

Acting Secretary's Report

BCA has a good record of doing what is needed for British Caving. The main purpose and focus of BCA has been, and surely is, to maintain access to our caves and mines by providing the members with the benefit of third party public liability insurance which provides financial comfort to the landowners who are good enough to allow us access to the caves on their land. BCA also provides the funding which allow BCRA to run the British Caving Library and which provides the bulk of the expedition grants distributed by the Ghar Parau Foundation. That we are able to do this through two well run and caving specific charities provides tax benefits which would not be available otherwise. BCA also funds the bolting programme and operates the scheme which provides professional qualifications to those who introduce so many to our sport.

My first involvement with BCA council came when I agreed to represent Cambrian at a single meeting. I soon found myself volunteering to resurrect the newsletter, thinking that after a relatively short period it would be taken on by another and I would be allowed to walk away.

Well before what proved to be a relatively long period ended, I found myself agreeing to assist and then take over from the retiring Treasurer (just until a proper replacement could be found). That took a while but I did eventually manage to pass on the newsletter whilst regularly agreeing to extend my temporary term as Treasurer. With an end to that in sight I unexpectedly found myself filling the Secretary's role as well and continued both for a few months. It is with relief that I finally find myself approaching the end of my involvement.

In a little over 3 years I edited 13 editions of the newsletter but wrote my only editorial for the final edition. It ended with

Whilst editing the newsletter I have realised what a huge contribution has been made over an extended period by a very few individuals who have ensured that the administration of British caving runs smoothly. That those few work quietly behind the scenes and ask nothing of the 5,000 odd members who enjoy the fruits of their efforts and often abuse them online is very much to their credit. On behalf of the silent majority I offer them our thanks.

What I wrote then is no less relevant today. To be Treasurer or Secretary or to take the lead in IT matters requires a huge commitment of time and patience and to be Secretary also requires a very thick skin. I have nothing but admiration for those who took on these posts before me and for those who do so in the future.

These posts are administrative and largely carried out beneath the radar. Indeed, if no-one notices the activities of these officers it is a clear sign of their efficiency. It is frustrating, however, and occasionally soul destroying to find oneself obliged by sheer professionalism to work hard to implement a policy which one believes to be detrimental to British caving.

None of the most recent incumbents has undertaken the Secretarial role because they wanted to do it. In each case it has been approached with a sense of duty and a realisation that although it was likely to be thankless and onerous it was a necessary responsibility which someone had to take on.

In recent years these positions have been made much more onerous and stressful by a very small number of members, some of them Council members, who appear to have sought to use BCA to pursue their personal objectives and at this AGM we will be appointing the 5th person to hold the Secretary's post in three years. This level of attrition is unsustainable and we are fortunate to have a

nominee who is keen to take the role. I do hope that the individuals to whom I refer take note and do not give him cause to regret his decision.

I will add that the role of the Executive is often made more difficult by council members and committees who narrowly focus on the areas of concern to them without considering the wider implications.

Secretarial Matters

The Secretarial assistant had resigned by the time I took on the duties of Secretary. In my opinion that experiment was a failure and contributed greatly to the backlog of day to day administration I inherited. No replacement appointment has been made and the backlog has been eliminated.

In the last few months some long standing projects have been brought to fruition and some very long standing anomalies have been put right. Any member interested in the detail should read my reports to Council which are available on the BCA website.

Current matters have been dealt with to the best of my ability and as expeditiously as possible.

Club Membership

On the advice of our insurers Council decided to discontinue the option of taking club membership without all members of the club also being members. The relatively few clubs to have taken this option have been informed. The membership pages have been revised to reflect the new situation and current advice.

Policies

There are several proposals for the adoption of new policies. The draft policies have all been carefully considered by Council and are deemed to be necessary either by law or good practice. The policies relating to Safeguarding have also been vetted at a workshop attended by our Safeguarding Officer and organised by NSPCC. As part of the exercise Council has commissioned the Safeguarding Officer and the incoming Secretary to review the existing Disciplinary and Complaints procedures in time for any recommended changes to be considered at the 2020 AGM.

The detailed work behind the Equality & Diversity Policy was done by George Plant & Louise Baddeley, the other policies were the work of Chris Boardman and we should be grateful to each of them for their efforts.

Standing Committee Terms of Reference

When BCA was formed the standing committees were effectively transferred from NCA with the then existing terms of reference. These terms of reference were never formally adopted and the proposals under this head seek to correct that omission whilst bringing them up to date.

AGM Weekend

I am more than grateful to those who have been so helpful in organising activities for the Saturday. YSS members have pre-rigged a fine selection of local caves, BCRA members have organised a water tracing workshop and QMC members have agreed to offer SRT training using the YSS indoor facility. That all concerned said yes without hesitation when I approached them took a huge burden off my shoulders.

Counsel's Advice re access for under 18s

Noting the comments in the report from the Youth & Development Officer I add what follows in the hope that it will assist members to reach a better understanding.

