

REDACTED – FOR PUBLICATION
MINUTE OF BRIEFING MEETING OF THE SCOTTISH RUGBY COUNCIL
HELD BY MICROSOFT TEAMS
AT 5.00PM ON WEDNESDAY 21 APRIL 2021

Present:

Ian Barr	(IB)	President
Colin Rigby	(CR)	Vice-President
Alistair Forsyth	(AB)	Borders Representative
Bobby Frazer	(BF)	National 3 Representative
Bob Richmond	(BR)	North Regional Representative
Eric Hugh	(EH)	National 2 Representative
Gerry Tosh	(GTo)	National 1 Representative
Gordon Thomson	(GT)	Premiership Representative
Hazel Swankie	(HS)	Midlands Representative
Jim O’Neil	(JON)	Glasgow South Regional Representative
John Halliday	(JH)	Co-opted Representative (Rugby Europe)
Jonathan Anderson	(JA)	Schools Representative
Kenneth Knott	(KK)	Referees Representative
Malcolm Offord	(MO)	Scottish Exiles Representative
Murdo Gillanders	(MG)	Edinburgh Regional Representative
Rosy Hume	(RHu)	Women’s Representative
Willie Gardner	(WG)	Glasgow North Regional Representative

Apologies:

Ian Rankin	(IR)	Co-opted Representative (Pro14)
Gavin Hastings	(GH)	Co-opted Representative (British and Irish Lions)

In Attendance:

[NAME REDACTED]	(XX)	Senior Solicitor & Council Secretary
[NAME REDACTED]	(XX)	Head of Regional Services
John Jeffrey	(JJ)	Chairman of the Board
Jim Mallinder	(JM)	Director of High Performance
[NAME REDACTED]	(XX)	Head of Business Services
Mark Dodson	(MD)	Chief Executive Officer
[NAME REDACTED]	(XX)	Head of Training and Education
Robert Howat	(RHt)	General Counsel & Company Secretary
Sheila Begbie	(SB)	Director of Rugby Development

1. Introduction**ACTION**

The President noted a quorum was present and opened the Meeting at 5pm.

Apologies were received from the Pro14 Representative and the British and Irish Lions Representative.

2. Rugby Development Update

The President welcomed the Rugby Development Department Representatives to the Meeting.

REDACTED – FOR PUBLICATION

The Director of Rugby Development highlighted that as no meaningful form of rugby had been played for over a year, the main priority in the Return To Rugby roadmap was player welfare.

The Rugby Development Department Representatives provided the Council with an update on the Return To Rugby roadmap. The following key points were noted:

- Due to the decrease in the prevalence of Covid-19 throughout Scotland, the Scottish Government guidance on Covid-19 restrictions had been updated accordingly. Return To Rugby indicative dates had been scheduled based on the Scottish Government guidance.
- The indicative dates were noted as follows:

26 April 2021

Mini & Youth can resume full contact training

Gyms re-open for individual exercise

Hospitality re-opens (restrictions apply)

17 May 2021 *(assuming the country moves into Level 2)*

Adults can resume Touch Rugby

Mini can resume contact friendly fixtures (3 weeks after contact training was introduced to prepare players appropriately).

31 May 2021 *(assuming the country stays in Level 2 or below)*

Adults can resume full contact training

Youth can resume friendly fixtures (5 weeks after contact training was introduced to prepare players appropriately)

5 July 2021 *(assuming the country stays in Level 2 or below)*

Adults can resume contact friendly fixtures (5 weeks after contact training was introduced to prepare players appropriately).

- It was highlighted that Scotland required to remain in Level 2, or under, for adult contact rugby to be played.

A start date for adult contact sport had been identified as 17 May 2021. If there was a delay to this date it may have a knock-on delay to friendly fixtures being played.

- It was noted that to allow full matches to take place, a group size of 40 was permitted under the restrictions. The Rugby Development Department would be highlighting to Clubs that they should limit group sizes to only include the necessary number of people for the match to take place.

