

## Board Meeting Minutes

### Minutes of the Board Meeting held at 6.30pm on 8<sup>th</sup> May 2024 via Teams

#### Present

Graeme Marchbank (GM)	Chair
Euan Lowe (EL)	Chief Executive
Jackie Davidson (JD)	Board Director
Andy Figgins (AF)	Board Director
Caitlin McClatchey (CM)	Board Director
Gillian Strathearn (GS)	Board Director
Kieran Watt (KW)	Board Director
Fiona Crawford (FC)	President
Derek McGown (DMC)	Vice President

#### In Attendance

Deborah McGinniss (DM)	Finance Manager/Company Secretary
Elaine Mackenzie (EM)	Director of Services
Sean Dawson (SD)	Safeguarding Manager
Helen Frost (HF)	Head of Marketing
Barry Cook (BC)	<b>sportscotland</b> Partnership Manager
Laura Brennen (LB)	Minute Taker

#### 1. Welcome

GM welcomed all to the meeting. He noted that AD and DB sent their apologies. He thanked the Board for attending the meeting and giving up their mid-week evening. The Chair welcomed BC and LB to the meeting. The Chair noted that he had attended the GB Olympic Team Announcement in Stirling noting strong results for Project Alisa. The Chair noted that he had attended SNAGs and encouraged Board Members to attend as many events as they can. The Chair brought to the Board's attention the upcoming change to governance which affect Council regarding the posts of President and Vice-President. The Chair thanked FC and DMC for their work on this.

#### 2. Declarations of Interest

None.

#### 3. Apologies for Absence

Andrew Dunlop (AD), David Beattie (DB) and Kevin Reynard (KR).

#### 4. Board Meeting Minutes - 31 January & 20 March 2024

None. Both taken as read.

#### 5. Actions - Board Meeting, 31 January 2024

EL noting that there are some ongoing actions in the action list that speak for themselves. There were no questions on the actions. EL noting that there is an expectation of closure and this will be lined up with the next Joint Meeting.

EL noting that regarding number 7.1 the Whyte Review this will be discussed later in the meeting as progress against a strategy has not been progressed beyond a draft.

#### 6. Wellbeing & Protection Update (PVG Process)

##### 6.1 Wellbeing & Protection Report

SD presented an update for the Board.

SD advising that there has been work done on Safe Recruitment and the PVG process over the last 7/8 months and significant work completed since January 2024. SD noted that there was an audit in August to highlight that changes were coming to the PVG process. SD noting that an issue with processing was picked up in December 2023, this was across various sports. As a result, there was action taken and various presentations given to the Wellbeing Officers focusing on recruitment and the PVG process.

SD discussed the safer recruitment process. The previous policy had been in place for at least 8 years and it is a vital element of keeping the sport safe. The new policy standardises across all clubs and ensures there are less opportunities to place people in roles where they could potentially cause harm. There are now both pre-appointment and post-appointment checklists that will ensure a safer compliant club environment. Post-appointment it will encourage clubs to complete inductions, performance reviews and provide support. **sportscotland** coaching qualifications, CWS and the compliance side of things are also factored into this.

SD provided information about the new process. Scottish Swimming are registering as an umbrella body who are responsible for processing PVG checks and managing the process. Previously this was managed by

Volunteer Scotland. SS need consent from the member before the PVG can be processed. A link is then issued which takes 10 minutes to complete. It is likely to take 5 working days for the PVG to be returned and potentially could have someone in a role within a week. SD noted another change is that a PVG is now only required for an individual. If they have a role in various clubs, they only require one PVG, it will be easier for clubs and members to track in a regulated role for clubs. There is a regulated role application form to track this. SD noted that the referral policy is a legal requirement and there needs to be adherence to that practice.

SD discussed the changes for clubs and advised that templates were issued to clubs on 3 April 2024. There is a club chair session tomorrow that he will provide a reminder at. Policies and documents have also been sent to clubs and they require to get the outstanding documents in place as soon as possible.

SD advised that the new Disclosure Act comes into force on 1 April 2024. It will be a three-year renewal policy and as a result they have been looking at what the current numbers and years are. SD noting 500 people from 2011 to now still have an active PVG that will now require to be renewed after 3 or 5 years. In advance of the change there will be 2,000 PVGs that will require to be renewed, currently this is being completed by Natasha Hofton. She can process approximately 15 – 19 PVGs per day. SD is mindful of capacity and resource. We need to consider bringing in some extra resource to complete the renewal. SD confirmed that there are no fees for renewals completed before 1 April 2025 so it is in SS interest to get them completed by then.

