

COMPLAINT OF ALLEGED SERIOUS MALADMINISTRATION BY THE CHIEF EXECUTIVE OF THE ENGLISH CHESS FEDERATION

RESPONSE OF THE INVESTIGATING PANEL

Introduction

The Panel, consisting of Roger Emerson, Gareth Pearce and Suzzane Wood, has been appointed by the Board of the English Chess Federation (“ECF”) to provide a response (“Response”), in accordance with ECF Regulation No.5, to the Complaint made by Tim Wall (“the Complainant”) on 17 October 2019 against the Chief Executive of the ECF, Mike Truran. The full text of the Complaint is reproduced at Appendix A to this report. The terms of our appointment are contained in Appendix B, and the wording of ECF Regulation No.5 (which governs the handling of complaints) is reproduced at Appendix C.

Whilst the Complaint is stated to be specifically against the Chief Executive, it includes criticism of other Directors and Officers of the ECF. In particular, in a section headed “*Wider Questions about Entire Hiring Process*” the Complainant states: “*I would like to extend this complaint wider, however, to include the whole process of hiring the Development Officer, which began formally at the October 13, 2018 ECF AGM. A year later, at the October 12, 2019 AGM, I raised concerns about why it had taken the ECF Board nearly 12 months to carry out the hiring, and asked why it took the Board and the Chess Trust, who were in negotiations to fund the job from ECF & BCF funds, so long to do that.*”

The Complaint goes on to quote from some, but not all, of the relevant ECF Board minutes in the period from November 2018 to 7 June 2019, at which later date the Chief Executive announced that an advertisement for the position had been placed in the latest ECF Newsletter. Subsequent sections of the Complainant's letter set out arguments against the validity of the selection process, commencing with the placing of the advertisement.

Paragraphs 1.2 and 1.4 of Regulation No. 5 state that:

1.2. Under this procedure complaints should only be brought where there is an alleged serious case of maladministration.

1.4. The complaint must be raised within 4 weeks of the alleged infraction and must be submitted to the ECF Office....

We accept the Complainant's wish to extend his Complaint “to the whole process of hiring the Development Officer” as being validly made under Regulation no.5, on the basis that the whole process, beginning on 13 October 2018 and ending with the Board meeting on 12 October 2019 was a single alleged infraction.

As the Complainant's own question at the 2019 AGM and his citing of Board minutes over a 6 month period show, this process involved the whole Board. The Complainant states that his Complaint is solely against the Chief Executive, but it involves criticism of the whole Board. In

reviewing the Complaint, we have therefore considered whether the hiring process involved any serious maladministration by the Board as a whole, by the Chief Executive or by any other Director or Officer of the ECF. In doing so, we have also reviewed the Complainant's criticism of the Governance Committee and its Chairman, Robert Stern for alleged mishandling of the allegations contained in the Complainant's letter of 10 October 2019 to Mr Stern, and the Complainant's criticism of the Board's refusal, in its meeting of 12 October, to suspend the appointment of Carl Portman as Development Officer.

Although the Complaint starts with questions about the Credo document posted by Mr Portman on 9 October 2019, we have reviewed the Complainant's allegations in chronological order from October 2018, through the appointment of the Development Officer, up to the meetings of the ECF Board and Council on 12 October 2019.

We have divided our Response into the following sections:

- Alleged Delay In Arranging Transfer Of Funds
- Constitution Of The Interview Panel
- The Interview Process And The Chief Executive's Role In It
- The Board Report To Council
- The Credo Document
- The Board's Refusal To Suspend Appointment Of The Development Officer
- Conduct Of The Governance Committee
- Allegations Based On Dating Of The Credo Document
- Summary Of Findings

Appendices:

A: Mr Wall's Complaint Letter Of 17 October 2019

B: The Panel's Terms Of Reference

C: ECF Regulation No.5

D: Permanent Invested Fund("PIF")/Chess Trust Transfer Of Funds – Timeline

E: Development Officer Appointment Process – Timeline

In accordance with the requirements of Regulation No.5, we have delivered our Response in writing to the Complainant, by post. At the same time we have delivered a copy of our written Response, by post, to the Chairman of the ECF Board. We have also sent a pdf copy of our written Response by e-mail to the Complainant and to the Chairman of the ECF Board, so that he can forward copies to all members of the Board and to all relevant Officers of the ECF. We have delivered a pdf copy of our Response to the Chairman of the Governance Committee, so that he may advise the Chairman on any further governance matters arising from our Response. Finally, we have delivered a copy of our Response to Dr Greep, an ECF-appointed trustee of the Chess Trust, who (while not being a Director or Officer of the ECF) has been implicated in the Complaint.

Alleged Delay In Arranging Transfer Of Funds

In Appendix D we set out a record of relevant minutes and papers of Board meetings, Finance Council Meetings of the ECF, and the Annual General Meetings (“AGM”s) of the ECF and British Chess Federation (“BCF”) Councils, together with relevant extracts from minutes of the Chess Trust, covering the period from September 2018 to June 2019. ECF Board and Council documents are publicly available on the ECF website under the tab “About Us – Documents”.

The record shows that, following the AGMs in October 2018, there was considerable debate within the Board about the right way of:

- (a) arranging the transfer of the funds from the Permanent Invested Fund (“PIF”) of the BCF to the Chess Trust; and
- (b) securing the agreement of the Chess Trust to various intended requests for funds from the ECF.

A proposal for a one-off initial transfer of funds was approved by a majority of the Board on 11 January 2019, but subsequent discussions highlighted potentially serious problems with this. In its subsequent meeting on 15 February the Board debated two different approaches, before a third proposal, put forward by the Board Chairman, was approved unanimously.

The Chess Trust had intimated to the ECF in January 2019 that it was minded to accept requests for funding, but only once it had received cleared funds from the PIF. In March 2019 the ECF Finance Director informed the Board on progress in the transfer of funds to the Chess Trust. He explained that the Chess Trust would be meeting on 15 May 2019, at which time it would consider the ECF's request for funding. The Chess Trust duly met on 15 May 2019 and approved the ECF's request. This news was communicated by the Chief Executive to the Board at its next meeting on 7 June 2019.

Given the need for both the ECF Board and the trustees of the Chess Trust to formally approve each step in accordance with the resolution passed by the BCF Council in October 2018, the only potentially avoidable delay (in our opinion) was that caused by the debate over the correct way of transferring funds from the PIF to the Chess Trust. As the Complainant himself states, the Chairman of the Board told him at the AGM of Council on 12 October 2019 that the process had needed to be handled in a careful and proper manner. In our opinion, this is what the Board did. It had a robust discussion about the pros and cons of different proposals, before arriving at one which obtained unanimous support.

Accordingly, we find that there was no deliberate delay or other maladministration, whether serious or otherwise, by the Board collectively, or by the Chief Executive, Finance Director or any other member of the Board, in the process of clearing the funding of the Development Officer position, so that the hiring process could start.

Constitution Of The Interview Panel

The Complainant alleges that:

1. In its meeting on 7 June 2019, the Board “*agreed....that the interview panel would comprise three members of the Board: Non-Executive Directors Stephen Woodhouse and Julie Denning, and Governance Committee Chair Robert Stern*”;
2. “*It was minuted at that meeting that the interviews would take place in July 2019, but in fact it took until September for them to take place*”;
3. The change in members of the interview panel and change of date were not approved by the Board;
4. Dr Greep, as a representative of the Chess Trust, was not an appropriate member of the interviewing panel because:
 - (a) “*the funding for the post originated with the ECF and BCF – the Chess Trust was merely the charitable conduit*”; and
 - (b) “*the Chess Trust is not accountable to the ECF Board*”.

These allegations are based on a number of misunderstandings.

At its meeting on 7 June 2019, the Board did not agree anything in relation to the interview process, nor did it need to. The minutes merely record an update provided by the Chief Executive to the Board, explaining that the hiring process had commenced with the placing of an advertisement in the June ECF newsletter by Stephen Woodhouse (the non-executive director leading the interview process), and setting out the intended further steps in the process.

By 5 July, the deadline for applications, two applications had been received. A third application was received after the deadline and, after discussion between the three intended members of the interview panel and the Chief Executive, it was accepted. Mr Woodhouse then sought to arrange a single date which all three applicants and all three intended members of the interview panel could attend.

As a result of extensive e-mail exchanges, which highlighted different timing difficulties for different people, Mr Woodhouse concluded that it was impossible to fix a single date for interviews before the end of August. It was also clear that Ms Denning would be unavailable in at least the first half of September because of family commitments. Subsequently Mr Stern told Mr Woodhouse that, following an operation, he had been advised by his doctor that he should not commit to any significant travel during the recuperation period.

Not wanting to delay the interviews any further, Mr Woodhouse spoke to the Chief Executive to suggest that a trustee of the Chess Trust should be invited onto the interview panel. The Chief Executive agreed and suggested Dr Greep, who had been approved as an ECF-appointed Trustee by ECF Council in its Annual General Meeting in October 2018. Mr Woodhouse therefore contacted Dr Greep, who accepted the invitation.

As the advertisement in the ECF June letter makes clear, Mr Woodhouse was leading the interview process on behalf of the ECF Board, with effectively delegated powers from the Board. There is nothing in company law in general or in ECF regulations in particular which

required Mr Woodhouse to obtain Board approval of every step in the interview process. The allegation that the Chess Trust was “merely the charitable conduit” for funding originating with the ECF and/or BCF represents a misunderstanding of the position. The Chess Trust's funds never came from the ECF. To the extent they came from the BCF, they were from the PIF, which in turn arose from bequests made by various individuals over a long period of time and which was subject to restrictions on how it could be applied. The Chess Trust is not in a position ever to be a passive “conduit” so as to accede to any request for funds from the ECF. It needs always to satisfy itself that its outlay of funds will be used for purposes which meet the Chess Trust's charitable aims and to ensure that it has the funds to meet such outlay.

