

Draft Ordinances of ITF E

Version 2.2 incorporating changes discussed at the Board

General comments

Apologies for typos and infelicities of style; it is a draft. There will be a need to double check the cross referencing and this process will continue and be completed when the review by the Board is completed.

The style is not fixed this includes the layout, font, etc. etc.

The definitions will be updated, clarified, amended etc once the detail has been completed.

JSB

ORDINANCE I MEMBERSHIP OF ITF ENGLAND

Commentary:

This section fleshes out the information contained in the relevant part of the Statutes it also draws attention to the need to have regulations and procedures for membership such as appropriate forms.

Please note the following clauses 6,7, 8,9,10,11,12 and 17

It will be noted that the Ordinance sets out the need to have a register of members which will adhere to Data Protection regulations see paragraphs 27-28.

Applications for Membership

1. The Board will consider applications for membership of ITF England as set out in Part II of the Statutes of ITF England.
2. All applications must be submitted in the form required as set out in the regulations- these include the necessary application form and any other information that might be required by the Board to enable consideration of such applications for membership.
3. All applications for membership of ITF England must include a copy of the constitution of the applicant's organisation and that ITFE may request an amendment to the applicant's constitution as a condition of membership of ITFE.
4. All applications for membership must be sent to the Secretary General of ITF England.
5. Applications for membership will be considered by the Board and decisions will be reached by a simple majority. In considering applications the Board will consider the relevant issues set out in Part II of the statutes of ITF England.
6. When considering applications for membership of ITF England the Board must consider any material facts which may exist which need to be resolved prior to the consideration of any application. Such issues, although not limited to, include the following:
 - a) Outstanding disciplinary and other related issues, such as but not exclusively safeguarding matters, financial issues, objections from members and objections/concerns from the ITF or AETF, which exist with the Association whether within ITF England or another association that the member association wishes to leave;
 - b) Outstanding disciplinary and other issues that exist with ITF England, this will apply particularly to applications for membership from those that have previously been members of ITF England; and,
 - c) Outstanding disciplinary and related issues with the ITF.

7. After considering the issues set out in Paragraph 6 above the Board may approve or reject an application for membership at that point. Full details of the assessment process that is applicable is found in the procedures for admission to ITF England.
8. Should the Board, under the terms of paragraph 5 above, reject consideration of an application as being ineligible for consideration there is no recourse to an appeal on such grounds. However, it will be possible to resubmit an application for membership once the relevant issues have been addressed. The mechanism to demonstrate that these matters have been fully addressed will be set out in the notes for applicants for membership.
9. Applications which have been considered but then rejected are subject to appeal only on grounds of maladministration. Details of the appeal process in such cases is set down in application procedures that will be available to applicants.
10. ITF England recognises that admission of external groups into an existing members Association is often an efficient way of operating. However, in admitting an external group into a members Association ITF England expects that such applications take due account of the issues set out in Paragraph 6 above and draws attention to the relevant sections of Part II in the Statutes and in particular Section D in cases where the external club has been subject to disciplinary action by ITF England or the ITF which has not been completed or where unresolved issues have not been addressed. In such circumstances ITF England will take such action as necessary in line with the Disciplinary and related processes that are in place to address any outstanding issues against the member association that admits them. The affiliates of ITF England should contact ITF England after any approach for advice on how to proceed with admissions into their group.
11. In cases where the provisions in Paragraph 10 above are not taken into account ITF England reserves the right to take appropriate sanctions against the relevant member Association. In such cases ITF England will inform the ITF of such sanctions and the action required by the relevant member Association to rectify the situation and to remove any such sanctions.
12. The sanctions that the Board is permitted to apply arising from the issues set out in Paragraph 11 might be applied include some, or all, of the following:
 - a) Non- processing of certificate and related applications for action by ITF;
 - b) Non- processing of plaque applications or such renewals by ITF;
 - c) Withdrawal of voting rights at ITF England meetings;
 - d) Ineligibility of students to join national competitions, national team and squad training or selection for the national team, including where relevant, suspension of such students from the National team;
 - e) Non- processing of additions of applications to attend IICs and other ITF Courses on to the ITF Database; and,
 - f) Any other such reasonable sanctions that might be determined at the time of the

application of the sanction.

13. In all cases the introduction of any sanctions set out in Paragraph 12 above will be communicated, by the Secretary General, to the ITF HQ.
14. The Board when implementing such sanctions will inform the Association of the period of the sanction and the mechanism by which the sanction can be removed.
15. The Association subject to the sanctions set out in Paragraphs 11 and 12 above will have the right to make a case to the Board and to have their case heard by the Board.
16. The process that will apply in Paragraph 15 will be set out in the policies and procedures of ITF England in respect of admission as a member to ITF England.
17. Although ITF England does not discourage applications for membership from individual clubs from existing affiliates the Board will expect that such applications will be relatively few. Nonetheless, it is recognised that in some cases such membership will be the best way of operating. In order to support clubs and smaller affiliates the Board may monitor and offer advice on the development of appropriate processes, procedures, technical assistance and other related matters to assist in the smooth operation of such affiliates.

Rights and obligations of membership of ITF England

18. The rights and obligations of membership of ITF England are set out in Part II, Section E (Rights) and Section F (Obligations) of the Statutes of ITF England.

Membership fee

19. The Board is responsible for setting the annual membership fee upon recommendation by the Treasurer each year in December.
20. The membership fee applies for the calendar year irrespective of the timing of the issue of the invoices for payment.
21. Membership fees shall be paid within 30 days following the presentation, by email or other means, by the Secretary General of ITF England.
22. The Board may impose penalty charges if an invoice has not been paid after the 30 day period.
23. The period of the membership fee, as set out in Paragraph 18, cannot be amended unless a recommendation has been made by the Board and approved by the meeting of Congress.
24. The Board reserves the right, irrespective of the issues set out in Paragraph 22, to assume, after contact by the Secretary General, that member association who fails to pay the membership fee will be deemed to have withdrawn themselves from membership of ITF England.
25. Members who have withdrawn or have been suspended or expelled under Paragraph 23

above will no longer be members of ITF England and by extension the ITF and a report will be made to the next meeting of Congress and will not be subject to the procedures in Part II Sections G, H, I, J, and K of the Statutes of ITF England.

26. Members who wish to pay the membership fee within a period of six months may be reinstated without the need to reapply for membership subject to the approval of the Board and payment of any penalty that might apply in such circumstances.

Register of Members

27. As stated in the Statutes, ITFE shall keep and maintain a register of members. This might be collected from affiliates.

28. Information to be kept and maintained, subject to Data Protection and Related legislation shall be:

- a) The full name of the Association, Independent Group and Club;
- b) The Full Name of each member of ITFE;
- c) ITF and ITFE qualifications of an individual member; and
- d) Any other information as determined by the Board.

ORDINANCE II CONGRESS OF ITF ENGLAND

General

1. This Ordinance provides additional detail not contained in Part III of the Statutes: Congress.

Powers of Congress

2. The Powers vested in the Congress, as set out in Statutes, Part III, Section D (Powers) can only be amended following a resolution to make an amendment to the Powers that has been considered by a meeting of Congress and following detailed analysis of the proposal by the Board. In such cases the Board will provide a paper with recommendations to accept or reject the proposed amendment at the next Ordinary Meeting of the Congress or at an Extraordinary Meeting of Congress if the amendment is seen as urgent.
3. The Board may recommend amendments to the Powers of Congress which, as they arise, will be put to an Ordinary or, if deemed to be urgent, and Extraordinary Meeting of Congress subject to necessary period of notice as defined in the Statutes.
4. Amendments to the Powers of Congress, in all cases, that are put to meetings of Congress require a special majority and any proposals that do not achieve a special majority will not be passed but be referred to a later meeting of Congress. If the proposed amendments are not passed at a second Ordinary or Extraordinary meeting of Congress the proposal to amend the Powers of Congress will fall.

Attendees and observers

5. Attendees and observers who are invited to meetings of Congress may only contribute to debates on the authority of the Congress.
6. Attendees and observers have no right to vote on any resolutions put to Congress.

Voting at Congress

7. During face-to-face meetings all votes, other than for elections, will be by a show of hands. Proposals to temporarily amend this may be made at meetings of Congress and will require a simple majority to be introduced. In all cases the proposer and seconder of such motions must indicate the purpose for the proposal to amend, pro temp, the voting procedure contained in this Paragraph.
8. All votes for elections to the Board, and any other posts, will take place by secret ballot.
9. In exceptional circumstances, where meetings of Congress, cannot take place other than via electronic means, for the Secretary General will ensure that appropriate mechanisms are in place to enable normal voting and votes using secret ballots.
10. The process to be adopted to vote at meetings held electronically will be set out in the rules and regulations and, in all cases, communicated prior to such meetings advance of

the meeting and shall meet the conditions set out in Part III, Section L of the Statutes.

