



English Schools' Football Association

# TRUSTEE HANDBOOK

## 2021/22

AC 10.08.21



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English Schools' Football Association

# **SECTION 1 – INTRODUCTION TO THE ESFA**

## **ESFA Purpose and Mission**

The English Schools' Football Association (ESFA), founded in 1904, is the governing body for schools' football in England as sanctioned by The Football Association and the Department for Education.

The ESFA's mission is as follows:

“Through the medium of association football, the English Schools' FA will support young people, who are in education, to develop:

- Self-discipline, loyalty and resilience
- Respect for those around them
- Positive decision-making
- A healthy lifestyle and physical skills
- A love and understanding of the game through enjoyment and achievement”

## **Council members**

Council members and their contact details can be found in the ESFA handbook and on the website, [www.schoolsfootball.org](http://www.schoolsfootball.org)

## **Staff members**

Staff members and their contact details can be found in the ESFA handbook and on the website, [www.schoolsfootball.org](http://www.schoolsfootball.org)

**IMPORTANT DIARY DATES  
SEASON 2020-2021**

**INTERNATIONAL SELECTION WEEKENDS – BOYS**

**For players under 18 on 1<sup>st</sup> January 2021 (unless SAFIB change this)**

Temporarily postponed

**INTERNATIONAL SELECTION WEEKENDS - GIRLS**

Temporarily postponed

**PREPARATORY TRAINING CAMPS**

TBC U18 Boys

TBC U15 Girls

**INTERNATIONAL FIXTURES - BOYS**

TBC Kit collection and fixture v RAF (?)

TBC UCFB Wembley Campus

TBC UCFB Eithad Campus

TBC Centenary Shield v Wales – Eastleigh FC

TBC Centenary Shield v Scotland – away

TBC Centenary Shield v N Ireland – Maidstone United FC

TBC Centenary Shield v Republic of Ireland – away

**INTERNATIONAL FIXTURES – GIRLS**

TBC Kit Collection and fixture v ISFA

TBC The John Read Trophy v ROI, Maidstone United FC

Easter 21 The Five Nationals Girls' U15 International Competition the Bob Docherty Cup (England)

**SCHOOLS' ASSOCIATION FOOTBALL INTERNATIONAL BOARD (SAFIB)**

TBC U14 Girls' Rod Houston Cup (England)

1 December 20 Winter Meeting

TBC U14 Boys' Allen McKinstry Cup

TBC International fixtures meeting

TBC Annual General Meeting

**COUNCIL MEETINGS**

12 September 20 Council at Bedfordshire County FA

5 December 20 Council post AGM, online

23-24 January 21 Council: venue tbc

13 March 21 Council: venue tbc

3-4 July 21 Council: venue tbc

**ANNUAL GENERAL MEEING**

2 December 20 Online

## **GIRLS' INTER-COUNTY FOOTBALL**

The dates for matches in Inter-County girls' competitions will continue to be the second weekend of every month:

- 12 September 20
- 10 October 20
- 14 November 20
- 12 December 20
- 9 January 21
- 13 February 21
- 13 March 21
- 10 April 21
- 8 May 21

## **COMPETITION DEADLINE DATES**

All other competition dates and deadlines can be seen in the competitions section of this handbook and on the ESFA website at [www.schoolsfootball.org](http://www.schoolsfootball.org)



English Schools' Football Association

# **SECTION 2 – BACKGROUND INFORMATION**

### **Annual Accounts**

The Annual Accounts have been provided to Trustees as part of the papers for the Annual General Meeting.

### **Annual Report**

The Annual Report has been provided to Trustees as part of the papers for the Annual General Meeting.

### **ESFA Website**

Further details about the history of the ESFA can be found on the ESFA website, [www.schoolsfootball.org](http://www.schoolsfootball.org)

### **ESFA Business Plan 21/22**

The ESFA Business Plan has been approved by Trustees as part of the business reporting.



English Schools' Football Association

# **SECTION 3 – ESFA STRUCTURE & FUNCTION**

## **ESFA STRUCTURE & FUNCTION: TRUSTEES**

### **CONSTITUTION:**

#### **(1) Functions and duties of charity trustees**

The charity trustees shall manage the affairs of the CIO and may for that purpose exercise all the powers of the CIO. It is the duty of each charity trustee:

- (a) to exercise his or her powers and to perform his or her functions as a trustee of the CIO in the way he or she decides in good faith would be most likely to further the purposes of the CIO; and
- (b) to exercise, in the performance of those functions, such care and skill as is reasonable in the circumstances having regard in particular to:
  - (i) any special knowledge or experience that he or she has or holds himself or herself out as having; and
  - (ii) if he or she acts as a charity trustee of the CIO in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

#### **(2) Eligibility for trusteeship**

- (a) Every charity trustee must be a natural person and not a corporate body.
- (b) No one may be appointed as a charity trustee:
  - if he or she is under the age of 16 years; or
  - if he or she would automatically cease to hold office under the provisions of clause 16(1)(f).
- (c) No one is entitled to act as a charity trustee whether on appointment or on any re-appointment until he or she has expressly acknowledged, in whatever way the charity trustees decide, his or her acceptance of the office of charity trustee.
- (d) At least one of the trustees of the CIO must be 18 years of age or over. If there is no charity trustee aged at least 18 years, the remaining charity trustee or charity trustees may act only to call a meeting of the charity trustees, or appoint a new charity trustee.

#### **(3) Number of charity trustees**

- (a) The maximum number of Charity trustees is 7.
- (b) there should be not more than 3 elected charity trustees (“Elected Trustees”)
- (c) there should be three ex officio charity trustees who are the current chairman, the current vice chairman and the preceding season’s chairman provided that such person remains a member of the Council (“Ex-Officio Trustees”), and the Board Safeguarding Champion

#### **(4) Current charity trustees**

The current charity trustees of the CIO are:

Michael Coyne  
Philip Harding  
Mark Hignett  
David Woollaston  
Stuart Botham  
Marvin Robinson  
Nick Loftus

#### **Appointment of charity trustees**

- (1) The charity trustees shall be appointed by the Council from amongst their number at the AGM each year.
- (2) The charity trustees shall be appointed for a term of office of three years which shall start on the date of the AGM at which they were appointed and end on the date of the AGM falling within the third year of their appointment.
- (3) The term of office for the first charity trustees will be deemed to start from the date of the AGM first following the adoption of this constitution.
- (4) Any vacancies arising in the number of charity trustees may be filled by the decision of the Council and should be notified to the next following AGM. Any person appointed to fill such a vacancy will be appointed for a three year term of office which will be deemed to start from the date of the AGM first following their appointment.
- (5) The Council or the charity trustees may at any time decide to appoint a new charity trustee as an additional charity trustee, provided that the limit specified in clause 12(3)(a) on the number of charity trustees would not as a result be exceeded. Such person shall be appointed for a three year term of office which will be deemed to start from the date of the AGM first following their appointment.



## TRUSTEES' TERMS OF REFERENCE

Body	Trustees
Establishment	The Trustees group is established by the Constitution as the “board” of the Association. Membership is by election by Council.
Membership	<p>Membership is prescribed by the Constitution as:</p> <ul style="list-style-type: none"> <li>3 x elected Council members</li> <li>Current Chairman (ex-officio)</li> <li>Current Vice-chairman (ex-officio)</li> <li>Outgoing Chairman (ex –officio, if still a Council member)</li> <li>Board Safeguarding Champion (ex-officio)</li> <li>Co-opted specialist(s) for advisory purposes (non-voting)</li> <li>The option to co-opt specialist (s) as voting members, subject to AGM approval</li> </ul> <p>The Chair of Trustees shall be elected by the Trustees from within their number</p>
Quorum	60%
Individual Tenure	<p>Elected Trustees shall serve for three years, and may serve up to three consecutive terms. An elected Trustee may not be appointed for a fourth consecutive term but may be reappointed after an interval of at least 3 years.</p> <p>Ex officio Trustees shall serve for the period of office by which they are warranted as Trustees</p> <p>A Trustee shall cease to hold office as prescribed in the Constitution, clause 16, or on expiration of the term of office as described above.</p>
Accountability	To membership

Primary Responsibility	To conduct business on behalf of the Association to further its charitable objects
Specific Responsibilities	<ul style="list-style-type: none"> <li>• To set the business plan for the Association, in consultation with Council, and monitor and report to Council for information</li> <li>• To set the financial strategy and the budget for the Association, in consultation with Council, and monitor and report to Council for information</li> <li>• To set the governance framework for the Association, in consultation with Council, and monitor and report to Council for</li> <li>• To set and monitor the legal and regulatory frameworks, including those for safeguarding, for the Association and report to Council for information</li> <li>• To set and monitor the operational frameworks for the Association and report to Council for information</li> <li>• To line manage the employed workforce in the Association</li> <li>• To establish committees of the Trustees, specifically, Council</li> <li>• To consult with membership as per the Constitution, clause 11</li> <li>• To ensure that clear communication lines are established to feedback key decisions of the Trustees to relevant stakeholders, particularly Council</li> <li>• To fulfil the “powers” of Trustees as laid down by the Constitution, clauses 4 - 5</li> </ul>
Consultation and Reporting	Council, Membership
Meeting frequency	On average, one per month from Sept – June each year
Lifespan	For the duration of the Constitution, subject to amendments by the Association’s General Meetings and approval by the Charity Commission
Review of ToR	Annually

## **ESFA STRUCTURE & FUNCTION: COUNCIL**

### **CONSTITUTION**

- (1) The charity trustees shall establish a committee known as the Council.
- (2) The Council shall be responsible for managing matters relating to managing, running and organising schools' football along with any other matters as the charity trustees shall determine from time to time. In particular, the charity trustees shall delegate authority, power and responsibility to the Council to:
  - a) determine the CIO's international programme of schools football and competitions;
  - b) determine the membership categories of the CIO and deal with the approval of members and all issues relating to membership in accordance with any rules set out by the charity trustees from time to time;
  - c) elect the charity trustees from amongst their number.
- (3) The Council shall comprise of:
  - (1) a) Elected Council Members – there shall be sixteen Elected Council Members with four being elected from each of the four Regions. The members of each Region will be responsible for electing the four Elected Council Members from their Region. The results of the election from each Region will be announced at the AGM. Elected Council Members will be appointed for three year terms of office which shall start, or be deemed to start, on the date of the AGM at which they were appointed and end on the date of the AGM falling within the third year of their appointment. In order to be eligible for appointment as an Elected Council Member, a member of the CIO must:
    - be a member of an Association; and
    - be a trained teacher holding QTS status.
  - b) Ex-Officio Council Members – the chief executive of the CIO from time to time shall automatically, by virtue of holding that office, be a Council member.
  - c) Independent Council Members – there shall be three Independent Council Members as follows:
    - i. a representative from The Football Association. The Council shall determine which post holder at The Football Association should be invited to act as The Football Association's representative;
    - ii. a representative from The Premier League. The Council shall determine which post holder at The Premier League should be invited to act as The Premier League's representative;
    - iii. a representative recommended by the honorary auditors of the CIO from time to time. This Independent Council Member may be co-opted to the board of charity trustees.
- (4) The Council shall report on their activities to the charity trustees in such manner and at such intervals as the charity trustees shall determine from time to time.



