

Deborah Stephenson

From: Nick McDowell
Sent: 07 June 2011 12:50
To: Nick McDowell; Nicola Smyth; Sarah Bailey
Subject: draft speaking notes for Poetry Society Board meeting on 8th June

Hi Sarah

Here are the draft notes for what I will say at the PS board tomorrow afternoon. Please could you take a legal view of whether what I propose to say is ok or not?

1. ACE cannot take sides in disputes between chair, board, staff and presidents of organisations we fund.
2. ACE needs to be assured that the terms of the funding agreement are being adhered to
3. In our view, there are some doubts about whether the Poetry Society is currently able to meet the terms of its funding agreement - in the areas of governance, management, leadership, reputational risk, and reasonable care.
4. We want to give the Poetry Society's trustees the opportunity formally to reassure us about these areas of concern in a written document
5. Receipt of a satisfactory document by 6th July will release the next grant payment if the other conditions of funding have also been met.
6. We request that the document addresses the following questions:
 - what is the legal situation in relation to the recently resigned director? will she sue? does she have a case? what plans are there for mediation or settlement? what is the likely timetable for resolving the dispute?
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 - by what process and when will a new president be elected?
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 - how does the board propose to manage the staff's proposal that the recently resigned director be re-appointed?

and in the longer term

- when will a revised staff structure be proposed and appointed to
- what are the terms of employment and reporting arrangements of the PR editor and do the trustees propose revising these?

Sent from my hotmail as ACE outlook not working for me just now....

What do you think?

thanks

Nick

Deborah Stephenson

From: Legal Services
Sent: 24 August 2011 14:02
To: Deborah Stephenson
Subject: FW: draft speaking notes for Poetry Society Board meeting on 8th June

From: Nick McDowell [mailto:nick.mcdowell@hotmail.co.uk]
Sent: 07 June 2011 12:50
To: Nick McDowell; Nicola Smyth; Sarah Bailey
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What do you think?

thanks

Nick

Deborah Stephenson

From: Nick McDowell
Sent: 07 June 2011 15:34
To: Antonia Byatt; Nicola Smyth; Sarah Bailey
Cc: Charles Beckett
Subject: Poetry Society
Attachments: ACE statement and questions for Poetry Society trustees on 8th June 2011.doc

Here are my speaking notes for tomorrow. Nicola – please attach a copy to arena for the record.

Thanks
Nick

Nick McDowell
London Director, Literature
Arts Council England
14 Great Peter Street
London SW1P 3NQ


nick.mcdowell@artscouncil.org.uk
www.artscouncil.org.uk

ACE statement and questions for Poetry Society trustees on 8th June 2011

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Nick McDowell
London Director, Literature
Arts Council England
14 Great Peter Street
London SW1P 3NQ



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www.artscouncil.org.uk

Deborah Stephenson

From: [redacted]
Sent: 19 July 2011 10:53
To: [redacted]
Cc: Nicola Smyth; Nick McDowell
Subject: Board Minutes 8 June - final and revised
Attachments: Minutes of Poetry Society Board Meeting 8 June 2011.doc

Dear Trustees,

Please find attached the revised and final minutes of the Board Meeting on 8 June.

Best wishes
Rebecka

Rebecka Mustajarvi
Projects Coordinator
The Poetry Society
22 Betterton Street
London WC2H 9BX

[redacted]
Main line: 020 7420 9880
Fax: 020 7240 4818

Join the Poetry Society: www.poetrysociety.org.uk/content/membership/
The Poetry Society is a registered charity: nr 303334.

**Minutes of the Poetry Society Board Meeting,
Wednesday 8 June 2011,
at the Poetry Society Studio, 22 Betterton Street, WC2H 9BX**

Present

Laura Bamford, Robyn Bolam, Peter Carpenter (Chair), Duke Dobing, Alan Jenkins, Anne Jenkins, Wendy Jones, Barry Kernon, Jacqui Rowe.

In Attendance

Rebecka Mustajarvi (Minute Taker), Nick McDowell (Head of Literature, ACE), Nicola Smyth (ACE Relationship Manager).

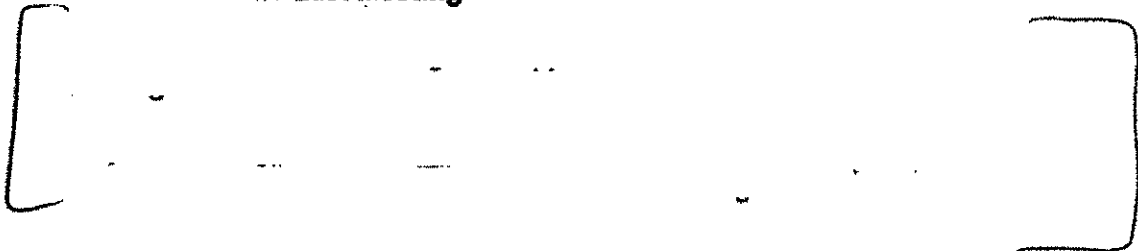
1. Introductory meeting with staff

Informal introductory meeting with staff who wished to attend.

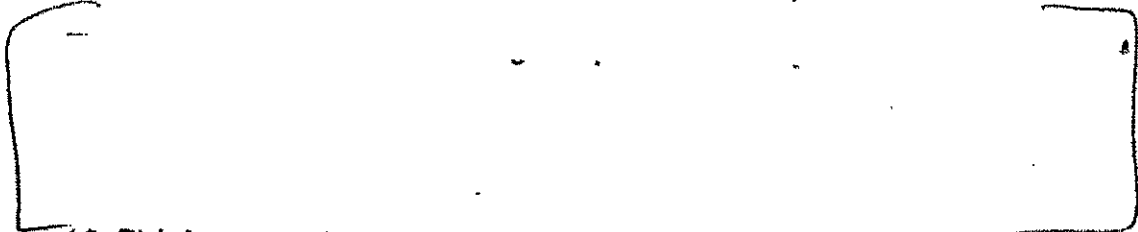
2. Apologies for Absence

Apologies were received from Emma Bravo, John Richmond, Jacob Sam-La Rose and John Simmons.