**ORDINANCE III ELECTIONS OF THE OFFICERS OF ITF ENGLAND AND OTHER BOARD MEMBERS
(SEE STATUTES PART III, CONGRESS, SECTIONS M AND N)**

Commentary:

This Ordinance has been expanded to include a new process by which members of the Board can be nominated, the relevant time scales and other administrative arrangements.

One key change is that any person seeking election must be nominated by at least three (3) members of ITF England and that they have assented to become a candidate. This process is very common in public and other bodies and is a sign of good practice.

Please note, for clarification, paragraph 6 of this Ordinance and Paragraph 7 permits some scrutiny in the case of a single candidate.

1. The date of elections for individuals to serve as Officers or other Board members of ITF England shall be made by the Secretary General, who shall act as Returning Officer for the election and shall have a general discretion to ensure that the election is conducted in a proper and seemly manner they will also provide details in this regard. In fulfilling this role, Secretary General may choose to appoint a suitable external agent to fulfil many of the duties expected of the Returning Officer and to provide administrative support for the election, on the approval of the Board. The external agent may, if appropriately qualified and subject to the approval of the candidates duly nominated, fulfil the duties of a Scrutineer.
2. Pursuant to Statute Part III, Sections M and N, those who may nominate candidates for election shall be:
 - a) Those members of ITF England that are included on the membership roll of ITF England and whose names and addresses have been registered on the list held by the Secretary General compiled at a date eight weeks before the date appointed for the election. **[Need to consider time scales here]**
 - b) A person who is a member of an association that is a member of ITF England and has met the obligations of such membership.
 - c) A person of Good Standing as defined in the Statutes Part XII and these Ordinances.
3. Any person whose name appears on the membership roll and is eligible to vote is entitled to vote no more than once for each candidate for each post on the Board.
4. No fewer than eight weeks before the date appointed for the election, the Returning Officer shall notify all persons eligible to participate in the election stating that a position(s) on the Board is, or is to become, vacant as may be appropriate, specifying the date appointed for the election and drawing attention to the provisions of the relevant Statute and this Ordinance. **[this schedule is not fixed and the timings can be amended to meet with schedule of dates for the Congress, items for the agenda and AOB as required. Once agreed this will be amended]**
5. No candidate for election to the Board shall be deemed to be validly nominated unless:

- a) a proposition for such nomination, in writing, signed by at least three members of ITF England who are eligible to participate in the election, shall have been received by the Returning Officer no fewer than four weeks before the date appointed for the election;
 - b) at the time the proposition for nomination is made, he or she has assented, in writing, to becoming a candidate for election.
6. Should there be only one candidate validly nominated for membership of the Board as either the President, Vice President, Secretary General or Treasurer or that the number of nominations for Non-Portfolio Board members does not exceed the number of vacancies, the Returning Officer shall inform the Congress on the agenda and that the relevant candidate(s) is/are elected unopposed.
7. Should there be only one candidate validly nominated , the Returning officer shall refer to the Board, which will assess the nominees candidacy for the role on the Board and either, recommend the appointment to the Board or, alternatively recommend that nominations should be reopened. If the Board subsequently confirms the recommendation of the Returning officer shall declare the nominee as elected and make the result public in the event that it is agreed that the nomination should be reopened, then the electoral process will restart and the Returning officer shall again notify all persons eligible to participate in the election stating that the relevant post is or is to become vacant, as may be appropriate, specifying the date appointed for the election and drawing attention to the provisions of this Ordinance. In these circumstances the sole nomination received would not be carried forward but could be resubmitted in the new ballot.
8. Should there be more than one candidate validly nominated for membership of the Board:
- a) the Returning Officer shall contact all persons eligible to participate in the election, no fewer than twenty-eight days prior to the date appointed for the election and provide a list of the candidates in random order, a list of those nominating the candidate and any biographical information submitted as part of the election process. Further information on the process by which election and voting will take place will also be supplied;
 - b) on the date appointed for the election, the Returning Officer shall seek, from the non-voting members of Congress three (3) volunteers to act as Scrutineers for examination and report on the voting/ internet voting and (if this method of voting is used) which should include relevant details to ensure that the vote was conducted in an appropriate manner.
 - c) the result of the election shall be declared by the Returning Officer immediately following the conclusion of the Count, and subsequently shall be made public;
 - d) twelve weeks after the declaration of the result, the Returning Officer, with the consent of any Scrutineers appointed, shall arrange for the destruction of voting

papers and records.

ORDINANCE IV THE BOARD

Commentary:

This Ordinance clarifies the membership of the Board and its proposed increase to nine (9) members -four (4) officers and five (5) Directors without portfolio.

A key element of this Ordinance is paragraph 3 which is recommended to ensure continuity of experience on the Board.

This Ordinance sets out the primary responsibilities which are like many NGBs. These have been expanded on the current constitution to reflect what the Board sees as responsibilities that will safeguard the interests of ITF England. Most are self-evident and some give some significant future proofing to the Constitution.

It will be seen that openness and transparency with appropriate reporting is included. It will also be noted that there has been no attempt to list any Committees, Sub-Committees or Working Groups. It will be recalled that the current constitution lists several Committees that should operate. However, following investigation and research it is not evident that these Committees function or have even reported to the Board and the AGM for some considerable time. However, the Board accepts that in the medium and longer term such committees etc may be required and paragraphs 8-12 cover these matters.

Attention is drawn to paragraph 13-15 which addresses matters pertaining to the ITF England Team and Development Squad.

Other matters addressed emerge from requirements placed on the NA from the ITF.

1. As set out in Part IV of the Statutes, Section B, the Board comprises the following:
 - a) The Officers of ITF England the President, the Vice President, the Secretary General and the Treasurer;
 - b) Five (5) Board members without portfolio.
 - c) Additional Board Members can be co-opted as necessary by the Board where a vacancy remains unfilled following an election. In such cases a report will be made at the earliest opportunity to members of the Association. The Board member

co-opted will hold post for the normal period subject to the approval of Congress at the first opportunity.

2. The duties and powers of members of the Board are laid down in Part IV Section H of the Statutes of ITF England. These duties apply to both the Officers of ITF England and Board members without portfolio. The detailed duties will be set out in rules and regulations for Board members.

3. The Board to ensure continuity will be elected on the following cycle:

Year 1- The President and Secretary General and one (1) non-portfolio Board member

Year 2- The Vice-President and Treasurer and two (2) non-portfolio Board members

Year 3- Two (2) non-portfolio Board members

Year 4- The President and Secretary General and one (1) non-portfolio Board member

Year 5- The Vice-President and Treasurer and two (2) non-portfolio Board members

Year 6- Two (2) non-portfolio Board members

And so on...

4. Subject to the provisions of Statute IV, the primary responsibilities of the Board shall be to:

a) In furtherance of the Objects of the ITF England, and in consultation with the Congress, approve and keep under regular review the mission and strategic direction of ITF England. As a consequence, to determine, review and approve short, medium and long-term strategic objectives, ensuring that these meet the interests of stakeholders.

b) Establish and keep under regular review the delegation of authority from the Board to the President (including procedures and limits within which management functions will be carried out) as provided for in corporate, financial and other general resource management of the ITF England.

c) Establish a process to monitor and evaluate the performance and effectiveness of ITF England in achieving strategic objectives within operational limits (and where appropriate in consultation with Congress) using approved key performance indicators benchmarked against other comparable institutions.

d) Ensure the establishment and monitoring of systems of control and accountability, including financial and operational controls and risk assessment, and procedures for handling internal grievances and managing conflicts of interest.

e) Establish processes to monitor and evaluate the performance and effectiveness of the Board itself.

f) Conduct its business in accordance with current best practice in other sectors, including public sector, and corporate governance and with the principles of public life drawn up by the Committee of Standards in Public Life or any

subsequent standards, and appoint and constitute such committees in furtherance thereof as it may from time to time deem to be appropriate.

