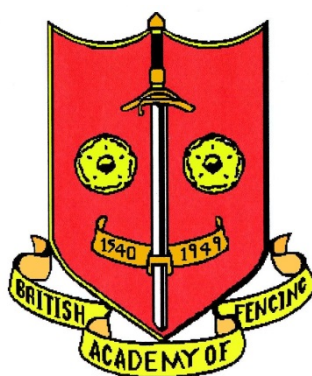


British Academy of Fencing

Essential Information For Members



ARTICLES

Terms of Reference

CODE of ETHICS and CONDUCT

HEALTH and SAFETY GUIDELINES

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ARTICLES OF ASSOCIATION

THE COMPANIES ACT 2006

PRIVATE COMPANY LIMITED BY GUARANTEE

ARTICLES OF ASSOCIATION OF THE BRITISH ACADEMY OF FENCING

Company Number 8540066

Articles, Name and Objects

1. The model articles for private companies limited by guarantee contained in Schedule 2 of the Companies (Model Articles) Regulations 2008 shall not apply to the Company and these Articles (as amended from time to time) shall apply to the exclusion of such model articles.
2. In these articles (“**these Articles**” and each “**Article**”), unless the context requires, words importing the masculine gender include the feminine.
3. The Company shall be called "The British Academy of Fencing" ("**The Academy**").
4. The Objects of The Academy ("**Objects**") shall be:-
 - A. the furtherance and improvement of fencing in Great Britain and Northern Ireland
 - B. the promotion of the highest professional standards from fencing coaches, including the promulgation of a system or method of technical instruction to serve as a basis for examination, the determination of terminology and definition, the promotion and management of fencing competitions
 - C. the settlement of all questions referred to The Academy and the repression of abuses in connection with the profession
 - D. the representation of Academy members in their relations with individual fencers, fencing coaches and organisations abroad.

Powers

5. In pursuance of the Objects The Academy has the power to:
 - A. buy, lease or otherwise acquire and deal with any property real or personal and any rights or privileges of any kind over or in respect of any property real or personal and to improve, manage, develop, construct, repair, sell, lease, mortgage, charge, surrender or dispose of or otherwise deal with all or any part of such property and any and all rights of The Academy;
 - B. borrow and raise money in such manner as the directors shall think fit and secure the repayment of any money borrowed, raised or owing by mortgage, charge, lien or other security on The Academy's property and assets;
 - C. invest and deal with the funds of The Academy not immediately required for its operations in or upon such investments, securities or property as may be thought fit;
 - D. subscribe for, take, buy or otherwise acquire, hold, sell, deal with and dispose of, place and underwrite shares, stocks, debentures, debenture stocks, bonds, obligations or securities issued or guaranteed by any government or authority in any part of the world;

ARTICLES OF ASSOCIATION

- E. lend and advance money or give credit on such terms as may seem expedient and with or without security to customers and others, to enter into guarantees, contracts of indemnity and suretyships of all kinds to receive money on deposit or loan upon such terms as The Academy may approve and to secure or guarantee the payment of any sums of money or the performance of any obligation by any company, firm or person including any holding company or subsidiary;
- F. lobby, advertise, publish, educate, examine, research and survey in respect of all matters of law, regulation, economics, accounting, governance, politics and/or other issues and to hold meetings, events and other procedures and co-operate with or assist any other body or organisation in each case in such way or by such means as may, in the opinion of the directors, affect or advance the principal object in any way;
- G. pay all or any expenses incurred in connection with the promotion, formation and incorporation of The Academy and to contract with any person, firm or company to pay the same;
- H. enter into contracts to provide services to or on behalf of other bodies;
- I. provide and assist in the provision of money, materials or other help;
- J. open and operate bank accounts and other facilities for banking and draw, accept, endorse, issue or execute promissory notes, bills of exchange, cheques and other instruments;
- K. incorporate subsidiary companies to carry on any trade;
- L. do all such other lawful things as are incidental or conducive to the pursuit or to the attainment of any of the Objects.

Assets

- 6. The income and property of The Academy shall be applied solely in promoting the Objects.
- 7. No dividends or bonus may be paid or capital otherwise returned to the Members, provided that nothing in these Articles shall prevent any payment in good faith by The Academy of:
 - A. reasonable and proper remuneration to any Member, officer or servant of The Academy for any services rendered to The Academy;
 - B. any interest on money lent by any Member or any director at a reasonable and proper rate;
 - C. reasonable and proper rent for premises demised or let by any Member or director; or
 - D. reasonable out-of-pocket expenses properly incurred by any director.
- 8. On the winding-up or dissolution of The Academy, any assets or property that remain available to be distributed or paid to the Members shall not be paid or distributed to such Members but shall be transferred to another body (charitable or otherwise):
 - A. with objects similar to those of The Academy;
 - B. which shall prohibit the distribution of its or their income to its or their members;such body to be determined by the Members at the time of winding-up or dissolution.

ARTICLES OF ASSOCIATION

9. The liability of each Member is limited to £1, being the amount that each Member undertakes to contribute to the assets of The Academy in the event of its being wound up while he is a Member or within one year after he ceases to be a Member, for :-
- A. payment of The Academy's debts and liabilities contracted before he ceases to be a Member;
 - B. payment of the costs, charges and expenses of the winding up;
 - C. adjustment of the rights of the contributories among themselves.

Officers and Committee

10. The Officers of The Academy (“**Officers**”) shall be the persons who are elected (in accordance with these articles) to hold the following offices from time to time:-
- A. The President (Who shall be a Master)
 - B. The Two Vice Presidents
(Each of whom shall be a Master)
 - C. The Secretary
(Who shall be a Master or Maître d'Escrime)
 - D. The Treasurer
11. The directors of The Academy shall be the Officers.
12. The Committee (subject to article 11) of The Academy (who shall not be directors of The Academy) shall consist of the following persons:-
- A. The Officers
 - B. The Assistant Secretary
 - C. One representative of those members of The Academy who are not full Masters
 - D. One other member of The Academy
13. **Terms of Office:**
- A. The President shall normally hold office for a period of 4 years at the end of which period he shall be eligible for re-election for a further immediate term of four years.
 - B. The Vice Presidents, Secretary and Treasurer shall normally hold office for a period of 2 years at the end of which period he shall be eligible for re-election for a further immediate term of two years.
 - C. The other members of the Committee shall normally hold office for one year and, at the first General Meeting of The Academy held each year, the members of the Committee shall retire. The General Meeting shall elect these officers and retiring members of the Committee shall be eligible for re-election.
 - D. The President, Vice President(s), Secretary and Treasurer and other members of the Committee may be removed from office before the expiry of their term of office on a resolution of a general or special meeting of the members of The Academy.

ARTICLES OF ASSOCIATION

Committee Procedure

14. In the event that a member of the Committee leaves his post before the expiry of the appointed term, the Committee may appoint a Committee member or other Academy member as a replacement as appropriate, save in the case of the President when the longest serving Vice President will act as President until the next General Meeting of The Academy.
15. The Committee shall meet on the requisition of the Secretary or of any five members of the Committee, seven days notice in writing being given, four voting members to form a quorum. One such Committee Meeting shall be held not more than thirty days before a General Meeting.
16. The Committee shall have the power to deal with any matter not provided for in these Articles.
17. All matters concerning The Academy Examinations will be determined by the Committee.
18. In Committee, a Master's vote shall count as three, that of a Maître d'Escrime as two, a Provost's as two, a Member's as one. In the case of an equality of votes, the Chairman of the Committee shall have a second or casting vote.
19. The Committee, as it feels appropriate, may invite a representative from the BFA or any other agency to advise The Academy on such matters as it thinks fit.

Membership

20. The Committee may admit as a member of The Academy any person who is, in their opinion, a suitable candidate for membership. A written application (on the approved form) should be made to the Committee Member responsible for membership and should include the names (together with contact details) of two independent referees. All applicants for membership must have attained the age of 18 years at the time of the application.

Note: Membership of The Academy does not necessarily confer "professional" status in contravention of the BFA Rules of Amateurism.

21. The Committee may appoint an applicant for Membership of The Academy ("**Member**" and "**Membership**" shall be construed accordingly) to one of the following categories:

Master - Fencing Coaches who have passed The Academy's Diploma Examination, Written Papers and Practical Examinations in all three weapons, or those who hold equivalent qualifications accepted by the Committee.

Maître d'Escrime - Fencing Coaches who have passed the Diploma Examination of The Academy at one or two weapons, or those who hold equivalent qualifications accepted by the Committee.

Provost - Fencing Coaches holding the Provost Certificate of the British Academy of Fencing or who have passed The Academy's Advanced Examination Written Papers and Practical Examinations in all three weapons or those who hold equivalent qualifications accepted by the Committee.

Member - Fencing Coaches who have passed a British Academy of Fencing Level 2 Examination or those who hold equivalent qualifications accepted by the Committee.