SD provided an update on the PVG fee consultation that this ongoing with Disclosure Scotland that closes on 28 May 2024. A multi-sport response has gone out to DWPOs, Club Chairs and Secretaries. The Consultation is suggesting that there will be a charge for volunteers, this is currently free. From 1 April 2024 it will be £28 per application and for updates, this will have a massive impact on the 3,300 people within the organisation. There will also be an increase to SS as the umbrella body. SD noted that this is not great news and highlighted the potential impact on clubs and members. Communication was issued today to encourage responses on the Consultation.

Moving onto Risk and the new risk in the register. PVG processing is risk 1, SD noting that this was a bit delayed but that the contracts will be in by 31 May 2024. SD noting the removal of interest and data compliance element bit of the slide and share information with a club where a member has moved on. SD noting that consent will now have to be asked for and the DWPO will need to sign in and provide consent, highlighting a nervousness about completing the process of consent.

SD noted that Risk 2 is fees and renewals, highlighting that cost is a barrier to participation. SD noted that part of the listening report highlighted that need to be mindful of what as an organisation that they ask and demand of the WPOs. There are also barriers to participation with clubs using members in regulated role without PVG checking. SD highlighted that clubs are nervous about the renewal period and the fee consultation. SD concluded by confirming that they have streamlined the new resources for wellbeing on the member facing side.

EL then picked up a couple of points from the papers, highlighting the challenges they face as an organisation and the potential risk that will land on a club. EL noted that SD has been able to emphasise enough the risk that this may cause in the volunteer sector. There are heightened risks for Sports Governing Bodies due to the speed of interventions. The Chair queried how to respond to the Consultation and encouraged all to engage with the Consultation. BC provided an updated from **sportscotland's** perspective.

JD advised that doing the maths there is clearly a cost to bear for the sport and what is the actual costs across the sports sector that may add some meat to the argument. JD highlighting that the figures SD shared are relatively well resourced and can process the PVG. May be worth completing a cost to the sport exercise. SD advised for understanding there were 55,000 voluntary PVGs processed annually, this made up 18% of total PVGs and a large number come from sport.

DMC acknowledging SD work on updating the templates. DMC advised that he holds a PVG for his work could this be used for SS to save costs. SD confirmed that a PVG is required for each organisation so no but only need to hold one within SS for any role/club.

The Chair invited any other questions for SD and BC.

AF queried who was monitoring Disclosure Scotland and their income. SD confirmed that Disclosure Scotland is a non-governmental organisation. FC then raising a point in respect of members who may step down from a role but then discover the club is struggling so may then step back into the role. SD advised that they will carry this out on an annual basis but for someone who is no longer a member they can complete a form and submit to SS and SS can action straight away. Someone who may be dropping in and out of a role it may be easier to keep them registered rather than have them reapplying. EM highlighting for GDPR that if someone wishes to leave the sport that SS need to let them leave the sport. SD confirmed that the resource doesn't exist to do this on a more regular basis but will require clubs to let SS know and they can also pull reports off to cross reference.

CM querying is the workload manageable or is further resource required? SD advised that specifically around the PVGs once it settles down, they will re-evaluate alongside other projects such as the Whyte Review to understand resourcing pinch points. They do not require extra resource for the case side of things but will need to look at the PVG side of things. The Chair noting that there is a balanced budget and that is a decision for EL to make but if temporary labour is required to not hesitate as the budget is looking positive.

EM noted that SD and Francesca Carlo spend a significant portion of their time on this, working days and nights on top of their day job. EL noting that they are looking at labour and bringing in some initial help to assist SD. No further questions on the presentation.

EL then moved on to discuss paper highlighting to the board that there is outstanding CWPS training and advising they have until the end of the month to get the board compliant with the training. SD commenting that since the paper was published there have been another 5 low-risk cases. Compliance is the same as the end of March figures. SD confirming that the case management support service met with them earlier this week and they accessed some of the resources they are producing. SD confirming that they are progressing quicker than the paper. SD confirmed that number 9 regarding the rights of the child this is a sizable project and they will link into athlete voice from the White Review. Swimm England's Listening Report is one of the reasons that there is no update from the White review in June meeting, SD confirmed that a couple of points regarding case investigation and case management from the clubs are factored in the listening review.

