



Governance Support Package

Produced in collaboration with SCVO



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Broader organisational responsibilities

The board are responsible for making sure the organisation complies with relevant legal and regulatory requirements. These can vary between organisations, depending on the kind of activities they do. SCVO has more information about [keeping it legal](#).

People - Safeguarding, PVG, equality and diversity, data protection

Safeguarding

Safeguarding is of vital importance to all organisations providing support to the most vulnerable members of society, both in Scotland and overseas. For the international development sector, safeguarding promotes the safety and welfare of people involved in the delivery or receipt of humanitarian aid and development assistance, protecting them from harm, including all forms of exploitation, abuse and harassment.

Trustees are responsible for ensuring that there are measures in place to make sure that beneficiaries, and others who come into contact with your organisation, are protected from harm. This means going over and above your minimum legal responsibilities and making sure the culture within your organisation is to respect and protect the people there. Trustees have a role to set the tone and lead by example. SCVO's [Good Governance & Safeguarding: A Guide for Trustees](#) looks at how the [Scottish Governance Code](#) and [SCVO's Good Governance Checkup](#) can be used to help develop a strong safeguarding culture in your organisation. The Guide focuses on the oversight and governance role of trustees and looks at how you can demonstrate and implement each of the [five core principles of the Scottish Governance Code](#) with specific regard to safeguarding.

The Alliance's '[Safer for All](#)' Safeguarding Support Package is designed to support organisations to strengthen their safeguarding policies, procedures and practice. It contains resources, tools, templates and training modules and is accompanied by a structured programme of capacity development and training.

It is important to be aware that most donors have high expectations of safeguarding standards. For example, the Scottish Government and UK Department for International Development (DFID) require partner organisations to have robust safeguarding policies in place and to have carried out due diligence on their in-country partner in that regard too, and notify them of any safeguarding incidents, as well as any irregular financial activity. For more information about reporting a notifiable event to OSCR, please read [their guidance online](#).

Protection of vulnerable groups (PVG)

The [PVG Scheme](#) is a registration system for anyone who carries out work (paid or unpaid) with vulnerable groups in Scotland. It is designed to exclude people who are known to be unsuitable

from working with vulnerable groups and detects those who become unsuitable while in the workplace. People who are protected by the PVG Scheme are:

- 🕒 individuals under the age of 18 (children)
- 🕒 individuals over the age of 16 who are provided with care, health, community care or welfare services (protected adults)

If your organisation has paid staff or volunteers who are carrying out regulated work, you need access to scheme records. You must either:

- 🕒 register with [Disclosure Scotland](#) which will enable them to countersign disclosure applications or requests
- 🕒 or enroll with a registered body that can provide counter signatory services for them ([Volunteer Scotland Disclosure Services](#) can help with this)

Disclosure checks on volunteers are free and are carried out by [Volunteer Scotland Disclosure Services](#). Disclosure checks carried out on paid employees will cost money and are generally carried out by Disclosure Scotland. Information about fees is available from [Disclosure Scotland](#).

Additionally, the PVG scheme advises “**Some employers, like aid agencies, send staff or volunteers to provide care and education, for example, to people in countries outside the UK. These employers can apply to have an individual PVG-checked when that work, if done in Scotland, would be considered to be 'regulated work'.**”

Equality and Diversity

Treating people equally is not about treating everyone the same. Equality is about ensuring everybody has an equal opportunity and is not treated differently or discriminated against because of their characteristics. Promoting equality should remove discrimination in areas such as race, gender, disability, religion or belief, sexual orientation and age. [The Equality and Human Rights Commission \(EHRC\)](#) is the statutory body that deals with the elimination of discrimination and the reduction of inequality.

Diversity is about recognising, respecting and valuing the differences between people and enabling them to realise their full potential by promoting an inclusive culture for all.

In addition to a moral duty to treat people fairly and with respect, your organisation has legal responsibilities in respect of equalities if you provide goods, facilities or services to the general public, or employ people. Your trustees are responsible for ensuring that your organisation complies with equalities legislation and best practice, and for promoting equality and diversity throughout the organisation. A good place to start is with an equal opportunities policy that all staff and volunteers are fully aware of.

