

Minutes of the Sport England Board meeting of 15 June 2021 (held remotely by videoconference)

Members	Nick Bitel (Chair) Natalie Ceeney Azeem Akhtar Rashmi Becker Ian Cumming (items 1-12) Chris Grant Andy Long David Mahoney Tove Okunniwa Karen Pickering
Officers	Emma Bernstein- Capital Investment manager (item 15) Mike Diaper – ED, Children, Young People and Tackling Inactivity Ali Donnelly – ED, Digital, Media and Communications Jon Fox – Strategic Lead, Investment Design (item 12) Tim Hollingsworth – Chief Executive Officer Cathy Hughes – Head, Equality and Diversity Serena Jacobs – Director, Finance Charles Johnston – ED, Property Richard Mabbitt – Board Secretary Lisa O’Keefe – ED, Insight Andrew Pearson – Capital Investment Manager (item 15) Chris Perks – ED, Local Delivery Nick Pontefract – Chief Operating Officer Adam Rigarlsford – Strategic Lead, Local Relationships (item 14) Phil Smith – ED, Sport Viveen Taylor – Director, Equality Diversity and Inclusion Lynsey Tweddle – Head of Corporate Governance (item 9) Brian Whaley – Strategic Lead, Planning and Programmes (item 11)
Guests:	Simon Mason – Head of Sport Strategy, DCMS Adam Conant – Head of Sport, DCMS (item 9)

1. Chair's welcome and introductory Comments

- 1.1 Nick Bitel welcomed attendees to the meeting which was being held remotely under ongoing COVID-19 restrictions. The Board noted that Sport England's wider plans for a phased and flexible return to office working had

been now deferred in line with the announcement by Government on 14 June of a postponement to its planned relaxations in restriction.

- 1.2 Board members and attending officers congratulated Rashmi Becker, Chris Grant and Tove Okunniwa on having been honoured in the Queen's Birthday Honours List.

2. Apologies for absence

- 2.1 All Board members were present, with Ian Cumming attending for part of the meeting.

3. Interests

- 3.1 No new interests were declared by members additional to those already registered.
- 3.2 The Chair noted that his and other members' registered interests included direct and indirect relationships with:
 - a) sports organisations who had benefitted or might benefit from the Sport Survival package (to be discussed under item 11),
 - b) sports organisations, who had benefitted from sport England funding, and who might derive future funding from a programme discussed under item 12.

The Board was content that given the strategic nature of discussions, these did not represent a conflict of interest in this instance and no recusals were required.

4. Minutes of previous meeting

- 4.1 The Board **AGREED** Minutes of the meeting of 5 May 2021 (paper MB21-39) as an accurate record of discussion.

5. Matters arising

- 5.1 The Board reviewed the log of actions and decisions (paper MB21-40) and were content that actions arising were complete, satisfactorily in hand or would be addressed under later agenda items.

6. Chair and Member appointment and re-appointment:

- 6.1 The Board noted that a decision on the appointment of a new chair

remained with the Secretary of State. Nick Bitel remained in post at present under the short extension to his final term. An induction programme had been drawn up for the new Chair, including early engagement with individual Board members.

- 6.2 The Board noted that Natalie Ceeney's first term as Vice Chair had expired on 31 May 2021. The Secretary of State had agreed a new 6 month term from 1 June 2021 to 30 November 2021, reserving a decision on extension to a full three-year second term.

7. CEO update

- 7.1 Tim Hollingsworth thanked board members for their high levels of engagement in and beyond the formal corporate meeting programmes at a particularly busy period for Sport England. A number of topical updates were provided at paper [MB21-41](#).
- 7.2 The Board was content with progress on *Uniting the Movement* implementation planning. It noted the executive's decision to defer publishing the next implementation plan until the end of November or early December 2021 given: the timing of a likely three year Comprehensive Spending Review Settlement; the ongoing pressures on many parts of the sector and the risks (now presenting) of delay to the Government's COVID-19 Recovery roadmap; and the ongoing capacity and capability demands on Sport England staff.
- 7.3 The Board was pleased that both 'Learning from Local Delivery Pilots' sessions with Board members had been completed and that members' contributions would help shape future options about how to expand and embed the approach taken by the pilots in more places.
- 7.4 The Board noted discussions at the School Sport Roundtables chaired jointly by the Education and Culture Secretaries and attended by key stakeholder organisations. Board members felt that school sport remained critical to success against *Uniting the Movement* objectives and were pleased that, increasingly, a diverse range of sporting and stakeholder organisations were finding consensus and shared approaches around *Uniting the Movement*. Board members noted parallel work with Public Health England regarding the soon to be formed Office for Public Health Promotion, and also with the emerging Active Travel England. The Board noted the important role of Active Partnerships in this arena.

