

Trustee Policy revised Sept 17

**General Description:** The primary responsibility of the Board of Trustees is to ensure that the school fulfils its mission to provide a Steiner Waldorf education of the highest quality commensurate with available resources, while also being responsible for the financial and legal welfare of the school and compliance with legal regulations affecting school operations.

**Areas of responsibility:**

The practical tasks of the Trustees include:

1. Budget signing off for both capital and revenue expenditure
2. Agreeing to fee increases as prepared and presented by the school manager
3. Agreeing to salaries/pay rises for all employed staff
4. Liaising with the College of Teachers on the budgetary aspects of pedagogical management, curriculum issues and employment matters
5. Ultimate responsibility for issues such as Health & Safety, Fire Risk, Exclusions, Finance, Site & Buildings, Safeguarding Children, SEND, Recruitment & Employment, Staff Assessment & Appraisal, School Improvement.
6. Assigning to individual trustees an overview role for each one of the main areas above. These trustees will expect to be kept informed of plans, policies and procedures by those employees of the school charged with the day-to-day responsibility for implementation
7. Acting as a "final court of appeal" where it has proved impossible to resolve parental complaints, safeguarding issues, staff grievances or disciplinary issues at a lower level
8. One trustee will be the nominated individual for the Early years as per Ofsted ruling.

**Safeguarding**

The Trustee Body will ensure the following:

- The school has an effective safeguarding policy and procedures in place – and they are in accordance with locally agreed inter-agency procedures. When requested they will make sure it is available to parents/carers.
- The school is compliant with safe recruitment procedures and makes sure appropriate checks are carried out on staff and volunteers.
- There are procedures for dealing with allegations of abuse against staff and volunteers who are compliant with locally agreed inter-agency procedures.
- There is a member of the staff (the Designated Safeguarding Lead/DSL) who is designated to take responsibility for dealing with safeguarding issues, monitoring safeguarding activity, providing advice and support to other staff, liaising with the local authority and working with other agencies.
- A designated member of the school Governance Team (a Trustee) will undertake training about safeguarding children (see appendix 1) and, where appropriate, safer recruitment training.
- That staff undertake safeguarding training, including refresher training appropriate to their roles.
- Any deficiencies or weaknesses in regard to safeguarding arrangements that are brought to their attention are addressed without delay.
- The designated Trustee will be responsible for liaising with the local authority and/or other agencies as appropriate in the event of allegations being made against the Designated Safeguarding Person.
- Policies and procedures are reviewed annually and provide information about them and how they have been discharged.
- There is an individual member of the Trustee Board who will take lead on safeguarding children and champion child protection issues within the school, liaise with the Collegiate (and Designated Safeguarding Lead) about them, and provide information and reports to the Trustee Board.

- Where the Trustee Board provides services or activities directly under the supervision or management of school staff, the schools arrangements for safeguarding apply. Where provided by a separate body the Trustee Board should seek assurance that the body concerned has appropriate policies and procedures in place regarding safeguarding children – and there are arrangements in place to liaise with the school on these matters where appropriate.

### **Division of responsibilities between College and Board of Trustees:**

- The Trustees devolve responsibility for pedagogical management of the school to the College of Teachers.
- The Trustees devolve responsibility for non-pedagogical management areas, such as Finance, Health & Safety, Estates and Legal/Regulatory compliance to the school management team, however, they will retain an overview and will meet regularly with this team to monitor matters and ensure that they are being dealt with in an effective manner
- The trustees recognises that the College has a legitimate interest in many issues which have been entrusted to the SMT and vice versa. Communication and cooperation between the two bodies is crucial and the role of the teacher-trustees is key to facilitating this.
- At times of crisis, both the Trustees, Management team and the College may need to become involved in the management of the issues. Such issues could include lawsuits, legal liability over regulatory matters, sudden loss or dismissal of key staff, pupil enrolment shortfalls etc.

