

# Amateur Swimming Association (Swim England) Limited Board Minutes

16 March 2022

Via Zoom

## Present

Richard Hookway – RH (Chair)

Neil Booth- NB

Ali Breadon – AB

Barry Saunders – BSa

Sarah Gregory - SG

Brian Havill – BWH

Jane Nickerson – JMN

Bernard Simkins – BSi

Joan Wheeler - JW

## Officers in attendance:

Rob Henderson – RHe (Senior Operations Administrator)

Lois Jarvis - LJ (Director of Legal)

George Wood - GW (Sport Development Director)

Min No:

### 1. **Welcome & Apologies**

1.1 RH welcomed all to the meeting. In particular, LJ was welcomed by the Board as Richard Barnes' replacement.

1.2 Apologies have been received from Aysha Kidwai, Raj Kumar and Caroline Green.

1.3 It was noted that SG would need to step away from the meeting at 2pm and AB will be arriving at 2pm and would need to leave at 4pm. Due to AB reporting on item 11.5, this update will be moved to the beginning of item 11.

1.4 RH noted the request from BSa to update on the UKAD Anti-Doping Framework under AOB (item 14).

1.5 After discussion outside of the meeting, RH and JMN would like to see something sport-related as the significant discussion point at the heart of each meeting. All suggestions are welcome on a rolling basis.

### 2. **Declarations of interest**

No new declarations.

### 3. **Minutes of the meeting of the Board of Amateur Swimming Association (Swim England) Limited held 2 February 2022**

The Minutes were accepted as a true and accurate record of the meeting.

### 4. **Review of actions arising from the meeting held on 2 February 2022 to note progress**

4.1 There were a number of open actions from the action log where updates were offered (numbers are in reference to the action log):

- 4.2 1 – An update on the Judicial Review will be received later in the meeting.
- 4.3 6 – The Schedule of Risks is an ongoing task being discussed at Audit, Risk and Probity Board. Reports will be delivered as a part of the standing agenda moving forwards.
- 4.4 20 – A role description is in development for an Independent ARP member. The role will be advertised in March and recruited in April. There was some discussion at ARP around whether one or two members are more appropriate and guidance from the Board Chair is welcomed.
- 4.5 **Decision: ARP to recruit two Independent members if two appropriate candidates are identified.**
- 4.6 25 – EDI training will be arranged for the in-person September Board meeting.
- 4.7 42 - Membership analysis – JMN now has the raw data which requires some tidying up before circulation. It will be out by 25 March 2022.
- 4.8 45 – JMN advised that the calendars of future events, including event protocols, are on their way.
- 4.9 The Chair offered congratulations to BWH, JMN and all involved in the sale of two floors of SportPark.
- 4.10 RH identified the Knowledge Sharing sessions as excellent and feels Board colleagues will get a lot out of them. RH further requested that sessions were recorded and a library be created.
- 4.11 NB gave apologies for items incomplete against his name and proposed the submission of a written update in due course, which was accepted by the Board.
5. **Confirmation of decisions made by e-mail**  
The accounts of the old unincorporated ASA were formally approved by email in February, having been tentatively approved at the February Board meeting.
6. **Chair's report**
- 6.1 The participation of British athletes competing alongside Russian and Belarusian athletes in events is still an open question. At the time of the meeting, the following organisations had a documented approach:
- 6.2
- FINA – haven't banned Russia and Belarus yet, but may do in the future
  - LEN have banned Russia and Belarus from competing in their events
  - World Student Games – BUCS have pulled the GB team, but not before the Diving and Water Polo teams were pulled in a joint decision with British Swimming. Security issues were the dominant concern.
- 6.3 It was further noted that the Government are strongly encouraging sports not to compete against Russia and Belarus.
- 6.4 The Sport & Recreational Alliance have a new Chair, Dame Janet Beer. At the most recent meeting, environmental sustainability, national safeguarding guidance aimed at grassroots / less established NGBs were discussed.

