

BRITISH AIKIDO BOARD

MINUTES OF THE EXECUTIVE COMMITTEE MEETING HELD ON SATURDAY, 8 SEPTEMBER 2012 AT HILTON NEWBURY NORTH HOTEL

PRESENT	V. Sumpter	Chairman
	K. Holland	Vice-Chairman
	Mrs S. Timms	Secretary
	T. Bayliss	Gen Member/Membership/Clubmark Officer
	S. Billett	General Member/Webmaster
	P. Bengé	General Member
	N. Vaughan	Associations' Representative
	G. Cooke	Coaching Admin Officer
BY SKYPE	Mrs S. Ward	Lead Safeguarding Officer
APOLOGIES FOR ABSENCE	Mrs S. Poole	General Member
	F. Burlingham	Coaching Development Officer
	L. Cuthbert	Legal Officer
	M. Mercer	Media Officer

1. MINUTES OF EX MEETING HELD ON 7 JULY 2012 – MATTERS ARISING

Re: Item 1 - Matters Arising

Amazon Affiliate program – Noted that the Webmaster was developing a program to enable Clubs to be searched on the website by name rather than just geographically.

Action: Webmaster

Coaching Handbook – Noted that the EC agreed the action proposed.

Re: Item 2 – BAB NGB Status. Noted that accreditation as the NGB for the UK had been given by the then Sports Council, some 20 years ago and therefore agreed that no action be taken until the outcome of the Chairman's further communication with Sport NI was known.

Action: Chairman

Re: Item 5 – Draft Revise of Insurance Guidelines. Noted that action had still to be taken by the Chairman and Vice Chairman regarding:

- fleshing out the section relating to Club Insurance, and
- identified wording on the Weapons Protocol

Action: Chairman & Vice-Chairman

Re: Item 7 – Membership & Clubmark

Birmingham Aiki Dojo. Noted that although the probation period had ended, this Association has still failed to pay their BAB affiliation fee. Agreed that if this was not paid immediately they would be required to make a fresh application for membership. *(Secretary's post-meeting note: Affiliation fee now paid)*

Clubmark – Noted that 2 Associations have expressed interest in Clubmark.

Re: Item 10 – Child Safeguarding. Noted that post title should read Lead Safeguarding Officer (LSO), and not CSO.

There being no further amendments, the Chairman was authorised to sign the Minutes as approved.

2. NATIONAL COURSES

Update on Sept 29th Course

- The Vice-Chairman confirmed that arrangements were on target for this year's course. Noted that a letter had been sent, via the website e mail network, advising: (i) proposed arrangements for a Dinner in conjunction with the course and (ii) the discounted concessions being offered to those holding coach Levels 2 & 3. This information had also been posted on the website.
- As at 8 Sept only 21 pre-registrations had been received.
- Unfortunately the response to the dinner had been poor and it was therefore agreed that it be cancelled. The Secretary would, however, locate a suitable Restaurant in the area, for those interested in joining up for a meal on the evening of 28 Sept, and details would be circulated when known.

Action: Secretary

Update on 2013 Course

- The Vice Chairman confirmed, that as previously agreed, it was hoped to hold the 2013 Course on either the 21st or 28th Sept, depending on availability of a suitable venue. Members were invited to let him know of any venues that might be suitable for consideration. Now that the Olympics were over an approach would be made to Bisham Abbey to ascertain if they intended to re-establish a Dojo facility.
- Noted that T. Bayliss would be 75 next year; agreed that he should be one of the Instructors on next year's course.

Action: Vice-Chairman

Young Persons Course Sept 22nd

P. Benge reported that the arrangements are well in hand. T. Bayliss questioned the age limit, and was advised that it was a course targetted specifically at "teenagers" rather than all "children", hence the age limit of 11-19 year olds.

3. MEMBERSHIP AND CLUBMARK

Membership. T Bayliss reported that the following groups had met the application process to be accepted as probationary members:

Shidokan Aikido UK	(more than 100 members)
Aikido Shoshin Ryu	(between 50-99 membrs)
Colmers Farm Aikido Association	(between 50-99 members)

Agreed that the Secretary write to BAB Full Members for their approval.

Action: Secretary

Clubmark. T. Bayliss reported that Shodokan Aikido have completed their Clubmark application.

