

**Swim England South East**  
**Regional Management Board**

Minutes of Meeting held on Tuesday 22 February 2022 as an Online Meeting

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<b>Present:</b>	Roger Penfold (RFP)	Chairman
	George Adamson (GA)	Board Member
	John Davies (JD)	Board Member
	Brian Deval (BD)	Board Member
	Rosa Gallop (RG)	Board Member
	Jenny Gray (JG)	Board Member
	Carys Jones (CJ)	Board Member
	Mike Lambert (ML)	Board Member
	Chris Lee (CL)	Board Member
	Alan Lewis (AL)	Board Member
	Roger Prior (RGP)	Board Member
	Shelley Robinson (SR)	Board Member
	Sara Todd (ST)	Board Member

**Also in attendance (non-voting):**

Bryony Gibbs (BG)                      Regional Manager

**14 Apologies**

All members were present, no apologies had been received

**15 Minutes of the Meeting held on 18 January 2022**

The minutes of the meeting were agreed as an accurate record.

**Action: BG**

**16 Matters Arising**

6 – Concession Agreement – RFP to get in touch with Mailsports

**Action: RFP**

**Landscape sheet**

None noted.

**17 Annual Council Meeting 2022 – 13 April**

**Regional Rule Changes –**

The proposed amendment to Rule 6 was circulated. This relates to the new affiliation process and route of appeal. The proposed amendment was endorsed by the Board.

ASA Council references – when Swim England incorporated, the Region’s rules were changed to reflect that ASA Council would cease to exist (rules 11.2.2 and 13.2.7). Brian Havill has confirmed that ASA Council no longer exists, so any references can now be removed. It was agreed that removing this reference would be treated as an administrative amendment, RFP and BG to amend wording.

**Action: RFP/BG**

**Postal Votes –**

Following discussion, it was agreed that the Region would continue to offer the facility for postal votes for 2022. The set-up of Annual Council Meetings going forward was also discussed.

**Action: BG**

## **18 Incorporation**

Following the meeting in January, RFP drafted the motion and supporting paper to go to the ACM. It was noted that the motion should be amended to 'with operational effect from 01 January 2023'. It was queried if Directors needed to be a Swim England Member, particularly in the case of appointed Directors who may not be involved with the sport. It was confirmed that all directors would need to become a member of Swim England, if they were not already. The motion and supporting paper, amended as above, was endorsed by the Board

**Action: RFP**

## **19 Annual Report**

Thanks went to BD for the work completed on the Annual Report. It was noted that the President's report should go ahead of the Chairman's report. The accounts and finance report will need to be added. Any additional comments or amendments to be sent to BD by 25 February. The report was endorsed by the Board.

**Action: BD**

## **20 Finance**

### **Annual Financial Statements**

The Financial Statements for year ended 31 December 2021, as prepared by the Accountants, were circulated in advance of the meeting. The Financial Statements were approved unanimously. There was a surplus of £12,700 for the year. RGP will produce Finance section, for inclusion in the Annual Report, this week.

**Action: RGP**

### **Paypal Account**

In preparation for the 2022 Regional Swimming Championships, the organisers would like to utilise the Swim England system for issuing Coaches/Team Managers passes. This will save a huge amount of administration. In order to utilise this system, the Region requires a Paypal account. The Finance Sub Group authorised the Regional Manager to set up an account. The Board ratified the actions of the Finance Sub Group.

## **21 Vice-President Appointment**

BD proposed that John Tripp (Hart SC) was appointed as the Region's Vice President. It was noted that John is currently the Hampshire President. John Tripp was appointed as Vice President.

## **22 Harold Fern & AH Turner**

Nominations are now open for the Harold Fern & AH Turner Awards, the deadline for submission being 7<sup>th</sup> March. Details will go on social media and be included in the March newsletter. The nomination review panel was agreed as CL, SR and AL.

## **23 Regional Management Board – 13 March**

The next meeting was scheduled to be face to face on a Sunday, with the Discipline Managers invited. As the draft Terms of Reference for discipline groups will be brought forward by the Strategy Group, it was felt beneficial that the Discipline Managers attend. However, it was agreed that this should go ahead as an online meeting, rather than face-

to-face. A doodle poll will be circulated to decide a date for an online meeting starting at 7pm w/c 14<sup>th</sup> March.

**Action: BG**

## **24 Regional Strategy Sub Group Update**

ST reported that the Strategy Group are focused on developing Terms of Reference ToRs). Ben McDonald and ST are working on ToRs for discipline groups and good progress has been made. These will be sent to the Strategy Group for their input and to the RMB ahead of the March meeting. The group will then move on to ToRs for the Strategy Group and restructured Development Group.

## **25 Regional Swimming Championships**

ML provided an update on the Regional Swimming Championships.

It was reported that in the last couple of weeks a lot of progress had been made. It was confirmed that the programme, qualification times and conditions had been agreed and that the group were now working on staffing. Programmes were already live, qualification times and conditions are planned to follow later in the week. It was expected that entries would open no later than 14<sup>th</sup> March and close for Age Groups on 6<sup>th</sup> April and Youth on 13<sup>th</sup> April, allowing British Swimming Championships to be included. An online system for recruiting technical officials and event makers should go live next week. Providing there are no changes in restrictions, there will be spectators at the event. However, the numbers will be restricted. Spectator tickets will be purchased online in advance and there will be no cash taken on the day. It is planned to also offer streaming of the events. It was noted that there has been some guidance from Swim England Safeguarding on streaming, the Region would be mindful of this and information will be included in the conditions about streaming.