- 6.5 RH met with Phil Smith at Sport England. Our funding is likely to be a rollover for one year, the logic is to give us time and space to work through our strategy before agreeing a longer term commitment. It was noted that the reorganisation of the Sport England staff structure is still in progress.
- 6.6 RH updated Phil Smith on the ongoing safeguarding issue; there is some publicity regarding this and communication is tricky due to the sensitive nature. The findings of our investigation have been independently verified and Sport England are in possession of the full facts.
- 6.7 The Chair gave his thanks to all who in the region who are doing their best in this difficult and challenging situation.
7. **CEO's report**
- 7.0.1 As reported by the Chair, there is an ongoing safeguarding issue and the Club concerned is likely to be dissolved by 4 April 2022. The insurers are fully aware of all developments.
- 7.0.2 NB updated on the plan for dissolving the club. If the Emergency General Meeting does not dissolve the club, it is likely the Region will remove affiliation. The British Championships start on 5 April 2022 and arrangements are in hand to manage the entry data for the members concerned. 15 competitors have entered under the current club name and do not have a second Club to compete for.
- 7.0.3 The Board are unanimous that the athletes have done no wrong and they must be allowed to compete in the British Championships if they have qualified and entered. (This is subject to any rejections by British Swimming due to capacity – all rejections are based on time.)
- 7.0.4 BSa noted that under the Competition Regulations, swimmers must be a “Member on Entry”.
- 7.0.5 **Action: NB and BSa agreed to work through ensuring the affected swimmers could compete on 5 April 2022.**
- 7.0.6 JMN outlined the support that has been given to the swimmers affected. This includes signposting to relevant external organisations. Many of those affected by the behaviour uncovered by our investigation are now out of the Club programme.
- 7.0.7 The current members who need to move clubs have been offered one to one contact with an appropriate member of the Swim England team in order to discuss their options.
- 7.0.8 The broader issue of supporting children who suffer trauma whilst participating in sport was discussed, specifically how feasible it is to go above and beyond what is expected of us in this area.
- 7.0.9 **Action: JMN to request quote from Insurers for coverage for children's therapy sessions.**
- 7.0.10 There is a need to review what other sports do noting that NGBs cannot afford comprehensive private counselling. The Board agreed that funding ongoing individual therapy was not for recommendation at this point.

- 7.0.11 George Wood (Sport Development Director) is talking to one region regarding undertaking cultural health checks. These health checks have the potential to act as a pilot project for the rest of the country.
- 7.0.12 JMN gave her thanks to NB who has gone above and beyond to deal with this situation as the Board's safeguarding lead. RH also expressed his gratitude at NB removing children from harm's way - NB should be proud of what he's achieved.
- 7.0.13 NB was grateful for the recognition, expressing that Swim England would greatly benefit from more resource in this area, to be ready for future incidences. The Board will welcome a plan concerning new resources.
- 7.0.14 JMN believes we will get a continuation of our funding for one year, which will be agreed by the Sport England Board at the end of March. We welcome the fact that we will start the planning process again, aligning Sport England's strategy with our strategy and goals. Our new Relationship Manager understands NGBs and is willing to look at things from different perspectives – this is very positive for the future.
- 7.0.15 It was advised that preparations will change for the Commonwealth Games team if we don't go to World Championships due to the ongoing conflict in Europe.
- 7.0.16 We have a warm lead on an investment through Altius. The investment is within their budget and could increase incrementally. They would work with us on a funded activation programme as well.
- 7.0.17 JMN advised of two decisions required from the Board, concerning Swim England representatives on the British Swimming Board. An overview was given as to the current situation on the Board; a Chair is currently being recruited. JMN is coming to the end of her first term and one of our other two members is coming to the end of their second and final term.
- 7.0.18
- Whether the Board wish to re-nominate JMN for a second term on the British Swimming Board
  - Whether, in the current situation at British Swimming Board, it would be more prudent to delay nominating a second member to the British Swimming Board until a Chair has been appointed. However, the appointment must be made prior to November 2022.
- 7.0.19 JMN left the meeting in order to avoid a conflict of interest.
- 7.0.20 SG left the meeting as previously advised.
- 7.0.21 AB joined the meeting prior to the vote.
- 7.0.22 **Decision: JMN nominated for second term on the British Swimming Board.**
- 7.0.23 JMN returned to the meeting.
- 7.0.24 **Decision: Delay nomination of second board member until British Swimming Chair has been recruited but ensuring a nomination is in place for November 2022.**
- 7.0.25 **Action: It was agreed that we need to have an appointment to the British Swimming Board prior to November at the latest. JMN to lead.**