Associate - Fencing Coaches who have passed the British Academy of Fencing Level 1 Examination or those who hold equivalent qualifications accepted by the Committee.

Retired - Members who are no longer active in coaching.

ARTICLES OF ASSOCIATION

Overseas - Members who have had a close relationship with The Academy and who reside abroad.

22. The Committee shall have the power to elect a President of Honour, a President Emeritus, Honoured Former Presidents and Honorary Members. The election to such honorary membership will not confer any of the rights of Membership, in particular voting rights, although Academy Members elected to these offices will retain any existing Membership rights and benefits. The Committee may also waive payment of the annual subscription for the lifetime of a Member of The Academy (a life member).
23. Any Member shall be entitled to retire from Membership of The Academy upon giving notice in writing to the Secretary.

Subscriptions

24. The Members shall pay an annual subscription that shall be reviewed by the Annual General Meeting from time to time. Subscriptions shall be payable to the Treasurer on the 1st. October each year. If any subscription remains unpaid after the 1st. January, the person in default shall be liable to be struck off the list of Members.

Meetings

25. An Annual General Meeting of The Academy shall be held in January of each calendar year.
26. At the Annual General Meeting in each year, the Committee shall present a detailed report and a statement of accounts unless special circumstances exist which the Committee shall explain to the AGM.
27. Notice of every General Meeting shall be sent by the Secretary to each person holding Membership, at least fourteen days before the meeting. The notice of the Annual General Meeting should include the minutes of the previous Annual General Meeting and the statement of accounts for the financial year ending 30th September in the previous calendar year, unless there exist exceptional circumstances.
28. No person whose subscription is in arrears shall be entitled to attend or vote at any meeting.
29. A Special Meeting of The Academy shall be convened at the request of the Committee, or upon the receipt of a written request from not less than fifteen Members who are not members of the Committee. The request shall state the object of the meeting, and no business other than that mentioned in the request shall be enacted or considered. Such meetings shall be held not less than twenty one days or more than thirty five days after the receipt of the request. At least ten days notice of such meeting shall be given to the Members.
30. At all General Meetings of The Academy, a Master's vote shall count as three, that of a Maître d'Escrime as two, a Provost's as two, a Member's (excluding Associate Members) as one.
31. A quorum for the General Meeting shall consist of 7% of the aggregate of the voting Membership. No resolution can be passed, or election conducted, unless this percentage of the voting Membership is present and voting. In the event of a quorum not being realised, the retiring Officers and Committee may remain in office
32. **Election of Officers and Committee**
 - A. All votes in connection with the election of Officers and Committee members, excluding the President (see Article 32(b)), shall be made on voting slips at the Annual General Meeting. No vote will be accepted by post or by proxy or prior to the Meeting.
 - B. For the election of the President only, Members who are entitled to vote and who are not able to attend the Annual General Meeting may exercise, on application to the Secretary, a postal vote.

ARTICLES OF ASSOCIATION

Conduct of Members and Discipline

33. The Committee shall prescribe, publish and periodically review: “A Code of Ethics and Conduct”, “Guidelines for Health and Safety” and “Rules for Disciplinary Procedures”.
34. Every Member agrees to be bound by the documents referred to in Article 33 (as amended from time to time) and by the “British Fencing Association Rules for Competitions”. Failure to do so may result in disciplinary action.
35. The Committee shall appoint three Committee members to form a Disciplinary Sub-Committee at the first Committee meeting following the AGM. Any and all complaints of inappropriate behaviour by members and alleged breaches of either ethics or discipline shall be dealt with in accordance with the Rules for Disciplinary Procedures, copies of which are available from the Secretary.
36. Where a breach of the Code of Ethics and/or Conduct is proved, the Disciplinary Sub-Committee, shall have the power to recommend that the Committee:-
 - A. reprimand or warn that Member;
 - B. remove or disqualify that Member from any office or position in The Academy for a specified period;
 - C. suspend that Member from Membership for a specified period;
 - D. expel that Member
37. Any member disciplined under these Articles shall be entitled to appeal against that decision to the Committee in accordance with the procedure set out in the Rules for Disciplinary Procedures.

Alteration of the Articles

38. These Articles may be altered, amended or added to by resolution carried by a majority of at least three quarters of the value of the votes cast at a General Meeting.
39. A written copy of any proposed alteration in, or addition to, the Articles, shall be sent at least 21 days before the Meeting, to the Secretary, who shall send a notice of any proposed alteration or addition to each person holding Membership of The Academy at least seven days before the Meeting.

Procedure at General Meetings of the Academy

40. At meetings the Chair will be taken by the President of the Academy. In his absence, one of the Vice-Presidents of the Academy will take the Chair. In the absence of all these officers, the meeting shall elect its own Chairman.
41. The Chairman may, with the permission of the meeting, vacate the Chair to speak on any motion under discussion.
42. The Chairman shall have general power to direct the proceedings of the meeting and his ruling on any point shall be final.
43. Every speaker shall address himself solely to the Chairman. If two or more speakers intimate at the same time their desire to speak, precedence shall be given to the one who first catches the Chairman's eye.
44. Minutes shall be taken at all meetings. Minutes of the previous meeting shall be read and the Chairman shall call upon a proposer and seconder and, in the absence of any discussion, these minutes shall be accepted.

ARTICLES OF ASSOCIATION

45. Reports shall require a proposer and seconder from the floor before being accepted.
46. Every motion shall be introduced by the proposer of that motion (or on his absence by his seconder). Such motions shall be seconded and shall thereafter be open to discussion. The Proposer shall have the right to reply immediately before the vote is taken. Only one motion may be before the meeting at any one time.
47. No member shall speak more than once on the same motion except with the permission of the Chairman provided always that the proposer of the motion or amendment has the right to reply before the motion or amendment is put.

NOTE: On an amendment being carried, its proposer becomes the proposer of the substantive motion and may reply before that is put. He may, however, waive this right in favour of the proposer of the original motion.

48. Only one amendment to any motion may be before the meeting at any one time. If the amendment is carried the original motion incorporating the amendment shall become the substantive motion to which a further amendment may be moved.
49. When an amendment is before the meeting, a member may move, "The Meeting revert to the previous proposal." If this motion is carried, discussion upon the amendment shall thereupon cease and no vote shall be taken upon it. If this motion is not carried, discussion on the amendment may continue.
50. Any motion or amendment having been proposed and seconded may be withdrawn with the consent of the meeting.
51. At any time during the discussion of a motion, it shall be competent for any member to move, "The proposal be put." It shall be at the discretion of the Chairman whether this motion is put to the meeting.
52. If the closure is put and carried, the proposer of the original motion shall be given the opportunity to exercise his right of reply and the question shall be put to the meeting immediately.
53. It shall be competent for the Chairman, in the absence of any discussion to ask whether there is any discussion, opposition or amendment to the motion before the meeting and, in the absence of any response, to declare the motion carried.
54. Voting on any motion may be by a show of hands, or by secret ballot of those present at the meeting (by decision of the meeting).
55. Members may cast votes, according to their status within the Academy, as follows:-

Master:	3 votes
Maître d'Esgrime:	2 votes
Provost:	2 votes
Member:	1 vote

Tellers shall be appointed by the Chairman.

56. Nominations for election to Office shall require a proposer and a seconder.
NOTE: The candidates' willingness to stand must be established before he is proposed.
57. In accordance with the Articles, notice of any motion to be tabled at a General Meeting shall be submitted to the Secretary ten days before the meeting. In exceptional circumstances, however, a motion from the floor of a General Meeting may be accepted at the discretion of the Chairman.

TERMS of REFERENCE & RESPONSIBILITIES

The following 'Terms of Reference and Responsibilities' relate to Committee Posts, Appointments and Sub-Committees of the British Academy of Fencing

KEY:

The Academy - The British Academy of Fencing Ltd

The Articles - The Articles of Association of the British Academy of Fencing Ltd

The Committee:

- the Directors
 - President
 - 2 Vice Presidents
 - Secretary
 - Treasurer
- Committee members (who shall not be directors)
 - Assistant Secretary
 - Members' Representative
 - One other Committee member

The Committee's principal purpose is to ensure The Academy's prosperity by collectively directing the company's affairs in furtherance of its objects (*ref. the Articles*), whilst meeting the appropriate interests of its members.

In the event of any conflict between these terms of reference/responsibilities and the Articles, the Articles shall have priority.

Committee Meetings (Academy)

Quorum – four voting members (*ref. the Articles*)

Chairing of Committee meetings - the Chair will be taken by the President of the Academy. In his/her absence, one of the Vice-Presidents of the Academy will take the Chair. In the absence of all these officers, the meeting shall elect its own Chair.

Number of Committee Meetings - there shall be a minimum of one Committee meeting, which shall be held between concurrent Annual General Meetings.

Voting - Committee members may cast votes according to their status within the Academy (*ref. the Articles*) with the Chair having a second or a casting vote.

Delegation - the Committee from time to time may delegate such functions as it deems necessary.

