

# Arthur Nicholson Recreation Ground – ‘The Trust’

## Trustee - Code of Conduct

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### Introduction

The Arthur Nicholson Recreation Ground governing document confirms Bidborough Parish Council as trustees of the charitable trust and this code of conduct provides those trustees with guidelines as to the standards and behaviours expected when acting on behalf of or representing the charity. Trustees have duties under charity law and these are well summarised in Charity Commission [Charity Commission guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/charity-commission-guidance), the most important of these in [The essential trustee \(CC3\)](#) and [6 main duties](#).

### Role and function of trustees

Trustees must act in accordance with the law and regulations affecting the charity and have regard to their legal duties, namely:

- ensure they are eligible to serve as a trustee (see appendix 1);
- ensure the charity is carrying out its purpose for the beneficiaries;
- comply with the charity’s governing document and the law;
- act in the charity’s best interests;
- manage the charity’s resources responsibly; and
- act with reasonable care and skill.

In fulfilling their general roles and responsibilities trustees must:

- adhere to the charity’s rules, policies, governing document, standing orders and support its charitable objects;
- contribute to the work of the charitable trust in order to fulfil its role and functions as defined in the governing document and legislation; and
- recognise that their role is a collective one and any task or role delegated to an individual trustee or committee does not relieve the other trustees of the responsibility for that task or function.

### Conflicts of interest

The charitable trust has a legal obligation to act in the interest of the beneficiaries of the Arthur Nicholson Recreation Ground in accordance with the charity’s governing document and to avoid situations where there may be a potential, real or perceived conflict of interest.

Trustees should not exert any influence to garner any preferential treatment for themselves or their family, or other connected persons or organisations. Trustees should be aware of and act in accordance with the charity’s policy and procedures on identifying and managing conflicts of interest. [Conflicts of interest: a guide for charity trustees \(CC29\) - GOV.UK \(www.gov.uk\)](#)

Trustees are required to complete a declaration of interest form, annually. This document must be updated when a material change occurs. A register of interests will be maintained

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by the clerk to the Trust and will be made available to the public in line with the charity’s conflict of interest policy.

Failure by a trustee to declare an interest, real or perceived, could result in the complaints process being instigated by the charity and referral to the Charity Commission.

### **Standards of conduct**

Trustees are required to adhere to the highest standards of conduct in the performance of their duties. This code respects and endorses the seven principles of public life promulgated by the Nolan Committee and all trustees are expected to perform their duties in accordance with them. The seven principles are:

#### **1. Selflessness**

Trustees should act solely in terms of beneficiary interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other benefits for themselves, their family or their friends.

#### **2. Integrity**

Trustees should exercise independent judgment and not compromise their position by placing themselves under obligations to outside individuals or organisations who might seek to influence them in the performance of your official duties. They should behave in accordance with all legal obligations, alongside any requirements contained within the charity’s policies, protocols and procedures, including on the use of the charity’s resources. Trustees should treat people with respect including the organisations and public they engage with and those they work alongside.

#### **3. Objectivity**

In carrying out the business of the charity, trustees should make choices based on merit.

#### **4. Accountability**

Trustees are accountable for their decisions and actions to the charity’s beneficiaries and must submit themselves to whatever scrutiny is appropriate to their role.

#### **5. Openness**

Trustees should be as open as possible about all the decisions and actions they take.

#### **6. Honesty**

Trustees should declare any private interests relating to their trusteeship and take steps to resolve any conflicts arising in a way that protects the beneficiary interest and ensures good governance of the charity in a proper manner.

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### 7. Leadership

Trustees should promote and support these principles by leadership and example.

In addition, trustees are required to perform their duties in accordance with the values of the charity and are encouraged to:

- value fellow trustees, even when there are differences of opinion;
- adhere to the charity’s meeting etiquette, in accordance with Parish Council Standing Orders;
- treat other trustees, volunteers and committee members with respect and in accordance with the charity’s policies;
- be mindful of conduct which could be deemed to be unfair or discriminatory; and
- conduct themselves in a manner which reflects positively on the charity when attending external meetings or other events.

