

Guidance for Trustees

Trustees have an oversight role rather than a day-to-day operational role. Day-to-day operational functions are carried out by staff employed by the Trust, who are under the leadership of the Chief Executive Officer (CEO) and the Leadership Team (LT).

Trustees occupy a fiduciary position that demands high standards of conduct. The Trustees have ultimate responsibility for directing the affairs of a charity, ensuring that it is solvent, well run and delivering the charitable outcome for the benefit of the public for which it has been set up. More details can be found in Appendix 1 of the Trust's Standing Orders.

Their role may require them from time to time to become involved in staff matters. Primary involvement with staff matters is most likely to be through the relevant Board Committees such as the Health, Safety and Wellbeing Committee, and HR Policy Committee. Further details of the division of competencies between the Board and the Executive can be found in the Trust's Scheme of Delegation of Board Authority.

In some cases, it may be necessary, for example, to involve Board members if there is no suitable member of the Leadership Team who could determine a grievance. In the Scheme of Delegation, the HR Policy committee has delegated authority for, inter alia, the following:

- Approve alterations to employee and volunteer policies (if material)
- Approve action on significant staffing issues with discretion over what should be notified to the Board
- Engage in Trust grievance/disciplinary matters relating to the CEO or LT with support from HR advisor
- Input to and receive with recommendations the annual staff survey report
- Review large scale restructuring.

In cases that involve grievance/disciplinary matters relating to the CEO or LT, the HR Policy Committee has delegated authority. There may be instances, however, where staff approach Board members directly about matters that involve their employment. A refreshed grievance policy has been approved that directs all staff to submit formal grievances to the HR Team, or a confidential HR email address. Staff are, of course, urged to try and resolve issues informally wherever possible. That will not always be the case and if a member of Trust staff sends a grievance to you directly you should contact HR, and if the grievance was sent to you personally send it to the confidential HR email address which is: hrconfidential@johnmuirtrust.org. This is the case regardless of whether the grievance is about the CEO, LT or another member of staff.

What is a grievance?

It might involve:

- (a) Terms and conditions of employment
- (b) Health and safety

- (c) Work relations
- (d) Bullying and harassment
- (e) New working practices
- (f) Working environment
- (g) Organisational change; and
- (h) Discrimination.

It may or may not use the label “grievance”. If you are emailed directly about any of the above, you should forward the email to: hrconfidential@johnmuirtrust.org

Sometimes Trust staff may speak to a Trustee rather than email them. If the approach concerns any of the above, a Trustee should speak to HR and obtain advice or direct the staff member to the grievance procedure in the Employee Handbook.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) Criminal activity
- (b) Failure to comply with any legal or professional obligation or regulatory requirements
- (c) Miscarriages of justice
- (d) Danger to health and safety
- (e) Damage to the environment
- (f) Bribery
- (g) Facilitating tax evasion
- (h) Financial fraud or mismanagement
- (i) Breach of our internal policies and procedures
- (j) Conduct likely to damage our reputation or financial wellbeing
- (k) Unauthorised disclosure of confidential information
- (l) Negligence; and
- (m) The deliberate concealment of any of the above matters.

A refreshed Whistleblowing policy has been approved that directs all staff to submit formal grievances to the HR Team or a confidential email address. If a member of Trust staff emails you or speaks to you about concerns about any of the above you should contact HR on hrconfidential@johnmuirtrust.org.

Grievance and disciplinarys

Members of the Board may be required to take on a decision-making role in relation to grievances and/or disciplinary matters, particularly those that involve senior members of Trust staff, including the CEO, where they may be no more senior member of staff who can take on a decision-making role.

If a member of staff raises a grievance, members of the Board may be needed to hear the grievance and other members may be needed to decide on any appeal against that original decision.

Disciplinary action similarly will require an original decision maker and another independent person(s) to hear any potential appeal.

It will often be the case, therefore, that only a small number of Trustees will be involved at the first stage of a grievance or disciplinary matter, so that there are Board members who can approach a matter with fresh eyes in the event of a grievance or disciplinary hearing and an appeal hearing. You should not be surprised if you are not provided with details in a matter as it may be necessary to keep Trustees separate to allow for a fair appeal process. If all Trustees know everything from the outset, then an appeal may not be possible, or the Trust would need to arrange for an independent person to conduct an appeal for them.

Confidentiality

If a Trustee is contacted directly by a member of staff, they should bear in mind the potential need for decision makers and appeal hearers and limit who they involve. The first port of call should usually be HR, who can arrange to involve the most appropriate people in the circumstances. Any information they receive in their capacity as a Trustee should be kept confidential.

A refreshed Trustee Code of Conduct has been prepared to update it to include social media and confidentiality guidance.

Suspensions

Depending on the seriousness of the allegations in either a grievance or disciplinary matter it may be necessary to suspend a member of staff. Suspension should always be regarded as an option of last resort where there is no other way of dealing with a matter. Current ACAS Guidance on suspensions should always be followed and legal advice sought where the suspension of the CEO or member of the LT is being considered.

Further information

Further information may be found in the following documents, which will be provided to Trustees on appointment:

- John Muir Trust Standing Orders
- John Muir Trust Scheme of Delegation
- Employee Handbook, which contains the following: Grievance Policy, Anti-harassment and bullying Policy, and Whistleblowing Policy.