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*STAND OUT FROM THE CROWD*

## **LEVELLING THE PLAYING FIELD**

### INTRODUCTION

The Department of Culture Media and Sport, Sport England and CIMSPA have been advised that the Martial Art Industry is currently performing badly. It has weakness in the specific areas of governance, compliance and regulatory control. The industry needs adequate control mechanisms to ensure that it is operating optimally and safely for all of its participants, especially as children and potentially vulnerable persons are involved. The UK governing organisations have principally overlooked that there is an urgent need for change [or to implement an effective policy]: to ensure safety across the industry, especially in light of the Coronavirus pandemic.

This is mostly driven by the reluctance to impose legislation, sanctions or compliance requirements on non-affiliated associations, clubs, schools, Instructors or Insurers who represent those clubs and schools. The policies that have been implemented are incomplete, voluntarily granted and awarded, or valid in name only. There is no regulatory process route to ensure adherence or compliance with rules; and no means to check or verify participants or club credentials at a local level.

Since 2017 OFMAR has been objectively focussed on collating and building a centralised register of martial art industry participants for the United Kingdom. It has developed a means to rate and appropriately score Martial Art schools similar to a "Check A Trade" style arrangement.

Discussions with the British Standards Institute **BSI** and the United Kingdom Accreditation Service **UKAS** have yielded results. It has been suggested the best approach would be to look at registering OFMAR in a inspection or 'body certification' process that could be awarded to clubs, schools and organisations who meet criteria and be approved, accredited and recognised to operate in the UK - backed by a yearly UKAS Audit of its records and procedures.

The effect of the Coronavirus pandemic and Brexit have hindered the progression and roll-out of this kind of project, however this has given us the opportunity to develop and implement a 'cure-all policy approach' to accommodate the entire industry in a **single** strategic move.

**"We cannot solve our problems with the same thinking we used to create them"**  
**Albert Einstein**

## THROUGHOUT THE PANDEMIC

Throughout the pandemic OFMAR has contacted The Department of Culture Media and Sport to obtain and clarify instructions and guidances. Our last correspondence dated 25<sup>th</sup> February regarding compliance and monitoring of clubs and associations currently remains unanswered.

During 2020 OFMAR started the application process with the United Kingdom Accreditation Service [UKAS]. We presented our position and completed the application specification questionnaire. After an initial consultation briefing UKAS have confirmed they are satisfied with the method of OFMAR data sourcing, the collation of information and its storage on a secure standalone contiguous dedicated server. UKAS are also satisfied with the level of data integrity, indexing and filing that OFMAR attaches to each club entry.

They were satisfied that OFMAR applies a 'seven degrees of match' for every instructor and club to minimise duplication within it's dataset and that we have implemented 'super-users' and a 'unique identifiers' to act as a cross industry super-key. It was always OFMAR's intention to be able to pinpoint a single instructor in a single style at a single venue in any particular town, and know how that instructor currently performs against a standard benchmark procedure.

UKAS have advised some recommendations that could be made to the data before programming and implementation of their defined objective criteria. These are advised as follows:

1. The range of scores produced by the OFMAR benchmark scoring is currently from a 30% to a maximum mark of 95%. 2,919 (27%) of the 10,840 actively registered clubs fall into the below average bracket. Of these 12 are currently supported and funded by Sport England protocols.
2. The current mean industry average performance mark is currently 59%. UKAS would want OFMAR to consider a minimum percentage pass mark that clubs, associations, schools, and instructors would have to achieve to be awarded possible body accreditation for the industry. This was discussed at a mean average less 5%, effectively 54% and would be considered the minimum achievable accreditation limit.

This would be implemented across the Industry and not subjected to each association or club inventing its own regulatory or standards approach or based on facebook or google "likes". The Assessment would reflect the quantitative process required for every club's documentation in order to prove they meet the minimum standard requirement as defined by UKAS and OFMAR.

3. UKAS wanted the OFMAR system to fully reflect the current legislation and take on board and implement the GDPR process, the pandemic responses and the effect of Brexit on the Industry. This did require a data cut and simulation against live data to include the additions that full DBS Checks were being undertaken against every supervising instructor at every venue; that a full Covid Response was submitted (by every Association and Individual club that wanted to seek approval); their exposure to Brexit Trade (and international personal data exchanges) and the GDPR checklist requirements given the triennial review is due for May 2021. This is in addition to the documents that OFMAR already requires as 'proof of sight' in order to undertake a school or club assessment beyond the level of simply a directory listing service for a club.

It is imperative under the current PHE / DHSC Covid guidelines that clubs follow their national governing body association guidelines and implement protocols and risk assessments. Only 16% Martial Art clubs in the UK are Association aligned and there are 413 associations currently operating across the industry. Of these 250+ represent themselves at a single club level and it is debatable they meet or have registered protocols to cover the Covid guidelines sufficiently. OFMAR can check and verify these are in place as part of the club certification process. The Issue of Brexit also raises the concerns of 'equivalency' approval [of those Associations operating from outside the UK with whom the UK does not have a reciprocal trade agreement effectively in place at this time].