## **26 Affiliations & Resignations**

*New affiliations are now reviewed and approved by the Affiliation Sub-Group and are reported for information.*

### **Affiliation Applications – Pending**

Let's Dive in! Maidenhead Swimming and Synchro Club (BSB)  
White Cliffs Swimming Club (Kent)

### **Resignations**

Gerrards Cross Taper Tigers SC (BSB)

### **Enquiries**

Masters Club in Herne Bay (Kent)

### **Suspensions – Non Compliant with Stronger (now Club) Affiliation**

Kings School Canterbury (Kent)  
Sussex Squids (Sussex)

## **27 Swim England Regional Chairs Meeting Minutes**

The minutes of the Regional Chairs' meeting on 31 January were noted.

## **28 Sports Operation Committee Meeting Minutes**

The minutes from the Sports Operation Committee meeting on 18 January were noted.

3.1 National Events – noted that it was estimated events delivered at a net surplus.

3.3 SOC Membership – noted that Jim Boucher will be standing down from the Sports Operation Committee. The Region has limited representation on groups nationally given its size, and it was felt having a representative on this group would be beneficial. The two skills' based vacancies are to be recruited for with a role description and terms of reference to be included in the advert. CJ to contact Jim Boucher.

**Action: CJ**

**29 Correspondence**

None received.

**30 AOB**

None received.

**31 Date of the Next Meeting**

Meeting date to be agreed – Online Meeting 7pm w/c 14 March

The meeting was closed at 20.07

## Regional Management Board

A meeting of the Regional Management Board will be held on Tuesday 22 February 2022 as an Online Meeting commencing at 1900

### Agenda

- |                           |   |                      |
|---------------------------|---|----------------------|
| 1.                        | <b>Apologies</b><br><i>To receive any apologies from members unable to attend the meeting</i>                                   | RFP 1900             |
| 2.                        | <b>Minutes of the Meeting held on 18 January 2022</b><br><i>To agree accuracy of minutes from the previous meeting</i>          | RFP 1905<br>Enclosed |
| 3.                        | <b>Matters Arising</b><br><i>To consider any matters arising from the minutes not covered in the agenda and confirm actions</i> | RFP 1910<br>Enclosed |
| <b>Items for Decision</b> |   |                      |
| 4.                        | <b>Annual Council Meeting 2022 – 13 April</b><br>- Regional Rule changes<br>- To decide if the Region will accept postal votes  | RFP 1915<br>Enclosed |
| 5.                        | <b>Incorporation</b><br>To approve the Incorporation proposal to be put to the Annual Council Meeting in April 2022             | RFP 1920<br>Enclosed |
| 6.                        | <b>Annual Report</b><br>To approve the draft content for the 2021 Annual Report   | BD 1930<br>To follow |
| 7.                        | <b>Finance</b><br>To approve the accounts for y/e 31 December 2021  | RGP 1940<br>Enclosed |
| 8.                        | <b>Vice President Appointment</b>   | RFP 1950             |
| 9.                        | <b>Regional Management Board Meeting – 13 March</b>   | RFP 1955             |

### Items for Discussion / Information

- |     |  |          |
|-----|--|----------|
| 10. | <b>Regional Strategy Sub Group Update</b>  | ST 2000  |
| 11. | <b>Regional Swimming Championships</b>   | RGP 2010 |
| 12. | <b>Affiliations &amp; Resignations</b><br><i>New affiliations are now reviewed and approved by the Affiliation Sub-Group and are for information only.</i> | RFP 2020 |
|     | <b>12.1 New Affiliations – Approved</b><br>None  |          |
|     | <b>12.2 Affiliation Applications – Pending</b><br>Let's Dive in! Maidenhead Swimming and Synchro Club (BSB)<br>White Cliffs Swimming Club (Kent)           |          |
|     | <b>12.3 Resignations</b><br>Gerrards Cross Taper Tigers SC (BSB)   |          |
|     | <b>12.4 Enquiries</b><br>Masters Club in Herne Bay (Kent)  |          |
|     | <b>12.5 Mergers</b><br>None  |          |
|     | <b>12.6 Change of Name</b><br>None   |          |
|     | <b>12.7 Suspensions – Non Compliant Stronger Affiliation</b><br>Kings School Canterbury (Kent)<br>Sussex Squids (Sussex)                                   |          |

- |     |  |                       |
|-----|--|-----------------------|
| 13. | <b>Swim England Regional Chairs Meeting</b><br>To review the notes of the Regional Chairs meeting held on 31 January 2022.             | RFP 2025<br>Enclosed  |
| 14. | <b>Sports Operation Committee Minutes</b><br>To review the minutes of the Sports Operations Committee meeting held on 18 January 2022. | RFP 2030<br>To follow |
| 15. | <b>Correspondence</b>  | RFP 2035              |
| 16. | <b>AOB</b><br><i>24 hours notice required</i>  | RFP 2040              |
| 17. | <b>Date of Next Meeting</b><br><i>Meeting date being reviewed, currently agreed as Sunday 13 March 2022, 10am</i>                      | RFP 2045              |

**Swim England South East**  
**Regional Management Board**

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<b>Present:</b>	Roger Penfold (RFP)	Chairman
	George Adamson (GA)	Board Member
	John Davies (JD)	Board Member
	Brian Deval (BD)	Board Member
	Rosa Gallop (RG)	Board Member
	Carys Jones (CJ)	Board Member
	Chris Lee (CL)	Board Member
	Roger Prior (RGP)	Board Member
	Shelley Robinson (SR)	Board Member
	Sara Todd (ST)	Board Member

**Also in attendance (non-voting):**

Bryony Gibbs (BG)	Regional Manager
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**1 Apologies**

Apologies had been received from:

Jenny Gray  
Mike Lambert  
Alan Lewis

**2 Minutes of the Meeting held on 21 November 2021**

The minutes of the meeting were agreed as an accurate record.

**Action: BG**

**3 Matters Arising**

121 - Discipline Managers' Reports - Disability Swimming – it was noted that no report had yet been received for Disability Swimming for inclusion in the Annual Report. RFP to contact Sue Barker.