### **Composition of the Board of Trustees**

Trustees will normally include people who have business and financial expertise, anthroposophical understanding and commitment to Steiner Waldorf education, and who are prepared to demonstrate commitment to the community life of the school.

Our trustees will receive the appropriate further training that their roles call for.

Trustees **MUST** be independent to the school, for example a member of the senior school management could also not be a trustee.

#### **Our current trustees and responsibilities**

##### **Martin Taylor**

Safeguarding, HR, Prevent and Channel, Legal issues overview

##### **Robert Parry**

Finances, Health and safety, Fire safety, First aid , Legal issues overview, recruitment of new trustees

##### **Louise Lipman**

Legal issues overview, equalities and diversity, SMC, Early years, SEND and SEnco, Nominated individual, Staff Wellbeing.

### **Trustees' reporting responsibilities (serious incidents)**

The Commission requires charities to report serious incidents. A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- loss of your charity's money or assets

- damage to your charity's property
- harm to your charity's work, beneficiaries or reputation

The most common type of incidents are frauds, thefts, significant financial losses, criminal breaches, terrorism or extremism allegations, and safeguarding issues.

If a serious incident takes place, you need to report what happened and explain how you are dealing with it, even if you have reported it to the police, donors or another regulator.

### **Who should report?**

The responsibility for reporting serious incidents rests with the charity's trustees. In practice, this may be delegated to someone else within the charity, such as an employee or the charity's professional advisers. However, all trustees hold ultimate responsibility for ensuring their charity makes a report, and does so in a timely manner.

If you're reporting the incident as a trustee, you need to confirm that you have authority to report on behalf of the trustee body. If it's someone other than a trustee, they should declare who they are, their relationship with the charity and confirm that they have the authority of trustees to report it.

### **Whistleblowing**

The serious incident reporting framework and this guidance is for trustees. If you are an employee of a charity and you suspect serious wrongdoing within the organisation, for example criminal offences or health and safety breaches, or you discover that the charity has deliberately hidden serious incidents, you can speak out safely and report this to the Commission.

To find out more, go to [whistleblowing: guidance for charity employees](#).

If you are an auditor or independent examiner of charity accounts, there are separate whistleblowing duties and protections. Refer to the Commission's guidance [for auditors and independent examiners of charities](#).

### **Why must you tell the Commission?**

#### **In summary**

Given the challenging nature of the work undertaken and the difficult context faced by many charities, it is likely that serious incidents will occur. Where this is the case, it is the Commission's regulatory role to ensure that trustees comply with their legal duties and that the charity manages the incident responsibly, taking steps to limit its immediate impact and where possible, prevent it from happening again.

Most problems can be resolved by trustees themselves, in some cases with timely advice from professional advisers. Taking action quickly will help protect your charity from further harm and ensure that confidence is maintained in it, as well as benefiting other charities by improving public confidence in the sector as a whole.

#### **In more detail**

The Commission needs to ensure trustees comply with their duties:

By reporting a serious incident, you demonstrate that you have identified a risk to the charity and that the trustees are taking appropriate action to deal with it. This is very important because protecting the assets, reputation and beneficiaries of the charity are essential trustee responsibilities.

The potential for reputational damage can be lessened, however, if you can show that the incident has been handled well; this will also allow the Commission, if asked by the media, Parliament or the public, to state that the trustees acted responsibly.

Trustees should always put appropriate safeguards in place and take reasonable steps to ensure their charity is not exposed to undue risk. Otherwise it can be vulnerable to fraud, theft or other kinds of abuse and trustees may be in breach of their duties.

The Commission may need to offer regulatory advice or guidance:

Timely reporting allows the Commission to identify problems in charities at an early stage, and where appropriate, to provide regulatory advice and guidance to trustees to ensure they meet their legal duties.

In more serious cases, where charities' assets, reputation, services or beneficiaries have been harmed, or are at significant risk, the Commission may need to intervene by using its temporary or protective powers in order to safeguard charity assets and put it back on track.

