



MINUTES

Of the meeting of the **British Water Ski & Wakeboard Board** held on **Thursday 23rd June 2022** via **Video Conference Call**

1. To Record Attendance and Apologies for Absence.

Present:

Martin Winter
Steve Sopp
Margaret Curtis
Michael Lock
Nick Fellows
Clare Lobb
Patrick Donovan

Keir Boissevain
Kylie Cooper
Cathy Hughes (item 6 (a) and (b) and taken as first item)

Robert Manchett (Racing) (item 4 (a))
Tim Mayers (Racing) (item 4 (a))

Apologies:

Peter James

2. Declarations of Interest.

There were no changes made to the register of members interests. Martin reiterated his 2015 declaration as a parent of a competitive waterskier.

3. To Approve the Minutes of the Meeting Held on 31st March 2022.

The minutes were unanimously approved by those who were present at the March meeting with two small amendments, one regarding the Racing item in the minutes and reference to approval of the related paper and a simple typo / correction.

4. Matters Arising not Covered by this Agenda.

a) Racing – Robert and Tim kindly joined the meeting re the safety and risk review the consultancy Gallowglass was currently working on. Robert made some initial comments about BWSW slowing things down and lack of proactivity which were not accepted. Also, that a circular to members had been countermanded by board members. The Chair summarised for BWSW that, following on from a conference call which included the solicitor Dan Chapman in March, a summary paper setting out a potential way forward, without insurance, had been supplied to Racing and made available to (and approved at) the 31 March board meeting. This highlighted the need for “sufficiently comprehensive “ engagement terms by an independent risk expert as well as recording the lack of viability of various solutions that had previously been put forward e.g. waivers. The request for a clear terms of engagement and scope of work to be agreed with the board in advance before the project began had been reiterated at the late April board sub-group meeting (which Robert, Tim and Gallowglass attended). To assist, and in the absence of any meaningful engagement terms from Gallowglass, BWSW had provided a draft terms of engagement document outlining some key areas to provide some guidance. This was not intended to be exhaustive and that other / related matters would likely arise as part of the review which was intended to be comprehensive. It appeared the suggested BWSW engagement terms, which Gallowglass were due to respond to, had been side stepped. In effect a “green light” had been given to Gallowglass by Racing to proceed with a limited scope of work / quote document without agreeing this with the board and providing this document only

retrospectively. It was noted, in this respect, that the Gallowglass report would need to sufficiently address the issues raised in these engagement terms to avoid further requisition. . The Chair also highlighted that the E&A and World rules needed to be taken into account. These provided for no “competitor to competitor” cover *but still required “insurance”*. In the UK exhaustive efforts over a two year period indicated there was no underwriter that could cover any form of racing or speed trials since GJW had decided to leave the market.

The Chair made it abundantly clear, (as specified in the 31 March board paper) that the BWSW board would not be rushed or pushed into sanctioning events where they were not comfortable. The Chair further highlighted that, if sanctioning was to take place, all competitors would need to have clearly acknowledged, in advance, the potential exposure (i) to the entirety of their personal assets: and (ii) as a victim of an unsatisfied claim - in each case as a result of uninsured activity. Robert referred to the recent TT race in the Isle of Man and Tim Mayers compared the Racing safety record. Steve made the point that it was third party liability that was the issue. Robert said that the Board should await the report. Racing would be Racing within BWSW if BWSW sanctioned the activity and outside BWSW via a limited company if it did not. He was confident (as Gallowglass had assured him) that their report (250 pages was mentioned) would cover all necessary issues. The Chair expressed concern, notwithstanding the need for a comprehensive report, for something at that length and what might be involved in absorbing it.

Action: Racing would progress the Gallowglass report and Patrick would contact IWWF re the point raised on the GB rules operating in contradiction, as regards, insurance to the E&A / World rules. This was to establish precedence in governance terms between the two set of rules in the context of BWSW’s affiliation obligations to IWWF.

As a closing comment BWSW was committed to assisting racing to operate for the long-term future, it was a dynamic discipline of the sport with a great track record. However, it was imperative that the BWSW board was fully confident that the discipline could reasonably operate with no available motorised race insurance cover without material liability risk to the assets of the Company (**and thereby all the other disciplines**) and by extension also liability risk to the directors. Patrick would explore potential health & safety consultants to assist the board to help with a review of the Gallowglass report.

b) Board Appraisals – thanks to those who had submitted an appraisal form. A request was made for board members to submit their appraisal form to Nick as detailed at the last meeting.

c) Boat Insurance Scheme Referral – Richard Ward from IRCM had indicated that there was a take up of just over 40 boat policies for boat owners and was keen to give the scheme further push and promotion to improve take up.

Action: Kylie to repeat the previous email circular re the scheme to both current and lapsed members holding boat driving qualifications or having indicated on their online profile that they were indeed a boat owner.

d) Club Membership Delinquency – follow up ongoing since May via staff and board members regarding a very small number of clubs/ operators where it was felt there was not a robust approach to registering members and meeting the terms of the affiliation agreement. Kylie outlined some of the particulars in terms of a very few individual cases and any progress or otherwise. Following on from the Wednesday board sub-group meeting one of these clubs would now be given a deadline for mid-July to respond appropriately or BWSW would return their affiliation fee on the basis the affiliation terms were not currently fulfilled. Appreciation was noted for the vast majority of compliant operators without whom BWSW could not exist to support, develop and service the sport.

e) Coaching & Driving – External Validation, a matrix had been produced by Michael and was currently with Martin for consideration and any follow up actions needed.

f) Risk Register – the register to be an agenda item at the next board meeting.

g) Advisory Council meeting – Steve would attend. Kylie would send to the Council Chair the details of those who had expressed an interest in joining the Council following on from an

earlier recruitment drive. These applicants should be given the opportunity to participate in the AC (by election in the event of competition)

h) WWA Action Point re World Championships – BWSW would have representation at this event with an event stand and some staff members and key volunteers attending.