**Action: RFP**

121 - Discipline Managers' Reports - Diving – The issue of tutors had been raised by RFP: an email response had been received from George Wood and shared with the Board.

123 - Finance – The Finance Sub Group was meeting later in the week to look at the end of year accounts.

124 - Appointment of Vice President – No response had been received from the potential candidate. As a result, currently there is no candidate to go forward as Regional President for 2022. RFP suggested that, as there was no candidate, the Region might consider allowing the current President to continue for a second term.

133 - AOB – CL had unfortunately not been elected as a member of the Swim England Board on this occasion.

**Landscape sheet**

4 - Regional Trophies – GA to pick this up with Lynne Harrison and Sue Lambert in an endeavour to move things along for the Swimming Trophies. It was understood that terms

of award had been agreed for the Terry Norris memorial trophy, but this has not been moved forward. It was hoped an existing trophy could be repurposed for this.

**Action: GA**

#### **4 Incorporation**

The arrangements of other Regions were discussed and would be circulated. It was noted that there will need to be a report to the members that would need to suggest what the benefit of incorporation of the Region for the Board and the members would be.

Following discussion, the following recommendations were proposed;

- The Region incorporates as a Company Limited by Guarantee not having a share capital. This is the model that has been adopted by other Regions.
- Directors – proposed that there would be 9 elected directors and 3 appointed directors. The 3 appointed directors would be appointed for their skills and experience. Term of office would be 3 years with 1/3 retiring each year with a maximum of 3 consecutive terms, unless there is no option. In this connection, any previous appointment terms, under the unincorporated structure, would not be counted. It was noted that a retirement cycle would need to be agreed for the transition, and proposed that existing remaining terms are used.
- Officers – proposed that the appointment of the Chair remain as now with recruitment through an open process and appointed by the Board. Term of Office to be 4 years and not to be re-appointed for more than two consecutive terms. Vice Chair to be appointed from within the Board at first meeting after the ACM. Finance Director to be appointed by recruitment, as with the Chair, but with the ability to appoint from within the Board.
- Members of the Company – each club to be a member and have one vote. It was noted that other Regions state one person to be nominated by each club affiliated to the Company. Suggested investigating if it is possible to appoint a club rather than an individual in order to reduce the administration involved in maintaining the register of members. Each Board member would also be a member as well as each County Association. If the Region decided to appoint a Company Secretary they would also become a member. Liability of Members would be limited to £1 for each member of the company.
- The current arrangements for Discipline Managers and Discipline Groups would continue. The new board should decide which sub-bodies it will need to progress the business.
- The name was proposed as Swim England South East Ltd. It was noted that the Region may want to purchase domain names in this name to secure this.
- The proposed start date was 01 January 2023

A proposal will be put together to go to the Members for the ACM in April.

**Action: RFP**

#### **5 Appointment of Chairman**

RFP's term of office as Chairman ends on 31 December 2022. RFP will have completed two consecutive terms, so a new Regional Chairman will need to be appointed. RFP left the meeting whilst this was discussed by the Board. Following discussion, the Board agreed that, as Incorporation was being proposed for the Region, a recommendation would be put to the ACM that the term of office for the Chairman be extended until 31 December 2023, to allow continuity with the change in structure.

**Action: RFP**

#### **6 Concession Agreement**



A letter had been received from Mailsports in response to the offer to extend the concession agreement for 2022. This was discussed and it was agreed that the Region was willing to discuss the points highlighted and the terms of the agreement. However, it was hoped that there might be some flexibility on both sides.

**Action: RFP**

## **7 Annual Council Meeting 2022 – 13 April**

The Annual Council Meeting will take place as a virtual meeting on 13 April.

It was agreed that the date for submission of proposals to change a Regional Rule would be 28 days before the meeting, 16 March. The same deadline will be in place for notice of motions and nominations for office.

It was confirmed that the terms of office for the following Board members will come to an end this year - John Davies, Jenny Gray, Mike Lambert and Shelley Robinson. BG to email members not present.

**Action: BG**

## **8 Affiliations & Resignations**

*New affiliations are now reviewed and approved by the Affiliation Sub-Group and are reported for information.*

### **Affiliation Applications – Pending**

Let's Dive in! Maidenhead Swimming and Synchro Club (BSB)

### **Resignations**

St George's Ascot Swimming Club (BSB)

Crawley Diving Club (Sussex) – it was understood that the club could not be removed yet as membership fees were still owed to Swim England.

## **9 Swim England Regional Chairs Meeting Minutes**

The minutes of the Regional Chairs' meeting on 29 November were noted.

Tutors – RFP had previously raised concerns with the Chairs' meeting regarding tutors and a response on this had been received from George Wood. Concerns were raised that there is currently no Water Polo Coach Tutor (previously L2) in the Region. BG to follow up with Ben McDonald to understand the issues and report to RFP on any action needed to move forward.

**Action: BG/RFP**

Role of the Counties – this item was discussed and concerns were raised about this exercise and what the intentions of it were. The scope of this exercise is currently being explored and is due to go back to the Regional Chairs on the way forward.

## **10 Sports Operation Committee Meeting Minutes**

The minutes from the Sports Operation Committee meeting on 16 November were noted.

## **11 Correspondence**

None received.

## **12 AOB**

### **Stronger Affiliation**

An email which had been sent to clubs by Swim England regarding the completion of Stronger Affiliation was discussed. The email which suggested the deadline had already passed was unfortunately sent before the close of play deadline which caused upset to some clubs. RFP to discuss further with the Swim England SLT and fellow Chairs.

**Action: RFP**

### **Regional Swimming Championships**

This item was initially raised by BD. However, an email was later received from ML which was circulated earlier that day. ML unfortunately had to tender his resignation as the Region's Swimming Competition Manager with immediate effect, due to ill health. The Board wished ML a full and swift recovery.

