

ADVISING OUTSIDE ORGANISATIONS – GUIDANCE UPDATE AS A RESULT OF SCOTTISH CHARITY REGULATOR GUIDANCE

The purpose of this Circular is to remind you of the appropriate relationship between staff and the Committees or Boards of Independent non profit-making Organisations. This update takes into account guidance issued by the Office of the Scottish Charity Regulator as a result of recent legislation. This circular replaces circular 5/2010.

All staff should be reminded that if they are attending Committees, Boards or Trust meetings as a representative from the Council, they are there strictly as an adviser. Staff should therefore be careful to ensure that this is understood by the organisation involved and preferably recorded in a minute of a meeting. We, as officers, are able to take part in the discussions leading to a decision but must not take part in any voting procedures. If this simple guidance is followed, the member of staff is covered by the Council's insurance in case any advice they have tendered turns out to be negligent for whatever reason and results in financial claims being made against the organisation.

It is important that staff recognize the difference between being helpful and "hands on" in assisting a voluntary organization and remaining separate from the group's decision-making process. Under no circumstances should members of staff agree to be authorised signatories or treasurers of groups they are advising. In all cases where staff are unsure about the meaning of "advisory" or feel that boundaries are becoming blurred, they should discuss their situation with their line manager. Whether attending in a Council or private capacity staff are bound by the Employee Code of Conduct in terms of avoiding adopting a position which could be viewed as opposed to policies of the Council or which openly criticises their employer.

There is nothing to preclude a member of staff being on an outside board in an entirely private capacity. However, the standing guidance in terms of potential conflicts of interest should be adhered to. Good practice would suggest that any member of staff serving on any organization with aims which are similar to, or which may cross over into the work of the service, ought to discuss their involvement with their line manager prior to accepting the position. When serving in an entirely private capacity, staff are advised to check that the organization itself has insurance covering the liability of board members.

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