## COUNCIL TERMS OF REFERENCE

Body	Council
Establishment	The Council is established by the Constitution as a committee of the Trustees
Membership	<p>Membership is prescribed by the Constitution as:</p> <p>16 elected members, four from each of the four ESFA regions            2 independent members            1 ex-officio member            Up to 3 co-opted members to fulfil specific responsibilities (subject to AGM approval)</p> <p>The elected members shall be elected by the regions they serve, and to be eligible for election, be a member of an Association and be a trained teacher holding QTS, unless “extended eligibility” criteria apply</p> <p>One independent member shall be selected by the ESFA from the Football Association</p> <p>One independent member shall be selected, via open competition, by the Association’s Honorary Auditors</p> <p>One ex-officio member shall be the serving Chief Executive of the Association</p>
Quorum	12 members
Individual Tenure	<p>Elected and independent Members shall serve for three years, and may serve up to three consecutive terms. An elected Member may not be appointed for a fourth consecutive term but may be reappointed after an interval of at least 3 years.</p> <p>Ex officio member shall serve for the period of office by which they are warranted as a Council member</p>

	A Council member shall cease to hold office as prescribed in the Constitution, clause 17, or on expiration of the term of office as described above.
Accountability	To Trustees
Primary Responsibility	To direct and support matters relating to managing, running and delivering schools' football along with any other matters as the charity trustees shall determine from time to time
Specific Responsibilities	<ul style="list-style-type: none"> <li>• To establish a subcommittee infrastructure to support Council to fulfil its responsibilities</li> <li>• To propose, implement and monitor the bye laws which govern the game of football as applied to school pupils, once mandated to do so by the AGM;</li> <li>• To determine the membership categories of the Association, once mandated by the AGM, and deal with the approval of members and all issues relating to membership in accordance with any rules set out by the charity trustees from time to time</li> <li>• To determine the ESFA's international programme of schools football and competitions</li> <li>• To elect the Charity Trustees from within its number</li> <li>• To elect the Chair and Vice Chair of the Council from within its number</li> <li>• To contribute to consultation with the Trustees on matters for which they are responsible</li> <li>• To ensure that clear communication lines are established to feedback key decisions of the Council to membership</li> <li>• To assume other appropriate responsibilities as delegated by Trustees</li> </ul>
Consultation and Reporting	Trustees, Membership
Meeting frequency	Up to 6 times per year
Lifespan	For the duration of the Constitution, subject to amendments by the AGM and approval by the Charity Commission
Review ToR	Annually

## **GENERAL MEETINGS OF MEMBERSHIP**

### **(1) Types of general meeting**

There must be an AGM of the members of the CIO. The first AGM must be held within 18 months of the registration of the CIO, and subsequent AGMs must be held at intervals of not more than 15 months. The AGM must receive the annual statement of accounts (duly audited or examined where applicable) and the charity trustees' annual report, and must elect charity trustees as required under clause 13.

Other general meetings of the members of the CIO may be held at any time.

All general meetings must be held in accordance with the following provisions.

### **(2) Calling general meetings**

(a) The charity trustees:

(i) must call the annual general meeting of the members of the CIO in accordance with sub-clause (1) of this clause, and identify it as such in the notice of the meeting; and

(ii) may call any other general meeting of the members at any time.

(b) The charity trustees must, within 21 days, call a general meeting of the members of the CIO if:

(i) they receive a request to do so from at least 10% of the members of the CIO; and

(ii) the request states the general nature of the business to be dealt with at the meeting, and is authenticated by the member(s) making the request.

(c) If, at the time of any such request, there has not been any general meeting of the members of the CIO for more than 12 months, then sub-clause (b)(i) of this clause shall have effect as if 5% were substituted for 10%.

(d) Any such request may include particulars of a resolution that may properly be proposed, and is intended to be proposed, at the meeting.

(e) A resolution may only properly be proposed if it is lawful, and is not defamatory, frivolous or vexatious.

(f) Any general meeting called by the charity trustees at the request of the members of the CIO must be held within 28 days from the date on which it is called.

(g) If the charity trustees fail to comply with this obligation to call a general meeting at the request of its members, then the members who requested the meeting may themselves call a general meeting.

(h) A general meeting called in this way must be held not more than 3 months after the date when the members first requested the meeting.

(i) The CIO must reimburse any reasonable expenses incurred by the members calling a general meeting by reason of the failure of the charity trustees to duly call the meeting, but the CIO shall be entitled to be indemnified by the charity trustees who were responsible for such failure.

### **(3) Notice of general meetings**

- (a) The charity trustees, or, as the case may be, the relevant members of the CIO, must give at least 28 clear days' notice of any general meeting to all of the members, and to any charity trustee of the CIO who is not a member.
- (b) If it is agreed by not less than 90% of all present members of the CIO, any resolution may be proposed and passed at the meeting even though the requirements of sub-clause (3) (a) of this clause have not been met. This sub-clause does not apply where a specified period of notice is strictly required by another clause in this constitution, by the Charities Act 2011 or by the General Regulations.
- (c) The notice of any general meeting must:
  - (i) state the time and date of the meeting;
  - (ii) give the address at which the meeting is to take place;
  - (iii) give particulars of any resolution which is to be moved at the meeting, and of the general nature of any other business to be dealt with at the meeting; and
  - (iv) if a proposal to alter the constitution of the CIO is to be considered at the meeting, include the text of the proposed alteration;
  - (i) include, with the notice for the AGM, the annual statement of accounts and charity trustees' annual report, details of persons standing for election or re-election as charity trustee, or where allowed under clause 22 (Use of electronic communication), details of where the information may be found on the CIO's website.
- (d) Proof that an envelope containing a notice was properly addressed, prepaid and posted; or that an electronic form of notice was properly addressed and sent, shall be conclusive evidence that the notice was given. Notice shall be deemed to be given 48 hours after it was posted or sent.
- (e) The proceedings of a meeting shall not be invalidated because a member who was entitled to receive notice of the meeting did not receive it because of accidental omission by the CIO.

### **(4) Chairing of general meetings**

The person nominated as chair by the charity trustees under clause 22(2) (Chairing of meetings), shall, if present at the general meeting and willing to act, preside as chair of the meeting. Subject to that, the members of the CIO who are present at a general meeting shall elect a chair to preside at the meeting.

### **(5) Quorum at general meetings**

- (a) No business may be transacted at any general meeting of the members of the CIO unless a quorum is present when the meeting starts.
- (b) Subject to the following provisions, the quorum for general meetings shall be 10% of the membership. An organisation represented by a person present at the meeting in accordance with sub-clause (7) of this clause, is counted as being present in person.

(c) If the meeting has been called by or at the request of the members and a quorum is not present within 15 minutes of the starting time specified in the notice of the meeting, the meeting is closed.

(d) If the meeting has been called in any other way and a quorum is not present within 15 minutes of the starting time specified in the notice of the meeting, the chair must adjourn the meeting. The date, time and place at which the meeting will resume must either be announced by the chair or be notified to the CIO's members at least seven clear days before the date on which it will resume.

(e) If a quorum is not present within 15 minutes of the start time of the adjourned meeting, the member or members present at the meeting constitute a quorum.

(f) If at any time during the meeting a quorum ceases to be present, the meeting may discuss issues and make recommendations to the charity trustees but may not make any decisions. If decisions are required which must be made by a meeting of the members, the meeting must be adjourned.

#### **(6) Voting at general meetings**

(a) Any decision other than one falling within clause 10(4) (Decisions that must be taken in a particular way) shall be taken by a majority of votes cast at the meeting (including postal votes). An Association representative can only vote for his or her District Association and/or his or her County Association. A member of the Council may use his or her own vote, plus either his or her District or County Association vote if he or she is also the Association's representative. (b) A resolution put to the vote of a meeting shall be decided on a show of hands, unless (before or on the declaration of the result of the show of hands) a poll is duly demanded. A poll may be demanded by the chair or by at least 10% of the members present in person at the meeting.

(c) A poll demanded on the election of a person to chair the meeting or on a question of adjournment must be taken immediately. A poll on any other matter shall be taken, and the result of the poll shall be announced, in such manner as the chair of the meeting shall decide, provided that the poll must be taken, and the result of the poll announced, within 30 days of the demand for the poll.

(d) A poll may be taken:

- (i) at the meeting at which it was demanded; or
- (ii) at some other time and place specified by the chair; or
- (iii) through the use of postal or electronic communications.

(e) In the event of an equality of votes, whether on a show of hands or on a poll, the chair of the meeting shall have a second, or casting vote.

(f) Any objection to the qualification of any voter must be raised at the meeting at which the vote is cast and the decision of the chair of the meeting shall be final.

#### **(7) Postal Voting**

(a) The CIO may, if, in exceptional circumstances, the Council so decide, allow the members to vote by post or electronic mail ("email") to elect charity trustees and/or Council members..