The [Equality Act 2010 \(Gender Pay Gap Information\) Regulations 2017](#) requires employers with over 250 employees, in both the private and voluntary sector, to publish statutory calculations every year, showing how large the pay gap is between their male and female employees.

Data protection and GDPR

Data protection legislation covers everyone about whom you keep personal data. This includes employees, volunteers, service users, members, supporters and donors.

The General Data Protection Regulation (GDPR):

- 🌐 requires organisations to register with the [Information Commissioner's Office](#) if they keep records (unless they are exempt and this includes many charities)
- 🌐 governs the processing of personal data including 'personal sensitive data'
- 🌐 requires organisations to comply with its [seven key principles](#)
- 🌐 allows employees, service users and other contacts to request to see the personal data held on them.

Every organisation should have a written policy and procedure that is specific to their context about how they handle personal data and enact privacy principles. The ICO have [more information](#) for charities on GDPR.

Preparation - risk assessment, health and safety

Risk Assessment

Trustees must identify and assess both risks and opportunities for their organisation and decide how best to deal with them. [Identifying, assessing and managing risk](#) is one of the key duties of a trustee and is essential to good governance. All organisations, regardless of size or the area they operate, face risk. It could be the risk of a safeguarding incident, losing a valuable contract, the resignation of key staff or volunteers, or fraud or bad publicity. Trustees can take steps to avoid or reduce risk, e.g. by taking out insurance, and should ensure that the potential risks facing the organisation are reviewed strategically and regularly. Important areas to cover include:

- 🌐 Governance risks
- 🌐 Operational risks
- 🌐 Financial risks
- 🌐 Compliance with law and regulation

You should also consider external risks that could impact your organisation's future, factoring in political, environmental, economic, social and technological change. By [managing risk effectively](#) trustees can ensure that the organisation's aims are achieved more successfully.

This [KnowHow NonProfit free toolkit](#) will help you identify potential risks to your organisation. Based on your answers to the self-assessment questions, the toolkit will identify where you may have some weaknesses while also providing practical advice about getting to grips with the problem.

Health and safety

It is the responsibility of the board to ensure the health and safety of employees, volunteers and visitors. For more information and support see the [Health and Safety Executive website](#) where you can find an example risk assessment and health and safety policy, information for lone workers and home workers, and a risk assessment tool.

[Healthy Working Lives](#) provides free health and safety advice for organisations in Scotland, including free workplace visits and a free helpline 0800 019 2211.

Health and safety legislation will vary overseas, your organisation could make use of the [Health and Safety Executives risk assessment tools](#) anywhere you will be operating or sending employees or volunteers.

Protecting

Insurance

Your organisation can buy insurance to protect its money, people, property and reputation. Insurance is required by law if your organisation employs staff or operates vehicles on public roads.

Compulsory insurance:

- 🌐 Employers' liability insurance: required by law for organisations that employ staff to insure against any claims by workers for injury or disease. A valid certificate of insurance must be displayed.
- 🌐 Motor insurance: required by law for organisations that own or operate motor vehicles, with third party cover as a minimum as required by the Road Traffic Act.

There are many other types of insurance your organisation can also buy, a risk assessment can help you decide which insurances are necessary.

Highly recommended insurance:

- 🌐 Public liability insurance: covers injury loss or damage caused to third parties as a result of the organisation's negligence.
- 🌐 Professional indemnity insurance: protects against claims for negligence arising out of advice or information provided by an organisation.
- 🌐 Legal expenses insurance: covers specified legal expenses that may be incurred in defending or pursuing certain types of action, e.g. employment disputes.

Discretionary insurance

- 🌐 Trustee indemnity insurance: this protects members of the board from personal liability with respect to claims related to their actions in their roles as trustees. Charities are permitted to use charity funds to provide all their charity trustees with indemnity insurance.
- 🌐 Events insurance
- 🌐 Fidelity insurance

- 🕒 Accident and sickness insurance
- 🕒 Property and equipment insurance
- 🕒 Car insurance for staff/volunteers
- 🕒 Hirer's public liability cover (for village halls and community buildings)

Insurance advice

Under statutory regulations there are constraints on who can provide information and advice about insurance. SCVO endorses the [Encompass policy](#) specifically designed for voluntary organisations by Keegan & Pennykid. The [Association of British Insurers](#) can provide general information and details of insurance firms that specialise in given areas of work.



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