



Proposals to the 2021 AGM

Please note that some proposals may be subject to amendments before going to the ballot (e.g. Splitting Proposal 3 into 2 distinct proposals for the sake of voting). These are the proposals correct as of 27/07/2019, final proposals will be circulated with the agenda on Sunday 29th August.

Proposals affecting the constitution:

Page:

- | | |
|--|---|
| 1. Change Chairman/Chairmen to Chair | 2 |
| 2. Section 10.1 Revision proposal | 2 |
| 3. Standing Committee and Working Group Overhaul | 4 |
| 4. Revisions to Section 6 and Section 8 | 5 |

Proposals NOT affecting the constitution

- | | |
|--|---|
| 5. Proposal 5: Update to the Equality and Diversity Policy | 6 |
| 6. Increase membership fee | 7 |

A podcast discussion breaking down some of the technical language and giving arguments in favour and against the proposals will be made available in September.

Further materials to support and clarify proposals 4 and 5 so that they can be seen in context (i.e. a full draft section 6 and 8 and the new policy) are also due to be made available.

Proposals affecting the constitution

Proposal 1: Change Chairman/Chairmen to Chair

That 'Chairman' and 'Chairmen' in the constitution be changed to Chair. This would affect the stated 12 words in clauses 6.1, 6.7, 6.14, 8.2, 8.7, 8.9, 8.12 and 8.13

Proposed by Rostam Namaghi (10644), Seconded by Jennifer Ryder (18311)

Argument in favour: this updates an unnecessarily gendered role

Proposal 2A: Section 10.1 Revision proposal (BCA COG Proposal)

A: This AGM proposes that:

- section 10.1 of the BCA Constitution be deleted entirely;
- the text 'Notwithstanding Sub Section 10.1' be removed from Sections 10.2 and 10.3;
- the other parts of Section 10 be renumbered accordingly;

UNLESS Section 10.1 Revision proposal B or C receive a greater majority in the post-AGM online ballot than this proposal, in which case no part of this proposal takes effect

B: This AGM proposes that section 10.1 of the BCA Constitution is amended to:

- *The Association shall not mediate between Members unless requested by them to do so.*

UNLESS Section 10.1 Revision proposal A or C receive a greater majority in the post-AGM online ballot than this proposal, in which case no part of this proposal takes effect

C: This AGM proposes that section 10.1 of the BCA Constitution is amended to:

- *The Association shall not interfere in the affairs of a Member unless it is necessary to do so to investigate a complaint raised by another Member (the Complainant). Any action taken by the BCA should be the minimum possible to balance the competing rights and freedoms of the Member and the Complainant.*

Note: Such rights would include those granted under the BCA Constitution and the principle of autonomy.

UNLESS Section 10.1 Revision proposal A or B receive a greater majority in the post-AGM online ballot than this proposal, in which case no part of this proposal takes effect.

Proposer: On behalf of the Constitution and Operations working group (COG) Andrew McLeod (15876) (Convenor). Secunder: Josh White (14859) and the COG group

Arguments in favour:

At the 2020 BCA AGM, a motion from a BCA member required the BCA to investigate a 'new form of words' for Section 10.1 of the BCA Constitution. A consultation of BCA members was carried out, and a report written (available at <https://cloud.british-caving.org.uk/index.php/s/eZrwJpf6poz7jSY>) explaining how there are a wide range of opinions and concerns relating to Section 10.1.

The current Section 10.1 of the BCA Constitution reads: “The Association shall not interfere in the affairs of a Member unless specifically requested to do so by that Member. The Association shall not mediate between Members unless requested by them in writing to do so.” Many consultees felt that Section 10.1 is important to preserve the autonomy of member bodies of the BCA. The principle of autonomy is an important one, and should not be disregarded, nor should the legitimate concerns of members. There is certainly no intention by the group to encourage ‘interfere[nce] in the affairs of members’; the COG group would stress that autonomy is guaranteed in the BCA Constitution in section 2.1, and do not believe removing/amending Section 10.1 will change this.

Equally, many consultees believed Section 10.1 prevented the BCA from carrying out the work the membership expects. We believe the practical effect of Section 10.1 is small; autonomy is already a core part of the BCA Constitution, and it is not possible for anybody to provide mediation unless both parties agree (or it is not mediation). However, its vague nature can have a chilling effect on BCA work. Consequently, we have provided a range of options to the membership, represented by the three proposals A, B and C. If more than one of these motions meets the required threshold, the most popular will take effect.