- (b) The charity trustees must appoint at least two persons independent of the CIO to serve as scrutineers to supervise the conduct of the postal/email ballot and the counting of votes.
- (c) If postal and/or email voting is to be allowed, the CIO must send to members of the CIO not less than 21 days before the deadline for receipt of votes cast in this way:
  - (i) a notice by email, if the member has agreed to receive notices in this way under clause 22 (Use of electronic communications), including an explanation of the purpose of the vote and the voting procedure to be followed by the member, and a voting form capable of being returned by email or post to the CIO, containing details of the resolution being put to a vote, or of the candidates for election, as applicable;
  - (ii) a notice by post to all other members, including a written explanation of the purpose of the postal vote and the voting procedure to be followed by the member; and a postal voting form containing details of the resolution being put to a vote, or of the candidates for election, as applicable.
- (d) The voting procedure must require all forms returned by post to be in an envelope with the member's name and signature, and nothing else, on the outside, inside another envelope addressed to "The Scrutineers for ESFA", at the CIOs principal office or such other postal address as is specified in the voting procedure.
- (e) The voting procedure for votes cast by email must require the member's name to be at the top of the email, and the email must be authenticated in the manner specified in the voting procedure.
- (f) Email votes must be returned to an email address used only for this purpose and must be accessed only by a scrutineer.
- (g) The voting procedure must specify the closing date and time for receipt of votes, and must state that any votes received after the closing date or not complying with the voting procedure will be invalid and not be counted.
- (h) The scrutineers must make a list of names of members casting valid votes, and a separate list of members casting votes which were invalid. These lists must be provided to a charity trustee or other person overseeing admission to, and voting at, the general meeting. A member who has cast a valid postal or email vote must not vote at the meeting, and must not be counted in the quorum for any part of the meeting on which he, she or it has already cast a valid vote. A member who has cast an invalid vote by post or email is allowed to vote at the meeting and counts towards the quorum.
- (i) For postal votes, the scrutineers must retain the internal envelopes (with the member's name and signature). For email votes, the scrutineers must cut off and retain any part of the email that includes the member's name. In each case, a scrutineer must record on this evidence of the member's name that the vote has been counted, or if the vote has been declared invalid, the reason for such declaration.
- (j) Votes cast by post or email must be counted by all the scrutineers before the meeting at which the vote is to be taken. The scrutineers must provide to the person chairing the meeting written confirmation of the number of valid votes received by post and email and the number of votes received which were invalid.

- (k) The scrutineers must not disclose the result of the postal/email ballot until after votes taken by hand or by poll at the meeting, or by poll after the meeting, have been counted. Only at this point shall the scrutineers declare the result of the valid votes received, and these votes shall be included in the declaration of the result of the vote.
- (l) Following the final declaration of the result of the vote, the scrutineers must provide to a charity trustee or other authorised person bundles containing the evidence of members submitting valid postal votes; evidence of members submitting valid email votes; evidence of invalid votes; the valid votes; and the invalid votes.
- (m) Any dispute about the conduct of a postal or email ballot must be referred initially to a panel set up by the charity trustees, to consist of two charity trustees and two persons independent of the CIO. If the dispute cannot be satisfactorily resolved by the panel, it must be referred to the Electoral Reform Services.

### **(8) Representation of Associations**

A member Association should, in accordance with its usual decision-making process, authorise a person to act as its representative at any general meeting of the CIO.

The representative is entitled to exercise the same powers on behalf of the Association as the Association could exercise as an individual member of the CIO.

### **(9) Adjournment of meetings**

The chair may with the consent of a meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting to another time and/or place. No business may be transacted at an adjourned meeting except business which could properly have been transacted at the original meeting.

## HONORARY AUDITORS

The remit for the Honorary Auditor is as follows:

- 1 The role of the Honorary Auditors:
  - To provide the ESFA membership with assurance that the ESFA Council is taking the appropriate steps to fulfil its responsibilities in discharging the Association's charitable objects;
  - In so doing, to provide the ESFA membership with assurance that the responsibilities of Trustees, as laid down by the Charity Commission, are being effectively discharged, particularly with regard to the appropriate use of the Association's resources;
  - And as a consequence, to provide assurance that the Association is being appropriately and securely governed.
  
- 2 The responsibilities of the Honorary Auditors:
  1. To consider the effectiveness of the Association's overarching governance arrangements;
  2. To consider the effectiveness of the Council's financial decision making;
  3. To consider the effectiveness of the arrangements put in place to monitor and manage risk, particularly that associated with income contracts;
  4. To provide assurance that the Association has the appropriate arrangements in place to comply with the major legal and regulatory requirements placed upon it;
  5. To report findings to the AGM;
  6. To undertake incidental duties at the request of the Chair of Council, within the time commitments outlined in the requirements for the role, where the Chair determines that any ESFA matter requires independent investigation.

### 3 Eligibility:

Individuals shall be eligible for consideration of the role of Honorary Auditor role by virtue of:

- Being a member of an affiliated association or school;
- Not having been a serving Council member for at least three years;
- Not having served as an Honorary Auditor for at least three years;
- Having skills and experience in at least one of the following:
  - ESFA General Rules
  - Practice and procedures in ESFA
  - Financial management
  - Employment regulation
  - Charity commission regulation
  - Good practice in governance
- Their ability to commit to no more than 10 days per season, on a pre-determined calendar, to fulfil their responsibilities.



English Schools' Football Association

# **SECTION 4 – TRUSTEE ROLES AND RESPONSIBILITIES – AT A GLANCE**

## ROLE DESCRIPTION

### TRUSTEE OF THE ENGLISH SCHOOLS' FA

<b>Role:</b>	Trustee
<b>Salary &amp; benefits:</b>	This is a voluntary post although reasonable expenses will be reimbursed
<b>Responsible to:</b>	Chair of Trustees
<b>Main responsibilities:</b>	To manage the affairs of the Association, as per the Constitution, with particular responsibility for the financial, legal and staffing matters of the Association

- To propose the strategy for the Association and to consult with members on business plan objectives, priorities and plans;
- To set the legal, regulatory, governance, financial and operational frameworks of the Association, including for safeguarding;
- To monitor the implementation, compliance with and outcomes from those frameworks;
- To evaluate the performance of the Association against each of these frameworks with a view to continuous improvement;
- To establish committees to support the conduct of the Association's business;
- To take advice from the Council on footballing matters, and to contribute to the delivery of football either locally, regionally or nationally;
- Attend Trustees meetings, usually monthly, between September and June each year, with no more than two absences per year;
- To fulfil the financial responsibilities of the role as prescribed in the Financial Regulations;
- To participate in training, development and review processes necessary to fulfil the role;
- To support the ESFA Council to fulfil its responsibilities;
- To act with high standards of professionalism, business integrity and personal conduct at all times;
- To act as an ambassador for the ESFA in the conduct of all business;
- To comply with the requirements of the Trustee handbook;
- To discharge the responsibilities of Trustees as laid down by the Charity Commission.

#### Eligibility to serve as a Trustee

Trustees shall be elected from the ESFA's Council and as such, unless filling the role of a co-opted Trustee, must be a Council member

Every charity trustee must be a natural person and not a corporate body.

No one may be appointed as a charity trustee:

- if he or she is under the age of 16 years; or
- if he or she would automatically cease to hold office under the provisions of clause 16(1)(f).

No one is entitled to act as a charity trustee whether on appointment or on any re-appointment until he or she has expressly acknowledged, in whatever way the charity trustees decide, his or her acceptance of the office of charity trustee.

At least one of the trustees of the ESFA must be 18 years of age or over.

## **Skills**

Trustees are responsible for the “business” of the charity and as such will need to demonstrate expertise in some or all of the attributes listed below, depending on the skills mix in existence at the time of appointment:

- Governance
- Financial management
- Strategic/business planning
- Self evaluation
- Staff recruitment & performance management
- Negotiation/mediating
- Complaints/grievance/appeals
- Legal, HR, marketing or other business specialism

## **Term of Office**

Trustees shall be appointed for a three year term of office, unless their term as a Council member is due to expire before then, in which case their appointment shall be for the duration of their tenure as a Council member. A charity Trustee can be re-elected to serve no more than 3 consecutive three year terms, and can only be re-appointed thereafter following a gap of 3 years.

## **Selection**

Trustees shall be elected by Council upon consideration of their skills. Council may appoint a nominations committee to consider expressions of interest in the role.

### **“Fit and proper person” test**

The Charity Commission requires Charities to check that Trustees are, by HMRC definitions, “fit and proper persons” to act as Trustees. The test is designed to ensure that Charities are not managed or controlled by individuals who present a risk to the charity’s tax position. Trustees are therefore required read part 1 of the “Trustee Declaration” on page 20 of this handbook and once satisfied all the conditions are met, sign and return it to the Chief Executive within one month of commencing as a Trustee. Please note that failure to match the expectations of the fit and proper person test may result in members being required to vacate their Trustee post.

### **Trustee eligibility declaration**

The Charity Commission specifies further conditions which must be met for individuals to hold Trustee office. Part 2 of the Trustee Declaration outlines these eligibility criteria. Trustees are therefore required read part 2 of the “Trustee Declaration” on page 20 of this handbook and once satisfied all the conditions are met, sign and return it to the Chief Executive within one month of commencing as a Trustee. Trustees are also required to declare that they will not be subject to disqualification following the introduction of new legislation in England. Please note that failure to prove eligibility as outlined in the declarations may result in members being required to vacate their Trustee post.

### **Working with Children**

In specific circumstances, some Trustees may be required to undergo DBS (or other relevant) checking prior to engaging in restricted activity on behalf of the ESFA. Although this may not be applicable to all Trustees, as an Association set up to serve children, Trustees are required by the ESFA to declare that they are fit to work with children and will undertake appropriate DBS checks if requested to do so. Failure to agree to a DBS check, or in the event that the DBS check identifies that a Trustee is not fit to work with children, the Trustee may be required to vacate their office.

### **Trustee expenses and benefits**

Trustees are not permitted, under Charity Commission guidelines, to gain benefits by virtue of their office, nor are they permitted to be out of pocket as a result of serving as a Trustee. The ESFA has detailed guidance on Trustees’ expenses and benefits, including procedures which outline how we demonstrate to our membership that Trustees’ decisions are not influenced by their personal relationships and the “perks” of those relationships. Details are contained in the “governance policies” of this handbook, where there is an extract from the Association’s financial regulations.

### **Council & Trustee code of conduct**

The code of conduct on pages 32-34 of this handbook outlines the expectations of Trustees in their conduct as representatives of the ESFA. Please take the time to read this code carefully, as it embodies ESFA values as well as Trustee responsibilities. Trustees are required to sign their agreement to this code of conduct within one month of appointment, and to return it to the Chief Executive.

## TRUSTEE DECLARATION

### 1: FIT AND PROPER PERSON DECLARATION

I confirm that I have not:

- been involved in tax fraud
- been involved in other fraudulent behaviour including misrepresentation and/or identity theft
- had involvement in attacks against, or abuse of, tax repayment systems
- used a tax avoidance scheme featuring charitable reliefs or using a charity to facilitate the avoidance
- been involved in designing and/or promoting tax avoidance schemes
- been barred from acting as a charity Trustee by a charity regulator or Court, or being disqualified from acting as a company director

### 2: TRUSTEE ELIGIBILITY DECLARATION

I confirm that:

- I am at least 18 years old
- I have not been disqualified from being a Trustee under the Charities Act and therefore:
  - Am not a disqualified company director
  - Do not have an unspent conviction for an offence involving dishonesty or deception
  - Am not an undischarged bankrupt and do not have a current composition or arrangement including an individual voluntary arrangement (IVA) with creditors
  - Have not been removed as a Trustee of any charity by the Charity Commission or the court because of misconduct or mismanagement.