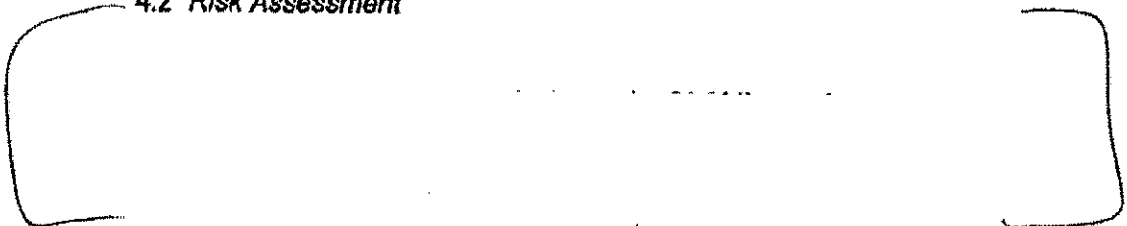
3. Minutes of the Last Meeting



4. Matters Arising (Including 'ACE Annual Submission')



4.2 Risk Assessment



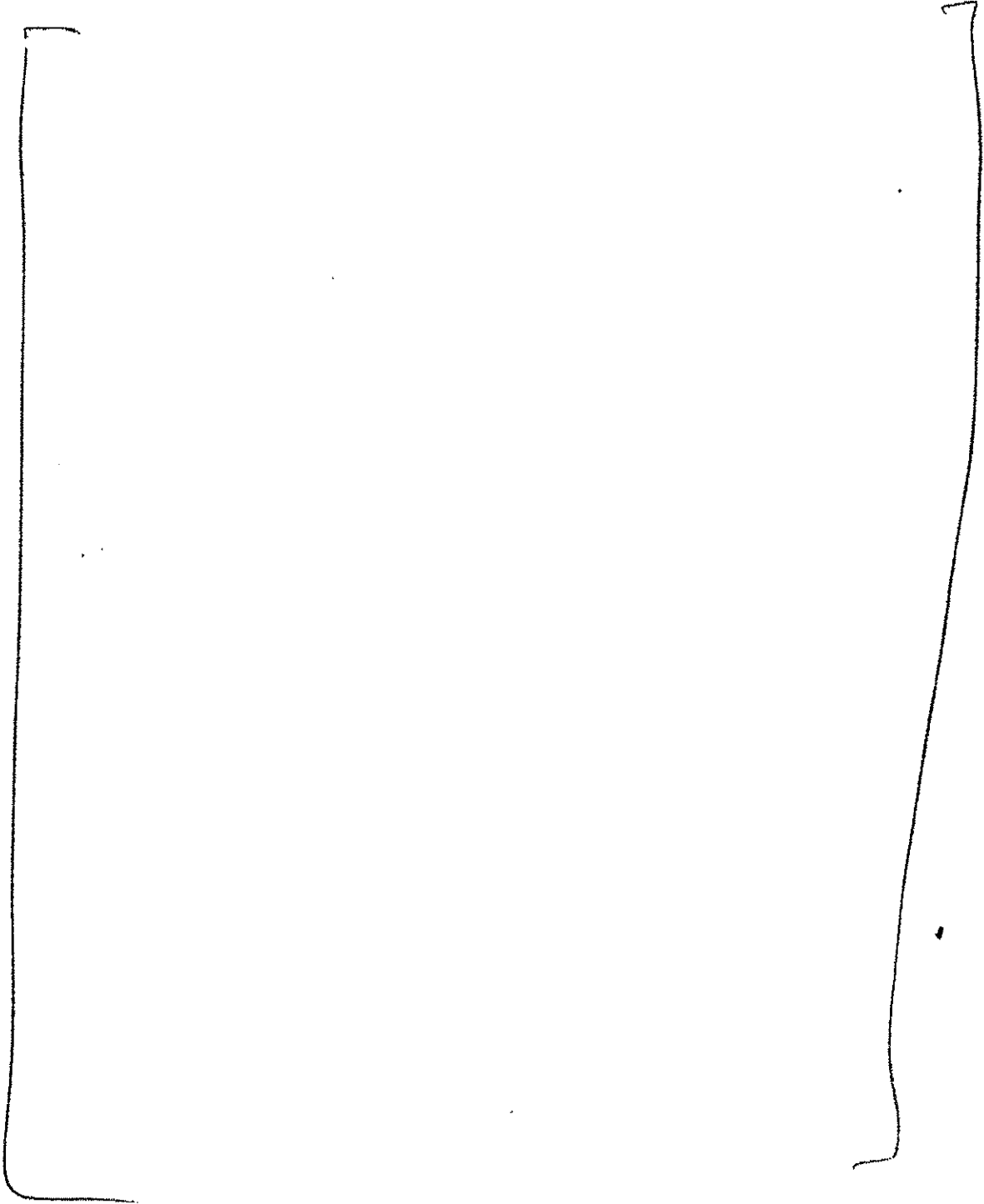


5. Nick McDowell (ACE)

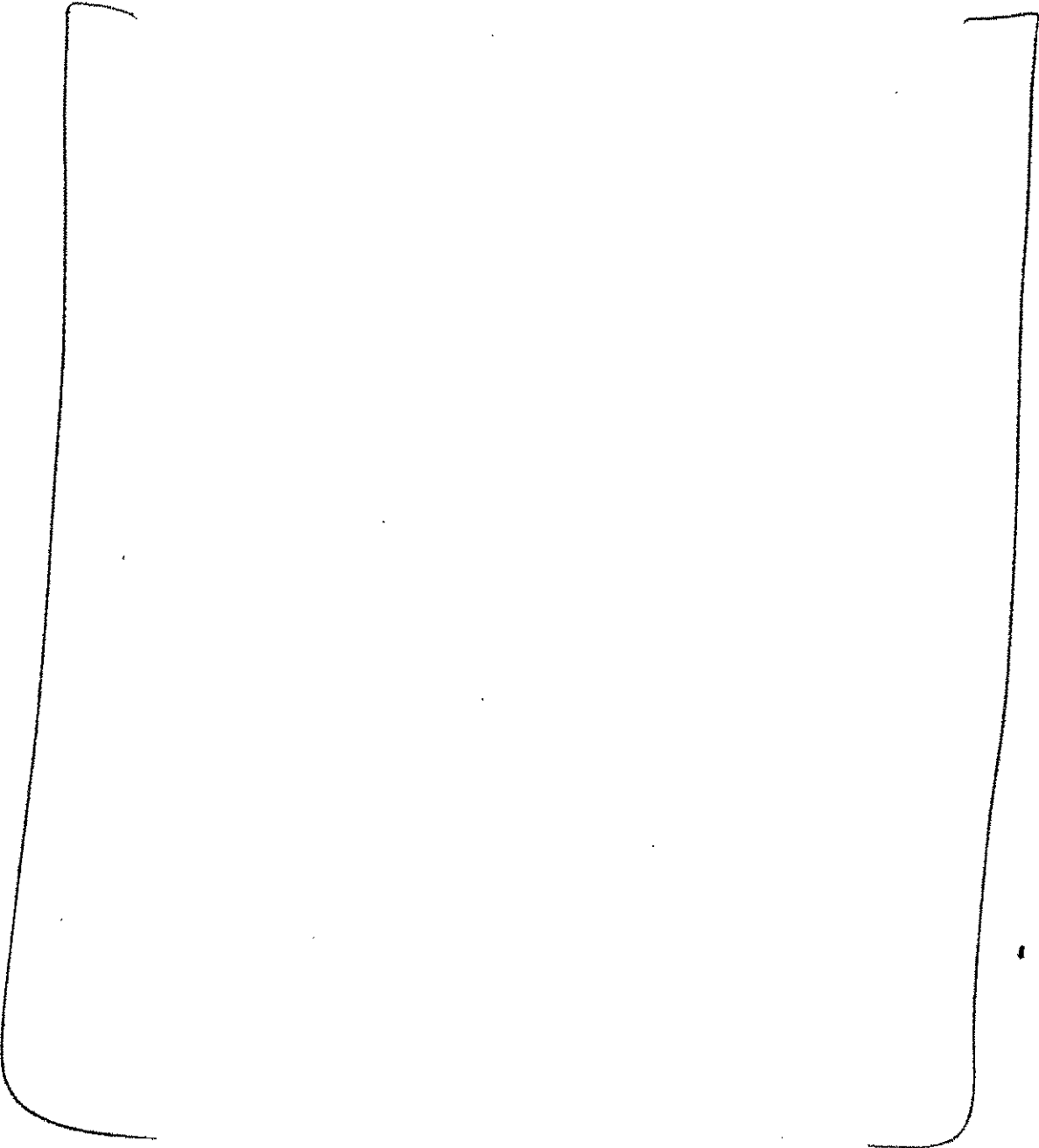
5.1 Nick McDowell read out a prepared statement to all present:

1. *ACE cannot take sides in disputes between chair, board, staff and presidents of organisations we fund.*