- g) Safeguard the good name and values of ITF England and to be responsible for the ethical governance of ITF England. Establish suitable arrangements for monitoring the performance of the President and the other Officers of ITF England and set appropriate remuneration should such a policy be instituted.
- h) The Board may after consultation with the Congress, appoint a Chief Executive who, in addition to serving as Secretary to the Board (and in this capacity being accountable to the Board), shall be the Chief Operating Officer and Head of Administration of ITF England, responsible to the President and the Board for the provision of administrative and support services required for the effective and efficient conduct of the ITF England.
- i) To be the employing authority for all staff, should such appointments be made, of ITF England.
- j) Appoint persons to represent ITF England in pursuance of any powers conferred on ITF England otherwise than under the Statutes and, where relevant, the Ordinances.
- k) To be the principal financial and business authority of ITF England, to ensure that proper books of account are kept for ITF England and its subsidiary undertakings, to approve the annual budget and financial statements, and to have overall responsibility for ITF England's assets, property and estate.
- l) Present to the Congress the annual financial statements prepared in accordance with the proper books of account and reflecting current best practice in other sectors, including public sector, and relevant corporate governance, together with an Annual Report on the work of ITF England, and to receive and consider the opinion of the Congress thereon.
- m) To be ITF England's legal authority and, as such, to ensure that systems are in place for meeting all the institution's legal obligations, including those arising from contracts and other legal commitments made in the institution's name.
- n) To be responsible for effective planning, ongoing control, monitoring and review of ITF England's health and safety management procedures.
- o) Act as trustee of any property, legacy, endowment, bequest or gift for purposes of research, scholarship, learning or teaching, whether under the aegis of ITF England or elsewhere, or otherwise in furtherance of the work and welfare of ITF England.
- p) Consider and report on any opinion on any matter relating to the work of ITF England, including proposals of the Board for the amendment of the Statutes, that may have been received from either the Congress, on reference from the Board or otherwise.

- q) On the recommendation of the Congress and/ or the Board, award honorary life memberships.
 - r) Ensure that the institution's constitution is followed at all times and that appropriate advice is available and taken to enable this to happen.
5. The Board of Directors shall meet at least twice a year to consider matters that are laid down in the Statutes of ITF England, Part IV, Section I.
 6. Board meetings and its procedures are set out in the Statutes Part IV, Section I. The Board will set out its Committee structure in its rules and regulations. The Board will adopt best practice and use relevant guidance as set down in the Statutes and Ordinances and is permitted unless otherwise stated in Statutes and Ordinances to develop a Committee structure that allows the effective and efficient operation of the Board. The Board will review such matters and report on them, periodically as required, to meetings of Congress.
 7. The Board, if remunerations are made to Officers, Board members and others, must establish a system to preserve impartiality and openness. Such systems may use benchmarks to compare any proposed remunerations with similar sized organisations with the same level of complexity of work. In considering cases for remuneration the Treasurer should be consulted to ascertain whether sufficient funds exist and to develop a budget to include such costs.
 8. The Board may establish committees, sub-committees, working parties and other ad hoc groups to develop the work of the Board. All Committees should be Chaired by a Board member and any reports should be produced for consideration at Board meetings. In all cases the Board must approve the membership, terms of reference and any other related matters require consideration and approval by the Board prior to the work of such committees, sub-committees, working parties and ad hoc groups commencing.
 9. In urgent cases the President, in consultation with the relevant Officer, in most cases this will be the Secretary General, may establish such Committees', Sub-Committees, Working Parties and other ad hoc groups subject to the provisions in Paragraph 8 above subject to report and formal approval by the Board.
 10. In the establishment of Committees, Sub-Committees, Working-parties and other ad hoc groups the Board will seek appropriate members to serve on such bodies following best practice and in a spirit of transparency and merit by following the Code of Conduct and guidance found in best practice on Corporate Governance in similar or related bodies. In addition, the Board must take into account, where and when relevant, requirements laid down by Statutory Bodies on such matters as Safeguarding and other related matters.
 11. The Board will publicise the Committee structure that has been established on the ITF England website.
 12. The Board is empowered to dissolve such Committees, Sub-Committees, Working-parties and ad hoc groups as and when required, such dissolutions will be reported on the ITF England website.

13. The Board is responsible for making appointments to positions in ITF England, including but without limit, the appointment of Coaches, Support Staff and others for the ITF Team and Squad. Such appointments can only be made recommended by the relevant Officer, Board member or Chair of the duly approved Committees, Sub-Committees and other approved groups to the Board. In all cases the appointment to positions in ITF England requires ratification by the Board. All appointments must adhere to the procedures laid down by the Board. **[These will need to be produced.]**
14. The Board where such approval is required for positions within ITF, AETF and other related bodies will establish methods, in line with provisions set out in Paragraph 14 above, to forward candidates for such positions.
15. The Board must establish a Committee to manage the ITF England Team and Development Squad. The detailed mechanisms to be used by the Committee set up for such purposes are set out in the Regulations for this purpose produced by the Board. The Committee responsible for the ITF England Team and Development Squad will include, but without limit, processes to improve the coaches' awareness of all health and safety, child protection, insurance, liabilities and any other professional issue that may impact upon their responsibility of taking a squad of competitors to a tournament. The Committee will make recommendations for the selection of coaches and assistant coaches for the England squad and monitor their progress.
16. The Board is responsible to ensure that ITF England adheres to relevant legislation and that any of its Committee's follow Data Protection requirements.
17. The Board is responsible for the organisation of tournament and related events such as national tournaments, international tournaments, national squad training sessions and umpire courses on behalf of ITF England.
18. The Board is responsible for giving approval for bids for member associations hosting events tendered by the ITF and other external agencies where such approval is a pre-requisite to submitting such bids.

ORDINANCE V CODE OF CONDUCT AND CONFLICTS OF INTEREST FOR MEMBERS ACTING ON BEHALF OF ITF ENGLAND

Commentary:

This Ordinance applies particularly to the Board and others who act on behalf of ITF England. The contents of this Ordinance are in addition to the requirements on all members of ITF England as laid down in the Statutes.

Code of Conduct, Conflicts of Interest and the Conduct of Reserved Business

1. As stated in the Statutes, Part VI the work of ITF England shall be carried on in a spirit of tolerance and collegiality, freedom of opinion, mutual respect and concern, and openness responsibly exercised within the law. In the conduct of its business and affairs generally ITF England shall treat all persons with fairness and equality of opportunity, regardless of their personal characteristics or circumstances and of their opinions lawfully expressed, and shall comply with the principles of natural justice and the applicable provisions of any legislative requirements.
2. As also stated in the Statutes Part VI the Board expects all Members of ITF England to conduct themselves with due regard to probity and propriety in the course of their duties or employment (if applicable), and in their other dealings with ITF England, according to the principles of behaviour set out above and according to the seven principles of behaviour arising from the Nolan Committee Report on Standards in Public Life (demonstrating selflessness, integrity, objectivity, accountability, openness, honesty, and leadership). They should declare to the appropriate authority, in accordance with issued guidance, any personal interest that may compromise or might reasonably be deemed to compromise impartiality, conflict with duty as an employee, or result in private benefit. In particular, Members of ITF England serving on ITF England committees or other similar bodies must declare any personal interest in the business to be discussed and, if necessary and as required, withdraw from the consideration of such business. Board and Board committee members will comply with Board policy on Conflicts of Interest.
3. **Additional paragraphs can be added about reserved business which might be needed if rules on membership, voting rights, and rights of individual members are amended. I am happy to explain this as required.]**

ORDINANCE VI INTELLECTUAL PROPERTY, DATA PROTECTION AND THE USE OF INFORMATION SYSTEMS OF ITF ENGLAND OR THE ITF

Commentary:

This new Ordinance is self-explanatory and addresses issues of intellectual property, data protection and use of information systems of ITF England and the ITF.

1. Members of ITF England and such other persons as may be authorised to use ITF England facilities shall abide by the terms of this Ordinance, which shall be applicable to all premises and facilities owned, licensed or controlled by ITF England.
2. Members of the Board and other authorised individuals are bound by ITF England's Intellectual Property policy as approved from time to time by the Board, as if it formed part of their contract of employment or contract and shall comply with it. In specific instances where this policy is at variance with an express provision of the relevant contract of employment or other contract, then the provision in the contract of employment or other contract shall prevail. **[This needs to be developed the simplest way is to say that any material, course, or IT development or product approved by the board shall be the intellectual property of ITF England. JSB]**
3. No copyright material shall be copied in any medium or used other than in accordance with either (a) the terms of the relevant law on copyright, (b) the terms of copyright licensing schemes to which the ITF England has subscribed, (c) other guidance issued by ITF England or (d) specific permission to copy granted by or on behalf of the owner of the copyright in such material. No unauthorised copies of such material, however obtained, shall be further copied or used.
4. Members of ITF England and other authorised users of information systems of ITF England shall not misuse, abuse or interfere with any computing equipment, programme, data, documentation or other material accessible to them directly or by use of such facilities, and shall comply with such rules as may be approved from time to time by the the Board pursuant to the Computer Misuse Act 1990.
5. Members ITF England when carrying out their duties on behalf of ITF England shall comply with the terms of UK data protection law and shall abide by the Data Protection Principles and, in particular, shall not create, hold or use records of personal data, nor divulge personal information held in any medium to any person, other than as authorised.