### 3: FITNESS TO WORK WITH CHILDREN

I confirm that:

- I am willing to undertake appropriate DBS (or other relevant) checks as part of my role with the ESFA, if that role involves the undertaking of restricted activities.
- Irrespective of whether a DBS (or other relevant) check is necessary, I consider myself to be safe to work with children and have no convictions and am not subject to any investigations which would cast doubt on this matter.

In line with the requirements of HMRC and the Charity Commission, I agree to this information being held for a period of 4 years after completion of my service as a Trustee

Signature: .....

Name: .....

Date:.....

## Trustee positions

### Automatic disqualification declaration

This example can be used alongside the [existing trustee declaration](#)<sup>1</sup> form by:

- Charities to satisfy themselves that individuals who hold (or who are applying for) a trustee position will not be disqualified from holding that position from 1 August. Charities can ask the individual to complete this declaration alongside the [existing trustee declaration form](#) if they have not already done so.
- Individuals who hold, or are applying for, a trustee position, to declare that they will not be disqualified from holding that position from 1 August 2018.

Charities must make sure any declaration forms are handled and processed in accordance with duties under the General Data Protection Regulation (GDPR).

From 1 August 2018 individuals will be automatically disqualified from acting as a trustee of a charity if:

- one or more of the reasons in Annex A apply; and
- they have not obtained a waiver of that disqualification from the Charity Commission.

#### Completing the declaration

Read the automatic disqualification [guidance](#)<sup>2</sup> to decide if you will be disqualified from 1 August 2018

Complete and sign this declaration to confirm that you will not be disqualified.

If one of the disqualification reasons does apply, you may be able to [apply for a waiver from the Charity Commission](#)<sup>3</sup> which will allow you to take up or continue to act as a trustee.

Pass a copy of the completed declaration to the trustees for the charity's records (the declaration should not be sent to the Charity Commission).

#### Declaration

I declare that:

- I am not disqualified from acting as a trustee from 1 August 2018; and
- I will inform the trustees promptly if, after the date of this declaration, one or more of the disqualification reasons applies to me.

Full Name:

Signature:

Date:

Charity Name and Number:

After 1 August 2018, you will be automatically disqualified from acting as a trustee if:

1. You have an **unspent** conviction for any of the following
  - a) an offence involving **deception or dishonesty**
  - b) a **terrorism** offence
    - a. to which Part 4 of the Counter-Terrorism Act 2008 applies
    - b. under sections 13 or 19 of the Terrorism Act 2000
  - c) a **money laundering** offence within the meaning of section 415 of the Proceeds of Crime Act 2002
  - d) a **bribery** offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
  - e) an offence of **contravening a Commission Order or Direction** under section 77 of the Charities Act 2011
  - f) an offence of **misconduct in public office, perjury or perverting the course of justice** yes/no
  - g) 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
2. You are **on the sex offenders register** (ie. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
3. You have an unspent sanction for **contempt of court** for making, or causing to be made, a false statement or for making , or causing to be made, a false statement in a document verified by a statement of truth
4. You have been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011.
5. You 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.
6. You have **previously been removed as an officer, agent or employee of a charity** by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
7. You have **previously been removed as a trustee** of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
8. You have been **removed from management or control of anybody** under section s34(5)(e) of the Charities and Trustee Investment (**Scotland**) Act 2005 (or earlier legislation)
9. You are **disqualified from being a company director**, or have given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for you to act as director of the charity

10. You are **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order)
11. You **have an individual voluntary arrangement** (IVA) to pay off debts with creditors
12. You are **subject to** a moratorium period under **a debt relief order**, or a debt relief restrictions order, or an interim order
13. You are subject to an order made under s.429(2) of the Insolvency Act 1986.  
**(Failure to pay under a County Court Administration Order.)**

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## **Council Code of Conduct**

### **Scope**

The Code of Conduct (the “Code”) applies to all Members of the ESFA Council (“Members”) as defined within the Rules of the Association, including independent, co-opted and ex-officio members. The Code applies whenever a Council Member is representing the ESFA in any circumstance, event or activity.

### **Diligence**

Members must be diligent in exercising their powers and carrying out their duties as a Council or Committee Member, as laid down in the role description.

### **Eligibility to serve as a Trustee**

Members must declare their eligibility to act as a Trustee. Trustee eligibility will be checked on appointment and any undeclared factor identified through this checking may render Trustee appointments null and void. Any Trustee appointed who subsequently becomes ineligible to serve shall declare this ineligibility as soon as it is known, and shall step down from the Trustees with immediate effect.

### **Accountability**

Members are accountable to the ESFA and must exercise their powers as a Council Member in good faith and for the benefit of the ESFA, its members and the wider football family. Members will be held accountable for actions/decisions, and must submit themselves to whatever scrutiny is thought to be appropriate by the relevant committee of Council or by the Association’s regulator, the Charity Commission.

### **Confidentiality**

Members must abide by expectations of confidentiality in the conduct of Council business. Confidential information acquired by virtue of Council membership must not be used for private purposes or for personal/local association gain, nor shall it be disclosed to the media or any third party. Confidential information is any information which comes into Council’s possession as a result of their ESFA role which members ought reasonably to know is confidential.

This provision does not preclude members of Council from properly consulting, on the instruction of Council, with the bodies which appoint them about policy matters which come before Council or any Committee of Council.

### **Cabinet Responsibility**

Members shall abide by the principles of cabinet responsibility. Each member shall be entitled to present their point of view on ESFA business matters, but once a quorate decision has been taken, Members shall abide by that decision and corporately support it.

## **Child Welfare**

Members shall familiarise themselves with the Child Welfare policies provided on the ESFA website and shall, unless qualified child welfare officers, refer any concerns to the National Child Welfare Officers in line with the disclosure/referral policy.

## **Conflict of interest**

Members shall abide by the conflict of interest and/or loyalty policy provided in the “governance policies” section of the Trustee handbook and shall declare interests in line with the definitions below:

Conflict of interest: where there is a potential financial or measurable benefit directly to a Trustee, or indirectly, through a connected person, meaning that the best interest of an individual Trustee may be different to the best interest of the Association.

Conflict of loyalty: where a Trustee’s loyalty or duty to another person or organisation could prevent the Trustee from making a decision only in the best interest of the Association as a whole, even though there may not be any personal gain, or gain for connected persons.

Council members will be influenced by their local and regional perspectives but must make decisions based on the best interests of the Association nationally.

## **Expenses**

Members shall abide by the ESFA expenses and benefits policy as amended from time to time and must ensure that all expense claims are reasonable, accurate and honest, supported by the evidence laid down in the policy, and do not represent the use of the ESFA’s resources for individual, family or other connected persons’ gain.

## **Gifts and Hospitality**

Members shall abide by the conflict of interest and/or loyalty policy, and the Trustees’ expenses and benefits policy provided in the “governance policies” section of this handbook. These policies outline the limited circumstances in which acceptance of gifts or hospitality is permitted. No Trustee should reap benefits from being a Trustee, nor risk the reputation of the Association by accepting gifts which could be perceived as influencing their decision making.

## **Leadership and Role Modelling**

Members should promote and support the principles set out in this Code and the values set out in the mission statement by leadership and example, always acting in such a way as to preserve confidence in and promote the value of Schools’ Football.

## **Respect and Welfare**

Members must treat others with respect and dignity (including but not limited to the ESFA staff) and must not bully, harass, victimise or discriminate against any person(s) or do anything which would bring the ESFA into disrepute or cause the ESFA to breach any of the equality or health and safety Acts. Members must take reasonable responsibility for their own health,

safety and welfare whilst on ESFA business, and raise any concerns immediately they arise with the Chief Executive.

**Data Protection**

Members shall comply with the provisions of the data protection policy, laid down in this handbook, and shall not pass on any personal details of any person to a third party without that person's express permission to do so, unless that information is readily available in the public domain.

**Press & Media**

Members are not permitted to discuss any ESFA business with the press or wider media on behalf of ESFA, unless as explicitly part of a specific remit as a Council or Committee Member. Any enquiries from the press or wider media about the ESFA which asks for the views of the ESFA must be referred to the Chairman and Chief Executive, as soon as is practicable, without issuing a response. If any Trustee represents the views of another body as opposed to the ESFA on a matter affecting the ESFA, this must be made clear to the press and wider media.

**Breach**

The Chairman of Council must be informed with immediate effect if any Council member feels that they have breached this Code. If any member's conduct is not in line with this code, (s)he may be required to vacate office as a Council Member.

**I agree to abide by this Code of Conduct**

Signature: .....

Name: ..... Date:.....



English Schools' Football Association

# SECTION 4 – GOVERNANCE POLICIES

## 1 Policy Statement - Finance

We are committed to ensuring that ESFA funds are used to fulfil its charitable objects in a manner which is sustainable, proper, controlled and monitored, and does not put the charity's funds and resources at risk.

This policy outlines the financial management arrangements in place to achieve the policy objectives.

## 2 Policy Commitments

### Financial Administration

- **Banking:** the ESFA shall only open bank accounts in its own name and on the authority of the Trustees, at which time specific responsibilities will be identified and a scheme of delegation prepared or updated. Changes to the bank mandate shall only be made on the minuted decision of the Trustees.
- **Scheme of delegation:** the ESFA shall publish to its staff and Council members a scheme of delegation identifying the permitted levels of financial commitment by post-holder and the authorisation levels associated with each commitment level;
- **Financial record keeping:** the ESFA shall keep sufficient accounting records of all transactions to comply with relevant legislation and to ensure that financial monitoring and reporting is accurate and timely;
- **Financial reporting:** the ESFA shall comply with the requirements of the Charity Act and any other relevant legislation in its financial reporting and shall ensure that the annual report, accounts and annual return are filed on time, following appropriate approval by the Trustees;
- **Information security:** financial information shall be held securely on the FA server, where this is permissible, and where not, on a separate computer with a back-up which is held off site.
- **Petty cash:** the ESFA shall maintain a small petty cash float for incidental expenditure agreed in advance with the Finance Officer and a petty cash record shall be maintained. The entries in the petty cash record shall be reviewed annually to determine whether alternative arrangements are appropriate;
- **Training:** the ESFA shall provide appropriate training to those with financial responsibilities to ensure that these policy commitments can be delivered.

