

Forres Area Community Trust

Code of Practice for Directors, Volunteers, Staff

1.0 Introduction

Forres Area Community Trust needs to be able to demonstrate that it is operating effectively and in a professional manner in discharging its strategic duties to the community. The Trust therefore seeks to genuinely involve its members in Trust activities, which may include serving on Working Groups and at events. This is in addition to the voluntary participation of the Board of Directors.

The effectiveness of the Forres Area Community Trust depends in part upon the public's perception of its reputation and standing. As such it is important that Directors should read this document, along with any other information about the expectations and responsibilities of being an active Director of the Community Trust. Once appointed to the Board, Directors are required to act in accordance with this Code.

2.0 Conduct

Directors should conduct themselves in a manner that maintains the integrity and impartiality of the Trust and its standing in the community. They are expected to conduct themselves with courtesy and consideration for others whilst retaining the ability to be critical where this is appropriate. When acting as a representative of Forres Area Community Trust, whether in a public forum or in private or informal discussion, they should do so only with the prior knowledge of the Chair and/or Deputy Chair. Directors should not use their Forres Area Community Trust status to gain media attention to further their personal, organisational, commercial or party interests.

Values that underpin the work of the Forres Area Community Trust include:

Accountability: Everything done by the Forres Area Community Trust must be able to stand the test of scrutiny by its members, the public, the local authority and if applicable, funding bodies.

Integrity: This should be the hallmark of all personal contact between Directors and individual members of the public, in order to secure **confidentiality** and **anonymity**, where appropriate, and in the use of all information acquired in the course of Forres Area Community Trust duties and discussions.

*Forres Area Community Trust is a Company Limited by Guarantee
Registered in Scotland as company No. SC412275*

Registered office: The Hub, 20 Tolbooth Street, Forres, Moray, IV36 1PH

Openness: There should always be complete openness in all Forres Area Community Trust activities, in order to promote the confidence of other members, the public, the local authority and funding bodies. (The only exception shall be items referred to in Clause 5.)

3.0 Corporate Responsibility

Directors will come into contact with members of the public in their daily lives and should of course take the opportunity to publicise the work of Forres Area Community Trust. They may also, on occasion, be asked specific advice, for example, about progress on a particular project, or about the funding of a particular project. In order to protect the reputation of the Forres Area Community Trust, and to ensure that inaccurate information is not given, most enquiries should be referred to the Lead Development Officer or to the Chair, who will be able to provide appropriate information or advice or referral.

The only exception to this rule will be Directors who are delegated to act on behalf of the Board on project matters and who will generally hold the most up to date information on a given subject.

4.0 Declaration of Interest

If a potential conflict of interests exists, this should be declared and recorded on the appropriate form. The onus to declare an interest lies with the Director, and they should note that they could be challenged for not disclosing an interest if one came to light. The Forres Area Community Trust shall hold a register for this purpose, open to public inspection on request. Failure to declare an interest could lead to the Director being asked to resign from their position within the Forres Area Community Trust.

If Directors find themselves with a conflict of interest in relation to a particular issue they should declare it and not take part in the relevant discussion or vote.

5.0 Confidentiality

Directors may have access to confidential material about other members, individuals or business information. **On no account** should information of this nature be divulged without prior consent of the Board, or the individual concerned. If any Director is in any doubt about such matters they should consult the Chair. Failure to observe these rules will be regarded by Forres Area Community Trust as serious misconduct, which could result in a request for that Director to resign their position.

6.0 Casual Gifts and Hospitality

While casual gifts may not be connected in any way with the performance of duties, Directors should nevertheless be very careful about accepting any offer of a gift or hospitality made to them because of their involvement in Forres Area Community Trust business. If in any doubt Directors should consult the Chair prior to accepting any gift.

7.0 Equal Opportunities

Forres Area Community Trust and its Directors should in all their activities, promote equal opportunities.

8.0 Dealing with the Media

If Forres Area Community Trust is asked to comment on Radio and/or the papers at short notice, the Lead Development Officer will be the first point of contact and the Chair and Deputy Chair will act as spokespersons for the Trust. Directors are reminded that, if asked for an opinion, they are free to express it as a personal opinion, however they must make it clear that they are expressing a personal view and not that of Forres Area Community Trust. This applies particularly if Forres Area Community Trust has yet to decide on an issue or has reached a decision with which they disagree.

Only when an item has been discussed by the Directors in advance, and a public statement agreed, can an item be expressed publicly as the view of the Trust. All Press Releases must therefore be approved by the Chair or the Deputy Chair prior to distribution.

9.0 Disqualification

OSCR (Office of the Scottish Charity Regulator) asks that charity trustees declare that they are not disqualified from serving as charity trustees. **Anyone who acts as a charity trustee while disqualified is guilty of an offence punishable by imprisonment, or a fine, or both.** Sections 69 and 70 the Charities and Trustee Investment (Scotland) Act 2005 set out the circumstances that would disqualify an individual:

- if a person has been convicted of an offence involving dishonesty, or of an offence under the Act,
- or is an undischarged bankrupt, they may not serve as a charity trustee.
- Nor may they do so if they have been removed from serving as a charity trustee, or from acting in a management position within a charity, under previous charity law; nor if they have been disqualified from serving as a Company Director. (A person is not disqualified if their conviction is spent by virtue of the Rehabilitation of Offenders Act 1974.)

If you are uncertain whether or not you are disqualified please ask. OSCR may, on application from the person disqualified, issue a waiver, which may either lift the disqualification generally, or specifically in relation to a particular charity or type of charity.

Section 66 of the Charities and Trustee Investment (Scotland) Act 2005 sets out the general duties of charity trustees, who must

- act in the interests of the charity, putting its interests before their own interests or those of any other person or organisation
- seek, in good faith, to ensure that the charity operates in a manner that is consistent with its objects or purposes
- act with the care and diligence that is reasonable to expect of a person who is managing the affairs of another person
- ensure that the charity complies with the provisions of the Act.

I the undersigned declare that:

- I am willing to act as charity trustee of the Forres Area Community Trust
- I am fully aware of the organisation’s purpose as set out in the constitution and my duties and responsibilities as a charity trustee.
- I am not disqualified from acting as a charity trustee

I have read and understand the Forres Area Community Trust Code of Practice, and hereby agree to abide by the standards of conduct outlined within the code.

Signed _____
Name _____
Date _____

Confidential Information to be held by OSCR :

Address _____

Postcode _____
Date of Birth _____

Tick here if you want a copy for your files, and return to Forres Area Community Trust