Terms of Reference & Responsibilities

Committee Post

President

To be responsible for:

- overseeing all matters appertaining to the Academy
- dealing with all administrative matters relative to the position of President
- chairing meetings
- implementing Academy policy and objectives in accordance with the Articles
- providing leadership, stability, encouragement and arrange a venue for committee meetings
- keeping open channels of communication with the BFA, AAI, FIE and other National/International organisations
- nominating members for Committee appointments
- overseeing the Academy's website and social media
- being available to represent or appoint a representative(s) of the Academy at meetings, functions, examinations, conferences (National/International) during his/her period of Office
- other duties as agreed with the Committee (*see Committee Appointments*)

Vice President(s) x 2

To be jointly or individually responsible for the following:

- taking over the duties of the President in the event of him/her being indisposed (*ref. the Articles*)
- preparation and presentation of an annual report to the AGM
- dealing with all administrative matters relative to the position of Vice President
- reviewing and nominating annually to the Committee any persons deserving recognition for the following:
 - Life Membership
 - Long and Outstanding Service
 - Distinguished Service
 - Outstanding Achievement
 - Award of Merit
 - Brian Pitman Award
- nominating a person to the Committee deserving of recognition for the Gauthier Trophy, to be presented at the AGM following the Olympic Games
- other duties as agreed with the Committee (*see Committee Appointments*)

Secretary

To be responsible for:

- the administration of all matters pertaining to Academy communication, both internally and externally including advising the Committee on matters concerning General Committee and other meetings.
- maintaining records of:
 - the official minutes of General Committee and other meetings where appropriate
 - disciplinary matters
 - child protection issues
 - examination results
- organising the production and distribution of Academy documentation in respect of General Committee and other meetings and other such materials as becomes necessary
- the notification to the Membership and the Committee of General meetings in accordance with the Articles
- the preparation and presentation of an annual report to the AGM
- other duties as agreed with the Committee (*see Committee Appointments*)

Terms of Reference & Responsibilities

Treasurer

To be responsible for:

- operating the system used to control and record the finances of the Academy. This should include:
 - Filing the Annual Return and Accounts
 - accounting for all income and expenditure
 - producing a balance sheet and profit and loss account
 - banking
 - the settlement of all purchase invoices and expenses
 - reconciling the bank statements relative to a system of accounting
 - preparation and presentation of year end accounts to AGM
- advising the Committee and the AGM on
 - membership fees
 - cost of Academy publications
 - Academy examination fees
 - a recommended scale of rates of pay for members
- in conjunction with the Course Officer, setting course attendance fees
- preparing financial information to the Committee as requested
- dealing with all administrative matters relative to the position of Treasurer
- collecting membership fees
- acting as Membership Secretary, dealing with all administrative matters concerning application for membership of the Academy
- other duties as agreed with the Committee (*see Committee Appointments*)

Assistant Secretary

To be responsible for:

- in the absences of the Secretary, take minutes and producing minutes of Academy Committee and General meetings,
- dealing with all administrative matters relative to the position of Assistant Secretary
- generally assisting the Secretary as requested
- other duties as agreed with the Committee (*see Committee Appointments*)

Member Representative

To be responsible for:

- liaising between the Membership as appropriate and the Academy Committee and Sub-Committee(s)
- dealing with all administrative matters relative to the position of Member Representative
- editorial contribution to the Academy News
- other duties as agreed with the Committee (*see Committee Appointments*)

Committee Member

To be responsible for:

- the Academy's proficiency Award scheme
- dealing with all administrative matters relative to the position of Committee Member
- other duties as agreed with the Committee (*see Committee Appointments*)

Terms of Reference & Responsibilities

Committee Appointments

Standing Sub-Committee for Technique and Terminology

Chair to be responsible for:

- calling and chairing meetings
- minutes of meetings
- dealing with all administrative matters relative to the position of Chair of the SSTT
- reporting to the Committee
- preparation and presentation of an annual report to the AGM

Disciplinary Sub-Committee

Chair to be responsible for:

- calling and chairing meetings
- minutes of meetings
- reporting to the Committee
- investigating of complaints against the Academy or its members. This also includes alleged breaches of the Academy's *Code of Ethics* and *Conduct and Health and Safety Guidelines*
- recommendations (*ref. Disciplinary Procedure*) resulting from its investigations forwarded to the Committee
- dealing with all administration matters relative to the position of Chair of the Disciplinary Sub-Committee
- preparation and presentation of an annual report to the AGM

Course Officer

To be responsible for:

- calling and chairing meetings
- taking minutes of meetings
- dealing with all administrative matters relative to the position of Course Office
- in conjunction with the Treasurer for setting course attendance fees
- collecting course fees
- reporting to the Committee
- preparing and presenting an annual report to the AGM

DBS (Disclosure and Barring Services)

Editor – Academy News

To be responsible for:

- the production, editing and distribution of the Academy News
- sourcing adverts, invoicing and the collections of fees
- dealing with all administrative matters relative to the position of Editor
- reporting to the Committee
- preparation and presentation of an annual report to the AGM

Examination Co-ordinator and Administrator

To be responsible for:

- dealing with all administrative matters relative to the position of Examination Co-ordinator and Administrator
- reporting to the Committee
- preparation and presentation of an annual report to the AGM

Honorary Legal Advisor

Insurance

Terms of Reference & Responsibilities

International Secretary

To be responsible for:

- liaising between the British Academy of Fencing, the AAI, its member Academies and the FIE
- dealing with all administrative matters relative to the position of International Secretary
- reporting to the Committee
- preparing and presenting an annual report to the AGM

Theatrical Fencing

To be responsible for:

- liaising between the British Academy of Fencing and organisations associated with stage and screen fencing
- dealing with all administrative matters relative to Theatrical Fencing
- reporting to the Committee
- preparation and presentation of an annual report to the AGM

Website Manager

Welfare Officer

Terms of Reference & Responsibilities

Standing Sub-Committee for Technique and Terminology (SSTT)

The Standing Sub-Committee for Technique and Terminology (SSTT) was established with the objectives of safeguarding the correct use of terminology and to clarify any doubts that might arise with respect to technique and terminology.

The Sub-Committee therefore has the responsibility of maintaining an up-to-date 'Glossary of Fencing Terminology' to be used in all Academy courses, examinations, publications and correspondence.

Additionally the Sub-committee is also responsible for:

- the Academy's system of examination (and, where practical, will have a representative at all Academy examinations)
- maintaining up to date:
 - publications in relation to both the Academy's system of coach education and the Proficiency Award scheme
 - documents in relation to the Academy's processes and procedures for examinations
 - list of examiners

From time to time the Sub-Committee may be called upon by the Committee to table proposals for the Committee's approval in the day to day running of the Academy.

Appointment of Members of the SSTT

At the first meeting of the Committee in each calendar year, the Chair of the SSTT is appointed. The Chair then co-opts sufficient Masters of the Academy to assist him/her in carrying out the responsibilities of the Sub-Committee. It has become customary for the Chairman to appoint a Master to be responsible for each of the three weapons thus making a Sub-Committee of four Masters. The Sub-Committee does have the power to co-opt additional help if this proves necessary.

Terms of Reference & Responsibilities

General duties of directors under the Companies Act 2006

Introduction

This briefing note has been prepared for the directors of the British Academy of Fencing to provide them with a summary of their duties under the Companies Act 2006 (2006 Act). The 2006 Act introduced a statutory statement of directors' duties that will replace many of those existing common law and fiduciary duties.

Directors will, however, have many other duties, both under the 2006 Act, such as the duty to deliver accounts (section 441), and under a wide variety of other laws and regulations, such as insolvency and health and safety legislation.

The duties

All companies should ensure that the directors are aware of their duties under the 2006 Act. This could be done in all or some of the following ways:

- As a transitional move, committees should be given a thorough briefing on the new duties introduced by the 2006 Act.
- On appointment, all new directors should be briefed upon their duties under the 2006 Act.
- The terms of appointment and description of the role of any director should specifically refer to his duties.
- The terms of reference of any committee or committees may also refer to those duties.
- Companies should review their existing policies in areas such as human resources, ethics, compliance and corporate responsibility against the background of the new duties.

Other steps may include:

- Ensuring management, those persons responsible for preparing committee papers and presentations, and others involved in governance, are also given a thorough briefing on the new duties.

Duty to promote the success of the company (section 172)

Section 172 of the 2006 Act replaces a director's fiduciary duty to act in good faith in the best interests of the company.

Section 172 provides that a director must act in the way he considers, in good faith, would be most likely to promote the success of the company for the benefit of its members as a whole (*section 172(1)*). In so doing, the director must have regard (among other matters) to:

- The likely consequences of any decision in the long term.
- The need to foster the company's business relationships with suppliers, customers and others.

Terms of Reference & Responsibilities

- The impact of the company's operations on the community and the environment.
- The desirability of the company maintaining a reputation for high standards of business conduct.
- The need to act fairly as between the members of the company.