REDACTED – FOR PUBLICATION

- Changing rooms and showers would stay closed, except for those with additional needs. Discussions in this respect were continuing with the Scottish Government.
- Spectators at matches would be permitted in Level 2 and below. The Rugby Development Department had sought further clarification on this from the Scottish Government and the Council would be updated when that the advice was confirmed.
- It was highlighted that the Rugby Development Department would be encouraging the Clubs to take a cautious approach to the return of contact matches. Each friendly match would require to be registered with Scottish Rugby to allow them to record the match and provide any associated support required.
- Once friendly fixtures were able to be played, they could be played in accordance with the normal laws of the game and without any law variations.
- It was the responsibility of the Club Covid-19 Safety Coordinator to ensure a full risk assessment, processes and mitigating measures were in place before any rugby activities took place.
- In relation to the Under-20 transition programme, it was noted that this was aimed at players aged 18 and 19 who had had limited game time over the last year. The Vice President had been involved in these discussions as part of a wider group including Club representatives.
- It was noted that some Clubs had made plans for 7s events over the summer. It was hoped these would be able to go ahead but the details would not be known until there was further clarity on the Scottish Government restrictions over the summer.
- For friendly fixtures to take place over the summer, a Board decision was required to make amendment to SDR 16 (Match Approvals and Permission to Tour). It was noted the Council Secretary would circulate the proposed information for the Council's consideration in the coming days.

During questions the following points were noted:

- It was asked whether players turning 18 years old after 1 September would be able to play adult rugby. It was confirmed that the current guidance counted "young people" as 18 or under, accordingly when contact rugby recommenced under 18s would be able to compete together.
- It was highlighted that the use of toilet facilities for females should be considered and included within any communications being issued over this period. The point was noted and would be dealt with by the Rugby Development Department.

The President thanked the Rugby Development Department for their update and continuing hard work.

REDACTED – FOR PUBLICATION

The Head of Business Operations, Head of Regional Services and Head of Training and Education left the Meeting at 5:30pm.

3. Scottish Government Grant Update

The President welcomed the Chief Executive Officer, the Chairman, the General Counsel & Company Secretary and the Head of Performance Rugby.

The President advised the Council that the Meeting had been called primarily to discuss the Scottish Government grant funding and the documents that had been released as part of a Freedom of Information Act request to the Scottish Government.

The President noted that he had had advance warning of the Freedom of Information request, which he had discussed with the Chief Executive on 31 March 2021. He highlighted that at a National 2/3 Forum Meeting, the Freedom of Information documentation had been referred to and quoted from. Following the Forum Meeting the President had contacted the Chief Executive to request that further information be provided to the Council due to the amount of anticipated public scrutiny. The Chief Executive had suggested that a Meeting was called with the Council to allow discussion on the Grant funding and the associated documentation.

This Meeting had been arranged but then postponed as the Council had not received all the relevant documentation as requested by the President. On receipt of the documentation, the Meeting was rescheduled to allow sufficient time for Council to consider the contents. The President referred to the importance of transparency and the Nolan principles of good governance and emphasised that the Council had a responsibility to oversee the actions of the Board and noted that the provision of all the Grant funding documentation allowed them to fulfil that responsibility.

It was highlighted that the Council now had the initial and final versions of the Grant Letter, a comparison between them and other accompanying documentation and had now had sufficient time to consider its contents. He noted the Chairman and Chief Executive would provide the Council with an update and would then be available to take questions from the Council.

The Chairman thanked the President and provided the Council with a presentation on the Scottish Government funding. He explained that he and the Chief Executive had been ready to provide this presentation to the Council members at the meeting which had been arranged but was postponed and hoped that it would assist. The key points were as follows:

- It was noted that the Board were committed to acting in accordance with good governance and had followed the principles of the Dunlop Report by consulting the Council on the strategy discussions and proposed allocation of government funds ahead of communicating with the Clubs.
- It was highlighted that once the Council had endorsed the strategy proposals, the funding streams could be communicated, and then opened up to the Clubs.

REDACTED – FOR PUBLICATION

- By way of context, it was noted that the Scottish Government had confirmed in December 2020 that it would provide Scottish Rugby with funding in the sum of up to £20 million.

During 2020, Scottish Rugby had been in discussion with the Scottish Government regarding the Scottish Government's assistance in replacing revenue lost to the game due to Covid through an absence of spectators and hospitality income from International, Pro Team and Community Clubs.

The initial offer document was received by Scottish Rugby on 20 January 2021. It was a template document with content used for other sports and as such, it required some wording adjustments in order to make the letter more suitable for rugby purposes.

