

Meeting of the Board of the Amateur Swimming Association (Swim England) Limited

17 May, 11am

SportPark, Loughborough

Present:

Richard Hookway – RH (Chair)
Barry Saunders – Bsa
Caroline Green – CG
Joan Wheeler – JW
Ali Breadon – AB

Aysha Kidwai – AK (*online*)
Neil Booth – NB
Jane Nickerson – JMN
Bernard Simkins – BSi
Lois Jarvis – LJ

Apologies:

Brian Havill – BH
Katie Walcott – KW
Raj Kumar – RK

Officers in attendance:

Hannah Foster (Executive Operations Manager)
Marie Cooper (Director of People Development) - item 6 only
Mike Hawkes (Head of Diversity and Inclusion) - item 6 only
Emma Griffin (Chief Operating Officer) – items 12, 13, and 14 only
Andrew Power (Health and Wellbeing Manager) – item 16 only

1. Welcome and apologies

- 1.1 RH welcomed the members to the meeting and outlined the agenda.
- 1.2 AK joined the meeting online due to illness.
- 1.3 Apologies were received from BH (annual leave), KW, (maternity leave) and RK (overseas due to an emergency situation).

2. Declarations of interest

- 2.1 Bsa and BSi noted their Regional roles.
- 2.2 There were no further declarations of interest.

3. Minutes of the board meeting of ASA (Swim England) Ltd – 15 March 2023

- 3.1 There were no amendments and the minutes were taken as read and approved as a true and accurate record.

4. **Actions arising from previous meetings – to note progress**

- 4.1 Reference Action 72: The Swim England Strategy Launch: JMN advised that the 10 year strategy had been successfully launched with positive feedback and has generated a considerable amount of positive social media activity.
- 4.2 The Board commended the Swim England leadership team on a successful strategy launch.
- 4.3 Reference Action 04: The Health Commission minutes were circulated to the Board.
- 4.4 Reference Action 06: LJ advised that this is progressing and will be discussed later in the meeting.
- 4.5 Reference Action 09: Noted that JMN had clarified this by email to the Board.

5. **Confirmation of decisions made by e-mail**

- 5.1 None.
- 5.2 *AK and CG joined meeting.*

6. **EDI and other training**

- 6.1 Marie Cooper (People Development Director) and Mike Hawkes (Head of Diversity and Inclusion) joined the meeting and led a session of EDI training. The training covered our approach to inclusion, understanding best practice used in NGB's, and future Board and Governance Committee training needs.
- 6.2 The EDI training led to discussions on the following topics; setting EDI targets in the different areas of the organisation, understanding geographical differences, recruitment drives and volunteer training.
- 6.3 **Action: Training to be provided on the legal requirements for a Board, and Board responsibilities in regards to EDI and Charity law in general. BH to liaise with MC to set up relevant training.**

7. **Chair's report**

- 7.1 RH gave a verbal update.
- 7.2 He reported on his recent meetings with the CEO and Chair of Sport England noting all administrative work is in order.
- 7.3 The Chair explained the importance the CEO of Sport England is placing on an independent listening exercise on welfare matters.
- 7.4 It was noted that as a result of the listening exercises that British Gymnastics undertook, a high number of historical incidents were brought forward causing a major drain on resources. British Gymnastics have released an open letter to Government calling for an independent body for safeguarding and welfare in sport. This letter is supported by many NGBs, including Swim England.
- 7.5 It was noted that RH stood in for JMN during the last British Swimming Board meeting and provided a synopsis of the relevant points of the meeting as follows:

The potential for closer co-operation and joint working between the Home Nations and British Swimming, citing EDI as an example of where improvements could be made.

Discussions were held on the value of bundling Home Country and British Swimming assets in comparison to selling individually. Further discussions to take place between the BS CEO and Home Country CEOs.

7.6 RH provided an update on the CEO recruitment process stating the interview panel had an update call with Perrett Laver who have confirmed there has been a promising amount of applicants.

8. **CEO's report**

8.1 In addition to the written report the CEO advised that Swim England have agreed a six-week media campaign with Disney for which we will receive a minimum of £10,000 to support a particular EDI programme. The Disney partnership includes a partnership with Ocean bottle promoting sustainability and we are now talking separately to Ocean bottle.