As the Chess Trust was being asked to fund the basic remuneration of the Development Officer, we consider it entirely appropriate that one of the Chess Trust's trustees should be invited onto the interview panel. Doctor Greep's impressive CV (see item C.29(12)(e) of Council Papers for the ECF Annual General Meeting October 2018) shows that he would have the necessary experience and skills to be a good interview panellist. As an ECF-nominated trustee of the Chess Trust, Dr. Greep would have the interests of the ECF in mind, and we can think of no reason (nor has the Complainant suggested any) why he would be personally conflicted in any way.

Accordingly, we find that the interview panel was properly constituted.

The Interview Process And The Chief Executive's Role In It

The Complainant alleges that:

1. The Chief Executive and Finance Director deliberately “(in their dual roles as ECF directors and trustees of the Chess Trust) presided over.... a long delay in advertising the post” of Development Officer, because the Chief Executive wanted a candidate other than the Complainant to come forward;
2. Mr Portman's statement on appointment that he would report directly to the Chief Executive, with no mention of working closely with other responsible directors, implies that the Chief Executive improperly changed the intended reporting line, so as to exclude other Directors from having access to the Development Officer;
3. The Chief Executive has improperly applied a narrower job description than that drafted by the Complainant in October 2018;
4. The Chief Executive improperly discussed amending the job description with Mr Portman at some time prior to the interviews taking place;
5. When Dr Greep stayed at the Chief Executive's house over the night of 12 September, immediately before the interviews, the subject of the job interviews must have come up between them - “ *it is claimed that the subject of the job interviews did not come up between the two of them. That would be a very impressive Chinese Wall indeed, if it in fact existed.*”
6. The Report of the Board to Council posted on the ECF website on 17 September 2019, included under the heading “*2018/19 Achievements: Appointed a new Development Officer....*” whereas the recommendation to appoint Mr Portman, from Mr Woodhouse to the other Directors, was only circulated on 24 September 2019.
7. On 9 October 2019 Mr Portman posted on the ECF website a document entitled *Credo*, in which he stated “*I am delighted to have taken up the post of the*

Development Officer for the English Chess Federation.” That document was dated 13 September 2019, the date of the interviews for the post.

The Complainant therefore contends that: *“the process of hiring a Development Officer was not fair or transparent, and neither was it “careful” or “proper,” as Julian Clissold claimed. Indeed, the documents posted by Carl Portman on the ECF website – whether we view them as careless, hubristic, or worse – clearly indicate that he was given to understand by someone in the know that he had the job sewn up before the interviews took place.”*

We have already dismissed the first allegation of deliberate delay in advertising the post, under the heading Alleged Delay in Transfer of Funds.

As regards the Complainant's second allegation, Mr Portman's statement on appointment that he would report directly to the Chief Executive is merely a factual statement of his direct reporting line and it accords exactly with the wording in the advertisement. The fact that he did not add a list of the people he would be working with cannot reasonably be taken to mean that he would not be working with them.

The third allegation, that the Chief Executive has improperly applied a narrower job description than that drafted by the Complainant in October 2018 is based on an extract from Mr Portman's Statement, published on the ECF website on 9 October, in which he wrote that *“the three key areas I have agreed with the CEO to work on are Social Chess, Junior Chess and Women's chess.”*

The Complainant omits preceding words which put this in context:

Some key points about my role: • It is a 12-month appointment • The role is part-time

Mr Portman then states the three key areas he has agreed with the Chief Executive on which he should concentrate. That agreement with the Chief Executive came from discussions with him after Mr Portman's appointment, which also formed the basis of an announcement, prepared by Mr Woodhouse, of the appointment in the ECF October Newsletter. Neither Mr Portman's Statement nor the announcement in the Newsletter state that the Development Officer will never engage in any other activities. They merely reflect the immediate priorities agreed with the Chief Executive, focusing on increasing ECF membership, and they accord well with what the Claimant calls *'the Non-Executive Chairman's admission that the ECF faced the prospect of “extinction” if it didn't tackle its growing demographic crisis'*.

The Complainant's allegation that the Chief Executive had removed national and local fund-raising from the job description agreed with Mr Portman to some extent echoes the complaint by Mr Pein, in an e-mail of 28 September, that his input had been ignored. With respect, we do not think that Mr Pein's input has been ignored. All that has happened so far, as we understand, is that Mr Portman has been appointed as Development Manager, the contract between the ECF and Mr Portman's company, Caissa Consulting, has been finalised, and Mr Portman has had a brief conversation with the Chief Executive, in which they agreed three key areas for Mr Portman to concentrate on immediately. No detailed objectives have yet been set.

As the Development Officer will be reporting to the Chief Executive but working with Executive Directors generally, we consider that it would be best practice for the Chief Executive to seek input from other Directors, in order to agree with Mr Portman a set of detailed objectives. We understand that the Chief Executive has been out of the country almost since the date of Mr Portman's appointment, so this agreement of objectives should be a priority for the relevant Directors, together, on the Chief Executive's return.

As regards the Complainant's fourth allegation, we have found no evidence that the Chief Executive improperly restricted the job description of the Development Officer role, either before or after the appointment of Mr Portman. On the contrary, the two interviewers conducted both interviews on the basis of the job as advertised. However, they agreed that the successful applicant would need to have discussions, upon appointment, with the Chief Executive to set priorities, because of their shared view that the list of possible activities in the job description was too wide for what is a part-time role. They gave that advice independently to the Chief Executive. He had the recommended discussions with Mr Portman on 2 October 2019.

As regards the Complainant's implication that Dr Greep must have improperly discussed the Development Officer role, when staying overnight at the Chief Executive's house on the night of 12 September, Dr Greep and the Chief Executive have independently told us, as they told Mr Woodhouse, that they did not. We have no sure way of ascertaining whether that is true, but we find that we have no need to, in light of the substantial documentary evidence we have obtained. We therefore make no comment on this allegation, and we turn instead to consider the two documents on which the Complainant largely rests his case.

The Board Report To Council (“The Report”)

The Report (prepared for each AGM of Council) is, as its title indicates, the responsibility of the whole Board. It is generally prepared by the Chief Executive, but each member of the Board is asked to contribute to it and to review it. Each member of the Board has a responsibility for ensuring the accuracy of the whole document, to the best of their knowledge.

As part of our review we have sought and, we believe, obtained from all the Directors all the documents, paper and electronic, in their possession relating to the drafting and publication of the Report.

In preparing the Report for the 2019 AGM, the Chief Executive sent an e-mail to all Directors on 11 August 2019, enclosing a first draft of the Report, seeking perusal and comment from all, and asking for specific input from individual Directors in respect of certain sections. The Report contained a number of forward looking assumptions, including the following:

- 🕒 *Appointed a new Development Officer to work with the Board to grow chess at all levels across the country. This is a remunerated role, and our thanks go to the Chess Trust for funding this (see above).*

On 19 August 2019 the Chief Executive sent Board members another e-mail enclosing a second draft of the Report, saying *“I’ve not had a huge amount of feedback so far, so would be grateful to hear back from those who haven’t had a chance to get back to me yet please.”*

Following comments by the Chair of the Governance Committee and the Board Secretary, a change was made to the wording of one other expected achievement, because it was not clear that it would be completed by the time of the AGM. No change was made to the original draft wording of the bullet point relating to the appointment of the Development Officer, because (so we understand) the appointment process was expected to be completed before the date of the AGM.

The Report went through a number of drafts as Directors added comments about their own Directorates. No Director raised any concerns about the proposed wording of the bullet point about appointing a Development Officer. The minutes of the Board meeting on 6 September 2019 record that the Chief Executive *tabled a [final] draft of the Report and asked for comments from Board members.*

The final Report was published on the ECF website on 18 September 2019. In a thread on the English Chess Forum (a chat forum independent of the ECF) entitled “Council Papers are out”, one of the ECF Bronze Members’ representatives noted the statement that a Development Officer had been appointed and asked “*Does anyone know anything about this, such as who has been appointed and when the appointment was made?*”

On 7 October ECF Non-Executive Director Julie Denning replied on this thread, confirming that no appointment had been made at the time the Report was published. Later the same day the Chief Executive posted on the same thread; “*The paper was written to reflect the fact that many people would be reading the paper for the first time on or only shortly before the day of the Council meeting and so to reflect the position as it was expected to be (and indeed will be) as at the day of the Council meeting.*”

In our opinion, formal documents such as the Report should be accurate at the date on which they are published. Forward-looking statements should therefore include wording to show that they are only expectations, however assured those expectations may be. In addition, as the Report is the responsibility of the whole Board, any error in it was an error by the whole Board.

Regulation No.5 does not define maladministration, while the dictionary definition refers to bad management. Arguably anything which is not good management is bad management, but in order for it to be serious it needs to be done with deliberate intent to mislead or to result in serious adverse consequences. In this instance there was clearly no intent to mislead and the statement had no serious adverse consequences. In particular, it did not affect the interview process.

We therefore find that the failure of the Report to make clear that the appointment of Development Officer had not yet been made at the time of publication of the Report did not amount to serious maladministration.

The Credo Document

The central point of the Complaint relates to the document entitled Credo, posted by Mr Portman on 9 October 2019, following announcement of his appointment in the October ECF newsletter. The document begins: *"I am delighted to have taken up the post of the Development Officer for the English Chess Federation."* The document was dated 13 September 2019, the date of the interviews for the position.

In the ten days following the Complainant being informed by Mr Woodhouse on 29 September 2019 that he had not been successful, the Complainant (while expressing natural disappointment) had willingly engaged in discussions initiated by Mr Woodhouse about another possible role with the ECF. During those discussions, we cannot find any hint of the Complainant suggesting that the hiring process had been fixed against him. This all changed following the publication of Mr Portman's Credo document. In the light of the serious allegations now made by the Complainant, we set out below a detailed account of the events between 8 and 17 October, which culminated in the Complaint.