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3. *In our view, there are some doubts about whether the Poetry Society is currently able to meet the terms of its funding agreement – in the areas of governance, management, leadership, reputational risk, and reasonable care.*
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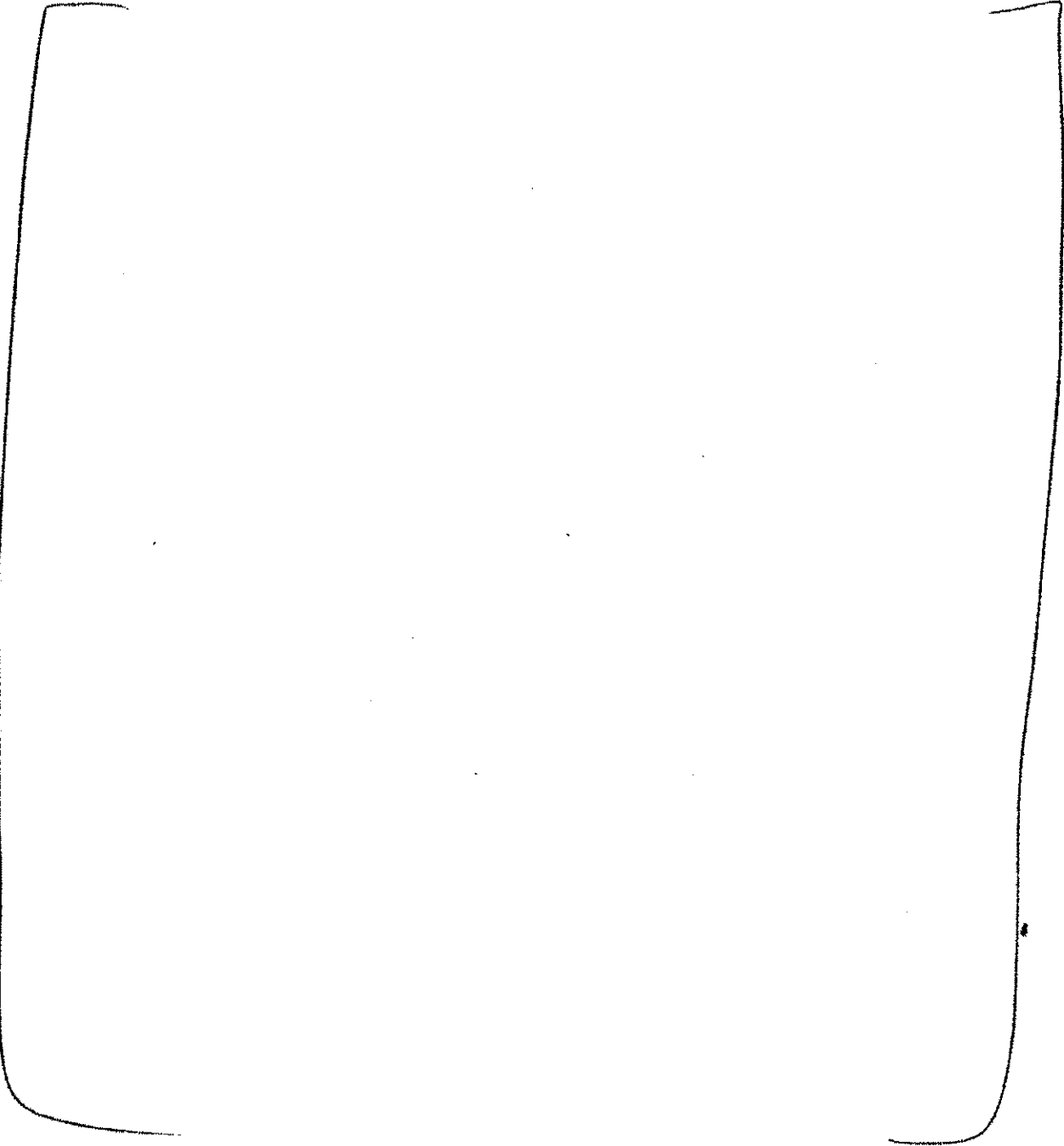
Minutes of Poetry Society Board Meeting, Wed 8 June 2011