Following discussion, it was agreed that RGP would convene a meeting of the Swimming Group next week. The Swimming Group would need to move this forward quickly to finalise arrangements for the Regional Championships in May and to recruit a new Regional Swimming Competition Manager. It was suggested that BD be co-opted on to the Swimming Group to support.

**Action: RGP / Swimming Group**

### **13 Date of the Next Meeting**

Wednesday 16 February 2022 7pm, Online Meeting

The meeting was closed at 21.03

**AGENDA ITEM 3**

**MATTERS ARISING FROM RMB MEETINGS**

Updated as at 15 February 2022

	<b>SUMMARY OF AGREED ACTIONS</b>	<b>MIN REF</b>	<b>ACTION</b>	<b>COMMENTS</b>
1	<b>List of Assets</b> BG to compile a list of assets for Trustees	13.10.2015 Min 140.3	BG	<i>Ongoing</i>
2	<b>Constitutions</b> There are reps within the Region that check constitutions however it was noted that there is not one within ONB. RFP to approach ONB about finding a rep there.	10.10.17 Min 313	RFP	<i>In Progress</i>
3	<b>Regional Funding Policies</b> It was acknowledged that there may be a need for additional support, particularly in the minor disciplines. It was agreed that this subject should be discussed with the Discipline Managers at the November meeting.	09.05.19 Min 61	BG	
4	<b>Regional Trophies</b> Following the Winter Swimming Championships the Swimming Trophies were in the process of going into a secure storage unit. They will be cleaned, photographed and any with hallmarks will also be weighed. It was noted the trophies currently stored in Bristol have insurance of £10k, ML has also put the same value in place for the Swimming Trophies. It was agreed that the Region would pay insurance for 6 months. A sub group would be formed consisting of CL, GA, ML, BD and one of the custodians to formulate a strategy on what the Region should do with the trophies going forward. <b>Update</b> – it was agreed that disciplines should decide how to deal with any inactive trophies. Speed Swimming trophies to be catalogued and custodians sought, any trophies that custodians could not be sought for will be disposed of.	29.11.19 Min 164 Updated 10.09.20 Min 123	CL, GA, ML & BD	<i>In Progress</i>
5	<b>Athlete Contributions / Overseas Camps</b> Agreed that the policy on athlete contributions would be reviewed. The need for a policy on overseas' camps will also be explored. <b>Update;</b> It was agreed this would be passed on to the Strategy Sub Group to consider.	06.02.20 Min 4 Updated 28.06.21 Min 68	Strategy Sub Group	
6	<b>Athlete Bursaries</b> It was noted that in previous years only a small portion of the budget for supporting Channel Island Athletes to attend Regional Camps had been spent. However, there had been a large increase this year. This was due to athletes attending the Regional Water Polo Training. The criteria for this training will be discussed with Water Polo, in the first instance. <b>Update;</b> It was agreed this would be passed on to the Strategy Sub Group to consider.	06.02.20 Min 5 Updated 28.06.21 Min 68	Strategy Sub Group	
7	<b>Finance – Deposit Accounts</b> The Finance Group recommends that the Board authorises the Regional Manager to investigate opening an account with another financial	17.06.20 Min 80 Updated	BG	<i>In Progress</i>

	<p>institution to have £80,000 transferred to. This was agreed.</p> <p><b>Update;</b> The Board agreed that the Regional Manager be authorised to try and open a deposit account with Redwood Bank to deposit £80k of the Region's reserves. It was agreed that Finance Sub Group be authorised to arrange another suitable account to deposit a further £80k with a suitable financial institution.</p>	08.02.21 Min 6		
8	<p><b>Regional Strategy &amp; Operational Plan – Review &amp; Strategy 2022-26</b></p> <p>It was agreed that an interim document would be produced to identify the priorities of the Region, perhaps under 4 or 5 key points. This would help to provide clarity and show members how the Region will support them during this period. It was agreed a sub group of ST, BD and ML would move this forward and would produce a draft for the November Meeting.</p> <p><b>Update;</b> The group recommended that a Strategy Group be formed to think through what the focus of the Region will be going forwards. It was agreed that a working group would be formed this group would be led by ST. ML, RG, BD and KJ were appointed to the working group.</p> <p><b>Update;</b> The Board endorsed the Strategy Sub Group's initial proposal and next steps</p>	Updated 08.02.21 Min 4	Strategy Sub Group	<i>In Progress</i>
9	<p><b>Vice President</b></p> <p>As no nominations had been received for the role of Vice President, Council had authorised the Regional Management Board to arrange the appointment. It was agreed that suggestions would be sought to fill the role of Vice President</p>	14.04.21 Min 33	BG	<i>On Agenda</i>
10	<p><b>Incorporation</b></p> <p>All other Regions except London and the South West have now passed resolutions at their ACMs to incorporate. It was proposed to put this to the ACM in April 2022, with incorporation to follow as soon as practical. It was hoped to get all paperwork ready by January 2022 to allow 2-3 months for this information to be considered in advance of the ACM. Other Regions have agreed to share template documents on the process they have undertaken. It was noted that there may be legal costs which will need to be budgeted for.</p>	07.09.21 Min 94	RFP	<i>On Agenda</i>
11	<p><b>Overseas Training Camps/Competitions</b></p> <p>The Finance group felt that, in due course, the Board should discuss the acceptable level of subsidy for these activities and the appropriate contributions for the athletes, which have not been increased for some time. This should be coordinated with the Development Group in consultation with the Discipline Groups to bring to the Board for recommendation.</p>	21.11.21 Min 123	Development Group	
12	<p><b>SEEDS Diving Programme</b></p> <p>The SEEDS programme was started because the Governing Body</p>	21.11.21 Min 123	Diving Group	