On 8 October 2019 Mr Portman sent an e-mail to the Chief Executive, seeking permission to upload Credo and Bio documents onto the ECF website, stating: *"I stand by them and I work to them. Do you have any issues with this?"* Late that evening the Chief Executive replied: *"Carl Good documents! Yes, please talk to Andrew (copied in)"*.

The Chief Executive has told us that this was the first time he had seen the Credo document. Mr Portman has separately told us that, as his e-mail implies, this was the first time he had sent the Credo document to the Chief Executive.

On 9 October 2019, the documents were uploaded onto the ECF website.

Late on 9 October 2019 the Director of Women's Chess, Chris Fegan, e-mailed Mr Woodhouse, asking him if he had seen the documents which Mr Portman had posted.

Around midday on 10 October 2019 the Complainant wrote a letter to Robert Stern, the Chair of the Governance Committee, stating that *"the clear evidence of the "Credo" document on the ECF website shows that a decision was taken on an appointment in an improper manner, before the approval of the Board was sought"* and asking the Chairman of the Governance Committee to investigate the complaint.

Later on 10 October 2019 the Complainant posted a copy of his letter to Mr Stern on the English Chess Forum website.

On the evening of 10 October Mr Fegan followed up his e-mail of the day before, telling Mr Woodhouse that the Complainant had sent his complaint to Mr Stern and posted it on the Forum website, and asking if they could discuss it on the telephone. They agreed that Mr Fegan would call Mr Woodhouse at 8.00pm.

. Mr Woodhouse has informed us that, in that telephone call, he told Mr Fegan he didn't know why the Credo document was dated 13 September, but that it could not have been because the outcome of the interview was preordained, because Mr Woodhouse was the Chairman of the Panel and he had not made a decision or recommendation until after the interview.

Following Mr Fegan's telephone call to him, Mr Woodhouse telephoned the Complainant in order to allay any suspicions he had about the interview process. Mr Woodhouse recalls giving the Complainant the same assurance that he had given Mr Fegan.. The Complainant recollects that he explained why he was asking the Governance Committee to look into his concerns, and that Mr Woodhouse said that he and Mr Stern would talk to Mr Portman and ask him directly about the contents of the 'Credo' document.

The Complainant says that he also asked Mr Woodhouse to confirm what the Complainant had heard from one source, that his co-interviewer, Dr Greep, had stayed at the Chief Executive's home in Oxfordshire the night before the interviews. Mr Woodhouse confirmed that Stephen Greep had indeed stayed at the Chief Executive's house that night, and that Mr Woodhouse had been told that they did not discuss the upcoming job interviews during his stay. The Complainant says that he expressed some scepticism whether that was possible.

On 11 October 2019 Mr Stern e-mailed Mr Portman to ask for an explanation of the 13 September date. Mr Portman replied by e-mail, stating that the Credo document was written on 10 September in time for him to give it personally to the interview panel on 13 September 2019, to show how ready he was to begin work. He attached a computer screenshot to show the date of 10 September for the final pdf file.

Mr Portman further explained: *"I stated at my interview, when I handed over the paperwork, that I did not wish to appear to be arrogant by assuming that I would get the job. I said that this was merely the document (including the line about me being delighted to get the job) that I would use if I was successful."*

Also on 11 October 2019, Mr Stern conferred by e-mail with his colleagues on the Governance Committee. They concluded that the correct procedure in the circumstances was for the Complainant (if he wished to pursue the matter) to follow the procedure laid down by Regulation No.5.

The Board's Refusal To Suspend Appointment Of The Development Officer

Early on 12 October 2019, the day of the Board meeting followed by the AGM, Mr Fegan sent an e-mail to Mr Woodhouse, copying the rest of the Board, as follows:

I am writing following the developments of the last few days regarding the above and in particular that Tim Wall as the unsuccessful candidate has written to Robert Stern (in Robert's role as Chair of Governance Committee) to formally complain about certain aspects of the Appointment process and to ask for an investigation into all aspects of this situation. I think therefore it is only prudent to suspend the appointment of Mr Portman as ECF Development Officer until this investigation has been thoroughly carried out by the Governance Committee and the findings of such reported to and considered in full by the ECF Board at a future Board meeting.

I am writing to formally request the above course of action.

The Board discussed Mr Fegan's request at its meeting which commenced at 11.30am on 12

October 2019. We reproduce here in full Board Minute No.5, which summarises the discussion and decision:

Development Officer Appointment Process

The Board noted that R[obert]S[tern] had received a letter of complaint from Tim Wall in relation to the appointment process for the Development Officer. The letter of complaint was based on the recent appearance of a 'Credo' document from C[arl]P[ortman] on the ECF web site, dated 13th September and indicating his acceptance of the development officer position. In addition M[ike]T[ruran]'s Board Report to Council published on 19th September had stated that a Development Officer had been appointed. T[im]W[all] had taken this as evidence of a job offer having been made to C[arl]P[ortman] on or before the day of his interview without following proper process or board approval.

R[obert]S[tern] indicated that he would reply to T[[im]W[all]'s complaint by stating that it was not a matter for the Governance Committee but pointing out that he had the option of following the complaints procedure under regulation 5.

The Chair and S[tephen]W[oodhouse] advised, and the board noted that:

- 1. The date shown on C[arl]P[ortman]'s document arose because he provided the document at interview on 13th September to outline what he would look to do should he be successful. Once he had been appointed, C[arl]P[ortman] provided the document for publication on 9th October and had not amended the date.*
- 2. M[ike]T[ruran]'s board report had indicated that the appointment had been made on the basis that this was a report for consideration at Council. The published report reflected the expectation that a decision would be taken and the appointment confirmed, before the Council meeting on 12th October.*

The Board further noted that there was no decision on the appointment until the recommendation to appoint C[arl]P[ortman] was presented by S[tephen]W[oodhouse] to the board in an email vote taken on 24th September. This had confirmed C[arl]P[ortman]'s appointment by a clear majority vote. C[arl]P[ortman] and T[im]W[all] were notified of the appointment following the board's email vote.

The board concluded that, on the basis of the available evidence, due process had been followed, and noted and accepted the reasons for Carl's Credo document showing the date of his interview and M[ike]T[ruran]'s board report referring to an appointment having been made. The board agreed that J[ulian]Clissold, S[tephen]W[oodhouse] or R[obert]S[tern] would discuss the situation with T[im]W[all] before the Council meeting.

J[ulian]C[lissold] asked the board to decide on whether C[arl]P[ortman]'s appointment should be suspended while the matter was being investigated. This had been requested by C[hris]F[egan] in an email on the day of the board meeting.

S[tephen]W[oodhouse] proposed and board members agreed unanimously that S[tephen]W[oodhouse] should write immediately to C[hris]F[egan] to reject his suggestion that C[arl]P[ortman]'s appointment be suspended since, from the information available to the Board at the meeting, the appointment had been made properly and the appointment process had been followed in all respects.

We wish to point out an error in the minutes, which refer throughout to “M[ike]T[ruran]’s board report.” As we have already emphasised, the Board Report is a report by the whole Board, not just the Chief Executive. We recommend that the minutes are amended accordingly, and that Board members take note of their responsibility for the Report.

We consider that the Board’s decision, having heard explanations and assurance from Mr Woodhouse about the appointment process, not to suspend the appointment of Mr Portman as Development Manager was reasonable.

Conduct of the Governance Committee

Following the end of the Board meeting, Mr Stern e-mailed the Complainant to explain the Governance Committee’s view that, if he wished to proceed with his complaint, he should follow the procedure laid down by Regulation No.5. Mr Stern then spoke briefly to the Complainant, as agreed by the Board, to inform him of the e-mail and to pass on the explanation given by Mr Portman. The Complainant has described Mr Stern’s e-mail as “cursory”, saying that the Governance Committee had refused to look into his complaint of 10 October. That may be factually correct, but it ignores Mr Stern’s clear reply that it was not a matter for the Governance Committee, but something which should be dealt with under Regulation No.5, in accordance with the governance procedures laid out in ECF regulations.

For the avoidance of doubt, although it does not appear to be part of the formal Complaint, we find that the decision of Mr Stern to inform the Complainant of the correct procedure under Regulation no.5 was correct.

It appears from their separate recollections of the brief conversation on 12 October 2019 that Mr Stern thought that he and Mr Woodhouse had given satisfactory explanations to the Complainant, whereas the Complainant thought that the Governance Committee had abruptly decided not to investigate his concerns in any depth, so he would have to launch a formal complaint. On 17 October 2019, the Complainant submitted the Complaint, which significantly expanded on his original complaint of 10 October 2019 to Mr Stern.

Allegations Based On Dating Of The Credo Document

The Complainant argues that the first sentence of the Credo document, its date and its production with an official ECF letterhead on it, together raise *“all kinds of suspicions about whether the interview process was fair or transparent, or not.”* In hearing the Complaint, we have had to determine whether any such suspicions are justified.

Mr Portman has repeated to us the explanation he gave to Mr Stern, which Mr Stern passed on to the Complainant. The two interviewers, Mr Woodhouse and Dr Greep have confirmed independently to us that Mr Portman handed them two documents at interview, with the Bio document on top and another document underneath. They have told us independently that they did not look at these documents, because they had agreed between themselves beforehand not to seek anything in writing from applicants, but to concentrate on the list of questions and issues which they had already agreed should be the basis of interviews.

The Complaint alleges, essentially, that the Chief Executive improperly controlled or influenced the hiring process so that Mr Portman got the post, and that Mr Portman was given to understand that “*he had the job sewn-up before the interviews took place*”. By making these allegations, after receiving assurances from Mr Woodhouse that he had not pre-judged the result of the interviews and only made his recommendation on the basis of the interviews, the Complainant is effectively arguing either that the whole process of interviews followed by recommendation from the interviewers was a sham, that the two interviewers were willing participants in the sham and that Mr Woodhouse's assurance was a lie, or that Mr Woodhouse was in some way an unwitting dupe of a conspiracy between the Chief Executive and Dr Greep to ensure that Mr Portman was selected.

