

Nottingham Squash Rackets Club Committee

From: Roger Cockle (rcockle@outlook.com)

To: members.nsrc@gmail.com

Date: Wednesday, 26 August 2020, 19:57 BST

Dear Chairman and Committee Members,

We are writing to you all as we believe that serious concerns put to the Chairman have not been addressed. We understand that these are difficult times and that difficult decisions need to be made. We are not under pressure to make 'profit'. It is a member's club set up to allow people to play squash and socialise, and therefore has an underlying ethos of friendship and respect.

We have never previously been aware of anything like the rift there seems to be between the membership and the committee that exists now with discussion of an EGM to resolve the source of this rift being widespread and imminent.

Concerns have been raised over a period of months which have been brought to the attention of the Chairman but have not received the courtesy of a response. This is totally unacceptable. We are all members of the same club and should have the same interests at heart, but the culture that has been growing within the committee would seem to be contrary to this. The Chairman has an arrogant and coercive approach to committee members and staff, there are personal agendas, lack of transparency and a failure of governance standards. Most concerning is the nepotism that would seem to drive staffing decisions.

The tone of the latest update to members exudes arrogance.

Your reference to the failings of the previous committees and staff demonstrates an unhealthy need to denigrate fellow members in a membership email. We all welcome fresh input and the correction of omissions but the failings you refer to are selective, misleading and exaggerated. The risk to the club of the current committee's failings of corporate governance dwarf those you refer to. We would expect the committee culture to embrace the club, its membership and all the issues that it faces.

The attempt to remove Gerry Hargreaves from the board (sacking is a term used initially by the committee) displays both ignorance and arrogance. Ignorance, as none of the committee seemed to consider that it did not have the authority to remove a member, and arrogance, that it felt that Gerry should be harangued was contrary to the ethos of the Club.

The Committee had no power to dispense with Gerry as a Committee member, so you, as a Committee, are operating outside the Articles of Association. To compound the arrogance of the Committee, it stated in the recent members' update, that it has been told by a number of members that it did not have such authority and acknowledged its failure but did not acknowledge that Gerry Hargreaves, therefore, must still be a committee member. He is owed a personal apology and all members should be provided with a message to that effect. Gerry has been a great contributor to the club and to play out this issue in front of all the members is totally unacceptable.

Next, let us review the Governance of the Club, critical in these difficult times, Accurate records are essential so that others can understand the rationale and the process of any difficult decisions. Total transparency is fundamental. Members can then see why decisions were made and most members, whilst possibly not agreeing, would understand that these are difficult decisions being made in highly unusual times. The committee have recently agreed to 'support' the taking of minutes but it may be too early to establish whether this is going to happen. Only recently, an email was sent to Nick Hargreaves asking for a meeting to discuss the Noah Duckworth employment contract. This is the substance of the email:

Dear Nick (Hargreaves),

As you know Chris and I are trying to get an understanding of how Noah came by his contract, so I would like to meet up before our committee meeting on Thursday if that's convenient? No support, advisors or minute takers will be allowed to attend and that includes Gawain.

Dean Henshaw

This demonstrates a continuing lack of transparency, casual disregard of staff and the need to hide matters from the membership.

Notwithstanding the issues around the illegality of record keeping under the Companies Act 2006, a simple Google search would indicate best practice. The Chair has been asked why there was a change but to date we have received no reply (a common theme), he has been asked to rectify it but has chosen to change the headings on his action sheet. No one can 'read' the Action Plan as 'Minutes' and ascertain when and why decisions were made, in actual fact if we check the Committee Action List it does not have appear to have discussed Finance or Staffing needs until point 77, when it was completed. It is no wonder that point 75, Staff communication eventually became so important.

This brings us onto another major concern, that of staffing decisions. Firstly, we think all the committee would agree that there were only 2 permanent members of staff at the point of close down (a contract needs to be signed by both parties to be legal), Secondly, there appears to have been an initial break down of relationships between the Chair and the staff at this point, and as far as we are aware no move to resolve.

