

# **CANDIDATE BRIEF AND APPLICATION PACK**

## **TRIENNIAL ELECTION TO THE BOARD OF CONSERVATORS MARCH 2021**



### **WIMBLEDON AND PUTNEY COMMONS CONSERVATORS**

**December 2020**

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# STATUTORY NOTICE

## WIMBLEDON AND PUTNEY COMMONS ELECTION OF CONSERVATORS 2021

Notice is hereby given that the  
Wimbledon and Putney Commons Conservators have appointed  
**WEDNESDAY 10 MARCH 2021**  
to be the day for the next Election of Conservators

The Election will take the form of a 'postal ballot'<sup>1</sup>. Ballot papers will be  
forwarded to each elector in the week commencing  
**MONDAY 8 FEBRUARY 2021**

Completed ballot papers or electronically completed ballots should be returned  
to the scrutineer to arrive by  
**5.00 p.m. WEDNESDAY 10 MARCH 2021**

A list of electors will be available at Manor Cottage for inspection by appointment from  
Wednesday 30 December 2020; an appointment can be made by contacting the Ranger's  
Office. Any claims for adjustment to the list must be made in writing to the Chief Executive at  
the address printed below not later than **Wednesday 20 January 2021**.

Prospective candidates, who must be qualified as electors, may obtain a Candidate Brief and  
Application Pack (and any further information that they may require) from the Deputy Clerk  
and Ranger at the Ranger's Office, by email to [election@wpcc.org.uk](mailto:election@wpcc.org.uk) or from our website.

**In view of the Coronavirus restrictions, it will not be appropriate to hold physical  
meetings with prospective candidates so these will be held by video-conference on  
Tuesday 5 January 2021 and Thursday 7 January 2021 at 7.00 p.m. If you wish to attend  
one of these meetings, please email the Deputy Clerk and Ranger at  
[election@wpcc.org.uk](mailto:election@wpcc.org.uk), specifying your preferred date.**

These meetings will enable prospective candidates to meet the Returning Officer, the Chief  
Executive and some of his staff who will explain the formalities of the election and the duties  
of a Conservator.

Completed Candidate Application Packs must be returned no later than **Wednesday 27  
January 2021 to the Deputy Clerk and Ranger at the address below.**

4 December 2020

Ranger's Office, Manor Cottage, Windmill Road, Wimbledon Common SW19 5NR Tel: 020 8788 7655

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<sup>1</sup> Postal Ballot means postal or electronic



# GENERAL NOTICE

## WIMBLEDON AND PUTNEY COMMONS

### TRIENNIAL ELECTION OF CONSERVATORS 2021

### 150<sup>th</sup> ANNIVERSARY YEAR

**This is a special opportunity to be instrumental in shaping the future for our Commons.**

The Wimbledon and Putney Commons Conservators (WPCC) are together a corporate body that ensures that Wimbledon Common, Putney Heath and Putney Lower Common (known collectively as “the Commons”) are managed and conserved in accordance with the Wimbledon and Putney Commons Act 1871, as supplemented by the Commissioners Clauses Act 1847. WPCC is a registered charity in England and Wales.

There are five elected Conservators and three appointed Conservators (together the Board of Conservators) who represent both the local and public interests and whose duty it is to keep the Commons ‘*open, unenclosed and unbuilt upon for the purposes of exercise and recreation*’. The elected Conservators are appointed following a triennial election in which everyone on the electoral register for local government elections living within the levying area (which is within three-quarters of a mile of the boundary of Wimbledon Common or within the old Parish of Putney) is entitled to vote. The next election will take place on 10 March 2021. Under the 1871 Act, the Home Secretary and the Secretaries of State for Defence and for Environment, Food and Rural Affairs each appoint a Conservator.

WPCC’s annual expenditure amounts to some £2.2m and there is a permanent team of 22 staff led by an experienced Chief Executive who is responsible for the day to day administration and management of the Commons.

Covering an area of 1,140 acres the Commons, which are designated both as a Site of Special Scientific Interest and a Special Area of Conservation, are home to abundant flora and fauna. They also include a golf course, which pre-dated the establishment of the Commons, and are used by large numbers of visitors enjoying the public open space for exercise and recreation of all forms.

Individuals interested in the post of elected Conservator are invited to apply as candidates for the 2021 triennial election.

