St Leonard's Wollaton
Living for Jesus

Governance Policy for the Parochial Church Council of the Parish of St Leonard, Wollaton in the Diocese of Southwell and Nottingham

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1 Version control

Version	Date issued	Changes since previous version
1	March 2020	1st issue

2 Purpose

This document outlines the roles and responsibilities of members of the Parochial Church Council (PCC), including the duties of trustees and principles of good governance. It is intended to be read in conjunction with the relevant governing documents as laid down by the Church of England as well as the guidance issued by the Charity Commission regarding charities and their trustees.

3 Background

For the purposes of their governing documents, the Church of England and Charity Commission have agreed that Parochial Church Councils (PCCs) are governed by two pieces of legislation:

i) the Parochial Church Council (Powers) Measure 1956 as amended https://www.legislation.gov.uk/ukcm/Eliz2/4-5/3/contents and

ii) the Church Representation Rules https://www.churchofengland.org/more/policy-and-thinking/church-representation-rules

4 The Parochial Church Council (PCC)

- Is a legal body established by statute;
- Has legal powers and responsibilities including: responsibility for finances, the maintenance and repair of the church, churchyard and moveable objects, and the employment of staff;
- Consults together with the minister in charge of the parish on matters of general concern and importance to the parish;
- Is called to co-operate with the minister in promoting in the parish the whole mission of the church: pastoral, evangelistic, social and ecumenical;
- Is a body corporate, which means that it is a separate body from the people who serve on it.

4.1 PCC Membership

- Membership is determined by virtue of being a post-holder e.g. clergy licensed to the parish, churchwarden or by election of lay representatives at the Annual Parochial Church Meeting (APCM). Elected posts are held for a three-year term.
- PCC members are also trustees, which entails various responsibilities under charity law.

4.2 Roles of trustees

The Charity Commission outlines the roles of the trustee in its document: “The essential trustee: what you need to know, what you need to do” (CC3) https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3. The key duties of a trustee are summarised in section 4.3.

4.3 Key Duties of a Trustee

- Ensure your charity is carrying out its purposes for the public benefit:
  as a PCC we understand what we are trying to achieve, are clear about our vision as a church as well as how that fits with the wider Diocesan vision.

- Comply with your charity’s governing document and with charity law:

as a PCC we understand that we have certain legal responsibilities and understand their relevance.

- Act in your charity's best interests:
  we take care to avoid mistakes, always acting in good faith, and identifying potential conflicts of interest.

- Manage your charity's resources responsibly:
  we are committed to managing all our resources responsibly including our financial resources;

  we are careful to attend to matters of Health and Safety and comply with employment law where relevant.

- Act with reasonable care and skill:
  as members we will take the business of the PCC seriously and give matters arising our due attention.

- Ensure your charity is accountable:
  we will be transparent in all matters and take care to comply with the law and charity accounting requirements.

5 Principles of Good Governance

5.1 Background

Governance is about the leadership, direction and supervision of an organisation. It means making sure that the organisation is well run (or 'governed') and carries out the work it was set up to do. This involves planning for the future, guarding the organisation's values and reputation, looking after the money and people and being accountable for the organisation's actions and decisions.

5.2 Governance Code

The Charity Governance Code was developed with the aim of helping charities and their trustees develop high standards of governance.

The Code is not a legal or regulatory requirement. It sets the principles and recommended practice for good governance and is deliberately aspirational. It can be found in full at:
www.charitygovernancecode.org

There are seven principles which make up this Code. These seven principles build on the assumption that the PCC is meeting its legal and regulatory responsibilities as a foundation:

1. Organisational purpose
   The PCC is clear about its purpose, mission and values and ensures that these are being delivered effectively and sustainably

2. Leadership
   The PCC demonstrates strong and effective leadership, giving oversight and direction; it takes collective responsibility for its decisions.

3. Integrity

The PCC sees sound governance as an integral part of its stewardship; trustees behave appropriately and manage any conflicts of interest.

4. Decision making, risk and control
   The PCC adopts structures, policies and procedures which enable it to achieve its mission and meet its objectives efficiently.

5. Effectiveness
   The PCC works as an effective team with an appropriate balance of skills, experience, backgrounds and knowledge; its members feel safe to suggest, question and challenge ideas.

6. Diversity
   The PCC adopts an approach to diversity that supports effectiveness, leadership and decision making. The PCC adheres to principles of equality and diversity.

7. Openness and Accountability
   The PCC views accountability and transparency as key values; it communicates effectively, explaining its activities and decisions in an open and transparent way.