Where the company's purposes consist of or include purposes other than for the benefit of its members, the director must act in the way he considers, in good faith, would be most likely to achieve those purposes (*section 172(2)*). Companies are therefore free to adopt other purposes in their constitutions.

The duty is subject to any enactment or rule of law requiring directors in certain circumstances to consider or act in the interests of the creditors of the company (*section 172(3)*). Accordingly, the duty is displaced when the company is insolvent, and may be modified by an obligation to have regard to the interests of creditors as the company nears insolvency.

It should be noted that:

- The duty will apply to all decisions made by a director, not merely formal decisions made by the whole committee.
- "Success" is not defined. The government has stated that "success" in this context will usually mean "long-term increase in value" for commercial companies, and that what will promote the success of the company, and what constitutes such success, will be for the director's good faith judgement - its view is that this will ensure that business decisions on, for example, strategy and tactics, are for the directors, and are not subject to decision by the courts, provided the directors were acting in good faith.
- The obligation to have regard to the listed factors is clearly subordinate to the overarching duty to promote the success of the company for the benefit of its members as a whole. However, the obligation to have regard to at least the listed factors, in carrying out the overarching duty, is mandatory.
- The list of factors is not exhaustive - directors should have regard to other matters relevant to the duty to promote the success of the company.
- In having regard to the listed factors, the duty to exercise reasonable care, skill and diligence (*section 174*) will apply. In some cases, to satisfy the duty, it may be necessary to seek expert advice, for example in relation to the impact on the community or environment.
- It will be sufficient for the minutes to state that the directors have taken the factors into account in carrying out their duty.
- If any factor is particularly relevant, whether or not in the specified list, the minutes should reflect points made during discussions (subject to company policies on record-keeping), but otherwise the discussion of each factor need not be minuted.
- For significant or potentially controversial decisions, briefing papers prepared by management should address each listed factor, unless clearly irrelevant, along with other relevant matters.

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- Companies may wish to circulate a copy of section 172 with committee papers.
- Concern has been expressed that directors may be exposed to risk if the committee minutes deal with the section 172 matters inconsistently, for example by sometimes stating that the matters were taken into account, sometimes discussing each factor individually, and sometimes not referring to them at all. Such inconsistency could be construed as an indicator of whether, and to what extent, the committee took the section 172 matters into account. Drafting and complying with a policy setting out the company's approach to section 172 might assist in rebutting such an assumption, however the policy would need to be carefully drafted and applied consistently, as failure to comply with it could also be adversely construed.

Duty to act within powers (section 171)

Section 171 codifies the equitable principle under which a director must act in accordance with the company's constitution and must only exercise his powers for their proper purpose.

A company's constitution for these purposes includes:

- The company's articles (and memorandum).
- Decisions taken in accordance with the articles.
- Other decisions taken by the members or a class of them, where treated by law as equivalent to decisions of the company.
- Any resolutions and agreements affecting a company's constitution.

The section does not clarify aspects of the duty to exercise powers for proper purposes, such as how those purposes are to be ascertained, or the extent to which an improper purpose may taint a decision. Such matters will fall to be determined in accordance with previous case law, under which courts have approached the duty by first ascertaining the purpose for which the power was conferred, and then determining whether that was the director's substantial purpose when exercising the power. The liability is strict: if the director's substantial purpose was not the purpose for which the power was conferred, it will not matter if he exercised the power in good faith or in the belief that it would promote the success of the company for the benefit of the members as a whole.

Duty to exercise independent judgement (section 173)

Section 173 also codifies the existing law. It provides that a director must exercise independent judgement. The duty will not be infringed by a director acting in accordance with an agreement entered into by the company that restricts the future exercise of the directors' discretion or in a way authorised by the company's constitution. It follows that any powers of delegation should be set out in the articles.

The government has said that this duty will not prevent directors relying on advice, as long as the directors exercise their own judgement in deciding whether or not to follow the advice.

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Duty to exercise reasonable care, skill and diligence (section 174)

Section 174 codifies the commonly accepted understanding of a director's duty of care, skill and diligence.

Under section 174, a director must exercise the care, skill and diligence which would be exercised by a reasonably diligent person with both:

- The general knowledge, skill and experience that may reasonably be expected of a person carrying out the functions carried out by the director in relation to the company (the "objective" test).
- The general knowledge, skill and experience that the director actually has (the "subjective" test).

So, at a minimum, a director must display the knowledge, skill and experience set out in the objective test, but where a director has specialist knowledge, the higher subjective standard must be met. In applying the test regard must be had to the functions of the particular director, including his specific responsibilities and the circumstances of the company.

Duty to avoid conflicts of interest (section 175):

Section 175 will replace the no-conflict rule applying to directors, under which a director must not, without the company's consent, place himself in a position where there is a conflict, or possible conflict, between the duties he owes the company and either his personal interests or other duties he owes to a third party.

Under section 175, a director must avoid situations in which he has or can have a direct or indirect interest that conflicts with, or may conflict with, the company's interests. That applies, in particular, to the exploitation of property, information or opportunity, and whether or not the company could take advantage of the property, information or opportunity.

The section does not apply to a conflict of interest arising in relation to a transaction or arrangement with the company, as that is covered by sections 177 and 182 (see below, Duty to declare interest in proposed transaction or arrangement with the company (section 177)).

The duty in section 175 will not be infringed:

- If the situation cannot reasonably be regarded as likely to give rise to a conflict of interest.
- If authorisation has been given by directors who are genuinely independent (in the sense that they have no direct or indirect interest in the transaction), unless the company's constitution prevents such authorisation.

Committee authorisation will only be effective if the required quorum is met without counting the director in question or any other interested director and if the conflicted directors have not participated in the taking of the decision or if the decision would have been valid without the participation of the conflicted directors. (Committee authorisation is not permitted in respect of the acceptance of benefits from third parties (*section 176*).)

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The duty to avoid conflicts of interest will continue to apply after a person ceases to be a director as regards the exploitation of any property, information or opportunity of which he became aware when he was a director.

Duty not to accept benefits from third parties (section 176):

Section 176 codifies the fiduciary rule prohibiting the exploitation of the position of director for personal benefit. Under the section, directors must not accept any benefit (including a bribe) from a third party which is conferred because of his being a director or his doing or not doing anything as a director.

The duty will not be infringed if the acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest. Benefits conferred by the company, its holding company or subsidiaries, and benefits received from a person who provides the director's services to the company, are excluded.

Any current ability of the members of a company to authorise the acceptance of benefits that would otherwise be a breach of this duty is preserved by section 180(4), and the company's articles may contain provisions for dealing with conflicts.

The duty will continue to apply after a person ceases to be a director in relation to things done or omitted by him before he ceased to be a director.

Duty to declare interest in proposed transaction or arrangement with the company (section 177):

Section 177 will replace the equitable rule (in practice, modified by the articles of most companies) that directors may not have an interest in a transaction with the company unless the interest has been authorised by the members.

Under section 177, directors must declare to the other directors the nature and extent of any interest, direct or indirect, in a proposed transaction or arrangement with the company. The director need not be a party to the transaction for the duty to apply. An interest of another person in a contract with the company may require the director to make a disclosure under this duty, if the other person's interest amounts to a direct or indirect interest on the part of the director.

The declaration must be made before the company enters into the transaction or arrangement.

Where a declaration of interest proves to be, or becomes inaccurate or incomplete, a further declaration must be made, if the company has not yet entered into the transaction or arrangement when the director becomes, or should reasonably have been, aware of the inaccuracy or incompleteness.

No declaration will be required:

- Where the director is not aware of his interest or where the director is not aware of the transaction or arrangement, but directors will be treated as being aware of matters of which they ought reasonably to be aware.
- If the interest cannot reasonably be regarded as likely to give rise to a conflict of interest, if the other directors are already aware of it, or if it concerns the terms of the director's service contract which have been (or are to be) considered at a committee meeting or committee.
- Where the company has only one director.

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Section 177 only deals with proposed transactions or arrangements. Existing transactions and arrangements are covered by section 182, which provides that a director must declare the nature and extent of his direct or indirect interest in an existing transaction or arrangement entered into by the company, to the extent that the interest has not been declared under section 177.

Scope and nature of the general duties

Which directors?

The general duties will apply to all the directors of a company. "Director" is defined to include any person occupying the position of director, by whatever name called (*section 250*), which will include a de facto director (that is, a person who acts as a director without having been validly appointed). Whether the general duties will apply to a shadow director (that is, a person in accordance with whose directions or instructions the directors of the company are accustomed to act) will depend on his or her functions.

The Act makes no distinction between executive and non-executive directors.

Duties owed to the company

The codified duties are owed to the company (*section 170(1)*). Only the company will be able to enforce them, although in certain circumstances members may be able to bring a derivative action on the company's behalf (see below, Action by the company).

Cumulative duties

Where more than one duty applies in a given case, the directors must comply with each applicable duty (*section 179*). For example, the duty to promote the success of the company will not authorise directors to breach their duty to act within their powers, even if they consider that action would be most likely to promote the success of the company. The general duties also do not require or authorise a director to breach any other law.