The Board had discussed the Grant offer at its Meeting on 21 January 2021. The Board had approved the main provisions of the funding and had delegated the power to negotiate the final wording to the Executive in order that these amendments could be made. It was noted that the terms were not considered to be unduly onerous, although would need some adjustment to tailor the funding and claims procedures appropriately.

The final version of the letter was signed in a form agreed with the Scottish Government on 28 January 2021.

- At AGM Stage 3, it had been explained that Scottish Rugby did not yet have the terms of the government support package nor a date for distribution of those, but it had been stated that the funding was to be used to repair the damage to Scottish Rugby revenues created by the pandemic and it was also said that the funding was intended to allow the organisation to resume its core functions with its workforce intact. It was highlighted that both statements remained true.
- The Chairman also provided the Council with the key commercial details of the Scottish Government loan.
- It was noted that Scottish Rugby had been successful in securing the majority of the overall funding as a Grant.

A robust discussion followed the Chairman's presentation and Council Members were invited to ask questions. During questions the following points were noted:

- The split between the Loan and the Grant funding had been a decision taken by the Scottish Government. It was noted that at the time of the funding decision being taken in December 2020, the Scottish Government were considering the amount of funding available to support all sports throughout Scotland.

It was noted the Grant and Loan had been dealt with by different Scottish Government departments and were legally different in nature.

It was highlighted that there was a liability to repay the Loan, but any such liability rested with Scottish Rugby, not clubs and funding from the loan proceeds that would be available to clubs would be distributed by Scottish

REDACTED – FOR PUBLICATION

Rugby in the form of grants. It was noted that the documentation made clear that the Grant was for the whole of the game in Scotland and the Loan was for the domestic game.

- It was noted that the Grant funding was received by Scottish Rugby on 4 February 2021. The Board had then met on the 4 March for the wider Board strategy day, part of which was to consider how the funding should be used.

A presentation had then been delivered to the Council on the strategy proposals on the 14 March as part of the commitment made to consult with the Council. It was highlighted that the Council's endorsement was now being sought on the strategy proposals.

- In response to a question, it was confirmed that there was no requirement for the Scottish Government to authorise any split of the funding between the professional and domestic game nor was there a requirement for the funding to be immediately distributed to the Clubs.

It was noted that Scottish Rugby had shared its intended funding plans with the Scottish Government who were satisfied with the intended plans.

- It was highlighted that when calculating Scottish Rugby's losses due to Covid-19, the losses had been estimated at the time to be around £18million and the losses of the Clubs had been estimated at around £2million.

Through the proposed funding streams, £6.5million of the overall funding package of £20million had been allocated to the domestic game.

- It was noted that having reviewed the Grant documentation provided, it was clear that the Board had been acting in the best interests of Scottish Rugby and accordingly it was asked why the Grant documentation had not previously been made available to the Council.

The Chairman explained that these documents had initially been treated as being confidential. They were not solely the property of Scottish Rugby, as the Scottish Government was also a party to the agreement. A process existed under FOIA for the Government to make them available. The Board's confidential discussion of these documents could have been fed back to the Council by the Council Nominated Board Directors after the Board Meeting on the 21 January 2021 and the proposed Club funding streams had been made available to the Council at and following its Meeting on 15 March.

In relation to the timeline, between receipt of the funding in February and the Board Meeting on 5 March, strategy proposals were being prepared and finalised for discussion with the Board. Those proposals needed to be discussed and approved by the Board and then discussed and endorsed by Council before any distribution of funding aligned with those proposals took place. It was also highlighted that Scottish Rugby required to have a rigorous system in place before any funding was distributed to ensure all the funding was fully accounted for.

- The importance of the obtaining Council's contribution to the strategy and funding proposals was emphasised and it was noted that following the

REDACTED – FOR PUBLICATION

strategy presentation to the Council on 15 March, additional time was then taken by Council to consider the proposals and submit feedback. Answers were then provided to the Council on their comments and feedback before seeking a final endorsement which would then enable the proposals to be progressed and funding for them made available.

- It was noted that if any Clubs were suffering from severe financial hardship, they could potentially access emergency funding by contacting Scottish Rugby to discuss.

It was noted that as the Clubs had not had full running costs for the past year, it was expected that there would be greater concern regarding player numbers going forward than immediate cash concerns. It was highlighted that the funding streams had been created to cover all bases for the Clubs, in the short, medium and longer-term.

It was highlighted by a Council Member that many Clubs had used crowdfunding and sponsored events to raise vital funding.