Further details may be obtained from the Conservators’ website: [www.wpcc.org.uk](http://www.wpcc.org.uk)

To obtain a Candidate Brief and Application Pack for this challenging but rewarding role, contact: Paula Graystone, Deputy Clerk and Ranger at the Ranger’s Office, Manor Cottage, Windmill Road, Wimbledon Common, Wimbledon SW19 5NR, Tel: 020 8788 7655 or e-mail [election@wpcc.org.uk](mailto:election@wpcc.org.uk)

**The Closing Date for the return of applications is Wednesday 27 January 2021.**

**Meetings for prospective candidates to meet the Returning Officer and senior staff will be held by video-conference on Tuesday 5 January 2021 and Thursday 7 January 2021 at 7.00 p.m. If you wish to attend one of these meetings, please email the Deputy Clerk and Ranger at [election@wpcc.org.uk](mailto:election@wpcc.org.uk), specifying your preferred date.**

**Wimbledon and Putney Commons is committed to equality of opportunities and we welcome applications from people of all backgrounds.**

## Wimbledon and Putney Commons

### Background

The Wimbledon and Putney Commons Conservators (WPCC) is a corporate body that ensures that Wimbledon Common, Putney Heath and Putney Lower Common (known collectively as “the Commons”) are managed and conserved in accordance with the Wimbledon and Putney Commons Act 1871, as supplemented by the Commissioners Clauses Act 1847 and their legal obligations as trustees of a registered charity. WPCC is a non-political organisation dedicated to the preservation and protection of the Commons.

Under Section 8 of the 1871 Act the Board of Conservators consists of eight Conservators, five of whom are elected, and three of whom are appointed by government departments.

Five Conservators are elected every three years from an electorate formed from everyone on the local government electoral register and living within the “levying area”, i.e. within 3/4 of a mile of Wimbledon Common or within the old parish of Putney. The elected Conservators represent the local interest in the Commons. The next election will take place in March 2021.

Three Conservators are appointed, respectively, by the Secretary of State for Defence, the Secretary of State for Environment Food and Rural Affairs and the Home Secretary. The appointed Conservators represent the wider public interest in the Commons. The appointed Conservators provide an important function in terms of continuity of governance for the WPCC.

Every Conservator, whether elected or appointed, should be interested in the Commons as an important site for nature conservation as well as a recreational facility. It is also desirable that a Conservator should bring some particular expertise to the Board. Board meetings are normally held on a bi-monthly basis.

The eight conservators are trustees of WPCC which is a registered Charity regulated by the Charity Commission for England and Wales. Charity trustees make decisions about their charity collectively, working as a team. Charity trustees have the ultimate responsibility for directing the affairs of a charity and delivering the charitable outcomes for the benefit of the public. The most effective Boards have people with a wide breadth of skills and experience.

The WPCC operates an Equal Opportunities policy.

### The Commons

The first recognised formation of Wimbledon and Putney Commons arose when Earl Spencer came to terms with residents in drawing up the Wimbledon and Putney Commons Act which received Royal Assent in August 1871. This Act conveyed the ownership of the Commons to a body of Conservators who were charged with keeping the Commons open to the public with natural aspects preserved. The Commons are to this day, nearly 150 years later, overseen by a Board of Conservators who are responsible for the governance of the Commons.

The Commons are an area of calm and tranquillity in the midst of the urban sprawls of Wimbledon, Putney and Kingston-upon-Thames in South West London. The Commons comprise about 460 hectares (1,140 acres) of countryside split between Wimbledon Common, Putney Heath and Putney Lower Common. Putney Lower Common is separated from the rest of the Common by about 1.5 miles. Approximately 360 hectares (900 acres) of the Commons are a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

The Commons consist of woodland, heathland, scrub, ponds, bogs and mown recreation areas. They are home to a wide variety of plants, animals and fungi including several species of high nature conservation importance. Being an unfenced Common, the whole area is open to the public 24 hours a day throughout the year.

Within the Commons there is an 18-hole Golf Course (played over by two Clubs), 16 miles of horse rides and the Richardson Evans Memorial Playing Fields covering 20 hectares (48 acres), providing football and rugby pitches in winter. There is also a large pavilion containing 16 changing rooms with showers and toilets. There are two cricket pitches within the Commons, one at Putney Heath and one at Putney Lower Common.

