

# The Friends of Mount Edgumbe Country Park

Registered Charity No. 295261



**Friends of Mount Edgumbe Policy Document**

## **GENERAL POLICY**

## Policy Details

Policy Name – General Policy

Policy Status – approved

Policy Version No. – 4.3

Policy Holder– Neil Rugg

## Policy Amendment Record

Date	Version No. & Status	Reason for Amendment	Revised Status
6/9/17	0.1 Draft	New policy	Draft
7/10/17	0.2 Draft	Register of interests added	Draft
1/11/17	0.3 Draft	Working party NR, SR, GE	Draft
17/11/17	0.4 Draft	Feedback / Appendices	Draft
30/11/17	0.5 Draft	Feedback / Appendices	Draft
4/12/17	0.6 Draft	Approved at meeting	Final Draft
5/3/18	1.0 Approved	Approved at AGM	Approved
12/10/18	1.1 Draft	Updated CC3	Draft
4/3/19	1.2	Approved at AGM	Approved
10/09/19	2.1	CC guidance 29/3/19	Draft
3/12/19	2.2	Approved by committee	Final Draft
15/03/20	3.0	Approved at AGM	Approved
9/9/20	3.1	CC27 &CC29 incorporated	Draft
30/9/20	3.2	Feedback	Draft
22/10/20	3.3	Review	Draft
29/10/20	3.3NC	Review	Draft
11/12/20	3.4	Final for committee approval	Draft
18/02/21	3.5	Final for committee approval	Draft
28/03/21	4.0	Approved at AGM	Approved
3/04/22	4.1	Approved at AGM	Approved
10/01/22	4.2	Agreed at committee	Draft
02/04/23	4.3	Approved at AGM	Approved

## CONTENTS

1. Introduction
  2. The Charity's Legal Structure
  3. Governing and other Documents
  4. Compliance with other Laws
  5. Public Benefit
  6. Trustees - Eligibility and Appointment
  7. Trustees - Duties and Responsibilities
  8. Volunteers
  9. Register of Interests
  10. Conflicts of Interest and Loyalty
  11. Accountability
  12. Delegated Authority
  13. Setting Priorities/Budgeting
  14. Risk
  15. Response to wrongdoing
  16. Complaints procedure
  17. Exclusion from membership of FoMECP
  18. Gifts and Expenses
  19. Donations and Legacies
  20. Honorary membership
  21. Relationship with Mount Edgumbe Country Park
- Appendix 1. Funding Decision Process Flow
- Appendix 2. Trustee eligibility criteria information sheet
- Appendix 3. Trustee eligibility declaration sheet
- Appendix 4. Automatic disqualification declaration
- Appendix 5. Register of Interests declaration form
- Appendix 6. Complaint Review Procedure
- Appendix 7. Review procedure
- Appendix 8. Compliance Report
- Appendix 9. Cross check of compliance with Charity Commission documents

**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 Edgumbe 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:

- a) CC3 'The essential trustee: what you need to know, what you need to do' (May 2018).
- b) PB1 'Public benefit: the public benefit requirement' (September 2013).
- c) PB2: 'Public benefit: running a charity' (September 2013).
- d) 'Guidance for charities with a connection to a non-charity' (March 2019).
- e) CC27 'It's your decision: charity trustees and decision making' (May 2013).
- f) CC29 'Conflicts of Interest: a guide for charity trustees' (May 2014).
- g) 'Disagreements and disputes in charities' (May 2013)

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

1.4 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.

1.5 The Charity Commission guidance documents specify actions that 'must' or 'must not' be complied with, those that 'should' or 'should not' be complied with and other 'recommendations'.

1.6 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.

1.7 A review of the compliance of the FoMECP General Policy with the Charity Commission guidance has been undertaken and is recorded in Appendix 8. 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 9) has been prepared that cross checks compliance.

1.8 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.

1.9 Chapter 21 explains the independence of the Charity from the owners and management of Mount Edgumbe Country Park (the Park), as required by the Charity Commission.

