



ERCS Board Meeting: Minutes of 15 February 2022, 2-5pm - Zoom

Present: Lloyd Austin Chair (LA), Julie Christie Treasurer (JC), Mary Church (MC), Jackie Erdman (JE), Campbell Gemmell (CG), Deborah Long (DL), Juliet Harris (JH) Clare Symonds (CS).

Apologies: Aedán Smith (AS).

In attendance: Cornell Hanxomphou Rights Officer (CH) – until paper 2a, Shivali Fifield Chief Officer & minutes (SF).

	Actions
<p>Welcome</p> <p>Trustee check-in</p> <p>Apologies were noted from Aedán who is on paternity leave.</p> <p>Lloyd welcomed Cornell, our new Rights Officer and asked the trustees to introduce themselves. Cornell then gave a brief overview of his background and experience.</p>	
<p>Minute of last meeting - paper 1</p> <p>The minutes of the last Board meeting 16 November 21 were approved as an accurate record.</p> <p>Decision: The Board approved posting the November minutes on the ERCS website.</p> <p>JC asked how many minutes should be kept on website. LA suggested one year or perhaps covering 2 AGMs. This can be reviewed nearer the time.</p> <p>CG suggested numbering action points in future minutes to aid the reader and track ongoing actions.</p> <p>There were no matters arising that were not covered on the agenda.</p>	<p>AP1: SF to post approved minutes on website.</p> <p>AP2: SF to include numbered action points in future minutes.</p>
<p>Executive report – paper 2</p> <p>The Board noted the report and wanted to thank the ERCS team on their outputs since the last report.</p> <p>In summary, the highlights from the last meeting were:</p> <ul style="list-style-type: none"> - Our Rights Officer and Assistant Legal Officer in post since the beginning of the new year 	



- Establishing links across the Equality and Human Rights Portfolio group to begin our rights work
- Increasing our advice enquiries and testing opportunities for legal aid
- The successful launch of our Call to Action/petition on an enforceable human right to a healthy environment, ongoing work on Aarhus Compliance and MOP action plan with consolidated relationships with civil servants from three teams: Human Rights Bill, Civil Courts and Reserved Tribunals, and Environmental Principles and Governance
- Consolidating our relationships with civil society organisations, Environmental Standards Scotland and Scottish Association of Law Centres.

Public education and rights

Cornell spoke to *Paper 2a: Equality & Human Rights Fund Workplan* and took questions. All acknowledged the importance of mainstreaming equalities and inclusion throughout all the work programmes and welcomed the opportunity to explore this further in the second Equality, Diversity and Inclusion Session to be held on 18 February.

At this point, Cornell left the meeting.

Advice service

The Board reviewed *Paper 2b*: an evaluation of the 6-month pilot of referring legal aid cases to Legal Services Agency (LSA). The pilot ends on 1 March and will be a discussion item at the next Advice Working group. The paper recommends that ERCS and LSA undertake a formal agreement for one year in which LSA remain the preferred provider for legal aid eligible clients. This will provide an evidence base to inform the strategic development of ERCS's legal advice service and whether to establish its own law firm post 2023.

MC asked whether entering such an agreement prevented ERCS referring to another law firm. SF said ERCS could use another provider but that, in practice, ERCS has not been able to identify another law firm. Notwithstanding, the agreement with LSA will cover the option to review referral pathways quarterly.

AP3: SF to circulate summary of Advice Cases Oct 21- Feb 22.



	<p>Decision: The Board gave approval in principle to entering a formal one-year agreement with LSA subject to the discussion at the Advice Steering Group on 22 February.</p>	
	<p>Governance</p> <p>Membership Protocol and Membership Application Process – papers 3 & 3a</p> <p>As agreed at the May 21 Board Meeting, the Membership Protocol and Application Process (<i>Papers 3 & 3a</i>) were reviewed by the Operations Working Group in January after being in place for 6 months. Some minor amendments were recommended as highlighted in the papers.</p> <p>MC asked whether the option of posting a membership application form had been discussed to increase accessibility. SF confirmed it had at the Operations Working Group in June 21 but was not seen as practical at that time. There was a general discussion about whether accepting postal applications was now appropriate. JE suggested that increasing accessibility for membership application needed to be wider than considering postal applications.</p> <p>SF suggested that to increase accessibility, the option of accepting a telephone application could be made explicit in the same way that is for receiving advice enquiries. In addition, the assertive outreach to community groups, by the Rights Officer, will be a meaningful way of raising awareness of ERCS and encouraging engagement with our work: via subscribing to our mailing list, becoming a member, or a trustee. The evaluation forms for our advice work also remind clients of these options.</p> <p>Decision: The Board approved the revised Membership Protocol and asked for the Membership Application process to include the additions discussed above.</p> <p>Risk Register – paper 4</p> <p>The January 6 month review of the risk register undertaken by the Operations Working Group was discussed.</p> <p>All agreed with the updates. DL suggested to add mitigating IT risk by sourcing an IT support provider. JH asked whether supervision of cashflow was adequately covered. JC felt that the financial management controls were adequate, but it would be helpful to include this in the register. There was also discussion on the impact of</p>	<p>AP4: SF to update website to make explicit the acceptance of postal and telephone applications.</p> <p>AP5: Ops Working Group to finalise Membership Application process to include the above.</p>



