



wesport

INSPIRING ACTIVE LIVES

Trust Board Legal & Regulatory Responsibilities Policy

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Wesport Board Legal & Regulatory Responsibilities Policy

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This document can be made available in alternative formats upon request

Introduction

As the West of England Sport Trust (Wesport) is both a Company Limited by Guarantee (Company no: 05794916) and a Registered Charity (Charity number 1114495), both Company Laws and Charity Laws are applicable.

In summary, this means having strong policies and procedures in place to ensure full compliance to all legal requirements, including (but not limited to) responsible and robust financial strategic planning and management, appropriate internal controls, and risk management procedures.

Wesport manages the day-to-day running of the organisation through a variety of policies & procedures that are detailed in the Delegations Policy. The Delegations Policy is a summary of all policies, procedures, and processes that the Board have delegated to the Senior Management Team of the Trust, which includes this Board Legal & Regulatory Responsibilities Policy.

Each policy is brought to the Board for review at least every 4 years (or sooner if there are changes in legislation, personnel, or process). Some policies and processes are reviewed annually, and the timescales are all highlighted in the Delegations Policy.

Specific Legal & Regulatory Responsibilities

Financial Management & Audited Accounts

Financial Management

Wesport's finances are managed through the accounting system QuickBooks Online. A separate Financial Policy & Procedures is in place, and one Trustee has the responsibility of the Portfolio Holder for Wesport finances. They meet once a quarter with the Wesport Lead Finance Officer to go through the management accounts in detail prior to the full Board meeting.

The Wesport Lead Finance Officer also meets monthly with the Wesport Senior Management Team to ensure that they are up to date with the cash flow, and any potential issues that may arise.

Each financial year, a full budget is created. This allows the Senior Management Team and the Trust Board to ensure that there are sufficient funds for delivery & to continue operating against the charitable purpose and 4-year strategy. There are several funding streams that make up Wesport's income, so this requires careful management. This full budget also highlights any gaps or shortfalls, so that other funding opportunities can be sought, or plans put in place to reduce expenditure.

Audited Accounts

The Wesport accounts are audited by an external company each year (currently Bishop Fleming Accountants). This entails having a site visit from a representative of the company for around 2 days per year where they analyse the accounts as well as running through various other checks, e.g. checking employment records.

The draft audited accounts are then presented by Bishop Fleming to the Wesport Audit Committee in June / July each year, before being officially presented by Bishop Fleming to the full Board at the July Board meeting & signed off accordingly.

This ensures that all Trustees have adequate time to ask any questions & interrogate the accounts before they are finalised.

The Letter of Representation is signed by the Chair of the Board on behalf of the full Board & the Wesport Team.

Charity Commission

As a registered Charity, each year the audited accounts must be uploaded to the Charity Commission website as part of the Annual Return. This includes providing a breakdown of income & expenditure against various categories.

The Charity Commission also holds a register of Trustees, so it is the responsibility of the Board (delegated to the Wesport Senior Management Team) to ensure that this register is kept up to date – both when new Trustees are appointed, and when Trustees resign.

Companies House

As a Company Limited by Guarantee, each year the audited accounts must be uploaded to the Companies House website as part of the Confirmation Statement (formerly known as an Annual Return). This includes updating details on Persons With Significant Control (PSC), and ensuring the appropriate Standard Industrial Classification of Economic Activities (SIC) code is allocated.

Companies House also holds a register of Trustees, so it is the responsibility of the Board (delegated to the Wesport Senior Management Team) to ensure that this register is kept up to date – both when new Trustees are appointed, and when Trustees resign.

Compliance with Funding Agreements

As Wesport is funded through a variety of organisations, all with their own funding agreement requirements, it is the responsibility of the Trust Board & the Senior Management Team to ensure that all relevant monitoring & evaluation takes place & is reported accordingly. This can include financial reporting as well as the impact of the funding on the target audience.

Wesport Memorandum of Understanding / Articles of Association

Wesport has a Memorandum of Understanding & Articles of Association that sets out the charitable purpose of the organisation. Every 4 years, a strategic plan is created by the Wesport Trust Board & the Wesport Team that highlights the aims of the organisation over that time period, and how that fulfils the charitable objectives.

It is both the Board and the Senior Management Team's responsibility to ensure that the strategy and overall direction of Wesport continues to meet the charitable objectives defined in the Memorandum of Understanding / Articles of Association.

Trustee Role Regulatory Responsibilities

Trust Board Terms of Reference

As part of the annual skills audit and review, the Trustees are also asked to review the Terms of Reference (found in the Trustee Handbook) to ensure they are complete & accurately reflect the requirements of Trusteeship for Wesport.

Trust Board Committees Terms of Reference

At present, there are 3 Committees:

- Audit Committee
- Nominations (Trustee Recruitment) Committee
- Risk & Internal Controls Committee

As part of the annual skills audit and review, the Trustees are also asked to review the Terms of Reference for each of these Committees (found in the Trustee Handbook) to ensure they are appropriate and accurate.

Trustee Portfolio Holders

Where a Trustee has a particular set of skills, they may be asked whether they wish to volunteer as a Portfolio Holder for a certain area of Wesport's work (e.g. finance, risk management, safeguarding, and equality). This can mean additional time required to meet outside of the official Board meetings with the relevant members of the Wesport Team in order to guide & support them in that particular area. This will also be reviewed as part of the annual skills review to ensure that the Wesport Team has sufficient support & expertise from the Trust Board.

Trustee Recruitment & Induction

The Trustee Recruitment Policy and Procedures is reviewed by the Nominations Committee each time there is a recruitment drive for new Wesport Trustees. The New Trustee Induction is also reviewed at this point to ensure that relevant information is provided to support a new Trustee in this role.

Trustee Code of Conduct

This is to be reviewed annually to ensure it remains fit for purpose. All Trustees have to sign one as part of their Induction.

Board Diversity Action Plan

This is reviewed annually, and in line with Trustee Recruitment.

Safeguarding & Equality

There is a Portfolio Holder for both Safeguarding and Equality to ensure full compliance with Sport England's funding requirements (including, but not limited to, the Primary Role [April 2018 – March 2021]). There are regular regional Safeguarding meetings that the relevant Wesport Team members attend, along with any necessary training. The Portfolio Holder for Safeguarding will be asked to attend a meeting with the Child Protection In Sport Unit (CPSU) and relevant Wesport staff at least once a year for a review meeting & to discuss the Safeguarding Implementation Plan.