Since 1st April 1991, the Commons have been largely financed by means of a Levy collected by the Boroughs of Wandsworth, Merton and Kingston in proportion to the number of "D" Band properties in each Borough within 3/4 mile of Wimbledon Common or in the old parish of Putney. The Boroughs pass on this levy by way of an addition to the Council Tax on properties in the area.

As a prospective trustee of a charity, Candidates should be conversant with two key Charity Commission guidance documents:

<https://www.gov.uk/government/publications/its-your-decision-charity-trustees-and-decision-making/its-your-decision-charity-trustees-and-decision-making>

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

In June 2017 the Board approved the Commons first ever Strategy, this was prepared in conjunction with local stakeholders and sets out our Vision, Mission and Values, together with our key priorities for the next ten years. This can be found at:

<https://www.wpcc.org.uk/downloads/publications/commons-strategy-2017-to-2019.pdf>

Further information about WPCC can be found at: [www.wpcc.org.uk](http://www.wpcc.org.uk)

### **Guidance for election candidates**

Prospective candidates should read the Guidance for Candidates contained in Part C of WPCC's Election Guidelines and Procedures which can be download from <https://bit.ly/ElectionGuidelines21>

### **Election Timetable**

They key dates for the 2021 Election are as follows:

- Opportunities for prospective candidates to meet the Returning Officer and Chief Executive: 5 and 7 January 2021. If you wish to attend one of these meetings please advise the Deputy Clerk and Ranger by email at [election@wpcc.org.uk](mailto:election@wpcc.org.uk).
- Last date for receipt of completed candidate Application Packs: 27 January 2021
- Chairman of WPCC signs off the list of electors: 27 January 2021
- Despatch of postal votes: week commencing 8 February 2021
- Opportunity for electors to meet candidates standing for election at hustings organised by the Putney Society and the Wimbledon Society. The hustings in Putney will be held on 18 February 2021 and the hustings in Wimbledon on 25 February 2021. Further details of these events, which may be held electronically in view of the Coronavirus restrictions, will be posted on the election pages of our website nearer the time.
- Return of postal/electronic votes to Civica Election Services: by 5.00 p.m. 10 March 2021



## WIMBLEDON AND PUTNEY COMMONS

### ROLE DESCRIPTION FOR AN ELECTED CONSERVATOR

With other Board members:

#### **Principal tasks**

- To help formulate and regularly review WPCC's strategic aims, agree overall policy, and evaluate performance.
- To ensure that the activities, policy and practices of WPCC are in keeping with its objects and aims.
- To ensure that WPCC complies with the legal and financial requirements of a charitable organisation and its own governing documents, strives to achieve best practice, and maximises its resources.

#### **Main duties**

1. To support, and when appropriate to challenge, the Chief Executive in his or her execution of the management of the Commons in a way that reflects WPCC's vision and values, strategy and major policies at all times.
2. To contribute specific skills, interests and contacts to support WPCC and help the Board to reach sound decisions. This will involve scrutinising Board papers, leading discussions, focusing on key issues, or providing advice and guidance on new initiatives.
3. To follow the Principles and Standards, Code of Conduct and Terms of Reference at all times.
4. To attend Board meetings and actively contribute to discussion.
5. To appoint the Chief Executive and monitor his or her performance.
6. To ensure the effective and efficient administration of WPCC, and its financial health.
7. To be an active member of the Board in exercising its responsibilities and functions.
8. To maintain constructive relationships with senior management staff.
9. To take part in training and development sessions provided for the benefit of Board members.
10. To undertake, if requested to do so, the duties of a "Returning Officer" on behalf of the Chairman for the triennial elections.
11. To fulfil such other duties and assignments as may be required from time to time by the Board.

***Additional Duties:***

1. To make recommendations, in consultation with the Chief Executive, on the composition of the Board, and future candidates for the role of Chairman.
2. To ensure that the Board regularly reviews its governance structures, role, relationship to staff and implements agreed changes as necessary.
3. To define and keep under review performance criteria for Board members.
4. To ensure, through the Chief Executive, that all Board members receive appropriate advice, training and information relating to their role.
5. To work in consultation with the Chief Executive to appoint Board members, via the Appointing Bodies, with specific/relevant expertise.
6. To ensure effective communication between Board and the Chief Executive.