- 7.5 The Board noted that final ministerial approval of the Sport England – DCMS Framework Document remained pending.
- 7.6 Board members noted that with the present service providers' contract terminating at the end of June 2021, officers were in the process of securing a Board Portal service for Board members and other meeting attendees. Ease of use for members was a key criterion in the procurement process.

8. Equality, Diversity and Inclusion (EDI) Report

- 8.1 Viveen Taylor and Rashmi Becker (as Board EDI champion) introduced the standing report at paper MB21-42.
- 8.2 The Board noted and was content with progress reported against the Sport England and Home Country Sports Councils' Tackling Racism and Racial Inequality in Sport review. The final statement of intent from CEOs would be published shortly together with both reports, and would be shared with the Board for information **Action: Viveen Taylor**
- 8.3 Board members noted that Sport England's EDI group had reviewed the inclusivity of language used in Sport England's internal and external communications. Guidance had been provided to staff that emphasised the need for specific, accurate, positive and empathic terminology. Notably, the acronym "BAME" would no longer be used, and (recognising the wide range of ethnicities, nationalities, backgrounds and experiences that the term might describe) "Black, Asian and Minority Ethnic" would be used only when a broadly collective term was relevant and accurate. Noting the fluidity of language and its usage; the importance of context; and the need to avoid deficit-oriented terms, Board members welcomed the executive's ongoing discussion here, which would also be addressing inclusivity in terms of disability, gender and other protected and social characteristics.
- 8.4 Board members noted that an internal Diversity Inclusion and Action Plan for Sport England had been prepared (Annex 1 of the paper refers) and publication was planned for the end of June 2021. Some actions were already well under way. Board members supported the plan and noted that Sport England needed to aspire to an exemplary role among partner organisations here. It was suggested that the plan required clarification around Sport England's approach to diversity accreditation, affiliation, and consistency with Sport England's external communication. **Action: Viveen Taylor, Ali Donnelly** to address.

- 8.3 The Board noted that diversity elements of the revised Code for Sports Governance would be discussed at item 9; that guidance on Transgender Sport would be discussed at item 13; and the EDI dimensions of the COVID-19 Response work reported at Item 11.

9. Code for Sports Governance Review: Diversity

- 9.1 Lynsey Tweddle and Tim Hollingsworth introduced paper MB21-43.
- 9.2 Board members noted the renewed discussion that had taken place in recent weeks on the potential use or otherwise of diversity targets, and the revised proposals regarding this part of the Code here presented. The Board was content that the proposed changes did not compromise UK Sport and Sport England's commitment to the Code's role in strengthening the diversity of the sector, nor its wider aims to provide a framework for sports bodies to become more effective and resilient, and better able to address safeguarding, organisational culture, and environmental and social responsibilities.
- 9.3 In particular the Board:
- a) agreed that while explicit reference to diversity targets would not be included, the revised Code remained very clear about the high expectations on organisation in this area;
 - b) noted the importance of the related requirements on cascading good governance, and agreed that this had been appropriately emphasised;
 - c) was encouraged that the revisions provided positive scope for focussed work with individual bodies to determine in context what a more diverse, inclusive organisational structure and leadership would be like. In this respect, the code requirements relating to Diversity and Inclusion Action Plans (DIAP) became fundamental given the need to work closely with each organisation on a bespoke basis. DIAPs would provide for the identification of actions to demonstrate strong public commitments to promoting, embedding and advancing diversity and inclusion on the Board, senior leadership team and beyond, and for this commitment to be publicly scrutinised and renewed;
 - d) felt that the requirement for all funded organisations formally to agree DIAPs with UK Sport and/or Sport England was critical in terms of accountability;
 - e) was satisfied that the accompanying commentary on Code Requirements relating to diversity explained expectations effectively, providing appropriate guidance and support.

- 9.4 The Board discussed the resource implications of this more bespoke approach with partners. It emphasised the additional calls on Sport England capacity and capability. It was content with the broad approach proposed (enhancing existing Governance Support funding; more Sport England support specifically on DIAPs; and development of the existing partnership with Perrett Laver on which detailed proposals would be brought to Investment Committee in due course). It agreed that this was congruent to the good governance catalyst in *Uniting the Movement*. The detail of the support proposals would be developed in line with *Uniting the movement* principles and the revisions to the Code, but was also expected to include non-executive and leadership team training; targeted support for new areas of the Code; and further development of the Sports Governance Academy. Officers would revert with a business case for additional investment in due course.
- 9.5 The Board discussed timing implications. The original expectation had been for Sport England and UK Sport to have agreed DIAPs with partners by the start of April 2022. Given the delay to the announcement about Code review outcomes, this was now expected to run into the summer of 2022. The Board supported the continued aspiration for organisations to have made real and tangible progress against the DIAPs by March 2024, but acknowledged that discretionary flexibility may need to be applied for some in-scope organisations. The Board was comfortable that discretion be applied in respect of implementation of more general governance changes in the Code, recognising the strength of the original requirements and the delay to the start of the transition period.
- 9.6 The Board discussed the roll out of the code and its traction among stakeholders, The Board:
- a) felt that officers could take confidence from the mutual trust that had been developed between organisations and Sport England and UK Sport, and the partnership approach to which Sport England had committed in *Uniting the Movement*;
 - b) suggested that, given the nature of the bodies in scope, 'naming and faming', and celebrating achievements to date was likely both to incentivise better practice, and provide valuable peer exemplification. Members reiterated the importance of Sport England showing leadership in the quality of its own DIAP;
 - c) asked for updates in due course on engagements with stakeholder bodies on benchmarking and quality of DIAPs;