Relationship between the common law and equitable duties and the new general duties

The 2006 Act does not contain all the necessary details on directors' duties, and common law rules and equitable principles will need to be considered in interpreting and applying the general duties. It should also be noted that the codification is not exhaustive. Directors will continue to owe certain equitable and common law duties to the company, such as:

- The duty of confidentiality.
- The duty to consider or act in the interests of creditors when the company is insolvent (see Duty to promote the success of the company (*section 172*), above).

Indemnity and insurance

Indemnity

Under section 232 (which broadly re-enacts section 309A of the 1985 Act), a company will not be able to exempt a director from any liability for negligence, default, breach of duty or breach of trust in relation to the company. (Liability under derivative claims, brought on behalf of the company, will be covered by this section.)

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The company may, however, indemnify the director against defence costs, or costs incurred in an application for relief under section 1157 (above), provided that the director repays the costs if he is unsuccessful.

Directors should review the terms of any indemnity given to them by the company to determine whether such third party liabilities are covered.

Insurance

Section 233 permits a company to purchase insurance for its directors, and those of an associated company, against any liability attaching to them in connection with any negligence, default, breach of duty or breach of trust by them in relation to the company of which they are a director. Directors should also review the terms of their D&O insurance to ensure that the defence of derivative claims under the 2006 Act is covered.

Practical steps

In summary, directors should:

- Ensure that they are aware of their duties under the 2006 Act.
- Ensure management, those persons responsible for preparing committee papers and presentations, the business review and others involved in governance, are also aware of the new duties of directors.
- Review the company's policy on minutes of meetings and determine how section 172 will be complied with and documented (minutes, briefing papers, presentations, external advice, business review etc.).
- Review the terms of reference of committee committees, in particular in view of the duty under section 172.
- Review the company's policies generally in view of section 172.
- Familiarise themselves with the constitution of the company, in particular any limitations on the powers of the company or the directors.
- Review their D&O insurance policies to ensure that the defence of derivative claims under the 2006 Act is covered, and ensure the terms of any indemnity from the company includes permitted third party liabilities (see Indemnity and insurance).

Specific Duties of directors

NB: The British Academy of Fencing will fall within the small companies regime for accounting and will therefore not be required to have its accounts audited.

- Every company must keep at its registered office an up to date register of its members containing the names, addresses, date of joining, and date of leaving for each member.
- Every company must keep at its registered office an up to date register of its directors containing the names (and any former names), service addresses (which may be the same as their residential addresses), country of usual residence, nationality, business occupation, and date of birth.

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- Every company must keep at its registered office an up to date register of its directors residential addresses.
- Every company must cause minutes of all proceedings at meetings of its directors to be recorded and kept for at least 10 years.
- Every company must keep records comprising copies of resolutions of members passed otherwise than at general meetings, minutes of all proceedings at general meetings. These must be kept for at least 10 years.
- Every company must keep accounting records adequate to show and explain the company's transactions, disclose with reasonable accuracy the financial state of the company at any time, and to enable the directors that annual accounts are prepared. In particular they must record income, expenditure, assets and liabilities. They must be kept at the company's registered office and should be retained for at least 7 years.
- The directors of every company must prepare accounts for the company for each of its financial years. Those accounts are referred to as the company's "individual accounts".
- Companies must prepare and file accounts in each year. For a company that is a charity, these must be Companies Act Individual Accounts and must be prepared as follows:

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- 1 Companies Act individual accounts must comprise—
 - a. a balance sheet as at the last day of the financial year, and
 - b. a profit and loss account.
- 2 The accounts must—
 - a. in the case of the balance sheet, give a true and fair view of the state of affairs of the company as at the end of the financial year, and
 - b. in the case of the profit and loss account, give a true and fair view of the profit or loss of the company for the financial year.
- 3 The accounts must comply with provision made by the Secretary of State by regulations as to—
 - a. the form and content of the balance sheet and profit and loss account, and
 - b. additional information to be provided by way of notes to the accounts.
- 4 If compliance with the regulations, and any other provision made by or under this Act as to the matters to be included in a company's individual accounts or in notes to those accounts, would not be sufficient to give a true and fair view, the necessary additional information must be given in the accounts or in a note to them.

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- 5 If in special circumstances compliance with any of those provisions is inconsistent with the requirement to give a true and fair view, the directors must depart from that provision to the extent necessary to give a true and fair view.

Particulars of any such departure, the reasons for it and its effect must be given in a note to the accounts.

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- 1 A company's annual accounts must be approved by the committee of directors and signed on behalf of the committee by a director of the company.
- 2 The signature must be on the company's balance sheet.
- 3 If the accounts are prepared in accordance with the provisions applicable to companies subject to the small companies regime, the balance sheet must contain a statement to that effect in a prominent position above the signature.

CODE OF ETHICS AND CONDUCT

Introduction

This Code of Ethics and Conduct applies to all members of the British Academy of Fencing (*hereinafter the 'Academy'*). Members are strongly advised to ensure that anyone assisting them also follows the code.

The purpose of the Code of Ethics (*hereinafter the 'Code'*) is to establish and maintain standards for Academy members and to inform and protect members of the public using their services.

The Academy acknowledges that a large part of this Code of Ethics has been derived from the code produced by the Industry Lead Body for Sport and Recreation. The Code published below will remain operational unless and until notice of any changes and amendments is given by the Academy.

Throughout the following Code the expression 'Coach' whether used in the singular or plural shall include all coaches/officials, assistants and other helpers whose activities are connected with the disciplines regulated by the Academy.

Ethical standards comprise such values as integrity, responsibility, competence and confidentiality.

Individuals who are members of the Academy are deemed to have assented to the Code and as such recognise and adhere to the principles and responsibilities embodied in it. The Code creates a framework within which members, when engaged in sports coaching - in the fullest sense of the expression - should always work. The Code has been written as a series of guidelines rather than a set of instructions.

However, violations of the Code may result in complaints being made to the Academy, in which case, the Academy may instruct its Disciplinary Sub-Committee to determine whether the conduct complained of has brought the Academy or the sport into disrepute and/or amounts to a violation of the Academy's Articles. The Disciplinary Sub-Committee will consider the Code's provisions when assessing the guilt of individuals against whom complaints have been made and/or the appropriate sanctions to apply.

Issues of responsibility

Teaching/Coaching is a deliberately undertaken responsibility, and Academy members are responsible for the observation of the principles embodied in the Code of Ethics.

The Code is applicable to any Member acting as a coach anywhere in the world.

Humanity

Members must respect the rights, dignity and worth of every human being and their ultimate right to self-determination. Specifically, members must treat everyone equally within the context of their activity, regardless of sex, ethnic origin, religion, age, marital status, disability or political persuasion.

CODE OF ETHICS AND CONDUCT

Relationships

Members will be concerned with the well-being, health and future of the individual fencers under their direction. Members shall acknowledge that the optimisation of performance must not be at the expense of the individual's wellbeing. Members shall not knowingly put the well-being, health and future of the individuals under their direction at risk in pursuit of better performance.

A key element in a coach/pupil relationship is the development of independence. Fencers must be encouraged to accept responsibility for their own behaviour and performance in training, in competition, and in their social life.

Members are responsible for setting and monitoring the boundaries between a working relationship and friendship with their fencers. This is particularly important when the coach and fencer are of opposite sex and/or when the fencer is a young person (under the age of 18 years). Members must realise that certain situations or friendly actions could be misinterpreted, not only by the fencer, but also by outsiders and could lead to allegations of sexual misconduct or impropriety.

The relationship between coach and fencer relies heavily on mutual trust and respect. In detail, this means that the fencer should be made aware of the Member's qualifications and experience. The Member must ensure that the fencer is given the opportunity to fully understand the purpose and reasons for training and performance.

Commitment

Members should clarify in advance with fencers and/or employers the number of sessions, fees (if any) and method of payment. They should also explore with fencers and/or employers the anticipated outcome of coaching. It is recommended that members should provide employers with a written risk assessment in advance of the activity and ensure that all parties concerned are aware of the content.

Members have a responsibility to declare to their employers/pupils any potentially conflicting coaching commitments/employment.

Members who become aware of a conflict between their obligation to their fencers and their obligation to the Academy or other organisation must make explicit the nature of conflict, and the loyalties and responsibilities involved, to all parties concerned.

Co-operation

Members should communicate with medical and ancillary practitioners when necessary.

Coaches should co-operate with medical and ancillary practitioners in the management of an entrusted fencers' medical problems.

Advertising, Publicity and Marketing

Advertising by members in respect of qualifications and/or services shall be accurate and professionally restrained.

Members shall not display any affiliation with an organisation in a manner that falsely implies sponsorship or accreditation by that organisation.

CODE OF ETHICS AND CONDUCT

Integrity

Members must refrain from public criticism of colleagues. Differences of opinion should be dealt with on a personal basis and more-serious disputes should be referred to the Committee of the Academy.

