

ERCS Board Meeting: Minutes of 21 November 2023, 2-5pm

Hybrid meeting

Present: Lloyd Austin Chair (LA), Tom Ballantine (TB), Julie Christie Treasurer (JC), Campbell Gemmell (CG), Juliet Harris (JH), Jim Jarvie (JJ), Deborah Long Vicechair, Aedán Smith (AS), Pippa Scott (PS), Clare Symonds (CS).

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

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

		Actions
1	<p>Welcome</p> <p>Apologies were noted from Mary and Jackie.</p> <p>Trustee check-in</p> <p>Lloyd welcomed Pippa and Jim as newly elected trustees to the Board, also noting that Tom (previously co-opted) was also elected at the AGM in October. All trustees introduced themselves and said a little bit about their interest and involvement in ERCS.</p> <p>Following up on action from the SCVO Good Governance checkup report, Pippa said that she would welcome a trustee as a mentor/buddy.</p> <p>Declarations of interest</p> <p>The conflict of interest policy was approved at the May 23 Board meeting and states that:</p> <p><i>All trustees have the obligation to identify and disclose any conflict of interest at the start of the appropriate board meeting and any ongoing discussions.</i></p> <p>There were no conflicts of interest declared.</p>	<p>23/38: Trustees to contact PS re mentor/buddy support.</p>



2	<p>Minutes of last meeting - Paper1</p> <p>The minutes of the last Board meeting on 15 August and 11 October were approved as an accurate record.</p> <p>Shivali confirmed that the accounts formally approved at the October meeting following the AGM had now been uploaded to the OSCR website.</p> <p>Matters arising - all action points have been completed except for:</p> <ul style="list-style-type: none">- 23/3: SF to remove minutes from the website from Sept 23 to keep within 2-year scope (to be implemented from Feb 2024)- 23/14: SF to commission consultancy on ERCS's communication strategy end 2023/early 2024 (to review with new Policy & Comms officer)- 23/26: SF to recruit an Operations & Development Officer and appoint a Principal Solicitor as soon as possible- 23/27: SF/JC to present a revised Internal Financial Controls (done) and Finance Manual for the November Board Meeting (to take to February 24 Board Meeting with new Ops & Development Manager in post) <p>There were no other matters arising that were not covered in the agenda.</p> <p>Decision: The Board approved posting the 15 August and 11 October May minutes on the ERCS website.</p>	<p>23/39: SF to complete outstanding actions:</p> <p>23/3, 23/14, 23/26, 23/27</p> <p>23/40: SF to post approved minutes on website for 15 August and 11 October.</p>
3	<p>Executive report – Papers 2, 2a, 2b, 2c, 2d</p> <p>Lloyd reminded the Board that the Executive Report (Paper 2) was longer than usual because it covers the period between May and November (the August Board away day had verbal updates from senior officers).</p> <p>The accompanying papers 2a-2d provide the details from the Advice, Advocacy and Operations Steering Groups.</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 Paper 2 were:</p>	



- Progress (if slow) on our joint project with MECOPP Gypsy/Travellers service.
- Development of our Environmental Justice Network.
- Building our bank of resources including launch of animation on the right to a healthy environment.
- A successful Environmental Rights Summit.
- Scoping research projects on race and climate and disability rights.
- Increasing our advice enquiries and submitting now 11 representations to ESS.
- Approval to establish our own law practice unit.
- Beginning our work to scope the feasibility and options to criminalise ecocide in Scots law.
- Providing template responses and full responses to the two government consultations on the Scottish Human Rights Bill and Review of Environmental Governance.
- Establishing relationships with the press media and regular coverage 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.
- Recruiting a Policy & Communications Officer and Operations and Development Manager.
- Increasing our social media profile with corresponding increase in website activity and downloads.
- Steadily increasing our membership and subscribers.

Rights awareness and outreach

Clare welcomed the establishment of the Environmental Justice Network and asked about membership. Shivali confirmed that the terms of reference for the group would be finalised at the next meeting in January and then more widely promoted.

Advice service

Lloyd commented on the depth and breadth of the advice work as illustrated in the casework summary (Paper 2a), showing the clear and diverse demand for the service.



