

Initial Council response to elections investigation

Background

As many members will be aware, the RPS received a small number of complaints in the days running up to the AGM in relation to the election of Council members in September 2019. To be specific, 2 formal complaints plus 2 emails requesting investigation and review were received by The Society on the same day; 2 days before the AGM. As a result, it was agreed that a formal and fully independent investigation would be set up, with the subsequent report being published in full, once completed. A copy of the report may be found at <https://rps.org/agm>.

This document is a short summary of the key points taken from the full version of the independent report which has been prepared on behalf of and with the support of Council, to communicate both the key findings and the recommendations for the future which are contained in the report.

Scope of Independent Investigation

On 17th October 2019, Michael King, of Queen Square Advisory Ltd, was asked by Council to report on issues arising during the recent election and in particular the following:

- Investigate the validity of complaints/concerns raised by both RPS members and non-members.
- Consider whether the behaviour of candidates, Council members, RPS members and staff was appropriate.
- Consider guidance provided by the RPS, before and during the election period, about the use of RPS communication channels and whether this has been adhered to during the election process.
- Advise whether the election for this Council has adequate credibility or whether this has been compromised.
- Suggest lessons learned and to make recommendations for the future.

While it is always a challenge to summarise a report that contains a lot of detail around the issues noted above, it is possible to extract the key messages and findings, which this brief document aims to do. However, we would be remiss not to suggest that members may wish to take time to read the full report.

The complaints

Nomination of and information about candidates

All candidates received the required 10 nominations from Members. However, surprise was expressed by some Members that Jennie Ricketts had been nominated as President Elect, as she was apparently not widely known to members and questions were then asked about her activities in the Society.



Ms Ricketts had been co-opted as a member of Council in January 2019 and was nominated as President Elect for the 2019 election. Unfortunately, it was only discovered some 10 days before nominations for the election closed on 28 July, that she had for several years enjoyed a free subscription to the RPS Journal but was not formally a Member and so, under By-Law 13.3, was ineligible for either co-option or election to Council.

This issue arose due to the fact that Ms Ricketts had been issued a record number, which was similar to a membership number, in order to enable the issue of a free copy of the Journal.

Once this administrative error was discovered she then applied for membership of the RPS and was co-opted again onto Council and also re-nominated as President Elect, all before nominations closed.

On 16 September 2019 Ms Ricketts resigned as a trustee and Council member, and hence as a candidate in the election. On 25 September she resigned as a member of the RPS and on the following day raised a formal complaint with the Chief Operating Officer (COO), which was immediately reported to the President of the RPS.

Michael King found, after careful consideration of the facts, that *“it is very much to be regretted that Jennie Ricketts’ lack of membership was not spotted by those who co-opted her in January 2019 or later nominated her for election, or that it was not until a late stage in the Election process noticed by herself or by the RPS staff but I am satisfied that this was an administrative failing rather than a conspiracy to avoid clause 13.3 of the By-Laws”*.

Treatment of President Elect candidate and Members’ behaviour

One of the complaints received was around manner in which Jennie Ricketts had been treated by Members of the RPS, and whether the behaviour of these and other Members was appropriate and reasonable. There was a particular focus on attitudes to diversity, which was considered as a key part of the investigation.

The findings of the investigation were that no evidence was available which points to personal discrimination against Jennie Ricketts, but Michael King notes *“in these issues perception, can come very close to reality”*.

Michael King went on to say that, *“on all sides of these arguments some members have made unnecessarily personal and disparaging remarks about fellow members, and indeed about the Society which, whether by design or not, have caused considerable offence to a number of members. It would, for the long-term good of the RPS, be helpful to encourage all members of the Society – but particularly its leaders – to be aware that a wide range of people may nevertheless add value as future members of the Society and provide skills and experience which might add significantly to the governance of the RPS”*.

Unreasonable access to members and use of social media channels

Other complaints stated that some candidates, and those supporting them, failed to comply with the RPS’s Codes of Conduct and with other guidance reiterated by the COO during the election. In particular, it is alleged that the RPS’s own social media channels were used to support



individual candidates and that some candidates attended meetings and events in order to promote themselves.

Much of the focus of this complaint related to social media channels and how these were used during the election process. While there were very limited instances of social media being used in a manner that might be considered by some to be making use of various candidates' involvement in Regions or Special Interest Groups, there was no evidence that this was (a) deliberate or (b) that it had any material effect whatsoever on the outcome of the election.

Furthermore, there is nothing in the RPS's By-Laws or Rules to prohibit a candidate for election as a trustee continuing to attend committee meetings, especially as all trustees are normally invited to these meetings as part of their role as a Council member.

For future elections, a shorter election period may well be considered so that Council members may withdraw from committee meetings, to avoid even the appearance of any unfair advantage.