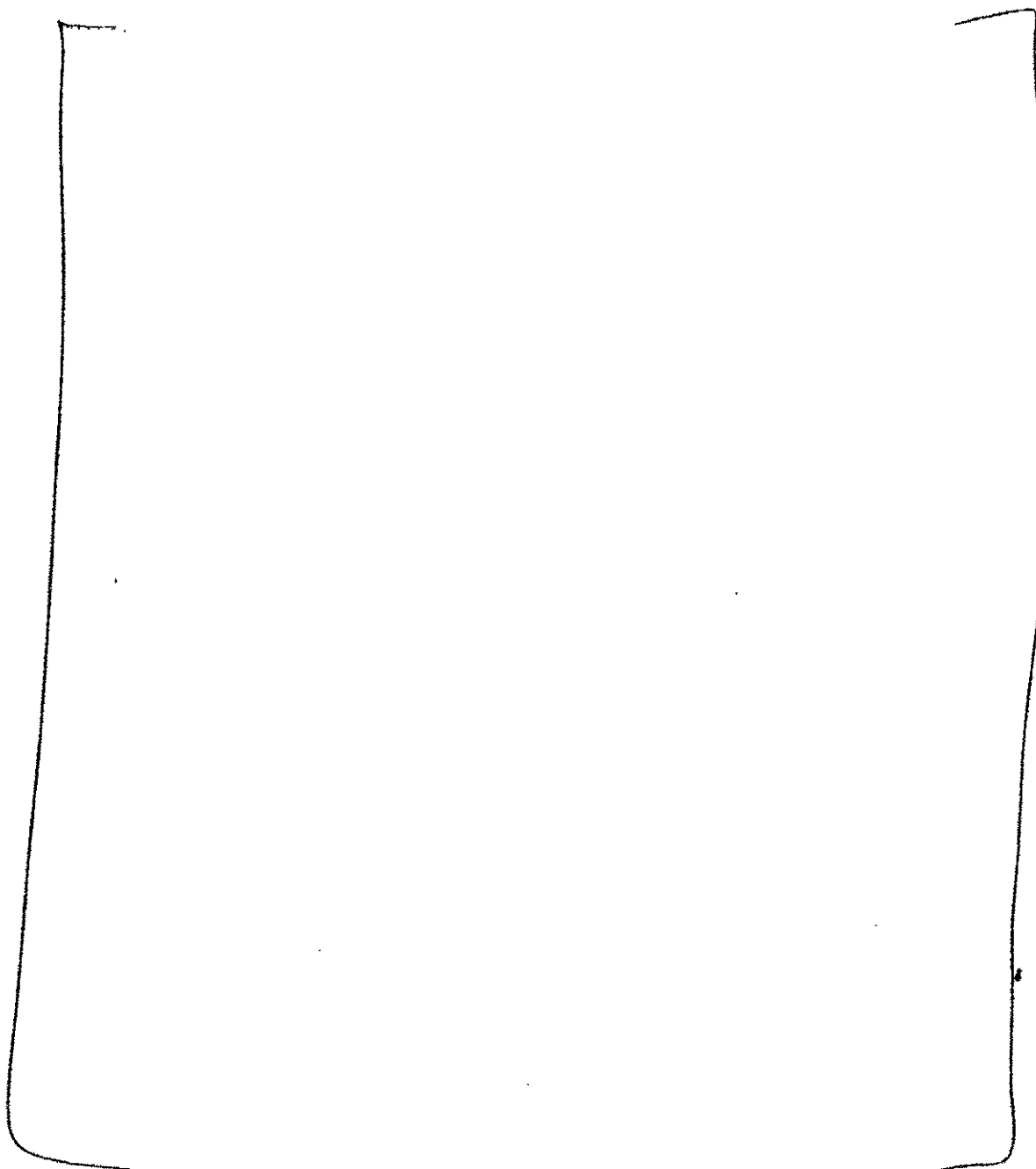
Minutes of Poetry Society Board Meeting, Wed 8 June 2011