### Financial Management

- **Accounting practice:** the ESFA shall comply with the charities' Statement of Operating Practice (SORP) and all applicable UK Generally Accepted Accounting Practices (UK GAAP) in its management accountancy;
- **Budget setting:** the draft budget shall be proposed by the Chief Executive prior to the start of the financial year, and shall be scrutinised and approved by the Trustees. No expenditure shall be incurred in advance of the agreement of the annual budget;
- **Budget monitoring:** an update on financial performance shall be provided to Trustees by the Finance Officer on a quarterly basis throughout the year, and in

advance of the year end. This reporting shall include but not be restricted to income and expenditure, material variations against budget and cashflow, and a balance sheet, which shall be provided only at the mid-year point and at year end;

- **Expenditure controls:** the ESFA shall operate a system of control which prevents expenditure commitments being made beyond the limits and responsibilities determined in the scheme of delegation and includes a checking procedure to prevent financial malpractice;
- **Procurement and purchasing:** where Trustees have the discretion over the supplier of a service or product, three quotations shall generally be obtained prior to awarding a contract or placing an order. Purchases shall be made only where expenditure is essential and then based on the cheapest quotation as long as that meets the full specification and quality requirements of the ESFA. This does not apply to single expenditure decisions of less than £50.
- **Credit Cards:** ESFA credit cards shall be provided to the Chair of Trustees, the Chair of Council and the CEO and shall be used only for essential expenditure incurred on behalf of the ESFA. Receipts shall be provided to the finance officer;
- **Income:** the ESFA shall operate a system of control which allows only for the appropriate receipting of income, and for ensuring that the terms and conditions associated with the income are met. Any new income opportunities shall be assessed in line with the due diligence process and a full cost benefit analysis;
- **Expenses:** the ESFA shall reimburse legitimate business expenses as determined on an annual basis by the Trustees. These decisions shall be informed by HMRC guidance and limitations;
- **Depreciation:** the ESFA shall depreciate its fixed assets as noted below:
  - Office equipment: 25% reducing balance
  - Computer equipment: 3 year straight line
  - Property: 2%
- **Reserves:** the ESFA shall hold in reserve sufficient funds to cover core activities for approximately 6 months. Day to day funds shall be held in a general reserve, short and medium term treasury accounts. Long term investments to the value of no greater £160,000 shall be made in low risk investments and no investment shall be made in funds or companies whose activity conflicts with or compromises that of the ESFA;
- **Risk management:** the Trustees shall, when considering all investment, expenditure and income decisions, give due regard to the risk inherent in those decisions. These considerations shall include, but not be limited to, known future commitments, changes, threats and opportunities; returns on investment; investment security; accessibility of funds; ability to deliver to meet terms; threat to reputation; threats to quality of service/delivery; potential loss or insecurity of income; impact on membership; affordability, viability and the impact of decisions on cashflow;
- **Asset management:** the ESFA shall maintain a fixed asset register and review those assets on an annual basis. Current assets shall be reviewed through bank statement reconciliation and there will be a three yearly review of deposit accounts to ensure best fit with ESFA business needs.

## Financial Malpractice

- **Fraud:** the ESFA shall operate a system of control which provides adequate protection from the possibility of fraud and financial crime and abuse. This shall include, but not be restricted to, schemes of delegation, segregation of duties, safe and secure data and systems management and procedures for reporting concerns;
- **Anti-bribery:** the ESFA will not tolerate the acceptance of bribes to influence expenditure, service or partnership arrangements. This responsibility will be discharged through the controls in the financial procedures, through the maintenance of a register of interests and through the declaration of gifts and hospitality;
- **Register of interests:** the ESFA will retain a register of all Council and staff member interests and shall ensure that, in the interests of financial probity, those with potential vested interests are excluded from expenditure, investment or contracting decisions;
- **Donations, gifts and hospitality:** all hospitality, donations and gifts to individuals with a value of greater than £10, shall be notified to the Finance Officer who shall maintain a register of these transactions and shall monitor it for trends and use it to report to Trustees in the event of the supplier being considered for a new or renewed contract/service/ partnership;
- **Whistleblowing:** concerns about financial mismanagement shall be raised through the ESFA's whistleblowing procedure.

## Employee Arrangements

- **Payroll:** the payroll shall be run on a monthly basis, taking account of all deductions and making payments only in line with minuted decisions of the Trustees. The ESFA complies with minimum wage legislation;
- **Pension provision:** the ESFA shall offer a staff pension with a contribution rate of 8%, and shall comply with all statutory legislation with regard to pension provision;

## Professional Services

- **Independent auditor:** the ESFA shall appoint an independent auditor for a period of 1 year, by recommendation from Trustees to the AGM;
- **Financial advice:** the ESFA shall retain a financial adviser who is separate to the internal auditor, for the purposes of investment advice;
- **Insurance:** the ESFA shall hold appropriate insurance policies to cover employer's liability, public liability (including for all affiliated ESFA county and district school members), Trustee liability, building and contents and personal accident and travel.

## 3 References and tools support the Policy

Financial procedures

## 4 Policy Review Arrangements

This policy will be reviewed at least annually, or in the event of suspected or identified fraud or malpractice, following that event.

## **1 Policy Statement: Governance – Conflicts of Interest or Loyalty**

We are committed to developing a best practice model of governance which supports, protects and preserves the Association and ensures full compliance with the expectations of the Charity Commission. We will ensure that all governance decisions are evidence based, non-discriminatory, fair and equitable.

This policy outlines the arrangements for identifying and managing potential or actual conflicts of interest or loyalty to ensure that all decisions are always taken in the best interests of the Association.

## **2 Trustee Responsibilities**

We shall:

- Always put the best interests of the Association first and work to safeguard the assets and reputation of the Association, irrespective of whether the Trustee is an Association member, an independent member or a co-opted member;
- Take individual and personal responsibility for declaring conflicts of interest or loyalty through the completion and subsequent annual review of the Register of Interests, and through re-declaration of those and any new interests at each meeting of the Trustees;
- Facilitate the latter through having “conflict of interest” as an agenda item at the start of each Trustee’s meeting and the former through a register held by the Chief Executive;
- Take individual and personal responsibility for withdrawing from discussion in which any possible conflict of interest will arise, and not vote on those matters;
- In cases of conflicted loyalty, consider each instance and through the Chair of Council and the Chair of Trustees, determine whether or not withdrawal is necessary, unless one or more of these Chairs are conflicted, in which case the decision shall be taken by the Vice Chair, supported by the Chief Executive;
- Using the authority of the Chair, remind those with conflicts of interest of their responsibility to absent themselves from discussion, in the event that they fail to take personal responsibility;
- Exclude members absenting themselves from discussion from the quorum for that agenda item;
- Ensure that the minutes of meetings reflect the action taken where declarations of interest or loyalty are identified;
- Only receive a benefit as a result of serving as a Trustee where there is the express consent of the Charity Commission to do so. This does not include the reimbursement of actual expenses necessarily incurred in the conduct of ESFA business, nor any other exclusions expressly stated in the Constitution of the Association;
- Ensure that there is no conflict arising from benefits accrued through the conduct of normal business by declaring the receipt of hospitality with an estimated value of greater than £10;
- Ensure that there is no conflict arising from benefits offered by third parties by declining gifts with an estimated value of more than £10; or, in accepting the gift, declaring it and

surrendering it to the Chair of Trustees for consideration of appropriate disposal (through fundraising activity, donation or other charitable means);

- Through the authority of the Chair, challenge any undeclared and perceived conflict of interest or loyalty in other Trustees, in the interest of ensuring that the Association's best interests are upheld;
- Consider the removal of any Trustee who has a significant or serious conflict, or whose interests regularly place them in competition with the Association's interests;
- Include this and other key policies in the induction programme and information pack for any new Trustee;
- Understand that a failure to declare any conflict of interest is, in law, a failure to comply with Trustee duties and may result in financial penalty, regulatory action by the Charity Commission and removal from the Trustee body.

### **3 Employee Responsibilities**

Employees shall:

- Where they act as committee secretaries, ensure that conflicts of interest are appropriately declared and minuted;
- Comply with the provisions relating to hospitality and gifts, as noted above;
- Declare any personal interests or loyalties, where they exist, when any recommendations are made to the Trustees
- Where authority is assigned, maintain the register of interest and loyalty, and any benefits declared, and review them annually
- Where authority is assigned, ensure that benefits and payments made to Trustees are appropriately recorded in the accounts

### **4 References and tools support the Policy**

Definitions:

Conflict of interest: where there is a potential financial or measurable benefit directly to a Trustee, or indirectly, through a connected person, meaning that the best interest of an individual Trustee may be different to the best interest of the Association.

Conflict of loyalty: where a Trustee's loyalty or duty to another person or organisation could prevent the Trustee from making a decision only in the best interest of the Association as a whole, even though there may not be any personal gain, or gain for connected persons.

Connected person:

- (a) a child, parent, grandchild, grandparent, brother or sister of the charity Trustee;
- (b) the spouse or civil partner of the charity Trustee or of any person falling within sub-clause (a) above;
- (c) a person carrying on business in partnership with the charity Trustee or with any person falling within sub-clause (a) or (b) above;

(d) an institution which is controlled –

(i) by the charity Trustee or any connected person falling within sub-clause (a), (b), or (c) above; or

(ii) by two or more persons falling within sub-clause (d)(i), when taken together

(e) a body corporate in which –

(i) the charity Trustee or any connected person falling within sub-clauses (a) to (c) has a substantial interest; or

(ii) two or more persons falling within sub-clause (e)(i) who, when taken together, have a substantial interest.

Association's constitution

Trustee expenses policy

## **5 Policy Review Arrangements**

This policy will be reviewed at least annually.

## DECISION MAKING AND THE SCHEME OF DELEGATION

TOPIC	RESPONSIBILITIES	FOR	DELEGATED TO
<b>Finance</b>	Setting the Association's finance policy, including investment strategy and reserves	Trustees	-
	Setting the Association budget	Trustees	-
	Incurring costs outside of budget	Trustees	-
	Incurring/approving costs within budget	Trustees	Budget holders
	Making payments by cheque <£1000	Trustees	1 nominated signatory
	Making payments by cheque >£1000	Trustees	1 Trustee + 1 nominated signatory
	Bidding for income <£1000	Trustees	CEO
Bidding for income >£1000	Trustees	-	
<b>Employment</b>	Appointing staff/confirming successful probation	Trustees	
	Agreeing staff terms and conditions	Trustees	
	Agreeing job descriptions	Trustees	
	Agreeing staff targets	Trustees	CEO
	Monitoring staff performance	Trustees	CEO
	Dismissing staff	Trustees	-
<b>Commitments</b>	Signing contracts	Trustees	-
	Commissioning services within budget	Trustees	Budget holders
	Commissioning new services or services not within budget	Trustees	-
	ESFA policy	Trustees	-
<b>Media/PR</b>	Representing ESFA to the media	Chairman	Determined on a case by case basis
<b>Partnerships</b>	Sponsor management	Trustees	CEO
	FA	Trustees	CEO
<b>Representation (no decision making)</b>	FA Girls	Council	FA Rep & CEO
	SARA	Council	Mike Spinks
	NCSS	Council	Mike Spinks

## **1 Policy Statement: Governance – Risk Management**

We are committed to developing a best practice model of governance which supports, protects and preserves the Association and ensures full compliance with the expectations of the Charity Commission. We will ensure that all governance decisions are evidence based, non-discriminatory, fair and equitable.