- Some Council Members were disappointed that the Grant documentation was not made available to them earlier in order to allow them to have additional information to answer questions from their Clubs.

Having now had access to the relevant information, the Council were satisfied with the information that had now been provided but expressed some frustration that they had not been able to reassure their Clubs earlier.

The Chief Executive understood the Council's position. He highlighted that Scottish Rugby were acting in an open and transparent manner but until the documents were released as part of a Freedom of Information request, they had been considered to be confidential and not for wider circulation. He noted that the Scottish Government's £20million commitment demonstrated the trust they had in Scottish Rugby.

The Chief Executive emphasised that the Board had not distributed the funding until the Council had been fully consulted on the strategy proposals. The intended application of the funding was a fundamental element of the strategy been proposed.

- It was raised by a Council Member that at the presentation of the Strategy to the Council on the 15th of March, the Council had not been aware that the distribution of funds to Clubs was dependent on their approval of the strategy. The Chief Executive explained that the strategy had to be approved in order for a budget to be prepared and the funding to be released.

He highlighted that while the Board could have approved the strategy proposals and proceeded, a commitment had been made to involve the Council fully in this process.

- In relation to the timing of the funding, it was explained that, if the Council decided to endorse the strategy proposals, an announcement would follow the Council meeting to set out the various funding streams which would be available to the Clubs. The Rugby Development Department were working on

REDACTED – FOR PUBLICATION

the detailed criteria to apply for the recovery fund. It was noted the Council would be involved in the process of deciding how these funds would be allocated.

- The President noted that there had been concern amongst some Clubs that they should have had immediate access to the Scottish Government funding and sought confirmation that there had been no requirement for this from the Scottish Government.

The Chief Executive confirmed that that was correct and set out the timescale for access to each Club funding stream.

The President thanked the Chairman and Chief Executive for their presentation and highlighted the importance of communicating the intended funding streams to the Clubs once the Council had considered the strategy proposals. The Chairman noted that the intention was to communicate with the Clubs on the Club funding streams as soon as the Council had endorsed the high-level strategy.

4. Strategy Update

The Chief Executive updated the Council with a follow up presentation on the strategy proposals which provided further detail on the areas of feedback given by the Council in addition to the separate answers already provided. Council Members were also given the opportunity to ask further questions.

During discussion the following points were noted:

- The Council had provided feedback on the high-level strategy proposals, and highlighted that if the Council endorsed these principles, the budget would be prepared on that basis and more detail could then be made available.

The proposals were “live” documents and the detail would develop as more work was carried out on each workstream with an intended implementation date of 1 June 2021.

- The Women’s and Girls’ game was also included in the overall proposals but with a separate detailed plan being prepared.

The President thanked all the invited guests for their presentations, and they left the Meeting at 7:10pm.

The President provided a summary to the Council of the business discussed at the Meeting and advised that a Council decision was required in relation to endorsement of the strategy proposals.

The President noted that clarity had been provided from the Chairman and Chief Executive in relation to the Scottish Government Grant and Loan Funding.

He reiterated that there was no expectation from the Scottish Government that the Grant funding would be made available to the Clubs immediately upon receipt of the funds and confirmed that reassurance had been given that Scottish Rugby was adhering to all of the terms and conditions of the funding.

REDACTED – FOR PUBLICATION

The Council had a vigorous discussion in relation to the content of the Meeting and ultimately confirmed that they were now satisfied with the information provided.

The President highlighted the importance of now all working together to move matters forward.

In relation to the strategy proposals, further discussion and consideration was given by the Council to the proposals and information provided. It was **AGREED** that the Council endorsed the broad strategy proposals. The Council remained mindful that the Board strategy proposals remained a work in progress and subject to further refinement.

It was also agreed that the President and Vice-President should be involved in the strategy proposals as they developed and in the preparation of the relevant communication to the Clubs on the proposed funding.

The President confirmed he would inform the Chairman and Chief Executive of the outcome of the Council's discussion immediately following the Meeting.

The President thanked the Council Members for their contribution to a robust and productive discussion. The Council had acted to fulfil its oversight function and the receipt of the Grant documentation had allowed them to reach a balanced and informed view.

8. AOB

With all business concluded, the President closed the Meeting at 8.10pm.

Date of next meeting: 10 May.

APPROVED 19 MAY 2021