- 7.0.26 RH stated the need to be clear on the process utilised. There is an opportunity for somebody within the Swim England team to join, considering succession plans. It may also be appropriate to consider diversity.
- 7.0.27 The Team Awards will be held on Thursday 15 September 2022 after a short hiatus, with the theme of connection / reconnection. JMN would like one or two Board Members to assist with Award judging, JW has already volunteered. JMN would also like to extend a dinner invitation to all Board Members. BSi offered to undertake this again if there are no other volunteers.
- 7.0.28 **Action: JMN to contact Board with request for judges for Team Awards.**
- 7.1 **COVID Evaluation**
- 7.1.1 As this paper was not circulated to the Board until the morning of the meeting, it was decided to conduct any comment on this paper via e-mail.
- 7.1.2 The paper covers SLT's thoughts on the pandemic and Swim England's approach throughout. It covers both excellent practice and efforts to be made for the future should a similar crisis occur.
- 7.1.3 AB felt it was a great paper and a fantastic exercise to undertake. We should capture as much of this as possible in our Business Continuity plan, particularly when it comes to pool closure.
- 7.1.4 **Action: JMN to ensure learning from COVID Evaluation Paper is captured in the Business Continuity plan.**
8. **Inspire 2022 presentation**
- 8.1 GW introduced himself and outlined his role as Sport Development Director, before delivering a presentation on Commonwealth Games Legacy to the Board.
- 8.2 **Action: GWs Commonwealth Games Legacy presentation to be circulated with Minutes.**
- 8.3 The key tenets of the presentation were:
- Diving are aiming to top the medal table again
  - Swimming are aiming to be the most successful England team ever which would require 11 gold medals across both para swimming and swimming. The opportunity is being taken to have an integrated team. Unfortunately, some para athletes won't be able to compete due to low numbers within their classification.
- 8.4 There has been a great deal of excitement about Swimming in the Commonwealth Games from the general public.
- 8.5 Birmingham is a water deprived city and there is the opportunity to use B2022 as an inspiration for improving this. The swimming workforce in the area is not diverse and we want to change this to be more representative of the community it serves.
- 8.6 There hasn't been a 10m diving facility in West Midlands for some time, the Sandwell Aquatic Centre represents an opportunity to develop a whole new sport in this Region.

- 8.7 Drawing on our learnings from London 2012, we are trying to create the perfect collaboration with key stakeholders to create the most impactful legacy after these games.
- 8.8 Further to this, there has been a marked change in approach in Sport England strategy – collaborating with both traditional and non-traditional partners. We know that we need to do this too to bring our vision to fruition.
- 8.9 The foci of the project are Young People, Community Swimming, Workforce and Diving.
- 8.10 There is a very compelling case around the focus of Young People. If we take Key Stage 2 requirements for the Black Country – 59.4% can swim 25m, 53.4% can use a range of strokes, 50.2% can rescue themselves. Every primary school in the Black Country is within walking distance of open water, meaning these are worrying statistics that are trending downwards. Many poor achieving areas can be linked to areas that are economically disadvantaged.
- 8.11 Sport England have a new pot of funding related to the Commonwealth Games to drive a legacy from the Games. We will find out our award shortly as we have applied for a significant sum. Our application concerns working on local programmes with local groups to achieve change, tackling inequalities, involve collaboration and starting conversations. This is worth noting for all future funding conversations.
- 8.12 A number of possible partners have been identified for future commercial discussions.
- 8.13 Sport England Funding will run until 2023, but we are planning for beyond this in terms of legacy and impact.
- 8.14 The Board queried GW following the presentation:
- 8.15 - *Have KPIs been set?* GW: our funding application and planning has been based around how we achieve, not what we achieve to start with – we need to achieve true collaboration initially, before discussing detailed objectives with those partners.
- 8.16 - *Are we engaging clubs locally?* GW: We believe that introducing children from a more diverse background into the local clubs will have a positive impact.
- 8.17 - *How will we bridge those children into the clubs, who are not yet at a performance standard?* GW: At present this is in the detail of the planning, to be completed when funding awards have been decided. There will definitely be some “inspire” pieces of work regarding the Sandwell Aquatic Centre.
- 8.18 - *Are we adequately resourced to achieve the end result?* GW: it is a large programme. If our funding bid is successful, we have a number of roles planned to lead in this area. Our Learn to Swim team will also be involved and engaged in this.