These are extremely serious allegations against individuals with impeccable business records, including one with over 20 years' experience at a senior level in public services and another with similar years of experience as a senior qualified solicitor, neither of whom had any personal motive for such alleged collusion. They go far beyond a reasonable desire, in the light of the dating of the Credo document and of the Board Report to Council, to be assured that the hiring process was carried out properly.

In order to conduct a full investigation of the Complainant's allegations, we have sought from every Director and from every relevant Officer of the ECF a complete set of all the relevant documents in their possession. We have also sought confirmation of relevant unrecorded conversations.

As a result of this exercise, we have received over 300 documents. Based on these documents, we have established a timeline of events encompassing the period covered by the Complaint. The first part of the timeline, covering the period from September 2018 to 7 June 2019 is set out in Appendix D. The second part of the timeline, starting with the placing of the advertisement in the ECF June newsletter and finishing with discussions involving both Mr Portman and the Complainant up to 8 October 2019, is set out in Appendix E.

In reviewing all the documents provided to us, we have found no evidence to support the allegation that Mr Portman knew he had the job sewn-up. On the contrary, in our opinion the documentary evidence shows that the two interviewers prepared themselves properly and thoroughly, so as to be able to give each applicant a fair and equal opportunity, that neither interviewer had pre-judged the outcome, that they discussed the two candidates fairly and dispassionately in order to arrive at a joint recommendation, and that Mr Woodhouse presented that recommendation properly and fairly to the Board. It follows that the Board's approval of the recommendation was properly made.

Summary Of Findings

The Complaint makes serious allegations about the integrity not only of the Chief Executive, Mike Truran but also of Chess Trust trustee Dr Stephen Greep, Non-Executive Director Stephen Woodhouse, and other Directors and Officers of the ECF. Having conducted a thorough review of these allegations, we have concluded that they should all be rejected, for the reasons explained in each relevant section of our Response.

In particular, we find that:

- 1. there was no deliberate delay or other maladministration, whether serious or otherwise, by the Board collectively, or by the Chief Executive, Finance Director or any other member of the Board, in the process of clearing the funding of the Development Officer position, so that the hiring process could start;**
- 2. the entire hiring process, commencing with the placing of the advertisement for a Development Officer in the ECF June Newsletter and ending with the appointment of Mr Portman, was carried out correctly.**

We therefore reject the Complaint in its entirety.

Roger Emerson

Gareth Pearce

Suzzane Wood

Letter of Complaint sent by Tim Wall to the ECF Board Chairman on 17 October 2019 (formatted to conform with Response)

Board of Directors
English Chess Federation

Complaint to ECF Board about CEO Mike Truran re. Development Officer appointment

I am writing to the ECF Board because of the unsatisfactory reply I received from Robert Stern, Chair of the Governance Committee, on October 12, 2019 in answer to my serious concerns about the way the Development Officer appointment had been, and is being, handled.

In his cursory email, Robert Stern said the Governance Committee had refused to look into my complaint further, and did not address the key fact I put to him, that a document titled “Credo,” dated September 13, 2019 [https://www.englishchess.org.uk/wp-cont ... -CREDO.pdf](https://www.englishchess.org.uk/wp-content/uploads/2019/09/CREDO.pdf), written by Carl Portman and posted on the ECF website on or around October 9, claimed: “*I am delighted to have taken up the post of Development Officer for the English Chess Federation*” – more than two weeks before the ECF Board was consulted on any such decision.

I am making my complaint about the actions of the Chief Executive, Mike Truran, but I regard the majority of the Board who voted at an October 12, 2019 Board meeting to uphold the September 29 email decision to appoint Carl Portman as also responsible, in that they ignored the evidence of Carl’s “Credo” document, which is a serious governance failure, failed to hold the CEO to account and upheld in a recorded vote what was a fundamentally flawed appointment.

Since the Governance Committee has failed to address what I regard as a serious governance failing, and inasmuch as the Board is bound by collective responsibility, this complaint must therefore be directed at the CEO as the individual tasked with implementing ECF Board decisions. While I would like to stress that this is not a personalised complaint, the buck has to stop with the CEO for a litany of governance failings that led to an unfair and non-transparent hiring process taking place, and therefore the complaint is primarily about the actions and conduct of the CEO.

Questions about ‘Credo’ document

I would point out that the ‘Credo’ document appeared with the ECF letterhead on it (as did the other two documents that Carl Portman posted on the ECF website). It therefore gives exactly the appearance of an official ECF document, stating that – as of September 13 (the date of my and Carl Portman’s interviews in Birmingham) – he had already been appointed Development Officer. This was despite the ECF Board not being asked to consider the recommendation of the interview panel until September 29. Then Board members took an email vote and decided by a majority – not unanimously – to accept the interview panel’s recommendation.

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I would further note that Robert Stern's purely verbal explanation – not written, mind – to me on the side-lines of the ECF AGM in London on October 12 about the “Credo” document and its dating was somewhat bizarre, to say the least. Robert said: “Carl told us he submitted that document at his job interview on September 13.”

But let's examine that claim. Which job applicant submits a document to an interview panel, claiming that they already have the job? Is this not, at the very least, an extreme case of hubris – and potentially an indication to the interview panel that they should regard his or her appointment as already having been decided on a nod and a wink? And why would that document “submitted at the job interview” come with an official ECF letterhead already on it? It is clear this document raises all kinds of suspicions about whether the interview and hiring process was fair or transparent, or not.

Wider Questions about Entire Hiring Process

I would like to extend this complaint wider, however, to include the whole process of hiring the Development Officer, which began formally at the October 13, 2018 ECF AGM. A year later, at the October 12, 2019 AGM, I raised concerns about why it had taken the ECF Board nearly 12 months to carry out the hiring, and asked why it took the Board and the Chess Trust, who were in negotiations to fund the job from ECF & BCF funds, so long to do that. At the 2019 AGM, I put this in the context of Non-Executive Chairman Julian Clissold's admission there that the ECF faced the prospect of “extinction” if it didn't tackle its growing demographic crisis. In answer to my question that surely the Board should have moved ahead in a more expeditious and timely way with the appointment, rather than dragging its feet for a year, Julian replied that the appointment had to be done in a “careful and proper manner.”

Let's note those words: “careful and proper.” I will come back to them later.

In the November 18, 2018 ECF Board minutes [https://www.englishchess.org.uk/wp-cont ... inutes.pdf](https://www.englishchess.org.uk/wp-content/uploads/2018/11/18-Nov-2018-Board-Minutes.pdf), it states: “Actions were agreed for Mike [Truran] to produce a draft job advertisement and circulate it to the Board, and also to ensure that [Finance Director] David [Eustace] was involved in finalising the remuneration arrangements before publication.”

After several meetings, the ECF Board and the Chess Trust finally reached agreement on how to pay the Development Officer's £10,000 per annum part-time salary and advertised the post in June 2019 – more than seven months later.

Why it took so long for the ECF Board and the Chess Trust to make the funds for the Development Officer post available and for the post to be advertised is not entirely clear from the ECF Board minutes from that period.

In the minutes of the January 11, 2019 Board meeting [https://www.englishchess.org.uk/wp-cont ... ration.pdf](https://www.englishchess.org.uk/wp-content/uploads/2019/01/11-Jan-2019-Board-Minutes.pdf), it states:

*“9. Role of Development Officer and KPIs (MT [Mike Truran] verbal progress report)
The advertisement for the Development Officer role is currently on hold pending agreement*

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for support from the Chess Trust. As noted in the Finance item, the ECF has written to the Chess Trust requesting that support. The letter includes KPIs for the Development Officer role. A response is anticipated by the end of January.”

And later in the minutes, it states: *“It was noted that the ECF has already written to the Chess Trust asking for financial support for the proposed Development Officer role. MP [Malcolm Pein] proposed a motion that an initial transfer of £20k be made from the PIF to the Chess Trust for the sole purpose of funding the Development Manager proposal for the time being. The motion was passed by a majority vote.”*

The minutes of the March 29, 2019 ECF Board meeting [https://www.englishchess.org.uk/wp-cont ... ration.pdf](https://www.englishchess.org.uk/wp-content/uploads/2019/03/29-03-2019-ECF-Board-Meeting-Minutes.pdf) (fully five and a half months after the AGM) indicate that there was still work to be done on funding the Development Officer post, however, and that the decision to release the funds was still being held up somewhere – either in the ECF Board or in the Chess Trust board.

They state: *“DE [David Eustace] outlined progress on the transfer of funds from the PIF to the Chess Trust. JC [Julian Clissold] confirmed that he had written to the PIF trustees requesting an initial transfer of £70.5k over the next three years. These funds would be made available to support International Chess, Women’s Chess and a Development Officer role. It was envisaged that the balance of the PIF funds would be transferred to the Chess Trust in due course once the success of the initial transfer had been evaluated.”*

It is also not clear what the Chess Trust board was discussing over these several months, as the minutes of the Chess Trust meetings are not made public or available to ECF members [https://beta.charitycommission.gov.uk/c ... 81&subid=0](https://beta.charitycommission.gov.uk/cases/2019-03-29-03-2019-ECF-Board-Meeting-Minutes)– despite a good part of their funding specially earmarked for specific projects, such as the Development Officer role, coming directly from the ECF and the British Chess Federation PIFs.

Lack of Accountability of Interview Panel

A day after the Development Officer post was finally advertised on the ECF website on June 6, 2019, it was agreed at the June 7, 2019 ECF Board meeting [https://www.englishchess.org.uk/wp-cont ... ration.pdf](https://www.englishchess.org.uk/wp-content/uploads/2019/06/07-06-2019-ECF-Board-Meeting-Minutes.pdf) that the interview panel would comprise three members of the Board: Non-Executive Directors Stephen Woodhouse and Julie Denning, and Governance Committee Chair Robert Stern. It was minuted at that meeting that the interviews would take place in July 2019, but in fact it took until September for them to take place.

