

# Running a Community Group

## 8. Role and Responsibilities of Management Committees

All community groups will have a management committee and depending on the groups' legal form or charitable status they will be known as a Board of Directors, Charity Trustees or Committee Members.

The primary role of a management committee is leadership, ensuing that the group:

- Has a clear purpose and direction
- Is run in accordance with its governing document
- Fulfils all its legal and regulatory requirements
- Is financially viable and accountable
- Is effectively managed, working in accordance with its policies and good practice guidance
- Applies confidentiality about the group's activities

If the group is incorporated or a charity the management committee will have additional regulatory requirements they need to fulfil.

Company Directors must, in accordance with the Companies Act 2006:

- Make sure all required information is sent to Companies House on time.
- Follow the company's constitution and its articles of association.
- Act in the company's best interests to promote its success.
- Use independent judgement to make final decisions
- Exercise reasonable care, skill and diligence
- Avoid conflict of interest
- Not accept benefits from a third party that are offered as a director
- Tell the other directors and members of any personally benefit from a transaction the company makes.

For more information go to the Gov.uk website <https://www.gov.uk/guidance/being-a-company-director>

Charity Trustees must, in accordance with the Charities and Trustee Investment (Scotland) Act 2005:

- Act in the interests of the charity
- Seek in good faith to ensure the charity operates in a manner consistent with its purposes
- Act with care and diligence
- Manage any conflict of interest between the charity and any person or organisation who appoints trustees
- Ensure charity details are correct on the Scottish Charity Register
- Report to OSCR as required
- Keep correct financial records and reporting
- Control how the charity raises funds.
- Provide information to the public

For more information go to OSCR website <https://www.oscr.org.uk/managing-a-charity/trustee-duties/>

### Key Responsibilities

The Management Committee should carry out their duties in accordance with the groups governing document.

For the management committee to carry out their duties they should have a copy of and be familiar with the groups governing document. This is often included in an induction pack which includes up-to-date information about the activities of the group, role descriptions and responsibilities, copies of all policies and procedures, recent funding applications and the remit of any sub-committees

The management committee should ensure the group is run responsibly and lawfully, and that it is compliant to relevant legislation or regulators, including but not limited to:

- The Health and Safety at Work Act etc.1974, often referred to as HASAW or HSW see The Health and Safety Executive website <http://www.hse.gov.uk/guidance/index.htm> for more information
- Protection of Vulnerable Groups (Scotland) Act 2007 For more information visit Disclosure Scotland website <http://www.disclosurescotland.co.uk>
- 2018 General Data Protection Regulations (GDPR), For more information visit the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk)
- Gambling Act 2005 in relation to the holding of lotteries and raffles see the Gambling Commission website <https://www.gamblingcommission.gov.uk/for-the-public/Fundraising-and-promotions/Fundraising/Small-society-lotteries.aspx> for more information

Although the management committee may not necessarily undertake day-to-day running of the group ultimate accountability sits with them as they are equally accountable and collectively responsible for all the activities of the group.

The lines between management committee duties and the day to day running of a group need to be clear. Where staff or volunteers are engaged their main focus should be on running the group, whilst the management committee should focus on strategic matters.

Management committee members should avoid circumstances in which there is a conflict interests. If the conflict of interest is irreconcilable, then the member in question must make this known and not take part in any discussion or decision-making on the issue.

If a Management committee members fails in his or her duty, it is the obligation of the other members to take reasonable steps to ensure that the misconduct is rectified and not repeated. They also need to ensure that anyone guilty of serious or persistent misconduct or breaches of their duties no longer remains a Management committee member.

It is recommended that the management committee regularly review the group and its compliance to its governing document, policies, legislation and best practice principles. The check list below takes you through a stepped progression of review.

### Check list for management committees

#### General Governance

- Does the group have a governing document and does it show what the groups' objectives are?
- Does the group review its governing document and activities on a regular basis?
- Are the activities of the group in line with the purposes in its governing document?
- Is there an up-to-date list of voting members and management committee members?
- Is there appropriate financial systems in place and are your annual accounts examined externally?
- Do the management committee report to its members and stakeholders on its activities, governance and financial status for example at an Annual General Meeting or in an Annual Report
- Are there policies for key legislation such as Health and Safety and data protection?
- Does the committee recognise, promote and value equality and diversity?
- Does the group have a written plan for what it wants to achieve including strategies for sustainability?
- Is there procedures in place to monitor and evaluate the work of the group and measure progress against agreed plans?

#### Committee roles and responsibilities

- Is the role of your committee clearly defined in the governing document and supporting policy?
- Has your committee received appropriate training in relation to its governance role?
- Is the committee aware of, and do they fulfil, the legal compliance obligations of the organisation?
- Are there procedures in place to deal with conflict of interest and remuneration?
- Are the roles of office bearers, staff, volunteers and anyone performing duties on behalf of the group clearly defined?

- Does the committee review its compliance with legislation and fulfil its duty of care obligation to employees, volunteers, service users and the general public?
- Are there adequate skills, or reasonable access to skills, and experience on your committee?
- Are your committee meetings effective?
  - Do the committee set an agenda for meeting and keep accurate minutes of the decisions and agreed actions?
  - Do committee members make decisions and take actions in line with the governing document?
  - Is the financial reporting to the committee clear, transparent, readily understood by all committee members at each meeting?
  - Does the committee regular review its own performance and that of the group?

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