Members must not encourage fencers to violate the rules of their sport and should actively seek to discourage such action. Furthermore, members should encourage fencers to obey the spirit of such rules. Members must not compromise others by advocating measures, by means of which someone could be deemed to gain an unfair advantage.

Above all, members must never advocate the use of drugs or banned performance enhancing substances.

Members must treat all participants and officials with due respect both in victory and defeat and should encourage their pupils to act in a similar manner.

Members should discourage inappropriate behaviour and accept responsibility for the conduct of those entrusted to their care.

Members must not bring the Academy into disrepute.

Confidentiality

Coaches inevitably gather a great deal of personal information about fencers in the course of a working and/or training relationship. Members must not divulge confidential information to a third party without the express approval of the fencer (or the fencer's parent/guardian if the fencer is under the age of 18 years).

Confidentiality does not preclude the disclosure of information, to persons who can be judged to have a 'right to know', relating to the following:

- evaluation of the fencer within the sport for competitive selection purposes
- recommendations for professional purposes
- pursuit of disciplinary action

Abuse of Privilege

Coaches are privileged, on occasion, to have contact with fencers and to travel and reside with fencers in the course of coaching and competitive practice. Consequently, members must not attempt, under any circumstances, to exert undue influence over fencers in order to obtain financial benefits or favours of any kind.

Personal Standards

Members must consistently display high personal standards and project a favourable image of themselves and the sport to all participants, the media and the general public.

Personal appearance is a matter of individual taste but members have an obligation to project an image of health, cleanliness and functional efficiency. They should ensure that their equipment and that of their pupils should comply with BFA and FIE Guidelines.

Members should never smoke and or drink alcohol immediately before of while teaching/coaching.

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Safety

Members have a responsibility to ensure the safety of the fencers with whom they work as far as possible within the limits of their control.

All reasonable steps should be taken to establish a safe working environment. The work done and the manner in which it is done should be in keeping with regular and approved practice within the sport.

The activity being undertaken should be suitable for the age, experience and ability of the fencers.

Fencers should have been systematically prepared for the activity being undertaken and made aware of their personal responsibilities in terms of safety.

Members should make themselves aware of the contents of the Academy's Health and Safety Guidelines and other documents that may be of relevance.

Issues of Competence

Members shall confine themselves to practice in those fields of sport in which they have been trained/educated or have demonstrated competence.

Training includes the accumulation of knowledge and skills through both formal coach education courses and by experience at a level of competence acceptable for independent teaching/coaching practice.

Members should be able to recognise and accept when to refer fencers to other agencies.

Members should regularly seek ways of increasing their professional development and self-awareness.

Members should be able to account for their actions to fencers, employers, Governing Bodies and colleagues

Members have a responsibility to themselves and their fencers to maintain their own effectiveness, resilience and abilities, and to know when their personal resources are so depleted as to make it necessary for them to seek help and/or withdraw from coaching whether temporarily or permanently.

Travel with Fencers below 18 years of age

When organising trips for fencers below the age of 18 years, members should follow the basic guidance given below:

1. Members must comply with the 'pupil/responsible adult' ratio laid down by the authority responsible for the young people. In the absence of a responsible authority then the ratio should not be greater than 12:1.
2. Written parental/guardian consent must be obtained, entrusting care/responsibility to the responsible adult(s) accompanying the group.
3. Where a group of fencers is of mixed gender and under the age of 18 years, they should be accompanied by at least one adult official of each gender.

CODE OF ETHICS AND CONDUCT

Members should also make themselves aware of the Child Protection Policy of the Academy, those of other relevant bodies e.g. British Fencing Association and local procedures relating to working with children and vulnerable adults etc.

Employment of Others

Members should accept responsibility for all work carried out by them, or under their supervision or direction.

They should take all reasonable steps to ensure that persons working under their authority or in their employment are competent and qualified to carry out the tasks assigned to them.

Members should make themselves aware, by seeking appropriate professional advice etc, to their legal obligations when acting as an employer and should ensure that they have the appropriate insurance cover in place.

Criminal conviction

Any conviction of a Member by a court of law could reflect adversely on the Academy and the sport of fencing. Members must report any alleged criminal offence to the Secretary of the Academy at the earliest opportunity.

Disciplinary proceedings by an employer

Disciplinary proceedings by an employer leading to dismissal from employment connected with fencing coaching will normally be regarded as a breach of this Code. This applies even if the Member has been involved in related court proceedings, which have not resulted in conviction.

Violations of this Code

An alleged breach of this Code shall be grounds for making a complaint under the Disciplinary Code of the Academy. This is a formal expression of dissatisfaction with the actions or behaviour of clubs, bodies, organisations or individuals or with alleged unfair practice in connection with the sport and will be dealt with by the Disciplinary Sub-Committee of the Academy.

The procedure for making a complaint is to send details of the allegation, in writing, to the Secretary of the Academy.

The Disciplinary Sub-Committee will then investigate the matter, if deemed appropriate, following the guidelines contained within the Academy's Disciplinary Procedure.

Complaints Procedure

Any individual or organisation wishing to make a complaint against a member within the context of these Codes of Ethics and Conduct should in the first instance contact the Secretary of the Academy.

HEALTH AND SAFETY GUIDELINES

Who is responsible for safety?

Ultimately it is the responsibility of the activity provider/coach in charge to ensure those taking part in the activity do not come to any harm.

One of the key factors in ensuring safety is the provision of suitable and sufficient supervision. Such supervision, and the expertise of those supervising, should be appropriate to individual circumstances and determined by the findings of a risk assessment.

Risk assessment and accident prevention

Under health and safety legislation, as an activity provider, the coach in charge, has a duty to ensure the health and safety of those who participate in activities, i.e. other coaches/assistants and participants. The coach has a duty to ensure that no one else is harmed as a result of those activities, i.e. non-participating members of the public.

As part of this duty, the coach must ensure that a risk assessment is undertaken by a competent person which, covers those risks that are reasonably foreseeable. This includes assessing and planning for contingencies arising from foreseeable changes.

The following minimum five steps should be included in the production of a risk assessment

1. Identification of hazards
2. Identification of who might be harmed and how.
3. Evaluation of the risk and whether the existing precautions are adequate or whether more should be done
4. Record any findings
5. The assessment should be review and revised as necessary.

As there are many different factors to consider each time an activity takes place, it is necessary to determine what the site specific hazards there are at any one time.

A sample completed Risk Assessment form is included as an Appendix to this document. Coaches should complete their own Risk Assessment forms for each coaching session (a blank form is also included as an Appendix).

Supervision of activities

The main hazards associated with fencing are:

- Being struck by weapons
- Slips and trips
- Broken blades
- Spectators/non-participating members of the public
- Unsupervised and/or incorrect use of equipment

Control measures

Listed below are the minimum measures that coaches should take to ensure the safety of participants.

HEALTH AND SAFETY GUIDELINES

Coach competence

The coach and any assistants should be equipped with the necessary skills to deal with any reasonably foreseeable occurrences. It is essential that the coach in charge should identify the levels of competence others coaches and assistants need to be able to ensure safety during activities. Equipment requirements may vary from day to day and group to group. It will need to be clear who is responsible for checking the equipment and what they need to do if it is not acceptable.

Qualifications are just one way of showing competence. Practical experience gained over the years should also be considered as a way of showing competence.

Competence of participants

The coach should have in place a policy for identifying the competence, experience, special needs, physical and medical condition of the participants. Once this has been completed, a decision on which activities or levels of difficulty will suit the participants can be made.

It is recommended there be a policy of informing the participants (parents/guardians) about the nature and extent of risks and what to expect from the activity. This is particularly important where the participants may have no concept or prior knowledge of fencing. Any risks should be made clear, and realistic and uninhibited options should be offered to any participants who, as a result, wish to decline the activity.

Medical conditions and/or disabilities

There needs to be a policy for checking any conditions that may require a participant to receive special attention. They may need greater supervision or may even need to be excluded from the activity.

Group sizes

It is advisable to limit the maximum number of participants in a group per coach taking into account group management difficulties with particular types of activity. The use of assistants may help group management, but the responsibilities of assistants need to match their levels of competence.

The size of the group and number of coaches/assistants will depend on a number of factors including the age, skills and competence of the group, the venue used and the experience of the coach in charge. The coach in charge will need to ensure that for each particular activity the size of the group is appropriate to the skills, knowledge and overall competence of the coach in charge of the group and members of the group. If necessary, measures should be taken such as providing additional instructors, reducing the size of the group, or splitting the group and providing a competent leader for each group.

Briefings

Participants should be told how they can ensure their own safety and contribute towards the safety of the group as a whole. The coach in charge should give a presentation on the various aspects of the activity, covering all the relevant information. A checklist may be useful to ensure that items are not missed.

Participants must be made aware of the dangers and, where possible, be prevented from accessing the equipment without the supervision of the coach.