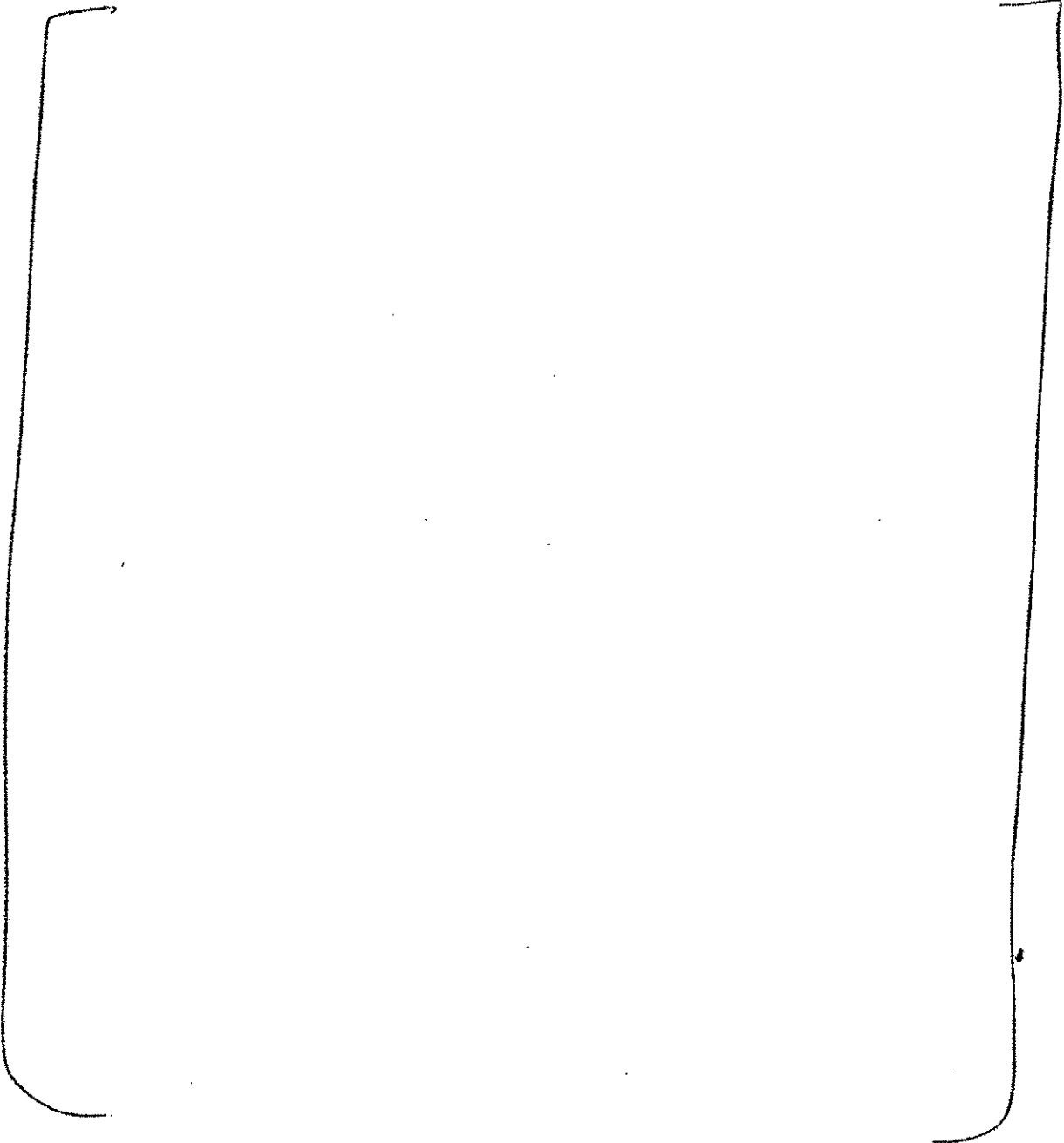
Minutes of Poetry Society Board Meeting, Wed 8 June 2011



Minutes of Poetry Society Board Meeting, Wed 8 June 2011



Minutes of Poetry Society Board Meeting, Wed 8 June 2011





11. Any other business

There was no other business to discuss.

The main part of the meeting was concluded at 6.25 pm.

**12. Confidential to Board (Short and long term objectives)
Including agenda item 9: Immediate actions (including appraisals); and 10:
Strategic planning.**

Actions arising:

6.1. The Chair will circulate his statement to all Trustees and ACE.

***The next Trustee meeting will be held on Wednesday September 14th 2011,
at 5 pm in the Poetry Society Studio.***

Deborah Stephenson

From: Nick McDowell
Sent: 10 June 2011 15:21
To: [redacted]
Cc: Antonia Byatt; Nicola Smyth
Subject: Poetry Society and Arts Council England

Dear Trustees of the Poetry Society

Peter asked me to circulate electronically to you all the statement I read out at the meeting on Wednesday. Please find it below.

With best wishes

Nick

Nick McDowell
London Director, Literature
Arts Council England
14 Great Peter Street
London SW1P 3NQ

[redacted]
nick.mcdowell@artscouncil.org.uk
www.artscouncil.org.uk

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and in the longer term

- when will a revised staff structure be proposed and appointed to
- what are the terms of employment and reporting arrangements of the PR editor and do the trustees propose revising these?

Deborah Stephenson

From: Nick McDowell
Sent: 29 June 2011 17:19
To: Laura Bamford; Liz Sich
Cc: Nicola Smyth; Moira Sinclair
Subject: ACE - Poetry Society

Dear Laura and Liz

Prompted by a conversation Nicola had with Liz earlier, I have annotated and copied below the set of questions ACE asked of trustees on 8th June, satisfactory answers to which will enable us to release the next grant payment on July 6th.

