



ERCS Board Meeting: Minutes of 17 May 2022, 2-5pm

Hybrid meeting

Present: Lloyd Austin Chair (LA), Julie Christie Treasurer (JC), Jackie Erdman (JE), Deborah Long Vicechair (DL), Juliet Harris (JH) Aedán Smith (AS), Clare Symonds (CS).

Apologies: Mary Church (MC) and Campbell Gemmell (CG).

In attendance: Shivali Fifield Chief Officer & minutes (SF).

	Actions
<p>Welcome</p> <p>Trustee check-in</p> <p>Apologies were noted from Mary and Campbell.</p> <p>All acknowledged the novelty of meeting in person for the first time for some trustees (Lloyd, Julie, Aedán and Clare) and coordinating the zoom technology for others (Jackie, Deborah, Juliet and Shivali). Lloyd noted that, hopefully, more of us will be able to meet in person for the next Board Meeting especially as some trustees have yet to meet each other face to face.</p>	
<p>Minute of last meeting - paper 1</p> <p>The minutes of the last Board meeting 15 February 2022 were approved as an accurate record.</p> <p>All action points have been completed and there were no matters arising that were not covered in the agenda.</p> <p>Decision: The Board approved posting the February minutes on the ERCS website.</p>	<p>AP1: SF to post approved minutes on website.</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 developing our role in rights awareness and outreach - Increasing our advice enquiries and testing opportunities for legal aid, as well as a review of our service standards, monitoring and evaluation framework 	



- The promotion of our online 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 Tribunals, and Environmental Strategy and Governance
- Consolidating our relationships with civil society organisations, Environmental Standards Scotland and Scottish Association of Law Centres.

Rights awareness and outreach

Jackie made special note on how the work was really beginning to take shape, taking into consideration the investment needed to outreach to new groups and build relationships.

Advice service

The Board noted *Paper 2c: Advice Strategy discussion paper* which will be reviewed by the Advice Steering Group. The paper begins with a review of the Advice Service followed by a summary of the factors that inform the direction of ERCS's long-term service model and whether to establish a law firm to undertake legal representation for public interest litigation. There is some optimism that certain reforms will be introduced to reduce the barriers to public interest litigation during this parliamentary session, but the nature and extent of these will only emerge over the next 12 to 18 months. It is therefore recommended that ERCS continues with the current service model and another options appraisal is undertaken towards the end of 2023.

Clare, who is on the Advice Steering Group, said the paper was very helpful and all agreed with the recommendation.

Advocacy

Juliet gave an update on the Scottish Government's activities since the UNCRC Supreme Court judgement and the possible implications for the Human Rights Bill. A statement from the Deputy First Minister is expected at the end of May which will outline the Parliamentary Reconsideration Stage for the UNCRC (Incorporation) (Scotland) Bill.

All agreed it would be helpful for Shivali, Juliet and Mhairi Snowden, Human Rights Consortium to review progress/impact and implications for encouraging a proactive approach from members of the Human

AP2: SF to organise a meeting with ERCS/Together/HRCS to progress action on HR Bill.



	Rights Bill Advisory Board and Civil Society Working Group on Incorporation.	
	<p>Staff Handbook & operational policies</p> <p>The Board noted the draft Whistleblowing Policy will be reviewed at the next Operations Working Group.</p> <p>The Board approved the Recruitment Policy subject to including that ‘proof of the right to work in the UK’ is written in the formal offer list of conditions.</p> <p>Decision: The Board approved the Recruitment Policy and for ERCS to become a <u>Level 1: Disability Confident Committed employer organisation.</u></p>	<p>AP3: Ops Working Group to finalise Whistleblowing Policy.</p> <p>AP4: SF to action becoming a Disability Confident employer organisation.</p>
	<p>Finance – papers 4a & 4b</p> <p>JC spoke to the financial report and forecast (<i>Papers 4a & 4b</i>).</p> <p>2021-2 Year end and 2022-3 budget for approval</p> <p>At the February Board Meeting, an operating surplus of at least £30,732 was predicted and a proposed 2022/23 budget forecast was presented. <i>Paper 4a: Cash Summary</i> sets out the actual surplus as of 31 March 2022 year end as £53,970.</p> <p>The surplus was accumulated largely because of over seven months of staff vacancies, reduced costs due to online meetings/webinars and outreach work and the intentional objective of creating and maintaining a reserves policy to meet three months of salary costs. ERCS is in the process of opening a second bank account with the co-operative bank for our reserves and the use of a debit card.</p> <p><i>Paper 4b</i> provided the revised 2022-3 budget for approval. This includes the brought forward surplus of £53,970 – of which £42,870 will be held in our second bank account as reserves (equal to three months salary costs), and £11,100 carried over to this year’s budget. All agreed that achieving the objective of a reserves policy within the first year of becoming financially independent from LINK was an excellent position to be in.</p> <p>Staffing review and revised financial forecast</p> <p>Shivali outlined the current staffing structure for the Advice Service which is in-house Solicitor at 0.7 FTE (27 hours p.week) and</p>	



