

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

12 December, 11am

Zoom

## **Present:**

|                               |                        |
|-------------------------------|------------------------|
| Richard Hookway – RH (Chair)* | Aysha Kidwai – AK      |
| Caroline Green – CG           | Neil Booth – NB*       |
| Barry Saunders – Bsa          | Jane Nickerson – JMN*  |
| Joan Wheeler – JW             | Bernard Simkins – BSi* |
| Brian Havill – BH             | Lois Jarvis – LJ*      |
| Katie Walcott – KW            | Ali Breadon – AB       |

\* Members recused themselves for item 7

## **Apologies:**

Raj Kumar – RK

## **Officers in attendance:**

Hannah Foster (Executive Operations Manager)  
Marie Cooper (People Development Director, item 16)  
Mark Burrows (Chair of Swim England Qualifications, item 15)  
Sarah Green (Head of Workforce Education, item 15)  
Jon Glenn (Learn to Swim and Workforce Director, item 15)

## **Invited:**

James Gyselynck and James Hollis (Oversight Committee)

### **1. Welcome and apologies**

1.1 RH welcomed the members to the meeting and outlined the agenda before introducing James Gyselynck (legal representative of the Oversight Committee) to observe the first half of the meeting.

1.2 Apologies were received from RK.

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

2.1 The Regional roles of BSi, NB and BSA were noted.

2.2 The Chair noted conflicts of interest for agenda item 7. RH, JMN, NB, BSi and LJ are to leave the meeting during this agenda item.

2.3 There were no further declarations of interest.

3. **Minutes of the board meeting of ASA (Swim England) Ltd - 13 September 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 07 - Committee overlaps: AB has discussed the updated Oversight Committee TOR with ARP.
- 4.2 **Action: AB to connect with the Chair of the Oversight Committee to discuss meeting on a more regular basis.**
- 4.3 Reference Action 08 – Clarify timeline for the Commercial Strategy: Further work into this area is required. JMN noted that it is no longer a complete strategy, but has been devised into a series of action plans to focus on key areas within the business.
5. **Confirmation of decisions made by e-mail**
- 5.1 None.
6. **Chair's report**
- 6.1 RH provided a verbal update.
- 6.2 There has been a complaint raised by a group which will be covered in the agenda.
- 6.3 RK has informed the Chair he will be stepping down from his role on the Board once a suitable successor is found. His role on the Board has become unfeasible after moving to Hong Kong due to work commitments.
- 6.4 All Board appraisals for members have now taken place.
- 6.5 **Action: The Chair will produce a report to highlight key items from the appraisals, in order to devise a development plan.**
- 6.6 Swim England have an external Board facilitation review as per the Code for Sports Governance. This is currently being set up and will commence in early 2024. It will contain the input of the Board and its effectiveness.
- 6.7 Feedback has been supplied from the Oversight Committee for the Board to consider following several observations.
- 6.8 With the transition of CEO, the Board shall devote time during the second quarter of 2024 to consider all feedback and formulate actions.
- 6.9 It was noted that JW had to leave during the meeting.
- 6.10 *RH, JMN, NB, BSi and LJ left the meeting in preparation for item 7.*
7. **Issue raised by members**
- 7.1 CG chaired agenda item 7 and members discussed the agenda point.
- 7.2 CG summarised the suggestions from members and stated the measures that need to be taken.
8. **CEO's report**
- 8.1 The report was taken as read and the CEO provided an update.