FC asked regarding the case management workload, are those figures static or growing and falling. SD confirmed that it is fractionally less than last year but a significant jump up, it is on par with last year. The Chair queried how this benchmark against other sports. SD advise that he has discussed with his opposite numbers in other Sports and there is a rise in things being reported, specifically around low-level concerns which allows sports to be more aware of what is happening. The response across sport is challenging, SD noting that Lyndsey Booth currently has 30/40 ongoing cases. Other sports have more than SS but with the rise it shows that people are more confident in coming forward and promotes a positive culture. The Chair noted that the reporting number is appropriate based on the level of incident. It is a broader part of the strategy and culture going forward. The Chair noted that they want sports to safe and a power for good, noting that strategic effort is being blocked by challenges in this space. BC noting that the immediate risk is to get the PVG outcome.

AF noting that looking at the range between high, medium and low is it a specific group or grouping of people that the majority are coming from, wondering if Education could be brought into the courses or other training provided or if it is just widespread across all athletes. SD nothing three key areas; mobile phones in changing rooms, people who require help and self-harm and low that people cannot communicate with people. EM is seeing this reflected in the complaints too. SD highlighted that the low level reporting system cannot process at the pace they want, they need insights to be accurate and produced from the system, this is under review while compliance takes priority.

The Chair asked if there were any other questions. No other questions.

## **7. Items for Decision**

### **7.1 Review of Board & Management Roles**

The Chair introduced the paper and explained that it was as read, with Board members and skills being matched to areas of the corporate wheel. DB and AF are leaving the board shortly as they have reached the end of their terms. Over the next few weeks they will review the skills and experiences of the board against those of DB and AF to see if there are any gaps. The Chair asked board members for their assistance and for a quick turnaround if EL and the team ask for insights. The Chair confirmed that AF's last meeting will be August and once they recruit for new board members, they will review early next year.

No questions.

### **7.2 Facility Strategy Development**

EL advised that there was lots of detail within the paper and it was not a response but a review as a result of the Save our Pools Campaign. They are working with OLM to complete the first stage report and the sustainable future piece. EL noting that the missing piece is in respect of what is required for the future of the sport and there is going to be an extension to this area of work with the creation of a revised facility strategy for the future.

FC queried if there is an aspect beyond the bricks and mortar around the actual accessibility and if certain pool operators were open to more or less pool time. EL confirmed that the intent is to provide operators and understanding of accessibility needs mapped for the sport and also the community access piece looking at the geography.

JD queried with the date being the 9<sup>th</sup> May is that enough time for the stakeholder engagement, do they need time to consult. Noting that it depends on how many people they resource it with. JD noted that it struck her that it is a fast-moving timeline of around three weeks if it were to be signed off tonight. EL advised that there is going to be some movement with the timescales and they are going to extend beyond the original timescale.

BC confirmed that **sportscotland** are going to look at potential funds for phase 3. Lorriane Jones is involved and will pick up with EL and the team around the **sportscotland** contribution. They have jointly funded Phase 1 and 2 and need to work out if they can share the cost for phase 3.

No further questions.

### **7.3 Annual Review of Audit & Risk Committee**

#### **7.3.1 Membership (verbal discussion)**

DM questioned who is going to replace DB and JD on the Committee. Need to look at new members for ARC.

#### **7.3.2 Terms of Reference**

EM noted that this is also referenced within the SMT report as we are looking to align the terms of office for the Chairs of both the Editorial Board and the Audit & Risk Committee. It was agreed that the role of Chair will be limited to two four-year terms. EM noted that ARC and Editorial Committee and terms of committee members are limited by the terms of reference rather than change of governance.

#### **7.3.3 Risk Management Policy Statement**

DM introduced and advised that the policy statement is as read with the removal of the reference to the Turnbull report. The Chair raised that some of the statement was redundant. Particularly the part reading, *'There is a significant amount of prescriptive guidance for listed companies and indeed, large private companies, but relatively little specifically for smaller private companies'*. The Chair noted that he would pick this up with KR.

