. A second edition will be printed and should be available by mid year.

**15. Convenor, Radon Working Party**

No report

**16. National Cave Registry Co-ordinator**

- Pengelly's thoughts for a cave survey database have been received and will be studied with due diligence by DC. In the first instance, he believes the database will fit in very well with the National Cave Registry.

**17. International Representative**

No report

**18. BCA Newsletter Editor**

No report

**19. Any Other Business**

There being no further business to report, the Chairman declared the meeting closed at 16:30

**Next meeting to be held on 12<sup>th</sup> March 2005 at Alvechurch Baptist Church Hall, following the NCA/BCA General Meeting.**

## Annex 1

### Report to BCA Council 8<sup>th</sup> January Compulsory BCA Membership for LCMLA Registrants

Council may recall that there was a proposal from early 2003 that all holders should be compelled to be members of BCA to validate their awards.

Consultation took place with users of the Award regarding this proposal and it met with general disapproval. Comparisons were made with the British Canoe Union who had a similar rule, which was seen by canoe instructors as purely a fund raiser for which no worthwhile benefit was given and had caused many instructors to allow their awards to lapse.

The subject was debated at the July 2003 Training Committee, among the points raised were the existing contribution of around £5000 from Award holders fees towards the coffers of the NCA. Finally as a compromise it was suggested that if it were necessary to get the BCA onto a secure financial footing then the Training Committee would support the idea of incorporating a year's initial membership into the Award scheme registration.

This counter proposal has been ignored by the BCA during its setting up, however, it has recently been reactivated.

Since the Training Committee Meeting in July 2003 the situation has changed drastically.

The membership fee level was not known, at that time, but it was assumed that it would £5 or perhaps £10. The benefits were seen as a newsletter and access to public liability insurance. It is now understood that the membership fee is either £15 or £20 for an individual member and that membership can only be taken out by also taking the insurance at a further £18.

The Training Committee discussed this at the meeting on 18<sup>th</sup> December and was unanimous in their opposition to this for the following reasons.

The current registration for LCMLA fee is £35. This proposal would have the effect of increasing this to £68 or £72. As part of the package the registrant is compelled to take an insurance policy, which excludes the very activity for which the registrant is setting out to do, namely acting as a professional. Could this be interpreted as miss-selling of insurance?

The Committee were of the opinion that this increase could well be counterproductive in that the reduction in numbers of registrations would be so severe as to reduce the overall income from the scheme. It is likely that it would no longer be possible to cover administration costs from this income resulting in spiralling increases in costs and subsequent reduction in numbers. In short the scheme would be unviable.

It has not been possible to consult with end users about this proposal due to the shortage of time; however, many current users can easily find alternative ways of running caving as an activity without needing to register for the LCMLA.

1. Activity Centres can gain AALA licences by the site-specific route. This involves employing a CIC holder in an advisory capacity to certify the operation of the staff members in the particular cave. Currently most centres choose to send their staff on Local Cave Leader Award training and assessment. It is difficult, without consultation to know how many centres would in the face of these increases switch to the site-specific route.
2. A few local education authorities run their own cave leader schemes for teachers and youth workers offering the activity. Again it is difficult without consultation to gauge the numbers of authorities who would decide to run their own schemes and how many registrations would be lost.
3. Leaders in cadet services, (ATC AFC) have the option of using the civilian scheme or the combined services scheme. No figures exist on the number of these leaders using LCMLA but this proposed increase is bound to have an affect on the choice.
4. The Scout Association scheme proposed, but now put on hold pending the overall review of activity rules, involved almost all new Scout Caving Leaders registering and taking LCMLA training. I had a telephone conversation with Ian James who indicated that it was his opinion that this proposed increase would mean that the registration would be dropped as a requirement. Training to the syllabus (or a very similar one) would still be required.

In summary it is the view of the Training Committee and the Training Officer that this proposal if implemented would render the Award scheme unviable, leading to the loss of £5,000 annually of existing income to BCA coffers. It should be pointed out that this sum represents per capita about the same order of contribution to BCA coffers as is made by Direct individual members.