In some areas – 2 and 4, for example - there's real progress.

However, clearly defined plans to address 1, 3 and 8 seem to us to be the absolute *sine qua nons* for a prompt release in July.

Best

Nick

ACE statement and questions for Poetry Society trustees on 8th June 2011 (updated 29th June)

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1. what is the legal situation in relation to the recently resigned director? will she sue? does she have a case? what plans are there for mediation or settlement? what is the likely timetable for resolving the dispute?
2. what is the timetable and process for appointing an interim director? **DONE**
3. do the chair and trustees have the confidence of the staff and the membership of the society?
4. what are the society's plans for mitigating reputational risk? who is the lead for communications? is there a communications strategy? **IN ACTION (THANK YOU LIZ)**
5. by what process and when will a new president be elected? **PROGRESSING?**
6. to what extent is the membership of the society being informed of the current situation?
7. how does the board propose to manage the staff's proposal that the recently resigned director be re-appointed? **NOW OUT OF DATE**
8. The staff proposal for the reinstatement of the resigned director indicates that an Extraordinary General Meeting of the membership may be called imminently. What plans does the board have for managing this eventuality? **NOW MOST PRESSING**

and in the longer term

- when will a revised staff structure be proposed and appointed to? **PROGRESSING**
- what are the terms of employment and reporting arrangements of the PR editor, and do the trustees propose revising these? []

Nick McDowell
 London Director, Literature
 Arts Council England
 14 Great Peter Street
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[]
nick.mcdowell@artscouncil.org.uk
www.artscouncil.org.uk

Deborah Stephenson

From: Nick McDowell
Sent: 13 July 2011 14:52
To: Nicola Smyth
Subject: governance

I drafted a few bullets as my contribution....

Governance draft

- ACE-funded organisations must abide by their own codes of governance, being able to demonstrate that they are following their own constitutions, and Memoranda and Articles of Association
- Most ACE-funded organisations are companies limited by guarantee and registered charities and so most are expected to abide by the rules on governance and reporting set out by the Charity Commission
- The trustees of an ACE-funded organisation are responsible for: - setting the strategic direction of the organisation; signing off artistic and business plans and budgets; managing operational, strategic and operational risk; representing the organisation to senior stakeholders and funders
- The Chair and trustees of an ACE-funded organisation need to have the full confidence of the staff and stakeholders. They need to represent a broad range of skills and experience which usually includes artistic judgement, business planning, audience development and marketing, HR and legal, project management, communications, finance and leadership
- The board needs to meet regularly and be no less than quorate at each regular meeting
- The board needs to be able to communicate openly and transparently with staff, stakeholders, funders and the public
- Boards of ACE-funded organisations – especially where ACE is the main funder – need to be sensitive to reputational risk both to their own organisation and to ACE
- Boards of ACE-funded organisations need to report major operational and reputational risk to ACE promptly and openly
-

Nick McDowell
London Director, Literature
Arts Council England
14 Great Peter Street
London SW1P 3NQ


nick.mcdowell@artscouncil.org.uk
www.artscouncil.org.uk

Deborah Stephenson

From: Nick McDowell
Sent: 14 July 2011 12:18
To: Sarah Bailey; Louise Wylie; Nicola Smyth
Subject: governance points

Hi

Could I have your view on these points which I drafted and would like to send out. Maybe legal feedback first from Sarah, then Comms from Louise –

many thanks

Nick

DRAFT Governance points for Poetry Society EGM statement

- ACE-funded organisations must abide by their own codes of governance, being able to demonstrate that they are following their own constitutions, and Memoranda and Articles of Association
- Most ACE-funded organisations are companies limited by guarantee and registered charities and so most are expected to abide by the rules on governance and reporting set out by the Charity Commission
- The trustees of an ACE-funded organisation are responsible for: - setting the strategic direction of the organisation; signing off artistic and business plans and budgets; managing operational, strategic and operational risk; representing the organisation to senior stakeholders and funders
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- The board needs to meet regularly and be no less than quorate at each regular meeting
- The board needs to be able to communicate openly and transparently with staff, stakeholders, funders and the public
- Boards of ACE-funded organisations – especially where ACE is the main funder – need to be sensitive to reputational risk both to their own organisation and to ACE
- Boards of ACE-funded organisations need to report major operational and reputational risk to ACE promptly and openly
- ACE abides by the Nolan principles of public life.

ends

Nick McDowell
London Director, Literature
Arts Council England
14 Great Peter Street
London SW1P 3NQ


nick.mcdowell@artscouncil.org.uk
www.artscouncil.org.uk

Deborah Stephenson

From: Nicola Smyth
Sent: 01 July 2011 16:17
To: Sarah Bailey
Subject: Email for Poetry Society

Hi Sarah

Could you take a look at the email below, which I'd like to send to Laura, the new Chair at the Poetry Society. If there are any problems (with the info I'm asking for, or the statement regarding our next scheduled payment), then please let me know asap as I'd like to send this out by the end of the day -

Thanks,
Nicola

Dear Laura

A quick email in advance of our meeting with you and Amanda next Wednesday to advise you of some items we will need to cover in addition to the ones outlined in our statement of 8 June

We will need further documentation to include:

- The latest re the legal situation, as summarised by Eleanor Porter/the trustees. This must be an update written for us, rather than sight of privileged legal documents, as this may be compromising for both parties. It should include estimates of legal costs and offers of settlement
- Evidence of a clear paper trail showing that the trustees have formally agreed the upper limit on the budget for legal costs/settlement
- A breakdown of your unrestricted reserves, making clear that ACE funds are not included within these
- A statement re. the impact on your cashflow of a delay in future ACE payments, alongside any settlement costs/immediate calls on funding

We would like to talk with you by phone on Tuesday to discuss []
Wednesday - the trustees' negotiating strategy. []

On Wednesday, we would like our meeting to include - in addition to the points above and a progress report against the areas outlined in the 8 June document - a preliminary discussion regarding the trustees' strategy for dealing with the EGM.

