

ERCS Board Meeting: Minutes of 16 August 2022 2-5pm

Hybrid meeting

Present: Lloyd Austin Chair (LA), Julie Christie Treasurer (JC), Mary Church (MC), Campbell Gemmell (CG), Deborah Long Vicechair (DL), Aedán Smith (AS), Clare Symonds (CS).

Apologies: Jackie Erdman (JE), Juliet Harris (JH).

In attendance: Shivali Fifield Chief Officer & minutes (SF), Benji Brown until agenda item 3.

		Actions
1	<p>Welcome</p> <p>Trustee check-in</p> <p>Apologies were noted from Jackie and Juliet.</p> <p>Benji was introduced as ERCS’s Policy & Advocacy Officer who started 20 June.</p>	
2	<p>Minutes of last meeting – paper 1</p> <p>The minutes of the last Board meeting 17 May 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 May minutes on the ERCS website.</p>	<p>AP1: SF to post approved minutes on website.</p>
3	<p>Executive report – Papers 2, 2a</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"> Grant award of £180,000 over three years from the Joseph Rowntree Charitable Trust 	



	<ul style="list-style-type: none">• Increasing our membership and associates• Developing our role in rights awareness and outreach including publishing online case studies and Air Pollution FAQ• Increasing our advice enquiries and reputation• Submitting a representation to ESS on access to justice and preparation to submit communication to ACCC on equal right of appeal in planning• Scottish Government’s decision to exempt courts fees for Aarhus cases in the Court of Session• ERCS evaluation of the Scottish Government’s contribution to the UK Action Plan for MoP-7 Decision VII/8s and press coverage to highlight the need for stronger actions• Consolidating relationships with civil servants from three teams: Human Rights Bill, Civil Courts and Tribunals, and Environmental Strategy and Governance to pursue our advocacy objectives• Consolidating our relationships with civil society organisations, Environmental Standards Scotland and Scottish Association of Law Centres. <p>Rights awareness and outreach</p> <p>Campbell commented that the FAQ on air pollution was good with a good set of links. Suggested to also include EPScotland who lead on Clean Air Day.</p> <p>Mary asked if ERCS were credited for being the basis for the <i>JRS Knowhow Your Right to protest in Scotland</i> online guide. Shivali confirmed that we were.</p> <p>Advice service</p> <p>The Board noted <i>Paper 2a: Advice cases summary</i>. Shivali confirmed that the service weighted the amount of resources spent on enquiries as set out in our case selection criteria. Time spent on enquiries is recorded.</p>	
4	<p>Finance – Papers 3, 3a, 3b</p> <p>The Board noted the papers. Julie explained <i>Paper 3: ERCS Budget 2022-26</i> as an update to the budget presented to the May meeting now that the new grant from Joseph Rowntree Charitable Trust had</p>	<p>AP2: JC/SF to produce revised 2022-26 financial forecast with</p>



	<p>been awarded (£180k over three years). All agreed that it was exceptional to be able to implement a reserves policy of three months' salary costs – in line with custom and good practice for small charities.</p> <p>Clare asked how confident we were about receiving a further three years funding from Esmée Fairbairn Foundation from 2024. All agreed that we should be able to secure this if we continue to deliver our objectives.</p> <p>The six-month review of ERCS's risk register will be undertaken by the Operations working group who meet in October.</p> <p>Geoghegans aim to have the draft accounts ready by the end of August, ready for consideration at the AGM on 28 September and approval thereafter.</p> <p>The Board noted that the Budget included an annual cost of living increase of 4%. The annual review of pay and salary structure will be undertaken in autumn and the salaries for 23/24 will be reviewed then.</p> <p>Decisions: The Board agreed that the going concern test was met and thanked Julie for her work as treasurer in supporting the organisation's strong financial position.</p>	<p>approval of accounts.</p> <p>AP3: Ops WG to review risk register.</p> <p>AP4: Ops WG to undertake annual review of pay and salary structure.</p>
5	<p>Staff Handbook & operating policies</p> <p>Draft Fundraising Policy – Paper 4 for comment</p> <p>The Board agreed with the substance of the policy and agreed with the principle of online screening of corporate donors.</p> <p>It was agreed that we should include our policy of not accepting more than 30% of our overall funding from the government to maintain advocacy independence, and to exclude organisations that are directly linked to gambling (exceptions will be the lottery on a case-by-case basis).</p> <p>Whistleblowing Policy – Paper 5 for approval</p> <p>It was agreed that the procedure for the whistleblowing policy should reflect the grievance policy - which provides a worker being able to</p>	<p>AP5: Ops WG to finalise fundraising policy and circulate it for approval.</p> <p>AP6: SF to finalise whistleblowing policy and update staff handbook.</p> <p>AP7: SF to action becoming <u>Level 1: Disability Confident Committed</u></p>