## Annex 2

Insurance – BCA's Business Model and a need to consider an update for 2005 / 2006

1 The insurance cover required for BCA was based on an Insurance Requirements Specification first drafted in 2002 by NCA and updated on several occasions since then. A copy of the document was supplied to the brokers who eventually found an insurance company willing to provide cover.

2 The Business Model adopted for 2004 was to spread the cost of BCA's insurance premium across all cavers within any club, which wished to obtain cover. (The other costs of BCA that set the subscription are not dealt with in this paper.) This was based on the then understood position that all members of a club would be at risk in the event of a claim being made against that club. Clubs would effectively obtain insurance by making all of their members "Club Individual Members" (CIMs) of BCA. A specific decision was also taken to not try and identify duplication of individuals (contrary to previous thinking) due to the recognition of the problems in identifying duplicate names. Specific additional sums would be levied on clubs who were perceived to undertake additional risky activities, such as having a club hut or being an Access Controlling Body. In addition, specific insurance cover was obtained (for an additional cost together with an additional excess requirement) for members of EUG and CDG, recognising their importance to caving. The business model also incorporated an assumption that DCA's insurance cover would cease in late 2004 and hence members of those clubs would join BCA as CIMs.

3 This analysis is based on BCA membership data as at 3 October 2004. It does not cover DCA insured clubs who are considered to not be likely to switch during 2005. It also does not cover the relatively few additional clubs who have joined since the beginning of October.

4 This data set has 87 clubs who are Group (club) members of BCA and whose memberships are also Individual (CIMs) members of BCA.

5 Sorting the names using first name, surname and postcode indicates that there are 191 persons who are "accurate" duplicates and no person who is an accurate "triplicate". The numbers of other duplicates are in the following table:

Number of Duplicate Post Codes alone	1230
Number of Duplicate Surnames alone	653
Number of Duplicate Post Codes & Surnames together	605
Number of Duplicate Surnames & First names together	208

This assumes that every one has exactly the same first name and does not use a nickname or shortened first name in one club and their proper name in another club. Clearly, BCA does not have the knowledge to determine where two clubs' use of variations of a first name is for the same individual. BCA has tried to collect duplicated club data, notably for Direct Individual Members (DIMs) & EUG, but not for CIMs.

**Recommendation – BCA only accepts duplication where the first name, surname and full address is the same. It is a matter for clubs to ensure their members' names are accurate. BCA does not accept any responsibility for pointing out "near" duplications.**

6 The 87 clubs contain some 3367 heads in total, of which 735 (22%) are non active CIMs and 2632 (78%) are caving CIMs. An inspection of the data indicates that the smaller sized clubs list few non-active cavers, as one may expect. However there are 2 large sized clubs (of size 130 and 132) who have declared no non-active cavers, in addition to another club (size 281) who has openly stated to have not identified non-active cavers. There are also 9 medium sized clubs (between 20 and 40) who also have declared no non-active cavers. The percentage of non-active CIMs rises to 28% if these 12 clubs are ignored.

7 There are 56 DIMs, of which 2 are non-active cavers. There are an additional 29 new DIMs whose data was in the process of being counted. There are 172 CDG & EUG members (with only one probable duplicate).

8 There are some 26 Access Controlling Bodies (which ignores some clubs who have huts) who are Group members of BCA, of which 5 are Regional Caving Councils. There are 9 clubs who have club huts (which ignores those clubs who are recorded as having Access Controlling Body status).

9 Recent research by one club has identified legal precedent that indicates that the vulnerability of members of a club that is the subject of claim is limited (see [http://www.olni.gov.uk/advisory\\_committee/archive/Index\\_archive.cfm](http://www.olni.gov.uk/advisory_committee/archive/Index_archive.cfm) for a review paper by the Northern Ireland Office of Law Reform on Unincorporated Associations). This paper gives rise to the proposition that there are notionally 3 groups of members of a club at different levels of risk in the event of that club being sued. These groups may be loosely described as:

- 1) those members directly or indirectly involved with the event,
- 2) those members who were club officials of the club at the time of the event, and
- 3) those members who had nothing to do with the event.