This policy outlines the arrangements for identifying and responding to risk so that strategic objectives are more likely to be achieved, damaging events are avoided or minimised and opportunities for the Association are maximised.

## **2 Trustee Responsibilities**

We shall:

- Define risk appetite in line with the expectations of the Charity Commission’s guidance to act prudently in the interests of the Association, in line with the guidance at annex 1 to this policy;
- Identify the risks to the Association when updating the business plan, and as part of normal business through the operation of the Committee and Council structures;
- Assess each risk using the matrix at annex 1 to this policy, firstly assuming that no mitigating actions are taken (the gross risk) and thereafter once controls have been planned (the net risk). Account will be taken of the likelihood of the risk materialising and then the impact of that materialisation;
- Consider whether the risk is financial, operational or reputational (or any combination of the three) and ensure that each aspect has appropriate mitigation plans;
- Risks shall be recorded in the risk register and oversight of the risk register shall be taken by the Trustees;
- The risk register shall be reviewed at each Trustee meeting following a review by the staff team, and any changes to that register considered on the basis of the evidence presented;
- Committees of Council shall have as a standing agenda item “risk management – new risks/opportunities” and shall propose additions to the risk register via the committee secretary, who shall refer to the Trustees via the Trustees’ committee secretary;
- Changes to the risk register shall only be made on Trustees’ approval, once matters have been reviewed;
- Trustees shall have the authority to redirect resource to mitigate new or increased risks as they materialise;
- Publish a scheme of delegation which identifies levels of authority and risk limits for key decision makers;
- Include this and other key policies in the induction programme and information pack for any new Trustee.

## **3 Employee Responsibilities**

Employees shall:

- Understand the risk appetite of the Association and use this guidance when considering or proposing new activity, ideas or schemes;
- Where acting as committee secretary, act as the liaison point with the Trustees' committee secretary to propose new risks or to adjust
- Comply with the scheme of delegation

#### 4 References and tools support the Policy

Annex 1 to this policy

Financial policy and regulations

The Governance Handbook

#### 5 Policy Review Arrangements

This policy will be reviewed at least annually.

Annex 1

#### Risk appetite

Risk	Appetite	Rationale
Financial health	Low	<p>The Trustees have determined that they will take risks which equate to no more than 1% of any recurrent funding contract in the pursuance of the Association's charitable objects.</p> <p>The Trustees have determined that they will take risks which equate to no more than 5% of discretionary income when agreeing expenditure on activity which is delivered through unstructured funds.</p> <p>The Trustees have determined that they will take low levels of investment risk with no more than 40% of its reserves on the advice of a professional advisor.</p>
Operational	Medium	The Trustees have determined that they will invest in new activity only where it does not exceed the financial health risk levels set above, and if no more than 50 staff days are required to implement a new scheme
Reputational	Medium	The Trustees have determined that they will implement schemes which may have some local reputational risk associated with them, where the scheme itself is in the national interest, as long as the financial and operational risk limits set above are not exceeded.

### Risk assessment/scoring

Likelihood	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1	2	3	4
		1	2	3	4
	Impact <span style="float: right;">→</span>				

## **1 Policy Statement: Data Protection**

We are committed ensuring the responsible, safe and legitimate collection, retention and usage of information about individuals in order to protect their privacy whilst providing controlled access to that information by those with a legitimate and permitted interest.

This policy outlines the arrangements for collecting, using, storing, retaining and sharing personal information.

## **2 Employer Responsibilities**

We shall:

- Register with the Office of the Information Commissioner;
- Identify a data controller;
- Ensure that personal information is collected and used fairly and lawfully;
- Only use that information for limited, specifically stated purposes;
- Seek, retain and use information in way that is adequate, relevant and not excessive;
- Strive to maintain accurate information;
- Not retain personal information for longer than is absolutely necessary;
- Process and store information according to people's data protection rights;
- Keep all personal information safe and secure and protected from unauthorised access, accidental loss or destruction;
- Not transfer any information to a country outside the European Economic Area;
- Cease to process any data on request where that data processing is causing undue distress or damage to the individual concerned;
- Remove any personal data from ESFA records on request of any individual, or amend anything which is inaccurate;
- Train staff in data protection;
- Inform staff of the personal data held about them, and the reasons for holding that data;
- Share that data with relevant third parties in the interests of conducting ESFA business (eg pension provider), for complying with statutory duties (eg HMRC for income tax purposes), or for other legislative purposes (eg criminal investigation);
- Share information with other third parties only when data sharing protocols or contracts, in line with this policy, have been approved by Trustees;
- Provide any individual with copies of all personal data held about them as soon as possible, and in any event no later than one month from the request date, unless the request is unduly complex and requires an extended period of two further months to complete,, unless that information relates to criminal proceedings, matters of national security, tax matters or appointments to the judiciary;
- Provide information held at no cost to the applicant, unless the request is manifestly unfounded or excessive, in which case an appropriate fee to cover the cost of administration may be levied.
- Give due regard to the additional sensitivity in handling data about any criminal record and about individual's protected characteristics as defined by the Equality Act;
- Conduct DBS checks only where necessary and in line with the ESFA's safeguarding policy;

- Publish a data protection statement on the website (see Annex 1).

### **3 Employee Responsibilities**

Employees shall:

- Actively participate in data protection training and apply that learning in the workplace;
- Ensure that data protection protocols are applied to relationships with membership;
- Ensure that data protection protocols are applied to relationships with sponsors, funders and any other third parties;
- Provide personal information to the employer so that the employer can discharge its responsibilities under employment law, equalities law, health and safety laws and safeguarding legislation;
- Take responsibility for updating the employer when any of those personal details change;
- Comply with reasonable requests to review their personal information for the purposes of checking currency and accuracy;
- Put in writing any request for copies of their personal information and ensure that this request is dated;
- Comply with the FA's IT acceptable use policy;
- Comply with the ESFA's safeguarding policy and guidance;
- Raise any concerns about the handing of their personal data with their line manager in the first instance.

### **4 References and tools support the Policy**

FA IT acceptable use policy

Safeguarding policy and guidance

Contract of employment

The Office of the Information Commissioner – [www.ico.gov.uk](http://www.ico.gov.uk)

### **5 Policy Review Arrangements**

This policy will be reviewed at least annually.

## **Privacy Notice: Volunteers**

Please read this privacy notice carefully to see how the English Schools' Football Association will treat the personal information that you provide. This information is collected so that we can effectively and efficiently organise our activities for our members and so is held under the "legitimate interests" basis outlined in the General Data Protection Regulations (GDPR) legislation. This statement applies to those who volunteer in a national capacity for the English Schools' Football Association and therefore includes Council members, office interns, and the Honorary Auditors.

### **Your Data:**

#### **Why we need it, what we use it for and when we no longer need it:**

In order to ensure that the Association's football calendar of activity is delivered, your personal details (including name, postal address, telephone number, email address) are held in the Association's computer records and in the annual Handbook, and are shared only with those with a legitimate interest in the activities below. This includes Association membership, staff, strategic partners/sponsors and other legitimate recipients of the Association Handbook eg life members.

Your information will be used solely for the purpose of planning, organising, administering, celebrating and governing schools' football and will be made available only to those who need it for this purpose.

Your photographs may be taken for the purposes of formal identification (photo ID) and for publicity purposes, including official photographs for the ESFA website.

You can withdraw your consent for all or any of these data uses at any time after you have given consent, by outlining your preferences in writing.

We will collect and retain your bank details for the purposes of paying expenses necessarily incurred in the conduct of Association business, and will ensure that our e-security arrangements minimise risks to that information.

When you cease to volunteer for the Association, we will retain your name in our historic archive but will remove your contact details, unless you expressly ask to be kept in touch with the business of the Association, or unless you continue to feature, with your consent, in a different capacity (eg as a county secretary).

We may also ask you for information regarding your "protected characteristics" as defined by the Equalities Act. Any information provided in this regard will be separated from the remainder of your personal details and used only in an anonymised format for statistical monitoring purposes to check the effectiveness of the ESFA's equality policies. You are not obliged to provide this information but are encouraged to do so if asked.

Your personal information will not be shared with others beyond that described here unless the Association is legally obliged to do so under English law for statutory, legislative or regulatory purposes.

At the end of each playing season, your data will be retained as part of the Association's archive. You will also be invited to update your information for the following season. Should any of your details change at any point, or should you wish for your details to be removed, please report via the contact details noted below and the records will be amended accordingly without delay.

### **Using our website**

When you visit our website, we may also collect, process and use information about you and your use of the site (which may not personally identify you), such as the how you arrived at our site. Such information may be collected through "traffic data" and may involve the use of cookies, IP addresses or other codes. You can block cookies by activating this option in your internet browser. Our website uses Google analytics to understand how our customers navigate through our site and what sections they visit. The website may contain links to other sites. Please be aware that we are not responsible for the privacy practices of these sites.

The ESFA's statement about cookies can be found at:

<https://schoolsfootball.org/privacy/cookie-policy/>

You can find more about cookies by visiting [www.Allaboutcookies.org](http://www.Allaboutcookies.org)

### **Accessing your Information**

If you wish to access the information we hold about you, you can do so by submitting a "subject access request" to the Association by writing using the contact details below. Please mark your correspondence "Subject Access Request" and we will respond within 40 days.

### **Giving Consent:**

Without your agreement to the use of your information as described here, the ESFA will be unable to contact you with information relating to fixtures, football regulations, Council matters, AGM matters and other essential business requirements. We will also be unable to provide your details to other member colleagues who need your details in order to enable you to act as their representative. We can no longer assume that you are happy for us to contact you – the law requires you to actively state that this is the case. The consent statement overleaf will be the means by which you complete this: be aware that a failure to opt in will result in your contact details, and therefore our ability to communicate with you, removed.