## 9. CFO's report

BH reported that it is pleasing that we have a good profit figure but it should be noted this is due to reduced spend, with a smaller team and less activity. Historically we have always tried to break even, so we will need to plan for how to utilise the profit. Consideration to be given to repaying the Coronavirus Business Interruption Loan

from the 2021 surplus. In addition, we will receive the payment for the sale of 2 floors of SportPark.

## 9.1 **Loans and Reserves**

9.1.1 Free reserves were clarified as being those assets and monies not tied up in fixed assets. It was agreed to reword this and resend an updated wording to the Board, to be agreed via e-mail.

9.1.2 BWH clarified that other sports will have fewer free assets than Swim England. However, those sports have fixed assets that they are able to borrow against if the situation requires. Best practice for charitable organisations is for a maximum of six month's operational reserves.

9.1.3 With the part sale of SportPark to Loughborough University, there was discussion around the most appropriate time to repay the CBIL. There were merits in both repaying immediately and awaiting the receipt of SportPark monies.

9.1.4 **Decision: Continue to defer the CBIL repayment until SportPark monies have been signed off by Loughborough University.**

9.1.5 **Action: BWH to send revised wording regarding free reserves for agreement by e-mail**

## 9.2 **2021 Annual Report and consolidated financial statements for Swim England**

9.2.1 At the moment all numbers are finalised subject to no adjustment re Sport England revenue. The Trustees report is almost complete, with a good pandemic review but less detail on the past 9 months and the future, which needs to be remedied for balance.

9.2.2 **Action: Board members to issue any further comments to BWH.**

9.2.3 **Action: BWH to issue updated paper to Board around mid-April.**

## 10. **AGM 2022 – draft agenda**

10.0.1 There is currently no date set for the AGM. The first week of July was suggested, but it is also worth considering that 13 July 2022 is a Board meeting.

10.0.2 **Action: RHe to circulate a Doodle poll to the Board, President and President-elect for their availability in the first week of July.**

10.0.3 JMN reminded the Board that the Ceremonial Chain needs to be handed over from the outgoing President to the incoming President before the Commonwealth Games – this is an issue if the AGM is held online.

10.0.4 **Action: JMN to discuss handover of Presidential Chain with current and incoming Presidents.**

## 10.1 **AGM 2022 – draft notice**

The draft document was accepted as seen, pending confirmation of the AGM date. Thanks were given to LJ for the documents.

## 11. **Committee/Working Group reports – meetings held since last meeting**

### 11.1 **Sports Operations Committee held 15 February 2022**

11.1.1 Please note that item 11.5 was delivered prior to item 11.1.

- 11.1.2 The Minutes were taken as read.
- 11.1.3 BSi raised a query regarding the discussion of minimum depth in pools. NB clarified that this is a proactive exercise, ensuring that our current stance is correct from the perspective of the Swimming Advisory Group
- 11.1.4 JW left the meeting.
- 11.1.5 *Dissolution of rule 6.8*
- 11.1.6 This is related to members not being able to join other clubs if they owe another club money. There has been discussion on what deterrent this has on people club-hopping; the only people penalized by this are swimmers. The internal dispute process is still valid for Swim England members. This decision has the support of SLT, Regional Chairs and SOC. Other alternative policies are Club Discipline, Complaints process, and also the informal networks that exist between clubs.
- 11.1.7 SOC recommends the dissolution of rule 6.8
- 11.1.8 **Decision: Board approve taking the dissolution of rule 6.8 to AGM.**
- 11.1.9 AB left the meeting as previously advised.
- 11.1.10 NB drew the Board's attention to item 2.1 in the minutes, regarding fees for Swim England appeals. The team selection appeal process currently mirrors British Swimming, using Sports Resolutions, which includes a considerable fee (£500). Sport England and the British Athletes' Association feel this is excessive.
- 11.1.11 No appeals were made for the Commonwealth Games team.
- 11.1.12 SOC deem it appropriate to reduce the appeals fee for CWG, major LEN and FINA senior competitions to £250. It was further deemed appropriate to not use Sporting Resolutions for other team appeals and to assemble a panel with Board representation and an independent Chair for all other appeals, with a cost of £150.
- 11.1.13 **Decision: Approve the changes proposed by SOC to the team selection appeals process.**
- 11.2 **Swim England Trading Board held 22 February 2022**
- 11.2.1 In RK's absence, a brief report was delivered by BSi. The only decisions taken at the most recent meeting was a 2% increase to the price of awards and approval of 2021 statutory accounts
- 11.2.2 BWH further fed back that this change has been communicated and comes into force on 1 April 2022. There has been no significant bad feedback and sales for the first two months have come in almost to the exact budgeted figure.
- 11.3 **Institute of Swimming Board held 23 February 2022**
- 11.3.1 The Minutes were taken as read.
- 11.3.2 BWH briefed that the order book is not as strong as last year but this was forecast. There was a further update on various initiatives, particularly the "business to consumer" market as this is where we are seeing a downturn.
- 11.3.3 The IoS accounts were approved by IoS Board at this most recent meeting.