- d) noted that proposed System Partners criteria (to be discussed at Item 12) included commitments for strong compliance with the code;
- e) noted the opportunities to provide clear and specific guidance or requirements relating to data capture and sharing.

9.7 The Board felt that the proposed changes retained the force and focus of the Code in respect of diversity and inclusion and – with the right resources and challenge – would offer opportunities for more sophisticated dialogue around meaningful improvements here. It was nevertheless important that Sport England remained assertive and insightful in identifying systematic inequalities within sport and physical activity and confident in working with partners to mitigate and resolve them. This was central to Uniting the Movement and to Sport England's wider purpose,

9.8 Having in mind that parallel agreement would be sought from the Board of UK Sport at its meeting of 14 July 2021, the Board **AGREED** the proposed changes to the diversity specific Requirements in the Code and asked for officers to progress accordingly having in mind Board members' commentary on support and handling above. **Action: Lynsey Twedde**

10. Annual Report and Accounts

10.1 The Board reviewed Sport England's 2020–21 Annual Report and Accounts (ARA) and supplementary documentation (paper MB21-44 and appendices refer)

10.2 Andy Long, as Chair of Audit Risk and Governance Committee, reported that similar information had been reviewed by the Committee at its meeting of 8 June (paper AC21-29 refers). Subject to minor textual amendments now incorporated, the Committee had been content with the papers presently under consideration by the Board.

10.3 The Board reviewed:

- a) The ARA document (Appendix 1) and commentary on: basis of preparation; directors' responsibilities; grant-in-aid accounts (Statement of comprehensive net expenditure and Statement of financial position); National Lottery accounts (Statement of comprehensive net expenditure, Statement of financial position and Contingent Asset). The Board noted that formal sign-off by the Chair after Ministerial approval was likely to fall after the expiry of Nick Bitel's extended term as Chair;
- b) the Analytical Review at Appendix 2:

- c) the Letter of Representation at Appendix 3;
- d) the NAO Audit completion report at Appendix 4;
- e) the Sports Council Trust Company 2020-21 ARA and Audit completion report at Appendices 5 and 6 and the English Sports Development Trust Limited 2020-21 ARA and Audit completion report at Appendices 7 and 8.

10.4 The Board noted:

- a) The Annual Report of the Senior Information Risk Owner (Appendix 9) and the annual report of the Chair of the Audit Risk and Governance Committee (Appendix 10), with no questions being raised.
- b) the extraordinary environment in which Sport England had been working over the past financial year, and the dramatic changes to how Sport England had worked with its partners and operated internally. Board Members felt that the ARA duly reflected this and marked a year of considerable achievement;
- c) that, with regard to discussion of future management of Sports Survival Package loans, the ARA provided a clear record of Sport England's role and accountabilities in respect of the Sport Winter Survival Package ;
- d) the efforts of the team that had prepared the ARA documentation under extremely challenging circumstances. It reflected well on the ongoing effectiveness of Sport England's finance and administrative function.

10.5 The Board:

- a) **APPROVED** the presented 2020-21 ARA for progression to laying before Parliament. It was noted that Ministerial approval, certification and laying of Sport England's ARA would be delayed until later in the year due to the assurances required by the NAO over the London Pensions Fund Authority (LPFA) defined benefit pension scheme. These assurances were not expected until September/October 2021.
- b) **DELEGATED** agreement and sign-off of any non-material amendments required before the laying of the ARA before Parliament to the CEO and the Chair incumbent at that time.

11. COVID 19 response

Overview

- 11.1 Phil Smith introduced the standing COVID-19 response report (paper MB21-45), an earlier iteration of which had been discussed by Investment

Committee at its meeting for 3 June 2021 (paper [IC21-22](#)). The Board was content with progress as reported. It welcomed continuous review of work being undertaken across the COVID-19 response piece (for example, work being led by Lisa O'Keefe on women's sport 'coming back better') in the light of changing insights and the need to respond positively to emerging opportunities.

