

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

21 May, 11am

SportPark, Loughborough

Present:

Richard Hookway – RH (Chair)
Andy Salmon – AS
Ali Breadon – AB
Barry Saunders – BSa
Bernard Simkins – BSi*
Brian Havill – BH

Carrie Ryan – CR
Joan Wheeler – JW
Katie Walcott – KW
Neil Booth – NB*
Lois Jarvis – LJ

*Recused for part of item 10.

Apologies:

Aysha Kidwai – AK
Caroline Green – CG

Officers in attendance:

Hannah Foster (Executive Operations Manager)
Kevin Suckling (Head of Safeguarding and Welfare, item 12.1)

Invited:

Liza Ware (CPSU), item 17
Sarah Knight (Ann Craft Trust), item 17
Vijaya Panangipalli (Sport and Recreation Alliance), item 6

SECTION 1: ADMINISTRATION

1. Welcome and apologies

- 1.1 The Chair welcomed all members to the meeting, introducing CR as the newest member of the Board.
- 1.2 It was noted that apologies had been received from AK and CG prior to the meetings.
- 1.3 The Chair outlined the agenda to members.

2. Declarations of interest

- 2.1 The Regional roles of BSi, NB and BSa were noted.
- 2.2 BSi highlighted several items with a potential conflict of interest. It was stated that if a vote would occur, BSi would recuse himself from votes within these items and would not pass comment irrespective of any votes.

2.3 There were no further declarations of interest.

3. **Minutes of the board meeting of ASA (Swim England) Ltd – 25 March 2024**

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 The progress of actions have been included within items on the agenda.

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

5.1 Gender pay gap report – approved via email. It was emphasised that the People Development Director is currently progressing towards being able to analyse the pay gap across other demographics through a focus on ethnicity and disability, with the aim to provide more meaningful insight.

5.2 Regulation 2.3 – amendments approved via email.

SECTION 2: STRATEGIC MATTERS

6. **Board Effectiveness Review**

6.1 Vijaya Panangipalli (VP) from Sport and Recreation Alliance (SRA) was welcomed to the meeting.

6.2 VP delivered a presentation to the Board which consisted of the key findings of the Board effectiveness review, recommendations, next steps, and high impact actions.

6.3 Based on the recommendations VP provided, members discussed reaffirming the purpose of each committee for clarity of how they integrate and work with the Swim England Board. VP confirmed that once the purpose of committees are better defined, matters taking precedence within Board meetings can be delegated to the relevant group(s). This can be achieved through a clear and concise delegation process, used to understand who is the decision maker and who is in authority.

6.4 Board members acknowledged the organisation's complex structure, with traditional mechanisms that have led to inconsistencies. It was agreed to clarify the purpose and role of each Committee and Board to have a more strategic approach to delegation.

6.5 VP recommended greater consideration of the organisations' priorities for the coming years and ensuring papers sent are listed by priority, including listing what is expected of the Board from any papers. This includes protected agenda time dedicated to the strategy. The Board considered a suggestion that was raised by a member dashboards to assist with the ease of Board papers and agendas, in order to improve efficiency

6.6 VP also recommended greater connectivity between the SLT and the Swim England Board, to ensure SLT are clear on how they can best support the Board.

6.7 Members discussed the benefit of repeating the exercises contained in the review in 6-12 months' time to understand the evolution of the organisation following the recommendations, in addition to being led by a new CEO.

- 6.8 VP recommended the establishment of a Safeguarding & Welfare Committee. It was recognised that this might have implications for the purpose of the Oversight Committee.
- 6.9 It was agreed that the Board Skills Matrix needed to be re-designed and then completed by all Board members.
- 6.10 Members were in agreement that governance needs aligned throughout all parts of the organisation, from clubs, counties and regions, to improve alignment and consistency. AS recommended a comprehensive review of Governance.
- 6.11 The Chair summarised the discussion, noting as a complex organisational structure and a publically funded body that has agreements with multiple partners, Swim England cannot satisfy the purity of the approach if focusing on only one element of the organisation. Instead, a sequenced plan is needed that focuses on the re-framed strategy and timeline.
- 6.12 All SRA recommendations were approved as was the recommendation to design a comprehensive review of governance.
- 6.13 **Action: RH and AS to draft terms of reference for a Governance Review, including the recommendations provided by the Board review.**
- 6.14 VP concluded that the next Board effectiveness review would be due in 4 years. The Chair suggested an annual discussion with members to ensure a consistent approach is maintained.