4. COACHING

Coaching Update Course. G. Cooke apprised the meeting of the new Coaching Update Course. The course lasts for 1 day from 10am to 4:30pm and consists of a theory and a practical session. A voluntary pilot course will run in November by Steve and Ann Billett. In

light of National current coaching standards and possible insurance implications – and taking into account feedback from this course – a decision on whether to make this course mandatory will be discussed at the next Exec Meeting. There was some discussion regarding the necessity for a practical session in an ‘update’ course. This will form part of the feedback review at the December EC meeting.

Action: CDO

Removal of ‘Coach Tutor’ Awards. It was agreed that where a Coach Tutor failed to maintain currency a mechanism needed to be put in place to facilitate the removal of their Coach Tutor certification. The CAO asked the Chairman if the present Constitutional Disciplinary procedures would cover this eventuality. The Chairman agreed to look at the current procedures and apprise the CAO accordingly.

*(Chairman’s After Meeting Note: I sent an e-mail to the CAO stating that the current Disciplinary procedures proscribed in the Constitution could **NOT** be used to remove a member’s Coach Tutor qualification. A template – and appeals procedure – similar to but perhaps not as detailed as the procedures detailed in Appendix 6 (those working with children) needed to be prepared for approval by the EC and the Board)*

Action: CDO & CAO

Risk Assessment. The amended text is not yet approved; this will be an agenda item for the next EC meeting

Action: CDO & CAO

E-Certificates. The Chairman informed the meeting that he had received a request from a member for Coaching Certificates to be produced and mailed electronically. Whilst the meeting agreed that there was merit in such a system (thus echoing what was happening in the insurance sector – with car insurance cover notes now being sent by e-mail) the BAB sought to provide a distinctive paper and background to its certificates which could and would not be replicated through a recipient’s home printer. The BAB would, therefore, for the foreseeable future continue to use the Royal Mail to send out completed certificates.

5. WEBSITE

The Webmaster reported that he is working on securing the BAB’s website. He will update the website format sheet. Some Club information is out of date and S. Billett will contact these clubs to get the information updated; if he gets no response their information will be deleted. Proposed action agreed by the EC.

6. BAB and Plc STATUS

The Vice Chairman confirmed that this was still on target for the next AGM and that the Legal Officer had undertaken a significant amount of the preliminary works. Noting that a number of specific points had to be covered in the formal registration process, it was agreed:

- The Name of the Company shall be The British Aikido Board
- Registered Address shall be that occupied by the BAB Secretary, who shall be the Company Secretary
- In order to gain exemption from the requirement to include the term “Limited” in our title it would be necessary to include clauses in the Articles of Association in line with the following:
 - The objects of the company are the promotion or regulation of commerce, art, science, education, religion, charity or any profession.
 - The company’s income is to be applied in promoting its objects
 - Prohibit the payment of dividends, or any return of capital, to its members, and

- Require each subscriber/member to contribute to the assets of the company if it is wound up during the time that he/ahe is a member or within 1 year of them ceasing to be a member
- The Directors of the Company shall be the Elected Member Posts currently designated as Trustees.
- A clear definition of the initial subscribers/members.

7. DISCUSSION TOPIC

The Chairman advised the meeting of a letter he had received from a member of the public, addressed to the Board, regarding the administration of the BAB. He had discussed the content with the Vice-Chairman and he had provided valuable input to a proposed reply. The EC, having seen the correspondence (letter to the Board and Chairman's reply) approved of the action taken.

8. PROTECTION OF FREEDOMS ACT

Sue Ward gave an excellent presentation, via Skype, on the Protection of Freedoms Act which came into force on 10 Sept. The salient points of the presentation are detailed in the **Enclosure to these minutes** and should be given the widest publicity to BAB Associations and their Clubs/Instructors/Coaches; including separate highlighting and publication on the BAB website. Additionally, the LSO's powerpoint presentation slides will be uploaded to the website for the information of all interested parties.

Action: All

The Chairman to contact the Insurance brokers to see if this new legislation affects the BAB's Insurance.

Action: Chairman

Agreed that Sue Ward contact Joy Tottman of the SRA with a view their both attending the next Executive meeting so that Joy can give an overview of the legislation and its impact to the BAB.

9. ANY OTHER BUSINESS

The Secretary suggested that the BAB should send Christmas Cards to principal contacts. This was agreed subject to finding a suitable front cover photo/picture for the card.

Action: Secretary

The Chairman expressed disappointment that 2 members of the EC (A. Humphreys and A. Holden) did not tender apologies for non-attendance at the meeting. The Chairman reminded officers that when booking conference facilities through a hotel, the BAB were required to notify in advance how many persons were attending and were then billed accordingly. Non-notification of attendance thus involves the BAB in unnecessary expense for catering facilities.