It later transpired that the interview panel was changed, without any recorded decision by the ECF Board. Julie Denning and Robert Stern were replaced on the panel by a representative of the Chess Trust, Stephen Greep. Why this change was made was not clear, except that at the interview Stephen Greep told me he was there because “Chess Trust money” was being used to “fund” the post.

In fact, it is abundantly clear that the funding for the post originated with the ECF and BCF – the Chess Trust was merely the charitable conduit. Thus, it is not clear why a representative

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of the Chess Trust was needed or desirable on the interview panel. As the Chess Trust is not accountable to the ECF Board or the ECF membership, this change led to a lack of transparency and accountability in the appointment.

Indeed, I was told by both Mike Truran and David Eustace at the April 2019 ECF Finance Council meeting (in the debate on raising ECF membership fees) that, while they are appointed to the Chess Trust board as nominees from the ECF Board, they did not regard themselves as accountable in any way to the ECF Council for any decisions they make on the Chess Trust board. So, there is another level of non-transparency there, and trying to find out what discussions the Chess Trust is having, and why it makes its decisions regarding the fate of ECF and BCF money, is like waiting for a “dance of the seven veils” by Mike Truran and David Eustace.

What Role Did CEO Play in Interview Process?

Some background is necessary here. In his 2018 discussions with me, and I believe with other ECF directors, Mike Truran expressed the view that the Development Officer should restrict themselves to recruiting new members to the ECF and raising sponsorship and should be remunerated only for performing those tasks. He was extremely sceptical about the value of any wider “development” work, particularly about whether the ECF should be involved in any kind of social chess (i.e. non-competitive or ungraded chess games and events). A majority on the Board thankfully now seem to hold a much broader view of the tasks of a Development Officer, but it is not clear to me that Mike is completely in agreement with that strategy.

Immediately after the October 2018 AGM closed, Mike Truran assured me there and then at the Ibis Hotel in Birmingham that he wished to proceed quickly to the appointment of the Development Officer, that he wished me to stand for the post and hinted that he would support my candidacy.

However, subsequent events would suggest that Mike actually sought to delay that appointment, despite the urgency of the task of developing grassroots chess amid a rapidly ageing ECF membership and the need to involve many more younger people before the older generation of ECF members simply drop out of playing and organising activity.

Exactly why Mike Truran and David Eustace (in their dual roles as ECF directors and trustees of the Chess Trust) presided over such a long delay in advertising the post is not clear. However, I would simply note that no one else apart from myself appeared to show any interest in taking on the job of Development Officer before the summer of 2019.

After Carl Portman put his name forward as a candidate for Development Officer this summer, he told me at the British Championships in Torquay in late July that he thought the job was “too big,” as described in the Development Officer paper I had written a year before.

Carl’s view at that time tallied with his subsequent “Statement,” <https://www.englishchess.org.uk/wp-content/.../statement.pdf> dated more vaguely “October 2019” and posted on the ECF website on or around October 9, 2019, in which he wrote that he would only work in a smaller number of

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fields: ***“The three key areas I have agreed with the CEO to work on are Social Chess, Junior Chess and Women’s chess.”***

If these areas are interpreted strictly as recruiting more ECF Supporters, Junior ECF members and female ECF members, then it would appear that Mike Truran is again trying to restrict the role of the Development Officer to largely that of a salesperson – but this time, without the fundraising role.

In the “Statement,” Carl said (contrary to his claim in the “Credo”) that he had not yet taken up or agreed a starting date for the job. He also wrote that he would report directly to the CEO, with no mention of working closely with other responsible directors.

This is fundamentally at variance from the job advertisement posted on the ECF website [https://www.englishchess.org.uk/develop ... r-vacancy/](https://www.englishchess.org.uk/develop...r-vacancy/) in June, which specifically said the successful applicant would *“work closely with the Directors of Home Chess, Women’s Chess, Junior Chess and Education and International Chess.”*

The job ad also included fundraising and training for local organisers as part of the role: *“The Development Officer’s main areas of responsibility will be – Assisting with the revival of grassroots chess; training local organisers; bringing more juniors into local clubs; promoting social chess and community events; encouraging chess organisations to recruit more children and young adults; supporting new formats of events aimed at bringing a wider layer of players into organised chess; raising chess’s public profile; and assisting the ECF with national and local fundraising.”* [My emphasis].

In addition, in the detailed paper I wrote (at the request of Mike Truran and International Director Malcolm Pein) as long ago as summer 2018, titled “How a Development Officer can help English chess,” [https://www.englishchess.org.uk/wp-cont ... cation.pdf](https://www.englishchess.org.uk/wp-content...cation.pdf) which was referred to as the job “specification” in the June 2019 job ad, it clearly states that the Development Officer would also report to other relevant ECF directors.

These changes “announced” to the role indicate that Mike Truran appears to be not only trying to single-handedly control the work of the Development Officer, to the exclusion of other directors, but that he is trying to impose his own, somewhat narrower, interpretation of what the job entails.

Why did Carl Portman write in his “Statement” on the ECF website that the job parameters were markedly different from those in the job ad and specification? Was it because Mike Truran discussed these revised parameters with him before the September 13 job interviews, and perhaps also while Carl was considering standing for the post, before the British Championships in Torquay? If the answer to either of these questions is yes, then these actions would represent serious interference by the CEO, affecting the fairness and transparency of the whole hiring process.

I am further concerned by the revelation (confirmed to me by two reputable, independent sources) that Stephen Greep, the Chess Trust interviewer, stayed at Mike Truran’s home in Oxfordshire on the night of September 12, before the Development Officer interviews in

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Birmingham on September 13, and that it is claimed that the subject of the job interviews did not come up between the two of them. That would be a very impressive Chinese Wall indeed, if it in fact existed.

In conclusion, it seems to me that the actions and conduct of the CEO in respect of the Development Officer appointment, which was subsequently upheld by a majority of the Board on October 12, 2019, fell far short of the professional standards expected of his position.

It further seems clear to me that the process of hiring a Development Officer was not fair or transparent, and neither was it “careful” or “proper,” as Julian Clissold claimed. Indeed, the documents posted by Carl Portman on the ECF website – whether we view them as careless, hubristic, or worse – clearly indicate that he was given to understand by someone in the know that he had the job sewn up before the interviews took place.

I would like to request that an independent investigation is carried out into these matters of fact and questions that I have presented to the Board, and that the conclusions reached are made public. I would expect that this complaint is heard by a director or directors who were neither involved in the September 13 job interviews, nor voted to uphold this fundamentally flawed appointment at the October 12 Board meeting.

To ensure the transparency of all subsequent events related to the Development Officer appointment, I am circulating this letter to my colleagues in the national UK and chess media.

Yours sincerely,

Tim Wall

Terms of Reference for hearing of complaint by Tim Wall

1. The complaint shall be dealt with as a complaint properly made under Regulation No. 5 of the English Chess Federation, with Roger Emerson, Gareth Pearce and Suzzane Wood being the persons chosen to hear the complaint (the "Panel").
2. Accordingly, the Panel shall consider the complaint and make whatever enquiries it deems appropriate.
3. The Panel shall respond to the complaint in writing; the response shall indicate whether the Panel considers the complaint to be upheld in whole, or in part (and, if so, to what extent), or rejected in its entirety; and, as contemplated by Regulation No. 5, the response shall include an explanation of the ruling and its basis.
4. To the extent that the complaint is upheld, the Panel shall recommend appropriate sanctions (including, without limitation, those specified in paragraph 3.4 of Regulation No. 5).
5. The panel shall make such other recommendations to the Board as it may think fit.

REGULATION NO. 5 ECF COMPLAINTS PROCEDURE

Made by the Board of English Chess Federation (ECF) on 16th February 2015 pursuant to Article 82 of the Articles of Association of English Chess Federation

1. Introduction

- 1.1. This document sets out the procedures for the handling of complaints concerning the English Chess Federation (ECF) and the actions of its officials (see list on the ECF website at: <http://www.englishchess.org.uk/wp-content/uploads/2010/01/Regulation-No.-2-The-Directors-and-Officers-Responsibilities-Regs-Aug-2014.pdf/>) when acting in an official capacity (i.e. conducting one of the activities outlined in Regulation No 2 – the Directors and Officers Responsibilities document).
- 1.2. Under this procedure complaints should only be brought where there is an alleged serious case of maladministration.
- 1.3. An administration charge of £50 shall be payable for any complaint raised. This fee shall be returnable if the complaint is upheld or if the complaint is found to have merit.
- 1.4. The complaint must be raised within 4 weeks of the alleged infraction and must be submitted to the ECF Office with the above fee.

2. Instigation of Complaint

- 2.1. A complaint will normally be considered by the ECF only after all direct routes for the resolution of the matter have been attempted. For example, if the complaint concerns an event run independently of the ECF, but registered with it, it should initially be addressed to the organisers or controllers of the event in question.
- 2.2. On receipt complaints shall be logged in the ECF Office. To facilitate this, directors who receive a complaint shall send a copy to the Office
- 2.3. The appropriate recipient of the complaint should be determined as follows:
 - 2.3.1. In the first place, the complaint should be addressed to the Director responsible for the event, policy or official encompassed by the complaint;
 - 2.3.2. If the responsible Director is not clear, or if the complaint spans more than one directorate, the complaint should be addressed to the Chief Executive;
 - 2.3.3. If the complaint concerns a member of the ECF Board (apart from the Chief Executive), it should be addressed to the Chief Executive;
 - 2.3.4. If the complaint concerns the Chief Executive, it should be addressed to one of the Non-Executive Directors. An up-to-date list of ECF directors and other officials is maintained on the ECF website.

3. Handling of Complaint

- 3.1. The ECF will endeavour to acknowledge receipt of all complaints within 72 hours.