	<p>refused to set up a Beacon Diving programme in the region, for historical reasons - the Diving group had felt that a weekly programme was unsustainable because of the size of the region. Had a Beacon programme been set up, it would have been required to be self-sustainable within a few years, whereas the SEEDS programme has continued to need subsidy. The Group recognises that this is a valuable programme, of great value to the region's athletes, but the Board, in the future, together with the Diving Group, might want to consider how the subsidy could gradually be phased out or reduced. It was agreed that this would be reviewed by the Diving Group moving forward for 2023.</p>			
13	<p><b>Appointment of Chairman</b>  RFP's term of office as Chairman ends on 31 December 2022. RFP will have completed two consecutive terms, so a new Regional Chairman will need to be appointed. RFP left the meeting whilst this was discussed by the Board. Following discussion, the Board agreed that, as Incorporation was being proposed for the Region, a recommendation would be put to the ACM that the term of office for the Chairman be extended until 31 December 2023, to allow continuity with the change in structure.</p>	18.01.22 Min 5	RFP	

Updated 15/02/22 BG

## **Proposed amendment to Rule 6**

Delete 6.3 and insert

6.3 Applications for affiliation will be considered, and determined, on behalf of the Regional Management Board, by its Affiliation Sub-Group.

6.4 If an application for affiliation is refused by the Affiliation Sub-Group, there shall be a right of appeal to the Board, whose decision shall be final and binding on all parties.

Renumber existing 6.4 as 6.5

## Swim England South East Region - Incorporation Proposals for Annual Council Meeting

### Purpose of Report

To seek approval to the material on Incorporation to be put to the Annual Council Meeting in April 2022.

### Proposed Action

The Board is asked to APPROVE the material set out below.

### Supporting Information

Following the discussions and decisions at the meeting of the Board in January, it is proposed that the motion from the Board to the Annual Council Meeting in 2022 shall be

“That the Region incorporates, as a Company Limited by Guarantee not having a share capital, called Swim England South East Ltd, on the terms set out in the accompanying report, with effect from 1 January 2023”.

Further, the report to the ACM be as in the Appendix hereto.

### Report to ACM

Swim England, or more properly the Amateur Swimming Association (Swim England) Ltd, the national governing body (NGB), incorporated in 2017. All but 2 regions - this region and London - have now incorporated or have taken decisions as a presage to the formal act of incorporation.

The rationale for incorporation is as follows:

1. The Region would become a company subject to the Companies Act; this means that there are various statutory requirements which have to be followed in relation to members' meetings etc. Unincorporated associations are not generally subject to any outside scrutiny and their rules and accounts are private documents. Conversely, companies are subject to regulation and must file certain documents at Companies House including annual reports and accounts which therefore become public documents.
2. Limits the liability of Board members.
3. Provides the Region with a separate legal entity and reduces the legal risks faced by individuals in unincorporated bodies.
4. Promotes good governance and transparency.

The law does not recognise an unincorporated association as a separate legal entity distinct from its members or its management committee. An unincorporated association cannot in its own name:

1. Enter into contracts - Problems with any contracts undertaken by the Region would fall upon the person who made the contract.
2. Sue or be sued - This means that any legal claim brought against the Region (e.g. employment tribunals or supplier disputes), would be against the members of the management board, who would be personally liable if there were insufficient assets and/or inadequate insurance to meet the claim. However, if those management board members were directors of a company they would have limited liability (usually £1) and may only be personally liable if they had committed some wrongdoing or if the organisation continued to trade when insolvent.
3. Take on a lease or own property - Any property of the Region must be held by trustees. Problems can arise where property continues to be vested in individuals, whether formally appointed as trustees or not.
4. Employ Staff - There is a workaround with Swim England to allow the Region to employ its staff

The Regional Management Board now recommends that the Region follow the lead of the NGB and other regions to incorporate, hence the motion before the meeting



“That the Region incorporates, as a Company Limited by Guarantee not having a share capital, called Swim England South East Ltd, on the terms set out in the accompanying report, with effect from 1 January 2023”.

The details of this are set out in the following paragraphs.

### **Company Type**

It is proposed that the Region incorporates to become a Company Limited by Guarantee and not having a share capital. This is the model adopted by other regions, none of whom have sought, for instance, to have charitable status.

### **Directors**

Having reviewed a number of board structures, and subject to the proposals regarding Officers, below, it is proposed that there would be 12 directors, the same number as there are members of the present Regional Management Board. However, there would only be 9 elected directors: there would also be 3 directors who would be appointed by the Board, for their skills and experience, rather than appointed by the Membership. The directors would have a term of office of 3 years, with one-third retiring each year, with a maximum of 3 consecutive terms, unless there is no option. In this connection, any previous appointment terms, under the present unincorporated structure, would not be counted. As part of the transition to the new Company, existing terms of office of the members of the Regional Management Board would be maintained.

### **Officers**

In addition to the Directors mentioned above, there would be a Chairman and a Finance Director. It is proposed that the appointment of the Chair remain as now, with recruitment through an open process and appointed by the Board. His or her term of office would be 4 years and would be limited to two consecutive terms. The Finance Director would be appointed by recruitment, as with the Chair, but with the ability to appoint from within the Board.

The Board would appoint a Vice Chair, from amongst the Directors, at first meeting after the ACM.

### **Qualification**

To be appointed as the Chairman, Finance Director or a director, individuals must be over 18, not declared as bankrupt or otherwise disqualified by law from serving as a company director. All directors must be a Swim England member and a member of a club within the Region.

### **Responsibilities of Board**

It is proposed that the Company Board maintain all existing responsibilities of the Regional Management Board. However, the Board will have additional responsibilities commensurate with company legislation.

### **Members of the Company**

There will be no shareholders of the Company, but, as with Swim England, there will be "Members". The Regional Management Board proposes that each affiliated club be a member and have one vote, and that each county association in the Region also have one vote. Investigations are ongoing as to the possibility of appointing a club, rather than an identified individual, in order to reduce the administration involved in maintaining the register of members. The Chairman and each of the directors would also be members. If the Region decided to appoint a Company Secretary, that person would also become a member. Liability of Members would be limited to £1 for each member of the Company.