8.2 A meeting is due to take place with British Swimming and the other Home Countries to discuss selling commercial rights. The CEO has met with the CEO of British Swimming who understands the need to fully understand the value of the Home Country rights.

8.3 The Transgender and Non-Binary Competition policy was launched with minimum concerns expressed. To ensure we have a successful implementation phase and appeals process in September, we are working with other organisations such as triathlon, athletics, and gymnastics. We are aligned with other NGBs calling on the government for an independent body in order to assist in the appeals process.

8.4 George Wood has announced his resignation as Sport Development Director. George was thanked for all his work for Swim England and the Board sent him their best wishes for the future. The advertisement for his successor has been published and closes on 4 June.

8.5 JMN advised that several applications for the Sport Development Director have been received to date. It was noted that dependent on notice periods for candidates, there might be a need for an interim post holder or cover by existing team members.

9. **CFO's report**

9.1 It was noted that JMN gave a verbal update in the CFO's absence.

9.2 It was noted that some projects in line with the new strategy, such as Digital Transformation would require additional staff.

9.3 It was proposed that the cost of additional staff for core activities should be covered through revenue but the major project costs and associated staff for one-time transformational projects could be covered from reserves.

9.4 There was general support for this but the Board requested further detail around a schedule of projects that would meet the criteria under 9.3 and longer term budget/reserves implications. Any savings from revenue costs linked to projects to be shown as part of the proposal.

9.5 **Action: BH to send to the Board a 12-month projection for projects and an updated forecast on revenue costs.**

- 9.6 **Decision: The Board agreed in principle that the cost of additional staff for core activities should be covered through revenue but major project costs and associated staff for one-time transformational projects could be covered from reserves subject to detailed budgets.**
- 9.7 The Board held a discussion centered around the 10-year strategy and how the budget aligns with that. It was confirmed that the budget covers 2023.
- 9.8 JMN confirmed that Learn to Swim programmes across the country are doing well. In order to meet demands, more water time and teachers are required.
- 9.9 The Board welcomes the Power BI reports and requested that this tool is used for general accounts if possible. If it is possible to cover the accounts for all Swim England through Power BI, then these reports to be shared regularly.
10. **Director of Legal's report**
- 10.1 The report was taken as read. LJ gave an update.
- 10.2 In reference to the Oversight Committee, the Chair and Culture Member have successfully been appointed. Interviews for Athlete candidates will take place on May 18 and Judicial position interviews will commence on May 24.
- 10.3 LJ is requesting availability for the Culture Member to attend the listening exercise presentation.
- 10.4 The Charity Commission letter was provided to the Board. It was noted that the letter does not require a response, as has been provided for information.
- 10.5 The Board discussed providing an update about our progress in response of the Charity Commission letter. It was determined that there was nothing further to update than what is outlined in the report, therefore deemed it not necessary to respond. The Board also noted that it is in general preferable to self-report to the Charity Commission on any matter that might come under their jurisdiction rather than waiting for a letter of enquiry.
- 10.6 LJ confirmed that a member of the Office of Judicial Administration judicial panel advised of the potential to represent a client in legal action against Swim England. The individual concerned provided their resignation following a decision by the Judicial Appointments panel concluding it would not be appropriate for them to continue their role on the panel whilst they represented a client in legal action against the organisation. No letter of claim has been received to date. LJ will assess any potential conflicts of interests of the individual once received.
- 10.7 JMN made the Board aware that British Gymnastics are spending more on all affected departments in relation to complaints and safeguarding. In order to support Swim England if this arises, we will need external government support.
- 10.8 CG highlighted that we cannot close down individual's rights to complain, but we can govern the channels to regulate this. The Board noted that a system must be in place to create a time efficient process of handling complaints and to have cut off periods.
- 10.9 LJ noted the level of complaints that may occur with reoccurring issues. Consequently, returning and reoccurring complaints were further discussed. It was emphasised that whilst dealing with these processes, focus cannot be lost on strategical reviews.