- 3.2. The ECF will endeavour to provide an initial written response to complaints within 14 calendar days of receipt. If the official handling the complaint does not expect to be able to meet this timetable, this will be advised to the complainant at the earliest opportunity and in any event within 14 calendar days of receipt of the original complaint.
- 3.3. The response to the complaint shall be made in writing and shall include an explanation of the ruling and its basis. This will be provided to the individual and/or the event involved.
- 3.4. If the complaint is upheld the ECF shall take whatever action is deemed appropriate. If disciplinary action in respect of an ECF official is considered appropriate, this may include such measures as:
 - ⌚ a written warning;
 - ⌚ a temporary suspension from duty;
 - ⌚ dismissal from post¹.
- 3.5. The outcome of the complaint will be published on the ECF website.

4. Appeals Procedure

- 4.1. Appeals must be made in writing within 14 calendar days of the issue of the original ruling.
- 4.2. The appeal should be addressed to the next official in the sequence as set out in paragraph 2.2. For example, if a Director ruled on the original complaint, the appeal should be addressed to the Chief Executive.
- 4.3. The timetable for acknowledging and responding to the appeal shall be as set out in paragraphs 3.1 and 3.2. If the appeal is to be heard by the Board, it may be necessary to await the next scheduled Board meeting.
- 4.4. An appeal must include a substantive basis beyond disagreement with the original ruling. Such a basis could include:
 - 4.4.1. Failure to give the evidence proper consideration;
 - 4.4.2. Failure to consult with relevant parties;
 - 4.4.3. Failure to follow the applicable procedures;
 - 4.4.4. The argument that, in the light of the evidence, the ruling was perverse.
- 4.5. The appeal will, as far as is possible, be assessed by people not involved in the original decision.
- 4.5. The decision in the response to the appeal will be final.
- 4.6. The outcome of the appeal will be published on the ECF website.

¹ In the case of officers elected by ECF Council (Directors, the FIDE delegate and chairmen and members of the Finance and Governance Committees) a procedural motion will need to be brought to ECF Council.

PIF/CHESS TRUST TRANSFER OF FUNDS – TIMELINE

This Appendix encompasses all relevant extracts from minutes of the ECF Board and Council, the BCF Council and the Chess Trust commencing with the meeting of the ECF Board on 20 September 2018 and ending with its meeting on 7 June 2019.

Extract from minutes of ECF Board meeting 20 September 2018:

10. Transfer of PIF No.1 to The Chess Trust (D[avid]E[ustace]) The Board agreed the wording of a proposal to be put to the 2018 BCF Council AGM giving the Board authority to transfer the value of the PIF No. 1 to The Chess Trust.

12 . Role of a Development Officer (M[alcolm]P[ein]). The principle of employing a Development Officer in accordance with proposals in M[alcolm]P[ein]'s paper will be put to Council. The Board will consider further if Council give approval. Action 123/07. J[ulian]C[lissold] to include Development Officer proposal on agenda for Board meeting following 2018 AGM if Council approves the principle.

Annual General Meeting 13 October 2018

Extract from Strategy Paper C29.11:

In Finance Objectives: *Simplify the overall financial structure consolidating funds into the ECF and the Chess Trust. This will remove the requirements for the active use of the BCF, Chess Centre Ltd and the Permanent Invested Fund.*

In Challenges For English Chess -paper C29.12.b:

The approach that the Board has taken is to ask the ECF membership to contribute towards the ongoing operational running costs of the ECF, while approaching the trust funds (and in particular The Chess Trust and the PIF) for assistance with costs of a more developmental / strategic nature. The Board accepts of course that the distinction is not always entirely clear-cut. Approach Finances The journey has already started. First, the Board recognises that it needs to simplify how the ECF/BCF organisation is structured. The current structure is anachronistic; it is confusing to members, their representatives and often to officials. It consists of a two headed structure, the BCF and the ECF, the components of which partially mirror each other, and have duplicate accounting requirements, duplicate audit and tax requirements. The BCF should become dormant, retaining name and bank account only, for any future requirements, just in case we need to revive the organisation. The Permanent Invested Fund, including Chess Centre Limited, should be transferred to the Chess Trust to form the core of a long term development fund. The funds held within the Chess Trust will be used for the long term development of chess in England. A separate paper addresses the request to Council to approve the transfer of the funds. A typical development activity would be the Accelerator Programme which targets the development of young players into future titled and international players.

The ECF itself will continue to manage the day-to-day operations of the ECF's role in chess in England: the Membership Services, International, junior, Home and Women directorates.

These are all the on-going functions of the Federation. For the future, if approved, the structure will be two bodies, the ECF and the Chess Trust. The John Robinson Youth Chess Trust separately supports youth chess in accordance with the late John Robinson's wishes.

Paper C29.12.f entitled “**How a Development Officer Can Help English Chess**” was included in the agenda papers to aid Council debate on the proposal to create the post.

Extracts from minutes of ECF October 2018 AGM

The Minutes state that the Strategy Paper was approved by a large majority, with five members voting against. No direct discussion of the Development Officer role is recorded.

Finance Report/ Chess Trust

.... David [Eustace] gave a detailed explanation of the various trust arrangements including the John Robinson Chess Trust, PIF-1, and PIF-2, as covered in the Finance Report. The Chess Trust had been set up in 2015 as a charitable trust with a maximum of 12 trustees with assets based on a bequest from Richard Haddrell. The trust has had three meetings this year to date with a fourth scheduled for November. The trust has a wide range of chess-related charitable activities which it was allowed to support and two hypothecated funds –a junior fund and a British Chess Championships fund. The Chess Trust has set aside in the order of £40k per year to support the Accelerator programme for juniors and PIF-2 is expected to provide £5k per year to support the British Chess Championships. David said that Stephen Greep was proposed as an ECF-nominated trustee to the Chess Trust; Mike Truran noted that this would give a 3:3 ratio of ECF-appointed trustees and independent trustees. Stephen Greep's appointment was agreed nem con by Council.

Extracts from minutes of British Chess Federation October 2018 AGM

Transfer of the PIF No 1 fund to the Chess Trust

David Eustace (Director of Finance) provided a summary of the Trust Funds. The BCF holds two Trust Funds - Permanent Invested Funds (PIF No 1 and PIF No 2) which have been built up over many years (since 1907) and are managed by trustees on behalf of the BCF. The trustees of these funds are responsible for investing the funds and taking instruction from the BCF Council on how those funds should be used. These trust arrangements are separate from the ECF Chess Trust.

In recent years the PIF No 2 Fund has been required to pass £5,000 per annum to the ECF for the benefit of the British Chess Championships in accordance with the late John Robinson's bequest. The PIF No 2 Fund has been donated to the ECF Chess Trust with the condition that it continues to support the British Chess Championships as before following the instruction from the BCF Council.

David explained the proposal to Council which was that:

- *The PIF No 1 Fund is donated to the Chess Trust (a charity)*
- *The BCF is to be established as a dormant organisation retaining the name and bank account; this is for possible future use. This should remove the requirement to produce annual accounts, conduct an annual audit and file tax returns.*

- *The trustees of the Permanent Invested Fund are stood down.*
- *The Trustees of the Chess Trust will ensure that the Board of the ECF is advised of its latest decisions and plans through the ex-officio officers (Chief Executive and Finance Director) who are also Trustees. The ECF Council may also appoint three further trustees as and when appropriate.*

David explained that the total assets within the PIF No 1 Fund were of the order of £250k. David further explained that this proposal would simplify the structure of the trusts and of the BCF and would reduce the overhead of multiple accounts and audits etc. Pooling of the funds into a single trust would also make it easier for the Chess Trust to invest in new initiatives on behalf of the ECF and other organisations as appropriate. David said that although the BCF would become dormant, the name and bank account would be retained. There was a question from the floor over whether consolidation of funds into the Chess Trust would restrict use of the trust money to charitable purposes. David explained that although the Chess Trust is a charitable trust, the objectives and remit are sufficiently wide ranging to support the large majority of ECF activities, albeit it would not be possible to use Chess Trust income to support payments to professional players.

Mike Truran (Chief Executive) pointed out that as a result of the consolidated trust arrangements the Chess Trust would be more fleet of foot than the BCF in considering and responding to English chess requests for support given that the trustees would be meeting more frequently than the BCF Council.

The Chair put the following motion to council:

"It is hereby resolved that, subject to agreement of the Board of Directors of the English Chess Federation, the assets held in the Trust under the terms of the Trust Deed dated 20 May 2016 (supplemental to a number of earlier Trust Deeds) shall be transferred to be held on the terms of the Chess Trust, provided that those terms are such that ensure that these assets are applied in a manner which is consistent with the terms of the Trust Deed of 20 May 2016."

The motion was passed by show of hands nem con.

It was noted that as the BCF was to become a dormant company there were no plans for further Board or Council meetings.

Extracts from ECF Board minutes of 18 November, 2018:

Apology for absence from David Eustace

17. Role of an ECF Development Officer (M[alcolm]P[lein] - paper already circulated) Malcolm outlined the key points from the paper and supporting note. Malcolm said that it was critical to reach out to the millions of casual players who do not currently engage with the ECF, and it would be important to make ECF membership more attractive as a basis for increasing membership take-up and to support the work of a Development Officer. There was some discussion of the remuneration for the role, with amendments

suggested to the package to include a base fee, with a bonus opportunity based on achieved KPIs including membership revenue increases and sponsorship obtained. Actions were agreed for Mike [Truran] to produce a draft job advertisement and circulate it to the Board, and also to ensure that David [Eustace] was involved in finalising the remuneration arrangements before publication.

Extracts from ECF Board minutes of 11 January 2019:

9. Role of Development Officer and KPIs (M[ike]T[uran] verbal progress report): The advertisement for the Development Officer role is currently on hold pending agreement for support from the Chess Trust. As noted in the Finance item, the ECF has written to the Chess Trust requesting that support. The letter includes KPIs for the Development Officer role. A response is anticipated by the end of January.