Proposal 3: Standing Committee and Working Group Overhaul (BCA COG Proposal)

Replace the Training Committee and Equipment and Techniques Standing Committee with the Equipment and Training Working Group.

This group is to have national body and regional council representation in its Terms of Reference. It will co-ordinate and facilitate recreational training, manage the anchor programme and be responsible for strategic planning.

Simplify the structure of BCA groups by removing Standing Committees and removing the vote of the P&I Officer

Re-form Conservation and Access as a working group with national body and regional council representation.

Constitutional changes to remove Standing Committees

- Replace 'Secretary, Treasurer together with Chairman of the Standing Committees (Section 7) with 'Secretary, and Treasurer' in section 6.1.
- Delete 'and Chairmen of Standing Committees' from section 8.12b.
- Replace 'Standing Committees and others' with 'those' in section 9.8.
- Replace 'Sections 7 and 8' with 'Section 8' in section 12.3.
- Delete Section 7 of the constitution and renumber subsequent sections and references.

Proposer: On behalf of the Constitution and Operations working group (COG) Andrew McLeod 15876 (Convenor). Seconder: Rostam Namaghi 10644 and the COG group

The BCA currently has a number of standing committees and working groups, together with a number of special-case situations such as the elected P&I Officer (with no committee). These changes will simplify the structure of BCA groups by removing Standing Committees from the BCA Constitution. Current standing committees will be replaced by Working Groups with terms of reference to be written by BCA Council. This is an effort to simplify working groups and reduce the number of people on council.

The differences between working groups and standing committees can be summarised as:

- Standing Committees can only be formed and altered at an AGM (including their terms of reference)
- Standing Committee Chairs have to be elected at the AGM
- Standing Committee Chairs have a vote at council.

They have different but similar requirements to working groups in the manual of operations. This, combined with a general confusion of who is due for election and who has a vote at a meeting (the P&I Officer being a working group convenor but also having vote for instance) makes the BCA bureaucracy impenetrable, less transparent and makes accountability harder. Working groups terms of reference can specify regional and national body representation. It can be helpful when groups become dysfunctional for council to appoint someone apolitical to run the group, as if it were part of the civil service, which helps if they do not have a vote.

Proposal 4: Revisions to Section 6 and Section 8

Proposal for the AGM to make the following amendments to the constitution

- A subheading 'GENERAL MEETINGS' to be added to Section 8.1
- Insert ', whether physical or teleconferencing' after 'General Meetings' in section 8.1.
- Replace 'place' with 'venue, whether physical or teleconferencing,' and 'General Meeting' with 'an Annual or Special General Meeting' in section 8.3.
- Replace 'on the day of the National Council meeting preceding the AGM' with 'of the 84th day (12 weeks) before the meeting' in section 8.4.
- Replace 'place' with 'venue' in section 8.5.
- Replace 'to members on request' with 'to all members not later than six weeks after the meeting' in section 8.8.
- Add a subtitle 'VOTING AT GENERAL MEETINGS' to section 8.9.
- Replace 'lowest' with 'lower', and 'online vote' with 'online ballot of all individual members eligible to vote', and delete 'arising from a General Meeting' in section 8.9.
- Add a subtitle 'ONLINE BALLOT FOLLOWING GENERAL MEETINGS' to section 8.10.
- Replace 'Online voting' with 'Online ballot', 'approximately 30 days' with '14 days', '>=70%' with 'not less than 70%' and 'contested positions' with 'elections' in section 8.10.
- Add a subtitle 'ANNUAL GENERAL MEETINGS' to section 8.11.
- Move the text of section 8.11 into a new subsection 8.11.a.
- Renumber section 8.12 to 8.11.b, and renumber the bulleted list i), ii), iii) and iv).
- Renumber section 8.13 to 8.12, and add a subtitle heading 'SPECIAL GENERAL MEETINGS' to this section.
- Renumber the first two sentences of section 8.12 to 8.12.a, and the latter two sentences to 8.12.b.
- Replace 'not less than 12 weeks' with 'not less than 84 days (12 weeks)' in the new section 8.12.a.
- Renumber section 8.14 to 8.13, and add a subtitle heading 'EMERGENCY GENERAL MEETINGS' to this section.
- Renumber the first sentence of section 8.13 as 8.13.a, and the latter two sentences as 8.13.b.
- Add ', or by one member of the Executive and three other voting Council members' at the end of the new 8.13.a.
- Replace 'not less than 2 weeks' with 'not less than 14 days (2 weeks)' in the new section 8.13.b.
- Insert 'the online ballot following' before 'an Annual General Meeting (AGM)' in section 6.1.
- Replace the sentences beginning 'Uncontested candidates...' and 'If there are multiple...' with the sentence 'All candidates must gain the approval of the membership in the ballot' in section 6.1.
- Insert 'the online ballot following' before 'an AGM' in section 6.3.
- Replace the sentences beginning 'Uncontested candidates...' and 'Applicants exceeding...' with the sentence 'All candidates must gain the approval of the membership in the ballot' in section 6.3.