ORDINANCE VII DISCIPLINARY AND GRIEVANCE PROCESSES

Commentary:

This Ordinance sets out the process outlined in Statute VIII and the ordinance will be buttressed by appropriate policy and procedures. The contents of this Ordinance follow standard practice and utilise ACAS guidance.

Disciplinary Procedures pursuant to Statute, Part VIII

Part I Application and scope

1. The application and scope of this Ordinance derives from and is limited to that provided for in Statute Part VII. It should give effect to and be consistent with the guiding principles set out in Statute Part VII Sections A and B. Where in its discretion it wishes to do so, nothing in this Ordinance will preclude ITF England, from seeking to resolve instances of misconduct using informal methods, procedures or other forms of support for the individual without recourse to the procedures set out below, and in the spirit of this agreement, ITF England will actively encourage the use of such informal procedures in the first instance.
2. In line with the relevant Statute Part VII, where at any stage of proceedings being taken under this Ordinance it emerges that the member's conduct or performance may have been wholly or partly influenced by a clinical condition, the person(s) or panel dealing with the matter may, at their discretion and if they consider it appropriate adjourn any hearing in order to obtain such reports and advice as they may deem necessary. They may also at their discretion determine whether:
 - a) to halt the proceedings under this Ordinance and transfer the matter to the appropriate stage of the procedures dealing with procedures for the review of members demonstrating incapacity on health grounds; or
 - b) to continue with the proceedings under this Ordinance, taking into account as appropriate the member's clinical condition. In such circumstances, any panel established under Part II or Part III of this procedure (see paragraph 3 below) may invite to its meeting(s), for the purpose of advising it, an appropriately clinically qualified person **[this may be difficult to do but it may be an issue. Perhaps, its something that could be included in the relevant policies and removed from this Ordinance JSB]** who has had no previous involvement with the case under consideration. Such person shall be appointed by the Chair of the Board.
3. This Ordinance provides two procedures under which matters falling within its scope may be dealt with: the Misconduct Procedure (for less serious matters) (Part II); or the Serious Misconduct Procedure (including gross misconduct) (Part III).
4. The Board of ITFE has absolute discretion to determine which procedure is to be applied in any particular case involving a member covered by this Ordinance (the 'Respondent'). The nature and seriousness of the matters under investigation will be taken into account in reaching such a determination, which will be made by the President, in consultation with the two other Board members, on receipt of a report on the circumstances and having sought

such advice as he or she may deem appropriate. Matters dealt with initially under (2.a) above may be referred for consideration under (2.b) if it emerges during the course of investigation that the matter is more serious than the evidence may have originally suggested. The Board will issue guidance for members which indicates:

- a) the types of misconduct that may lead to disciplinary action being taken under this Ordinance;
 - b) their categorisation in line with Paragraph 3 above of this Ordinance, as 'less serious', 'serious' or 'gross'; and,
 - c) the implications of repeated misconduct. Issues relating to competence will initially be dealt with by suitable supportive measures. Full details are set out in ITF England's Ethical and Disciplinary Policy and Guidelines. **[This need to be developed]**
5. Disciplinary action against the Respondent may be initiated as a result of the findings of an investigation(s) undertaken in relation to other formal processes established by the Board on matters outside the scope of this Ordinance. Such findings may be utilised in whole or in part for the purpose of fulfilling the requirements for investigations in order to comply with the provisions of Parts II or III of this Ordinance, provided that:
- a) such prior investigation has been carried out in a manner no less favourable to the Respondent than if it had been carried out under the aegis of this Ordinance; or
 - b) during such prior investigation, due notice has been given to the Respondent that the findings might be utilised in this way.
6. Formal warnings issued pursuant to this Ordinance will normally be disregarded for the purpose of further disciplinary proceedings after:
- a) six months in the case of an Oral Warning;
 - b) one year in the case of a Written Warning; and
 - c) two years in the case of a Final Written Warning.
7. Meetings of any panel provided for below will be convened and conducted in accordance with and as prescribed by the applicable provisions of Part II of this Ordinance. The Respondent has the right to be accompanied at such meetings in accordance with the provisions of that Article, and similarly has the right to be accompanied at any other meetings or hearings provided for below.

Part II – The Misconduct Procedure

[Note: the terms 'Appeal Manager' and 'Appeal Meeting' have a similar meaning to that in Part III of this Ordinance.]

8. This procedure will be followed in cases judged to be 'less serious', pursuant to Part I above of this Ordinance.
9. In cases of alleged less serious misconduct, disciplinary action will be taken by the Board who will select from its number a Board Member to investigate the circumstances of the case (the 'Investigating Officer') and will inform the Respondent accordingly.
10. The Investigating Officer will undertake such enquiries as s/he deems to be appropriate and report the findings to the Board, or such Committee that might be established to consider Disciplinary matters, who will determine whether or not there are grounds to indicate that an act of misconduct may have occurred. If not, the Investigating Officer will inform the Respondent, in writing, accordingly.
11. If there are such grounds, the Investigating Officer will inform the Respondent, in writing, of the alleged misconduct, and call him/her to a meeting (the 'Disciplinary Meeting'). At such meeting, the Investigating Manager will put the substance of the alleged misconduct to the Respondent, who will be given a fair opportunity to respond and state his or her case. On the conclusion of the meeting, the Investigating Officer will determine, and inform the Respondent orally:
 - a) whether or not the Respondent has committed an act of misconduct;
 - b) if so, whether a formal disciplinary warning be given; and whether this should be Oral, or, if the gravity and seriousness of the offence justifies it, Written or Final Written; and
 - c) whether any further measures designed to assist in resolving the matter should be taken.
12. The outcome of the Disciplinary Meeting will also be confirmed in writing to the Respondent by the Secretary General on behalf of the Board, normally within ten working days from the date of the meeting. In the event that action is taken under paragraph 11 above, the notification will include:
 - a) the substance of the conduct or behaviour constituting the act of misconduct;
 - b) the consequences of any repetition, or if appropriate, failure to improve, within a specified timescale. Such consequences may include further action under the Misconduct Procedure, or referral for consideration under the Serious Misconduct Procedure;
 - c) information about the Respondent's right of appeal against the decision in accordance with paragraph 13 below.

13. The Respondent will have the right of appeal against the outcome of the Disciplinary Meeting. If the Respondent chooses to exercise this right, s/he will notify, in writing, the Secretary General within ten working days of the date of notification of the outcome of the Disciplinary Meeting by the Investigating Officer, indicating his or her wish to appeal against the outcome. The Respondent will then be invited to a meeting (the 'Appeal Meeting') with the nominated Board Member who will act as the Appeal Officer.
14. The Appeal Officer, whose decision will be final, will hear the appeal and may either confirm the decision of the Investigating Officer, or alter it in whole or in part to the extent of imposing no penalty or a lesser penalty. The Secretary General will notify the Respondent accordingly, in writing, normally within ten working days of the Appeal Meeting.