- 10.10 It has been noted that the Weston report gave Sport England time to show that action is being made by Swim England, regarding safeguarding and welfare issues.
- 10.11 LJ stressed that we are unable to move forward with recommendations as we are awaiting a response from Sport England to our letter of 8 March.
- 10.12 RH stated that a deadline is to be set out to Sport England allowing us to move forward.
- 10.13 The Board discussed the structure of the Office of Judicial Administration and the separate responsibilities of the different groups within such. RH suggested to have a document containing overall structure as it is today and a section of '*what we would like to see*' in line with any changes proposed as part of the response to Sport England.
- 10.14 **Action: JMN to discuss our response of 8 March with Sport England.**

11. **Safeguarding & Welfare report**

- 11.1 The report was taken as read. LJ provided an update.
- 11.2 We are currently representing two safeguarding appeals and we are in the process of instructing Counsel for representation at each hearing. We are complying with directions at present.
- 11.3 LJ anticipates an increase in appeals going forward.
- 11.4 RH suggested in advance of the listening groups that we think through potential additional resource requirements and a contingency plan in order to reduce the potential backlog of work.
- 11.5 It was noted that there has been a successful increase of staff for the Safeguarding and Welfare team.

12. **Welfare & Safety Director lead**

- 12.1 EG explained the role of Welfare and Safety Director Lead.
- 12.2 It has been proposed for NB to take on the evolved role of the Welfare and Safety lead.
- 12.3 **Action: EG to create a job description for the evolved role.**
- 12.4 NB highlighted that welfare leads towards wellbeing and agreed that all aspects should be placed into one role for clarification on each fragment. In addition, NB stated that they have completed a training needs analysis for the role to provide self-awareness of training needs going forward. Of which, NB confirmed they are in a position to take on the evolved role.
- 12.5 EG clarified that in order to meet the governance standards, the role of Welfare and Safety Director lead is required. This role does not include health and safety, as that is not included in the governance standards relating to this role. The health and safety work for the sport is undertaken by the Health and Safety Committee chaired by the Legal Director.
- 12.6 **Decision: The Board made a unanimous decision to appoint NB as the Welfare and Safety Director Board lead/Champion.**

13. **Ratification of 2023 Governance Code Compliance Statement**
- 13.1 EG explained the Governance Code Compliance documents that have been submitted to Sport England.
- 13.2 It was noted that we are currently partially compliant which is within the expectations of Sport England at this stage under Tier 3 of the Governance Code of Compliance. EG further explained that partially compliant areas include the people plan, Board evaluations for committees reporting to the Board and sustainability.
- 13.3 **Action: ARP to confirm ratification of the governance submissions to Sport England in future.**
- 13.4 The Board discussed the future plans of Swim England in regards to sustainability which is at a very early stage of development.
- 13.5 **Decision: The Board approved the submission to Sport England.**
14. **Policy approvals**
- 14.1 The previous policy process was explained by EG, as several policies had previously been to the Board for approval.
- 14.2 Five policies were brought forward for Board approval, and were noted to have all been approved by the Senior Leadership Team and relevant groups/committees prior to being brought to the Board.
- 14.3 It was clarified that the Governance Code states that the Board need to approve certain financial policies.
- 14.4 It was agreed that the two policies: Donations and Gifts, and Fraud and other Financial Irregularity are to be approved by ARP at their next meeting. In addition, policies which relate to finance are to be sent ARP to approve going forward.
- 14.5 LJ noted that a register of gifts and donations has been set up.
- 14.6 **Action: The Board to receive a copy of the schedule of all policies.**
15. **Harold Fern and A.H Turner Awards**
- 15.1 JW communicated the recommendation from the Sport Operations Committee, of two individuals to receive the Harold Fern and A.H Turner awards.
- 15.2 It was agreed to look at the timing of the nomination process for these awards to ensure all awards are aligned.
- 15.3 **Decision: The Board approved the recommendations for the Harold Fern and A.H Turner awards.**
16. **Water Wellbeing**
- 16.1 AP provided a Water Wellbeing presentation to the Board that included the following topic areas: the pool pod project, accreditation, accessibility, resource available, partnerships in health, and future ambitions to heighten the awareness and improve the salience of swimming.