My verbal report to the January Council Meeting under "matters arising" was summarised as follows in the minutes:

RW provided an update on the Charterhouse legal question. He had spoken with WB and consulted the CSCC Chair who had confirmed that we may approach Charterhouse. He had then consulted Charterhouse for approval of BCA involvement. It was confirmed that the Charterhouse AGM required the directors to wait for BCA to obtain a legal opinion before moving on. RW had prepared a brief for Counsel which was slightly redrafted by a solicitor (working pro bono) and had then sought a Barrister who was prepared to accept the brief under the public access scheme. After some price related negotiation Counsel was instructed. Counsel's advice arrived earlier this week and is currently under consideration.

To add a little background:

This was one of many matters which devolved on me when I agreed to take over the duties of the Secretary at the October council meeting. Within a few days of that meeting I had dealt with a host of urgent matters and gone on a pre planned holiday. On my return I e-mailed Will to request a briefing. He provided a copy of a document which he and my predecessor had prepared. In a subsequent e-mail I asked

What is the aim of this? Is it to gain access to Charterhouse caves? to clarify a legal point? or something else?

Will replied

Gain access to the charterhouse (and other caves) for under 18s whilst clarifying that there is no issue with letting U18s in.

I reviewed the document which had been provided and concluded that it was likely to be unsuitable so referred it to a practicing solicitor. His response was

it's so badly written as not to form a useful basis for any sort of advice. It is confused, confusing, and runs far too many questions together.

Not wishing to denigrate what was obviously a genuine attempt to produce a usable document I did not share that with Will but proceeded to prepare a revised document.

I reviewed it with the Charterhouse legal advisor who confirmed that it included all the questions they needed answered and then e-mailed my draft to Will, Rostam and Les, inviting comment. I took account of comments received and prepared a revised draft which was reviewed by the solicitor who made some minor revisions. I then set about finding a barrister as described above.

The advice was received on 9th January and was immediately shared with Will, Rostam & Les.

It had been intended to publish Counsel's advice and his permission to do so was requested. On receipt of his reply, and having fully considered the substance of the advice, the members of the Executive provisionally decided that it would not be in the best interest of BCA and British caving for it to be published.

My report to the April Council meeting included:

As was mentioned at the last council meeting the requested advice had been received a few days earlier. The advice itself and further advice from Counsel concerning publication has since been considered by the Executive. The further advice concerning publication includes:

As to distribution, my understanding is that the intellectual property in the text of the advice itself remains with myself, albeit of course the actual substantive advice is yours to share as you wish. Sharing the actual document with your members who are landowners seems like a sensible option, although I would certainly do so with the caveat that it is general only - feel free to do so.

If I may offer a word of warning against wide-scale distribution and explain why I would ask that it not be made available online? I have found from experience that when people read legal information online, they (i) overly focus on the elements that accord with their own beliefs, and (ii) presume that it has specific application to their own situation

With that advice, and having now fully considered the content, the Executive provisionally decided and now recommends that the document itself should not be made public, and that it should be made available only to interested landowners on request and on receipt of a formal undertaking that it not be published, quoted from or distributed to anyone except themselves and their legal advisers.

In order to progress the specific matter which necessitated this advice it has been made available to the Chair and the legal adviser of one landowner on that basis.

In general terms the advice is that

- Waivers made by or on behalf of under 18s can be effective
- There is no distinction between married and unmarried minors
- There is no applicable element of Human Rights law

The instructions to Counsel included that, if he considered that an indemnity waiver would be effective, he should draft an appropriate wording. He has done so. It is proposed that this wording should be made available to landowners or access bodies on request.

The minutes of the council meeting include “A vote was taken on whether to support the Executive recommendation not to publish the legal advice: 20 votes in support (unanimous)”

The Y & D report includes “When members of the Youth and Development group asked to see the questions sent to the solicitor by Robin Weare, we were ignored”

Not recalling such a request I have carefully reviewed the correspondence. As mentioned above the draft of the brief was copied to Rostam & Will. I now see that I received an e-mail from Will on 20th December which I may possibly have misinterpreted. It read

Any chance of sending the drafts sent to the solicitor to the Y&D please?

Do we get results before meeting or is it a surprise?

Only reason I ask is that we are relying on this legal advice before we start other actions.

I replied to Will that day with a copy to Rostam

Counsel's opinion will come to me, hopefully decently ahead of the Council meeting as promised. I'll then be forwarding it to Rostam in the expectation that it will be included in the Y&D report.

Will replied:

Brill thanks. I'm a little nervous about the counsel opinion, obviously if it is negative my position becomes untenable.

I did not take that as indicating that I had misinterpreted the question. Rostam did not reply.

This matter had been drifting for a long time when I got involved. I put in a huge amount of time when I was pretty busy with other matters, pulled a few favours and got it done. A simple thank you would have been nice.

Robin Weare