Part III – The Serious Misconduct Procedure

15. Pursuant this Ordinance the procedure will be followed:
 - a) in cases of alleged Serious Misconduct, including gross misconduct;
 - b) in cases of repeated or persistent instances of Less Serious Misconduct, whether of the same or different forms of misconduct, where the Respondent has been warned under the Misconduct Procedure set out in Part II of this Article that such cases may lead to action being taken under this Procedure.
16. Where a matter arising pursuant to paragraph 15 above is to be considered under this Procedure:
 - a) the President may suspend the Respondent, pending an investigation as provided for at (b) below, or a Disciplinary Panel hearing as provided for at paragraph 17 below, if the circumstances appear to him or her to warrant such action in order to protect ITFE's interests or those of its Members. Such suspension will be reviewed by the President after no more than ten working days and, as appropriate, periodically thereafter. The Respondent will receive, in writing, details of the alleged misconduct, and will be given the opportunity to make written representations to the President before any such review takes place; **[Need to define what suspension means. For example if a person is suspended from teaching it will raise issues about the right or otherwise to interfere in another person's business. I feel that this will require careful thought as we have to avoid issues of restraint of trade etc. In addition, we do not employ instructors. This might be an area that we will definitely need legal comfort. The whole matter is very interesting as I suspect that some members of the public believe that we do employ instructors or if we do not then the affiliate is the employer.]**
 - b) in order to comply with the provision of Ordinance the President will appoint a person of appropriate seniority to carry out an investigation into the alleged misconduct (the 'complaint(s)') and prepare a report detailing the findings
 - c) The President will consider such report. S/he will be entitled to act on its findings

as follows: either

- i. to dismiss the complaint(s) as being without substance or of a substance warranting action initially only under Part III of this Article, or
- ii. to authorise the complaint(s) to be considered by a panel established in accordance with Statute VII and constituted in line with the Ordinance (the 'Disciplinary Panel')

17. Any Disciplinary Panel so established and so constituted should have, in accordance with the provisions of this Ordinance, the discretion to determine the procedure to be followed in preparation for and at a hearing (the 'Disciplinary Hearing'), provided that if the evidence in support of the complaint(s) is to be given by witnesses, the Respondent shall be allowed a reasonable opportunity to cross-examine them. If the issues are deemed by the Disciplinary Panel to be sensitive, arrangements may be made to assist a witness, such as allowing them to give evidence from behind a screen, or through a telephone or video link, or by restricting questions to those asked by a person accompanying the Respondent.

18. As soon as reasonably practical after the conclusion of the Disciplinary Hearing, the Disciplinary Panel will reach its decision (by a majority if necessary), which may be:

- a) to dismiss the complaint(s) in whole or in part; or
- b) to uphold the complaint(s) in whole or part.

19. If the complaint(s) are upheld, in whole or in part, the Disciplinary Panel may impose an appropriate penalty, which may include, but is not limited to:

- a) directing the Respondent to remedy the serious misconduct, in so far as it is possible to do so, by appropriate action, including:
- b) making financial restitution;
- c) paying compensation to ITF England in respect of any loss caused or damage done;
- d) issuing a formal warning (Oral, Written or Final Written). In each case the warning will set out the conduct or behaviour constituting the act of serious misconduct and any improvement required of, or action to be taken by, the Respondent, with an appropriate timescale specified. The warning will also set out the consequences of non-compliance with any terms of the penalty and of any further misconduct.
- e) the removal of any title or office held in ITF England;
- f) expelling the Respondent from ITF England. In such cases, the Disciplinary Panel must also determine whether to designate the Serious Misconduct as 'gross misconduct' such as to merit summary dismissal without notice. If the Serious Misconduct is not so designated, notice of dismissal will be served and the Disciplinary Panel must determine whether or not the Respondent will be given payment in lieu of his or her notice period.

20. The Disciplinary Panel will notify the Respondent of the reasons for its decision, in writing,

normally within ten working days from the date of the conclusion of the Disciplinary Hearing, to which will be appended, where appropriate, notification of his or her right to appeal against the decision in accordance with Statute Part VII.

21. If the Respondent wishes to appeal against the decision of the Disciplinary Panel, he or she may do so by writing to the Secretary General within ten working days of the date of notification of the Panel's decision, setting out in full the grounds for appeal.
22. The appeal will be heard by a panel (the 'Appeal Panel') established, convened and conducted in the manner prescribed by Ordinance.
23. As soon as is reasonably practicable after the hearing, the Appeal Panel will reach a decision on whether to:
 - a) confirm the decision reached by the Disciplinary Panel; or
 - b) substitute the decision reached by the Disciplinary Panel with any other equally or less severe decision open to the Disciplinary Panel; or
 - c) remit the disciplinary charge for further consideration or rehearing, in whole or in part, to a new Disciplinary Panel.
24. The Appeal Panel will notify the Respondent of the reasons for its decision, in writing, normally within ten working days of the hearing. The decision of the Appeal Panel will be final, unless its decision falls within paragraph 23(c) above and the Appeal Panel has decided that it will not be final.

Part IV - Protection of the individual rights of a member

25. No action may be taken against a member who is the subject of a disciplinary procedure which violates the individual rights of the member of ITF England in respect of the case at issue.

Grievance and Mediation procedure pursuant to Statute Part VII

Application and scope

26. The application and scope of this Ordinance derives from and is limited to that provided for in the Statutes Part VII in particular Sections A and B, and should give effect to, and be consistent with, the guiding principles set out in that Statute Part VII.
27. The person(s) or panel who are to deal with the grievance may, at his, her or its discretion, defer consideration of the grievance if other proceedings under this Ordinance VII concerning the member or members of ITFE raising the grievance (the 'Aggrieved Party'), and which are relevant to the substance of the grievance, are pending or are in progress. No disciplinary action shall be taken against any individual until the outcome of the grievance has been determined.
28. Meetings of any panel provided for hereunder shall be convened and conducted in accordance with the applicable provisions of Part II and III of this Ordinance VII. The Aggrieved Party has the right to be accompanied at such meetings, and at any other meeting provided for hereunder, in accordance with the provisions of this Ordinance VII. Any person or persons whose conduct is the subject of the grievance shall also have the right of representation.

Part II - Informal resolution

29. The Aggrieved Party shall first be expected to attempt, as far as is reasonably possible and appropriate, to resolve the grievance informally through discussions. These should normally involve the Aggrieved Party's and any person(s) to whose conduct the grievance relates. If the grievance cannot be resolved in this way, either because informal discussions are, in a particular instance, inappropriate, or that they have failed to resolve the grievance, then the formal procedure below should be followed.

Part III - Formal resolution

30. The intention of each of the Stages detailed below is to investigate and seek to resolve the grievance and identify any actions that may need to be taken as a consequence of such resolution. Provided that a grievance is brought in good faith, but the circumstances are not confirmed by subsequent investigation, any reprisals against, or victimization of, the Aggrieved Party shall be considered a serious disciplinary offence.

31. The person designated to deal with each stage of the procedure shall normally be a member of the Board of ITFE or a representative designated by the Board, as appropriate such designated officer will be appointed by the President.

Stage 1

32. If the Aggrieved Party wishes to raise the grievance formally, he or she shall write to the Stage 1 Designated Officer (see paragraph 31 above), giving sufficient detail to enable the officer to understand and consider the scope of the grievance, and indicating the extent and outcome of attempts to resolve the grievance informally as provided for at paragraph 29 above. The Aggrieved Party shall also provide clarification on any aspect of the grievance if requested to do so by the Stage 1 Designated Officer, who shall normally investigate the substance of the grievance and, unless he or she deems it to be inappropriate, discuss it with any person to whose conduct the grievance relates.

33. The Stage 1 Designated Officer shall invite the Aggrieved Party to attend a meeting to discuss the grievance with a view to resolving it. After such meeting the Designated Officer shall inform the Aggrieved Party, in writing, of his or her response to the grievance, normally within ten working days of the meeting. Such response shall indicate the procedure for the Aggrieved Party to proceed to Stage 2 if he or she is not satisfied with the Stage 1 Designated Officer's response.

34. The Stage 1 Designated Officer shall also be entitled to reject the grievance, after appropriate investigation and a meeting with the Aggrieved Party, if he or she decides that it is frivolous or vexatious and shall record this reason in his or her response if it applies.

Stage 2

35. If the Aggrieved Party is not satisfied with the Stage 1 Designated Officer's response, he or she should write to the Secretary General within ten working days of the Stage 1 Designated Officer's notification, setting out:

- a) full details of the grievance;
- b) details of the steps he or she has taken in attempting to resolve the grievance thus far, enclosing copies of all correspondence with the Stage 1 Designated Officer;
- c) reasons why he or she is dissatisfied with the outcome of Stage 1 of the procedure.

