

Simplifying the Central Council Rules

Part 3 of 4 – The Second Draft

By Clyde Whittaker, Coordinator, Rules Work

In September and October, I outlined our work to produce a revised version of the Central Council's rules: one which advances the mandate for reform agreed at the Council's Edinburgh meeting whilst being acceptable to the vast majority of Council representatives.

On 27th October we published a first draft of the new rules designed to meet three objectives :-

1. To implement those CRAG reforms agreed at Edinburgh which must be in place from May 2018.
2. To ensure the Council's rules follow current Charity Commission guidance
3. To simplify the rules in the way which the CRAG proposals envisaged.

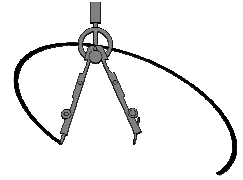
We recognised the tension between these three objectives and a key question was "had we got the balance right" ? It has not been lost on us that in 2018 the bar will be set higher than in 2017. The new rules must be broadly acceptable to at least two-thirds of Council representatives, meaning that they need to command support both from those who voted in favour of the Council's journey of reform at Edinburgh and those who did not, either because they had doubts about the direction of travel or felt that the timing was not right.

Feedback on the First Draft

We are therefore very grateful to those Council representatives, societies and ringers who gave their time to review the first draft during the four weeks of consultation which ended on 24th November. Thirty people took part and we received over 240 comments, some identifying broad areas for improvement, many with detailed suggestions, but all welcome.

A digest of this feedback can be found on the Rules Work pages of the Council's Website, but in summary it gives us an excellent basis to move forward. The thoroughness and good sense of the comments submitted augers well for the future and demonstrates the profound depth of expertise available to the Council. We have in turn been able to implement 171 of the 240 suggestions in the second draft.

While the first draft was generally well received, some high-level themes have emerged requiring careful thought.



The Language

The first concerns language and one comment sums up many others - “*In the event that*’ means ‘If’. Why use fourteen letters instead of two?”

Clearly the balance wasn’t right. To meet Charity Commission guidelines the first draft added a great deal of ‘off-the-shelf’ Commission wording. We have now subjected this to greater critical scrutiny to keep it simple and in sympathy with the existing language.

A related frustration was that the first draft gave new meanings to terms such as ‘Officers’ and ‘Decisions’ which are already in the Council’s lexicon. The second draft reinstates the accepted meaning of these terms and reintroduces others, such as ‘Stewards’ which are readily understood.

Maximum Terms

CRAG’s proposal B stated that nobody should serve in a Council position beyond six years. This continues to cause concern and it is the work of the Stewards which has generated most anxiety. In taking care of the Council’s library and its other historic artefacts, the Stewards are accepting duties which cannot easily be transferred and they often find themselves becoming as irreplaceable as the assets they manage. The second draft addresses these concerns and ensures that the Council can continue to recognise the essential work of its Stewards.

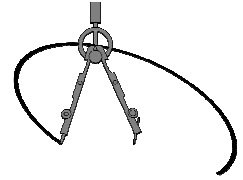
Executive Power

The feedback we received voiced continued anxiety that the Council’s new Executive would not be sufficiently accountable.

CRAG proposal D made clear that Council Meetings “*will not be involved in operations or in making operational (including technical) decisions*”. In return, the first draft of the Rules gave Council members tools to ensure that the Executive discharged its duties responsibly, and to hold it to account if it did not.

Almost all those responding accepted that the Executive should be empowered to get on with the job and as trustees, they and not Council representatives have legal responsibility for the organisation.

Nevertheless, there is a desire to make the Council’s teeth a little sharper and various comments expressed the view that the range of tools available to Council members was too limited. As one said, “*There is nothing between limited scrutiny on the one hand, and on the other the nuclear option of dismissing Executive Members.*”



The second draft addresses these concerns by providing Council members with additional ways of holding the Executive to account and if necessary stopping it in its tracks if a significant decision is felt to require the approval of a Council meeting.

Phasing of Appointments

Feedback indicated a concern to ensure that Executive terms are staggered. A Transition Motion dealing with these matters (to be submitted for approval in May 2018 alongside the new rules) has now been completed and will be published for comment with the second draft.

Executive vs Council Membership

A number of responses expressed concern about the restriction recommended by CRAG's proposal D that Executive Members and Workgroup Leaders should not be Council representatives. In part these concerns relate to the practical matter of managing Council meetings. As one response put it *"I do have a worry about how a vote, whether by show of hands or ballot, can be done in such a manner as to be certain that only members eligible to vote are voting."*

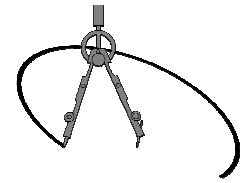
Others were concerned that this restriction would hamper recruitment. In the view of the current Council president, Christopher O'Mahony it has frustrated efforts to fill shadow Workgroup and Executive positions in preparation for next May.