Outcome of the 2019 Election

A number of the complainants have suggested that the election process has been undermined by the complaints, which are summarised above and this is, of itself, a serious matter.

Michael King considered the Codes of Conduct and the COO's written guidance to candidates, staff and others, and the extent this was complied with. He stated that it was *"a very significant task to dig for the truth when much of the activity complained of was tweets and other non-permanent missives on social media and despite requests to interviewees, little evidence has been forthcoming"*, though he did accept Dr Alan Hodgson's view that, while it has not been compromised, *"the election has left a nasty taste"* saying that, *"as the President, Dr Hodgson may be in the best position to bring the Society's members together..."*.

He concluded that, *"I do not think that Council should consider itself less than empowered to govern the Society"*. As such, the currently elected Council therefore has a clear mandate to continue with its present composition.

Summary observations on the complaints

For every allegation that candidates' actions have been unreasonably challenged or supported, and for every view as to how the RPS should change its strategy and should best be structured, there is almost always an opposing view. Some views are voiced strongly. Michael King did not find any instances of intentional discrimination, but he did think that some members had been careless of how their arguments would be received personally by fellow Members and also those outside the RPS.

It was also clearly stated that under the current system of electing Members to Council, the voting for any particular candidate is potentially more dependent upon a candidate's visibility and popularity, rather than with any strategic consideration of the skills and experience that are required for the effective and successful governance of the RPS..



He also concluded that there was nothing to indicate that the election was compromised, and that the current Council were legitimately elected into their posts.

An important finding from this investigation is that members have often been thoughtless in the manner in which they engage with both their fellow members and also the staff of the RPS. Such behaviours have often caused considerable offence, and this is something which needs to be addressed by all involved.

Certain decisions taken by previous Councils and what may be considered to have resulted in adverse consequences to the Society, might have been different had there been a wider range of relevant skills on Council. A more appropriate Trustee identification and election process is a matter for the RPS to consider.

Recommendations for the future

Composition of the Council

In his report, Michael King has made a number of recommendations, which are summarised in this and the following sections.

Not all charities elect their trustees by means of the vote of a large membership. In the majority of charities, it is for the charity's present trustees to agree what knowledge, skills, experience and ethnic or socio-economic background are in the current circumstances required of incoming trustees.

That is not to say that the involvement of a large membership is a bad idea; the RPS has such a membership and there are considerable advantages to this for educational, messaging and financial reasons, but it is necessary to provide those Members who wish to vote with some guidance as to the composition of the Council and for the Council to hear what members want.

It is also not easy for a charity with a maximum of 7 elected trustees, plus up to 3 additional co-opted trustees on the one hand and 11,000 members on the other hand to inter-communicate as per the Charity Commission's guidance in such matters but drawing upon the Commission's best practice recommendations.

As such, it is recommended that Council should aim to communicate more effectively with RPS Members, whether in relation to its charitable objectives, the contribution that Members make to the RPS and how Council proposes to make improvements to governance structures.

It has been suggested that the RPS prepares guidelines to assist its members, trustees and staff in awareness of issues surrounding diversity and the need to avoid discrimination, conscious or not, in relation to all activities of the RPS.

Governance

The report recommends that a complete and thorough independent governance review should be undertaken, to be led by an external specialist in this field.



Such a review will consider issues including the constitution, leadership, decision making, the interaction between Council, committees, volunteers, Members and staff, as well as the overall culture within the RPS.

There is now a period of 20 months before the next election scheduled for September 2021 and it might be possible to undertake that review and put forward changes to the By-Laws and Rules to a General Meeting well before the 2021 election process is set in train.

In addition, Council should immediately re-establish its Nominations Committee and also seriously consider external membership of this committee in order to provide additional expertise and independence. The Nominations Committee should propose to Council, and subsequently the membership, the skills and experiences that Council will need within it in order to govern the RPS and to pursue its mission.

While the current terms of office for trustees might be considered reasonable, the governance review should look at questions surrounding the election of President Elect and the assumption of the office of President by the President Elect two years later without further voting.

Furthermore, the presidency of a distinguished learned society such as the RPS is naturally a desirable position, but it is possibly the case that the presidency of the RPS and its leadership as a charity require different skills. There is a question to be asked as to whether Council would function better if it chose its own Chair to preside over meetings for a period of say 3 years. This would leave the President to preside at formal events outside Council and to represent it nationally and internationally.

Conclusion

The management of this investigation has been a significant task for the new council members, and it is genuinely hoped that the report provides a platform for the Society to both learn lessons and to move forward. It is also important to note that this investigation was carried out totally independently, by a specialist in this field, and that the findings, while uncomfortable in a number of respects, will hopefully be taken on board by all concerned as we move forward.

John Miskelly FCA, FRPS

Hon. Treasurer

20th January 2020