In recent years it has been custom and practice for the Chairman of the Board to be an elected Conservator.

It is a requirement under the Wimbledon and Putney Commons Act 1871 that Conservators receive **no form of remuneration** for their services (this includes travelling or other expenses) or hold any office of profit under the Act.





## WIMBLEDON AND PUTNEY COMMONS ACT 1871

### PERSON PROFILE FOR AN ELECTED CONSERVATOR

In addition to the Principles and Standards, Code of Conduct and Terms of Reference trustees are expected to demonstrate a commitment to Nolan's "seven principles of public life": these are, selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The following matrix sets out the attributes of an elected Conservator.

Role Criteria	Essential	Desirable
<b>Skills and Qualities</b>		
1. An ability to demonstrate commitment to WPCC acting in the best interests of the charity making a positive difference to the Commons, for the benefit of all.	X	
2. A willingness to be flexible, devoting the necessary time and effort, where necessary at short notice.	X	
3. An ability to provide leadership promoting public confidence in WPCC.	X	
4. An ability to communicate clearly, using interpersonal skills to form constructive working relationships (in team and organisation).	X	
5. An ability to make sound, independent judgement with political impartiality having analysed complex issues and considered options.	X	
6. An ability to take a proportionate approach to both support and constructive challenge.	X	
7. An ability to think creatively in the context of the organisation and external environment.	X	
8. An ability and willingness to speak one's mind, but always respecting that as part of a board the views of others must be heard.	X	
9. An ability to demonstrate respect for others and promote equality.	X	
10. An ability to act reasonably and responsibly when undertaking Conservator duties and tasks.	X	
11. A willingness to make a clear commitment to and respect for confidentiality.	X	
12. An ability to help contribute to a strategic and forward-looking vision in relation to the charity's objects and aims.	X	
<b>Knowledge</b>		
1. An understanding and acceptance of legal duties, responsibilities and liabilities of trusteeship as set out in the Application Form, Code of Conduct and Terms of Reference	X	
2. An ability to form and work as part of an effective team	X	
<b>Experience (in one or more of the following areas)</b>		
1. Legal, particularly as it applies to governance of charities.		X
2. Financial management		X
3. HR		X
4. Fund-raising		X
5. Communications		X
6. Governance of a charity		X
7. Environmental		X



## WIMBLEDON AND PUTNEY COMMONS ACT 1871 (1871 Act)

### APPLICATION PACK

This application pack comprises the following documents:

- Candidate details
- Application form including a statement of acceptance
- Nomination form
- Candidate statement
- Terms of reference
- Conservators' code of conduct and complaints procedure

Applicants must return all the above documents duly completed and signed so as to arrive by 5.00 p.m. on Wednesday 27 January 2021 (only the declaration on the Conservators' code of conduct need be returned). The hard copy originals of the documents should be sent by registered post to Ranger's Office, Manor Cottage, Windmill Road, Wimbledon Common, London SW19 5NR and an electronic copy should be emailed to [paula@wpcc.org.uk](mailto:paula@wpcc.org.uk)

The pages of the Application Pack that require signature are as follows:

	Page
Acceptance of nomination	14
Nomination form	16
Terms of reference	25
Code of conduct and complaints procedure	26

A copy of WPCC's privacy policy can be found at <https://www.wpcc.org.uk/main/privacy-policy>

## CANDIDATE DETAILS

Full name	
Address	
Email address	
Telephone	

## APPLICATION FORM

I, .....

of .....

- (a) having been duly Proposed and Seconded by persons qualified to be Electors\*,  
or
- (b) being an outgoing Conservator\*

(\*delete as appropriate)

wish to be a Candidate for election as a Conservator under the 1871 Act at the Election to be held on 10 March 2021.

*A person other than an outgoing Conservator must arrange to be proposed and seconded by an eligible elector within the meaning of the 1871 Act. The nomination form will be found at Appendix 1 of this application form.*

### DECLARATION OF ELIGIBILITY

Wimbledon and Putney Commons Conservators (WPCC) is a charity (Charity No. 303167) and there are certain rules that can apply to disqualify a person from acting as a trustee of a charity. I declare that I have read the guidance on disqualification set out or referred to at Appendix 2 to this application form and confirm that

- (a) I am not disqualified from acting as a trustee of a charity, or \*
- (b) I am disqualified from acting as a trustee of a charity but have received a waiver from the Charity Commission which is attached to this application form. \*

(\*delete as appropriate)

### CONDUCT DURING ELECTION PERIOD

I confirm that during the election period

- (a) I will not knowingly through my actions, either directly or indirectly, bring the reputation of WPCC into disrepute;
- (b) Any oral or written communication that I make will be accurate to the best of my knowledge and belief;
- (c) I understand that any defamatory statements that I make may be subject to civil or criminal proceedings, and
- (d) I will not undertake any activity that might reasonably be regarded as harassment of a member of WPCC's staff or Conservators.