	<p>There was a discussion on ESS representations and the growing concern that ESS is reluctant to fully use its range of powers to enforce environmental laws. It was agreed that ERCS would compile a report to discuss with ESS in the New Year.</p> <p>Trustees noted that ERCS has made a submission to the Net Zero, Energy and Transport Committee to inform their review of the Government's Report on the effectiveness of environmental governance arrangements and may be asked to submit evidence in person.</p> <p>Advocacy</p> <p>The Board asked for a list of Parliamentary Questions ERCS has facilitated to be included in the Advocacy summary in future reports.</p> <p>Operations</p> <p>Shivali mentioned that she was delighted at the new appointments of Julia Leino as Policy & Comms Officer starting on 27 November and Jack Withy as Operations & Development Manager starting on 18 December.</p> <p>Pippa and Jim thanked Shivali for their induction session the week before and Lloyd said he would arrange for a 'Chair's chat' with them both.</p> <p>There was a discussion on whether there now needed to be a 'Membership and Rights Steering Group' to both support the development of the Environmental Justice Network and membership engagement. Pippa and Jim volunteered to be on this group and that this could initially act as a subgroup of the Operations Steering Group.</p>	<p>23/41: SF/Advice Service to compile a report on ESS representations for discussion with ESS in the New Year.</p> <p>23/42: SF/Advocacy to provide a list of PQs asked.</p> <p>23/43: LA to arrange induction chat with PS and JJ.</p> <p>23/44: Ops Steering Group to establish Membership and Rights Steering Group.</p>
4	<p>Financial report – Papers 3, 3a, 3b</p> <p>Income and expenditure as at 30 September 2023</p> <p>Paper 3 notes ERCS's six month management accounts (Paper 3a) as of 30 September which includes a cash summary report showing an operating surplus of £47,449 for the year to date and an overall cash balance of £216,525.</p>	



<p>With the first phase of recruitment completed, the 3- year financial forecast from 1 April 2023 to 31 March 2026 will be reviewed again and presented at the February Board Meeting with funding targets agreed for 2024-25.</p> <p>Risk management actions</p> <p>Following the decision at the August Board Meeting to establish ERCS's own law practice unit, from April 2024, ERCS must maintain a level of core funding of at least £420,000 p.a.</p> <p>The risk management actions to be/taken include:</p> <ul style="list-style-type: none">- ERCS submitted its full grant application to Esmée Fairbairn Foundation in October for £386,794 2024-2029- to apply to the Energy Transition Fund for £100,000 2024-2026 by 30 November (positive preliminary discussions)- to apply to the new Human Rights Scotland Fund administered by the Corra Foundation (positive preliminary discussions with launch in the new year)- to reapply to Equality & Human Rights Fund and Baring Foundation for a further three years funding from October 2024- to speak to Environmental Law Foundation about applying to the Ecological Restoration Fund- to review funding strategy in the New Year including donations. <p>ERCS's revised Internal Financial Controls (Paper 3b) including the reserves policy was presented for approval.</p> <p>Going concern tests</p> <p>From here on, it is recommended that reserves are considered as a third going concern test at every Board meeting:</p> <ol style="list-style-type: none">1. There is confirmed income for ERCS to meet all its cash commitments for the next three months2. There is a robust and credible budget which shows that ERCS is able to break even or better for the next six months3. There are sufficient reserves to cover the forecast three months' operating costs.	<p>23/45: SF/JC to present 3-year financial forecast to Feb Board Meeting</p>
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	<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 as of 30 September 2023 with a cash balance of £216,525 including £80,050 reserves in The Charity Bank 1-year fixed term accountII. Noted the financial risk management actionsIII. Approved the revised Internal Financial Controls November 2023IV. Decided that the three going concern tests were met.	
5	<p>Staff Handbook & operating policies – Papers 4,5,6</p> <p>Trustees were asked to provide any comments/amendments to the policies submitted for approval by the Operations Steering Group.</p> <p>Recruitment policy (v2) – Paper 4</p> <p>This policy was reviewed as part of the recent recruitment process and with the Disability Confident Committed commitments included and ID check for preferred candidate.</p> <p>Tom raised questions about the provisions for the minimum criteria threshold to interview disabled applications to ensure fairness and equity. Juliet and Julie were able to provide some background to the policy and Shivali agreed to meet with Tom to provide more detail and explanation in the policy document.</p> <p>Decision: The Board approved the revised Recruitment Policy subject to the additions to be discussed between Shivali and Tom.</p> <p>IT Security policy for – Paper 5</p> <p>This policy was developed as part of ERCS's Cyber Essentials preparation and certification process in May.</p> <p>Campbell asked that the instructions on not storing items or anything outwith Office 365 on ERCS laptops to be in bold and to add that any breaches to this policy may lead to disciplinary action.</p> <p>Decision: The Board approved the IT Security policy subject to the additions recommended by Campbell.</p>	<p>23/46: SF/TB to add additional detail to assure transparency and fairness in the recruitment policy.</p> <p>23/47: SF to add 'any breaches to the IT security policy may lead to disciplinary action' in bold.</p>