- 11.2 The Board discussed the Sports Survival Package, noting the impacts of the delayed June relaxation of COVID restrictions on roll out. The Board noted:
- a) that with a number of large set-piece sporting events falling in or soon after this period, some additional strain on the budget allocated to the package by Government was anticipated, and this was being modelled for in Sport England and DCMS projections;
 - b) ongoing discussions with DCMS about management of the loan book for the fund. It was noted that the Arts Council for England had agreed to take on some loan book responsibility in respect of the Culture recovery fund. The Board felt that (i) the differences in the type of funding models and funding relationship that ACE and Sport England held with their respective partners; and (ii) the differences in the nature of these funded bodies themselves meant that this was not of itself evidence that a substantial role in ongoing loan book management was appropriate for Sport England;
 - c) that its decision by correspondence would shortly be required in respect of delegating the contracting of third-party professional services supporting administration of the Sport Survival Package;
 - d) that *Retain to Retrain* would be even more significant given the delay to relaxing COVID-19 restrictions.

Active Together

- 11.3 The Board reviewed proposals for Active Together, the crowdfunding programme developed by Sport England as part of its COVID-19 response and tested further as part of the Return to Play open funding support package. Board members noted:
- a) the programme's significant amplification of Sport England Investment generated to date;
 - b) its substantial non-financial benefit terms of improving organisations' confidence, capability and capacity and attracting new interest from members, volunteers, and sponsors;
 - c) the alignment of the proposals to *Uniting the Movement* and Sport

England's corporate values. This included its contribution to insight on future investment models and place-based approaches; the exposition of how the proposals would build on the initial experience, including adding new focus audiences (Young people 16-24 and older people (70+)) in response to Active Lives insight;

- d) the delivery options analysis; Costs and budget; additional resource requirements; equality impacts; risk analysis; legal and governance considerations; and illustrative material presented in the paper.

- 11.4 Given the success of the pilot work and scaled-up work in terms both of income generation and non-financial benefits, the Board **APPROVED** a further £7.5m to Active Together to continue supporting organisations to recover and become more resilient via the Return to Play Open Fund; **Action: Brian Whaley** to progress.

12. Future investment with key partners in the sport & physical activity system

- 12.1 Tim Hollingsworth and Jon Fox introduced papers MB21-47 and MB21-47A. . Officers were grateful for the input of Board and Investment Committee in prior discussions which had helped shape the suggested approach to criteria and funding characteristics. The Board was now asked for its agreement and advice on the approach and quantum set out in the paper Further decisions in relation to individual "system partners"* would be made in line with the schedule set out in the paper, with funding levels for at least 100 partners confirmed by September 2021.

*the working terminology used in the papers and these minutes, but see item 12.4a

- 12.2 Board members noted the commitment in the 2021-22 *Uniting The Movement* Implementation Plan to review Sport England's approach to future investment with those system partners (including NGBs and Active Partnerships) that had a major role to play in implementing *Uniting the Movement*. They noted the intention set out in the Plan to confirm future investment levels for the majority of existing partners by the autumn. They noted the strategic and significant nature of decision-making here, not only in terms of the amount of funding involved but also as a signal of Sport England's wider intent and ambition against *Uniting the Movement*
- 12.3 The Board discussed **delivery phasing**. It supported the principle of focusing initially on existing partners where current funding agreements cease in March 2022 (with recommendations on investment into those partners by September 2021), with a view to opening to new partners from autumn 2021,

with the process being adapted if necessary in the light of experience. The Board's support was on the bases that:

- a) the status of any organisation as a funded partner should not diminish the need for rigorous evaluation of its future contribution to *Uniting the Movement* objectives;
- c) the path by which the pool of partners might be broadened beyond existing partners must be determined by both strategic alignment and organisational assurance.

12.4 The Board discussed the **clarity of definition and understanding of system partners**.

- a) Some Board members felt that “system partners” had overtones of rigidity, exclusiveness or hierarchy and asked that this be considered in how these partnerships were taken forward. It was important that this was seen as a whole system change approach, and an opportunity to think in new ways about place-based approaches.
- b) There was broad agreement that system partners were (or would be) organisations with which Sport England worked (or might seek to work) that played a systemic, or governing role in connecting, realising or amplifying *Uniting the Movement* to a larger part of the sport and physical activity 'ecosystem'. A systemic role would be characterised by connecting and influencing within the ecosystem to enable change in the conditions and to grow the movement for sport and physical activity. A governing role would be characterised by ownership of the governance, leadership and transformation of discrete and defined parts of the system and be able to shape and influence this.
- c) Both types of partner might well also provide a delivery role on interventions that provided opportunities for people to be active based on a deep understanding of need. But a delivery role of itself was unlikely to define a system partnership.