10. DATES OF NEXT MEETINGS

1 December 2012 and 23 March 2013

Enclosure:

1. How Does the "Protection of Freedoms Act" Affect the BAB, its Members & Clubs?

Available on the BAB Website: LSO's .pptx presentation on the Protection of Freedoms Act

IMPORTANT DOCUMENT AFFECTING COMPLIANCE WITH LEGISLATION.

PLEASE READ AND CASCADE THROUGH YOUR ASSOCIATION AND CLUBS. IT IS VITAL THAT YOUR ASSOCIATION CPO AND CWOs ARE AWARE OF THIS DOCUMENT

HOW DOES THE “PROTECTION OF FREEDOMS ACT” AFFECT THE BAB, ITS MEMBERS AND CLUBS?

This briefing note covers only the key points – should you require more detailed information please see the PowerPoint slides on the BAB web site or contact Sue sueward.cpo@gmail.com / 01271 343952

On the 10th Sept new legislation came into place under the Protection of Freedoms Act 2012. This legislation affects how the BAB: **a)** undertakes CRB checks and **b)** recruits its coaches

The new legislation re-defines ‘Regulated Activity’ as follows:

Regulated Activity is...

***unsupervised* activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children**

AND ...

Teaching, training or instruction of children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight

From the above definition we can see that Club Instructors running regular classes for Juniors are likely to fall into the category of Regulated Activity. In addition, Club Welfare Officers, Association Child Protection Officers, Heads of Association, Coach Tutors and certain BAB EC members will also be classed as in Regulated Activity (under the advice/guidance ‘rule’).

‘Assistant’ coaches/helpers will also come under the definition of Regulated Activity *unless* a Club (and/or their Association) is happy that the assistants/helpers will be supervised at the same level week in, week out (the supervision has to be what is termed ‘reasonable’). In practical terms this means that the Supervising Coach (who is in Regulated Activity) can see and hear the Supervised Assistant/helper at all times throughout the class. The BAB Executive Committee has discussed this at length, and although we feel that most Assistants and Helpers may well fall into the ‘Unsupervised’ category, it must be for the Club or Association concerned to make this decision.

Those who are working in Regulated Activity (e.g. Unsupervised Coaches/Helpers/ Assistants) must be checked against the “barred list” before taking up post (the BAB LSO has been advised that those already in post are OK to continue at this time).

The method of checking an individual in Regulated Activity against the “barred list” is to undertake a CRB check which requests this information.

How will BAB Clubs and Associations run the new CRB checks?

It is important to clarify (and stress) that Associations must continue to undertake CRB checks on all those working with children – whether supervised or not. It is only the ‘level’ of CRB check that is affected by the new Legislation. So from a CRB check point of view it is essentially ‘business as usual’.

There is a section on the CRB Application form which asks for details of the post being applied for. Here you would usually write ‘coach’, instructor, helper, CWO etc.

In this section you must now include information which shows whether the position is Supervised or Unsupervised e.g. Supervised Helper – Unsupervised Coach – Unsupervised Instructor – Supervised Assistant Coach. CWOs and other Committee Positions can be entered as normal.

Those CRB applications which are for Supervised people will not now include any checks against the Barred List. This is why it is so important to ensure that you use the term ‘Supervised’ correctly. A person working in a supervised capacity is not in Regulated Activity – and so they may be barred from working with children and you will not be informed of this. You must therefore ensure they are appropriately monitored during all sessions and it is advisable to put extra safeguarding measures into place to mitigate against the extra risk. The BAB recruitment processes (application forms, references etc.) will be helpful in this regard – and can form part of your risk mitigation processes.

How should Clubs appoint new coaches/instructors/CWOs etc?

You should follow the recruitment process as outlined in the BAB Safeguarding Policy. If someone is to work in Regulated Activity then ensure that their CRB check has been processed through the BAB system *before* they take up post. It is now advisable to check with the BAB LSO that a proposed new coach, for example, has been cleared to work with children before you allow them to take up their new role.

Those who are already in post are OK to continue in their roles, and they will be ‘captured’ under the new system as they come through for their 3-yearly renewals.

The CRB application forms will stay the same (revised versions are expected next year).

Are there any other factors which affect CRB checks now – or in the future?