We feel it is only fair to say at this point that, with an EGM scheduled for 22 July, it is hard to see how, in advance of that meeting, the trustees would be able to provide adequate reassurance to us regarding point 3 of the 8 June statement (members' confidence in the Chair and board).

Unfortunately, neither Nick nor I will be able to attend your board meeting on 19 July. Therefore, we would like to invite you and Amanda to attend a meeting here with us earlier that day. Could we ask you to come to Great Peter Street at 10am? We have scheduled the meeting for 1.5 hours. We will, of course, be at the EGM on the 22nd.

I imagine you will want to share this email with Amanda once she has had a chance to get up to speed. We look forward to seeing you both on Wednesday -

All best blah

Nicola Smyth

Relationship Manager, Literature
Arts Council England

Fax: 020 7973 6791

nicola.smyth@artscouncil.org.uk

www.artscouncil.org.uk

Deborah Stephenson

From: David Cross
Sent: 04 August 2011 13:16
To: [redacted]
Cc: Antonia Byatt; Nick McDowell
Subject: Poetry Society - deferred July payment

Dear [redacted]

Thank you for your recent emails. As you know, Nick McDowell and Antonia Byatt are both away on annual leave, so please allow me to respond on their behalf.

I appreciate your wish to move forward on the release of the deferred July Arts Council payment to the Poetry Society. However, I do not believe we will be in a position to release the payment in the next month, either before or after Nick and Antonia return from leave. As you may by now know in your capacity as a trustee, on 8th June, the Arts Council gave the following statement to the Poetry Society's Trustees:

1. *ACE cannot take sides in disputes between chair, board, staff and presidents of organisations we fund.*
2. *ACE needs to be assured that the terms of the funding agreement are being adhered to*
3. *In our view, there are some doubts about whether the Poetry Society is currently able to meet the terms of its funding agreement - in the areas of governance, management, leadership, reputational risk, and reasonable care.*
4. *We want to give the Poetry Society's trustees the opportunity formally to reassure us about these areas of concern in a written document*
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and in the longer term

- *when will a revised staff structure be proposed and appointed to?*
- *what are the terms of employment and reporting arrangements of the PR editor and do the trustees propose revising these?*

In addition, we set out the standards of governance that we require of organisations we fund:

- *ACE-funded organisations must abide by their own codes of governance, being able to demonstrate that they are following their own constitutions, and Memoranda and Articles of Association*

- *Most ACE-funded organisations are companies limited by guarantee and registered charities and so most are expected to abide by the rules on governance and reporting set out by the Charity Commission*
- *The trustees of an ACE-funded organisation are responsible for: - setting the strategic direction of the organisation; signing off artistic and business plans and budgets; managing operational, strategic and reputational risk; representing the organisation to senior stakeholders and funders*
- *The Chair and trustees need to have the full confidence of the staff and stakeholders of the organisation.*
- *They need to represent a broad range of skills and experience which usually includes artistic judgement, business planning, audience development and marketing, HR and legal, project management, communications, finance and leadership*
- *The board needs to meet regularly and be no less than quorate at each regular meeting*
- *The board needs to be able to communicate openly and transparently with staff, stakeholders, funders and the public*
- *Boards of ACE-funded organisations – especially where ACE is the main funder – need to be sensitive to reputational risk both to their own organisation and to ACE*
- *Boards need to be accountable for their decisions and submit themselves to appropriate levels of scrutiny*
- *Boards need to be clear about the function of the governing body and have clearly defined the executive and non-executive roles and the relationship between these*
- *Boards of ACE-funded organisations need to report major operational and reputational risk to ACE promptly and openly*

At the time of issuing these statements, it was our view that the Poetry Society was not able to meet these standards of governance. The EGM and subsequent correspondence with, and actions by, the trustees have addressed some of our concerns, but not all of them. In particular, the Arts Council needs to be assured that the Poetry Society is a going concern – in other words, that it is not exposed to any legal challenges or expenses which may carry unknown liabilities which may exhaust the Society's reserves. As you say, your discussions with Judith Palmer will of course be key in averting possible legal action.

The Arts Council would hope to release the deferred payment as soon as possible, but I doubt this would be before the AGM on 14th September when the new board will be appointed. I hope this gives you all the information you need. I look forward to meeting you at tonight's board meeting.

Best wishes

David Cross

David Cross
 Relationship Manager, Literature
 Arts Council England
 Direct Line 020 7973 5368
 Fax 020 7973 6791
 Email david.cross@artscouncil.org.uk

Deborah Stephenson

From: Louise Wylie
Sent: 16 August 2011 14:48
To: Deborah Stephenson
Subject: FW: Arts Council statement re Poetry Society

Asha Budhu
Assistant, Media Relations
Arts Council England

Email: asha.budhu@artscouncil.org.uk

From: R.Sharp@independent.co.uk [mailto:R.Sharp@independent.co.uk]
Sent: 25 July 2011 18:14
To: Louise Wylie
Subject: Re: Arts Council statement re Poetry Society

Is it an increase of £100,000 from 2012
All the best
Rob

Rob Sharp
Arts Correspondent
The Independent
2 Derry Street, London W8 5HF
Phone: +44 (0)207 005 2460
Twitter: @robbersharp

Louise Wylie <Louise.Wylie@artscouncil.org.uk>

25/07/2011 17:24

To "r.sharp@independent.co.uk" <r.sharp@independent.co.uk>
cc
Subject Arts Council statement re Poetry Society

Rob,

In answer to your question, yes the Arts Council is currently withholding the Poetry Society's quarterly grant payment (£78,499.00) which was due in July until the Society has addressed our concerns around governance, management and leadership, reputational risk and reasonable care. Some of these concerns have already been addressed (for instance, the appointment of an interim Director; the standing down of the current Board and announcement of an election process for new Board members in order to regain the confidence of the Membership) – others still need to be. We are hopeful that by the time the AGM takes place early in September things will have progressed. Once the Society is back in compliance with the terms of its current funding agreement we will be in a position to make the delayed grant payment. Meanwhile we continue to monitor the situation very closely and to meet regularly with the Society's management.