HEALTH AND SAFETY GUIDELINES

Supervision between activities

Participants not involved in an activity may become harmed e.g., those 'waiting their turn' can start to 'play' with the equipment unsupervised. Participants 'waiting'/'resting' should do so in a safe location and be prevented from 'playing' with the equipment unsupervised. Adequate supervision should be provided at all times.

It is also important to ensure the location of all members of the group is known at all times in the event of an emergency e.g. fire.

Normal operating procedures

The coach can use the findings of the risk assessment to compile the normal operating procedures. These should include systems for segregating non-fencers/spectators from the fencing area, systems for the storage, movement, allocation and collection of equipment.

The coach should ensure that all activities are supervised by suitably qualified and competent persons and that all necessary equipment is worn and used in the correct manner.

Inspection regime

An inspection regime which includes checks by the user, formal visual inspections on a regular basis and combined inspection and testing where necessary should be established.

User checks

The person using the equipment should be encouraged, after basic training, to visually check the equipment that they use for any signs that it is not in a safe condition. Defects should be reported to the coach in charge.

Formal visual inspection

To control the risk and to monitor the user checks, a competent person (i.e. some one who has had the necessary training or experience) should carry out regular formal inspections of the equipment which include visual checks undertaken in a systematic way.

For the most part, equipment should be visually checked by a competent person. This visual inspection should include some/all of the following as appropriate:

Masks – free from damage, significant dents, completeness (back strap and bib present), no penetration/soft spots of the mesh

Jackets/under plastrons/breeches – no holes, tears, clean and suitable to be worn. Zips and fasteners present and in working order.

Gloves – free from damage

Weapons – no broken or 'soft' blades. Blades complete with buttons or complete electrical 'point'.

Electrical equipment – no bare wires, plugs and fittings present and correctly fitted. Casings undamaged.

HEALTH AND SAFETY GUIDELINES

Combined inspection and testing

Some faults may not be picked up by user checks or formal visual inspections. It is therefore important that combined inspection and testing is carried out by a person trained to do so at intervals appropriate to the type of equipment, usage, conditions and the risks. An example of equipment requiring such checks is any mains powered electrical item.

First aid

A first aid box should be present and easily accessible. The contents and size of the first aid box may need vary depending upon the size of the group and the activities to be undertaken. With any serious accident professional assistance should be sought immediately.

Picking the venue

It is important to ensure that the venue selected is suitable for the activity planned and the size of the group.

In addition it is necessary to identify emergency signals, exit points, assembly areas and health and welfare facilities before the activity takes place in case there is a need to stop the activity at short notice.

Selecting clothing and equipment

What is appropriate may vary from day to day, session to session. For most activities participants should wear full fencing clothing, i.e. mask, under plastron (breast protectors if appropriate), jacket, breeches, a glove and suitable appropriate footwear. The clothing should be appropriate to the participant using it, i.e. it should fit correctly.

Equipment should be stored such that its use by unauthorised persons is prevented.

A system for checking the safety and suitability of all equipment prior to its use is essential.

Emergency action plans

All those involved in the activity need to be aware of their responsibilities in the event of an emergency. There should be in place a system for ensuring that the relevant authorities are notified and emergency contact details are known. Those running the activity need to have the necessary competencies to deal with any immediate problems and know where and how to get help if it is needed. The position and functionality of the nearest emergency telephone should be determined prior to the activity commencing. In the event of an accident the Secretary of the BAF should be informed of the details as soon as possible.

HEALTH AND SAFETY GUIDELINES

Further advice

You can obtain further advice and guidance may be obtained from the following

Secretary of the British Academy of Fencing

The British Fencing Association

1 Baron's Gate, 33-35 Rothschild Road, London W4 5HT,

Tel: 020 8742 3032 Fax: 020 8742 3033

This document contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

Associated documents

Appendix 1 – Risk Assessment and Duty of Care Guidelines

Appendix 2 – Personal Safety Guidelines

Appendix 3 Incident Report Form

Appendix 4a – Sample Risk Assessment

Appendix 4b – Risk Assessment Form (blank)

HEALTH AND SAFETY GUIDELINES

Appendix1 - RISK ASSESSMENT & DUTY OF CARE GUIDELINES

To be safe, there are certain factors that require verification prior to any fencing class or club taking place. Whilst there are no specific instructions, guidelines such as these are issued for the fencing coach to use. Not all requirements can always be met. However, certain minimum should be requisite for a safe class / club.

1. Fire, accident and evacuation procedures must be accessible to the fencing coach
2. The fencing coach should govern the number of attendees. He/she will decide the maximum number taking the following into account;
 - Amount of kit available
 - Size of venue
 - Age of attendees. There are no formal guidelines on this aspect. However, the fencing coach should take age and ability of the attendees into account, i.e. where disabled attendees are present their requirements may lead to reductions in overall attendees.
3. Floor space should be adequate for a group of 14 fencers, recommended minimum, 1 Badminton court.
4. If access for wheelchairs is required this must be verified before any such attendees arrive. Toilet and changing facilities should also be verified to enable ease of access.
5. Lighting should be sufficient to enable all areas of the floor to be covered and any lamp that is not working should be reported to the venue organiser immediately.
6. The floor should, preferably, be non-slip. If this is not the case the fencing coach should, using his/her own experience, make a decision as to the suitability of the floor. He / she should always remember that attendees will be moving across the surface, sometimes at speed and there should not be a serious risk of 'slipping or sliding'.
7. Totals of all equipment must be checked at the start of a fencing session and at the conclusion of the session.
8. The storage area for fencing kit **MUST** always be accessible to attendees and the fencing coach.
9. The storage area must be secure when left unattended.
10. Weapons in particular **MUST ALWAYS BE STORED SAFELY AND SECURELY.**
11. Spillage of water or other fluids on the floor **MUST BE CLEANED UP IMMEDIATELY**

DUTY OF CARE

1. A register of attendees **MUST BE MAINTAINED.**
2. The fencing coach **MUST** ensure that all attendees understand the personal safety rules.
3. Evacuation procedures must be made clear to all attendees. Where young people are in attendance it should be explained to them to ensure they fully understand where they **MUST ASSEMBLE** should there be need to evacuate.
4. Sighting of personal kit must be such that it does **NOT** endanger the attendees
5. In the case of a blade breaking, fencing will **HALT** and the broken weapon and any pieces that can be found, handed to the fencing coach

HEALTH AND SAFETY GUIDELINES

Appendix2 - PERSONAL SAFETY GUIDELINES

Your safety is of paramount importance.

To that end the following **should be adhered to at all times**:

In all instances you are advised that great care **must** be taken when picking up or putting down weapons. They **must never** be waved around.

If you have a rest from fencing you must put your weapon in the store area. Rules for collecting and returning weapons **must be obeyed**.

COLLECTING KIT

When collecting kit, go to the store **one person at a time**

Before collecting a weapon check that the jacket you have selected has no holes or tears, has a method of fastening that works and that it is a reasonable fit.

Ladies must also ensure chest protectors are in place in the fencing jacket.

Check that the mask you have selected has no rust, has no major dents, is not broken in any way and that it fits properly. If you are uncertain, **ask**.

Before you collect a weapon **put your mask on – using both hands to do so**.

Ensure that a non-electric foil blade has a plastic button covering the point.

Walk away from the weapon store **carrying the weapon point down**.

You **must keep your mask on when holding a weapon** unless the fencing coach instructs you otherwise.

If you have a question or any doubts regarding safety, ask the coach in charge.

RETURNING KIT

When returning kit go to the store **one person at a time**

Keep your mask on until you have returned your weapons to the store

Carefully replace your weapon in the weapon store area you took it from.

Replace the jacket and mask in the store you collected it from.

Use **BOTH HANDS** to put your mask on or to remove your mask.

CONDUCT IN THE FENCING HALL

Approach the piste with care and **always carry weapons point down**.

Never cross the floor / piste between people fencing.

Walk! Do not run!

Never cross blades with anyone unless you are both wearing masks, fencing jackets, gloves and under-jacket plastrons.

HEALTH AND SAFETY GUIDELINES

Appendix 3 - INCIDENT REPORT FORM

It is important that details of any known incidents or injuries that occur to individuals while undergoing coaching or taking part in fencing or fencing related activities are recorded – indeed those involved in any sport are required to report (to their insurance brokers) every known incident, particularly those involving a personal injury, which may give rise to a subsequent claim.

Whilst it is recognised that coaches, centers and clubs may already hold information relating to incidents and accidents in their accident and or Near Miss books, this form is provided for the use of all individual coaches wishing to report incidents, particularly those operating under the BAF Insurance scheme. It may be that the incident has already been reported to the British Fencing Association (BFA), but we would encourage to report it also via this route. Sharing information will ensure that appropriate details are passed on to BAF's insurance brokers and perhaps, more importantly will enable us to build a database of injuries and incidents that will enable us to further develop future good practice guidelines to help protect those taking part in the sport of fencing.