### **Contact Details:**

If you have any queries about any aspect of this statement, or wish to notify us of any change in personal details, personal communication preferences or other data uses, please contact The Data Controller, English Schools' Football Association, 4, Parker Court, Staffordshire Technology Park, Stafford ST18 0WP, or email [office@schoolsfa.com](mailto:office@schoolsfa.com), clearly marking your email as "FAO Data Controller".

## **1 Policy Statement: Equality and Diversity**

We are committed to ensuring equality of opportunity for all staff and to promoting a culture where differences are respected, diversity is valued and everyone is supported to succeed, irrespective of personal circumstances or background. We are committed to a working environment in which all individuals are free from discrimination, harassment or victimization and in which all decisions are based on merit. We believe that all forms of prejudice and discrimination are unacceptable and will tackle such matters to ensure that conditions that place people at a disadvantage are removed.

## **2 Employer Responsibilities**

We shall:

- Not discriminate, either directly or indirectly, against staff, visitors or customers on the basis of age\*, gender, disability, gender re-assignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief or sexual orientation (their protected characteristics) or on the grounds of socio-economic status;
- Operate recruitment practices which positively promote equality and diversity by monitoring applicant profiles, training those recruiting in equality and diversity, ensuring that job descriptions are explicit about equality and diversity responsibilities and that recruitment materials are not stereotypical;
- Operate staff management arrangements fairly and equitably, giving due regard to the requirements of a diverse workforce and customer base (eg making reasonable adjustments for those with a disability);
- Consider the requirements of a diverse workforce and customer base when making key organisational policy decisions and procedural arrangements;
- Ensure staff understand their responsibilities under the Equality Act and our own policies;
- Prevent harassment and victimisation on the grounds of protected characteristics and treat breaches of this policy as a disciplinary matter.

## **3 Employee Responsibilities**

Employees shall:

- Not discriminate, either directly or indirectly, against staff or customers on the basis of age\*, gender, disability, gender re-assignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief or sexual orientation;
- Not tolerate any incidences of discrimination and immediately challenge and report such behaviours;
- Actively consider others and treat colleagues, visitors and customers with dignity and respect;
- Participate in staff training with regard to equality and diversity and implement that training in the workplace

- Give consideration to the potential needs of customers when publishing corporate information;
- Give consideration to the potential needs of visitors when arranging and chairing meetings;
- Not harass or victimize any colleague or customer on the basis of their protected characteristics;
- Raise any equality or diversity concerns immediately with a manager;
- Understand and implement the arrangements in this policy.

\* benefits are allowed to be restricted to those up to 20 years of age, under the terms of the ESFA's charitable instruments and as permitted by the Exemptions in the Equality Act 2010

#### **4 References and tools support the Policy**

Definitions:

- Direct discrimination: where someone is treated less favourably because of one or more protected characteristic(s).
- Indirect discrimination: where someone is disadvantaged by a decision which puts others with the same protected characteristic at that same disadvantage.
- Harassment: where someone is the victim of unwanted conduct that has the purpose or effect of intimidation, hostility, degradation, humiliation or offence.
- Victimisation: where someone is treated less favorably having complained or given information about discrimination or harassment, or has supported someone else's complaint.

The staff handbook

The Equality and Human Rights Commission – [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

#### **5 Policy Review Arrangements**

This policy will be reviewed at least annually, or in the event of any allegation or case of discrimination, victimization or harassment.

## 1 Policy Statement: Health and Safety

We are committed to the health, safety and welfare of our employees, our customers and our visitors. In particular we are committed to maintaining safe and healthy working conditions through control of the health and safety risks arising from our work activities, provision and maintenance of safe equipment, ensuring the safe handling of equipment and use of substances, consulting with our staff and providing appropriate information, instruction, training and supervision and taking steps to prevent accidents and cases of work-related ill health.

## 2 Employer Responsibilities

Overall responsibility for health and safety rests with the Chief Executive

Day to day management of health and safety rests with the Head of Administration

Statement of general policy	Responsibility of:	Action/Arrangements (What are you going to do?)
Prevent accidents and cases of work-related ill health by managing the health and safety risks in the workplace	CEO	Relevant risk assessments completed and actions arising out of those assessments implemented. (Risk assessments reviewed when working habits or conditions change.)
Provide clear instructions and information, and adequate training, to ensure employees are competent to do their work	CEO	Staff given necessary health and safety induction and provided with appropriate training and personal protective equipment. We will ensure that suitable arrangements are in place to cover employees engaged in work remote from the main company site.
Engage and consult with employees on day-to-day health and safety conditions	CEO	Staff routinely consulted on health and safety matters as they arise but also formally consulted during the annual policy/procedure review
Implement emergency procedures – evacuation in case of fire or other significant incident	HoA	Escape routes well signed and kept clear at all times. Evacuation plans are tested from time to time and updated as necessary.
Maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage/use of substances	CEO	Toilets, washing facilities and drinking water provided. System in place for routine inspections and testing of equipment and machinery and for ensuring that action is promptly taken to address any defects.

### **3 Employee Responsibilities**

Employees have the responsibility for:

- Undertaking appropriate training and implementing that training when at work;
- Taking reasonable care of themselves and others' health and safety;
- Co-operating with the employer on health and safety matters;
- Reporting any concerns about working practices or health and safety arrangements if they are considered to be putting health and safety seriously at risk;
- Reading, understanding and implementing the procedures which support the implementation of this policy.

### **4 References and tools support the Policy**

The health and safety guide in the staff handbook

The health and safety risk assessment record

The health and safety poster, on display at the side of the office door

The first aid box, located beneath the pigeon holes in the post room

The accident book, located beneath the pigeon holes in the post room

The Health and Safety Executive (HSE) website – [www.hse.gov.uk](http://www.hse.gov.uk)

The RIDDOR accident reporting system – [www.hse.gov.uk/riddor/report.htm](http://www.hse.gov.uk/riddor/report.htm)

The RIDDOR fatal injury reporting line - 0345 300 9923

### **5 Policy Review Arrangements**

This policy will be reviewed at least annually, or in the event of a health and safety incident or a series of “near misses”.

## **1 Policy Statement: Health and Safety – Safeguarding Children and Vulnerable Adults**

We are committed to the health, safety and welfare of our employees, our customer and our visitors. In particular we are committed to safeguarding the welfare of every child, young person or vulnerable adult who may use our service as a customer, an employee or a visitor.

This policy outlines the safeguarding responsibilities for staff employed by the ESFA.

## **2 Employer Responsibilities**

We shall:

- Train staff about their responsibilities under safeguarding legislation, and keep that training up to date;
- Train those responsible for recruitment in safe recruitment practices;
- Appoint specialist Child Welfare Officers to advise members on safeguarding arrangements and to act as safeguarding experts on behalf of the ESFA;
- Provide for appropriate professional counselling for those CWOs who routinely deal with casework;
- Conduct DBS checks on ESFA staff and Council members only where their roles require it.

## **3 Employee Responsibilities**

Employees shall:

- Participate in safeguarding training and implement the learning from that training;
- Refer all safeguarding matters, concerns or suspicions, whether identified personally or by a third party, to the ESFA's CWO and not attempt to resolve the matter personally;
- In the event of receiving information about a safeguarding incident or a potential safeguarding incident which is referred onwards, not disclose any information received to any party other than the CWO;
- Comply with the requirement to complete DBS checks should the role be identified as one needing such checks;
- Be responsible for updating their DBS check every 3 years;
- Inform the CEO immediately of any changes to personal circumstances, criminal record or investigation which may impact upon the post-holder's ability to safely conduct their role.
- Comply with and enact the Association's safeguarding regulations and best practice as it applies to their role

## **4 References and tools support the Policy**

<https://schoolsfootball.org/child-welfare/>

ESFA handbook section 4, “ESFA Safeguarding Children Policy”

“Keeping Children Safe in Education” (gov.uk)

## **5 Policy Review Arrangements**

This policy will be reviewed at least annually, or in the event of an ESFA staff-related safeguarding incident or “near miss”.

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In addition, the ESFA complies with the FA’s child protection policy and arrangements for its activities. The FA’s policy, applying in full to the ESFA, is as follows:

“Every child or young person who plays or participates in football should be able to take part in an enjoyable and safe environment and be protected from abuse. This is the responsibility of every adult involved in football.

The English Schools’ Football Association recognises its responsibility to safeguard the welfare of all children and young people by protecting them from physical, sexual or emotional harm and from neglect or bullying. It is determined to meet its obligations to ensure that those Associations and schools providing football opportunities for children and young people do so to the highest possible standard of care

Every child or young person (defined as any person under the age of 18) who plays or participates in football should be able to take part in an enjoyable and safe environment and be protected from abuse. This is the responsibility of every adult involved in football.

The ESFA is committed to working to provide a safe environment for all children and young people to participate in the sport to the best of their abilities for as long as they choose to do so.

The Safeguarding Children Policy is supported by The FA’s Respect Programme to address verbal abuse and bullying of youngsters by parents and coaches on the sidelines. The Association’s Safeguarding Children Policy principles are that:

- The child’s welfare is, and must always be, the paramount consideration;
- All children and young people have a right to be protected from abuse regardless of their age, gender, disability, culture, language, racial origin, faith or sexual orientation;
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately
- Working in partnership with other organisations, children and young people and their Parents and Carers is essential
- The safeguarding of children whilst under the supervision of a school is the responsibility of that school as outlined in their governance policies. Safeguarding in schools is underpinned by the relevant DfE Guidance “Keeping Children Safe in Education 2020”, which can be found here:

[Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/keeping-children-safe-in-education-2020)

ESFA is committed to working in partnership with the LEA, Police, Children's Services Departments, Local Safeguarding Children's Boards (LSCB) and the Independent Safeguarding Authority (ISA) in accordance with their procedures. This is essential to enable these organisations to carry out their statutory duties to investigate concerns and protect all children and young people.

The ESFA's Safeguarding Children Policy is in response to government legislation and guidance, developed to safeguard the welfare and development of children and young people.

All affiliated Associations are required to endorse and adhere to English Schools FA's Safeguarding Children Policy

All County and Local Association Welfare Officers are expected to abide by the Code of Conduct for volunteer Welfare Officers".

## Safeguarding Code of Conduct – Board of Trustees

### **Introduction**

The English Schools' FA takes its role as a provider of football for children in full time education very seriously. Their well-being is paramount in all decisions taken by us. All children and young people we come into contact with have the same protection regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity. We act in accordance with legislation, statutory guidance and The FA's Policies and Procedures and any associated guidance and we work collaboratively with The FA in relation to concerns about the safeguarding of children or young people or adults at risk.