## **PRINCIPLES AND STANDARDS**

There are five elected Conservators and three appointed Conservators (together the Board of Conservators). I agree to abide by the WPCC Terms of Reference and the Conservators' Code of Conduct (see Appendices 4 and 5)) and the following principles and standards expected of a person in public life:

### **GENERAL**

*As a Board Member:*

I will act within the governing documents of WPCC and the law and abide by the policies and procedures of the organisation. This includes having a knowledge of the contents of relevant legislation, charitable objects and relevant policies and procedures.

I will undertake induction training and such other training as may be necessary to be able to properly understand and fulfil the duties of a Trustee of a charity.

I will support the objects of WPCC, championing it, using any skills or knowledge I have to further those objects and seeking advice where appropriate.

I will be an active Board Member, making my skills, experience and knowledge available to WPCC and seeking to do what additional work I can outside Board meetings, including sitting on Sub-committee(s).

I will respect organisational, Board and individual confidentiality, while never using confidentiality as an excuse not to disclose matters that should be transparent and open, as agreed by the Board.

I will develop and maintain a sound and up-to-date knowledge of WPCC and its environment. This will include an understanding of how WPCC operates, and the nature and extent of its work.

I will use WPCC's resources responsibly.

I will seek to be accountable for my actions as a Board Member of WPCC and will submit myself to whatever scrutiny is appropriate.

I accept my responsibility to ensure that WPCC is well run and will raise issues and questions in an appropriate and sensitive way.

### **MANAGING INTERESTS**

*As a Board Member:*

I will not gain materially or financially from my involvement with WPCC.

I will act in the best interests of WPCC as a whole, and not as a representative of any group, always considering what is best for WPCC and its present and future beneficiaries and avoiding bringing WPCC into disrepute.

I will not put myself in a position where my personal interests conflict with my duty to act in the interests of the organisation. Where there is a conflict of interest, I will ensure that it is declared and managed effectively.

I understand that a failure to declare a conflict of interest may be considered to be a breach of the Conservators' Code of Conduct.

## **MEETINGS**

*As a Board Member:*

I will attend all appropriate meetings and other appointments of WPCC or give apologies. If I cannot regularly attend meetings, I will consider my position.

I will prepare fully for all meetings and work for WPCC. This will include reading papers, querying anything I do not understand, thinking through issues before meetings and completing any tasks assigned to me in the agreed time.

I will actively engage in discussion, debate and voting in meetings, contributing in a considered and constructive way, listening carefully, challenging sensitively and avoiding conflict.

I will participate in collective decision making, accept a majority decision of the Board and will not act individually unless specifically authorised to do so. I recognise that if I regularly and strongly cannot support Board decisions I should consider my position.

## **GOVERNANCE**

*As a Board Member:*

I will actively contribute towards improving the governance of the Board, participating in induction and training and sharing ideas for improvement with the Board.

## **RELATIONS WITH OTHERS**

*As a Board Member:*

I will endeavour to work considerately and respectfully with all those I come into contact with at WPCC. I will respect diversity, different roles and boundaries, and avoid giving offence.

I recognise that the roles of Board Members, volunteers and staff of WPCC are different, and I will seek to understand and respect the difference between these roles. Where I also volunteer with the organisation, I will maintain the separation of my role as a Board Member and as a volunteer.

I will seek to support and encourage all those I come into contact with at WPCC. In particular I recognise my responsibility to support the Chairman and senior staff members.

I will not make public comments about WPCC unless authorised to do so. Any public comments I make about WPCC will be considered and in line with WPCC policy, whether I make them as an individual or as a Board Member.

