

General Secretary
Sri Guru Singh Sabha Southall
2-8 Park Avenue
Southall
UB1 3AG

4 March 2016

Dear Sir,

Feedback on draft constitution

Thank you for sending us a draft copy of the revised constitution dated 24 January 2016 on 24 February 2016 by email. We understand there may be subsequent versions of the document but these have not been shared with us.

As such, our comments below are based on the draft dated 24 January 2016. We should be grateful if you would forward us any revised versions of the draft document as they become available.

We would like to congratulate the current committee in initiating the long overdue revision of the Sabha's constitution.

As you will see from our response below however, we do not believe that the revised constitution reflects the experience of the many conflicts and shortcomings that have overshadowed the Sabha over the past several decades. Hence, our response to the revised constitution is extensive in order to ensure that the Sabha learns from past mistakes and that its reputation, locally and nationally, is preserved for years to come.

As representatives of the members of the Sabha, we wish to make the following observations and recommendations in regards to the draft constitution (as of 24 January 2016):

Definitions

1. There is a discrepancy between the definition of an Amritdhari and Keshadari, namely, at point ii), Amritharis are to refrain from 'khuta' meat but Keshadaris are to refrain from meat altogether. This should be amended.

For the avoidance of doubt, please can you define the terms 'khuta' meat and 'prescription' in this clause, which should be consistent with the Sikh Rehat Maryada issued by SGPC.

2. In regards to definitions of Singh and Kaur, what provisions or concessions have you considered for those who regard themselves as Sikh but do not, for various reasons, have Singh or Kaur as part of their formal name. This will cause difficulty when registering for membership for the Sabha. For example there are many communities which have a historical tradition of following many tenets of the Sikh

Faith and regularly engage in religious ceremonies and contribute to the Gurdwaras.

3. The definition of 'Detrimental' should be amended so that decision as to whether a member is deemed to be detrimental to the Sabha be decided upon by the general body at either an Annual General Meeting ("AGM") or Emergency General Meeting ("EGM"), by a two third majority (following approval from the Independent Panel, see below). This will make the process more transparent and remove any conflict of interest for the committee or trustees.
4. The definition of the membership election committee ("MEC") should be amended such that 'approval of the MEC' means written approval signed by at least two thirds of the total MEC members.
5. The definition of 'related or subordinate' should be strengthened to include business partners.
6. The definitions generally need to be tidied up and used consistently throughout the document to avoid misinterpretation.

Independent Panel

7. To ensure the independence of such a panel, no trustee of the Sabha or member of the executive committee should be allowed to serve on such a panel.
8. Furthermore, the same conditions that apply to a member of the committee, as listed in 15.1, should apply to the individuals of the Independent Panel. In addition, the individuals should not be related (in terms of family or business) to members of the executive committee or the trustees serving at the time.
9. In addition to the committee and the trustees, members of the Sabha should also be able to refer matters concerning complaints and grievances to this Panel.
10. In the interest of the panel being truly independent, we recommend that the panel should be elected at an AGM or EGM, instead of being selected by the trustees. The constitution should ensure, as far as possible, the members of the Sabha have the authority to appoint individuals to the roles of responsibility at the Sabha.
11. For the avoidance of doubt, the role should not command a salary or any other type of remuneration.
12. Two of the members of this panel should be women and/or a man who is/are below the age of 40.

Advisory Panel

13. The Sabha should, as far as possible, avoid creating positions of responsibility or oversight where such roles can be carried out by existing elected/nominated members. Therefore, we recommend that the provision of the Advisory Panel be scrapped.

14. We purpose that the role of the Independent Panel should therefore be expanded such that it encompasses the draft role of the Advisory Panel.

Membership

15. Please provide us with a copy of the 'KL3' list and the reason why this list still exists. At the same time, we should be grateful for a summary of changes made to this list since its creation (23/06/93), in terms of additions and removals of memberships.
16. Notwithstanding the above point, we strongly recommend that this list be abolished and incorporated into the life membership list as we have evidence to believe that this list is open to abuse.
17. As above, what provisions or special concessions have you considered for those membership applicants who do not have Singh and Kaur in their legal documents.
18. For the avoidance of doubt, please amend 6.1.f such that a certified electoral register be used. This will ensure that the most up to date and accurate register will be used to conduct checks on potential members of the Sabha at registration.
19. Please provide clarification as to why the fee for ordinary and lifetime membership has been increased. We believe this will make the membership of the Sabha less attractive, especially to the younger generations, who are already disenfranchised with Gurdwara administration. Also, these changes have not been replicated at Paragraph 10.2(f) of the Second Schedule (1993 court order re first election of interim committee).
20. Notwithstanding the above point, lifetime membership should be a more economic alternative to the ordinary membership.
21. Please clarify as to why the membership registration period has been reduced by 1 week. From our experience, there were many who were unable to register at the last election because the registration period was not long enough. We would actually propose the period be extended to 6 weeks.
22. For the avoidance of doubt, 'usual checks' should be defined at point 6.4.
23. As part of the registration process, applicants should be given the opportunity to confirm they do not wish to receive promotional material from prospective Groups via post. This should be added to Point 6.8 of the constitution. This will help limit the ill-natured and embarrassing mud-slinging that has taken place for decades between opposition.
24. The honorary ordinary membership entitlement should be completely removed. There should be no 'benefit' entitlement to the donation Sangat makes in regards to booking Sri Akhand Paths, not least because this may breach Gift Aid rules and create a conflict of interest.