## **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 overarching governing document of the charity is the 'Constitution of The Friends of Mount Edgumbe Country Park'. The General, Finance, Reserves and Data Protection Policy Documents are also governing documents.

3.2 All trustees (including those by virtue of being ex-officio) will be supplied with access to copies of the governing documents and the Charity Commission guidance document CC3 and comply with the provisions within the governing documents and within CC3 (where applicable).

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 and enhance or assist in the preservation or enhancement of Mount Edgcumbe Country Park, Cornwall, as a place of historical, botanical, horticultural, architectural and natural beauty, for the benefit of the public”.

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 2.

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. If at any time a Trustee fails to pass the test they will automatically no longer remain as a Trustee.

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 3 and the ‘automatic disqualification declaration’ contained in Appendix 4, prior to being inducted.

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 [7 of the 12 monthly meetings since elected]- 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 will automatically be 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 documents CC3 and CC27 and encouraged to have them 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, General, 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 factors and ignore irrelevant factors when making decisions.
- h) Take time to 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, taking into account the options and thinking about the long term as well as the short term.
- k) Make sure that they are sufficiently informed and be confident to take advice or guidance when required from the Charity Commission or a suitably qualified person if there is any doubt as to the above. The advisor to be adequately and accurately informed of the issue and be aware that the Trustees will make the final decision. In the event of contact with the Charity Commission such contact will be made by the Secretary following agreement by the committee on the content.
- l) Be alert to their responsibilities to protect from risk of harm those whom the charity comes into contact.
- m) Act collectively (jointly), critically and objectively to review proposals. ~~and challenge~~ assumptions in making decisions being aware of bias (whether conscious or unconscious) by asking questions, expressing personal views and guarding against direction or driving of decisions.
- n) When making decisions, objectively weigh up the different options and decide which represents the best deal for the charity.

- o) Make sure that they have the opportunity to express their views and not be directed into a decision.
- p) Ensure that any benefit to the Park from its connection to FoMECP is incidental i.e. is a necessary result or by product of carrying out the charity's Object, which is "to preserve, or assist in the preservation or enhancement of Mount Edgcumbe Country Park, Cornwall, as a place of historical, botanical, horticultural, architectural and natural beauty, for the benefit of the public".

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 Only Trustees present at a meeting will have a vote and the Chairman does not have a casting vote.

7.6 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.

7.7 A copy of the minutes will be retained for a minimum of 7 years. Attached to the minutes will be any document or report that is mentioned in the minutes. The minutes will record, where appropriate, that the requirements in paragraph 7.2 have been followed and be sufficient to allow the issue to be understood, the decision taken and the reasons behind it. The minutes will also record:

- a) the date of the meeting
- b) those attending and whether quorate
- c) conflicts of interest and whether anyone withdrew
- d) the decision and the main reasons for it
- e) the factors considered or discarded
- f) whether any external advice was taken; from whom and the reasons why, if appropriate advice was not followed
- g) the key points of the discussion
- h) the vote (if taken) and the results
- i) whether any Trustee(s) strongly disagreed with the decision and asked or the reason(s) for their disagreement to be recorded
- j) the dated signature of the chairman (or their representative) following the agreement of the minutes at a subsequent meeting

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

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

7.10 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).

7.11 Duties specific to the Chairman, Secretary, Membership Secretary and Treasurer are further outlined in a separate document entitled 'Executive Committee Structure and Officers Terms of Reference'.

## **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' which will be updated regularly as circumstances change by review at each committee meeting.

9.2 Trustees will be required to place on this register all 'interests' that may potentially relate to Mount Edgcombe 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 5.

9.3 The information held on the Register will be shared with 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 by request provided that no contact details will be divulged without permission in order to safeguard the Trustees privacy.

## **10. CONFLICTS OF INTEREST (COI) AND CONFLICTS OF LOYALTY (COL)**

10.1 In all instances of COI and COL reference should be made to, and guidance provided in, the Charity Commission document CC29 "Conflicts of Interest: a guide for charity trustees".