5. To Note Items for AOB.

None recorded.

6. Board Related Matters.

a) Tackling Inequality

- EDI Lead Introduction & Update on Significant EDI Changes. Cathy Hughes introduced herself as the new EDI Lead supporting BWSW in a consultancy role, Cathy had previously worked for many years at Sport England as Head of Diversity & Inclusion. A summary presentation had been circulated for the meeting which provided the context of an increasingly diverse and ageing society in terms of the demographics and outlining changes to the restated *A Code for Sports Governance* in terms of the five overarching principles – Structure, People, Communication, Standards and Conduct, Policies and Processes. It was highlighted that the new Code had a greater focus on the culture and behaviour of funded organisations operating in the sport and leisure sector. Furthermore, the requirement for a clearly stated and detailed Diversity and Inclusion Action Plan, a People Plan (in relation to our wider workforce), together with the pending updates to the Equality Standards for Sport were summarised (the new Standards were not as yet published and the original Standards dated back to 2005, BWSW having completed two of the levels). The Chair reiterated the need for a compliance diary for BWSW's various periodic review obligations not least in the context of those required by the EDI obligations.

Action: Patrick would forward Cathy the board skills matrix for information.

- Diversity & Inclusion Action Plan (DIAP) – Updated. The document had been circulated prior the meeting with all the latest revisions incorporated within. The document, together with the underlying BWSW equality and diversity policy was now with Cathy for further guidance and input. It was noted that Sport England would be providing support in this area to help organisations to develop their DIAP.

- Organisational Development Priorities, Measurement & Evaluation. Recirculated as a reminder re the organisational commitment of all funded partners to development and learning, currently Patrick and Kylie had attended workshops in relation to measurement and evaluation which was a work in progress.

- Transgender Inclusion in Competition – a paper had been circulated following on from an earlier discussion with a representative of Fair Play for Women who had asked to speak to BWSW about its policy on the treatment of transgender participants. They had recommended that BWSW reviewed and adopt a policy as soon as practicable (and before there is a specific incident of a transgender participant wishing to compete).

The board noted the Guidance for Transgender Inclusion in Domestic Sport document issued by Sport England in December 2021 which recognised that there are a number of considerations which need to be taken into account by each governing body including 10 guiding principles when determining its policy. Martin had very kindly put together the paper outlining these guiding principles on what is quite a complex subject. Following on from some discussion it was resolved that:

(a) whilst recognising the overall key aim of being open and inclusive to **all** participants where it comes to competition our sport is gender affected i.e. the average differences in strength, stamina, and physique between the sexes are apparent and affect performance and transgender women are on average likely to retain physical advantage in terms of physique, stamina, and strength; and

(b) categorisation within the sex binary is and remains the most useful and functional division relative to sporting performance, competitive fairness cannot be reconciled with self-identification into the female category however transgender people will be included within the male category (which should be regarded as open for these purposes).

Action: A more detailed point regarding the above raised by Clare would be dealt with post meeting, Clare to consider paragraph 8 of the Equality, Diversity & Inclusion Policy

- Adaptive (Claire Ellis email). Advisory Council member Claire Ellis had highlighted the need for an equality, diversity and inclusion committee as opposed to the more traditional “disabled discipline committee”, with a wider remit regarding implementation, reach and improved diversity across the sport.

Action: Martin and Kylie would draft a response in relation to the points in the email for a written and / or telephone response.

b) Remuneration (and HR) Committee - the terms of reference outlined the purpose, makeup and function of the committee and outlined fixed remuneration, variable remuneration and employee benefits. Additionally, as a non-profit making entity, non-executive directors were appointed solely on a voluntary basis but provided with reasonable expenses incurred in fulfilment of the company business in relation to their role and Directors & Officers liability cover was provided without any cost to individual directors. The document, whilst useful in itself in clarifying remuneration and due process, also met the requirements of the Code in terms of point 2.13. The document was approved unanimously with an amendment to specify there would be liaison with the Chair on all remuneration discussions. It was agreed that an Independent (Nick), the CEO, the Treasurer and Vice Chair would form the committee.

c) AGM – following on from two years of AGMs run with video conferencing there was a desire to have a physical meeting once again. However, there were issues around the usual venue not being available due to a refurbishment (typically BWSW booked venues one year in advance). Agreed to host the next AGM in January 2023 as a video conference call (date tbc).

Action: Kylie to contact Queens Club and book the meeting space for January 2024 to secure the venue.

7. Finance.

Peter was unable to attend however Patrick reported that currently, in terms of the pending audit and the 2021/22 financial year, at draft stage there was a modest surplus, 50% of which would be invested back into the sport with the remainder for contingency. It was anticipated that there would be a deficit for the current financial year due to legal and professional exceptional expenditure and inflationary pressure e.g. significant cost increases in terms of insurance cover and operating costs.

8. Confirmation of Future Meeting Dates.

Board:

Thursday 1st September	14:00	- Conference Call
Thursday 20th October	12:00	- Conference Call
Thursday 24th November	14:00	- Conference Call

Some additional meetings may well be required to address ad hoc issues and the proposed time for these meetings is 9am on Wednesday mornings.

Board Sub-Group

Wednesdays	09:00	- Conference Call
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Advisory Council:

Wednesday 29 th June	11:00	- Conference Call
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AGM

January 2023 (date tbc)	13:00	- Conference Call
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The meeting closed at 16:30

Minuted by:

Patrick Donovan

CEO