### **Delivery of the Sport**

The current arrangements for Discipline Managers and Discipline Groups, which have worked very well, will continue.

**SWIM ENGLAND  
SOUTH EAST REGION**

**Unaudited Financial Statements**

*for the year ended 31 December 2021*

# SWIM ENGLAND SOUTH EAST REGION

*For the year ended 31 December 2021*

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# SWIM ENGLAND SOUTH EAST REGION

## STATEMENT OF RESPONSIBILITIES OF THE REGIONAL MANAGEMENT BOARD FOR THE FINANCIAL STATEMENTS

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Current accounting practice requires the Regional Management Board to prepare financial statements for each financial year which give a true and fair view of the Region's state of affairs at the end of the year and of its income and expenditure for that period. In preparing those financial statements the Regional Management Board is required to:-

- select suitable accounting policies and then apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is not appropriate to assume that the Region will continue in business.

The Regional Management Board is responsible for keeping proper accounting records which disclose, with reasonable accuracy at any time, the financial position of the Region. It is responsible for maintaining a satisfactory system of control over the Region's books of account, its cash holdings and its receipts and remittances and must also take adequate precautions to guard against falsification and facilitate its discovery.

# SWIM ENGLAND SOUTH EAST REGION

## ACCOUNTANTS' REPORT TO THE MEMBERS OF SWIM ENGLAND SOUTH EAST REGION

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In accordance with our terms of engagement we have compiled the financial statements of Swim England South East Region for the year ended 31 December 2021 which comprise the Income and Expenditure Account, Balance Sheet and the related notes from the accounting records and information and explanations you have given to us.

The financial statements have been compiled on the accounting basis set out in note 1 to the financial statements. The financial statements are not intended to achieve full compliance with the provisions of UK Generally Accepted Accounting Principles.

This report is made to you, in accordance with the terms of our engagement. Our work is undertaken so that we might compile the financial statements that we have been engaged to compile, report to you that we have done so, and state those matters that we have agreed to state to you in this report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Regional Management Board, for our work, or for this report.

We have carried out this engagement in accordance with technical guidance issued by the Institute of Chartered Accountants in England & Wales and have complied with the ethical guidance laid down by the Institute.

.....  
**Charterhouse (Accountants) Limited**  
166 College Road  
Harrow  
Middlesex  
HA1 1RA

Date: .....

# SWIM ENGLAND SOUTH EAST REGION

## INCOME AND EXPENDITURE ACCOUNT

For the year ended 31 December 2021

	2021		2020	
	£	£	£	£
<b>Income</b>				
Affiliation fees	147,914		158,120	
Licensed meet fees	-		9,589	
Bank interest (net)	809		368	
Miscellaneous income	-		125	
Swim England grants	-		6,000	
		148,723		174,202
<b>Cost of Democracy</b>				
Regional management board	739		582	
President's expenses	325		625	
Accountancy fees	2,250		1,752	
Bank charges	458		479	
		3,771		3,438
<b>Disciplines</b>				
Diving (net)	2,372		6,601	
Disability (net)	1,139		388	
Masters (net)	522		(1,661)	
Open water	-		310	
Swimming (net)	12,913		12,409	
Artistic swimming (net)	(1,588)		(1,198)	
Water polo (net)	4,657		4,007	
Medals	983		-	
		20,998		20,857
<b>Development plan</b>				
Course subsidies	18,710		24,686	
SwimMark	-		463	
Volunteer training	7,056		13,435	
Athlete support	361		434	
		26,127		39,018
<b>Staffing and Office Expenditure</b>				
Staffing Costs	80,255		81,764	
Central establishment costs	4,872		6,121	
		85,126		87,885
		136,023		151,198
<b>Surplus / (deficit) for the year</b>		<b>12,700</b>		<b>23,004</b>

# SWIM ENGLAND SOUTH EAST REGION

## BALANCE SHEET

As at 31 December 2021

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	Notes	2021		2020	
		£	£	£	£
<b>CURRENT ASSETS</b>					
Debtors	2	9,641		3,626	
Cash at bank	3	<u>362,846</u>		<u>348,130</u>	
			372,487		351,756
<b>Less: CURRENT LIABILITIES</b>					
Creditors	4	<u>43,540</u>		<u>38,669</u>	
			43,540		38,669
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>			<u><b>328,947</b></u>		<u><b>313,087</b></u>
Accumulated surplus	5		<u>328,947</u>		<u>313,087</u>
			<u><b>328,947</b></u>		<u><b>313,087</b></u>

Approved by the Regional Management Board on the ..... and signed on its behalf by:-

.....  
Roger Penfold (Chairman)

.....  
Roger Prior (Board Member responsible for Finance)



# SWIM ENGLAND SOUTH EAST REGION

## NOTES TO THE FINANCIAL STATEMENTS

For the year ended 31 December 2021

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### 1 ACCOUNTING POLICIES

The financial statements have been prepared under the historical cost convention.

2 DEBTORS	2021 £	2020 £
Trade debtors	-	557
Prepayments and accrued income	9,641	3,069
	<u>9,641</u>	<u>3,626</u>

### 3 CASH AT BANK

Included within the balance at the balance sheet date is £36,800 (2020: £37,000) which relates to monies received from the Amateur Swimming Association specifically to cover expenditure in the Disability Swimming discipline. As such, these monies remain restricted for this use until spent or released by Swim England (formerly the Amateur Swimming Association) for general purposes.

4 CREDITORS	2021 £	2020 £
Amounts falling due within one year		
Trade creditors	10,222	1,195
Accruals and deferred income	33,318	37,474
	<u>43,540</u>	<u>38,669</u>

5 ACCUMULATED SURPLUS	2021 £	2020 £
	<b>General Fund</b>	<b>General Fund</b>
Balance at 1 January 2021	313,087	290,083
Surplus / (deficit) for the year	12,700	23,004
Released liabilities	3,160	-
Balance at 31 December 2021	<u>328,947</u>	<u>313,087</u>

### 6 RELATED PARTY TRANSACTIONS

The Region is controlled by the Regional Management Board on behalf of the members.

