

ERCS Board Meeting: Minutes of 8 November 2022 2-4pm

Virtual meeting

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

Apologies: Mary Church (MC), Jackie Erdman (JE).

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

		Actions
1	<p>Welcome</p> <p>Trustee check-in</p> <p>Apologies were noted from Jackie and Mary.</p> <p>Lloyd said that, given the apologies and relatively short agenda, it was decided to shift from a hybrid to a virtual meeting with the aim of finishing by 4pm. It was agreed that the trustees should try for a face-to-face outing in Summer.</p>	<p>AP1: SF to book 15 August 23 Board Meeting as a full day in-person outing/mtg.</p>
2	<p>Minutes of last meeting – papers 1, 1a</p> <p>The minutes of the last Board meeting on 28 September were approved as an accurate record. The meeting directly followed the AGM, to appoint the office bearers and approve the report and financial statements.</p> <p>The minutes of the Board meeting on 16 August were approved as an accurate record.</p> <p>All action points have been completed except for AP7 – SF to action becoming <u>Level 1: Disability Confident Committed employer organisation</u>, and there were no matters arising that were not covered in the agenda.</p> <p>Decision: The Board approved posting the September and August minutes on the ERCS website.</p>	<p>AP2: SF to post approved minutes on website for 28 September and 16 August.</p> <p>AP3: SF to action becoming <u>Level 1: Disability Confident Committed employer organisation</u>.</p>



3	<p>Executive report – Papers 2, 2a, 2b, 2c,2d</p> <p>The Board noted the report and accompanying papers 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">• Increasing our membership and associates• Developing our role in rights awareness and outreach including publishing online ‘voices for justice’ blogs and FAQs on air pollution and greenspace• Agreeing a joint project with MECOPP Gypsy/Travellers service• Increasing our advice enquiries and reputation• Submitting a representation to ESS on access to justice and a communication to ACCC on equal right of appeal in planning• Increasing our social media profile with corresponding increase in website activity and downloads• Establishing relationships with the press media to advance our advocacy objectives• 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>All noted the potentially exciting work with the MECOPP Gypsy/Traveller project and are keen to see how it develops. This initial participatory action research project will focus on two case studies and desktop research of all the 19 static sites. It will ideally identify questions and areas for future collaborative work and policy reform.</p> <p>Campbell commented that it would be helpful to forward the voices for justice blog on sewage sludge spreading and accompanying representation to ESS to interested MSPs and committee clerks.</p>	<p>AP4: SF to circulate sewage sludge briefing to MSPs/Committee clerks.</p>
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	<p>Advice service</p> <p>The Board noted that the audit of 12 months of the Advice Service was almost complete and that a 2 page summary for publication will be ready for the next Advice Steering Group meeting on 8 December.</p> <p>Clare asked about opportunities for strategic litigation. Shivali said that the ACCC communication on Equal Rights of Appeal was the first piece of strategic litigation and that the Advice Steering Group had agreed a process for assessing further opportunities. However, given the huge financial risk, ERCS was proceeding with caution and would be in a stronger position with the further development of the Advice Service next year.</p> <p>Administration and communications</p> <p>Juliet suggested ERCS should register a handle with Mastodon as a potential alternative to twitter.</p>	<p>AP5: SF to register ERCS handle with Mastodon.</p>
4	<p>Financial report – Papers 3, 3a, 3b</p> <p>2022-2023 revised budget forecast</p> <p>The Board noted the papers. Julie explained <i>Paper 3a: ERCS Budget variance report to 30 September 22</i> and <i>Paper 3b ERCS budget forecast 2022-26</i> which presented the revised budget forecast to 31 March 2023 with a predicted available balance of £102,696.</p> <p>The predicted available balance takes into account the following audited figures as brought forward into this operating period:</p> <ul style="list-style-type: none">• £39,755 transfer of assets from LINK to ERCS on 1 July 2021 and brought forward to this year• £42,888 ERCS operating surplus brought forward from 2020/21• £50,162 ERCS operating surplus brought forward from 2021/22. <p>It also takes into account reserves for 3 months' salary costs.</p>	<p>AP6: JC/LA/SF to write to staff informing them of their pay award.</p>



Annual review of pay and salary structure

From 1 April 2022, following the successful TUPE of staff in July 2021 from LINK to ERCS, all staff contracts were made permanent.

All staff salaries have been benchmarked but, as a new organisation, it was prudent to have them at the lower end of the scale (see Financial Report February 2022 and Executive Report August 2022). Now that ERCS is in its third year, the Board has made a commitment to review all salaries so that they are competitive within the specialist environmental advocacy and legal sectors to both value and retain staff.