6 Code of Conduct: mandatory requirements

6.1 Eligibility

All PCC members need to be eligible to serve as trustees (i.e. are not disqualified under charity law) and to be regarded by HMRC as "Fit and Proper Persons". All PCC members are therefore required to complete the "Trustee Eligibility and Fit and Proper Persons Declaration": https://www.parishresources.org.uk/pccs/trusteeship/

6.2 Safeguarding training

All PCC members are required to undergo safeguarding training to level C1 (Foundation) as a minimum, ideally accessed via one of the diocesan courses available locally. Dates for these sessions can be found at: https://southwell.anglican.org/safeguarding-training/

Alternatively, training can be accessed online through the safeguarding training portal: https://safeguardingtraining.cofeportal.org/

New PCC members are expected to complete the relevant training within six months of their appointment and are required to provide documentary evidence of successful completion to the PCC Secretary.

Safeguarding training is to be updated every three years.

7 Code of Conduct: general

7.1 General principles

PCC members are expected to:

- Familiarise themselves with the current policies and procedures of the PCC.
- Commit: giving meetings and the business of the PCC appropriate priority.
- Participate in the wider life of the church, in worship and other activities.
- Engage with members of the church and Parish: your job is to represent their views.
- Support one another: we are a team together.
- Respect confidentiality: please think before you share.

With regard to PCC meetings, PCC members are asked to:

- Prepare: before the meeting; reading any required papers, checking the minutes, as well as in prayer.
- Endeavour to be on time: and then help the meeting to keep to schedule.
- Demonstrate a positive attitude: present more solutions than problems.
- Contribute: your opinions matter. Be willing to volunteer.
- Engage and focus: please give the meeting your full attention; no texting, side conversations etc.
- Listen actively to others: don't interrupt, encourage others to speak.
- Respect other people's opinions, even when you don't agree. Be gracious.
- Question: if you don't know or understand something ASK.
- Focus: always keep in mind St Leonard's vision and missional priorities.
- Challenge: you have a responsibility to question decisions and procedure where appropriate.

7.2 Induction

All new PCC members will be offered an induction shortly after their appointment. This will provide an introduction to the workings of the PCC as well as covering safeguarding requirements and the role of a trustee. It will also serve as an opportunity to meet existing PCC members.

In addition, all new members will be issued with, and expected to read, the book *"The PCC Member's Essential Guide"* by Mark Tanner.

8 Date for policy review

Members of the Policies and Procedures Working Group and the Parochial Church Council will review this Policy within twelve months of the date on which the policy was last signed.

9 Review date and signatures

This policy document and guidelines were last reviewed and agreed by the Parochial Church Council on 9th March 2020

Signed by the incumbent: …R…e…ve…re…nd…C…an…on…T…im…P…ul…len……..

Signed by the Lay Chair of the Church Council or a Churchwarden: Mrs Alison Hatton

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10 Appendices

10.1 Useful documents and resources:

Tanner, M. (2015). *The PCC Member's Essential Guide.* Church House Publishing.

Charity Commission for England and Wales https://www.gov.uk/government/organisations/charity-commission%20

The essential trustee: what you need to know, what you need to do (CC3) https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3

TRUSTEESHIP: An Introduction for PCC Members https://www.parishresources.org.uk/wp- content/uploads/CofE_TrusteeBooklet-v4.pdf

The PCC as a Charity – Resources to help you https://www.parishresources.org.uk/pccs/

The Charity Governance Code www.charitygovernancecode.org

Church of England Website https://www.churchofengland.org/

Diocesan Safeguarding Team:

Diocese of Southwell and Nottingham,

Jubilee House, 8 Westgate,

Southwell, Nottingham

NG26 OJH

Tel: 01636 817200

Email: safeguarding@southwell.anglican.org

10.2 Trustee Eligibility Declaration

THE PAROCHIAL CHURCH COUNCIL OF THE ECCLESIASTICAL PARISH OF ST LEONARD'S WOLLATON

Charity Registration Number: 1134834

PCC Member Trustee Eligibility Declaration[1]

As a PCC Member, you are a charity trustee. By signing this form, you confirm that you are not disqualified as a matter of law from acting as a charity trustee and, by signing overleaf, you confirm that you meet HMRC's requirements to be considered a "Fit and Proper Person".

You are disqualified from acting as a charity trustee if you have an unspent[2] conviction for:

- a dishonesty or deception offence[3];
- a terrorism offence to which Part 4 Counter-Terrorism Act 2008 applies, or under ss. 13 or 19 Terrorism Act 2000;
- a money laundering offence within the meaning of s. 415 Proceeds of Crime Act 2002;
- a bribery offence under ss. 1, 2, 6 or 7 Bribery Act 2010;
- an offence of contravening a Commission Order or Direction under s. 77 Charities Act 2011;
- an offence of misconduct in public office, perjury or perverting the course of justice;
- In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence.