So, it becomes difficult to understand why decisions were made regarding staffing. Why were three people involved in the initial consultation? Clearly the Chair had a conflict of interest so why was he involved at all? Where was the redundancy plan? There is reference in earlier action plan notes of DH and ND implementing the new staff structure – what is it? There was no 'consultation' during the consultation period. What are the major changes to the job descriptions? The Chairman has now confirmed recently that there are no redundancies planned in the foreseeable future.

It is clear to any dispassionate person looking at the decision making process that it potentially exposes the club to an Employment Tribunal application with the real prospect of significant legal costs and damages having to be paid by the Club, which we can hardly afford, for constructive/and or unfair dismissal and bullying, which has no upper limit in damages. Our advice is that the club's insurance will not cover the above costs and damages.

We need the committee to stop the staff selection process immediately and set up an independent group to review the reasons for the approach and map out a legal way forward. Unfortunately, the current committee is tainted in respect of this issue, with stories of committee members allegedly asking for the current manager to be 'sacked'. The matter of nepotism is a very serious issue.

We are aware that Noah Duckworth would appear to have presented an apparently 'fabricated' contract of employment without any knowledge of the two permanent members of staff. If this is the case, he should be suspended until the matter has been clarified.

Noah, not being an employee and no longer on apprentice terms, is casual labour. He is surplus to the main staffing requirement because NH and KE have capacity between the two of them to cover the hours the club is open but he remains regularly at the club without any real role. This cost is not affordable. We understand that he received over £1,200 last month (July 2020) in casual pay, which is more than KE, an employee of the club, received.

There is frustration within the membership that the reasons for these decisions were not clearly communicated. As members we have a close relationship with the staff - there is a co-operative and friendly atmosphere. This frustration was compounded by the instruction of the Committee to dispense with the casual staff, without appearing to consider holidays, sickness and cover. It is noted, however, that that instruction did not include dispensing with the services of Noah Duckworth who was at that time, and remains, casual labour.

To us there appears to be a pattern of poor decision making which may constitute misconduct, concerning the following, but which is not an exhaustive list:-

- The provision of food for teams (conflict of interest);
 - Member of the committee reports the club to Nottingham City Environment Health about state of our kitchens;
 - Use of volunteers in Covid 19 period (required risk assessment to be carried out)
 - Treatment of the Professionals (no meaningful contact or plan around future)
 - Funding streams (no mention of community or Nottingham Squash)
- The issues surrounding Noah Duckworth's work status including the provenance of his purported employment contract dated 4 June 2019

We feel that in the immediate future the following actions should be taken-

1. All aspects to staffing changes should be placed on hold, to be reviewed by an independent panel, and if not, then the Committee directors in opposition undertake to be personally liable for any costs and damages incurred as the current process appears not to comply with employment law regulations.;
2. Noah Duckworth should be suspended immediately until the provenance of the contract he has presented has been established. There is CCTV of both the Chairman and his son entering the club and entering the office during the lock down period;
3. An EGM should be called immediately to resolve all matters outlined above.

Members just want to turn up play squash and socialise. We do not want to impede the Committee in these difficult times but as members we cannot just sit and watch as the Club spirit and ethos is thrown away as well as the current actions around staffing which could end in a Tribunal, which would be catastrophic for the club.

We want a future for the Club but currently if the committee continues on its current path, we can only see it ending in the Courts and the club being unable to continue due to the financial implications.

In the current febrile atmosphere that surrounds the activities of the Committee, it would seem to be further evidence of the coercive character of the Chairman that no member of the committee seems to have raised any objections to this catalogue of failure. In a healthy consensual atmosphere, we would expect to find independent minds and the worst failures prevented.

We look forward to your reply.

Please note that this message has been sent to all members.

We invite comments from members on the probability and support for an EGM.

Regards,

Roger Cockle	Steve Payne	David Clarke	Mike Gardiner	Rick Lowe	Eamonn Harrison
Don Crosland	Sanjeev Sharma	George Thunecke	Kevin Gibbin	Sue Vickery	Sue Shaw