### **Who this Code of Conduct applies to**

This Code of Conduct applies to all volunteers, as all of us have a key role in safeguarding.

### **Members' obligations**

It is a requirement that all Trustees sign this Code of Conduct and will at all times act in the best interests of children and young people under the age of 18 and in accordance with The FA's Safeguarding Children Policy and Procedures. The welfare of children and young people must always be paramount. We also expect our volunteers to act in the best interests of adults at risk of harm in football and to follow reporting procedures. This includes an expectation that volunteers will;

- undertake safeguarding education or training required by the ESFA, including the reading and acceptance of the Adults at Risk Briefing attached to this Code;
- read and comply with The FA's Safeguarding Policy and our safeguarding procedures;
- obtain and maintain an FA in date DBS check (less than three years since the date of issue) if working in regulated activity with under-18s;
- if your role working with children changes and you become involved in regulated activity with U18s in your duties with ESFA you may require an FA DBS check.
- act in an appropriate way at all times when in contact with children and young people, and adults at risk whether face to face, via social media, phone or other electronic communications and in line with the ESFA Social Media Policy;
- recognise the importance of confidentiality when working with children, young people, their families and their data
- promptly report any concerns about safeguarding or the protection of children or young people or adults at risk in football to our Designated Safeguarding Officers or the Senior Safeguarding Lead or other nominated person or persons in their joint absence
- be familiar with and use the whistleblowing policy if you suspect or believe that we have not properly addressed any safeguarding concerns;
- accept that, by taking this role, the ESFA may deem you to be in a relationship of trust with under-18 participants and adults at risk that you are in contact with

through your role. You should be aware of and understand the responsibility that this entails, by undertaking the relevant safeguarding education, as we deem appropriate;

- act with integrity at all times; and seek advice from the Designated Safeguarding Officers or the Senior Safeguarding Lead if you are unsure about any of the above or if you are unsure how to act in any given situation.

### **Further information and support**

Further information can be found in;

- our Staff Handbook;
- the ESFA's child welfare pages on the website;
- The FA's Best Practice guides;
- The FA's Policy and Procedures.

Alternatively, if you have any queries or concerns regarding the Code of Conduct or safeguarding generally, please speak to your Board Safeguarding Champion or Senior Safeguarding Lead in the first instance.

Please sign and return a duplicate copy of this Code of Conduct to acknowledge you have read and understand the Code of Conduct and you agree to comply with it. You should then keep the other copy safe for your records. If you are the Designated Safeguarding Officer or Senior Safeguarding Lead and you cannot find the advice you need internally, seek advice from The FA Safeguarding team.

Breaches of the Code of Conduct are taken seriously and could lead to disciplinary action against you under our Disciplinary Procedure. In certain cases, we may also make a referral to statutory agencies and The FA

### **The English Schools' FA Safeguarding team**

Designated Safeguarding Officers are **Sarah DaCosta and Martin Duffield**

Senior Safeguarding Lead is **Andrea Chilton**

Deputy Safeguarding lead is **Chris Parkin**

Council Safeguarding Champion is **Nick Loftus**

**I have read, understood and agree to comply with this Safeguarding Code of Conduct for staff.**

**Signed**

**Name**

**Date:**

## **1 Policy Statement: Performance Management – Whistleblowing**

We are committed to supporting and developing high performing teams in which individuals are well supported to succeed in their roles and therefore to contribute to the success of the organisation. We will operate a developmental performance management framework which makes clear the expectations of employees, provides support and development where desirable and lays down the arrangements to be put in place in the event of underperformance. We will ensure that performance decisions are evidence based, non-discriminatory, fair and equitable.

This policy outlines the arrangements for raising concerns about suspected wrongdoing or dangers at work – “whistleblowing”

## **2 Employer Responsibilities**

We shall:

- Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and their confidentiality respected;
- Provide staff with guidance on how to raise a concern, both within the organisation and outside of it, as outlined in the procedure at annex 1;
- Discourage staff from making disclosures anonymously due to the limitations that may place on any investigation;
- Identify a nominated individual to act as the whistleblowing officer, ensuring that these responsibilities are placed outside of the CEO and finance officer’s remits;
- Treat alleged whistleblowing matters sensitively and with due respect for the privacy of individuals, insofar as the law allows;
- Reassure staff that they are able to raise genuine concerns in good faith without fear of reprisal;
- Use the disciplinary process in the event that false allegations have been made maliciously or in the event that whistleblowers are bullied or threatened in any way.

## **3 Employee Responsibilities**

Employees shall:

- Attempt to resolve any concerns in the first instance with their line manager, unless the matter feels too serious or the concern is about that manager;
- In those cases, report any concerns about suspected wrongdoing at the earliest opportunity, using the steps outlined in annex 1;

- Treat any information held as part of the whistleblowing case as confidential and only reveal it through the appropriate routes;
- Co-operate with any whistleblowing investigation by providing honest and factual evidence to support that investigation;
- Never maliciously make allegations through the whistleblowing procedure;
- Never threaten or bully a colleague on the grounds of involvement in a whistleblowing case.

**Should any person have concerns specifically about safeguarding, whistleblowing should be directed to The FA via [safeguarding@theFA.com](mailto:safeguarding@theFA.com)**

#### **4 References and tools support the Policy**

##### Definitions

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

- Criminal activity
- Danger to health and safety
- Safeguarding matters
- Damage to the environment
- Failure to comply with legal or regulatory requirement
- Fraud or financial impropriety
- Unauthorised disclosure of confidential information
- Concealing any of the above

External helpline – Public Concern at Work: 0207 404 6609, [www.pcaw.co.uk](http://www.pcaw.co.uk)

Whistleblowing officer – Lead Honorary Auditor

#### **5 Policy Review Arrangements**

This policy will be reviewed at least annually.

## FINANCIAL REGULATIONS: TRUSTEE EXPENSES AND BENEFITS

	Action	Responsibility	Checks
1	Council members including Trustees shall be reimbursed for actual expenses necessarily incurred in delivering ESFA business in line with the rates authorised by the Trustees, subject to compliance with the rules laid down in these financial regulations. Trustees are not permitted to benefit from financial gain as a result of serving on Council and shall at all times give due regard to the requirement for prudence in incurring costs.	Council members including Trustees	Finance officer
2	Council members including Trustees shall give due regard to the need for minimising expenditure when making travel arrangements. This includes car sharing, alternative rail providers and in-country flights for long distances.	Council members including Trustees	Finance officer
3	Council members including Trustees shall be reimbursed for travel costs at the rates of mileage laid down by the Trustees in accordance with HMRC guidance.	Council members including Trustees	Finance officer
4	Hospitality: costs of incidental hospitality necessarily incurred in the conduct of ESFA business shall be reimbursed on the provision of receipts. Costs of entertaining/provision of meals for guests shall only be considered if approved through the budget setting process in advance. There will be no reimbursement for the purchase of alcohol.	Council members including Trustees	Finance officer
5	Meal allowance: where it is essential for Council members including Trustees to represent the ESFA during the evening at an event which is not catered, a meal allowance of up to £20 shall be re-imbursed on the provision of receipts. Where overnight stays, or breakfast meetings are essential but not catered, a breakfast allowance of up to £5 shall be re-imbursed on the provision of receipts.	Council members including Trustees	Finance officer
6	In recognition of the cost of operating from home, Council members including Trustees shall be entitled to claim a rate of £10/month towards the cost of heating, lighting, telephone, internet and other "office" space costs, subject to them completing >25 hours of activity in that month on behalf of the ESFA.	Council members including Trustees	Finance officer
7	Council members including Trustees will be reimbursed for the actual cost of postage and other consumables where these costs are necessarily	Council members	Finance officer

	incurred in the conduct of ESFA business. Council members must give due regard to alternative methods of work (eg email rather than postage) when planning their activity	including Trustees	
8	Overnight accommodation will be reimbursed at a rate of no more than £50/night on occasions where overnight stay is essential and ESFA-booked accommodation is not selected. The instances in which hotel accommodation can be provided will be determined on an annual basis by the Trustees.	Council members including Trustees	Finance officer
9	Council members including Trustees can benefit from hospitality provided by others when on ESFA business as prescribed in the “conflict of interest” policy	Council members including trustees	Finance officer
10a	Council members including Trustees shall be entitled to benefit from 2 complimentary tickets to each ESFA national final and to hospitality on the day, in recognition of their hosting VIPs. Travel costs shall only be reimbursed for those Council members from the region in which the venue is located, in recognition of their acting as the formal ESFA representative on the day, unless there is no event in that region, in which case clause 10b shall apply. Council members including Trustees choosing to travel to finals outside of their region, where their region has hosted, shall be entitled to two complimentary tickets and hospitality, but no travel expenses.	Council members including Trustees	Finance officer
10b	Where there are no national finals in a Council member’s region, that member including Trustees shall continue to be entitled to a maximum of 2 complimentary tickets and hospitality to the finals, and up to two round journeys’ travel costs.	Council members including Trustees	Finance officer
11	Council and Trustees shall be entitled to benefit from free sportswear prescribed by the ESFA preferred kit supplier as part of any sponsorship deal which requires all staff/Council to wear the sponsor’s kit.	Council members including trustees	Finance officer
12	Expense claims must be submitted within 2 months of the end of the month in which they are incurred. Mileage claims should be accompanied by VAT receipts which cover a minimum of 50% of the value of the claim: all other expenditure must be accompanied by VAT receipts, except for the home office allowance for which activity records shall be submitted with the expense claim. Any declarations of interest/hospitality or gift declarations shall also be made with the expenses claim.	Council members including Trustees	Finance officer

13	Expenses shall be paid, subject to the receipt of an eligible claim, within a further 7 days	Finance officer	
14	Payment of expenses shall be appropriately recorded in the accounts	Finance officer	



English Schools' Football Association

# **SECTION 5 – ESSENTIAL REFERENCE**

## **The Essential Trustee**

The Charity Commission produces a range of information which is useful for Charity Trustees and their website is:

<https://www.gov.uk/government/organisations/charity-commission>

Trustees must take the time to read and understand the guidance, which is specifically produced as an introduction to acting as a Trustee. It outlines the legal and statutory responsibilities Trustees are expected to fulfil, and provides direction to further guidance.

<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>

A hard copy can be provided on request.

## **ESFA Handbook**

The ESFA Handbook is a useful guide to ESFA activity, rules, regulations, contacts and partners. It is provided as a separate document to this guide.