36. The Secretary General shall make arrangements for the grievance to be referred to a panel (the 'Grievance Panel') constituted pursuant to the Statute Part VII and this Ordinance and VII Ordinance, in order that a grievance appeal hearing may be conducted.
37. A grievance appeal hearing shall be held, the conduct of which, pursuant to Part III of this Ordinance VII, shall be at the discretion of the Grievance Panel, provided that the panel shall consider whether and to what extent any person(s) to whose conduct the grievance relates may:
- a) attend the grievance appeal hearing and be accompanied thereat by a colleague;
 - b) be notified in advance (if not already notified) of the details of the Aggrieved Party's grievance. The Secretary General shall ensure that the procedures followed do not infringe or prejudice the rights of any person whose conduct is the subject of the grievance being brought. As soon as reasonably practical after the conclusion of the grievance appeal hearing, the Grievance Panel shall reach its decision, which shall be final, as to whether the grievance is, or is not, well-founded and what steps, if any, should be taken as a consequence.
38. The Grievance Panel shall notify the Aggrieved Party of the reasons for its decision, in writing, normally within ten working days from the date of the conclusion of the Grievance Hearing. **[we will need to consider the timings as it must recognised that many Board members have other commitments]**

ORDINANCE VIII CORPORATE AND FINANCIAL MANAGEMENT

[Some of these are only included for completeness and are not relevant, if they are included some mention will have to made of the fact that ITF England is an unincorporated body, none of which precludes some of the statements other than its possible impact on the tax and other liabilities JSB]

Commentary:

Much of what is contained here is based on standard practice and much is offered to allow future developments should Congress and Board wish to move in some, or all, of the areas outlined.

Corporate, financial and estate management

1. Further to the Statutes Part VIII, the Board shall establish, upon the recommendation of the President (after consultation with the relevant Officers or other Board members as appropriate), operational limits and processes for the following matters, in all circumstances in furtherance of the Purposes of ITF England (as set out in Statute Part I, Section D the Board shall keep such delegation of authority under regular review):
 - (a) the entering into of all types of contracts and agreements;
 - (b) the co-operation by means of joint Boards or otherwise with other authorities and bodies whether public or private;
 - (c) the entering into any agreement for the incorporation within ITF England of any other body and for taking over its rights, property and liabilities;
 - (d) the exercise of the Board's responsibility as trustee of any property, legacy, endowment, bequest or gift for purposes of the objectives of ITF England whether in ITF England or elsewhere, or otherwise in furtherance of the work and welfare of ITF England;
 - (e) the making of provision for research, advisory and consultancy services and for these purposes the entering into such arrangements as ITF England may think fit (including arrangements for the grant of powers of attorney and for the formation, supervision, management and control of limited companies, and for ITF England to hold shares in such companies and to participate in their affairs and activities) either alone or with other persons or bodies;
 - (f) the making of provision for the protection, filing and exploitation of ITF England's intellectual property;
 - (g) the demanding and receiving of fees, the seeking and acceptance of donations and legacies, the lending or borrowing of monies on the security of a mortgage or charge on all or any of the properties of the ITF England or without such security, and the raising of funds for the purposes of ITF England in such other ways as may be deemed expedient;

- (h) the investment of any monies, including any unapplied income, whether belonging to ITF England or representing any property, legacy, endowment, bequest or gift for which ITF England may act as trustee or manager;

- (i) the giving of guarantees or other security to banks, building societies and other financial institutions whether in pursuance of continuing arrangements or not;
- (j) the selling or provision of, for reward or otherwise, such goods and services as may be deemed expedient and consistent with the Objects of ITF England;
- (k) the acquisition, ownership, maintenance, management and disposal of real and other property;
- (l) the development and maintenance of effective management and financial control systems.

ORDINANCE IX FINANCE

Commentary:

This Ordinance is a significant addition and addresses the fiduciary responsibility placed on the Treasurer. Many of the clauses are a legal requirement. The Ordinances also set out the use of delegated authority- this may not be required at the moment, but it is in place should ITF England develop to the point that such delegation makes decision making more effective and efficient. In some senses the current process of delegation, as previously outlined to the AGM, reflects the process outlined and codified in this Ordinance.

It is recognised that much of what is contained in the Ordinance will appear daunting and possibly not relevant but all items listed would be expected in any professional organisation/ body.

1. ITF England is an unincorporated body and the structure of its governance is set down in the Charter and Statutes, Ordinances and related Regulations. It must comply with the requirements of Her Majesty's Revenue and Customs (HMRC) and other official agencies.
2. The Congress expects ITFE to have in place sound systems of financial and management control. The Financial Regulations set out the principles of financial control to be applied. They are supported by Financial Procedures that set out the operational application of these principles.
3. The Board and other members of the ITFE who play a role in the management of ITFE and its subsidiaries are required to comply with the Financial Regulations and any related Procedures for the time being in force. The Financial Regulations comprise part of the laws of the ITFE and compliance with them is mandatory. Failure to do so may result in appropriate action under ITFE's disciplinary procedures. Budget holders must ensure that they are aware of the existence and contents of the Financial Regulations and related Procedures, and that persons who have financial responsibility are acquainted with their detail.
4. The Financial Regulations and any related Financial Procedures apply to ITFE and all its subsidiaries and to all funds, irrespective of their source, passing through ITFE accounts. This includes wholly owned subsidiary companies.
5. The Financial Regulations shall prevail over any of the related Financial Procedures.
6. The Board shall approve the Financial Regulations on the recommendation of the President and Treasurer. The Auditors will be consulted on amendments to the Financial Regulations. The Treasurer shall review the Financial Regulations at least on a periodic basis and no less than every three years.
7. Board shall approve and may amend the Financial Procedures on the recommendation of the Treasurer who shall seek advice, where required from the Auditors.

8. The Treasurer is responsible to the Board for Financial Matters, and has the financial responsibilities to:

- a) carry out the financial activities of ITFE, including the collection of income, payment of invoices, preparation of annual accounts and the payment of VAT, Income Tax, National Insurance and all other taxes.
- b) Responsibility for payment, if approved, of wages and the associated income tax and NI via PAYE.
- c) ensure that financial budgets, targets and plans are in place to ensure the long-term financial solvency and viability of ITFE, and to identify and resolve any future financial threats or concerns, and advise the Board accordingly.
- d) monitor financial performance against such budgets, targets and plans as may be appropriate in different areas of the ITFE;
- e) provide sound, complete and fair financial advice and information to the ITFE Board its Committees and to budget holders;
- f) review the financial systems and controls, including those relating to financial reporting, and, with the advice of the auditors, to make necessary recommendations for their development or improvement;
- g) ensure that all financial documents and the Financial Regulations and Financial Procedures are in place and up-to-date, comply with statutory requirements and best practice and protect ITFE's revenue, finances and assets;
- h) report matters of serious concern to the Board (or to the auditors as appropriate); and,
- i) liaise as required on financial matters with the auditors and other relevant external bodies.

9. ITFE's primary budget holders are the set out in the Financial Regulations and they are responsible as regards financial matters to the Board, via the Treasurer, for:

- a) the overall financial management of their budget, delegating, where appropriate, authority and responsibility to individuals nominated for such purposes;
- b) the preparation of estimates, forecasts, budgets and other information for their budget unit, as required by the Board;
- c) the production of annual financial plans, in the form prescribed; and,
- d) ensuring and monitoring compliance with both the Financial Regulations and any related Financial Procedures.

10. The Treasurer is responsible for ensuring that draft three-year financial forecasts and annual budgets are prepared as part of the annual planning and accountability cycle. These are submitted to the Board for approval.
11. The Treasurer will prepare consolidated Annual Financial Statements and other Financial Reports and shall prescribe policies for the valuation of assets and other accounting matters. ITFE's audited annual financial statements will be submitted to the Board for approval and transmission to Congress.
12. The Treasurer and designated budget holders are responsible for the safe retention of all prime financial documents (including paid invoices), as defined in the Financial Procedures, which are under their control. These must be kept in a form acceptable to the relevant authorities and in line with legal requirements, and be produced on request. External organisations, such as HMRC and grant awarding bodies, may impose serious penalties on ITFE, including fines, penalties and the repayment of grants, if documents cannot be produced.
13. Delegated authority in ITF England is usually expressed through a system of authorised signatories. Members of ITF England may be nominated to act as authorised signatories. However, it remains the responsibility of primary budget holder to ensure full compliance with the Financial Regulations and any related Financial Procedures.
14. The Treasurer is responsible for establishing, as appropriate, a system of authorised signatories which shall mean an individual who has authority to:
 - forward requests for payment to the Treasurer subject to the limits set in the Financial Procedures; or
 - authorise claim forms; or
 - approve orders: subject to: all orders must be for bona fide ITFE purposes; and there are sufficient budgeted funds available to meet the purchase costs; or,
 - validate appropriate financial records, transactions, calculations, reconciliations etc. as laid down, from time-to-time by the Treasurer.
15. An individual may hold one or all of the authorities outlined above concurrently. However, under no circumstances, shall any authorised signatory sign or authorise electronically:
 - both a requisition or purchase order and a resulting invoice; or
 - his or her own claim forms; or
 - a requisition, purchase order, invoice, payment request, claim form or other documents where there is any conflict of interest. Such a conflict of interest may include, for example, any of the above documents from a spouse, partner or other close relative, or an invoice from a company in which the signatory has a significant shareholding or is a director.
16. The Treasurer shall maintain a register of authorised signatories.
17. Only the Treasurer and other individuals approved by Board shall be authorised to sign cheques or authorise the electronic transfer of funds. Cheques and bank transfers equal to or over the agreed amount in the bank mandate must be signed by two authorised persons. All cheques, should they be used, drawn on behalf of ITFE must be signed in the form approved by the Board. Full details are set out in ITFE's Financial Procedures.