17. **Committee/Working Group reports – meetings held since last meeting**
- 17.1 **Regional Chairs’ held 27 March 2023**
- 17.1.1 RH provided an update explaining the meeting was devoted to the Heart of Aquatics with unanimous support for the direction of travel, albeit concerns raised regarding resources in the regions.
- 17.1.2 There was discussion on the implications for regions regarding additional staffing requirements and the need for clarity on the role of the regions.
- 17.1.3 It was noted that the regions have the relationships with clubs and therefore their engagement on this important area is fundamental, acknowledging that the regions and central Swim England need to work together to find solutions.
- 17.1.4 It was noted that as the regions are all different, different solutions will be needed in each region and therefore individual meetings with Regional Chairs was suggested as the most suitable way forward in the first instance.
- 17.1.5 **Action: JMN to arrange individual meetings with each Regional Chair.**
- 17.2 **Trading Board held 25 April 2023**
- 17.2.1 A verbal update was provided in RK’s absence.
- 17.2.2 Business Solutions record an ongoing report, which presently shows that we are on target.
- 17.2.3 It was noted that work is required to ensure we retain and increase market share. This is included in the draft commercial strategy.
- 17.3 **Institute of Swimming Board held 25 April 2023**
- 17.3.1 The paper was taken as read and a brief update was provided.
- 17.3.2 It was noted that course booking numbers have increased from 2022.
- 17.4 **Sport Operations Committee held 2 May 2023**
- 17.4.1 The paper was taken as read. JW provided an update.
- 17.4.2 The Sport Operations Committee received a presentation by the insurers, Howden on risk assessments. This will help us to look at trends regarding and how to minimise risks.
- 17.4.3 The Board were presented with the Membership Fees report and recommendations proposing that all fees are should increase in line with inflation, including direct affiliates.
- 17.4.4 **Decision: It was unanimously decided by the Board for an increase across each membership category based on current CPIH (8.9%), and an increase across each affiliation category based upon current CPIH (8.9%).**
- 17.4.5 In addition, it was recommended to remove Regulation 47.4.1 as a fixed regulation to base increases on inflation.
- 17.4.6 **Decision: The Board agreed to the removal of Regulation 47.4.1.**

17.5 **Swim England Qualifications held 21 February 2023**

- 17.5.1 The paper was taken as read. JMN gave an update.
- 17.5.2 Mark Burrows (SEQ Board Chair) will attend the Swim England Board meeting in December 2023.
- 17.5.3 Swim England Qualifications have now been awarded the right to self-assess the annual Statement of Compliance.
- 17.5.4 Our market share was noted to be 80.7% in 2018 prior to Covid19. In 2021, it was 69.9% against competitors. In 2022, our market share has increased to 72.2% indicating that we are recovering the market share, and in 2023 it is continuing in that trajectory. It was noted a competitor offered free training in 2020/21.
- 17.5.5 There is a focus on risk, and building the Heart of Aquatics into teacher training.

18. **Dates for next meetings**

Tuesday 11 July 2023: *1pm – 4pm* (Zoom)

British Swimming Board meeting with ASA Board: Friday 8 September 2023
(In person)

Wednesday 13 September 2023: *9am – 1pm* (Zoom)

Tuesday 12 December 2023: *11am – 5pm* (In person)

19. **Any other business**

- 19.1 The company's Engagement Survey was discussed. Last year's figure established that Swim England are above average in comparison to other companies.
- 19.2 It was noted that the 2023 Engagement Survey has just opened to all employees.

Summary of Decisions made

Minute	Item	Decision
9.6	CFO's report	Agreed in principle that the cost of additional staff for core activities should be covered through revenue but major project costs and associated staff for one-time transformational projects could be covered from reserves subject to detailed budgets.
12.6	Welfare & Safety Director lead	To appoint NB as the Welfare and Safety Director Board lead/Champion.
13.5	Ratification of 2023 Governance Code Compliance Statement	Approved the submission to Sport England.
15.3	Harold Fern and A.H Turner awards	The Board approved the recommendations for the Harold Fern and A.H Turner awards.
17.4.4	Sport Operations Committee	An increase across each membership category based on current CPIH (8.9%), and an increase across each affiliation category based upon current CPIH (8.9%).
17.4.6	Sport Operations Committee	The removal of Regulation 47.4.1.