The Commission can assess the risk to other charities:

Serious incident reporting helps the Commission to gauge the volume and impact of incidents within charities and to understand the risks facing the sector as a whole. This insight will inform the Commission's approach as regulator and may lead it to issue timely advice, guidance or alerts to warn other charities of identified risks and how to manage them.

The [Commission's Risk Framework](#) explains how it assess risk and when it may become involved in charities. For detailed guidance on trustee duties, see [the essential trustee: what you need to know, what you need to do \(CC3\)](#).

### **When to report**

You should report an actual or suspected incident promptly. This means as soon as is reasonably possible after it happens, or immediately after you become aware of it.

### **How to report**

This section explains how to report an actual or suspected serious incident in your charity. You can also find out what types of incident the Commission expects you to report and how to recognise these.

### **Actions you need to take**

If something does go wrong, you should take immediate action to:

- prevent or minimise any further harm, loss or damage
- report it to the Commission as a serious incident, email [RSI@charitycommission.gsi.gov.uk](mailto:RSI@charitycommission.gsi.gov.uk)
- report it to the police, if you suspect a crime has been committed, and to any other regulators the charity is accountable to
- plan what to say to your staff, volunteers, members, the public and the media
- review what happened and prevent it from happening again - this may include strengthening internal controls and procedures, and/or seeking appropriate help from professional advisers.

You should report what happened and explain how you're dealing with it, even if you have already reported it to the police or another regulator.

The Commission does not itself investigate criminal offences, safeguarding or health and safety incidents - lead responsibility rests with other statutory agencies and regulators. However, the Commission may need to make contact with the police or other regulators and follow up on their investigations.

You may find it helpful to refer to the reporting checklist below.

When making a serious incident report, you should provide details of:

- who you are and your connection to the charity
- the authority you have to report on behalf of the charity's trustees
- who in the trustee body is aware of the incident, for example all or only the Chair
- what happened and when the charity first became aware of it
- action being taken to deal with the incident and prevent future problems
- whether and when it was reported to the police or another regulator/ statutory agency (including official reference numbers)
- media handling lines you may have prepared

If, having read this guidance, you're unsure whether the incident should be reported, it's best to report it anyway - the Commission can then decide what to advise you and what action, if any, is appropriate.

It's important that you provide enough detail in your report to give the Commission a clear picture of what happened and when, the extent of any loss, how you're dealing with it and the possible next steps. There is no minimum loss figure that should be reported.

### **Reporting criminality**

You should always report any actual or suspected criminal activity - do not wait until someone is arrested, charged or convicted before reporting the incident.

### **Reporting fraud**

You should report incidents of fraud to [Action Fraud](#), ensuring you get a crime reference number and making clear that you're representing a charity. Action Fraud is a national reporting centre specifically for reporting frauds and has an [online fraud reporting service](#), available 24 hours a day. The website includes an [A to Z of fraud types](#).

## **Reporting theft**

You should report theft (or suspected theft) to the police and obtain a crime reference number. If you've already reported a serious incident to the police or another regulator, you should still make a report direct to the Commission, as its regulatory interest is different from that of other agencies.

In areas of high risk, the Commission cannot rely on other agencies to engage proactively - they may be prohibited from doing so because legal processes are underway. Therefore it is important that charities take the initiative and report the incident promptly to the Commission.

To minimise work, if you prefer, you can simply forward the Commission a copy of your report made to another agency. Where regulatory interests overlap, the Commission will identify this and ensure that work is not duplicated and burdens on you increased. It may engage with the relevant agency and agree that they will take the lead on the issue, without the Commission needing to take further action.

Remember - If reporting to the police or to Action Fraud, you should also make a serious incident report to the Commission, following the advice above.

## **Reporting multiple incidents**

Some incidents may occur more frequently within certain charities due to the scope or nature of their activities - for instance, a charity may be more vulnerable to fraud if it undertakes a lot of complex financial trading. Where charities are in regular contact with the public and vulnerable beneficiaries, the likelihood of allegations being made and incidents occurring can be higher.

