



# *The Friends of Mount Edgcumbe Country Park*

Registered Charity No. 295261

**Patron: The Earl of Mount Edgcumbe**



**Friends of Mount Edgcumbe Policy Document**

## **GENERAL POLICY**

## Policy Details

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# THE FRIENDS of MOUNT EDGCUMBE COUNTRY PARK

(FoMECP)

## GENERAL POLICY

### 1. INTRODUCTION

1.1 Charity Commission documents provide guidance to individual charities, such as The Friends of Mount Edgcumbe Country Park (FoMECP) to enable them, through their Trustees, to achieve their aims by ensuring that assets are properly used, that its funds are spent effectively and that its organisational and financial affairs are well managed in accordance with the Constitution.

1.2 This document outlines the General Policy of FoMECP and applies to all Trustees, members and volunteers. It is based on the advice given in the Charity Commission documents:

CC3 'The essential trustee: what you need to know, what you need to do' (May 2018).

PB1 'Public benefit: the public benefit requirement' (September 2013).

PB2: 'Public benefit: running a charity' (September 2013).

1.3 Separate Policies have been prepared dealing specifically with Finance, Reserves and Data Protection.

1.4 A copy of all policies will be provided to all Trustees.

1.5 The policy within this document will be reviewed annually to ensure that the internal workings of the charity are effective and that they are relevant to, and appropriate for, the charity and not too onerous or disproportionate.

1.6 This Policy Document has been produced in line with the guidance provided in the Charity Commission documents 'The essential trustee: what you need to know, what you need to do (CC3)', 'Public benefit; the public benefit requirement' (PB1) and 'Public benefit: running a charity' (PB2). These guidance documents specify actions that 'must' or 'must not' be complied with, those that 'should' or 'should not' be complied with and other 'recommendations'.

1.7 The Charity Commission accepts that not all controls will be appropriate to all charities, they should be proportionate to the risks involved and will not be relevant where they are not appropriate.

1.8 A review of the compliance of the FoMECP General Policy with the Charity Commission guidance has been undertaken and is recorded in Appendix 1. This enables all divergences to be identified and takes the form of a Compliance Report to members of the charity at their Annual General Meeting (AGM). At the AGM this Compliance Report will either be approved

or sent back to the Trustees to consider an amendment to the Policy. A spreadsheet (Appendix 2) has been prepared that cross checks compliance.

1.9 The complete Policy and divergences will be reviewed annually in accordance with the procedure outlined in Appendix 7. This review to take into account changes in the guidance provided by the Charity Commission, the charity's structure, activities and area of operation that could affect the risks to the charity.

## **2. THE CHARITY'S LEGAL STRUCTURE**

2.1 FoMECP has been registered as a charity with the Charity Commission – registration number 295261. FoMECP is an 'unincorporated association' with a 'wider membership' which includes voting members other than the Trustees.

2.2 Governance of the charity is detailed in the FoMECP Constitution.

2.3 Governance of the charity is the responsibility of the Trustees.

2.4 The Trustees form an Executive Committee which comprises of the Chairman, Vice Chairman, Secretary, Membership Secretary and Treasurer and not more than ten other members and representatives of members organisations/group/firms.

## **3. GOVERNING and other DOCUMENTS**

3.1 The governing document of the charity is the 'Constitution of The Friends of Mount Edgcumbe Country Park'.

3.2 Every Trustee will be supplied with an up to date copy of the Constitution.

3.3 The Constitution will be reviewed by the Trustees on at least an annual basis to ensure that it continues to meet the needs of FoMECP.

3.4 Amendments to the Constitution must be approved at an AGM in a manner set out in that document.

3.5 FoMECP will take advice (if necessary) from the Charity Commission prior to an amendment to the Constitution and will advise the Charity Commission following an amendment.

3.6 All documentation, including fundraising posters, financial documents, cheques, invoices and receipts must state the FoMECP is a registered charity.

#### **4. COMPLIANCE WITH OTHER LAWS**

4.1 The Trustees will review the need to comply with other laws and regulations and take advice where needed to ensure compliance.

4.2 A separate Policy has been prepared on Data Protection.

#### **5. PUBLIC BENEFIT**

5.1 The object of FoMECP is “to preserve or assist in the preservation for the **benefit of the public** of Mount Edgumbe Country Park, Cornwall, as a place of historical, botanical, horticultural, architectural and natural beauty”.

5.2 The rules on ‘Public benefit’ as defined and explained in HM Government guidance and in Charity Commission documents PB1 and PB2 will be followed by the Trustees.

5.3 Evidence that FoMECP has acted in the public benefit will be supplied to the Charity Commission in the Annual Report to them.