10.2 At the start of each meeting and 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, e.g. spouse, partner, family and close relative or business associate) 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 (or a person connected to a Trustee) has a connection with another business or charity.
- c) A Trustee (or a person connected to a Trustee) is employed by or paid by the Park (its owners or third party businesses).

10.3 The COI/COL policy will be monitored by all Trustees and enforced by the Chairman. Depending on the level of severity of the conflict, the 'affected trustee' may be permitted to take part in the discussion, should they have relevant information to impart, but not be permitted to vote. They may or may not be requested to leave the meeting during the item.

10.4 The Chairman may decide to eliminate or remove a COI/COL but only if it can be demonstrated that this would be in the best interests of the charity.

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

10.6 All conflicts of interest/loyalty will be recorded in the minutes of the meeting. This record will explain:

- a) what sort of conflict it was
- b) which Trustee or Trustees were affected
- c) if any conflicts of interest/loyalty were declared in advance
- d) an outline of the discussion
- e) if anyone withdrew from the discussion
- f) the decision
- g) how the Trustees made the decision in the charity's best interests

10.7 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 made to understand that the information obtained may not be used and that they may be required to withdraw from the decision making process.

10.8 The body of trustees must ensure that a conflict of interest or loyalty does not affect any decision taken and that there are sufficient trustees who are not affected to enable a decision to be made.

10.9 A Trustee who represents FoMECP at meetings of the Mount Edgumbe Joint Committee must identify and properly address any conflicts of interest which arise.

10.10 When accounts are prepared on an 'accruals basis' (annual income exceeds £500,000) details of payments and other benefits to trustees and connected persons must be disclosed in those accounts, together with the reasons and legal authority behind them. When the accounts are not prepared on an 'accruals basis' such details should be similarly disclosed.

## **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 reviewed, approved and minuted at the following meeting. In exceptional circumstances the Chairman, in consultation with the Vice-Chairman, can have delegated authority without seeking a majority view. 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.

12.6 High risk or novel decisions (see Section 14) will not be delegated.

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

13.1 Trustees will set an Annual Expenditure Limit at the beginning of each year, taking account of the total balance in the bank accounts as at 31<sup>st</sup> December the previous year, together with the outstanding credits and commitments and allowing for an appropriate level of reserve. The amount set will be used for funding projects during the current year together with the running costs of the Charity. Once the limit is reached, no further funding requests will be approved except in exceptional circumstances.

13.2 It shall be the aim of the Trustees to liaise with the Park Management, at the start of each financial year, to have a prioritised list of projects with estimates, that the Park would like The Friends to fund. This list will be combined with a list of suggested Friends' projects. To this combined list the Trustees will add items they require to fund the Charity and a composite Prioritised Project List agreed subject to available funding. Additional expenditure items generated by the Park Management or the charity may be considered for substitution into the list throughout the year. All items will be assessed against the Constitution and the Charity Commission guidelines.

13.3 Trustees will follow the procedure outlined in the Funding Decision Matrix in Appendix 1 when deciding whether to support a request for funding.

13.4 The variability of income, due to its strong correlation with the weather on the day that events are held and the ad-hoc nature of receipts from bequests, 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.

13.5 As a general rule, all events (apart from those organised for the benefit of children e.g. the Easter Trail and the Halloween Trail) 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. The potential level of any risk will be determined through the process outlined in Tables 14.1 to 14.3.

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.

14.6 Specific risks associated with the relationship with the Park, including joint messaging, will be identified, avoided or managed. The assessment of any risks, or changes to them, and the approach to managing or addressing them will be kept under annual review and the result of the review recorded.