18. Standing orders and direct debits must only be authorised by the Treasurer and those individuals who have been approved as described above by Board as cheque signatories.
19. The use in these Financial Regulations of the term “authorised signatory” shall encompass electronic as well as written signatures. The Financial Procedures define the term “electronic signature” and the rules for their use.
20. Electronic signatures must only be used in such circumstances and for such transactions as have been approved in advance by the Treasurer.
21. The Treasurer is responsible for ensuring that appropriate systems are in place to enable ITFE to receive all income to which it is entitled. All receipt forms, invoices, tickets or other official documents, electronic and internet payment systems in use must have the approval of the Treasurer.
22. The Treasurer is responsible for instituting controls, including training, to prevent and detect money laundering through ITFE’s accounts, and ensuring that ITFE complies with the Proceeds of Crime Act (2002), the Money Laundering Regulations (2007) and all other relevant legislation. Suspected breaches of the Bribery Act (2010) must be reported to the Board.
23. Sales and other invoices must be raised in a timely fashion in respect of income due to ITFE. All invoices raised must be official ITFE invoices.
24. Prompt and effective action must be taken to collect all overdue debts, with outstanding debts being monitored and appropriate action taken. The Treasurer is responsible for implementing credit arrangements and indicating the periods within which different types of invoices must be paid.
25. Requests to write off individual debts in excess of £500 must be referred to the Treasurer for submission to the Board for consideration. Debts below this level may be written off with the permission of the Treasurer.
26. All credit notes in excess of £500 must be referred to the Treasurer and reported to the Board. Credit notes below this level must be reviewed by the relevant budget holder and reported to the Treasurer. (Credit notes must not be divided artificially to evade this limit).
27. Any Memorandum of Understanding with an outside organisation must be approved by the relevant primary budget holder. Before signature, the financial and legal consequences of the Memorandum must be appraised by the Treasurer and ultimately the Board.
28. The Treasurer is responsible for approving and/or making payment to suppliers of goods and services to ITFE.
29. Budget holders are responsible for ordering and authorising payment for purchases of goods and services. The Treasurer, acting, as necessary with other Board members,, is responsible for examining every contract for purchase and sale of goods and services above the threshold shown in the Financial Procedures.
30. Budget holders must not commit ITFE to any expenditure without ensuring that sufficient

budgeted funds are available to meet the purchase cost of goods and services. Only bona fide expenditure as outlined in ITFE's Financial Procedures may be authorised from ITFE funds. The bona fide rule applies to all forms of expenditure, including salaries and wages, fees and expenses, and petty cash, payments to suppliers.

31. Any expenditure on a single or series of orders in excess of the threshold set and approved in the Financial Regulations and Procedures and reported on an annual basis to the Board shall require the prior approval of the Treasurer.
32. The Treasurer must approve all petty cash floats. He or she shall make available to budget holders such imprest floats as are necessary for the disbursement of petty cash expenses. The procedures for the use and management of petty cash are set out in the Financial Procedures.
33. The commitment of any expenditure of goods and services must be in accordance with ITFE's Financial Procedures and other purchasing guidance. All purchase orders must be placed in line with the ITFE's conditions of contract.
34. The Board, acting through the Treasurer, shall have power to direct that:
 - purchase orders for particular types of goods and services must be placed with certain named suppliers; and
 - certain named suppliers must not be used without prior approval by the Treasurer.
35. These powers shall not be exercised in such a way as to reduce competition unfairly or circumvent the ITFE's Procurement Policy.
36. The systems and methods used to requisition, order and pay for all purchases of goods and services must be approved by the Treasurer.
37. All claims for payment of subsistence allowances, travelling and incidental expenses must be completed in a form approved by the Treasurer, and comply fully with the detailed rules in the Financial Procedures, Expenses Guidelines and the statutory regulations.
38. Claims for subsistence and other expenses and allowances must be signed by the appropriate budget holder or an authorised signatory from the budget unit in which the expenditure has been incurred. This authorisation confirms that travel was authorised, all expenses were properly and necessarily incurred and that all the claimed expenses may be properly charged to ITFE funds.
39. No member of ITFE shall make a claim in respect of any expense that was not incurred, or claim a sum in excess of that actually incurred or shall otherwise profit or cause anybody else to profit at the ITFE's expense from such a claim, or make a fresh claim for any expense incurred and previously claimed from the ITFE or another body.
40. The use of funds for the entertainment of guests must follow the detailed rules in the Financial Procedures.
41. Budget holders shall maintain a fixed assets register for capital accounting purposes. The Treasurer will give advice and the Financial Procedures will define the criteria for inclusion.

42. Budget holders are responsible for maintaining inventories for all equipment and stores in their budget unit. Policies with regard to the maintenance of inventories for the items mentioned above are set out in the Financial Procedures. Inventories must include items donated or held in trust.
43. Disposal of ITFE property, including equipment and furniture, must be in accordance with the Financial Procedures and requires the prior approval of the Treasurer and, where necessary, the Board.
44. Treasury management, including the strategy and policy for cash management and long term investment must be in accordance with the policies approved by the Board. The Treasurer will report to the Board on the activities of the treasury management operation and on the exercise of treasury management powers delegated to him or her.
45. Budget holders are responsible for establishing adequate arrangements for custody and control of stocks and stores within their budget unit, including ensuring that regular inspections and stock checks are carried out and Health and Safety rules are followed. The management and system used for stores accounting must have the prior approval of the Treasurer (or his or her approved nominee). Stock taking and valuation must be in accordance with the Financial Procedures and any other instructions issued by the Treasurer.
46. The Board, as set out in Statute Part V, is responsible for approving the procedure for the establishment of companies. The Financial Procedures describe the processes for creating and monitoring ITFE companies. **[this will need developing in due course]** The Board determines the shareholding arrangements and appoints the Directors of companies wholly owned or controlled by the ITFE. The Board shall nominate directors of partly owned companies where appropriate.
47. The Directors of companies where ITFE is a majority shareholder must submit, via the Treasurer, an annual report to the Board.
48. The Treasurer, working with the Budget holders, is responsible for ensuring that there is a comprehensive risk management framework across ITFE.
49. The Board and Budget holders must ensure that any agreements negotiated within their area of operation with external bodies cover any liabilities to which ITFE may be exposed. Before signature, the financial and legal consequences of the agreement must be appraised by the Treasurer prior to approval.
50. The Board is responsible for procuring and administering all insurance arrangements. This includes selecting and appointing insurance brokers, procuring appropriate insurance cover, handling claims by and against the University and maintaining the necessary records. The Financial Procedures set out the policies that must be followed.
51. All persons acting on behalf of ITFE have a general duty to:
 - a) comply with the terms of the ITFE's insurance policies, and to ensure cover is not invalidated for any reason; and

- b) advise the Treasurer of any changes to the ITFE's assets and activities or of any incidents that may affect ITFE's insurance requirements or lead to an insurance claim by or against ITFE.
52. All members of ITFE using their own vehicles for ITFE business purposes must comply with all legal requirements, and all ITFE's policies it may develop in relation to relating to driving for work carried on behalf of ITFE.
53. The Treasurer, if relevant, is responsible for maintaining ITF England's tax records, making tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
54. Budget holders are responsible for maintaining proper security at all times for stock, stores, furniture, cash, etc. under their control.
55. All members of the ITFE, when carrying out duties on behalf of ITFE, are subject to the requirements laid down for the use of computers and other records under the Data Protection Act, the Freedom of Information Act and other relevant legislation. The Data Protection Act 1998 concerns information about individuals ("personal data"). It gives rights to individuals about whom the University holds information ("data subjects") and sets out the requirements for handling personal data; these requirements are codified as the eight data protection principles (see below). The Act is policed in the UK by the Information Commissioner's Office. All staff must comply with the Data Protection Principles, so all personal data is:
- a) Processed fairly and lawfully
 - b) Obtained for specified and lawful purposes
 - c) Adequate, relevant and not excessive
 - d) Accurate and, where necessary, kept up-to-date
 - e) Not kept for longer than necessary
 - f) Processed in accordance with the subject's rights
 - g) Kept secure
 - h) Not transferred abroad without adequate protection.
56. The Secretary General is responsible for the safe keeping of official and legal documents.
57. ITFE, as set out in Statute VI, expects that staff at all levels will observe the ITFE's code of conduct in respect of conflicts of interest and related matters. This reflects the seven principles of behaviour arising from the Nolan Committee Report on Standards in Public Life and requires all members of ITFE to demonstrate selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
58. The Statute VI stresses the need for all members of ITFE to conduct themselves with due regard to probity and propriety in the course of their employment and in their other dealings with the ITFE. They must declare to the appropriate authority, in accordance with issued

guidance, any personal interest that may compromise or reasonably be deemed to compromise their impartiality, conflict with their duty to ITFE or otherwise or result in private benefit. Detailed rules on the registration and declaration of interests by staff and lay members of ITFE bodies are contained in the related Financial Procedures.