# Swim England

## Notes of Regional Chairs Meeting

31 January 2022

Via Zoom

**Present:**

Richard Hookway	Swim England Chair (Chair of meeting)
David Burgham	North West Chair
Chrissie Robinson	South West Chair
David Watson	North East Chair
Joan Wheeler	East Region Chair
John Hidle	East Midland Region Chair
Simon Kirkland	West Midlands Chair
Roger Penfold	South East Chair
Jane M Nickerson	Chief Executive Officer
Brian Havill	Chief Financial Officer
George Wood	Sport Development Director
Claire Coleman	Head of Development

**Apologies:** Alex Harrison London Region Chair

<b>1.</b>	<p><b>Welcome from the Chair</b></p> <p>Richard welcomed everyone to the meeting.</p> <p><b>Actions from the last meeting</b></p> <p>An update was given on the completed actions from the last meeting.</p> <p>It was agreed that George would ask the Regional Chairs as to whether they would like the face to face meeting to be in May or July. <b>Action - George</b> to poll post meeting</p>
<b>2.</b>	<p><b>CEO Update</b></p> <p>Jane updated that Emma Griffin is pulling together a paper on lessons learned from the pandemic and asked Regions to share their thoughts with Emma.</p> <p><b>Action – all regions</b></p> <p><u>Anti racism statement</u></p> <p>Jane updated that comments received on the first draft – and a revised version is being produced.</p> <p><u>Sport England</u></p> <p>Jane updated that our Relationship Manager, Sally Barker is departing from Sport England on 18 February. There is no confirmation yet on who the new contact will be.</p> <p>She also updated that Sport England is going through a restructure and the senior team will lead six directorates as follows:</p> <ul style="list-style-type: none"> <li>• Strategy Insight and Performance – Nick Pontefract.</li> </ul>

- Finance and Corporate Services – open recruitment
- Digital Marketing and Comms – Ali Donnelly
- Policy and Integrity – open recruitment
- Place – open recruitment
- Partnerships - Phil Smith (currently Director of Sport)

The new structure starts tomorrow with current directors finishing in their roles and some staying through the transition.

#### Sport England funding discussions

These had stalled because of the BDO audit but are now in process. George and SLT have been working hard on the template so we are ready to go. We are currently establishing timelines with Sport England.

#### B2022 Legacy

Jane updated on the Swim England Inspire 2022 plan to maximise the legacy of the games. We are leading the bid with several partners. Sport England have solicited a bid for up to £500,000 which is the maximum amount. We also have interest from a commercial partner. The focus is on tackling on inequalities, growing the aquatic workforce, key stage 2 attainment, Dive West Midlands and community swimming engaging more diverse communities.

Simon Kirkland asked if there could be a regional representative on the B2022 Aquatics Legacy Group. George highlighted that Active Black Country had convened the group so he would ask them to follow up Simon's request. **Action – GW** to chase Active Black Country

Jane updated on progress in the aquatic sports and build up to the B2022 Games.

#### Peers on the Poolside

Jane updated on the Peers on the Poolside programme. David asked for clarity on the driver for a more diverse teacher cohort. Jane answered that the overriding reason for diverse teachers is to better represent the communities they serve and ensure more children from diverse backgrounds learn to swim.

Simon asked whether this approach could be used for clubs and coaches. **Action - Claire** to speak to Alex Hains about recruitment academy for clubs.

#### Commercial

Jane highlighted that terms have been signed with a new kit supplier and the transition will take place over the coming months.

#### Judicial review

Jane highlighted that she is excited by progress in this area, with a willingness and buy-in from all involved to move things forward on. The review is looking in to the nature of complaints, case management, language utilised and timings. The Chairs were strongly supportive of the efforts to make improvements in this area that Neil Booth is leading.

Simon asked if we are consulting with other sports as suggested previously. Jane answered that this suggestion had been passed on.

Jane identified the likely need for more resource. The new Director of Legal will start at the end of February and Kerry Moss will be going on maternity leave and we are recruiting a cover for this.

#### SportPark

	<p>The offices have reopened but we are not forcing people back to SportPark. It is important to note that Swim England has not lost productivity whilst team members have been working from home.</p> <p>Richard – asked for thanks to the team for the work they are doing and covered in the CEO report. <b>Action – Jane</b> to pass thanks on to team</p>
<p><b>3.</b></p>	<p><b>CFO Update</b></p> <p><u>General Finance Update</u>          Brian updated that Swim England had an exceptionally good final quarter and the Institute of Swimming is back up to 2019 levels and Award sales are back up to 2019 levels.</p> <p>Expenditure is well down, this is not always good as in some areas we have not been able to fully spend because of ongoing restrictions e.g. talent camps.</p> <p>Swim England is in the middle of finalising the year end of accounts to go to Audit Committee at the beginning of March and Board at the end of the March. <b>Action – Brian</b> to circulate accounts when ready</p> <p>Brian highlighted that we will be doing a Members Forum specifically on Finance in April or May.</p> <p><u>Membership</u>          A paper had been circulated that is going to the February Board. Membership is far better than expected this time last year. Swim England continued to have new members joining through the second half of 2021. Ultimately, Swim England membership achieved c.£2.5m during 2021 when £2m was estimated as the best case scenario.</p> <p>Regarding 2022 membership, January numbers will be circulated and then numbers for the last week of February and first week of March will follow as these are the key weeks.  <b>Action – Brian</b> to circulate reports as necessary</p> <p>The membership budget has been set at £2.75m for 2022 which is not 2019 levels but significantly up on 2021. Brian noted we are still seeing reductions in Club Train but this was a pre-pandemic issue.</p>
<p><b>4.</b></p>	<p><b>Role of the Counties</b></p> <p>George presented the paper that had been circulated. Essentially there were three questions to be answered:</p> <ol style="list-style-type: none"> <li>1 – Whether the role of the counties and relationship with regions and national needed to be better defined.</li> <li>2 – Whether the geographical boundaries of any counties should be altered to fit within one region only.</li> <li>3 – Whether the governance standards for counties need to be strengthened.</li> </ol> <p>The Chairs discussed the matter and determined that items 1 and 3 should be addressed and supported the approach outlined in the paper. Item 2 affects only London, East and South East and therefore should be discussed with these three Chairs in more detail to reach a conclusion however it was noted that any proposed change would need to assess the benefits and costs of such a move.</p>