- 11.4 **Remunerations Committee held 24 February 2022**
- 11.4.1 RH gave an overview of the meeting.
- 11.4.2 Pay awards are focused on levelling up. When benchmarked, a number of employees were below market value. This will be addressed and they will receive special awards to bring them into line.
- 11.4.3 A general salary increase of 1.25% was agreed to cover NI increases. Once we have guarantee on Sport England award, a further review will take place in the second half of the year.
- 11.4.4 With regards to the gender pay gap report it was noted that furlough can have a distorting affect.
- 11.4.5 A benefits review is being undertaken with staff being consulted currently. This will be brought back as a proposal for next Remunerations Committee meeting.
- 11.4.6 **Decision: Approval of salary increase for those employees currently below market value.**
- 11.4.7 **Decision: Approval of 1.25% salary increase for all other team members.**
- 11.5 **Audit, Risk and Probity Committee held 9 March 2022**
- 11.5.1 AB gave an update.
- There were no major issues raised by the auditors
- 11.5.2 The forward plan around strategic risks will be developed for the next meeting.
- 11.5.3 The main topic discussed was Sport England revenue / BDO report. Sport England have recently confirmed that they are happy with regards to our allocation of their grant funding; and have also advised that the query only relates to the quarter April to June 2020. Both these points are clearly good news.
- 11.5.4 It has been confirmed that it is possible to remove all April to June 2020 employment costs of individuals on furlough and still have Swim England spend above Sport England grant levels.
- 11.5.5 **Action: With assistance from HaysMacIntyre, BWH to submit a report to Sport England and update the board in due course.**
- 11.5.6 There was a shared opinion to look at re-tendering for auditors moving forwards as expected standards were not met this year. They have been our auditors for a number of years and we are due a review.
- 11.5.7 **Action: BWH to consider a tender activity for auditors and advise via ARP.**
12. **Judicial Review update**  
NB plans to write an update and circulate to the Board.
13. **Dates for 2022**  
Friday 20 May, 1.00pm, zoom  
AGM – June/July TBC  
Wednesday 13 July, in person. Timings TBC  
Wednesday 14 September, in person. Timings TBC  
Wednesday 14 December, 1.00pm

## 14. **Any other business**

- 14.1 BSa gave an update on the UKAD Anti-Doping Framework, as Swim England have to work on anti-doping with UKADs new approach. We are required to complete 26 Quality Assurance elements by 31 March 2022, this is 93% complete and we are on track. The Chair gave his thanks to all staff who have been working on this.
- 14.2 The review on the Safeguarding procedures report has been received. The highest grading is to “meet” the standards, this is the standard we have maintained. Since 2008 we have met the highest standard available. The Chair offered his congratulations but noted there is work to do in this area.
- 14.3 The Chair concluding the meeting by requesting continued feedback and comments on improving Board meetings. Continued thanks were offered to the Board for their continued work and especially to those helping make this meeting run smoothly.

## Summary of Decisions made

<b>Minute</b>	<b>Item</b>	<b>Decision</b>
4.5	Actions Arising	ARP to recruit two Independent members if two appropriate candidates are identified
7.0.22	CEO report	JMN nominated for second term on the British Swimming Board
7.0.24	CEO report	Delay nomination of second Board member until British Swimming Chair has been recruited
9.1.4	Loans and reserves	Continue to defer CBIL repayment until SportPark monies have been signed off by Loughborough University
11.1.8	Dissolution of rule 6.8	Approve taking the dissolution of rule 6.8 to AGM
11.1.3	Dissolution of rule 6.8	Approve the changes proposed by SOC to the team appeals process
11.4.6	Remunerations Committee	Approve salary increase for 59 employees based on the benchmarking activity
11.4.7	Remunerations Committee	Approve 1.25% salary increase for all staff