59. The Treasurer is responsible for maintaining a record of the requirements for each trust fund and for advising the Board on the control and investment of balances. The Board is responsible for ensuring that all the ITFE's trust funds comply within any relevant legislation and the specific requirements for each trust.
60. ITFE funds shall not be used to purchase gifts or provide benefits in kind to members and ex-members of staff without the express approval of the relevant budget holder(s) and the Treasurer.

ORDINANCE X PUBLIC INTEREST DISCLOSURE PROCEDURE

Commentary:

This addresses legal matters concerning public interest disclosure and sets out the procedures therein. Any organisation like ITF England should have such processes in place. The contents of this Ordinance are based on the requirements laid down in law. However, attention is drawn to paragraph 4.

Introduction

1. The Public Interest Disclosure Act 1998 ('the Act') gives legal protection to members of ITF England against being dismissed from a role or suffering any other detriment as a consequence of raising, with appropriate senior personnel, concerns which they believe indicate malpractice within the organisation. In response to the Act, ITF England has established appropriate channels through which staff can express such concerns ('the procedures') and emphasises that the position in ITF England of the individual expressing such concerns ('the discloser') which they reasonably believe to be true in good faith and in accordance with this procedure, should not be jeopardised as a result. It is further emphasised that the procedures are intended to provide guidance to employees and other workers at ITF England who believe that they have discovered evidence of malpractice. They are not designed to permit the questioning of business decisions taken by ITF England, nor may they be used to seek reconsideration of any matter that has already been addressed under any other established procedure.

General Principles

2. ITF England, like other similar bodies, has a duty to conduct its affairs in a responsible and transparent way, and to take into account in so doing the requirements of funding bodies and the standards in public life set out by the Nolan Committee. In addition, ITF England corporately is committed in a demonstrable way to the principles of equality of opportunity which are embodied in its Statutes. In return, ITF England has a reasonable expectation that members of the Board and the Congress will conduct themselves in a manner which is consistent with and conducive to the maintenance of these high standards, as befits those who, at all levels, have a responsibility to fulfil in connection with the use of public funds.

Scope and Application

3. The procedures are intended to cover concerns that are in the public interest. Such concerns may include:
 - a) financial malpractice, impropriety or fraud;
 - b) failure to comply with a legal obligation, regulatory requirements, or with the laws of ITF England;
 - c) serious danger to the health and safety of the individual or the environment;

- d) criminal activity;
 - e) professional malpractice;
 - f) miscarriage of justice;
 - g) attempts to conceal any of the above.
4. The procedures are not intended to replace or provide alternatives to remedies or procedures that already exist and are appropriate to the circumstances. For example, allegations of injustice or discrimination made by one member of ITF England against another should be dealt with under the appropriate grievance procedures established by the Board for the specific nature of the complaint. Other matters for which established procedures are in place (for example allegations of misconduct in research) should be raised through those procedures.
5. Disclosers are normally expected to identify themselves and action will not normally be taken in response to anonymous disclosures. However, anonymous disclosures may be considered under these procedures depending on:
- a) the seriousness of the issues raised;
 - b) the credibility of the concern; and
 - c) the likelihood of being able to verify the circumstances via alternative, credible sources.
6. If a disclosure is made in the public interest but the circumstances are not confirmed by subsequent investigation, no management action will be taken against the discloser, and any reprisals against, or victimisation of, him or her will be considered to be serious disciplinary offence. If, however, a person makes a disclosure which s/he does not reasonably believe to be in the public interest for malicious or frivolous reasons, in bad faith or with a view to personal gain, such person may become the subject of disciplinary action

Procedures for dealing with a Public Interest Disclosure

7. If the Secretary General considers that the information disclosed does not potentially concern information covered by this procedure, he or she may choose to take no further action. Alternatively, he or she may find that the matter should be dealt with under a different ITF England procedure, in which case he or she will advise the person making the disclosure as to the appropriate steps which should be taken. If, following the initial consideration, the Secretary General believes the disclosure does potentially concern matters covered by this procedure and that there are prima facie grounds for concern, he or she will decide whether an investigation should be conducted and what form it should take. This will depend on the nature of the matter raised and may or may not take the form of an investigation under this procedure.
8. If the Secretary General believes it is appropriate, he or she will investigate the concern that has been raised and, subject to paragraph 13 below, will prepare a report for the President, who will consider the report and if he or she considers that the concerns raised are justified will direct that appropriate action should be taken according to established procedures (for example, disciplinary) or by appropriate managerial intervention. The Secretary General may appoint another person to undertake the detailed investigation on his or her behalf, provided that the conclusions of the person so appointed are reported to, and endorsed by, the Secretary General before a report is made to the President.
9. Where the concern relates to the Secretary General, or it is otherwise inappropriate to raise the disclosure with the Secretary General it should be raised with the President who will nominate a member of ITF England's Board or other suitable person to consider the issues raised.
10. In such circumstances, all references in paragraphs 8 to 11 above to the Secretary General should be deemed to refer to the nominee.
11. Where a concern relates to the President, the Secretary General will report to the Board who will consider the report and if they consider that the concerns raised are justified will direct that appropriate action should be taken according to established procedures (for example, disciplinary) or by appropriate managerial intervention.
12. In all cases where a concern has been raised under this procedure, the person with whom it has been raised will make a record of its receipt and of the subsequent action taken. Such records shall be retained in ITF England by the Secretary General for a minimum period of three years. If on initial consideration the matter is judged not to require further investigation under this procedure in accordance with paragraph 9 or 10, the discloser will be so informed and given the opportunity to refer it to the Board, who will take such steps they deem necessary to review the case. Decisions by the President under paragraph 11 or the Board under paragraph 13 will be final.
13. All matters raised formally under this procedure, including those dismissed after initial consideration under paragraph 9 or 10, and the results of their investigation, must be reported to the Board. The outcome of all investigations into matters raised or any reviews under paragraph 15 will, if appropriate, be reported to the discloser on a strictly

confidential basis. However, sometimes the need for confidentiality may prevent ITF England from giving to the discloser specific details of the investigation or any action taken as a result. In the conduct of the initial consideration of any concerns raised under this procedure, all reasonable steps will be taken not to breach confidentiality or to reveal the identity of the discloser until a formal investigation is initiated. Thereafter reasonable steps will be taken to maintain confidentiality in so far as it is consistent with a fair investigation and with the right of the person or persons being investigated to be aware of the nature of the matter raised. Potential disclosers who are concerned about possible repercussions if their identity is revealed should contact the Secretary General so that appropriate measures can be considered to preserve confidentiality as far as possible.

External Disclosures

14. The aim of this procedure is to provide an internal mechanism for reporting, investigating and remedying any malpractice in ITF England. However, the law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. Disclosers should normally seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline and has a list of prescribed regulators for reporting certain types of concern. Their contact details are found at www.pcaw.org.uk

Review

1. The operation of these procedures shall be reviewed periodically by the Board.

Anthony I propose to remove this

Ordinance XI Other matters arising from the ITF and AETF constitutional structures which are not included in the Statutes and Ordinances of ITF England but are material to the Board and members of ITF England

We may wish to add such matters here. Or perhaps all we need to say that we will adhere to the relevant ITF policies and procedures and other matters contained in their constitutional frameworks and other documentation etc. We already say that we follow such policies. Do we need to say more? JSB