7. **People Plan**

- 7.1 KW explained that the People Plan has been sent for Board approval as a governance requirement from Sport England. It is a detailed plan to demonstrate the steps Swim England has taken thus far, and the priorities of the organisation.
- 7.2 **Decision: The Board unanimously approved the People Plan.**

8. **CEO Report**

- 8.1 The report was taken as read and AS gave an update.
- 8.2 It was noted that one additional member will need replacing by the end of 2024 as the terms of office will have been complete.

SECTION 3: ORGANISATIONAL HEALTH

9. **Chair's report**

- 9.1 RH gave a verbal report.
- 9.2 The Chair commended the smooth running of the AGM.
- 9.3 Other items for discussion have been covered in the agenda.

10. **Director of Legal report**

- 10.1 The report was taken as read and LJ provided an update.
- 10.2 It was noted that the amended regulations and associated documents will be sent to the Board for the July meeting. A question session was offered prior to the meeting.

- 10.3 Background relating to historical cases was provided to CR for clarity. Three cases have been referred to an independent investigator. We await the outcome of the investigations.
- 10.4 The role of the investigator is to present the facts and conclusion, the Board then decide any actions that arise from this. Members unanimously agree that the Board need to do what is right once they are in receipt of any conclusions.
- 10.5 An early conciliation notification has been received, which is with the insurers to handle on our behalf if it should progress.
- 10.6 LJ highlighted that the Board's approval is sought for:
- TOR application
 - Complaints policy
 - Invitation to tender in respect of the provision of an independent complaint appeals handling service
- 10.7 NB and BSi recused themselves.
- 10.8 The Board were advised that Swim England has received a formal request from Swim England West Midlands that the affiliation application by Ellesmere College for its new swimming club be assessed by Swim England, and that Swim England decides whether the club should be affiliated. This request was made with the approval of Swim England West Midlands' Regional Management Board, which voted on this matter at a special meeting on Sunday 12 May 2024.
- 10.9 Swim England West Midlands stated that they were unable to assess this affiliation application, for two reasons:-
- The first was the amount of resource that they considered the affiliation assessment task will take. Swim England West Midlands stated that they do not have the resource to gather the information needed for its Board to make a fully informed decision on the affiliation application, and to continue to field enquiries about the affiliation process from various parties.
 - The second was that the issues which Swim England West Midlands consider need investigating to gather this information are safeguarding issues. They stated that within aquatics in England, responsibility for investigating safeguarding issues lies with Swim England, and not with the regional governing bodies. Furthermore, it was stated that the recent safeguarding issues at Ellesmere College Titans were investigated by Swim England, and they consider that those investigations form part of the relevant background to the current affiliation application. Therefore, an assessment by Swim England West Midlands of the safeguarding issues arising from this affiliation application does not fit within this structure.
- 10.10 The Board debated this request at length and considered a Terms of Reference which had been drafted relating to the appointment of an independent appropriately qualified individual to assess the application directly. The Board made comments regarding the Terms of Reference and agreed that this would be further considered and approved by email.
- 10.11 NB and BSi rejoined the meeting.
- 10.12 The Board is requested to approve an invitation to tender document to allow Swim England to engage a company to provide a complaints handling service. The service will provide a system which manages and determines all appeals against first instance outcomes for formal complaints alleging that Swim England

has committed serious maladministration or has breached its Regulations in respect of a judicial, safeguarding and/or whistleblowing matter. Additionally, the service will create a threshold for external consideration of any appeal against first instance outcomes for formal complaints which do not fall within the aforementioned categories, based on a number of factors and principles.

10.13 As a result of the proposed external service, it was suggested that the current complaints policy be amended to remove determination of complaints by independent board members, allowing Swim England time to hold matters which would eventually go externally to the successful company. In addition, a request was made that Swim England have the ability to refer complaints externally, where there are conflicts of interest, or the internal team have insufficient resource to consider such.

10.14 The Board agreed to consider all proposals and will provide approval via email.

11. **CFO's report**

11.1.0 **First quarter abbreviated management accounts**

11.1.1 The report was taken as read and BH gave an update.

11.1.2 2024 thus far shows the IoS slightly behind on budget. Award sales indicating signs of concern, with less awards being sold, whilst research indicates more children are swimming. Discussions are taking place to look to modernise the awards with the potential to increase sales.

11.1.3 A Head of Commercial vacancy is due to be advertised to steer the commercial revenue.

11.1.4 Only small variances in terms of profit years to date.

11.2.0 **Five year summary numbers**

11.2.1 The report was taken as read and BH provided an update.

11.2.2 In 2023, there was a 25% increase in the number of people taking swimming lessons, which was reflective in IoS.

11.2.3 BH sought agreement from the Board in relation to whether members receive extra time on committees once their term has ended.