## **LEAVING THE BOARD**

*As a Board Member:*

I understand that a substantial breach of any part of these Principles and Standards, including absence from meetings for 12 months in succession or ceasing to have the qualification required for election, may result in procedures being put in motion that may result in my being asked to resign from the Board (see Conservators' code of conduct at Appendix 5).

Should this happen I will be given the opportunity to be heard. If a trustee is guilty of misconduct and/or mismanagement and is a risk to the Charity's property then the Charity Commission for England and Wales has power to remove them.

If I wish to cease being a Board Member of WPCC at any time, I will inform the Chairman in advance in writing, stating my reasons for leaving.

If at any time I become disqualified from acting as a trustee of a charity (see Appendix 2), I will inform the Chairman immediately.

**STATEMENT OF ACCEPTANCE OF NOMINATION**

To the Returning Officer and all whom it may concern,

I .....

***(if you are an existing Conservator please delete this paragraph)***

HEREBY NOTIFY you that having been duly nominated as a candidate for election as a Wimbledon and Putney Commons Conservator at the ordinary election to be held on 10 March 2021, pursuant to the Wimbledon and Putney Commons Conservators Act 1871, as amended, and Election Bye-laws made thereunder, and having read and understood the declarations and requirements set out on this Application Form, I accept nomination as a Candidate.

***(if you are not an existing Conservator please delete this paragraph)***

HEREBY NOTIFY you that being an existing Conservator, and having read and understood the declarations and requirements set out on this Application Form, I wish to stand as a Candidate at the ordinary election to be held on 10 March 2021, pursuant to the Wimbledon and Putney Commons Conservators Act 1871, as amended, and Election Bye-laws made thereunder.

Signed: .....

Name (please print) .....

Date: .....

**APPENDIX 1**

**WIMBLEDON AND PUTNEY COMMONS ACT 1871 (1871 Act)**

**NOMINATION FORM**

(To be completed by proposer and seconder)

**Proposer**

I .....

of .....

an Elector under the 1871 Act DO PROPOSE,

.....

of .....

who is also qualified as an Elector, as a Candidate for Election as a Conservator under the 1871 Act at the Election to be held on 10 March 2021

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**Secunder**

I .....

of .....

an Elector under the 1871 Act DO SECOND,

.....

of.....

who is also qualified as an Elector, as a Candidate for Election as a Conservator under the 1871 Act at the Election to be held on 10 March 2021

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As Wimbledon and Putney Commons is a registered charity (Charity No. 303167) we declare that to the best of our knowledge and belief the Candidate for the Election named above is not disqualified from acting as a charitable Trustee as a result of any of the reasons for disqualification described or referred to in Appendix 2 of this Application Form.

**STATEMENT OF ACCEPTANCE - PROPOSER**

I have read and understood the above for the above named Candidate for election as a Conservator and Trustee of Wimbledon and Putney Commons Conservators.

Signed: .....

Name (please print): .....

Date: .....

**STATEMENT OF ACCEPTANCE - SECONDER**

I have read and understood the above for the above named Candidate for election as a Conservator and Trustee of Wimbledon and Putney Commons Conservators.

Signed: .....

Name (please print): .....

Date: .....

## APPENDIX 2

### GUIDANCE ON DISQUALIFICATION AS A TRUSTEE OF A CHARITY

There are circumstances where an individual may be automatically disqualified from being a trustee of a charity and these situations are summarised in the tables on the following pages. In the event of an individual being disqualified it is possible for such individual to apply to the Charity Commission for England and Wales for a waiver of the disqualification.

The Charity Commission for England and Wales also has a discretionary power to disqualify a person from being a trustee. Details of these discretionary powers will be found at <https://www.gov.uk/government/publications/the-discretionary-disqualification-power> to which reference should be made.

A more detailed description of the circumstances in which an individual may be disqualified from being a trustee of a charity will be found at <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#summary-of-the-legal-disqualification-reasons> to which reference should be made.