12.5 The Board discussed the **process and criteria to be applied to assessing organisational alignment and capability**.

- a) It reiterated the need to avoid any regression from the collaborative and co-produced approach that had characterised the development of *Uniting the movement* back to a more traditional set of transactional relationships.
- b) It noted the potential for sharpening existing partners' focus on more sustainable, long-term change driven through: (i) collaboration around

- vision, mission, values and behaviours, and (ii) better strategic alignment and collective impact. Thus would the family of system partners become more than the sum of its individual members.
- c) It felt that the right risk appetite was crucial. Processes and relationship management needed to satisfy the legal and regulatory requirements of public grant funding in as simple, efficient and user needs-focussed way as possible. Too low a risk appetite would tend overly to favour tried and tested relationships and lead to missed opportunities with new partners. The investment framework needed actively to encourage, incentivise, and support organisations (including any later new additions to the family of system partners) to learn, improve and adapt over time, rather than simply scoring on track record.
 - d) It supported the assessment process and flow set out in the paper, noting the three inter-related criteria around: (i) demonstrating meaningful action to tackle long term inequalities where partners operated and more widely; (ii) strategic alignment and shared purpose around understanding people and communities; partnerships and collaboration; catalysts and big issues; and (iii) organisational health and effectiveness: values, purpose and strategy; leadership; capacity and capability; and learning and continuous improvement.
 - e) It agreed that assessing partners against this 'high bar' needed to be carried out in a holistic way founded on (i) evidence gathering and submissions from the organisation; and (ii) robust but supportive and dialogue, check and challenge. It was content with the outline methodology set out in the paper.
 - f) It felt that Sport England needed to be fair but firm with organisations that could not demonstrate a serious commitment to the vision and mission of *Uniting the Movement* or an intention to adapt and improve to it. This might mean shorter term ('exit') funding or even no funding at all. At the same time, it was recognised that some bodies would be able justifiably to cite reasons (such as an immediate focus on the Olympic and Paralympic Games, or broader challenges over the summer period) and extended deadlines with ongoing dialogue should remain a discretionary option.
 - g) It noted that in some instances assessment and dialogue could lead to a conclusion that an existing partner's contribution to *Uniting the movement* was heavily weighted towards a delivery function, rather than a systemic or governing role. While this would not preclude further Sport England Investment, this would be shorter term and managed separately to that for the cohort of system partners.
 - h) Board members were keen that the analysis of potential partners was carried out in a multi- and inter-sectional way, with different 'cuts' (e.g. by

participant type; or geographical area of impact). Board members did not necessarily expect there to be no gaps in the coverage of first phase system partners. Rather this would be valuable insight to guide the development of any second phase of partners.

- i) Board members emphasised the importance of being able to communicate externally in a simple 'elevator pitch' the key qualities and attributes of a model system partner; and when and how decisions on partnerships were made.

12.10 The Board discussed the importance of developing meaningful **KPIs** as higher-level indicators of alignment. These needed to be derived from collaborative conversations and reviewed on an ongoing basis. An annual progress report to Board or Investment Committee with options to disinvest (or invest differently in new partners) was thought useful and options around this would be set out for the Board's consideration at its September meeting.

12.14 The Board noted the potential **complementarities between system partners and work within LDPs**, the potential for further join-up and increased coverage of new communities of interest. The Board was keen that the role of Sport England's partners was defined by function and outcomes rather by organisational or funding typology.

12.6 The Board discussed the **overall envelope for the first tranche of partners to be considered**, noting that a full programme budget (including proposed awards, a suggested allocation for additional partners and any related contracts to support programme delivery and evaluation) would be presented to it in September. The Board reviewed the financial case set out in the paper and was content with the proposed £600m approximation based primarily on the current levels of annual funding offered partners included in the first system partners cohort. The Board noted that detailed scenario modelling was on-going and was comfortable with proceeding on the basis of ringfencing £600m of award funding (Exchequer and Lottery) for the five years April 2022 to March 2027 ahead of detailed negotiation of individual awards. The Board noted that while the way in which relationships with partners were managed would need to evolve, Sport England already managed a range of relationships with a portfolio of partners with good collaboration and levels of understanding and trust, and at this stage there were no major relationship 'unknowns'.

12.15 On this basis the Board **APPROVED** the allocation of up to £600m across our Lottery and Exchequer budgets for these partners for the five years from

April 2022 to March 2027, subject to a final decision at the Board in September. **Action: Jon Fox** to progress to Investment Committee (15 July 2021) and the next Board meeting (9 September 2021) having in mind the points of feedback made above. A paper for Board in September would confirm the recommended total investment for this first cohort of partners; and suggest next steps in bringing new partners into the portfolio. It would also provide Board with further analysis (including equalities considerations and 'reach' across the initial portfolio, which would in turn feed into recommendations for widening the pool of partners.) Officers' thinking here would be tested in the interim at the Investment Committee meeting of 15 July 2021.