UKAS have advised the following:

**“There is the possibility that OFMAR could act as an inspection body, accredited against ISO 17020. This would mean that OFMAR would be inspecting the Martial Art clubs against defined objective criteria that OFMAR would create and own. UKAS would need to see that interested parties (eg Sport England, CIMSPA, The Department of Culture Media and Sport, and Martial Art Associations) had been consulted about the criteria”.**

OFMAR believes that the Insurers should be included in this consultation as the entire industry should strive toward an enhanced level of excellence and better quality of teaching, safety and protection for all their students. If clubs and schools were independently inspected and certified then the insurers would know that their customers have met both the OFMAR and UKAS requirements to operate. They also know that the club is centrally recorded at a national level; in a central access place.

Insurer Policy Terms and Conditions could be amended to include that clubs, schools and instructors should be centrally registered and approved; or claims may be invalidated. This would mean that clubs (and associations) should have to undergo central registration, inspection and approval and be certified to operate before they can obtain insurance, or possibly insurers themselves approved to provide services that meet the industry needs.

OFMAR has already shortlisted 74 officially recognised styles within the UK along with minimum age eligibility, weapons tuition capability and an alignment of the correct insurance banding appropriate for each style. Currently 61 of these styles remain financially unsupported by Sport England or CIMSPA as a result of not being officially recognised or approved as National Sports. It has been pointed out that many clubs that do not already have Sport England funding are performing better than those that do, and there is an opinion that National Monies that could be directed better to those clubs that do warrant positive investment and support at this time, and not fostering an environment of hand-outs and complacency.

Any new clubs that have opened since May 2020 have been included in the OFMAR portal on a **listing only** basis in order to ring-fence their industry participation. This ensures their inclusion in our prepared statistics and monthly figures. This does not mean that they have been assessed; just included for directory listing purposes as part of levelling the playing field.

The main concern is that Sport England, CIMSPA or DCMS will not take the matter of industry regulation; or implementing and enforcing a cross industry standard seriously. Safety and Quality in Martial Arts should not be dependent on whether you are upsetting self-autonomous associations but ensuring they are delivering legitimate 'sports' within a structured and appropriately compliant framework of support and enforcement. The Government should not be playing roulette with any person's public safety, especially where the young or potentially vulnerable may be involved.

OFMAR has been publishing industry participation figures for three years based on live data, submitted annual reports and has developed and implemented a central software portal for the benefit of the entire industry. It is estimated that with an initial investment of £200,000 OFMAR could fully open its services without the delay of development, testing or building the dataset or software. This cost represents less than a £20 investment in every active club in the UK as it stands, and the opportunity that all clubs are being represented at a national level and for us to progress to the next stage our the roll-out exercise. This represents 0.0004% of the annual allocated sports budget to potentially support an entire industry sector.

Until DCMS and its associated parties can agree the terms of the OFMAR portal, scoring matrix and defined objective criteria then we will be in a position to move forward and accredit clubs onto the national platform. We have been waiting on Government clarification since January 2021, and with the Lockdown due to ease this will only make our work more difficult in the long run; as we continue attempts to ring-fence the industry knowing there are clubs and associations that are not willing to adhere with requirements.

## POST COVID SIMULATION

The Existing OFMAR system breaks down club scores in a similar way as the OFSTED or CQC do on a sliding scale detailed below. The figures below the numbers in each box represent the number of Sport England funded clubs in each performance bracket. Unfortunately we are not permitted to reflect clubs in a bad light, hence the constructively positive names.

OFMAR Club Rating	Score Range	Current Basis Number Clubs	UKAS Basis Number Clubs
Requires Improvement	30% - 40%	97 0	1813 1
Working Towards	41% - 53%	2882 12	6850 137
Average	54% - 63%	5750 127	2024 277
Good	64% - 77%	1986 262	151 60
Excellent	78% - 89%	182 73	0 0
Oustanding	90%+	3 1	2 0
<b>Total*</b>		<b>10,840</b>	<b>10,840</b>

- reconciles to industry participation statistics at 17<sup>th</sup> March 2021

The table shows that under the current basis a majority of clubs fall into the bracket of 41% - 77% (Working Towards to Excellent), the mean average industry average is currently **59%**.

If the underlying calculation pack is extended [to include the verification mechanisms that UKAS have advised OFMAR should include in its certification process] then the mean industry average reduces to **49%**. The weighting applied to the additional categories included in the base programming calculation applies a 20% reduction to the existing score for current non compliance. Until every club has submitted its verification documents we cannot adjust the underlying score.

8,663 Clubs would fall below the UKAS advised minimum accepted certification limit of **54%** potentially meaning **only** 20% of the industry would currently meet the minimum standard if it were implemented tomorrow. This is the position if the playing field were completely levelled - that 4 in 5 clubs would potentially have to close.

Nothing however is 'doom and gloom', and having a ring-fenced reservoir of club data would allow OFMAR to work with the industry participants to help meet the acceptance criteria appropriately and reconcile the necessary paperwork in order to meet operating limits.

We estimate with an element of Government Support and potential Sport England backing we could slowly and effectively bring the entire industry into and onto a standard framework starting with listing all clubs and slowly moving through the verification, approval and certification route so that all clubs are operating on the OFMAR platform appropriately rather than shutting the entire industry down.