**A. Unspent convictions for specific offences**

Legal disqualifying reason	Legislation (where relevant)	Exceptions and notes
<p>1. Unspent conviction for an offence involving dishonesty or deception</p> <p>2. Unspent conviction for specified terrorism offences</p> <p>3. Unspent conviction for a specified money laundering offence</p> <p>4. Unspent conviction for specified bribery offences</p>	<p>There is more information about what is meant by a dishonesty/deception offence at <a href="#">Annex A</a> in the automatic disqualification guide</p> <p>Offences:</p> <ul style="list-style-type: none"> <li>to which Part 4 of the Counter-Terrorism Act 2008 applies; or</li> <li>under sections 13 or 19 of the Terrorism Act 2000 under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence</li> </ul> <p>A money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002</p> <p>An offence under sections 1, 2, 6 or 7 of the Bribery Act 2010</p>	<p><b>A person is no longer disqualified by the automatic disqualification rules if and when their conviction is spent</b></p> <p>You can use this guidance from the charity <a href="#">Unlock</a> to work out when your conviction becomes spent, and so no longer disqualifies you from being a charity trustee and from holding certain senior manager positions at a charity</p> <p>You can also look at the <a href="#">Nacro website</a> or at <a href="#">GOV.UK</a> for information about when convictions become spent</p>
<p>5. Unspent conviction for the offence of contravening a Charity Commission Order or Direction</p>	<p>An offence under section 77 of the Charities Act 2011 - contravening a Commission Order or Direction</p>	
<p>6. Unspent conviction for offences of misconduct in public office, perjury, or perverting the course of justice</p>		

<p>7. Unspent convictions for aiding attempting or abetting the above offences</p>	<p>In relation to offences at 1 - 6 above, an offence of:</p> <ul style="list-style-type: none"><li>• attempt, conspiracy, or incitement to commit the offence</li><li>• aiding, or abetting, counselling or procuring the commission of the offence</li><li>• under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence</li></ul>	
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## B. Other legal disqualifying reasons – non financial

Legal disqualifying reason	Legislation (where relevant)	Exceptions and notes
Being on the sex offenders register	Where a person is subject to notification requirements of Part 2 of the Sexual Offences Act 2003, commonly referred to as being on the sex offenders register	<b>Note</b> - If these notification requirements apply to a person, they are disqualified by the automatic disqualification rules even if their offence is spent
Unspent sanction for contempt of Court	Where a person has been found to be in contempt of court for making, or causing to be made, a false statement or making (or causing to be made) a false statement in a document verified by a statement of truth	<b>A person is no longer disqualified by the automatic disqualification rules if and when the sanction for contempt becomes spent</b>
Disobeying a Commission Order	Where a person has been found guilty of disobedience to an order or direction of the Commission under section 336(1) of the Charities Act 2011	
Being a designated persons (under specific anti-terrorist legislation)	Where a person is a designated person for the purposes of: <ul style="list-style-type: none"> <li>• Part 1 of the Terrorist Asset-Freezing etc. Act 2010; or</li> <li>• The Al Qaida (Asset Freezing) Regulations 2011</li> </ul>	

B. Other legal disqualifying reasons – non financial (*continued*)

Legal disqualifying reason	Legislation (where relevant)	Exceptions and notes
Being a person who has been removed from a relevant office	<p>Where a person has been removed:</p> <ul style="list-style-type: none"> <li>• from the office of charity trustee, officer, agent or employee of a charity by an Order of the Commission under s79 of the Charities Act 2011, or earlier relevant legislation, or by a High Court Order, on the grounds of any misconduct or mismanagement in the administration of the charity</li> <li>• under s34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005, or earlier relevant legislation, from being concerned in the management or control of any body</li> </ul>	
Director disqualification	<p>Where a person is subject to:</p> <ul style="list-style-type: none"> <li>• a disqualification Order under the Company Directors Disqualification Act 1986 or The Company Directors Disqualification (Northern Ireland) Order 2002 (SI2002/3150; (N.I.4)); or</li> <li>• an Order made under s429(2) of the Insolvency Act 1986 (failure to pay under a County Court administration order)</li> </ul>	<p><b>Exception</b></p> <p>There is no disqualification if the court <b>has granted leave for a person to act as director of the charity</b> (as described in section 180 of the Charities Act 2011)</p>

