ERCS Board Meeting: Minutes of 19 May 2026, 2-5 pm

Hybrid meeting at ERCS, Thorn House, 5 Rose St, EH2 2PR

Present: Lloyd Austin - Chair (LA), Tom Ballantine (TB), Julie Christie - Treasurer (JC), Kevin Dunion (KG), Jim Jarvie (JJ), Grainne McGinn (GMcG), Aedán Smith (AS), Jamie Whittle (JWh).

Apologies: Deborah Long – Vice chair (DL), Pippa Scott (PS).

In attendance: Shivali Fifield - Chief Officer & minutes (SF), Ben Christman – Legal Director (BC), Jack Withy – Finance & Ops Manager (JW).

		Actions
1.	Welcome and apologies Trustee Check-In Apologies were noted from Deborah and Pippa. Trustee declaration of any conflicts of interest The Conflicts of Interest Policy was approved at the May 2023 Board meeting and states that: *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.* There were no declarations of interest.	
2.	Minutes of last meeting from 3 March 2026 (Paper 1) and matters arising Minutes Decision: The Board approved posting the Board minutes on the website. Outstanding actions not covered in the agenda to review at next Board meeting 25/31: Trustees to complete skills audit for May Board meeting in preparation for AGM **– on hold.**	26/12: JW to post approved March minutes.

	25/28: SF to present new risk register for February Board meeting – **postponed to inform the annual report and accounts – to be completed in June.** 25/34: ERCS Legal Ltd Internal Financial Controls to be presented to the February Board meeting – **in progress and will be finalised following first case to confirm finance handling processes.** 26/08: draft members' engagement strategy and include in members' survey to circulate in autumn **– to action.** All other actions were completed.	
3.	Executive report – Paper 2 Shivali presented the Executive Report to the Board. **Summary** In summary, the highlights in this reporting period were: • Completed reports for Disability-inclusive climate emergency planning in collaboration with Inclusion Scotland and the Sensing Climate Project. • Completed briefing on Gypsy / Traveller sites in collaboration with MECOPP Gypsy/Traveller service. • Successful World Water Day event for the Clean Up Scotland's Sewage campaign. • Building the Fossil Free Law student campaign. • Nearly double the visitors to the website compared with the same quarter last year. • Excellent press features on our work on sewage sludge spreading, World Water Day and the Ecocide Bill pick up by Scottish Legal News. • Publishing new guides on Guide to the right to protest (revised), Guide to environmental impact assessments for forestry projects, Pollution from sewer overflows FAQ and campaign leaflet. • Increasing subscribers to our mailing list from 1249 to 1371.	

	There was some discussion on how the monitoring data was being used to inform ERCS's work. Shivali said that it was used to inform this year's priorities for the Rights, Advocacy and Policy work including a shift in emphasis from monthly 101 webinars to the Clean Up Scotland's Sewage campaign. It also informed the decision to stop the BlueSky social media account. Jim was keen to ensure ERCS used the data to evidence the impact of our work. Shivali said that monitoring and evaluation is core to the team's work and is used in funding reports etc. Julie asked if there could be a summary of the 'Events, website activity, resources and communications' section to capture some of this top-level evaluation. The Board noted the report. The trustees asked Shivali to ensure the full team were congratulated on their work.	26/13: SF to include a reflective evaluation summary in section 6 of the Exec Report.
	ERCS Legal Ltd report – Paper 2a **Accompanying papers for information:** • Paper 2b: Advice service audit 01 July – 31 December 2025. • Paper 2c: ERCS strategic litigation factors. Ben presented the ERCS Legal Ltd Report to the Board. Lloyd noted, from Paper 2b Advice Service audit, how few referrals came from NGOs. Shivali gave an update on steps taken to promote the law service to LINK members over the summer. There was some discussion on how to manage the media/comms for litigation cases which Ben and Shivali will consider bearing in mind the 'live tension' of contempt of court and ERCS resources. There will be a strategy session to review the progress of the Law Service which will consider promotion, referrals, litigation cases, awareness raising of barriers to litigation using the evidence of the law service in its first 9 months. Trustees noted the representations to ESS. Shivali said that the performance of ESS will be covered in the LINK public sector 'scorecard' report and wider ERCS/ESS work will be discussed at Advocacy Working Group meeting in June.	26/14: BC/SF/KD/TB/JWh to participate in a strategy session for ERCS Legal Ltd in early September.

