

Youth and Development AGM Report 2018-2019

We've had an eventful year since the last AGM, with another club – Swansea Speleological Society, brought into the fold, not to mention the BCA making membership free for under 18s. I've tried to keep it brief and each topic is expanded upon in each section. If it's all a bit long please make sure to read the other projects section – it details what's coming and the volunteers we're looking for.

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Swansea Speleological Society

Many members of the Y&D team were in attendance at CHECC and a member of Aberystwyth Caving Club became excited at the prospect of being able to develop a club in Swansea, where he was currently studying. The offers of help, explanation of how to go about it and most importantly: the realisation that others had done it really successfully (Lancaster University SS), spurred him on and we began the fairly long process of support.

A constitution was written and appropriately modified, in consultation between us, the caving club and the Athletics Guild of Trinity St David's. It was written allowing the club is to accept any student from Swansea. They were then able to sign up enough members to become a club and went through a refreshers season. They have stalls booked for next year as well.

In addition to the constitution, risk assessments and other paperwork was provided. Brief discussions regarding qualifications and insurance were provided – the BCA's position being 'there are no qualifications suitable for student caving clubs' and that 'BCA membership provides the insurance necessitated by the Athletics Guild'.

Equipment was sought at low cost where possible and in the interests of expediency an emergency kit loan was provided. We estimated their current capacity for trips (as limited by leaders and transport), what equipment needed for classic fresher trips in the area and provided that in time to take them caving during the second term. We've had extensive discussions regarding what further support is needed and the club is in a very good place to expand and thrive.

Forgiving Debts

The loans given to Swansea and Lancaster by the BCA total £3050. These were forgiven by council in April so as not to hinder the growth and consolidation of these two caving clubs. We have successfully restored student caving to the two prime target areas and this initial outlay by the BCA has increased the membership by approximately 1%. It should be noted that Lancaster were the third largest attendees at Northern CHECC this year. This is only the initial result and we will continue to provide support to member clubs.

CHECC have introduced an emergency kit loan scheme as well, modelled on the kit loan scheme that has worked so well in getting kit out quickly to keen cavers. Student caving is in a very healthy place and has a very well connected network.

Under 18 Membership Made Free

We were asked by members of the SWCC a series of questions regarding insurance of under 18s and it emerged that one of the driving issues behind the questions was limits on the temporary insurance and getting serial trips. It seemed such a ridiculous bureaucratic hurdle to be limiting children going

caving and a cost analysis was performed. There was no increase in policy cost, and the revenue lost according to the membership database was in the region of £500 a year.

This means that if an under 18 exceeds the temporary insurance cover they can become a member of BCA and carry on caving. It should help remove an extra cost to any scout groups or under 18s in normal clubs and should be viewed as part of a large strategy to help all youth caving.

Vision and Constitutional Reform Group

We were asked to contribute to the Vision and Constitutional reform group. We have done so by providing 3 members to sit on the committee and have produced a 3000 word report following Hellie's questionnaire (I have since circulated this openly online). For those who haven't had the opportunity to read it I have included an excerpt below:

'That said, it has achieved a significant sample size and some very robust trends have emerged:

- The BCA should do more on access.*
- BCA should be attracting new people to caving.*
- Caving needs more young people.*
- Caving should be promoted more.*
- BCA membership is widely taken up for the primary reason of insurance.*
- We do not communicate well with our members.*
- Our website is outdated.*
- On-line voting would help engagement.*
- Clubs would like more support.'*

We took lessons on board from this too, Y&D need to improve our communication with the membership. Part of our poor communication is compliance with a mode of operation in the BCA – i.e. trying to ruffle the least feathers. Whilst noble, it has significantly led to an erosion of trust in BCA over the next issue.

Charterhouse Caving Company Ltd and access for young people

by Will Burn

During my last two years as a DIM I have been working on an issue brought about by the actions of Charterhouse Caving Company Ltd, which administers access to caves as an Access Controlling Body. The CCC Ltd made the decision to completely ban under 18s from the caves on their land, justifying this with legal posts by Bob Mehew on UKCaving pertaining mainly to the ability of an U18 to sign waivers (Insisting that U18s can't sign waivers and that even if they could that this would be somehow contrary to the Human Rights Act)

The Youth and Development Group, for whom I was acting in this issue, was advised by a reader in law (with specific experience in landowner liability) at Sheffield Hallam University that this was ridiculous. Unfortunately this advice was not from an insured practising solicitor and so the BCA sought legal advice on the issue.

