

CODE OF CONDUCT

BACKGROUND TO THE ORGANISATION

History

Forth Valley Disability Sport, formerly known as Forth Valley Sports Association for People with Disabilities, was established in 1997 as a voluntary organisation. The branch is one of 17 in Scotland, all of which acknowledge Scottish Disability Sport as their National Governing Body for sport.

The Forth Valley branch geographically covers Falkirk, Stirling and Clackmannanshire Councils which have a combined population of 287,000 people

Organisational Aim

To encourage, promote and support opportunities for sport and physical recreation for people with a disability in the Clackmannanshire, Falkirk and Stirling areas.

Legal Status

FVDS is a registered Scottish Charity Number SCO24362.

Governance

FVDS is governed by a committee of Charity Trustees, drawn from [to be completed once the constitution is approved].

Who are charity trustees?

The people who make up the governing body which controls the organisations can be called by different names, e.g. directors, trustees, management committee members or even quite simply committee members.

Whatever their title, if their organisation is a charity and they have "general control and management" of it, no matter how they have been appointed or elected, these people are defined by the Charities and Trustee Investment (Scotland) Act 2005 as being a "charity trustee". The duties, responsibilities and liabilities of "charity trustees" within the meaning of the Act apply to them.

What are their responsibilities?

The Trustees of any charitable organisation must clearly understand the **aims and objectives** of FVDS and manage staff, finances and other resources to fulfil these aims only.

They must also be clear about the **values and principles** of the organisation and not compromise the organisations ethical stance in terms of funding, partnerships, practices, etc. The Trustees must ensure that there is a **plan for the development** of the organisation and provide **accountability** to funders, users, etc.

CODE OF CONDUCT

What are their duties?

The Trustees have a collective duty to:

- ✓ work within the scope of the constitution
- ✓ make sure legal obligations in relation to charity law are met
- ✓ find and manage the money, including having a funding strategy, keeping proper accounts, reporting publicly on the finances
- ✓ keep promises made and provide accountability to funders and other stakeholders such as clients,
- ✓ assess the risks and legal obligations for the organisation, staff, volunteers and directors and be adequately insured
- ✓ to keep to legal requirements such as set down in agreements, leases, Health and Safety, equal Opportunities, etc.
- ✓ to act as responsible employers and follow good practice in engaging and supporting volunteers
- ✓ manage / maintain premises and equipment in accordance with the terms of the lease, etc.
- ✓ maintain and review a long term plan for the organisation and be aware of the action needed should the organisation need to close down
- ✓ ensure that there is a working partnership between the Trustees and staff and effective mechanisms for involvement by the beneficiaries of the organisation.

What is OSCR?

OSCR is the Office of the Scottish Charities Regulator. OSCR has been charged under The Charities and Investment [Scotland] Act 2005, with the responsibility of maintaining the Scottish Charities Register; and of regulating the charities on the register. Under the OSCR Regulations, Trustees are required to:

ACT ONLY IN THE INTERESTS OF THE CHARITY

OPERATE IN A MANNER CONSISTENT WITH THE CHARITY'S PURPOSE

ACT WITH CARE AND DILIGENCE

ENSURING COMPLIANCE WITH CHARITY LAW AND OTHER LEGISLATION

Some of the things they have suggested as Good Practice:

- 1 Maintain an up-to-date register of charity trustees' interests
- 2 Charity trustees declare any current or potential conflict of interest and do not take part in any discussion or decision on the matter

CODE OF CONDUCT

- 3 Review the constitution to ensure the power is available to remove charity trustees who are in serious or persistent breach of the Act
- 4 Trustee misconduct procedures formulated and applied
- 5 Adopt a charity trustee "Code of Conduct" which includes commitment to upholding aims of the charity; including guidelines on conflicts of interest
- 6 Agree expectations of charity trustee's attendance at meetings and what to do if these are not met
- 7 Include in charity trustee's induction pack, the role, responsibilities and liabilities, and the remit of any sub-committees
- 8 Potential charity trustees to confirm they are not disqualified
- 9 Agree and implement programme for charity trustee training, capacity building and renewal
- 10 Consider any constitutional change that may be appropriate, e.g. permitting remuneration of trustees or changes in selection and rotation of trustees
- 11 Delegation, by the Trustees, of a specific area of oversight (e.g. investment, trustee training) to each trustee
- 12 Agree and apply process for managing serious differences between charity trustees and between charity trustees and staff
- 13 Regularly review Trustee procedures for overseeing compliance with regulations.