As another response said, *"It's OK to have a Rule whereby some people can attend and speak but not vote, but it's very tricky if you've got no real idea whether votes have been correctly made or not. So why not do away with some people being able to speak but not vote? It should make no difference at all to decisions but will save potential hassle."*

This gives us a dilemma. On one hand, these concerns are felt by a minority and the CRAG proposal was clear. On the other hand those who do have concerns about this issue feel them strongly and what we deliver in May 2018 needs to be acceptable to the vast majority.

In the short term, with a Council of around 180 there seems little risk that the mandate for reform agreed at Edinburgh will be frustrated if up to 16 representatives happen to be members of the Executive or Workgroup Leaders.

We will move to a different playing field when CRAG's recommendation to reduce the Council's size is implemented, but this is not on the agenda for May 2018 and will itself require changes to various rules. So the second draft allows the Executive and Workgroup Leaders to remain society representatives for the time being and we would value feedback on this point. If the consultation on the second draft indicates a strong desire to revert this change, we will do so.



Short and Simple

As noted before, two drivers have frustrated our efforts to shorten and simplify the Rules.

First, satisfying the Charity Commission has meant new rules on matters of ‘hygiene’ such as dissolution and personal interest. Whilst these additions may seem unnecessary in a well run organisation, rules are there to cope when things go wrong, or are in danger of going wrong and it’s essential that those involved recognise them and act appropriately.

Second, ensuring the Executive is both empowered and accountable means balancing additional Executive powers with clear rules to ensure that the boundaries within which the new Executive operates are clearly understood.

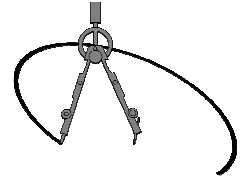
To achieve this balance, the first draft was divided into Rules (the fundamentals, owned by Council members) and Procedures (or byelaws), which the Executive had delegated authority to amend in response to changing circumstances.

But who controls the byelaws governing the Executive? In the first draft, all significant obligations placed on the Executive were held in the Rules, but this meant more Rules and fewer byelaws than CRAG envisaged.

One suggestion we have received is to include most of these provisions as byelaws maintained by the Executive, whilst also giving Council representatives the option to ‘call in’ any proposed change which is felt to require greater scrutiny before it takes effect, for final decision at a Council meeting..

This keeps the ‘core’ rules short, but does sometimes mean that material on a particular point is held in two places.

To assess whether this approach would add value, we have produced a version of the second draft in this alternative format to find out which is the more favoured.



Key Features of the Second Draft

The second draft of the new rulebook, substantially rewritten in the light of the feedback we have received can now be read or downloaded from the Central Council's Rules Work pages at <https://cccbr.org.uk/about/reform/rules/>.

It is now in two documents :-

- The **Rules**.
- **Standing Orders** (referred to as Procedures in the first draft), or byelaws which are subordinate to the Rules, and may (provided Council members do not object) be amended by the Executive from time to time.

In addition, the Rules Work pages contain a draft **Transition Motion**, prepared for presentation at the May 2018 Council Meeting, defining how the above will be introduced.

The Transition Motion allows the Council's existing **Decisions** (policies and standards covering matters of good practice), as they may be amended by the May 2018 Council Meeting, to be migrated across to become the third part of the new Rulebook.

What has not changed ?

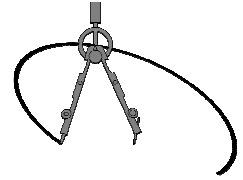
Again, it is important to emphasise that the new rulebook does not affect society representation and should not require changes to society constitutions. If you are aware of anything which does require a change to your society's rules, please let us know.

Is the balance right ?

Thanks to the comprehensive feedback on the first draft, we believe that the second should be 'almost there'. Will we be able to please everyone about everything? Perhaps not, but having built-in many of the suggestions received we believe we have a set of rules which are robust, which encapsulate CRAG's reform proposals and which will be broadly acceptable.

However, beauty is in the eye of the beholder, so we are again asking Central Council representatives, societies and ringers to review what we have produced.

We realise this will take time and if you reviewed the first draft we appreciate that we are asking you to do this again. However, the greater the number who study these



documents and the broader the mix of voices heard, the more certain can we all be that the new rules will indeed serve the interests of the Council and of ringers. We would welcome feedback in one of two ways:-

1. For brief comments, just use the “Review the Second Draft” button on the Rules Work pages of the Council’s website at <https://cccbr.org.uk/about/reform/rules/> from where the Rules and Procedures documents can be read or downloaded
2. For more comprehensive feedback, email your thoughts to constitution@cccbr.org.uk.

Please ensure all comments are submitted by **Friday 12th January, 2018**. These comments will guide our work on the final version of the new rulebook, which will be published in February, in good time for the May 2018 Council Meeting.