Where charities work overseas (particularly in high risk areas), they may be more vulnerable to harm and loss. The Commission recognises the valuable work charities do internationally, often in difficult circumstances - in such contexts, if trustees are acting responsibly in dealing with incidents, periodic/multiple reporting is acceptable, provided that particularly serious or significant incidents are reported straight away.

If your charity is likely to make regular multiple reports, you can submit periodic reports ('bulk' reports) rather than separate ('single') reports for each incident. Many larger and well established charities have accounting and audit systems in place for periodic reporting to their own boards. These reports can be used or adapted for the Commission rather than formatting a new one, so long as they include the information outlined in the reporting checklist above.

If you choose to submit a bulk report in this way, you should be confident that each incident listed is reportable and worthy of inclusion; you should also provide sufficient detail regarding each incident, or the Commission may have to contact you for more information. However, where an incident is particularly serious for the charity or likely to attract significant media attention, this should be reported straight away and not saved for a bulk report.

If, due to the nature of its activities, your charity is likely to report more than 50 incidents a year, in order to ensure an effective reporting solution, you can submit a discussion request to the Commission by emailing [rsi@charitycommission.gsi.gov.uk](mailto:rsi@charitycommission.gsi.gov.uk)

## **Declaration in the Annual Return**

As a matter of good practice, all charities, regardless of size or income, should report serious incidents to the Commission promptly.

If your charity's income is over £25,000, you must, as part of the Annual Return, sign a declaration confirming there were no serious incidents during the previous financial year that should have been reported to the Commission but were not. If incidents did occur, but weren't reported at the time, you should submit these before you file your charity's Annual Return, so you can make the declaration.

Until all serious incidents have been reported, you will not be able to make this declaration, or complete the Annual Return, which is a statutory requirement under section 169 of the Charities Act 2011. Be aware also that it's an offence under section 60 of the Charities Act 2011 to provide false or misleading information to the Commission.

If you fail to report a serious incident that subsequently comes to light, the Commission may consider this to be mismanagement, for example, where the trustees have failed to manage the risks properly and breached their legal duties. This could prompt regulatory action, particularly if further abuse or damage has arisen following the initial incident.

## What happens next?

The Commission will let you know that it has received your report. It will assess the risk and look at how you're dealing with the incident, and may take steps to verify the details, for example by contacting the police. The Commission will need to correspond with you further if it:

- needs more information about the incident
- considers your charity needs regulatory advice and guidance
- has to use its legal powers to protect your charity
- requires you to provide future, timely updates
- needs to monitor your progress in dealing with it

As part of the Commission's digitalisation programme, in future, trustees will be able to report serious incidents through our online services. Different information prompts will be triggered depending on the type of incident being reported, helping to ensure the right basic information is provided. This will make it easier for trustees to submit timely and accurate reports direct to the Commission.

## What to report

This section tells you what types of incident the Commission expects you to report and outlines the different authorities or agencies that may be involved. Remember, when making your report, to follow the advice and checklist included in the 'how to report' section of this guidance.

You should report an incident if it results in, or risks, significant loss of your charity's money or assets, damage to your charity's property or harm to your charity's work, beneficiaries or reputation.

The main categories of reportable incidents are:

- financial crimes - fraud, theft and money laundering
- large donations from an unknown or unverifiable source, or suspicious financial activity using the charity's funds
- other significant financial loss
- links to terrorism or extremism, including 'proscribed' organisations, individuals subject to an asset freeze, or kidnapping of staff
- suspicions, allegations or incidents of abuse involving beneficiaries
- other significant incidents, such as - insolvency, forced withdrawal of banking services or actual/suspected criminal activity

## Issue date

This policy takes effect from March 2013

## Review date

This policy will be reviewed and revised by the school manager on an annual basis.

## Endorsement

Full endorsement to this policy is given by:

Name: Mr Martin Taylor

Position: Iona School Trustee

Signed: 

Date: 16/09/18

## Related policies

All areas of regulation

Iona School & Nursery