1 Meeting protocol

Organisational responsibilities

- ✓ FVDS will ensure that the agenda, relevant supporting papers to all Trustees at least one week before the meeting, so that they can prepare themselves for the meeting.
- ✓ There will be consultation with the Trustees, to ensure that meetings are at a time and place convenient for the majority of them.
- ✓ FVDS will ensure that everyone is given the opportunity to contribute to the agenda.

Individual's responsibilities

- ✓ Read your agenda and minutes of the previous meeting – including supporting papers - so that you can prepare for the meeting.
- ✓ Arrive on time, and stay for the duration of the meeting
- ✓ Be prepared to report on up-dating any actions that have your name on.

CODE OF CONDUCT

- ✓ If you are unable make a particular meeting, you must notify Graham Harvey
- ✓ You are expected to attend all meetings. If this becomes a problem you must contact the Chairperson.
- ✓ Arrive punctually and take an active part in the discussions and decision-making.
- ✓ Respect the views of others, whilst engaging in healthy debate.
- ✓ If you are using acronyms, abbreviations etc. ensure that you have explained them so that all members know what is being talked about.
- ✓ Be aware that all majority decisions are treated as though they were unanimous.
- ✓ Be professional, if you have an opposing view, note this in the meeting – not outside. Leave the meeting positively, with all opinions fully aired.
- ✓ Be prepared to be part of any actions that arise from the decision-making process, and ensure these are carried out within the timetable.
- ✓ If you were unable to attend a committee meeting, ensure you have been fully briefed about the outcomes and implications for yourself and FVDS.

2 Representational meetings

At representational meetings members are there to represent ONLY the views of FVDS.

Organisational responsibilities

- ✓ Ensure the policies and operational processes of FVDS are clear and have been communicated to all Trustees.
- ✓ Provide the opportunity for all Trustees to discuss the issues, and to come to a decision about the exact position that FVDS is taking.

Individual's responsibilities

- ✓ If you are the nominated representative, you may only present the opinion / option / position as agreed by the Trustees at the previous committee / sub group meeting.
- ✓ You may not use your attendance at a representational meeting to further the views of an organisation other than FVDS.
- ✓ You are representing FVDS, so you are expected to behave in a professional and ethical manner, and say and do nothing to jeopardise the reputation of FVDS.
- ✓ Report back the outcomes of the meeting to the committee /sub group as soon as possible.

CODE OF CONDUCT

- ✓ If you are unable to attend, inform Graham Harvey as soon as possible, so that a substitute can be nominated and fully briefed.

3 Conflict of interest

There are several instances, where a conflict of interest may arise.

- 1 If a Trustee has a personal or professional interest [e.g. a piece of work which is going out to tender and the individual is a member of an organisation which might respond to that tender]. Failing to declare an interest would mean the Trustee being compelled to resign the position and possibly repay any money gained. FVDS would also have the right to cancel any contract awarded.
- 2 With individuals being involved in, or representing other organisations, care must always be taken to ensure there is no conflict of interests when taking a decision.
- 3 If a Trustee is also a service user, [or a close relative of a service user] they must be aware that they must not benefit unfairly or disproportionately from their position in FVDS.
4. Trustees may also carry out the role of operational volunteer ie they are involved in the delivery of the service. The Trustee must recognise that they may represent – and present – views and positions held by the volunteer force; but they cannot use their position as a Trustee to influence decisions solely to the benefit of the volunteers.

Organisational responsibilities

1. FVDS must have clear objectives and have communicated these clearly to all Trustees.
2. Forward planning must be undertaken, and issues addressed strategically, so there everyone is clear where the interests of FVDS lie.
3. There should be open-ness regarding the interests and involvement of all existing and potential Trustees.
4. FVDS will maintain a Register of Interests, where there will be an opportunity for any Trustee to reveal an existing or potential conflict of interest, without prejudice to their involvement with FVDS.

Individual's responsibilities

1. Trustees should be clear about the aims & objectives, and existing and potential work of FVDS.
2. Trustees must be open about conflicts of interest as they arise, and communicate these at the appropriate time; exploring any potential conflicts as they arise.

CODE OF CONDUCT

3. Trustees must not use the privileged information that they have by virtue of their position in FVDS, to further their own or other's interest, particularly when it clashes with the interests of FVDS.
4. When issues are being dealt with at a committee meeting, that have potential for conflict of interest, the relevant Trustee should declare this.

Action to be taken within the meeting.

Once the issue has been identified as a potential or actual conflict of interests, this may entail one of the following actions, depending on the implications of the conflict.

1. The Trustee leaving the meeting for the duration of the item.
2. The Trustee staying in the meeting, but taking no active part in the discussion.
3. The Trustee taking part in the discussion, but not in the decision-making.

These actions will be noted in the minutes.