- As of 10th September you can only undertake CRB checks on those who are 16 years old or over.
- Portability is planned (as an opt in scheme) and will hopefully start in 2013
- In December 2012 the CRB and the ISA will be merged to create the Disclosure and Barring Service (DBS).
- At some point in 2013 there will only be a single CRB Disclosure issued – to the individual applicant. Under the present system, two Disclosures are issued – one to the applicant and one to the BAB. This allows the BAB’s Case Management Group to make appropriate risk assessments on behalf of BAB member Associations. The BAB LSO is working on a new system to ensure that recruitment risk assessments can continue ‘as normal’.

Final important note (taken from an official government briefing document):

- An organisation which knowingly allows a barred person to work in regulated activity will be breaking the law. ***The responsibility for ensuring that the appropriate checks are undertaken lies with BAB Associations (and not the Board, the EC or the Lead Safeguarding Officer).***
- If you dismiss or remove someone from regulated activity (or you would have done had they not already left) because they harmed or posed a risk of harm to vulnerable groups including children, you are legally required to forward information about that person to the ISA. It is a criminal offence not to do so. ***(NB the BAB requires you to also report any such incidents to the Lead Safeguarding Officer).*** If you believe that the person has committed a criminal offence, we also strongly advise you to pass the information to the police ***(NB the BAB requires you to also report any such concerns to the Lead Safeguarding Officer).*** For further information on the duty to refer to the ISA, please see www.isa.homeoffice.gov.uk
- From 10 September 2012, if you consider that a role is within the new definition of regulated activity, then if you ask the individual to apply for an enhanced CRB check you should request the appropriate barred list check (for children, adults or both). Enhanced CRB checks for work within regulated activity will tell you (where requested) if the person is on one of the ISA's barred lists. ***The responsibility for determining whether roles/activities are Regulated [or not] lies with BAB Associations (and not the Board, the EC or the LSO).***

Sue Ward
 Lead Safeguarding Officer
 September 2012

Protection of Freedoms Act 2012

What do the changes mean for the BAB?

Introduction: timeline

10 September 2012

- These changes will be looked at in this presentation

December 2012

- Merger of Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) to create the Disclosure and Barring Service (DBS)

Spring 2013

- Introduction of Criminal Records Status Check (CRSC) and the Single Disclosure
- *The LSO is working on a management strategy*

September 10th 2012 key changes

- 1. *New definition of Regulated Activity***
2. 16 to be the minimum age at which someone can apply for a CRB check
3. More rigorous 'relevancy' test for when police release information held locally on an enhanced CRB check.

Some things will 'disappear'

- Controlled Activity
- The requirement for registration and continuous monitoring
- The provision of 'additional information' on CRB checks
- *None of the above should impact on the BAB membership*

What do the changes mean?

1. Associations must ensure all those asked to undertake a CRB check are 16 or over
2. **THE BAB AND ITS MEMBERS *MUST* UNDERSTAND THE NEW DEFINITION OF REGULATED ACTIVITY. To work outside of these new definitions will be unlawful.**

Important note:

- Although new legislation is now in place, not all the necessary infrastructure is there to support its full implementation. So for now, the best advise is 'business as usual' – keep up with CRB checks using current paperwork until notified otherwise

Regulated Activity

Activity which involves teaching, training or instruction of children [or providing advice/guidance on well-being, or driving a vehicle only for children]

AND



Teaching/instruction happens frequently (once a week or more often) OR Happens intensively (on 4 or more days in a 30-day period, or overnight)

AND



The individual carrying out the activity is **unsupervised**.

Legal compliance

- In order to comply with the new legislation we have to understand what regulated activity 'looks like' within the BAB's clubs.
- In essence, how will we define 'supervision' with regards to aikido coaching?

Individuals defined as
supervised



Will be classed as **NOT** in
regulated activity



Associations will ask for a
CRB disclosure on them but
will not be allowed to have
a barred list check on them

*This means that supervised
helpers or coaches could
potentially be barred from
working with children and we
would not know*

Individuals defined as
unsupervised



Will be classed as **IN**
regulated activity



Associations will ask for a
CRB disclosure on them and
will also be able to ask for a
barred list check on them

*This means that coaches
supervising sessions will be
'fully' checked –as currently
happens*

Please note:

- None of this new legislation removes the need for CRB checks
- Only relates to the limitations of barred information being shared
- Eligibility for a CRB check will remain
- The BAB will still require CRB checks to be undertaken on eligible persons – which includes those classified as 'supervised'.