25. At 6.8.d a member should be able to raise matters concerning the Sabha with the general secretary of the Trustees as an alternative to the General Secretary of the committee. This is especially important, where the member wishes to raise issues concerning the committee and it would form a conflict of interest to bring such issues to a member of the committee.
26. Paragraph 10.2(e) states that a prospective member must reside permanently within the London Boroughs of Ealing, Harrow, Hillingdon or Hounslow, for a minimum of 'one' year prior to election date. This is in conflict with Clause 6.1(f) which states that the minimum period should be two years.

Termination of membership

27. 11.2 and 11.4 should be amended such that the committee should propose, by a two third majority, such member whose membership is to be terminated, to the Independent panel. It is then up to the Independent panel to give approval, by way of a two third majority, for the committee to bring the proposal of terminating an individual's membership to the General Body.
28. A similar clause should be included to allow general members of the Sabha to refer committee members to the Independent Panel with the support of 21 other members of the Sabha.
29. The above revisions will make the process of terminating an individual's membership more transparent and limits the possible abuse of power by the serving committee, as has been the case in the past.

The Committee

30. The opening paragraph under section 13 is irrelevant. Any two related candidates (either by family or business) should not be able to pass the nomination stage of the election process and so there is no requirement to have a process in place to decide which of the two candidates should stand following the election.

We recommend that requirements in 15.1 be amended to include the provision of no two or more members of the committee can be related, either by family or business (as per our point 5 above).

Please confirm whether you have considered the case where two or more committee members become related (family or business) while serving their term as committee members. In such circumstances, how will the constitution solve this issue such that requirements of 15.1 are met.

31. We propose that 3.a be amended such that the General Secretary is required to deliver a copy of signed records of meetings to the Trustees periodically in order to limit the administrative burden.

32. Please clarify why the titles of Social & Cultural Secretary, Sport Secretary and Librarian are proposed to be scrapped, especially as there are specific objectives of the Sabha (outlined at point 5) which warrant such titles.
33. We propose an individual with accountancy or finance qualification or experience should occupy the position of Treasurer. This will ensure the office bearer has an adequate skill set to deal with the finance of a charitable organisation and build confidence in the members of the Sabha that the office bearer is competent.
34. The position of General Secretary should be occupied by an individual who is a member of an UK professional body. This will ensure that the individual is bound by a set of ethical standards, which should come through in their role as General Secretary of the Sabha.
35. Please consider the use of ratios such that the committee is a better representation of the Sangat in terms of gender, age, etc. We propose that 10 of the 21 members should be female and/or male under the age of 40 at the time of election.
36. The Sabha should create an additional committee role to oversee the management of the number of properties owned. This will increase accountability in regards to the use of these properties, especially following the immigration raid last Summer.
37. 15.1.f needs to be amended to reflect the fact that the criminal records bureau ("CRB") check is now known as the Disclosure and Barring Service ("DBS") check.
38. We propose that the condition set out in 15.1.f should be amended to clarify that an absolutely 'clean' / 'clear' DBS check is required to stand for committee.

Further more, condition 15.1.g should be further strengthened to state that the candidate should not have been declared bankrupt in the seven years to the election date and should not have a county court judgment made against them.

Additionally, a further condition should be added to provide that a candidate must not have any restrictions imposed on them of any kind by Company House or any other professional body (including the Charities Commission) of the UK.

The above amendments seek to strengthen the integrity of the members of the committee and are in line with other such charitable organisations.
39. 15.2 should be amended so that the said requirements from 'a' to 'h' apply and not only 'a' to 'f'.
40. Regarding 16.a, please clarify why the MEC should have the authority to validate and allow outgoing members to stand for re-election.
41. Please clarify how the Trustees will impose and monitor the 6 hour minimum requirement of all committee members.

42. 16.c should be amended such that the decision to move a proposal at a general body meeting, such that to remove a committee member, is given by a two third majority of the Independent Panel and not the decision of the trustees. The process of removing a committee member should be independent as far as possible.
43. Point 18 should be amended such that the Trustees have 'full discretionary powers' to conduct and cause the membership and election process.
44. For the avoidance of doubt, please confirm that point 19 (casual vacancies) does not give the committee the power to increase their number above 21.
45. Furthermore, we deem it inappropriate and undemocratic that an unelected member be appointed as any office bearer of the committee. Point 19 should be amended to this affect. Reference to conditions as set out in 15.1 should also be made here.

Dispatch of business

46. Under point 20, we propose that wording be included such that the committee should, prior to commencing major projects, conduct a tendering process to identify the best deal/contract (both in terms of finance and quality) and proof of holding such a process be kept and available for inspection by members of the Sabha. The outcome of the tender process should be advertised at both gurdwaras for 28 days prior to an acceptance of a deal.