	<p><b>Action – George</b> to convene a meeting with Joan Wheeler, Alex Harrison and Roger Penfold to consider cross regional counties.</p> <p>It was highlighted that on the timeline in the paper, items 4 and 5 should be exchanged - <b>Action - George</b> to review action 4 and 5</p> <p>A discussion ensued regarding whether a ‘stronger affiliation’ approach should be a staging post towards achievement of a level of the UK Sports Governance. It also covered whether the Swim England regulations need to better reflect the relationship between counties and Regions. <b>Action – George</b> to review paper, refine timeline and purpose and agree on email. Reference to changes in geographical boundaries should be removed. Once the finalised paper is agreed it can be shared.</p> <p><b>Action – Swim England National and Regions</b> to share as necessary once agreed to ensure transparency.</p>
5.	<p><b>Shortage of Courses / Tutors</b></p> <p>Roger Penfold highlighted that there was a perceived issues around a lack of tutors to deliver coaching courses – in particular in Water Polo. He reported that he was reassured following conversations with George.</p> <p>George reported that he and Claire Coleman will meet with Jenny Norvill and Becky Cox of the Institute of Swimming to address concerns around a perceived lack of coaching courses. He also updated that a coach course leader has been appointed by the Institute of Swimming to drive coaching course delivery.</p> <p><b>Action – George and Claire</b> to meet with Institute of Swimming.</p>
6.	<p><b>Regulation 6.8</b></p> <p>The paper on the removal of Regulation 6.8 was presented. Jane highlighted that if this regulation is removed, the matter could still be dealt with by raising a complaint. When canvassed for their opinion, seven chairs agreed to the removal with one abstention.</p> <p>Next action is to refer to Sport Operations Committee (February) and then the Board (March).</p> <p><b>Action – Jane to progress</b></p>
7.	<p><b>Queen’s Baton Relay</b></p> <p>The paper was presented. Simon highlighted that the closing date is now different to that on the paper and is 14 February 2022.</p>
8.	<p><b>Any Other Business</b></p> <p>The Regional Chairs highlighted the issue of how long it takes Safeguarding certificates to be uploaded to members’ records at Swim England.</p> <p><b>Action – George to feed back to Jon Glenn and request an update on an improved process.</b></p>
9.	<p><b>Date of next meeting</b></p> <p>28 March 2022</p>

## Regional Chairs Meeting

Actions Log – as following meeting of 31 January 2022

### Actions outstanding from previous meetings

Date	Minute	Title	Action	Assigned to:	Date to be completed
29.11.2021	3	Lessons learned from pandemic	Regional Chairs were asked to send in any thoughts on this.	Regional Chairs	As soon as possible

### Actions from 31.02.2022

Date	Minute	Title	Action	Assigned to:	Date to be completed
31.01.2022	1	Actions from last meeting	It was agreed that George would ask the Regional Chairs as to whether they would like the face to face meeting to be in May or July. <b>Action - George</b> to poll post meeting	George	25.02.2022
31.01.2022	2	CEO Report	Jane updated that Emma Griffin is pulling together a paper on lessons learned from the pandemic and asked Regions to share their thoughts with Emma Griffin	Regional Chairs	03.02.2022
31.01.2022	2	CEO Report	Chase Active Black Country re West Midlands representative on the Group	George	09.02.2022 (Complete)
31.01.2022	2	CEO Report	Claire to speak to Alex Hains about the possibility of a recruitment academy for clubs.	Claire	18.02.2022
31.01.2022	3	CEO Report	Richard – asked for thanks to the team for the work they are doing and covered in the CEO report.	Jane	28.02.2022

31.01.2022	3	<b>CFO Report</b>	Brian to circulate year-end accounts when ready.	Brian	When available
31.01.2022	3	<b>CFO Report</b>	Regarding 2022 membership, January numbers will be circulated and then numbers for the last week of February and first week of March will follow as these are the key weeks.	Brian	February, March
31.01.2022	4	<b>Role of the Counties</b>	George to convene a meeting with Joan Wheeler, Alex Harrison and Roger Penfold to consider cross regional counties.	George	18.03.2022
31.01.2022	4	<b>Role of the Counties</b>	It was highlighted that on the timeline in the paper, items 4 and 5 should be exchanged.	George	18.03.2022
31.01.2022	4	<b>Role of the Counties</b>	George to review paper, refine timeline and purpose and agree on email. Reference to changes in geographical boundaries should be removed. Once the finalised paper is agreed it can be shared. Swim England National and Regions to share as necessary once agreed to ensure transparency.	George / Regions	18.03.2022
31.01.2022	5	<b>Shortage of Courses / Tutors</b>	Action – George and Claire to meet with Institute of Swimming.	George / Claire	18.03.2022

31.01.2022	6	Regulation 6.8	Next action is to refer to Sport Operations Committee (February) and then the Board (March).	Jane	15.02.2022 (SOC) 16.03.2022 (Board)
31.01.2022	8	AOB	George to feed back to Jon Glenn and request an update on an improved process.	George	18.03.2022