The following statement might also be helpful for you:

A spokesperson for Arts Council England said:

"We still believe that the Poetry Society has the potential to take a lead in the sector, as a champion of excellence helping more people to participate in the art form. But first, it needs to get its house in order.

"We have made it very clear to the Society what it needs to do, as a matter of urgency, in order to re-establish compliance with the terms of its current funding agreement – particularly in the areas of governance, management and leadership, reputational risk and reasonable care.

"The standing down of the current Trustees, making way for a new Board to be elected at the AGM in September, is clearly a move designed to regain the confidence of the Society's membership in its leadership. We welcome this and hope that the forming of a new Board will signal the start of a rapid return to stability for the Society, so that it can work with the Arts Council to help achieve its ambitions for the poetry sector."

ends

Do let me know if you need anything else.

Many thanks,
Louise

Louise Wylie
Director, Media Relations
Arts Council England
Tel: +44 207 973 5528
Mobile: 07912 998955

Follow us on twitter at ace_press #ACEfunding

<http://www.artscouncil.org.uk>

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Deborah Stephenson

From: Louise Wylie
Sent: 16 August 2011 16:12
To: Deborah Stephenson
Subject: FW:

Asha Budhu
Assistant, Media Relations
Arts Council England

Email: asha.budhu@artscouncil.org.uk

-----Original Message-----

From: Louise Wylie
Sent: 26 July 2011 09:30
To: 'louise.jury@standard.co.uk'
Subject:

Louise

Here's what I sent to Indy. As you'll see we hope that things will have improved enough by Sept for us to be in a position to make the grant payment - though clearly the Indy story doesn't reflect this.

Info sent to Indy:

The Arts Council is currently withholding the Poetry Society's quarterly grant payment (£78,499.00) which was due in July until the Society has addressed our concerns around governance, management and leadership, reputational risk and reasonable care. Some of these concerns have already been addressed (for instance, the appointment of an interim Director; the standing down of the current Board and announcement of an election process for new Board members in order to regain the confidence of the Membership) – others still need to be. We are hopeful that by the time the AGM takes place early in September things will have progressed. Once the Society is back in compliance with the terms of its current funding agreement we will be in a position to make the delayed grant payment. Meanwhile we continue to monitor the situation very closely and to meet regularly with the Society's management.

The following statement might also be helpful for you:

A spokesperson for Arts Council England said:

"We still believe that the Poetry Society has the potential to take a lead in the sector, as a champion of excellence helping more people to participate in the art form. But first, it needs to get its house in order.

"We have made it very clear to the Society what it needs to do, as a matter of urgency, in order to re-establish compliance with the terms of its current funding agreement – particularly in the areas of governance, management and leadership, reputational risk and reasonable care.

"The standing down of the current Trustees, making way for a new Board to be elected at the AGM in September, is clearly a move designed to regain the confidence of the Society's membership in its leadership. We welcome this and hope that the forming of a new Board will signal the start of a rapid return to stability for the Society, so that it can work with the Arts Council to help achieve its ambitions for the poetry sector."

ends

On mobile if you want to talk about this?

Regards

Louise

Sent From My Blackberry Handheld.

Deborah Stephenson

From: Louise Wylie
Sent: 16 August 2011 16:11
To: Deborah Stephenson
Subject: FW: Poetry Society

Asha Budhu
Assistant, Media Relations
Arts Council England

Email: asha.budhu@artscouncil.org.uk

From: Louise Wylie
Sent: 26 July 2011 11:16
To: Asha Budhu
Subject: FW: Poetry Society

Another call log please

Louise Wylie
Director, Media Relations
Arts Council England
Tel: +44 207 973 5528
Mobile: 07912 998955

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From: Louise Wylie
Sent: 26 July 2011 11:15
To: [redacted]
Subject: Poetry Society

Hi Benedicte,

As per our telephone conversation, here is the information I sent to the Independent, and our statement:

The Arts Council is currently withholding the Poetry Society's quarterly grant payment (£78,499.00) which was due in July until the Society has addressed our concerns around governance, management and leadership, reputational risk and reasonable care. Some of these concerns have already been addressed (for instance, the appointment of an interim Director; the standing down of the current Board and announcement of an election process for new Board members in order to regain the confidence of the Membership) – others still need to be. We are hopeful that by the time the AGM takes place early in September things will have progressed. Once the Society is back in compliance with the terms of its current funding agreement we will be in a position to make the delayed grant payment. Meanwhile we continue to monitor the situation very closely and to meet regularly with the Society's management.

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"The standing down of the current Trustees, making way for a new Board to be elected at the AGM in September, is clearly a move designed to regain the confidence of the Society's membership in its leadership. We welcome this and hope that the forming of a new Board will signal the start of a rapid return to stability for the Society, so that it can work with the Arts Council to help achieve its ambitions for the poetry sector."

ends

Do let me know if you need anything else.

Many thanks
Louise
Louise Wylie
Director, Media Relations
Arts Council England
Tel: +44 207 973 5528
Mobile: 07912 998955

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