The details of incidents reported via this form will only be used for the purposes stated and will be held confidentially. This forms purpose is to ensure that reporting requirements are met and that in the event that a claim is made against you, insurers can act speedily.

The none reporting of this type of information could result in insurers limiting cover or denying indemnity. Please help us to support you.

Please complete this form in clear print and using black ink.
Return to: The BAF Secretary

HEALTH AND SAFETY GUIDELINES

Appendix 3

Your Name

**Your Contact Details
(including telephone no.)**

Club/ Centre / Organisation

Date and Time of Incident

Incident Location

**Name of Individual(s)
involved in the Incident**

**Contact Details of
Individual(s) involved in the
Incident or Injured**

Brief Description of Incident

Details of any injuries

Outline of Actions Taken

Details of on-site First Aid

**Details of any emergency
service support**

HEALTH AND SAFETY GUIDELINES

Appendix 3

**Details of any evacuation to
Hospital etc.**

**Details of any Witnesses to
the Incident**


**Outcome (as far as can be
determined at the time of
this report)**

**Any Additional
Information**

Please complete this form in clear print and using black ink.
Return to: The BAF Secretary

HEALTH AND SAFETY GUIDELINES

Appendix 4a -Sample Risk Assessment

	<h3 style="margin: 0;">RISK ASSESSMENT FORM (SAMPLE)</h3>
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Introduction

This Risk Assessment form should be filled out prior to the commencement of any fencing activity and reviewed on a regular basis. Members are reminded that this Risk Assessment will form a vital document in the case of any accident or claim. Therefore the Risk Assessment should be completed carefully and kept in a safe place. It is essential that any Risk Management undertaken in this document be strictly adhered to.

Where fencing activities are being provided for a third party such as a school or activity centre, it is recommended that coaches ensure that employers have seen and consent to the content of this form and that their signature is obtained. It is the responsibility of the Employer to ensure that the coach is adequately qualified for the work undertaken and has any Child Protection and/or First Aid qualification such as is deemed necessary for this activity. The existence of this Risk Assessment does not constitute any guarantee on the part of the BAF as to the suitability or qualifications of the coach.

In the case of any accident, a copy of this form should be forwarded to the BAF along with the accident report.

Nature of Activity	
Venue	
Date (If this is a recurring activity, give the date of its inception and indicate its frequency thereafter)	
Group or Employer (if appropriate)	
Anticipated Number of Participants	
Age Range of Participants	

Name of Coach/ Leader	
Signature of Coach/ Leader	
Email	
Phone Number	
Date	

Name of Employer/ Responsible Person	
I have read this Risk Assessment and agree to the contents	
	Signature of Employer/ Responsible Person Date

HEALTH AND SAFETY GUIDELINES

Appendix 4a -Sample Risk Assessment

	<h3 style="margin: 0;">RISK ASSESSMENT FORM (SAMPLE)</h3>
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(C) CONSEQUENCE 1 Slight 2 Minor 3 Serious 4 Major	(F) FREQUENCY 1 Negligible 2 Unlikely 3 Likely 4 Probable	:
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These sections to be completed by the coach/leader/responsible person

HAZARD	CAUSE/RISK	CONSEQUENCE	Who might be harmed	Before Control (C) (F)	How Risk is Controlled	Action by Whom	After Control (C) (F)
Falling/slipping on floor	Dirty/wet floor	Minor Injuries	All Persons	2 3	Ensure floor is swept clean prior to activity commencing		2 2
Falling over equipment	Fencing bags, equipment etc left lying on the floor	Minor Injuries	All Persons	3 3	All equipment to be kept in designated storage areas. Floor area to be kept clear of personal possessions.		3 1
Penetration with blades	Broken/ damaged blades	Death/Serious Injury	Fencers	4 4	Inspect weapons and clothing regularly. Ensure adequate supervision and training is provided		4 2
Electrocution	Faulty electrical equipment	Death/Serious Injury	All Persons	4 3	Ensure equipment is regularly tested by a competent person. Ensure equipment is used correctly.		4 2
Personal Protection Equipment	Personal Harm/ Injury	Major Injury	Fencers	3 3	Ensure adequate (correctly fitting) protective clothing is worn and used correctly. Ensure all clothing and weapons are checked regularly for damage.		2 2
COSH	Personal Harm/ Harm to others from materials	Major Injury	All Persons	3 3	Ensure that all substances covered by the COSHH regulations are stored and used appropriately by the appropriate authorised persons.		3 2

HEALTH AND SAFETY GUIDELINES

Appendix 4a - Sample Risk Assessment

	RISK ASSESSMENT FORM (SAMPLE)
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Use this part of the form to record any additional hazards or concerns which may be specific to the venue being used or to the participants in the activity

These sections to be completed by the coach/leader/responsible person

HAZARD	CAUSE/RISK	CONSEQUENCE	Who might be harmed	Before Control (C) (F)	How Risk is Controlled	Action by Whom	After Control (C) (F)
Impact with Fencers/spectators/weapons etc.	Personal Harm/ Injury	Major Injury	All Persons	3 3	Ensure that the fencing area is clearly marked. Provide safe routes for spectators, members of the public, non-fencing members to move about. Ensure that only authorised persons are allowed close to the fencing area. Fencers to wear masks before picking up weapons.		3 2
Dangerous Fencing	Personal Harm/ Injury	Major Injury	All Persons	3 3	Ensure adequate supervision is provided at all times. Never leave classes/ individuals unsupervised. Provide adequate technical training. Provide safety instructions/ briefings prior to the activity commencing.		3 2

Note: Consequence: Slight – slight injuries, cuts, bruises etc. No absence from work
 Minor – Minor injuries, where people are off work for periods not in excess of 3 days.
 Serious – Injuries where people are off work for periods in excess of 3 days.
 Major – Death or Major injury as defined in ‘Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995

Frequency: Negligible – unlikely that harm will occur
 Unlikely – where harm will seldom occur
 Likely – where harm will occur frequently
 Probable – where it is certain that harm will occur

HEALTH AND SAFETY GUIDELINES

Appendix 4b – Risk Assessment Form



RISK ASSESSMENT FORM

Introduction

This Risk Assessment form should be filled out prior to the commencement of any fencing activity and reviewed on a regular basis. Members are reminded that this Risk Assessment will form a vital document in the case of any accident or claim. Therefore the Risk Assessment should be completed carefully and kept in a safe place. It is essential that any Risk Management undertaken in this document be strictly adhered to.

Where fencing activities are being provided for a third party such as a school or activity centre, it is recommended that coaches ensure that employers have seen and consent to the content of this form and that their signature is obtained. It is the responsibility of the Employer to ensure that the coach is adequately qualified for the work undertaken and has any Child Protection and/or First Aid qualification such as is deemed necessary for this activity. The existence of this Risk Assessment does not constitute any guarantee on the part of the BAF as to the suitability or qualifications of the coach.

In the case of any accident, a copy of this form should be forwarded to the BAF along with the accident report.


Nature of Activity	
Venue	
Date (If this is a recurring activity, give the date of its inception and indicate its frequency thereafter)	
Group or Employer (if appropriate)	
Anticipated Number of Participants	
Age Range of Participants	

Name of Coach/ Leader
Signature of Coach/ Leader
Email
Phone Number
Date

Name of Employer/ Responsible Person
I have read this Risk Assessment and agree to the contents

HEALTH AND SAFETY GUIDELINES

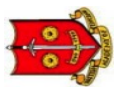
Appendix 4b

	<h3 style="margin: 0;">RISK ASSESSMENT FORM</h3>
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|--|---|
| <p>(C) CONSEQUENCE</p> <p>1 Slight</p> <p>2 Minor</p> <p>3 Serious</p> <p>4 Major</p> | <p>(F) FREQUENCY</p> <p>1 Negligible</p> <p>2 Unlikely</p> <p>3 Likely</p> <p>4 Probable</p> |
|--|---|

These sections to be completed by the coach/leader/responsible person

HAZARD	CAUSE/RISK	CONSEQUENCE	Who might be harmed	Before Control (C) (F)	How Risk is Controlled	Action by Whom	After Control (C) (F)



RISK ASSESSMENT FORM

Use this part of the form to record any additional hazards or concerns which may be specific to the venue being used or to the participants in the activity

HAZARD	CAUSE/RISK	CONSEQUENCE	Who might be harmed	These sections to be completed by the coach/leader/responsible person			
				Before Control (C) (F)	How Risk is Controlled	Action by Whom	After Control (C) (F)

Note: Consequence: Slight – slight injuries, cuts, bruises etc. No absence from work
 Minor – Minor injuries, where people are off work for periods not in excess of 3 days.
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 Major – Death or Major injury as defined in 'Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995

Frequency: Negligible – unlikely that harm will occur
 Unlikely – where harm will seldom occur
 Likely – where harm will occur frequently
 Probable – where it is certain that harm will occur

HEALTH AND SAFETY GUIDELINES

Appendix 4b