As outlined in the 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.

Paper 3b ERCS budget forecast 2022-26 also includes a **recommended two stage pay award of 8% to be given on 1 January and 1 April 2023**. With the award, benchmarking demonstrated that the 'Officer' posts will become competitive within the sector for 'specialist posts' and the solicitor post is also well positioned against similar law centre positions. The budget includes a 4% uplift for staff and operational costs from 2024-26.

This offers an excellent starting point to undertake a review of ERCS's overall salary structure next autumn. It is anticipated that this will include identifying a suitable salary incremental scale to adopt for the organisation moving forward.

All agreed this was an important step for ERCS to take now, given it was in a unique financial position to do so, and especially as this was the premise for applying for an uplift from the Joseph Rowntree Charitable Trust and William Grant Foundation. Deborah noted that LINK had recently completed a job evaluation and benchmarking exercise and that the recommended pay award would bring ERCS posts to the top end of the sector.



	<p>Notwithstanding, Clare wanted to note it was still important to be prudent and not overstretch the organisation especially as grant funding remains unpredictable and precarious. Julie said that she acknowledged this but ERCS has some comfort in having three-year grants and it was important to have credible salaries to inform budgets for future grant applications. ERCS funders have welcomed this but there was no room for complacency. The financial forecast also includes £80,000 over three years to support the development of the Advice Service.</p> <p>In summary, the ERCS Board, on the recommendation of the Operations Working Group:</p> <ul style="list-style-type: none">I. Noted the income and expenditure to 30 September 2022II. Noted the revised budget forecast to 31 March 2023 and predicted available balance of £102, 696 and £58,697 at year end 31 March 2024III. Approved the recommendation that ERCS gives a two stage pay award of 8% to all staff at 1 January and 1 April 2023 to make salaries competitive within the sectorIV. Noted a job evaluation exercise will be undertaken in autumn 2023 to include investigating a suitable salary incremental scaleV. Noted the 3-year financial forecast 2023-2026 with the pay awards and £80,000 budget for developing the Advice ServiceVI. Decided that the going concern test was met. <p>The Board thanked Julie for her work as treasurer in supporting the organisation’s strong financial position.</p>	
5	<p>Staff Handbook & operating policies</p> <p>Fundraising Policy – Paper 4 for approval</p> <p>The Operations Working Group have reviewed the draft policy to include the main points from discussion at the last Board meeting. It was agreed that the policy was a good starting point and that it would be regularly revisited by Julie and Shivali as part of the fundraising strategy</p> <p>Decision: The Board approved the fundraising policy.</p>	



6	<p>Governance</p> <p>Risk register – Paper 5</p> <p>The risk register has been updated and reflects appropriate mitigation measures are in place. All agreed the risk register was a robust and effective operational tool. In light of new risks emerging with the impacts of the cost of living crisis, political climate for advocacy work and the maturity/development of the advice service, it was recommended that a new risk register is presented for the February Board Meeting.</p> <p>All trustees are welcome to contact Shivali to suggest additional first order risks to address.</p> <p>Strategic plan</p> <p>Shivali said that the last bit to add to the strategic plan was the role and remit of the three steering groups: operations, advice and advocacy and whether they remained fit for purpose. Trustees felt that they were but that it was unfortunate the advice and advocacy groups had the same acronym. Shivali will review how to distinguish between them in email correspondence and documents.</p> <p>The final draft plan will be circulated ready to be signed off at the next Board Meeting.</p>	<p>AP7: SF/Ops WG to present new risk register at February Board meeting.</p> <p>AP8: SF to finalise strategic plan and circulate Dec/Jan.</p>
7	<p>AOCB</p> <p>The dates for 2023 meetings were provisionally agreed to continue as the third Tuesday every three months 2-5pm: 21 February, 16 May, 15 August, 21 November and 20 February 2024.</p> <p>The AGM was provisionally earmarked for 20 September 2023 6 – 8pm.</p> <p>Campbell asked if the current frequency and timing of meetings could be discussed at the next meeting.</p>	<p>AP9: SF to circulate 2023 dates for hybrid Board meetings and in-person outing for August.</p> <p>AP10: All to consider frequency and timing of Board meetings</p>
	<p>The meeting was closed at 4pm</p>	



These minutes were approved as an accurate record by the Board of Trustees on 21 February 2023.



Signed: Lloyd Austin, Chair.