The BAB's definition of 'supervision'

- Consultations are underway (SRA and CPSU) to provide sport with some guidance.
- Until then, the BAB LSO has determined a definition for the BAB
- This definition may be subject to change once the sector guidance is available

The BAB's definition of an Unsupervised Coach

Any coach holding CL1 or above (without this a person cannot coach within the BAB)

AND

Is listed for PI cover (so is therefore eligible to coach – no BAB coach is allowed to coach without insurance cover)

AND

Is listed/appointed or otherwise identified as running 'their own class' within a BAB member Association.

AND

May have other coaches, assistants or helpers supporting their delivery of the class

An Unsupervised Coach

- If a coach meets the previous definition and is working in regulated activity then they **MUST BY LAW** undertake a check which shows if they are barred from working with children
- This is because it is unlawful to allow anyone who is 'barred' to work in regulated activity
- This check should be done **BEFORE** the coach takes up their role

How will the 'barred' check be undertaken (based on info from TMG)

- Almost always it will continue to be done via a CRB check
- Other methods of checking just the barred list have been proposed but there is nothing in place yet
- Coaches already in post can continue to coach until the new procedures are in place

Whate about new coaches?

- The BAB Recruitment process should be followed (see policy)
- New coaches should undertake a CRB check prior to starting Regulated Activity (i.e. running classes unsupervised)

The BAB's definition of 'supervised'

Any coach, helper or assistant (may or may not have CL1 – may or may not have PI in place)

AND

Who supports the Unsupervised Coach (UC) to deliver the session

AND

Is under the direct supervision of the UC i.e. works alongside the UC at all times or is directly monitored. This would mean that the SC can be seen and heard at all times

AND

This supervision is constant i.e. happens at the same level at every session (does not diminish/change over time)

A Supervised Coach

- If a coach meets the previous definition AND is working in regulated activity then they will be asked to undertake a CRB check which will NOT include barred information
- NB: it is no longer permitted to ask for barred information in relation to a Supervised Coach

Employing or deploying coaches

- The new Act requires organisations to *actively ensure* any employee or volunteer providing *Regulated Activity* is *not barred* from working with children and/or vulnerable adults **prior** to the commencement of that activity

Processes

From a BAB perspective, Associations will bear the legal responsibility for:

- identifying Unsupervised and Supervised Coaches within their organisations/clubs
- administering the appropriate 'level' of CRB check
- informing the LSO where an individual is removed from regulated activity because of a risk to children

CRB Application forms

- These will not change until 2013
- Applicants need to identify whether they are applying for a role in Regulated Activity
 - Unsupervised Coach
 - Supervised Helper
- TMG will then administer the appropriate level of check based on this

Challenges

To ensure that all Associations

- clearly understand the implications of the new Act
- understand their legal obligations to refer individuals to the ISA
- communicate these requirements to their coaches, members and clubs

The 'to do' list

- Communicate changes to all Associations
- Arrange training for CPOs and CWOs
- Consult on the implementation of new CRB processes in 2013
- Consider the value of 'licensing' BAB coaches to work with under 18s
- Revise the BAB SPC Policy in 2013 once changes are embedded

Anticipated FAQs

Does this mean that only the Unsupervised Coach has to be CRB checked?

No – we will continue to check all those working with children as before. But checks on those who are Supervised will not include barred information.

Anticipated FAQs

- If the law says that only the Unsupervised Coach has to be checked against the barred list, surely that means that we only really need that one coach present at sessions?
- *There may be a difference between complying with the law and safeguarding best practice. We will still adhere to best practice guidelines as per the policy (i.e. at least 2 'responsible persons' present at every session).*

Anticipated FAQs

- Could our club end up using a barred person as a supervised class assistant?
- *This is possible – and here the recruitment process (as per the BAB SPC policy) will be really valuable. Using the full recruitment process (which is mandatory anyway) is an additional safeguard for the club and for children.*

Anticipated FAQs

- What about CWOs, EC members etc. – do they still require a CRB check?
- *Based on current information – YES. If they fall within the definition “providing advice/guidance on well-being” [and they do this unsupervised] then they are in regulated activity*

Finally...

- Member Associations will be responsible for administering the appropriate level of checks within their clubs – and for reporting all safeguarding concerns to the BAB LSO so that ISA referrals can be made as appropriate.
- A person who is barred from working with children will be breaking the law if they work/volunteer, or try to work/volunteer with under 18s
- An organisation that knowingly employs someone who is barred will also be breaking the law.

More info

- <http://www.homeoffice.gov.uk/agencies-public-bodies/crb/about-crb/crb-pofa-2012/>
- <http://www.sportandrecreation.org.uk/smart-sport/protection-freedoms-act>