	<p>Homeworking policy – Paper 6</p> <p>This has been a lengthy process of review and revision to include best practice from SCVO guidance and make it future proof. Following approval SF will operationalise with homeworking agreements in place for all staff.</p> <p>Similar to the IT Security policy, Campbell asked for additional clarity on IT security to be added to the policy.</p> <p>Decision: The Board approved the Homeworking policy subject to the additions recommended by Campbell.</p>	<p>23/48: SF to add ‘any breaches to the IT security policy may lead to disciplinary action’ in bold.</p>
6	<p>Governance</p> <p>Fundraising policy (v2) – Paper 7</p> <p>Decision: The Board approved the Fundraising policy as amended following discussion at the May board and Operations Steering Group.</p> <p>ERCS Good Governance Checkup – report recommendations</p> <p>The Board completed the Good Governance Checkup survey in June/July and discussed the report produced by SCVO at the August Board Meeting. All agreed that the findings were very reassuring, and the comments provided by Shivali in response to some of the questions raised were very helpful.</p> <p>It was agreed that the terms of reference and membership should be reviewed for all the steering groups in the new year, along with the other small number of recommendations from the SCVO Good Governance checkup report.</p> <p>Membership recruitment and approval process</p> <p>The board discussed whether recruitment of members should only be from Scotland, UK or international. It was agreed that the matter should be discussed in more detail in the new Membership and Rights Steering Group along with a review of the Membership Protocol and application process.</p>	<p>23/49: SF/Convenors to review terms of reference for all Steering Groups.</p> <p>23/50: Ops Steering Group to review recommendations from SCVO report.</p> <p>23/51: Ops Steering Group/ Membership & Rights to review Membership criteria and approval process, including revisions to the Constitution.</p>



	<p>Trustees skills audit and review of diversity and inclusion in preparation for 2024 AGM</p> <p>Trustees completed the skills audit during June/July and noted that all areas were covered well except for the new addition of ‘lived experience of challenging local environmental justice as a resident’. This has now been addressed with Pippa and Jim joining the Board.</p> <p>However, the Board identified that it would be helpful to review how to achieve a diversity quota balance moving forward. It was noted that the Board and staff undertook equality, diversity and inclusion training in January/February 2023 and that having associates from diverse backgrounds and equality groups was very helpful, but more could and should be done to achieve more diverse representation on the Board, among associates and members.</p> <p>Shivali mentioned that new projects to work with Disabled Peoples’ Organisations and with Minority Ethnic Groups would help facilitate this.</p>	<p>23/52:</p> <p>Membership & Rights group to review diversity quota and measures to be more inclusive as part of their work.</p>
7	<p>AOCB</p> <ul style="list-style-type: none">- Team day out and festive meal Thursday 7 December.- Future meetings 3rd Tuesday every three months 2-5pm: 20 February 2024, 21 May 2024, 20 August 2024, 19 November 2024. AGM 9 October 6-8pm (provisional)	<p>23/53: SF to circulate dates for 2024 Board meetings.</p>
	<p>The meeting was closed at 5pm</p>	

These minutes were approved as an accurate record by the Board of Trustees on 20 February 2024.

Signed: Lloyd Austin, Chair.