	The Board noted the reports. The trustees asked Ben to ensure that the legal team were congratulated on their work. Ben gave a presentation on 'the journey of an enquiry to our law service' which was very informative.	
4.	Financial report – Paper 3 **Accompanying papers for information:** • Paper 3a: Management accounts to year end 31 March 2026. • Paper 3b: Draft budget and forecast 2026-9 for approval. • Paper 3c: Fundraising workplan May 26. Julie presented the Financial Report to the Board. Income and expenditure as at 31 March 2026 Paper 3a presented ERCS's draft management accounts as at 31 March 2026. The Cash Summary Report has an additional column which separates out the costs attributable to ERCS Legal Ltd (LPU). It shows total **income for the year as £442,219, total expenditure as £446,723, net cash deficit of £5,620 and an overall cash balance of £316,665.** As predicted with the 9-month accounts, although intentionally running a deficit budget of approximately £30,000 for year ending 31 March 2026, ERCS ended the year with an almost neutral cashflow income / expenditure balance. This was mainly due to providing an unused 'buffer' for the development of ERCS Legal Ltd. The Balance Sheet showed **total capital and reserves as £312,719 compared with £336,689 last year 31 March 2025.** 2026/7 Budget for approval Paper 3b provided the final budget for 2026/7 for approval in Column C (tab 1: 260511_forecast). Julie went through the budget noting that the fundraising target had reduced and that £268,847 was now secured, leaving £215,000 to raise in the next 10 months with the safety net of our	

	reserves. Trustees noted that this was still a big task but reassured with the progress made to date. Trustees also noted that the budget for approval has a net cash movement of -£24,160 (ie it is a deficit budget to draw on our reserves). Decision: The Board approved the 2026/7 budget. **Fundraising strategy** Shivali presented the Fundraising workplan for this year. This sets out the objectives to diversify our income streams including philanthropy and more partnerships and commissions. Trustees acknowledged the time it takes for funding applications and establishing strong relationships with trusts and philanthropists. **Donations** Shivali acknowledged the work Jack carried out last year which has made Beacon CRM a robust interface to manage individual donations and tracking. The graph of donations over the previous 12 months shows a steady monthly increase – largely by increasing the visibility of donation routes – including when registering for events, now hosted by our Beacon CRM. Trustees noted the success of our first Big Give Earth Raise – Clean Up Scotland's Sewage which raised our target of £10,000. **Going concern tests** As approved in May 2025, at every Board meeting, trustees will consider whether the following three standards are met (going concern tests): • There is confirmed available cash for ERCS to meet all its commitments for the next six months.	26/15: Updated fundraising workplan to be presented to November Board meeting. 26/16: JC to review going concern tests for August Board meeting.

	• There is a robust and credible budget which shows that ERCS is able to break even or better for the following six months. • There are sufficient reserves to cover the forecast three months' operating costs. Julie referred to paper 3a, the available cash balance, future confirmed income and reserves to show how these tests have been met for May 2026. However, given that ERCS is now running a deficit budget, the going concern tests will need to be reviewed at the next Board meeting. Decision: the Board • Noted the income and expenditure and cash balance of £316,665 as at 31 March 2026 (year end). • Noted the fundraising workplan. • Noted the Independent Examination of accrued accounts for both ERCS SCIO and ERCS Legal Ltd will take place over August. • Noted ERCS Legal Ltd has had its first inspection from the Law Society of Scotland which has informed the Financial Controls to be presented at the next Board meeting. • Decided the three going concern tests are met.	
1.	Governance 2026 - 29 Strategy – Paper 4 **Accompanying papers for information:** • Paper 4a: ERCS Programmes flowchart April 26 (for info). The trustees welcomed the revised strategy which had been shortened as requested at the last meeting. Lloyd still felt the information on ERCS's history and key achievements should be held somewhere and Shivali said this	26/17: SF to design and publish the new strategy including links to the relevant webpages and relevant resources. 26/18: SF to consider designing a revised theory of change showing the relationship

	would be posted on the website which was currently being updated, including a new page ‘Our vision and work’. Trustees were uncertain if a separate one-pager Theory of Change was still needed if it was covering the same material but could be helpful if reflected elements of the ERCS programmes flowchart (Paper 4a) which shows how the different programmes reinforce each other. Decision: the Board approved the 2026-29 Strategy.	between the four work programmes and strategic outcomes.
	2026-AGM The Board noted that Lloyd would be away for September and October and that Deborah would chair the online AGM. A hybrid event will be organised for next year as ERCS has a few in-person events for September / October. The Board agreed that there would be no call for nominations for the coming AGM and would leave current 2 vacancies free for co-option in line with the Constitution. Decision: the Board approved the date for the 2026 AGM as Tuesday 6 October 6-7pm, followed by a short Board Meeting to appoint the office bearers.	26/19: JW to circulate calendar invitations for AGM 6 October 6-7pm and 7-7.30pm Board meeting.
2.	**AOCB** Dates for the diary: • 18 August (away day), 6 October (AGM) 17 November 2026. There being no other business, the meeting closed at 4.45pm.	

These minutes were approved as an accurate record on 18 August 2026.

Signed by Lloyd Austin, Chair.