All trustees are expected to understand, agree and promote the charity’s equal opportunities policy in every area of their work. The trust’s activities should not prejudice any part of the community on the grounds of age, disability, gender, gender reassignment, pregnancy and maternity, race, nationality, religion or belief, or sexual orientation. Any actual or perceived prejudicial action, views or comments shall be investigated and dealt with in line with the complaints procedure and if deemed serious enough, a report being sent to the Charity Commission or relevant agencies.

### Meetings

Meetings of the trust shall be open to the public with all due consideration given to ensure any confidential or sensitive items remain as such.

Trustees have a responsibility to attend meetings of the trust. When this is not possible, they should submit an apology to the chairman or clerk in advance of the meeting. Trustees are expected to attend for the duration of each meeting.

If a trustee wants to submit an item for inclusion on the agenda, they should forward their request to the clerk at least 7 working days prior to the meeting. Late items of an urgent nature can be added to the list of any other business, at the discretion of the chairman in discussion with the clerk.

### Confidentiality

All trustees are required to respect the confidentiality of information they are exposed to and are required to act with discretion and care in the performance of their role.

Trustees should only speak to the media with the express permission of the clerk and chairman. In situations concerning potential whistleblowing matters, trustees are

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encouraged to adhere to the charity’s whistleblowing policy to resolve the matter, in the first instance.

Any allegations of breaches of confidentiality will be investigated under the complaints procedure policy and could result in the removal of any trustee involved in such a breach.

### **Ceasing to be a trustee**

The confidentiality requirements referred to above continue to apply after the trustee leaves office.

### **Code non-compliance**

In addition to this code of conduct, a complaints policy operates to cover allegations made against trustees that appear to breach the spirit of the code or specific conditions of service.

Non-compliance with the code of conduct may result in action being taken as follows:

- where misconduct takes place, the chairman may be authorised to take such action as may be immediately required, including the exclusion of the person concerned in the meeting
- where such misconduct is alleged, it shall be open to the trustees to decide, by simple majority of those in attendance, to lay a formal charge of misconduct. In such instances it will be the responsibility of the trust to:
  - inform the trustee in writing of the nature of the allegation of the breach, detailing the specific action or behaviour considered to be detrimental on the charity, and inviting and considering their response within a defined timescale
  - inviting the trustee to address the board in person if the matter cannot be resolved satisfactorily through correspondence
  - deciding, by simple majority of those present and voting, whether to uphold the charge of the breach and conduct detrimental to the charity
  - impose such sanctions as shall be deemed appropriate. Sanctions will range from the issuing of a written warning as to the trustee’s future conduct and consequences and the removal of the trustee from office.

Further information regarding any aspects of this code of conduct can be requested from the clerk.

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### Appendix 1 – Trustee Eligibility

All trustees must:

- be willing to act as trustee of the organisation name above
- understand the organisations purposes (objects) and rules set out in its governing document
- declare if they are prevented from acting as a trustee because they:
  - have an unspent conviction for dishonesty or deception
  - have an unspent conviction for specified terrorism offences
  - have an unspent conviction for a specified money laundering offence
  - have an unspent conviction for a specified bribery offence
  - have an unspent conviction for contravening a Charity Commission order or direction
  - have an unspent conviction for offences of misconduct in public office, perjury, or perverting the course of justice
  - have an unspent convictions for aiding attempting or abetting the above offences
  - have an IVA, debt relief order and/or a bankruptcy order
  - have been removed as a trustee in England, Scotland or Wales (by the Charity Commission or Office of the Scottish Charity Regulator)
  - have been removed from being in the management or control of any body in Scotland (under relevant legislation)
  - have been disqualified by the Charity Commission
  - are a disqualified company director
  - are a designated person for the purposes of anti-terrorism legislation
  - are on the sex offenders register
  - have been found in contempt of court for making (or causing to be made) a false statement
  - have been found guilty of disobedience to an order or direction of the Charity Commission