- 8.2 Good results were achieved in the European Short Course Swimming Championships.
- 8.3 Constructing the full commercial strategy has proven a challenge. It has been agreed to produce three year action plans for the key commercial areas: Award Sales, IoS and Business Solutions.
- 8.4 The CEO noted the importance of submitting various compliance plans to Sport England - including on sustainability and diversity & inclusion. This has been emphasised by Sport England.
- 8.5 It was noted that it can be demoralising for staff who handle complaints and safeguarding matters as continuous tasks, which is affecting team morale. Additional resource has been provided to these areas, as well as external consultants with specific experience to help combat the demands.
- 8.6 BH confirmed that it was agreed during the course of the year to appoint a newly qualified solicitor. Recruitment will commence again in February/March 2024.
- 8.7 Resource will need to be provided to review matters that may arise from the listening report. An overspend in this area will be considered an understandable / explainable variance.
- 8.8 The Board recognised the vast amount of work completed over a short period, this led to a concern for the welfare of staff and volunteers. LJ advised that she is working with the People Development team to access different levels of support.
- 8.9 Members highlighted the pressures Swim England face and discussed the disparity in the prioritisation of funding conditions and delivering other projects.
- 8.10 The Board considered the Oversight Committee valuable, in order to provide challenge and suggestions to the Board. Interaction within the Committee is to be held at the right level. Feedback from the Oversight Committee is to be channeled through the Board to avoid concerns or worries made to staff. It was deemed the Oversight Committee and Board need to work together with the Heart of Aquatics (HoA) implementation group to drive positive change.
9. **CFO's report**
- 9.1 The report was taken as read.
- 9.2 The Board noted the competitive market position and had no further questions.
- 9.3 AB specified that the impact on awards and the market position was discussed at ARP. It was suggested that short-term plans should be put in place.
- 9.4 **Action: Plans to address the market share position are to be circulated to the Board.**
- 9.5 *JW left the meeting.*
10. **2024 Budget**
- 10.1 The report was taken as read. BH provided an update.
- 10.2 It was emphasised that the STA market share has grown significantly in recent years, which has not been deemed due to Covid19 and is expected to continue to grow further posing risk.

- 10.3 The budget assumes a 6% growth in competitive swimmers.
- 10.4 The proposed budget approach is to break even, as well as addressing two additional items for the Board's consideration that are supported by the SLT:
1. Insight - will support the HoA and strategic plan. This will enable an ongoing process to be more proactive with data and insight, and the timing of information can be brought forward quicker.
  2. Business Engagement – has grown considerably. Therefore, a proposal for an additional employee, the uplift will cover the cost of the individual.
- 10.5 The Board discussed the significant percentage of local authorities cutting spending on leisure centres.
- 10.6 BH confirmed the projected reserves for the organisation to be £10m, with £2m invested in SportPark.
- 10.7 **Decision: The Board unanimously approved the proposed budget for 2024.**
11. **Director of Legal's report**
- 11.0.1 The report was taken as read. LJ provided a verbal update.
- 11.0.2 The Board has previously been advised of one historical case that is being investigated by an independent investigator. There has since been a second case of which is also being investigated by the independent investigator. The aim is for both cases to be concluded in 2023, with potential recommendations to arise from investigations.
- 11.0.3 A fraud matter has been discovered from an individual (who is not an employee or a Licensed Tutor), issuing forged certifications. This posed an immediate concern for risk to children, as underage children have also been 'trained' by the individual. The Case Management Group have reviewed this matter, which resulted in temporary suspension whilst investigations are ongoing. Relevant regulatory bodies have been informed.
- 11.1 **Regulations**
- 11.1.1 LJ provided a brief update.
- 11.1.2 Sport England have confirmed that Mr Weston will not consider any further regulations until February 2024, but have requested evidence is provided for all recommendations by 31 January 2024.
- 11.1.3 It was noted that slight changes have been proposed to the Safeguarding and Judicial Regulations that are necessary at this stage, without substantially impacting members as further changes will be made in early 2024.
- 11.1.4 **Decision: The changes to the regulations for inclusion within the 2024 Handbook that will come into effect from 3 January 2024 were approved.**
- 11.2 **Board Resolution**
- 11.2.1 LJ welcomed confirmation by the Board of the signatories of The Amateur Swimming Association (Swim England) Limited by written resolution.
- 11.2.2 **Decision: The Board confirmed JMN (until departure), BH and Andy Salmon (upon start date) as the signatories by written resolution.**

## 12. **Safeguarding and Welfare report**

- 12.0.1 The report was taken as read and LJ provided an update.
- 12.0.2 LJ expressed gratitude to the Board for supporting SLT in additional staffing. The Legal and Safeguarding department is fully staffed with 9 employees as of this week.
- 12.0.3 Members were advised that the 2023 CPSU Swim England Safeguarding Annual Review took place on 5 December and positive feedback has been received.
- 12.0.4 The Board praised LJ and the department for the preparation and review meeting with the CPSU.
- 12.0.5 The Globocol case management system data was outlined and it was confirmed that some provisions have been set out from this.
- 12.0.6 The Board discussed the data, and agreed it would be beneficial to receive statistics on cases to be resolved and statistics of severity, for future reports.
- 12.0.7 Members highlighted the timeframes used to conclude cases, noting data capturing to indicate how long cases take to respond to and be addressed. LJ confirmed that TOR is supplied to the investigator and they provide rationale if timeframes are stretched. Sanction guidelines will be in place for each group.