	<p>raise a concern to the Chair 'or in exceptional circumstances, another member of the ERCS Board'.</p> <p>Decision: The Board approved the whistleblowing policy subject to including the provision of contacting any trustee at Stage 2 of the procedure.</p>	<p><u>employer organisation.</u></p>
6	<p>Governance - AGM</p> <p>Nominations and elections of trustees – Papers 6, 6a, 6b</p> <p>ERCS's virtual second AGM will be held on Wednesday 28 September.</p> <p>The Board noted <i>Paper 6: Nominations and elections of trustees</i> and the register of trustees and schedule for retirement. Campbell, Juliet and Jackie are the three trustees longest in office since last elected and will retire from office at the next AGM. All three indicated that they would like to stand for re-election.</p> <p>Following the launch of our membership recruitment in May 2021 ERCS now has 96 members. At the first AGM the Board were not seeking new trustees but did state that additional trustees would be elected from the membership at future AGMs.</p> <p>The current expertise within the Board reflects adequate depth and breadth to support ERCS's operational and strategic development. Our Associates provide additional legal and academic expertise, as well as disabled and lived experience.</p> <p>Notwithstanding, the Board discussed the process for nominating new trustees and approved Papers 6a and 6b on the <u>Protocol on electing trustees</u> and updated <u>Trustees' roles, responsibilities and commitments</u> (subject to amending the clause on 'representation' which should be 'in agreement with the Chief Officer act as spokesperson...')</p> <p>Julie raised the question of organisational membership. This option is in the Constitution but is not yet enabled. It was agreed that the current priority is to increase individual memberships and develop membership engagement. ERCS has strong relationships with organisations through its participation in environmental and rights</p>	<p>AP8: SF to finalise online <u>trustee recruitment pack</u> and circulate with AGM Notice on 22 August.</p> <p>AP9: SF to circulate short bios of approved nominations to membership by 19 Sept for election at AGM.</p> <p>AP10: DL/LA to ask LINK Governance Group to confirm their 2 nominations to ERCS Board (AS and DL).</p>



	<p>networks and the petition. Hence, there is no immediate advantage for organisation membership which needs additional administration, but this will be revisited as part of our future strategic development.</p> <p>Decision: The Board approved asking for nominations for new trustees in the AGM notice with an emphasis on especially welcoming applications from people with lived experience of environmental justice in Scotland.</p> <p>AGM structure</p> <p>It was agreed to start with the AGM followed by a workshop to input into the strategic plan. Shivali will give a short presentation at the AGM summarising the achievements during the accounting period. This will set the scene for the workshop. The Board will approve the accounts during the break.</p>	
7	<p>AOCB</p> <p>It was agreed that the date of the next Board meeting will change from 15 to 8 November 2-5pm.</p> <p>Shivali will also check the audio functionality for video conferencing in the RSPB Board Room.</p>	<p>AP11: SF to circulate new date of 8 November and check audio in RSPB Board room.</p>
	<p>The meeting was closed at 5pm</p>	

These minutes were approved as an accurate record by the Board of Trustees on 8 November 2022.

Signed: Lloyd Austin, Chair.