<p>growing awareness of climate change and environmental justice and how this might affect the organisational/operating context and pressures.</p> <p>Equalities, Diversity and Inclusion (EDI) and strategic review SF said that the individual feedback from the first EDI session was positive and that the second session, due at the end of the week, will serve as the first stage of ERCS's strategic review process. Details of the session had been circulated the day before. SF asked for the human rights PANEL principles (participation, accountability, non-discrimination, empowerment and legality) to be used as a framework/lens to consider ERCS's work. The discussion/learning from the session will help to inform the review of ERCS's Theory of Change and Strategic Plan 2023-26.</p> <p>Suggested timeline:</p> <ul style="list-style-type: none"> - February – EDI sessions and use of PANEL principles to review our work - April/May – ERCS working groups to identify strategic priorities - May - Board meeting to review funding strategy and update Theory of Change - June/July – Board and membership workshops to finalise strategic priorities - Aug – Board to review draft Strategic Plan 2023-26 - Sep– Finalise Strategic Plan for AGM on 27 October. 	<p>AP6: SF to update risk register and re-circulate.</p>
<p>Finance – papers 5 & 5a</p> <p>JC spoke to the financial report and forecast (<i>Papers 5 & 5a</i>).</p> <p>2021 -2022 revised budget forecast The actual expenditure to 31 December 21 was £80,900. This is less than anticipated and the revised budget forecast for 2021-22 predicts an operating surplus of £30,732 at 31 March 2022.</p> <p>Annual review of pay and salary structure In line with ERCS's Pay, Remuneration and Pension Policy, all staff have completed their annual performance and personal development review. From this annual review, it is recommended that the salary of the Finance and Administration Officer is increased.</p> <p>Decision: Acknowledging the increase in skills required to lead on the organisation's financial management processes; the complexity</p>	<p>AP7: SF to action increase in salary for Finance and Admin Officer</p>



<p>of duties; and degree of accountability, autonomy and risk involved now that ERCS is an independent financial entity, the Board approved the recommendation from the Operations Working Group to increase the Finance and Administration Officer's salary backdated from 1 January 2022 (plus annual pay award from 1 April 2022).</p> <p>Annual salary awards As outlined in ERCS's Pay, Remuneration and Pension Policy, the Operations Working Group, in conjunction with the Treasurer, are required to make a recommendation on annual pay to the Board of Trustees. The recommendation must confirm the position on pay and where a pay increase is recommended it must confirm that the costs can be met from the existing budget and that the award does not compromise ERCS's financial stability.</p> <p>The aspiration is to award a salary uplift in line with the percentage cost of living increase based on the ONS inflation figure. Our previous financial forecasts included a salary uplift of 2.5% p.a. The ONS inflation figures was 2.9% at September 2021 and 4.6% at November 2021.</p> <p>Decisions: Given the successful TUPE of staff on 03 July 2021 from LINK to ERCS and the revised budget figures, the Board approved the following recommendations from 01 April 2022:</p> <ul style="list-style-type: none"> - ERCS to award an annual 3% cost of living increase to all staff confirmed in post from 01 April 2022. New staff will be awarded the 3% increase on completion of their probationary period. - All staff contracts are made permanent. <p>It was acknowledged that it is the aspiration of ERCS to keep salaries competitive within the sector. This is part of the remit of the Operations Working Group and is factored into funding applications. MC noted the importance of adhering to a transparent process for salary reviews.</p> <p>Revised financial forecast 2022-2025 SF summarised the revised financial forecast for 2022-25 which now includes an annual salary uplift of 3%.</p> <p>The Board noted that the last quarterly payment of the Joseph Rowntree Charitable Trust (JRCT) will be awarded in June this year</p>	<p>backdated from Jan 22.</p> <p>AP8: SF/JC to action 3% cost of living increase and permanent contracts from 1 April 2022.</p>
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<p>and that ERCS must at least maintain the same level of core funding for future years to maintain the current staff structure. ERCS will apply for a further 3-year grant from JRCT, but there is no guarantee of success as the criteria has changed significantly and we will need to apply to a different programme than before. Closing date is 28 March with a decision by 11 July.</p> <p>SF and JC noted that although there is a credible budget for 2022-2023, ERCS's medium term finances need to be fortified. They outlined their risk management actions and will present a fundraising strategy to the May Board meeting.</p> <p>LA and JH thanked JC and SF for their work and clarity in presenting the papers. JH noted that the going concern test did address the financial risk mitigation measure discussed as part of the risk register.</p> <p>Decisions: The Board agreed that the Going concern test is met: that there is confirmed for ERCS to meet all its cash commitments for the next three months and there is a robust and credible budget which shows that ERCS is able to break even or better for the next six months.</p>	<p>AP9: SF/JC to apply to JRCT for 3-year grant.</p> <p>AP10: SF/JC to present fundraising strategy to May Board meeting.</p>
<p>Staff Handbook</p> <p>Grievance procedure flowchart</p> <p>An action point from the February Board Meeting was to include a process/flowchart for the grievance procedure.</p> <p>CG asked if external mediation was useful to include within the process. Overall, it was felt that the current procedure encouraged grievances to be resolved informally if possible, but if this was not the case, the worker could be supported by work colleague, a union representative or a person from an advice agency, when raising a grievance or appealing against a decision (as outlined in section 1). Formal mediation could be an option that is recommended following a hearing.</p> <p>MC noted that a Whistleblowing policy was now to be actioned and she would forward Friends of the Earth Scotland's for information.</p> <p>Decision: The Board approved the flowchart outlining the Grievance procedure.</p>	<p>AP11: Ops working group to draft Whistleblowing Policy.</p>



	<p>AOCB</p> <p>LA reminded everyone that the next Board meeting was Tuesday 17 May and we aim to have this at the RSPB office in Edinburgh. Hopefully a light lunch 1.30 – 2pm will be available to facilitate an informal catchup before the meeting.</p>	<p>AP12: SF to book RSPB office for future Board meetings.</p>
	<p>The meeting was closed at 4.50pm.</p>	

These minutes were approved as an accurate record by the Board of Trustees on 17 May 2022.

Signed: Lloyd Austin, Chair