#### **6. TRUSTEES – ELIGIBILITY & APPOINTMENT**

6.1 Eligibility criteria are listed and contained in an information sheet that will be available for prospective Trustees. A copy of this sheet is contained in Appendix 3.

6.2 All Trustees will also have to be able to pass the Government’s ‘Fit and proper persons test’ as detailed in the HMRC document. Failure to do so will render FoMECP unable to apply for Gift Aid.

6.3 As set out in the Constitution Trustees are elected annually at the AGM and serve until the following AGM. In normal circumstances they will be nominated in writing prior to the AGM, however exceptionally they may be nominated and approved at the AGM.

6.4 Trustees may be co-opted ‘mid-term’ to fill vacancies, in which case they will serve until the following AGM. Applications to be co-opted onto the Committee will be considered at the following committee meeting.

6.5 Trustees will be required to sign the Charity Commission ‘eligibility declaration’ contained in Appendix 4 and the ‘automatic disqualification declaration’ contained in Appendix 5.

6.6 Trustees may resign before the end of their term by putting their resignation in writing (or by default by failing to attend a minimum of 60% of Committee meetings – unless previously agreed by the Committee).

6.7 A vote of no confidence may be taken by Trustees to encourage a Trustee to resign where the Trustee has failed or refused to comply with the provisions of the Constitution or the Policy documents.

6.8 The Charity Commission will be informed of any changes to the list of Trustees.

6.9 Trustees are not bound by a limit to length of service, however where practical a maximum of 5 years in a named post is considered a criterion to aim for.

6.10 In normal circumstances the Committee will meet on a monthly basis.

6.11 The Trustees should actively encourage the recruitment of additional Trustees whenever there is a vacancy and make every effort to ensure that the number remains well above the minimum required for committee meetings to be quorate as specified in the Constitution.

6.12 The Trustees should also seek to fill Trustee vacancies by those who will fill gaps in skills and experience.

6.13 Ex-officio members of the Executive Committee as listed in the Constitution are automatically Trustees unless they decline to act as Trustees.

## **7. TRUSTEES – DUTIES and RESPONSIBILITIES**

7.1 Trustees will be provided with a copy of the Constitution, with a link to the Charity Commission Trustee Welcome Pack and with access to the Charity Commission document CC3 and encouraged to have it available to refer to. New Trustees will be advised to discuss with existing Trustees any content of that document that they do not understand or have concerns about. Trustees will also be provided with copies of the Data Protection, Finance and Reserves Policies.

7.2 In brief the Trustees must:

- a) Make sure that FoMECP is carrying out its purposes for the public benefit.
- b) Make sure that the Constitution, charity law and other laws are complied with.
- c) Act in good faith and only in the interests of FoMECP.
- d) Act in FoMECP's best interests.
- e) Manage FoMECP's resources responsibly through acting reasonably and honestly in all financial matters.
- f) Act with reasonable care and skill.
- g) Take account of all relevant and ignore irrelevant factors into account.
- h) Make decisions that are within the range of decisions that a reasonable trustee body could make in the circumstances.
- i) Consider the reputation of FoMECP.
- j) Make balanced and adequately informed decisions, thinking about the long term as well as the short term.

k) Make sure that they are sufficiently informed and take advice when required if there is any doubt as to the above.

l) Be alert to their responsibilities to protect from risk of harm those whom the charity comes into contact.

m) Critically and objectively review proposals and challenge assumptions in making decisions.

7.3 Trustees will be required to attend regular meetings of the Committee. The Secretary will provide an Agenda and copy of the minutes of the previous meeting.

7.4 All Trustees will have an equal vote when taking decisions. Any vote involving expenditure, procedure etc. will require a proposer and a seconder and details will be recorded in the minutes.

7.5 Trustees must comply with a majority decision, even if in disagreement with it. If there is strong disagreement this should, by request, be recorded in the minutes of the meeting.

7.6 A copy of the minutes will be retained for a minimum of 7 years.

7.7 An Annual Report on the work of The Friends will be prepared and presented to the AGM for approval.

7.8 A separate Annual Report will also be prepared, approved by the Trustees and supplied to the Charity Commission in a format specified by them.

7.9 As an unincorporated association the Trustees are personally liable for what the charity does and can become liable for offences committed, for a financial loss caused by improper action to a third party where the claim is unable to be met by the charity. (See Section 14 regarding reducing the risk of liability).

## **8. VOLUNTEERS**

8.1 Persons volunteering to undertake tasks for FoMECP, which will include but not exclusively, helping at events organised within the Park and staffing the Friends Lodge, will receive instructions on how to undertake the task. If the event is one organised by FoMECP then the volunteer will be required to read and sign the Risk Assessment, specific to that event, provided by FoMECP. For any event or activity organised by a third party, for which a member of FoMECP volunteers, the third party will be responsible for providing and issuing the Risk Assessment.