## 12.1 **Safeguarding policies; Wavepower, adult and children**

- 12.1.1 It was noted that the designed version of the policy is not available due to timings and the Board received the text only document for the Wavepower policy.
- 12.1.2 The Wavepower policy was acknowledged to include both child and adult for first time.
- 12.1.3 There were no further questions from the Board.
- 12.1.4 **Decision: Members of the Board unanimously approved the updates to Wavepower.**

## 13. **Recommendations: Oversight Committee**

- 13.1 The Board considered the suggested actions from the Chair of the Oversight Committee.
- 13.2 Recommendation – Take actions to ensure that the corporate governance responsibilities for safeguarding overall are well defined, understood and implemented, with the Board retaining overall legal responsibility: Training schedules are in place.
- 13.3 Recommendation – Rapidly improve all individual Board members' understanding of safeguarding so that strategy and policy can be effectively determined: Marie Cooper (People Development Director) has organised training from Ann Craft Trust that will take place during the May 2024 Board meeting.
- 13.4 Recommendation – Support the Board Safeguarding Champion to lead the check and challenge agenda to drive quality improvement: NB is taking on additional training.
- 13.5 There was proposed changes to the TOR for the Oversight Committee including additional SLT members to be added to the Committee as non-voting members.

- 13.6 The Board discussed the necessity and rationale to increase the amount of SLT members on the Oversight Committee.
- 13.7 **Decision: The proposed changes to the TOR for the Oversight Committee were approved to include 3 non-voting SLT members on the Committee.**
14. **Policy Approvals**
- 14.1 All policy documents were taken as read.
- 14.2 SE1021 Nominations for AHT and HF Awards: The Board approved the removal of the policy and the recommendations for the awards.
- 14.3 PD8 Equal Opportunities for Employment: Approved by the Board.
- 14.4 SE1025 Addressing concerns regarding members on the Board: The Board approved a 6-month review extension.
- 14.5 *James Gyselynck left the meeting; James Hollis joined the meeting.*
15. **Annual SEQ report**
- 15.1 The Chair welcomed Sarah Green (SG), Mark Burrows (MB) and Jon Glenn (JG) to the meeting.
- 15.2 MB provided a SEQ Chair update of the last 12 months to the Board.
- 15.3 SG presented the current offer and financial position of SEQ, market position and future considerations, and the governance structure with proposed recommendations to the structure.
- 15.4 The Board discussed opportunities and risks associated with operators and approved training centres.
- 15.5 The approach to the market was deliberated, acknowledging the business development opportunity to gain commercial experience in this area is to be considered.
- 15.6 Members supported the proposal for the closer link between SEQ Board and SE Board.
16. **DiAP (Diversity and Inclusion Action Plan)**
- 16.1 The Chair welcomed Marie Cooper (MC) to the meeting.
- 16.2 MC advised that the DiAP provided, is seeking feedback and approval by the Board for sports governance.
- 16.3 The document has been produced internally, setting actions to tackle inequalities that underpins the Swim England strategy. Support has been utilised by AGS consultants through Sport England to provide constructive feedback.
- 16.4 Members discussed the DiAP and provided feedback and recommendations of the plan. The Board is supportive of the overall direction of the plan, permitting a number of amendments are to be made.
- 16.5 **Action: Amendments to the DiAP from the feedback provided by the Board. MC to recirculate to members for approval via email.**