<b>Descriptor</b>	<b>Score</b>	<b>Impact on service and reputation</b>
<b>Insignificant</b>	1	<ul style="list-style-type: none"> <li>• no impact on service</li> <li>• no impact on reputation</li> <li>• complaint unlikely</li> <li>• litigation risk remote</li> </ul>
<b>Minor</b>	2	<ul style="list-style-type: none"> <li>• slight impact on service</li> <li>• slight impact on reputation</li> <li>• complaint possible</li> <li>• litigation possible</li> </ul>
<b>Moderate</b>	3	<ul style="list-style-type: none"> <li>• some service disruption</li> <li>• potential for adverse publicity - avoidable with careful handling</li> <li>• complaint probable</li> <li>• litigation probable</li> </ul>
<b>Major</b>	4	<ul style="list-style-type: none"> <li>• service disrupted</li> <li>• adverse publicity not avoidable (local media)</li> <li>• complaint probable</li> <li>• litigation probable</li> </ul>
<b>Extreme/ Catastrophic</b>	5	<ul style="list-style-type: none"> <li>• service interrupted for significant time</li> <li>• major adverse publicity not avoidable (national media)</li> <li>• major litigation expected</li> <li>• resignation of senior management and board</li> <li>• loss of beneficiary confidence</li> </ul>

**TABLE 14.1 Impact assessment**

Descriptor	Score	Example
Remote	1	may only occur in exceptional circumstances
Unlikely	2	expected to occur in a few circumstances
Possible	3	expected to occur in some circumstances
Probable	4	expected to occur in many circumstances
Highly probable	5	expected to occur frequently and in most circumstances

**TABLE 14.2 Likelihood assessment**

	Likelihood - Remote 1	Likelihood - Unlikely 2	Likelihood - Possible 3	Likelihood - Probable 4	Likelihood - Highly probable 5
Impact - Insignificant 1	2	3	4	5	6
Impact - Minor 2	4	6	8	10	12
Impact - Moderate 3	6	9	12	15	18
Impact - Major 4	8	12	16	20	24
Impact - Extreme / Catastrophic 5	10	15	20	25	30

**TABLE 14.3 Risk rating**

## **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. Without such evidence the Committee will decide whether it is in the best interests of the Charity to proceed with a review.

16.2 In the first instance the complaint will be considered by a quorum of 3 persons of the Officers in line with the Complaint Review Procedure in Appendix 6.

16.3 The Trustee(s) involved in the complaint will have the right to rebut the allegation during the review.

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) involved, 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.

16.6 The contents of any report of a complaint to the Charity Commission and/or the police will be agreed by the committee and forwarded by the Secretary.

## **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.



## **21. RELATIONSHIP WITH MOUNT EDGCUMBE COUNTRY PARK**

21.1 FoMECP is a Registered Charity independent of the owners and managers of Mount Edgumbe Country Park (the Park) – a non-charity. FoMECP was set up independently and not by the Park. The Trustees will be fully informed about the Park and the FoMECP relationship with it and will only act to further the charity's Objects for the public benefit. The financial structure of FoMECP is separate from that of the Park.

21.2 The Objects of FoMECP are predominantly, although not exclusively, served through a close relationship with the owners and managers of the Park. FoMECP will regularly review the relationship to confirm that:

- a) It is in the charity's best interests to retain a close relationship with the Park.
- b) It remains satisfied that the Park is a genuine, competent and suitable organisation to work with.
- c) It remains fully informed about the Park

21.3 A member (usually the Chairman) of The Friends is co-opted onto the Park Joint Committee and a member of the Park management team is invited to attend committee meetings of The Friends.

21.4 In all dealings FoMECP will ensure that their volunteers and members of the public are fully aware whether the event or fundraising activity is organised by FoMECP or the Park, or whether the cash income for any such activity accrues directly to FoMECP (for FoMECP events) or the Park (for Park organised events).

21.5 A written agreement signed by representatives of FoMECP and the Park management sets out the responsibilities of each party, includes a way of ending the agreement and adequately protects FoMECP. This agreement, where appropriate, will cover the sharing of personnel, services, resources, communications, payment of costs or expenses between FoMECP and the Park and will be adhered to. The agreement will be subject to review and renewal.

21.6 When carrying out joint projects with the Park, giving funding to or receiving funding from the Park, FoMECP will stay within its charitable Objects.

21.7 The best interests of FoMECP are served by having a distinct branding and a separate website. In any joint work or communication the Trustees will ensure that the best interests and Objects of FoMECP are served and its reputation is protected.