8.2 Trustees will need to satisfy themselves that each volunteer understands the role to be undertaken and to provide advice or training if such is deemed to be necessary.

8.3 A volunteer will be provided with the contact details of the responsible person for the activity and details of the procedure to register and express any concerns regarding the activity.



8.4 Volunteers will qualify for the same expenses as available for Trustees.

## **9. REGISTER OF INTERESTS**

9.1 The Secretary will hold a 'Register of Interests'.

9.2 Trustees will be required to place on this register all 'interests' that may potentially relate to Mount Edgcumbe Country Park or the purchasing of items for the Park or for use of FoMECP. A copy of the Declaration of Interests Form is included in Appendix 6.

9.3 The information held on the Register will be available to all Trustees and on request to the Charity Commission and the Police if an investigation into potential wrongdoing is underway.

9.4 Members and the public may be provided with a copy of the Register on demand provided that no contact details will be divulged without permission in order to safeguard the Trustees privacy.

## **10. CONFLICTS OF INTEREST AND LOYALTY**

10.1 Prior to any vote at Committee Trustees should consider and identify whether they are likely to have a conflict of interest or loyalty, such as the examples below:

- a) A Trustee (or person connected to a Trustee) stands to benefit directly or indirectly through payment for goods or services, through making or receiving a loan or through using FoMECP's services.
- b) A Trustee has a connection with another business or charity.
- c) A Trustee is employed by the Park or its owners.

10.2 If a Trustee considers that another Trustee is likely to have a conflict of interest or loyalty the former should express their concern.

10.3 All conflicts of interest/loyalty will be recorded in the minutes of the meeting.

10.4 Where a conflict of interest/loyalty is judged to potentially provide a benefit to a Trustee (or a person connected to a Trustee) that Trustee will be required to withdraw from the discussion and not be allowed to vote.

10.5 The body of trustees must ensure that a conflict of interest or loyalty does not affect any decision taken.

## **11. ACCOUNTABILITY**

11.1 Compliance with financial accounting requirements is covered by the Finance Policy.

11.2 The accountability of the Trustees to the Members of the charity is demonstrated within the Annual Report to the AGM and the potential to convene Special General Meetings if required.

11.3 A copy of the Annual Report will be supplied on demand to any member of the public.

11.4. Copies of the approved AGM Annual Report and the Charity Commission Annual Report will be published on The Friends website.

11.5 The Complaints Procedure in Section 16 will be followed.

11.6 The system of delegation in Section 12 is designed to ensure that the Trustees govern more effectively while remaining collectively responsible for all decisions that are made and actions that are taken with their authority.

## **12. DELEGATED AUTHORITY**

12.1 In normal circumstances the Chairman, Treasurer or Secretary will act as 'official spokespersons' for FoMECP. When they are unavailable, unless the Trustees have agreed that there will be a 'spokesperson' to an outside body for a particular item, other Trustees may represent or speak on behalf of FoMECP and in so doing will promote the view of the Committee and not a personal view.

12.2 Trustees may be advised by email of an item that requires urgent consideration or a response between meetings of the Committee. In this instance the Chairman, if necessary, can have delegated authority to act on the majority view prior to the matter being formally approved and minuted at the following meeting. In financial terms, any such delegation will be limited to an expenditure of £1,000.

12.3 Trustees may agree to other tasks and decisions that may be delegated. These and the limitations of them will be recorded in the Minutes of a meeting of the Executive Committee.

12.4 Trustees and volunteers will be allowed to carry out, without hindrance, functions that have been delegated to them. Such delegated tasks will be subject to monitoring and reporting as appropriate to ensure that delegated authority is being properly exercised.

12.5 Trustees may express their own personal views but should make it clear that they are not representing FoMECP.

## **13. SETTING PRIORITIES/BUDGETING**

13.1 Trustees will seek to obtain an annual list of items from the Park Management for which funding is requested. To this list the Trustees may add items that they consider would be of benefit to the users of the Park.

13.2 Trustees will arrange these items in a priority order and exclude any that do not comply with the Constitution or any that involve, directly or indirectly, the employment of staff (other than consultants engaged in undertaking studies or preparing bids for funding) or the

replacement of vehicles within the fleet of the Park (other than those initially provided by FoMECP).

13.3 The variability of income, due to its strong correlation with the weather on the day that events are held, prevents long term budgeting. In agreeing a Priority List, Trustees will ensure that sufficient funds are currently available, taking into account committed expenditure, and may instigate specific fund raising efforts to cover certain items.

13.4 As a general rule, all events (apart from those organised for the benefit of children) will be expected to produce a surplus to be added to the funds to support the Objects of the charity. A ceiling will be agreed before each event for the maximum loss allowable due to unforeseen circumstances to enable an appropriate participation fee to be decided.