13. Trans Inclusion in Sport – Sports Councils Equality Group Guidance

- 13.1 Tim Hollingsworth, and Cathy Hughes introduced paper [MB21-48](#). This summarised Sports Councils Equality Group (SCEG) research into trans inclusion within sport and presented recommendations from SCEG on the content and publication plans for a revised guidance document. Parallel agreement was being sought from the Boards of Sport Northern Ireland, SportScotland, Sport Wales and UK Sport.
- 13.2 Board members noted that the issues around inclusion of transgender people in sport had become increasingly prominent in recent years and had attracted significant political and media interest. It was an area of strongly held and contested views, with several high-profile individual cases of a trans person's engagement in sport being accompanied by controversy, particularly in women's sport. The often-negative implications for individuals were far-reaching, and responding consistently and equitably to polarised stakeholder needs and demands was proving challenging for a number of sports organisations. The Sports Councils' policy position here and the guidance they currently provided had been under increasing scrutiny and it was acknowledged that the 2013 SCEG *Transsexual People in Competitive Sport – Domestic Guidance* needed reconsideration. SCEG had therefore commissioned Carbmill Consultancy in March 2020 to review and redraft this guidance and conduct research into trans inclusion within competitive sport.
- 13.3 The Board noted the thoroughgoing nature of the review. This drew on personal contributions covering both grassroots and competitive sports, research into domestic and international policy development, scientific findings relating to relevant issues (including testosterone suppression in transgender women), and legal advice with regard to the application of the

Equality Act 2010 and the Gender Recognition Act 2004. The Board endorsed the Review's overarching message what while trans inclusion in sport was a complex and emotionally charged issue, sport and physical activity should always present an environment in which respect and inclusion of all people was expected, accepted and celebrated.

- 13.4 The Board acknowledged the key findings set out in the paper, and the annexed draft guidance document itself. Board members welcomed the widespread support for transgender people shown across the sport system. They noted the different value systems that had tended to shape consultee views (the imperative of full trans inclusion; and the 'integrity of sport itself' including fairness, particularly related to transwomen's inclusion in women's sport.). They noted that the weight of current scientific evidence showed that transwomen (self-identified or taking testosterone suppressants) had certain physiological advantages over natal women, with specific implications for competitive, high performance and elite sporting pathways in gender-affected women's sport. They noted the arguments for a focus on trans inclusion and opportunities in recreational sport and physical activity and 'new' sport. They noted the evidence that inclusion of male bodied participants in any sporting or physical activity might lead to self-exclusion by certain groups of women, particularly those from certain faith and cultural backgrounds.
- 13.5 The Board supported:
- a) the conclusion that due to retained differences in strength, stamina and physique between the average female compared with the average transgender woman or non-binary person, with or without testosterone suppression, the three distinct areas of inclusion, fairness and safety could not generally be balanced in gender-affected competitive sport;
 - b) the further conclusion that no single competition model would meet the needs of transgender inclusion while retaining competitive fairness, particularly in women's sport;
 - c) the proposed approach of helping governing bodies (National Governing Bodies and Scottish Governing Bodies) to define best options for their sport based on their assessment as to whether they are gender affected, and then to prioritise inclusion or fairness (and in some instances safety), and the feasibility of offering more than one version of their sport to achieve different priorities;
 - d) the call for meaningful consultation in developing these approaches which of itself was likely to facilitate trans participation and make the sport more open, inclusive and diverse in other ways;

- e) the exposition of guiding principles which governing bodies must consider when developing policies in this area. These included the primacy of creating opportunities for sport to increase inclusion and the breadth of sport for everyone in society;
- f) the conclusion that neither testosterone suppression nor case-by-case assessments were likely to guarantee competitive fairness between transgender women and females in gender-affected sports, and could well have unintended consequence in terms of the effects on the individuals concerned and the inclusiveness of the sport more generally.

13.6 The Board felt that the guidance was well-drafted. As minor drafting comments it asked that officers reflect on the exemplification of the 'hierarchy of contact' section, and on the tone of the sections related to new versions of sports in order to acknowledge that this would rarely be a straightforward option to implement.

13.7 The Board noted the complex and evolving nature of the issue. The Sports Councils would need to support governing bodies in operationalizing the guidance with a rolling education programme and would generally need to be alert and responsive to emerging issues.

13.8 The Board further discussed the challenges for Sport England and the Sports Councils in progressing the guidance, and the implications for Governing bodies and participants as follows.