PIF Transfer - With regard to the transfer of the Permanent Invested Fund to the Chess Trust, D[avid]E[ustace] drew attendees' attention to the following motion contained in his report:

"The Board authorises the transfer of the PIF No 1 Fund to the Chess Trust. This will be supervised and managed by a subcommittee of the Board comprising Mike Truran, Stephen Woodhouse and David Eustace. The subcommittee will continue to update the Board on progress and any matters that it needs to consider".

M[alcolm]P[ein] and S[tephen]W[oodhouse] said that they would like the ongoing debate about the relationship between the ECF and the Chess Trust and how trustees should be appointed in the context of that relationship to be finalised before the full balance of funds was transferred to the Chess Trust. An action was agreed for S[tephen]W[oodhouse] to email the Board setting out his proposals on how best to address the above points. It was noted that the ECF has already written to the Chess Trust asking for financial support for the proposed Development Officer role.

M[alcolm]P[ein] proposed a motion that an initial transfer of £20k be made from the PIF to the Chess Trust for the sole purpose of funding the Development Manager proposal for the time being. The motion was passed by a majority vote.

Extract from minutes of the Chess Trust meeting on 29 January 2019

9. Requests for funding received

The Trust had received a request from the Chairman of the ECF Board for support in the engagement of a Development Officer at £10k. It was agreed that R[ay]E[dwards] would reply stating that the Trustees were minded to seriously consider such a request when it had received appropriate funds that were available for such a purpose.

Extracts from ECF Board minutes of 15 February 2019:

D[avid]E[ustace] advised that the Bloodworth/Glorney and BCET trusts were going to donate all of their funds to the Chess Trust which would continue to meet the two trusts' objectives.

17. PIF Chess Trust Funds Transfer S[tephen]W[oodhouse] summarised the paper he had written on the proposed funds transfer and recommended that the transfer be made on the basis that: 1. The Trustees would consult with the ECF on the appointment of non-ECF appointees (but with trustees having the final appointment right). 2. The ECF would consult with the Trustees on the appointment of ECF appointees (but with the ECF having final appointment right). 3. There is agreement that the PIF funds should be used for the benefit of English chess (i.e. consistently with the ECF's objectives) in support of strategic/developmental initiatives (such as the Development Officer role, social and women's chess outreach and the move to monthly grading); and (ii) as an emergency fund should the ECF's financial position require it. S[tephen]W[oodhouse] also described his proposal for a MOU between the ECF and Chess Trust to ensure that the Trust would take due account of the ECF's wishes without fettering the Trustees discretion. M[alcolm]P[ein] requested that a copy of the Chess Trust Minutes be provided to the board.. Action D[avid]E[ustace] to request provision of minutes

M[alcolm]P[ein] put forward an alternative proposal for the transfer of funds from the PIF. as follows: 1. Any funds henceforth sent to the Chess Trust from the ECF should be sent on a 'restricted funds' basis in which the ECF Board specifies the purpose for which the funds transferred should be spent. 2. The ECF Board should request the BCF Council to hand responsibility for the PIF to the ECF and not the Chess Trust. This will facilitate the winding up of the BCF. 3. The ECF Board request of the PIF Trustees that they make available to the ECF the funds specified by the ECF Council, £18.5K. 4. The ECF Board request of the PIF Trustees that they instruct Smith and Williamson to evaluate the tax liability that would result in the redemption of part or the entire investment portfolio and make this information available to the ECF Board.

There was some discussion of the merits of the two alternative proposals. It was noted that transfer of the PIF funds to the ECF (as suggested in M[alcolm]P[ein]'s proposal), would result in a significant tax charge, and that this would not be the case with transfer to a charitable organisation such as the Chess Trust. J[ulian]C[lissold] proposed that the Board should recommend a PIF transfer to a Charitable Trust for both tax and governance reasons. The following proposal was established and tabled after some discussion: PIF funds should be transferred to the Chess Trust as currently constituted. The transfer should be made in phases as follows: •An immediate transfer of £70k (including £20k for the Development Officer) to be made as soon as possible; •A review of the transfer after a year, and no later than June 2020, to determine the timing of the future payments The proposal was agreed unanimously.

Extract from minutes of ECF Board meeting 29 March 2019:

9. Transfer of the PIF: Report ...D[avid]E[ustace] outlined progress on the transfer of funds from the PIF to the Chess Trust. J[ulian]C[lissold] confirmed that he had written to the PIF trustees requesting an initial transfer of £70.5k over the next three years. These funds would be made available to support International Chess, Women's Chess and a Development Officer role. It was envisaged that the balance of the PIF funds would be transferred to the Chess Trust in due course once the success of the initial transfer had been evaluated.

Action –J[ulian]C[lissold] to distribute a copy of the letter to the Board.

D[avid]E[ustace] noted that the PIF and Chess Trust Trustees would be meeting on 15th May and that discussion of J[ulian]C[lissold]'s letter would be on the agenda.

It was noted that the Chess Trust meeting minutes and Accelerator report had been made available to the Secretary to the Board as requested at the previous Board meeting, and could be provided to individual Board members on request.

Extract from minutes of the Chess Trust and Permanent Investment Fund joint meeting on 15 May 2019:

- 1. Request from the ECF for the transfer of part of the PIF No 1 fund to the Chess Trust.*

After discussion all present it was agreed that the Trustees of the Chess Trust were minded to accept the proposed transfer of £70,500 from the PIF No 1 fund. It was considered that for future tranches of funds donated that there should be joint agreement on the purposes of the expenditure.

It was agreed that R[ay] E[dwards] would reply to the letter from the Chairman of the Board of the ECF with the Trustees' decision.

The Permanent Invested Fund

- 2. Request from the ECF for the transfer of part of the PIF No 1 fund to the Chess Trust.*

It was agreed by the Trustees of the PIF Fund to donate £70,500 to the Chess Trust for the purposes outlined in the letter from the ECF to be spent in three equal tranches of £23,500 over three years (starting in 2018/19) on the following activities: Development Officer, International and Women's chess.

Extract from minutes of the ECF Council Finance Meeting on 27 April 2019

A[ngus]F[rench] asked about progress with payment of trust fund monies and the appointment of a Development Officer. D[avid]E[ustace] replied that the October BCF Council had agreed the transfer of PIF 2 funds to the Chess Trust subject to Board agreement. There had been a number of follow-on Board discussions with an agreement to transfer £70.5k this year from PIF 2 to the Chess Trust with £23.5k per year to be paid from the Chess Trust to t

the ECF over three years to provide support for the Development Officer, Women's Chess and International Chess. The Board had also set a target for June 2020 for a decision on whether or not to ask the Chess Trust to accept the balance of the PIF 2 funds. D[avid]E[ustace] reported that the Board had now written to the PIF and Chess Trust trustees with a request for suitable transfers between the trusts and payments of funds to the ECF. The PIF and Chess Trust trustees were due to meet on 15th May when the Board was expecting the arrangements to be considered..D[avid]E[ustace] clarified that the request in respect of the Development Officer will be for £10k from the Chess Trust (to fund a basic salary) with expenses and bonus to be funded from increased membership fees.

Extracts from minutes of ECF Board meeting on 7 June 2019:

Progress with PIF/ Chess Trust Transfers...D[avid]E[ustace] reported that the PIF and Chess Trust Trustees had held a meeting to agree the initial transfer of £70.5k and that the transfer of assets in specie from the PIF to the Chess Trust would be put in hand. It was expected the Chess Trust would make payments of £23.5K per year from these funds to the ECF over a period of three years. D[avid]E[ustace] will apply for these Chess Trust payments to the ECF on request from Executive Directors as and when funds are required.

Development Officer Update(Mike Truran/Malcolm Pein) M[ike]T[ruran] reported that an advertisement had been placed in the Newsletter for the Development Officer position with two people already having expressed an interest in applying and responses requested by 5th July. S[tephen]W[oodhouse] will oversee the interview and selection process with an interview panel comprising S[tephen]W[oodhouse], R[obert]S[tern] and J[ulie]D[enning]. Interviews are currently planned for July with a recommendation from the panel to the Board to follow.

DEVELOPMENT OFFICER APPOINTMENT PROCESS – TIMELINE

7 June 2019 – Extract from Board Minutes

Development Officer Update (M[ike]T[ruran]/ M[alcolm]P[ein]) M[ike]T[ruran] reported that an advertisement had been placed in the Newsletter for the Development Officer position with two people already having expressed an interest in applying and responses requested by 5th July. S[tephen]W[oodhouse] will oversee the interview and selection process with an interview panel comprising S[tephen]W[oodhouse], R[obert]S[tern] and J[ulie]D[enning]. Interviews are currently planned for July with a recommendation from the panel to the Board to follow.

11 June 2019 – Newsletter circulated to members and placed on ECF website:

Development Officer post

Stephen Woodhouse writes on behalf of ECF – the ECF has a vacancy for a Development Officer, a new post aimed at growing chess at all levels across the country. The Development Officer’s main areas of responsibility will be —

Assisting with the revival of grassroots chess; training local organisers; bringing more juniors into local clubs; promoting social chess and community events; encouraging chess organisations to recruit more children and young adults; supporting new formats of events aimed at bringing a wider layer of players into organised chess; raising chess’s public profile; and assisting the ECF with national and local fundraising. Further details can be found in the Development Officer Specification [which reproduced paper ECF Council paper C29.12(f), headed “How a Development Officer can help English Chess”].

The ideal candidate will be an active chess player with experience of various levels of chess. They should also have an interest in approaching sponsors and other stakeholders, and in media, public relations and marketing.

The Development Officer will report to the CEO and will work closely with the Directors of Home Chess, Women’s Chess, Junior Chess and Education and International Chess.

The post will be part-time and be remunerated, with an additional bonus opportunity based on the delivery of performance-related targets including in particular membership fee revenue growth.

The ECF is an equal opportunity employer. We are committed to creating an inclusive environment for all employees.

Interested applicants should send a CV and cover letter to – office@englishchess.org.uk. Applications to be received no later than 5th July 2019.