## **14. RISK**

14.1 Trustees must avoid exposing FoMECP to undue risk and should take reasonable steps to assess and manage risks to its activities, beneficiaries, property and reputation.

14.2 Risk Assessments will be undertaken for all events and activities organised by FoMECP.

14.3 Where activities are specifically organised for children by FoMECP or where there is the potential for children to become detached from their guardian then suitable provisions will be put in place to re-unite lost children without the risk of harm occurring.

14.4 The risk of liability on Trustees will be managed through the implementation of the Policies contained within this document, the Financial Policy, The Reserves Policy and the Data Protection Policy documents.

14.5 Reputational risk will be minimised by taking prompt and appropriate action to inform the members, volunteers, public and the media of any serious incident via a single authorised spokesperson. The incident will be reviewed promptly to learn lessons and prevent re-occurrence.

## **15. RESPONSE TO WRONGDOING**

15.1 If wrongdoing (not acting in accordance with the FoMECP Constitution or Policies) by a Trustee or a Volunteer is suspected or identified the Complaints Procedure in Section 16 will be followed.

15.2 If as a result of the investigation wrongdoing is confirmed the Trustee may be asked to resign (if the matter was of sufficient seriousness) or asked to confirm that they understand their failure to abide by the FoMECP Constitution or Policy and accept that they will conform

in the future. In the case of a Volunteer, they may or may not be asked to undertake the same or similar tasks in the future.

15.3 When a wrongdoing is identified or suspected the Trustees will take prompt and appropriate action to follow the advice provided in Section 8.3 of the Charity Commission document CC3.

## **16. COMPLAINTS PROCEDURE**

16.1 Any complaint raised about an action of a Trustee shall be in writing/email and recorded by the Secretary.

16.2 In the first instance the complaint will be considered by a quorum of 3 persons of the Officers. Should any or all of these be implicated in the complaint then other Trustees will substitute for them.

16.3 The Trustee(s) implicated in the complaint will have the right to rebut it.

16.4 The result of the investigation will be reported to the next meeting of the Committee at which the whole body, less any Trustee(s) implicated, will be able to vote to agree or otherwise on the course of action to be taken.

16.5 In the event that the complaint is considered serious enough to be reported to the Charity Commission and/or the Police such action will be taken either before, during or following the internal investigation.

## **17. EXCLUSION FROM MEMBERSHIP OF FoMECP**

17.1 The Trustees shall have the authority to cancel or refuse membership of FoMECP to persons who have in their view undertaken actions that are listed as follows:

- a) Brought FoMECP into disrepute
- b) Harassed or behaved in a threatening manner towards members of FoMECP or members of Park staff
- c) Caused damage to property belonging to FoMECP or the Park
- d) Contravened the 'Objects' of FoMECP

17.2 The initial proposal to 'exclude' a member will follow consideration of the matter by the Officers of the Committee.

17.3 The subject of the proposed exclusion shall be given at least twenty one days' notice of the date of trustees meeting at which the resolution, that their membership is no longer valid/their application for membership will not be accepted either now or in the future, will be proposed and the reasons why it is to be proposed. Prior to that meeting the subject should indicate in writing to the Secretary of the Executive Committee that they wish to contest the resolution.

17.4 The 'excluded' person will have the right to contest the decision on that occasion only either by letter to the Secretary of the Executive Committee or by representation at the meeting in person or through a representative. The decision of the hearing will be final and notified to the appellant.

17.5 The 'excluded' person will be requested to return any items belonging to FoMECP and undertake not to wear in future any item of clothing upon which the logo of FoMECP is visible.

17.6 Where the 'excluded' person has paid an annual fee that fee will be forfeited by them and should they pay by standing order they will be requested once to cancel the standing order for future years. Should the standing order not be cancelled no refund will be made.

17.7 Where the 'excluded' person has paid for a life membership a sum to the value of half of the fee will be refunded.

## **18. GIFTS AND EXPENSES**

18.1 Treatment of gifts and expenses is contained within the Finance Policy.

## **19. DONATIONS/LEGACIES**

19.1 The treatment of donations and legacies to FoMECP is covered in the Finance Policy.

## **20. HONORARY MEMBERSHIP**

20.1 Honorary membership (for life) may be granted to a member/non-member who is considered to have provided exceptional service to FoMECP. Nomination can be made by any member and the decision will be taken by the Trustees. The honorary member will be exempt from future payment of the membership fee and their partner (if a member at the time) will have the same exemption. The membership fee paid for the year (or future years) in which honorary membership is granted will not be refunded. The honorary member (and their partner if appropriate) will be provided with life membership cards. The honorary member will be presented with a certificate and the granting of honorary membership will be mentioned at the following AGM.