- 17. **Committee / Working Group reports/meetings held since last meeting**
- 17.1 **Oversight Committee held 5 October and 6 December 2023**
- 17.1.1 NB provided an update, indicating a supportive committee.
- 17.1.2 Congratulations were given for the judicial regulations, with an agreed level of frustration for the delays of Sport England.
- 17.1.3 Consideration of simplification for members and participant engagement is being discussed at every meeting going forward.
- 17.2 **Remuneration Committee held 23 October 2023**
- 17.2.1 RH gave update.
- 17.2.2 The 6% budget line for the remuneration pay increase was agreed for budgeting purposes, noting final decisions are to be made at time of the pay awards. It was highlighted that appropriate benchmarking is required to assess the correct level.
- 17.2.3 The follow up of the last years' gender pay gap was deliberated outlining the underlying root causes and considerations that can be used to address the pay gap.
- 17.3 **Swim England Qualifications held 31 October and 5 December 2023**
- 17.3.1 Detailed in item 15.
- 17.4 **Regional Chairs' held 27 November 2023**
- 17.4.1 JMN provided a verbal update.
- 17.4.2 Ally Whike (Sport Development Director) was introduced to the Regional Chairs.
- 17.4.3 Discussions took place to consider the relationship between the regions and the central office, in order to align strategies and allocate resources. It was agreed to work on a one-to-one basis with regions.
- 17.4.4 Currently working towards Tier 2 of the Regional Governance Code project.
- 17.5 **Sport Operations Committee held 12 September and 28 November 2023**
- 17.5.1 The Committee specified recommendations for the AHT and HF awards as noted in item 14.
- 17.5.2 Clarification has been provided over club suspension and the impact on club members.
- 17.5.3 Discussed membership for affiliation and accreditation. Communications are to be sent out to members when a club is at risk.
- 17.5.4 A summary of National events for 2023 was provided, along with the forecast for 2024 event planning.
- 17.5.5 The Youth Advisory Panel are to appoint externally for an EDI member to have specialist membership.
- 17.6 **Institute of Swimming Board held 30 November 2023**
- 17.6.1 BH gave an update.
- 17.6.2 The meeting reviewed the past year and deemed it as extremely positive, whilst looking into 2024 and next year's budget.

- 17.6.3 Discussed market competitor's impact per region.
- 17.6.4 There was a proposal of a new Board member, with the request for Board approval to add AK to the IoS Board.
- 17.6.5 **Decision: The Board unanimously supported Aysha Kidwai in being a new member of the Institute of Swimming Board, with the date of appointment commencing 12 December 2023.**
- 17.7 Trading Board held 30 November 2023**
- 17.7.1 BSi gave a verbal update.
- 17.7.2 There is an anticipated 3% price increase in 2024 and costs are expected to be higher.
- 17.7.3 The terms of reference for the Trading Board are to come through to the National Board.
- 17.8 Audit, Risk and Probity Committee held 4 December 2023**
- 17.8.1 AB provided a verbal update.
- 17.8.2 Discussions centered around the commercial awareness of competitor awards.
- 17.8.3 The fraud case was considered which was outlined in item 11.
- 17.8.4 Richard Lamburn (Head of Facilities) presented facilities as an area on the strategic at risk register. ARP would like risks extended to include access to water rather than a primary focus on pools.
- 18. Dates for next meetings (2024)**
- |                                  |               |             |
|----------------------------------|---------------|-------------|
| Tuesday 30 January (TBA session) | 10am – 4pm    | (in person) |
| Tuesday 20 February              | 11am – 5pm    | (in person) |
| Monday 25 March                  | 1pm – 4.30pm  | (remote)    |
| Tuesday 21 May                   | 11am – 6.30pm | (in person) |
| Tuesday 9 July                   | 1pm – 4.30pm  | (remote)    |
| Tuesday 17 September             | 11am – 5pm    | (in person) |
| Monday 16 December               | 1pm – 4.30pm  | (remote)    |
- 19. Any other business**
- 19.1 None recorded.

## Summary of Decisions made

| Minute | Item        | Decision  |
|--------|-------------|---|
| 10.7   | 2024 Budget | The Board unanimously approved the proposed budget for 2024.  |
| 11.1.4 | Regulations | The changes to the regulations for inclusion within the 2024 Handbook that will come into effect from 3 January 2024 were approved. |

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| 11.2.2 | Board Resolution                                     | The Board confirmed JMN (until departure), BH and Andy Salmon (upon start date) as the signatories by written resolution.  |
| 12.1.4 | Safeguarding policies; Wavepower, adult and children | Members of the Board unanimously approved the updates to Wavepower.  |
| 13.7   | Recommendations: Oversight Committee                 | The proposed changes to the TOR for the Oversight Committee were approved to include 3 non-voting SLT members on the Committee.                                  |
| 14.    | Policy Approvals                                     | All presented policies and recommendations were approved.  |
| 17.6.5 | Institute of Swimming Board held 30 November 2023    | The Board unanimously supported Aysha Kidwai in being a new member of the Institute of Swimming Board, with the date of appointment commencing 12 December 2023. |