#### **7.3.4 Risk Management Policy**

DM introduced the paper as read pointing out that the appetite to risk was low as was agreed. KW then asked when the appetite to risk session took place. DM confirmed that it was discussed at the previous Board away day in January 2023. KW raised concern that he is not sure that the Board's appetite to risk is low for everything. The Chair advised that this should be brought to the next ARC meeting for discussion along with the discussion for a replacement for DB. There were no further questions on the paper or sub-papers.

### **7.4 Sport Regulations for approval – Open Water and Water Polo**

EM spoke to the paper advising that it is as read. The Chair queried the meaning of a significant incident at OW2.5.7. The Chair asked if this could be answered and once answered then the paper will be signed off. EM will check and revert to the Board.

### **7.5 Scottish Swimming Brand and Name Change Update**

HF noted that the paper is as read and having consulted with both Council and the Aquatic Sports there is no appetite to change the name or logos at this point in time, advising that the Aquatic Sports like the Scottish Swimming brand and being part of the umbrella organisation. The Chair went on to raise that we may in future look at potentially altering the logo. CM agreed that we may not want to rule this out and did we have a further date in mind to review. The Chair noted that the appetite for the change was so limited. EL also noted that if there was to be a significant change then they may reconsider in future. EM clarified in case she had understood that the Aquatics Sports do not want a logo change and they are happy with the logos which they feel capture them as part of the Scottish Swimming family. The Chair advised that they will be leaving the name as is but there may be a Logo review and refresh as it has been around for some time.

## **8. Items for Information and Discussion**

### **8.1 Strategic Plan – 2023/24 Annual Progress Report**

#### **8.1.1 Annual Targets – 12 months' progress report**

EL introduced and thanked the team for their help to deliver the objectives and meeting targets and KPIs. Noting that progress has been collectively driven by the team. The last couple of years have not been easy due to outside factors but that they have made decent progress against the targets. EL that in the More Swimmers section they are aware of STA undercutting their offering. So far only one operator has moved to STA but not for reasons of lack of support or the quality of product from SS; simply they wanted to try something different! They will keep this under review.

The Chair asked if they can stop using amber when reporting noting that if something is off track then red should be used. The Chair asked if there was a new date for the classifier training at point 4.8. EL confirmed that they are working with the home countries to make dates more readily available but the date clashed with an event in Aberdeen. The Chair clarified so there are dates available but just not in Scotland.

### **8.2 Learn to Swim Club Links**

EL noted that this was discussed at the previous board and was also raised at Council. Regarding the pilot the numbers suggest and represent a positive impact although without similar previous data it can only be an indicator. However Francesca Carlo has introduced new trackers to the membership renewals which is already providing useful data of those transferring from LTS to clubs and from which programmes. FC questioned if there is a phase 3 planned. EL confirmed that the intention is to continually monitor and learn from the approaches and share success across the system. KL asking what the baseline conversion rate was. EM noting that

historically the transition rate was 3-5%. GS asking around what was implemented in respect of inclusion and diversity and asking what the criteria was. EL advising that they did not look at it through that lens, the initial focus has been to understand how to improve the links between programme and club. Applying the knowledge and understanding in potentially improve inclusion may well form a future focus. The Chair then queried if there was any indication of LA's holding onto swimmers and not progressing them through their programs quick enough. EL noting that it is difficult to evidence although anecdotally this has been suggested in some areas. AF noting that from his experience that can be the case. DMC sharing similar views. The Chair noting that there may be tension from a commercial point of view and that they should be looking to track the trends and see if there is a supply issue or there is an issue in terms of recruitment for membership numbers suggesting this could be a role for the RSDMs.

### **8.3 Risk Register (Top Risks)**

KW introduced the paper complimenting DM for the work. The Risk Register was discussed at length during ARC. DM noting that there are more than 10 risks included in the paper but advising that these are the risks that the team wished to highlight. FC querying regarding the number 6 regarding quality coaching and asking whether the difference in levels in coaches and whether being paid or unpaid had an impact on attracting and retaining the right skill set. DM noting that this is an area previously looked at by the performance team but was unsure of the outcome. The Chair had a question in relation to the national swim meets by bringing them in house what the cost consequence is and how is it landing with the districts. FC noting that it can open a can of worms and some can be territorial, noting that there is capacity at the moment to put money into it. FC noting that the area of delivery is getting fragile. EL noting that the Team wished to highlight this to the board due to the risk to the organisation be it use/loss of data, financial process and practice, or reputational. The Chair noted if there is overreliance on volunteers then there needs to be a recognition from across the team in terms of operating efficiently and at what pace should they make the change. FC noting that there is perhaps a perception and ownership issue, often volunteers are delivering the events perhaps not recognising that it is National events and as such represents Scottish Swimming and there needs to be the SS protocols in place for the events. DMC noting that this will be looked at later in the year and they will be bound by the rules that need to be adapted to create opportunities for clubs. DMC highlighting that when SNAGS event takes place no other event is allowed to take place on the same day, this may need reshaped.