At the time, Charterhouse refused initially to justify their decision, and so I contacted the landowner, the Somerset Wildlife Trust, directly. The SWT did not have any knowledge of a ban on under 18s to this nature reserve or any potential reasons for them.

I had been working on the question for the solicitor with Nick Williams for a year before he resigned. Robin Weare consequently became acting secretary of the BCA. He discarded the work we had done, and wrote his own questions to the solicitor in consultation with the directors of CCC Ltd. When members of the Youth and Development group asked to see the questions sent to the solicitor by Robin Weare, we were ignored.

We want to take the opportunity, in the spirit of transparency, and to dispel any notions of foul play, to ask that the Acting Secretary Robin Weare release to council members the questions he sent to the solicitor on behalf of the BCA.

The legal advice was received and shared with me, the executive, and the directors only at CCC Ltd. The executive decided not to share it with other council members, including the access and conservation officer, and decided not to share it with the (club) membership of CCC Ltd.

We want to take the opportunity, in the spirit of transparency, and to dispel any notions of foul play, to ask the BCA executive to share with council members the legal advice obtained on behalf of and for the BCA, informative as it is. Whilst the executive insists that the legal advice can't be shared for copyright reasons, if it is the case that the BCA cannot read the legal advice it bought, it should request a full refund of the members money spent on this issue.

I read the legal advice and it is my understanding that there are no legal justifications for a ban on young people from caves. There is very unlikely to be any additional liability arising from the use of caves by young people for the landowner, or for a Limited Liability company such as Charterhouse CC Ltd. The legal advice confirmed that there is no legal basis for a distinction between under 16s and 16-18 year olds.

As a consequence of the legal advice obtained, CCC have 'reverted' to the previous access position of not allowing under 16s. This clearly ignores the legal advice. They also implemented a clause insisting that all under 18s be accompanied by two adults **each**. They don't have the co-operation of cavers (12 permits handed out a year– there are far more trips than that) and shouldn't be trusted to discuss access with the landowners unsupervised.

So in summary the position of the BCA executive is that it continues to allow an Access Controlling Body, on behalf of cavers around the country, to actively discriminate against cavers on the basis of age, and has allowed this for several years. This is untenable. The BCA cannot claim to have any sort of equality policy, and it cannot claim to represent all British cavers whilst it allows organisations to use its name to practise active discrimination.

One of the guiding principles of the BCA is laid down in section 4.7 of the constitution and is as follows:

4.7. That the Association will make its services available to all sections of the sporting community. There will be no discrimination on grounds of race, gender, sexual orientation, creed, colour, occupation, religion or political opinion.

The Charterhouse Caving Company Ltd have been actively working against this principle, by attempting to force the BCA, through spurious legal arguments, to accept discrimination on the basis of age. Charterhouse Caving Company is a member of the BCA and is bound by this constitution.

Section 11.2 states

11.2. Notwithstanding Sub Section 11.1, any member deemed to be acting against the interests of the Association may be suspended and subsequently expelled from the Association. Any suspended or expelled member shall have a right of appeal against an order of expulsion or suspension. Such an appeal shall be heard at the next General Meeting of the Association. The member must be sent a written notification of suspension and/or of expulsion to the last known address. Any member so suspended shall not be entitled to use any of the Association's facilities, including any certificates or awards or receive any grants or other funds, save for the repayment of expenses properly incurred in executing the Association's business.

We must soon decide, based on the wilful inaction of Charterhouse Caving Company Ltd, whether the Company is acting against the interests of the BCA and its members, and whether the Company

should be suspended or expelled from the organisation and stripped of its status as a recognised Access Controlling Body.

Other Projects

We are putting together a comprehensive pack for clubs on how to help and support young cavers in clubs and the support available to them from BCA. Over the last few weeks I've been in contact with several clubs regarding what to do about a group of keen under 18s and what the legality is in membership and taking them on trips. So, this pack is desperately needed. We have a budget to produce these materials and go out and meet the members in person. **We need Graphic Designers and people to write press releases.**

We have also put together awards for recognizing cavers contributions to youth caving. There are also a couple of projects we are working with the scouts on but these are being delayed owing to time pressures. **We need event organisers for a BCA under 18s event.**

Rostam Namaghi