21.8 Trustees must know about and agree in advance any joint messages issued about the charity, or on its behalf.

21.9 All ex-officio Trustees or co-opted Trustees attending FoMECP committee meetings will be supplied with a copy of Chapter 10 (Conflicts of Interest and Loyalty) of this General Policy.

21.10 In the event of a major problem with the relationship between FoMECP and the Park, the guidance provided by the Charity Commission will be followed and reasonable steps taken to make the connection successful.

21.11 Trustees may provide feedback when assisting the Park in activities or events and the Park may provide feedback when assisting at FoMECP events.

21.12 FoMECP does not support any other non-charity unless it is operating in the Park for the public benefit.

## Appendix 6. Complaint Review Procedure

The Complaint Review Procedure is briefly outlined in Section 16 of the General Policy. That section is based on six Government and Charity Commission documents which should be referred to as necessary:

- i. The Essential Trustee (CC3)
- ii. It's your decision: charity trustees and decision making (CC27)
- iii. Complaints about charities (CC47)
- iv. Disagreements and disputes in charities
- v. Dealing with wrongdoing and harm: lessons for trustees
- vi. Conflicts in your charity

This document describes the procedure in greater detail.

**It is important to note throughout the whole procedure that a high priority should be given to reducing any harm to the reputation of the charity and the individuals involved.**

Note:

1. The numbered sections in black boxes are extracts from the Section 16 of the FOMECP General Policy.

2. 'Implicated' refers to persons about whom the complaint has been made.

'Involved' refers to persons subject to the complaint and persons making the complaint.

'Complainants' refers to persons making the complaint.

'Defendants' refers to persons implicated in the complaint

'Review Team' refers to a quorum of 3 Officers of the Committee who are not involved in the complaint. Should a quorum of 3 not be achievable from the current Trustees then the balance will be made up of recently retired Trustees.

16.1 Any complaint raised about an action of a trustee shall be in writing/email and recorded by the Secretary. Without such evidence the Committee will decide whether it is in the best interests of the Charity to proceed with a review.

Generally the first step would be for the complaint to be lodged with the Secretary before the complaint is lodged with the Charity Commission (see 16.6).

16.2 In the first instance the complaint will be considered by a quorum of 3 persons of the Officers.

The selection of the review team would ideally take place at a committee meeting unless there was an overriding need to restrict the knowledge of the complaint amongst the committee members.

One of the review team would be elected to act as the 'communicator' with all parties.

The complainant(s) will be asked if they would submit, within two weeks, their claim in a standard format (Sections 1-8 of the Complaint Review Form (Appendix 6A)) to simplify the review process

and to enable the complaint to be escalated to the Charity Commission if that is the decision reached by the review.

If they decline to do this the Review Team copy the details known to them into the Complaint Review Form on their behalf.

If the complaint covers more than one allegation a form should be completed for each allegation.

16.3 The Trustee(s) implicated in the complaint will have a right to rebut the allegation during the review.

The Secretary forwards a copy of the complaint(s) to the 'defendant(s)'.

The defendant(s) are asked whether they wish, within two weeks, to submit their rebuttal by answering Sections 9-10 of the Complaint Review Form. Failure to do so will mean that the review will take place without their further input.

The Review Team consider the depositions and produce a report on their findings. This report, prepared in the format shown in the Complaint Process Form (Appendix 6B), may include recommendations as to:

- whether the complaint is upheld in whole or in part
- whether any changes to the charity's Constitution or Policies would prevent a similar complaint in the future
- whether the complaint is serious enough to be referred to the Charity Commission or the police

16.4 The result of the investigation will be reported to the next meeting of the Committee at which all Trustees, less any Trustees involved, will be able to vote to agree or otherwise on the course of action to be taken.

The Secretary contacts the complainant(s) and the defendant(s) and advises them of the outcome of the review. If requested, a copy of the completed Complaint Review Form (Appendix A) is supplied. A copy of the detailed Complaint Process Form (Appendix 6B) is not supplied.

Any resulting recommendations are implemented within the shortest possible time.

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.

16.6 The contents of any report of a complaint to the Charity Commission and/or the Police will be agreed by the committee and forwarded by the Secretary.