There needs to be a conversation with the committees that run the events to ensure that they are SS events. EL noting that within the mitigation valuing the volunteers is critical and while providing and improving support and experiences for volunteers and swimmer experience at SS National events. The Chair noted that there is work to do on this piece and the point is to mitigate the risk not create a new one. The Chair also noted regarding point 18 that it was nice to see a balanced budget.

#### **8.3.1 Annual Targets – 12 months' progress report**

Nothing further to be added to the paper from KW, JD or DM. FC queried when the recruitment process was due to start. The Chair advised that the review will be completed then the recruitment process noting that they may wish to have something in for discussion in September. The Chair noting they required to fill KR role as Chair of ARC.

### **8.4 Corporate Governance**

#### **8.4.1 2024 AGM Proposed Governance Changes**

The President spoke to the proposed changes noting that the term on the Board for the President and Vice-President would be increased to two years like a Board Member, noting that there was feedback that previously people were getting used to their roles and then their terms would finish. FC noting that there is an understanding that the individuals who are being put forward would go through a similar process with an appointment interview and also looking at their skill set. The Chair noted that the Board could also refuse a Presidential Candidate. The Chair noted that in the past these positions were often seen as honorary positions but hopefully this would encourage the Districts to nominate someone who will add to the skillset of the organisation. The President and Vice-President are full board members who will also be subject to an Annual Review from the Chair. FC noting that they are being robust in the approach and the purpose is to bring focus.

The Chair then discussed the other proposed changes. FC noting that there is a change to align life member votes. The reasoning being that they wish for people to vote who are voting relevant to as members of a club. The Chair noted that Board Members will retain their right to vote. JD noting at the previous AGM that there were various objections and there were a number of board members in the room at that time that could have voted. The Chair concluded that there is no proposal to remove the Board vote.

FC noted that the life member motion will be issued to the Chairs tomorrow and then go to AGM. There may be a countermotion that Board is included. EM noted that they are talking to Club Chairs and attending District meetings, feedback will be taken from the meetings that might change the proposal. DMC noted that the meeting he had attended on the proposal was positive with one attendee noting that it was the right way to move forward for the Organisation. The Chair noted that they will take the feedback from Club Chairs.

#### **8.4.2 2024 Editorial Board Governance Changes**

Taken as read, nothing further for the sub papers.

## 9. Management Team Report from the Company

Taken as read. Message to be sent out to Board Members regarding via the WhatsApp Group to notify Board when an email has been sent out.

### 9.1 Letter of Engagement

No further input from EL.

### 9.2 Legal Items

None

## 10. Aquatics GB Update

The Chair provided the update advising that Aquatics GB had launched their new brand and it was received well within the Aquatics community. The Chair attended the Aquatics GB Championships. FC and SD were also in attendance. The Chair noted that it was a really positive event with good TV coverage and great racing. The Chair reported that he had missed the last AGB board meeting as he had a clash so nothing to report but he will be attending the June board meeting. The Chair provided an update in respect of the final independent director recruitment process. The Chair also discussed European Aquatics and the wider European Community who are facing some of the same challenges including LTS and pool closures. They are also exploring a coaching qualification and learn to swim standard noting that it will be interesting to see how these develop. The Chair noted that he had been asked to stay on the Open Water Diversity and Inclusion working group and the Commercial working group. The Chair noted that the Diversity and Inclusion working group will be sending delegates to Belfast. There will be two areas of focus with a focus on retention of girls in Aquatic sports.

## 11. AOB

None.

## 12. Next Meeting(s):

Joint Board & Council Meeting – 23 June 2024 - 10am –1pm, Stirling Court Hotel

**cc** Board & Council  
Barry Cook, **sport**scotland

Editorial Board  
National Chairs

Harper Macleod  
Kevin Reynard

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