11.3.1 Members of the Board reflected on the Board effectiveness review and governance, and agreed to sculpt a unified approach across the organisation for all Boards' and Sub Committees' Terms of Office.

11.3.2 The Chair echoed the need for a consistent approach across all committees, with a reasonable phasing period of implementation.

11.3.3 **Swim England Qualifications**

The report was taken as read.

12. **Safeguarding and Welfare report**

12.0.1 The report was taken as read.

12.0.2 There were no further questions from the Board.

12.1 **Case management information**

12.1.1 Kevin Suckling (KS), Head of Safeguarding and Welfare was welcomed to the meeting.

- 12.1.2 KS presented the current case management information to the Board.
- 12.1.3 KS confirmed that the safeguarding department are working with Welfare Officers to ensure a process of consistency for data definitions and reporting.
- 12.1.4 Members discussed the benefit of receiving trends that can be broken down into specific details such as regions and roles.

SECTION 4: SUBSIDIARY AND COMMITTEE REPORTS

13. Committee / Working Group reports - meetings held since last meeting

13.1 Regional Chairs' held 4 March

- 13.1.1 The report was taken as read and there were no further questions from the Board.

13.2 Institute of Swimming Board held 12 March 2024

- 13.2.1 The report was taken as read and there were no further questions from the Board.

13.3 Audit, Risk & Probity Committee held 19 March 2024

- 13.3.1 The report was taken as read and there were no further questions from the Board.

13.4 Oversight Committee held 28 March 2024

- 13.4.1 The report was taken as read and there were no further questions from the Board.

13.5 Sport Operations Committee held 30 April 2024

- 13.5.1 The report was taken as read and JW provided an update.
- 13.5.2 The Committee approved the creation of a Masters Swimming Leadership Group and now seek Board approval.

13.5.3 Decision: The Board approved the formulation of a Masters Swimming Leadership Group.

13.6 Swim England Qualifications

- 13.6.1 AS provided a verbal update.
- 13.6.2 SEQ was presented with market share data and discussed accordingly.
- 13.6.3 An update on the Evergreen project was received by the Chief Operating Officer, Emma Griffin. The update consisted of the following topics: CIMSPA, SEQ insight and Swimming Alliance.
- 13.6.4 The SEQ Board would welcome new risk assessments to be undertaken as they feel the current review approach is not sufficient.
- 13.6.5 A discussion took place around Ireland as an ATC.

13.7 Trading Board held 25 March 2024

- 13.7.1 The report was taken as read and there were no further questions from the Board.

SECTION 5: CLOSE

14. **Dates for next meetings (2024)**
Tuesday 9 July 1pm – 4.30pm (remote)
Tuesday 17 September 11am – 5pm (in person)
Monday 16 December 1pm – 4.30pm (remote)
15. **Any other business**
15.1 None recorded.

SECTION 6: FACILITATION

- 16.1 **Non-Executive Directors and CEO only**
A facilitation session took place between the Non-Executive Directors and the CEO, with all other members recusing themselves from the discussion. AS provided an overview of his first 90 days and some of the significant challenges that exist.
- 16.2 **Non-Executive Directors only**
A facilitation session took place with the Non-Executive Directors only. All other members recused themselves from the discussion.

SECTION 7: BOARD TRAINING

17. **Safeguarding training**
17.1 The CPSU & Ann Craft Trust were welcomed to the meeting.
17.2 Safeguarding training was delivered to the Board which consisted of:
- Explaining the details of safeguarding
 - The principles of safeguarding within sport
 - Safeguarding funding requirements
 - Adult and child protection (National framework)
 - The current climate
 - Governance
 - Culture and environment
 - The Board's role in safeguarding
 - Communication between the Board and the Safeguarding Lead

Summary of Decisions made

Minute	Item	Decision
7.2	People Plan	The Board unanimously approved the People Plan.
13.5.3	Committee / Working Group reports	The Board approved the formulation of a Masters Swimming Leadership Group.

Terms of Office

Ali Breadon
Aysha Kidwai
Barry Saunders
Bernard Simkins
Caroline Green
Carrie Ryan
Joan Wheeler
Katie Walcott
Neil Booth
Richard Hookway

4 year term from:

31 December 2021 (*second term*)
10 May 2021
31 December 2021
31 December 2020 (*second term*)
31 December 2021 (*second term*)
1 April 2024
31 December 2023 (*second term*)
1 October 2022
31 December 2022 (*second term*)
1 September 2021