27 June 2019 – Application received from the Complainant

4 July 2019 – Application received from Carl Portman

5 July 2019 – Office Manager e-mail to Stephen Woodhouse

The Office Manager confirmed to Mr Woodhouse that two applications had been received by the stated deadline.

21 July 2019

A late application was received from a third candidate, with a strong CV, asking to be considered.

27 July 2019 – Acceptance of third applicant

Following a number of e-mail exchanges with his intended fellow interviewers and with the Chief Executive, Mr Woodhouse wrote to the third applicant, accepting his application.

28 July to 26 August 2019

There was extensive e-mail traffic involving the three intended interview panellists and the three applicants, trying to find a single date which all could make. Different problems for different people led Mr Woodhouse, chairing the panel, to conclude that finding a suitable date in August was impossible.

27 August 2019

Mr Woodhouse e-mailed Mr Stern and Ms Denning, seeking to set a date for the three expected interviews in the second week of September. Ms Denning had already said that she would be unavailable for family reasons, so Mr Woodhouse asked not only for Mr Stern's availability, but also their agreement that another interviewer could be sought.

Mr Stern replied that, as he was recuperating from an operation, on medical advice he could not commit himself to any such date.

Not wishing to further delay interviews, Mr Woodhouse suggested to the Chief Executive that perhaps a trustee of the Chess Trust might be appropriate. The Chief Executive suggested Dr Greep.

28 August 2019

Mr Woodhouse e-mailed Dr Greep: *"I believe that Mike has spoken to you about the recruitment of a Development Officer for the ECF. We have three candidates and we are hoping to interview them in September, in Birmingham, with the preferred date being Friday 13th September.*

Mike and I thought that it would be positive for there to be an interviewer from the ECF Board and also a Chess Trust trustee and Mike put your name forward.

May I check that you would be happy to join me on the interview panel and if so whether you would be free on 13th September, please?

29 August 2019

Dr Greep replied to Mr Woodhouse's invitation, saying: *"Yes this is fine, I'll be happy to help out. I have bags of interview experience! I'd have preferred three interviewers (what if we don't agree), but if two is the norm I'll live with that.*

As it happens I am in Birmingham for a meeting of the Chess Trust the day before the 13th, so if acceptable I just might stay over somewhere – depending on when we are doing the interviews (and where) -your early advice appreciated.

Can you send me any relevant paperwork please, including any job description, person spec., and c.v.'s.

There were further exchange of e-mails the same day between Mr Woodhouse and Dr Greep, beginning discussion of logistics for interviews

1 September 2019 – Input from Executive Directors

Mr Woodhouse sent an e-mail to all Executive Directors other than the Chief Executive, asking them to send him a brief note of the role they would like the Development Officer to play in assisting their Directorate.

Substantive replies were received from two Directors, on 1 and 5 September. In particular the Director of International Chess, Malcolm Pein, replied by e-mail on 1 September 2019:

“One could describe this as 'assisting in developing international here at home' with the objective of increasing activity and getting more ECF players Elo rated and more norm tournaments organised.

So...

- *Encourage organisers to run more international events.*
- *Assist existing active organisers to run more and support them to try and improve existing events. Specifically Hastings as they need support with the new sponsor. Trying to encourage organisers to create a legacy of some kind and to help them with publicity (Without queering your pitch too much one point I would make here is that Tim is a top notch journalist and writer)*
- *Create a template to help people organise international events. Look at upgrading our biggest weekend events to internationals*
- *Run training events on how to use live boards and increase the audience for our events.*
- *Similarly, run training events on how to use Swiss Manager to bring people up to speed as it's the most efficient way to do it.*
- *Advise events how to set up live commentary and upgrade that way.*
- *Advise existing larger weekend events on how to upgrade to international.*
- *Encourage clubs to make more international links*
- *Work with Peter Wells on encouraging Accelerator juniors to play more international events*
- *Work with Sarah and Alex Longson on encouraging Accelerator juniors to play more international events*
- *Help me work on finding sponsorship*
- *Help me with presentations for local authorities and potential corporate sponsors.*
- *Attempt to create more norm tournaments low-budget like 1st Saturday. Explore how Ireland manages how to run so many more tournaments than we do.”*

3 September 2019 – Fixing date for interviews

Mr Woodhouse e-mailed Dr Greep, who replied, agreeing 13 September 2019 as the date for interviews, and tentatively agreeing the proposed timetable for the day, giving each of the three expected candidates equal time.

6 to 8 September 2019 – Agreeing logistics

Mr Woodhouse and Dr Greep exchanged several e-mails in which they established the timetable for 13 September.

10 September 2019 – Withdrawal of third candidate

After the timetable had been agreed, the third candidate withdrew.

11 September 2019 – Detailed logistics

Mr Woodhouse and Dr Greep exchanged e-mails, agreeing the questions to ask each candidate, and the issues to be explored with them. Mr Woodhouse confirmed to Dr Greep that he had not asked the candidates to prepare material.

12 September 2019 – Dr Greep stays overnight at Chief Executive's house

Dr Greep stayed overnight at the house of the Chief Executive before travelling the next day to Birmingham for the interviews. He had dinner that evening with the Chief Executive and his wife. Both Dr Greep and the Chief Executive have independently told us that they did not discuss the appointment process. Mr Woodhouse has independently told us that Dr Greep told him on 13 September, prior to the commencement of interviews, that he had not discussed the process with the Chief Executive.

13 September 2019 - Interviews

Mr Woodhouse and Dr Greep have each told us independently that the interviews were conducted as planned, with each candidate receiving equal time and treatment. Mr Woodhouse has shown us a copy of contemporaneous brief notes of the interviews.

14 September 2019

Mr Woodhouse sent an e-mail to the Chief Executive. We reproduce the contents of this e-mail in full:

Recommendation

Stephen and I are agreed that we would, subject to the reservations below, recommend Carl be offered the role.

We are also agreed that should Carl decide not to accept the position, Tim would be a suitable candidate.

Reservations

The first reservation is that Carl was asked about his role as manager of Chess in Prisons. He was clear that he would intend to continue with that if appointed. Given the scope of the Development Officer role, we were concerned that combining the two positions might be challenging and lead either to neither of them being delivered effectively or to priority being given to Chess in Prisons with the result that the Development Officer role is neglected.

The second point, which I did not discuss with Stephen because I only considered it after the meeting, is that Carl was clear in viewing the role as going beyond building the membership base. That is fine, but I am concerned that there may be a mismatch between his and our expectations of the focus of the role and the importance of building membership.

Next Steps

Before the role is offered to Carl and equally importantly before we reject Tim's application, I think that it would be beneficial for you to speak with Carl to address the two points of reservation in order to ensure that you are happy that his understanding of the required focus and balance of activity is aligned with the Board.

Given this, would you be happy to contact Carl accordingly?

In the meantime, I will prepare a note to the Board setting out the recommendation on the assumption that you speak with Carl and are satisfied on these points.

Role for Tim

An additional point is that I believe that Tim has much to offer the ECF if we can capture and direct his enthusiasm. He applied for Director of Home Chess and did not succeed so this would be the second unsuccessful attempt to establish an ECF role.

Would there be scope to develop a position around managing Media and Communications for the ECF?

The Chief Executive telephoned each interviewer separately to get their oral feedback, and the two interviewers exchanged subsequent e-mails, agreeing the next steps. Dr Greep commented specifically *"It can't simply be all about membership – although I accept and agree this is the driving force. As the Chess Trust representative (and funders) I would have made that point strongly. What we did both agree was that Mike needs to sit down with Carl and agree priorities, given that everyone agrees the remit is impossible to deliver in a part time role. Membership increases should flow naturally from the role's objectives."*

Later that morning the Chief Executive telephoned Mr Portman regarding the two points the interviewers had raised. The Chief Executive then reported back to Mr Woodhouse that he was satisfied with Mr Portman's answers.

21 September 2019 – Interviewers agree wording of recommendation to the Board

Mr Woodhouse e-mailed Dr Greep, attaching a draft of a paper to circulate to the Board recommending appointment of Mr Portman, to which Dr Greep replied the same day agreeing the draft.

22 September 2019

Mr Woodhouse finalised the paper and dated it.

24 September 2019

Mr Woodhouse circulated to the Board the paper recommending appointment of Mr Portman. Replies of approval were received the same day from seven Directors, representing a clear majority of the Board.,

27 September 2019

Mr Woodhouse e-mailed Mr Portman to offer him the post, which Mr Portman accepted.

28 September 2019

The International Director replied to the 24 September recommendation, stating:

"I understand from Stephen [Woodhouse] I was the only board member to give detailed feedback when asked about how I saw the role within my directorate. I emphasised that the support I needed was in the fields of sponsorship and marketing as well as seeding and developing international tournaments (amongst other things)my concern is that from the available evidence, my input into the process does not seem to have been sufficiently considered."

29 September 2019

Mr Woodhouse e-mailed the Complainant, informing him that the interviewing panel's recommendation to appoint Carl Portman had been approved by a majority of the Board. Mr Woodhouse also wrote: *"I would be happy to speak with you about our decision and reasons if that would be helpful. Also, moving on from the specifics of the Development Officer position, I am keen to capture your talents and enthusiasm for English chess within another role for the ECF. I have some ideas about how that could be developed which it would be helpful to discuss with you before I develop the idea much further. I would also need to discuss any proposal with the ECF Board."*

30 September 2019

The Complainant responded positively to Mr Woodhouse's e-mail and they agreed to arrange a telephone discussion about Mr Woodhouse's ideas.

2 October 2019

The Chief Executive had a brief telephone conversation with Mr Portman, who was on holiday abroad, to discuss areas on which to concentrate.

4 October 2019

Mr Woodhouse and the Complainant had a telephone conversation discussing Mr Woodhouse's ideas for a role for the Complainant.

7 October 2019

Mr Portman's appointment as Development Officer was announced in the ECF October newsletter.