Proposer: On behalf of the Constitution and Operations working group (COG) Andrew McLeod 15876 (Convenor). Seconder: Jenny Potts 00062 and the COG group

Argument in favour:

Section 8 of the constitution describes how General Meetings of the BCA are called and carried out. Covid has forced our AGMs online, and these changes aim to ensure that our constitution fully supports the option of an online general meeting. We have also taken the opportunity to tidy up a few parts of this section, and fix some issues with the timeline of notices for General Meetings. We also make changes in sections 6.1 and 6.3 which have no actual impact on operations, but removes inconsistencies in the constitution and matches the interpretations made by previous AGM.

A document showing the changes made to Section 8 is available at <https://cloud.british-caving.org.uk/index.php/s/pM5WwAcXz8eKjnx>. Another document of explanatory notes will be made available on the BCA Website in the COG section. The proposed changes were approved unanimously by the Constitution and Operations working group.

Proposals NOT affecting the constitution

Proposal 5: Update to the Equality and Diversity Policy

To update the equality and inclusion policy and align it with the policies and set up of the association.

Under purpose insert the following wording: *For the purpose of this document members refers to any individual, club, access control body, constituent body or employee.*

Under equality and diversity section add the following wording: There are seven types of discrimination set out in the Equality Act 2010 and this policy covers all of them (in conjunction with the association's bullying and harassment policy)

Direct discrimination – where someone is treated less favourably than another person because of a protected characteristic

Associative discrimination – this is direct discrimination against someone because they are associated with another person who possesses a protected characteristic

Discrimination by perception – this is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.

Indirect discrimination – this can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic

Harassment – this is behaviour that is deemed offensive by the recipient. Employees can now complain of the behaviour they find offensive even if it is not directed at them.

Victimisation – this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

Point 9 needs to be bulleted points as part of point 8, as it's just listing the protected characteristics. Point 10 should change employees to members. Point 11 should read 'No form of intimidation, bullying or harassment will be tolerated. If you believe that you or anyone else may have suffered discrimination because of any of the protected characteristics, you should consider following the complaints procedure of the association'. Point 13: replace employees with members

Proposed by Josh White (14859), seconded by Rostam Namaghi (10644)

Arguments for:

The existing equality and diversity policy was a great base for a policy, but needed slight tweaks to line this up with the association, and to set out clearly exactly what is covered under the policy for avoidance of doubt.

Proposal 6: Increase membership fee

Proposal to increase the BCA membership fee from £17 to £20 from 1/1/2022.

Proposed by Howard Jones (18515), Seconded by Russell Myers (00708)

Executive summary:

For the last 2 years BCA has been spending more than it's been raising in income and reducing its reserves. The proposal to increase the membership fee is looking to alter that situation. The last fee increase was a long time ago. Some fees have reduced in the last few years. The proposal does not affect student fees, non-caving member fees or club fees, merely member fees that are currently £17 increasing to £20. This proposal was supported by BCA Council in July 2021 with no votes against.

Detail:

Income reduction

In the last few years BCA income has reduced for several reasons:

- 1) Membership decline in 2021 , possibly impacted by Covid
- 2) Reduction in club membership fee to a flat £25 per club
- 3) Reduction in CIM fee to mirror DIM fee in 2020

It is forecast that between these 3 reasons BCA Income for 2021 will be the lowest for many years.

Increase in expenditure

BCA Council has agreed on-going increases in expenditure most notably as follows:

- 1) Increase in Public Liability cover from £5m to £10m.
- 2) Increase in subsidy of the National caving library.

The BCA C&A committee has also approved C&A projects in recent months that are out with or normal expenditure levels.

Reserves

BCA has built up reserves since its inception in 2003. Every year it has reported a surplus. 2020 was the first deficit in its history and 2021 will also record a deficit. Should the CRoW legal case end in a loss then BCA reserves will have halved in 2 years. Our ability to continue to fund deficits going forward is therefore limited.

The proposed fee increase should allow BCA to balance its books unless of course another extraordinary issue such as CRoW comes along

BCA Executive 07/07/2021