You are also disqualified from acting as a charity trustee if you:

- are subject to notification requirements under sexual offences legislation (commonly referred to as being on the sex offenders register) even if your conviction is spent;
- are currently declared bankrupt or are subject to bankruptcy restrictions or an interim order, including an individual voluntary arrangement (IVA) - limited exceptions apply;
- are subject to a debt relief order under the Insolvency Act 1986, a debt relief restrictions order, an interim order under that Act, or a failure to pay under a County Court Administration Order;
- are disqualified from being a company director - limited exceptions apply;
- are disqualified from being a charity trustee by an Order made by the Charity Commission pursuant to s.181A Charities Act 2011.

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[1] This form should also be completed by a "senior manager" who is not also a PCC member (e.g. an employee treasurer).

[2] You are not disqualified if your conviction is spent. See guidance from the charity Unlock at hub.unlock.org.uk/information/charities/ to work out when a conviction becomes spent.

[3] Details of which offences are included can be found at https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#apply-waiver

- have previously been removed as a trustee, officer, agent or employee of a charity by the Charity Commission, the High Court or the Scottish charity regulator due to misconduct or mismanagement;
- have been found guilty of disobedience to an order or direction of the Charity Commission under s.336(1) Charities Act 2011;
- have been found to be in contempt of court for making, or causing to be made, a false statement, including in a document verified by a statement of truth;
- are a designated person for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011.

I declare that I am not disqualified from acting as a trustee[4] and that I will inform the trustees promptly if, after the date of this declaration, any one or more of the disqualification criteria apply to me.

Signed _____ Print Name _____

Date _____ Role in PCC _____

Please refer to the St Leonard's privacy notice for information on how we will store and use your personal data under GDPR

[4] If you have obtained a waiver from automatic disqualification from the Charity Commission to permit you to act as a trustee of the PCC, you are able to sign this declaration. If you wish to seek a waiver, please read the Charity Commission's guidance at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/673798/Waiver_application_checklist_v1.pdf and discuss this with an appropriate person within your PCC.

10.3 Fit and proper person declaration

THE PAROCHIAL CHURCH COUNCIL OF THE ECCLESIASTICAL PARISH OF ST LEONARD'S WOLLATON

Charity Registration Number: 1134834

HMRC Fit and Proper Persons Declaration

HMRC also requires that those who are running charities (Trustees and Managers) are "fit and proper persons". Examples of factors that may[5] lead to HMRC deciding that a trustee or manager is not a fit and proper person include, but are not limited to, where individuals:

- have been involved in tax fraud and other fraudulent behaviour including misrepresentation and/or identity theft;
- are known by HMRC to have involvement in attacks against, or abuse of, tax repayment systems;
- have been removed from acting as a charity trustee by a charity regulator or been disqualified from acting as a charity trustee or company director;
- have used arrangements notified under the Disclosure of Tax Avoidance Schemes (DOTAS) rules in Part 7 Finance Act 2004 in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the arrangements featured charitable reliefs or which used a charity, and their tax position has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final;
- have used tax arrangements which have been successfully counteracted under the general anti- abuse rules (see Part 5 of Finance Act 2013 or section 10 National Insurance Contributions Act 2014, as enacted or as amended from time to time) and such counteraction has become final;
- have been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity, and they are:
    - a promoter named by HMRC under the Promoters of Tax Avoidance Schemes (POTAS) legislation in Part 5 of Finance Act 2014;
    - a promoter of any tax arrangements designed or intended to obtain for any person a tax advantage and such tax advantage has successfully counteracted by HMRC under the general anti-abuse rule (see Part 5 of Finance Act 2013 and section 10 National Insurance Contributions Act 2014 as enacted or as amended from time to time) and such counteraction has become final;
    - a promoter of arrangements notified under DOTAS, in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the tax position of all or any of the users of the arrangements has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.

[5] If any of these factors apply to you, you are not necessarily barred from serving, but the PCC will need to give careful consideration as to how it can meet the "Fit and Proper Persons" requirement. If you require guidance, please see

https://www.gov.uk/government/publications/charities-fit-and-proper-persons-test/guidance-on-the-fit-and-proper-persons-test

I declare that none of the above factors apply to me and that I will seek to ensure that the charity's funds, and any charity tax reliefs received by the charity, are only used for charitable purposes:

Signed _____ Print Name _____

Role in PCC _____ Date_____

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