Here 'major' should refer to projects costing more than £10,000 or significant structural changes to the Sabha's properties.
47. Additionally we do not believe the provisions of 20.9 to be feasible or enforceable. As an alternative, the provision of 20.9.i should be amended such that the trustees should seek to ban the member of the committee from charity governance under the Charities Act 2011.
48. In regards to 20.13, please confirm whether you have considered this clause to be in line with relevant employment legislation and case law.
49. Point 32 should be amended such that the trustees do not have the power or authority to overrule the constitution.

Trustees

50. Point 34.1 should be amended so to include insurance documents, membership list and the KL3 list should also be provided to the trustees on their request.
51. Point 36 (qualifications to be a trustee) should replicate the conditions for a committee member (as listed at 15.1 of the constitution). Additionally, please remove the reference to 'committee member' in the opening line of section 36 and it is irrelevant for this section.
52. Please remove reference to the board of trustees at point 36.3 as this is irrelevant.
53. We are not in agreement with the trustee selection process and believe a more detailed consultation is required in regards to this (see below).

Other

54. Point 42.1 should also include all properties owned by the Sabha.
55. Point 51 should be amended so that on dissolution of the Sabha, any remaining assets of the Sabha should be transferred to the Shiromani Gurdwara Parbandhak Committee (“S.G.P.C.”).
56. Please provide us with a mission statement for the Khalsa Academy Trust.
57. Point 53 (Appointment of Khalsa School and Academy governors) should provide a process in which candidates can put themselves forward, rather than reserve the nomination process for the Trustees. This will provide greater transparency and a wider pool of suitable candidates.
58. Additionally, the criteria for governors of Khalsa Primary School should be clearly set in the constitution and candidates should have experience and/or qualifications relating to the fields of education and governance. These roles should be advertised for when required.
59. Appendix 6 should be removed as per our comments above.
60. We propose a new schedule be attached to the constitution which governs the rules and regulations of the Election Day. We will follow this letter with a draft of this schedule for your consideration in due course.
61. The constitution should be updated so that where the constitution requires the committee to advertise in local newspapers, for example, when announcing an AGM, a requirement be made that such events/announcements be also made on social media.
62. The draft constitution should be made available in Punjabi so those who cannot read English can also be engaged appropriately.

Further consultation required

The revised constitution documents includes a number of topical and highly important changes which require further, detailed analysis and consultation. These topics include (but not limited to):

1. The nomination, role and responsibilities of the Independent Panel;
2. The scrapping of the KL3 list;
3. The termination process of members and committee members;
4. The nomination process in regards to the Trustees;
5. The provisions in regards to the grievance and complaints process;
6. The purpose of the Khalsa Academy Trust; and
7. The regulation of the MEC.

We request meetings be set to discuss the above topics in more detail so a wider consensus on the changes can be obtained. Notes (including list of participants) should be kept.

There are many examples of typographical errors, wrong use of defined terms and poor construction of the document as a whole. Please note this is our first response to the proposed revisions of the constitution. We have an ongoing consultation process with the Sangat/members and it is likely we will be sending you further feedback over the next few weeks. In the meantime, we should be grateful if you could consider the above proposed changes and update the draft constitution accordingly.

As per our email of 9 February 2016, we strongly advise that sufficient time should be given to the drafting of the revised constitution to ensure the widest possible involvement of Sangat/members. To this end, we recommend that the constitution should not be voted upon until at least August 2016.

It is with regret that we must point out that the committee has made no material effort in making the local Sangat/members aware of the proposed revision of the constitution. On our request for Sangat to share their views on the proposed constitution, it has been disheartening to hear that many were not aware of such an important process taking place.

Therefore, we strongly urge the committee to implement the following as soon as possible to widen the response to this draft constitution and to gain support of the Sangat/members:

1. Copies of the draft constitution (both in English and Punjabi) should be left out in the open areas at both Gurdwaras.
2. The Gurdwara should advertise the key changes of the constitution in the local newspapers, radio, TV channels and social network platforms. Contact details for feedback should also be included.
3. A number of meetings should be held at both Gurdwaras to share updates with the Sangat/members on a regular basis. This is especially important as many elderly Sangat/members will find it difficult to understand the technical aspects of the document.
4. A letter should be sent to all members of the Sabha (1 letter for per house) to notify them of the changes being made to the constitution and dates/times of meetings (point above).
5. Updates on the draft constitution should be given at the proposed AGM this month.

We should be grateful for a response to this letter in the next 10 days and available dates/times we can meet to discuss the above issues raised under the 'further consultation' heading.

Lastly (as part of your response), please confirm the full names of all those involved in the drafting of the revised constitution.

We look forward to hearing you in due course. Please reply to us at terapanthvasse@gmail.com. A hard copy of your reply is not required.

Yours sincerely

Randeep Singh

On Behalf of
Tera Panth Vasse

Cc: President Mr Malhi, Mr G Thind, Mr B Gill