- a) The guidance explicitly did not present universal solutions and was pragmatic rather than dogmatic. In this contested field some stakeholders would perceive it as compromising their strongly held values, whether related to 'full inclusion' or 'sporting integrity'. The Sports Councils could, however, point to the extensive evidence base, robust methodological framework, and underlying aim of nurturing and sustaining sporting diverse and inclusive sporting environments at all levels. The guidance presented a clearly stated, well-argued and defensible solution that the Board believed would serve governing bodies, participants and competitors well.
- b) The Board felt it right that ultimate responsibility for decisions lay with the bodies responsible to leading and developing specific sports. The guidance provided a significantly stronger, more specific, and authoritative framework for them to do so than had existed before.
- c) The Board noted equally that the Sports Councils could not compel any of the NGBs/SGBs to adopt specific options within the guidance either in relation to inclusion or to fairness in competition rules.

- d) There could be criticism on the grounds that the Sports Councils were disproportionately focusing on one numerically small stakeholder group, to the detriment of others, or of wider issues of concern to the sector. The Board, however, felt that action here was justifiable both as a matter of principle, and as a pragmatic response to substantive issues faced governing bodies, seeking to do the best by their sports and their participants.
- e) The Board was content with the proposed September publication date, as soon as practical after the Tokyo 2020 Olympic & Paralympic Games. This would allow final editing of the Guidance document and building appreciation and understanding of the position within DCMS and other relevant Government departments ahead of proposed publication.

13.9 The Board noted that while much debate in this field had been sensitive and constructive, it was an area characterized by a range of robust and firmly held values and beliefs that were not always compatible. Notwithstanding Individuals rights to express personal views, these beliefs were sometimes manifested in an extreme and aggressive way, particularly in social media discourse. Ill-informed or deliberately hateful exchanges were an issue for participants and would-be participants in sport, for governing bodies and for those in sport England and elsewhere trying to progress constructively and rationally. The Board regretted that this was the case. It noted the duty of care held by Sports Councils and Governing Bodies, and commended the fortitude and commitment of Sport England staff working in this area. It was incumbent on the Board, collectively and individually, to be particularly sensitive in their engagement on this matter.

13.10 The Board therefore **AGREED**

- a) the **options-based approach within the Guidance** (i.e. that governing bodies consider whether their sport is gender affected; decide how they wish to balance the requirements of inclusion, fairness and safety within the participation and competitive opportunities offered by their sport; and consider in policy and decision-making the content of the research and the options included within the Guidance);
- b) the approach set out in the paper for **publication and embedding of the guidance** (i.e. Full publication of the Guidance and supporting documentation; a comprehensive, mutually agreed communications plan including FAQs; supersedence of the 2013 guidance; further commissioned work by Carbmill to provide ongoing support, training and advice to governing bodies; and review of the guidance every two to three years;

- c) that a **Duty of Care package** be extended to the employees most directly affected by the publication including the SCEG representatives from each Sports Council, colleagues from the LGBTQ+ community and Carbmill Consulting staff;

with parallel approval to be sought from the Boards of the Sports Councils in Scotland, Wales and Northern Ireland and UK Sport Board on 14 July. **Action Cathy Hughes, Tim Hollingsworth and Ali Donnelly** to progress with SCEG and the Sports Councils, reporting back to the Board in the event of any substantively different decision by partner Boards.

14. Birmingham 2022 Commonwealth Games national legacy

14.1 The Board reviewed paper MB21-48 which set out headline proposals for a Birmingham 2022 Commonwealth Games (B2022) national legacy around five themes/areas of work: Sports Participation; Talent; Children and Young People; Active Environments; Digital. These had been identified as clearly aligned to *Uniting the Movement* with a strong focus on equality, diversity and inclusion in all areas. They were generally not new initiatives, rather they were amplifications or reprioritisations of work areas where Sport England was already engaged or had invested.

14.2 The Board

- a) welcomed the proposals' alignment with the UK Government's aspirations for bringing the country together through national events and a 'year of renewal' in 2022. Board members noted the clear ministerial ask of Sport England here, and the steer that Sport England investment in B2022 focus on COVID-19 recovery and the wider levelling up agenda. The Board was content that these aspirations sat well with *Uniting the Movement* and Sport England's wider remit and felt that the proposals offered the opportunity both to make positive connections locally and present a strong narrative nationally;
- b) noted that Investment Committee had provided support and feedback (now incorporated) on the proposals. Sport England officers had also secured principled support from DCMS officials;
- c) was mindful that work was ongoing on detailed proposals under the oversight of an internal working group and with collaboration of key delivery partners;
- d) asked that particular attention be given to the reach and long-term sustainability of volunteer engagement. This would involve insightful work with and through local communities; concerted efforts to secure a

diverse and representative pool of volunteers; mitigation of attrition at different stages of the volunteering journey; and support in 'offboarding' post-Games;

- e) was content with the funding envelope proposed in the paper as representing a sensible blend of re-positioning existing programme budgets in some areas with increased funding in others.