### **DEFINED OBJECTIVE CRITERIA**

The crucial point of this matter is the defined objective criteria of which OFMAR would create and own (and apply). On the assumption that the UKAS accreditation could be rolled out from May 17<sup>th</sup> 2021 (the earliest date at which meeting or training indoors could be entertained under the current 'rule of six' guidelines).

In the following pages we define the objective criteria OFMAR would require for every club and association that wanted to prove they meet the requirements to be assessed (and certified) under the OFMAR system. These are not specialised documents, but should be readily available and kept updated by every club, school and organisation – especially given many have not taught or trained for possibly ten out of the last twelve months.

If these clubs are looking to restart or reopen services from 29<sup>th</sup> March or even May 17<sup>th</sup> then we believe that this is a pivotal moment for DCMS, Sport England and OFMAR to align and move forward without having to wait for the next pandemic.

OFMAR is essentially ready to release its data and central directory listing as it stands. It would require a concerted effort between DCMS, Sport England and the Insurers (especially those underwriting club benefits) to steward martial art clubs toward the OFMAR body certification route but this could be done over the course of renewals – with potential discounts offered to high scoring clubs and schools.

DCMS, Sport England or CIMSPA to an extent do not even have to get involved with the certification or validation process as this would be handled by OFMAR with a yearly audit review performed by UKAS.

The Government would also have to advise what the mechanism, legislation and Policy would be for clubs do non comply with the certification, however this could possibly be similar to the lockdown breach fine starting at £800 per club or venue infringement.

## **BASIC CLUB INFORMATION**

OFMAR would require the following documents from each and every club as 'proof of sight' in order to undertake a club assessment.

### **Basic Information**

- Completion of the OFMAR enrolment, declaration form, disclosure of information, GDPR Consent and completion of the Club Questionnaire:
- Provision of the club details, Contact Name and details, their Rank, Venue, the Styles they teach, minimum age eligibility, fee basis, accidents in the last year, number of students, insurer coverage, association or NGB allegiances.
- A Copy of their registered syllabus within their teaching capacity (below 5<sup>th</sup> Dan Instructors are not recommended to design, implement or change an existing syllabus, they can only administer one on behalf and with the explicit permission of an approved and recognised governing association).
- Payment of the premium to undergo assessment.

### **Mandatory Information**

Each Club is set up with a Supervising Instructor who is responsible for that style at that venue. They would have to provide 'proof of sight' of :

- First Aid Certification
- Child and safeguarding Certification
- Enhanced DBS clearance for supervising club owner (OFMAR could undertake this on their behalf under its banner name to ensure compliance).
- Instructor Certifications (and Weapons) and Approval for the Styles they teach
- Completion of Infection Prevention and Control Courses
- Permission from their National Governing Association to operate post- Covid.
- Details of their Existing Insurance provider policy, contact details and underwriter.

### **Additional Policies**

- Child and Safeguarding / Vulnerable Persons Protection Policy
- Social Media, Recording and Image Rights Policy
- Recruitment, Training and IDRP Policy
- Covid-19 Risk Assessment and inter-club policy
- Completion of the Mental Health and Assessment Courses
- Updated Privacy Statement and Policy for the club
- Updated GDPR Review and Checklist / Secure Access rights
- Club Rules and Provisions, Ethics and Conduct Policy
- Equality Policy
- Health and Safety Policy

## **ASSOCIATION INFORMATION**

OFMAR would require the following documents from each and every Association as 'proof of sight' to verify their existence, legitimacy and association rules and provisions.

### **Basic Information**

- Completion of the OFMAR enrolment and declaration form, disclosure of information, GDPR Consent and completion of the Association Questionnaire
- Provision of The Association details, Contact Name and details, Declaration of the directors and those within the organisation authorised to effect, implement, amend and adhere to policy.
- A Copy of their registered syllabus
- Payment of the premium to undergo approval.

### **Mandatory Information**

Each Association is responsible for that Style that is being taught, and the instructors that teach it, and the students they insure and cover. In the event of a complaint or incident against the School or Club Instructor, it is the Association that would be consulted for advice and guidance in the first instance.

### **Associations are normally responsible for:**

- Enhanced DBS clearance for supervising club owners and instructors (OFMAR could undertake this on their behalf under its banner name to ensure compliance).
- Instructor Certification and Approval for the Styles they teach
- Arranging and Providing Training Courses for Instructors within industry parameters.
- Detailing and outlining policy in line with Government Instructions
- Granting of Permission for their affiliated clubs to operate
- Details of their Existing Insurance provider policy, contact details and underwriters

### **Additional Policies**

- Child and Safeguarding / Vulnerable Persons Protection Policy
- Social Media, Recording and Image Rights Policy
- Recruitment, Training and IDRP Policy
- Covid-19 Risk Assessment Association Rules and Provisions
- Association Privacy Statement, Policy GDPR Review and Checklist
- Association Rules and Provisions, Ethics and Conduct Policy
- Equality Policy
- Health and Safety Policy
- Training Course Requirements for affiliated club memberships