The paper indicates the risk of the third group is, according to the cited paper, limited to the sum of their subscription. The risk to the other two groups is not so limited and clearly will depend upon specifics of the event.

10 This leads to a possibility of clubs recommending that the first group seek cover by becoming DIMs of BCA, seeking alternative cover for the second group and not covering the third group. Clearly such a move would reduce the membership of BCA.

11 A simplistic approach would be to suggest that the size of BCA's CIM membership would drop by 28% to around 2400. If one assumes that there are say 400 duplicates (based on being roughly mid way between 650 and 191), then the total reduction is roughly 40%.

12 BCA could change its model to provide "club official" cover under caving CIMs status. The size of a club's committee is clearly a reflection of the size of the club. Making a simplifying assumption that the members of clubs of size less than 20 are all active CIMs, and assuming a club whose size is between 20 and 49 has 1 committee members, 50 and 99 has 2 committee members and 100 and above has 4 committee members, all of whom would be otherwise non active CIMs, gives a potential 80 additional members. This does not seem to be a reasonable source of additional subscriptions. It would also be difficult for BCA to claim that its insurance cover is restricted for its CIM or DIMs so as to not cover "club official" activities.

13 This approach also brings potential difficulties as to whether BCA may be considered to be selling insurance, rather than its current claim of only providing insurance as a membership benefit for individual members of BCA (whether they be "Club" or "Direct").

14 The financial implications of a 40% reduction in membership size for the insurance element are as follows.

Membership Type	Insurance Element	Size	Sum
CIMs	£18	2000	£36000
EUG & CDG	£50 & £25	171	£5025
Active DIMs	£18	85	£1530
Non Active DIMs	£6	2	£12
Access Controlling Bodies	£100	19	£1900
Huts	£100	9	£900
Total			£45367

15 The costs associated with BCA's Insurance element are estimated at £50,000. This would imply a loss of around £4600. This is equivalent to the income from the "missing" non-active CIMs. However, there are several other potential new members that should substantially off set the magnitude of the loss. On this basis, it is concluded that BCA retains its current approach.

**Recommendation – BCA does not change its business model and absorbs the potential loss.**

16 A query has been raised with Clause 12.10 which deals with excluding liability for "... any wrongful act committed by any director and or officer of the Insured ...". Wrongful act is widely defined (including error) and brings into question whether BCA's officers (as well as officers of clubs) have cover for their errors etc. Clarification has been provided in writing by the brokers that the purpose of the clause is to limit coverage to those "...decisions made

by officers as part of their duties ... so long as such decisions are made in a volunteer capacity". The policy does not cover officers acting in a professional capacity. However, the finding of such a condition draws into question both whether the policy does provide the coverage identified in the Insurance Requirements Specification and if our service providers remain covered.

**Recommendation – The policy is urgently compared with the Insurance Requirements Specification and BCA Council be provided with a detailed statement linking each requirement to the policy as soon as is possible.**

Bob Mehew

### **Annex 3**

#### **Proposed BCA Council resolution 8<sup>th</sup> January 2005. TTASP role.**

It is proposed that the council adopt the following resolution to deal with the absence of a Training Technical Advice Service Provider:-

It the absence of the TTASP all queries normally directed to the TTASP shall be directed to The Training Officer.

Where queries in respect of the Award schemes can be dealt with by reference to the Local Cave and Mine Leader Award or Cave Instructor Certificate Handbooks, or to the minutes of Panel or Training Committee meetings, or to recorded precedent, the Training Officer shall respond accordingly sending copies or his replies to the Chairmen or the National Coordinating Panel and Cave Instructor Certificate Panel.

Where the query cannot be resolved as above the Training Officer shall act on the advice of the Chairman of the relevant panel. In determining his advice the Chairman should consult with minimum of two other Panel Members. If consensual advice cannot be given the matter shall be deferred to the next Panel Meeting.

All decisions made under the above process shall be reported to the next Training Committee for ratification.

Where the queries are in respect of recreational caving the Training Officer shall consult with Members of the Training Committee or other acknowledged experts in the field.