- 14.3 The Board therefore **AGREED** the financial envelope of £11.15m. for the work set out in the paper, with detailed proposals to be brought for approval in line with Sport England's investment decision making policy. **Action Adam Rigarlsford** to progress accordingly.

15. **Moving Communities: Performance Management and Improvement Framework**

- 15.1 Andrew Pearson and Emma Bernstein introduced paper MB21-50. This set out Sport England's support for the 'Quest' continuous improvement tool for the management of leisure facilities and the National Benchmarking Service which provides Local Authorities with a rigorous, robust and independent assessment on the performance of their leisure and sport facilities. The Board noted the repurposing of the National Benchmarking Service due to the COVID-19 pandemic to a service called *Moving Communities*. This provided dynamic real-time participation, customer experience, and financial data from across the sector for better monitoring of the sector's performance, sustainability and social value nationally and locally. A Quest product was integrated within the *Moving Communities* platform.

- 15.2 Board members were supportive of the proposed performance management and improvement framework building on the current National Benchmarking service, Quest contract, and the current Moving Communities service, which were due to end in October 2021. In forming this view, the Board noted and was content with:

- a) the strategic contribution of the framework (particularly in respect of Active Environments and Connecting Communities issues, and the data, insight and learning, and innovation and digital catalysts set out in *Uniting the Movement*) and its contribution to a place-based approach. They noted the positive impacts and take-up of the refocused offer to date and its contribution to the Respond Goal, building on established Quest and National Benchmarking services;
- b) the options analysis presented;

- c) cost, budget, timescales and internal resource requirements;
- d) the analysis of risks;
- e) legal and governance considerations, noting that Sport England would retain *Moving Communities* intellectual property;
- f) Measurement, evaluation and performance management structures/arrangements to be agreed with the supplier(s) as part of the contract development;

15.4 The Board therefore **APPROVED** the open procurement of a performance management and improvement framework over a four-year period (initial contract of two years with possible one-year extensions to a total of 4 years), to deliver the proposals set out in the paper. The Board **DELEGATED** approval of the final procurement recommendation to Investment Committee in line with Sport England's Delegated Authority Policy, and approval of any future Sport England funding award allocation to maintain Local Authority uptake of *Moving Communities* according to the Delegated Authority Policy. **Action Andrew Pearson** to progress accordingly.

16. **Recognition of Brazilian Jiu Jitsu and the UK Brazilian Jiu Jitsu Association**

16.1 Phil Smith spoke to paper MB 21-51 recommending that Brazilian Jiu Jitsu be formally recognised as a sport and that the UK Brazilian Jiu Jitsu Association (UKBJJA) be recognised as the sport's national governing body.

16.2 The Board:

- a) noted that UKBJJA's application had been considered by the UK Officer Recognition Panel comprising of officers from all four Home Country Sports Councils and UK Sport;
- b) noted the positive implications of recognition set out in the paper and supported the Panel's opinion that the application met recognition criteria and that the UKBJJA was the most appropriate body to be recognised as the NGB for the sport;
- c) suggested that for future recognition proposals, it would be helpful to have a precis of other bodies operating in similar fields and any relationship management issues that might arise from recognition

16.3 The Board therefore **AGREED** that Brazilian Jiu Jitsu be recognised as a sport and that the UKBJJA be recognised as the sport's NGB in all four Home Nations, noting that approval was being sought in parallel from sportscotland, Sport Wales and Sport Northern Ireland boards in June and

July 2021. **Action: Phil Smith** to progress in line with the Board's recommendation and feedback alerting the Board as per the Recognition Policy if unanimous support by Home Country Sports Council Boards was not forthcoming.

17. Any other business

- 17.1 In the anticipation that this would be Nick Bitel's last meeting as Chair of Sport England, Board members (led by Natalie Ceeney as Vice Chair) and attending officers expressed their formal thanks for his leadership since his appointment as Chair in 2013. Attendees noted the knowledge, skills, personal attributes, and pragmatic but principled approach that had served Sport England well. Board members and attending officers wished him well and looked forward to working with him in future as a stakeholder and ally of *Uniting the Movement*.
- 17.2 Summaries of the proceedings of: Investment Committee meeting of 3 June 2021; Audit Risk and Governance Committee meeting of 8 June 2021; Sports Council Trust Company meeting of 18 May 2021; and English Sports Development Trust Ltd meeting of 19 May 2021 had been shared with the Board for information (Papers MB21-52 to MB21-55 refer). No comments or queries were made in relation to these papers.
- 17.3 With no other items of business being raised, the Chair thanked Members and attending staff for their contributions. The next meeting of the Board was scheduled for 9 September 2021. Members would meet for a short private session after the meeting.