<p>temporary Assistant Legal Officer at 0.1 FTE (4 hours p.week) since January 2022. Given the steady increase in referrals to the Advice Service, it was recommended that we recruit to an Assistant Legal Officer at an increase from 0.1 to 0.4 FTE (14 hours p.week) in the summer – subject to funding success. This would be targeted at early career professionals and a means of ‘growing our own’ environmental justice lawyers.</p> <p>Paper 4b provided a revised financial forecast which includes the above proposal and an increase in hours for the Finance & Administration Officer from 0.6 to 0.7 FTE. It also includes an annual salary uplift of 4% from 1 April 2023 (increased from 3% for this year).</p> <p>The Board noted that ERCS will meet with the Joseph Rowntree Charitable Trust on 18 May to discuss our funding application and should know the outcome w/c 11 July. Julie noted that even without the £180,000 over three years that we hope to receive from the Joseph Rowntree Charitable Trust, the increased staff costs are within budget and present as low risk.</p> <p>ERCS also met with the William Grant Foundation who seemed keen to award a grant from their environmental infrastructure fund – we will know the outcome towards the end of June.</p> <p>Decisions: The Board</p> <ol style="list-style-type: none"> I. Noted the Year end cash summary report at 31 March 2022 with an operating surplus of £53,970 (Paper 4a) II. Approved the proposal to retain £42,870 (3 months salary costs) as the reserves policy III. Approved the increase of hours for the Finance & Administration Officer from 0.6 to 0.7 FTE (21 to 24 hours) IV. Approved, in principle, the recruitment of an Assistant Legal Officer from 0.1 FTE to 0.4 FTE (14 hours) at £24,500 - £26,500) subject to benchmarking and award from the Joseph Rowntree Charitable Trust V. Approved the budget for 2022-3 and financial forecast with the proposed annual 4% cost of living increase and proposed staff increases (Paper 4b) VI. Agreed that the going concern test was met. <p>It was acknowledged that it is the aspiration of ERCS to keep salaries competitive within the sector. In line with ERCS’s Pay, Remuneration</p>	<p>AP5: SF/JC to implement approved budget and write up reserves policy.</p> <p>AP6: SF to benchmark and recruit to Assistant Legal Officer (01 - 0.4 FTE) subject to funding.</p> <p>AP7: SF to increase hours of Finance & Admin Officer from 0.6</p>
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	<p>and Pension Policy, an annual review of pay and salary structure will be undertaken in Autumn and presented to the November Board Meeting.</p>	<p>to 0.7 FTE when new Assistant Legal Officer is in post.</p>
	<p>Governance</p> <p>AGM</p> <p>The date for the AGM was reviewed and brought forward from 27 October to 28 September. It was agreed that this would be an online event as there will be opportunities for in-person workshops during the summer for both the consultation response to the Human Rights Bill and input into ERCS's strategic plan. All were asked for ideas on a suitable speaker.</p> <p>Decision: The Board agreed the date of 28 September 6.30pm online for the AGM.</p> <p>Appointment of associates and trustees</p> <p>All agreed it was important to expand our associates with members from our advice and outreach work (as these progress) to reflect lived experience, as well as approach experts in environmental law. There will also be an opportunity to elect additional trustees at the AGM.</p>	<p>AP8: SF to circulate calendar invite for AGM and all to consider a speaker for the AGM.</p>
	<p>Strategy Workshop 2: Review ERCS's theory of change and strategic objectives – papers 5, 5a & 5b</p> <p>The last half of the Board Meeting was the second workshop to inform the new strategic plan 2023-26. Workshop 1 (18 February) was on equality, diversity and inclusion and applying the PANEL principals to our work.</p> <p>Shivali talked to the background papers and the objectives of the session which were:</p> <ul style="list-style-type: none"> - To pause and reflect on our journey since January 2020 - To reflect on outputs from workshop 1 and how to incorporate a human rights-based approach to our work (the PANEL principals) - review our theory of change framework <p>Next steps</p> <ul style="list-style-type: none"> - June/July/August – Board and membership workshops to finalise strategic priorities 	<p>AP9: SF to write up outputs from workshop and circulate next actions.</p>



	<ul style="list-style-type: none">- 16 Aug – Board to review draft Strategic Plan 2023-26- 28 Sept – Strategic Plan presented to AGM	
	<p>AOCB</p> <p>Next board meeting</p> <p>LA reminded everyone that the next Board meeting was Tuesday 16 August at the RSPB office in Edinburgh/hybrid. Hopefully a light lunch 1.30 – 2pm will be available to facilitate an informal catchup before the meeting.</p>	
	<p>The meeting was closed at 5pm.</p>	

These minutes were approved as an accurate record by the Board of Trustees on 16 August 2022.

Signed: Lloyd Austin, Chair.