### C. Other legal disqualifying reasons - financial

Title	Legislation (where relevant)	<u>Exceptions and notes</u>
Insolvency	<p>Where a person is:</p> <ul style="list-style-type: none"> <li>• an undischarged bankrupt</li> <li>• subject to any of the following:               <ul style="list-style-type: none"> <li>○ an undischarged sequestration Order</li> <li>○ a bankruptcy restrictions Order</li> <li>○ an interim Order</li> <li>○ a moratorium period under a debt relief Order under Part 7A of the Insolvency Act 1986</li> <li>○ a debt relief restrictions Order or an interim Order under Schedule 4ZB to the Insolvency Act 1986</li> </ul> </li> </ul> <p>Where a person has made a composition or arrangement with, or granted a trust deed for, their creditors and has not been discharged in respect of it</p>	<p><b>Exception</b></p> <p>There is no disqualification for these reasons <b>if the charity concerned is a company or CIO and leave has been granted</b> under s11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts) <b>for a person to act as director of the charity (s180 Charities Act 2011)</b></p>

## **APPENDIX 3**

### **CANDIDATE STATEMENT TO BE COMPLETED BY ALL CANDIDATES**

Please include everything you wish to appear on the Ballot Paper concerning your personal details, history and policy under the three following statements. The response to each question must be no more than 150 words (separate typed sheets for responses are acceptable). Please also provide a passport size photograph:

**Why do you want to be a Conservator?**

**What experience and skills do you feel you could bring to the role?**

**What are the most important things you would like the new board to achieve during its term of office and why?**

The Returning Officer's decision as to the suitability for publication of the information submitted is final.



## **APPENDIX 4**

### **TERMS OF REFERENCE**

#### **Status**

The Wimbledon and Putney Commons Conservators (“WPCC”) ensure that Wimbledon Common, Putney Heath and Putney Lower Common (the “Commons”) are managed and preserved in accordance with the Wimbledon and Putney Commons Act 1871 (the Act), and its legal obligations as a registered charity.

#### **Conservators**

As WPCC is a registered charity, the Conservators as trustees, are responsible for ensuring that the Commons are maintained and managed in accordance with charity law, the requirements of the Charity Commission, and within its charitable objects.

There are five elected Conservators and three appointed Conservators (together the Board of Conservators).

#### **The Board of Conservators must:**

- formulate overall strategic direction and leadership, set the vision, mission and underpinning values, formulate policies, determine priorities and evaluate performance of the Commons;
- set, agree and monitor the budget each financial year, and ensure internal financial procedures are reviewed regularly and adhered to;
- be committed to the conservation and preservation of the Commons and act in the best interests of the Commons, Levy-payers and other stakeholders to safeguard and protect the charity’s resources;
- ensure that WPCC functions within the legal, charitable and financial requirements of a charitable organisation and that appropriate policies and monitoring processes have been put in place;
- ensure that WPCC is and will remain solvent, and use its resources wisely in accordance with its legal obligations only to further the purposes and interests of the Commons as laid down in the Act and within its charitable objects;
- adhere to the principles of public service as set out in the Code of Conduct and in the Principles and Standards on the Application Form, acting with honesty, integrity and avoiding any personal conflicts of interest and loyalties or misuse of funds or assets;
- act with reasonable skill and care in carrying out their duties and responsibilities, using their personal skills and experience as appropriate to ensure that WPCC is well-run and efficient, obtaining external professional advice when appropriate;
- appoint a Chairman and, if the Board so decides, a Vice-Chairman,

- work on and/or oversee the work of any Sub-committee(s), act collaboratively and be bound by the decision of the majority of the Conservators;

**Conservators must:**

- not act alone without express delegated authority;
- attend regular meetings;
- give sufficient time, effort and energy to their duties;
- respect the boundaries between executive and governance functions;
- respect fellow Conservators, employees, volunteers and Commons users;
- maintain constructive relationships with senior management and other stakeholders;
- maintain appropriate confidentiality, including over views expressed at board meetings and in other closed discussions.

**Training**

Conservators will need to:

- familiarise themselves with the Act (and associated legislation) and understand the extent of their duties, powers and legal obligations as trustees;
- undertake induction training;
- attend, if appropriate, training courses from time to time.

**STATEMENT OF ACCEPTANCE**

I have read and understood the above Terms of Reference for Board Members.

Signed: .....

Name (please print): .....

Date: .....

**APPENDIX 5**



**WIMBLEDON AND PUTNEY COMMONS  
CONSERVATORS**

**Code of Conduct for Conservators  
and Complaints Procedure**

**STATEMENT OF ACCEPTANCE**

I have read and understood the Code of Conduct for Conservators and Complaints Procedure for Conservators set out on the following pages.

If I am elected as a Conservator, I agree to abide by the Code of Conduct.

Signed: .....

Name (please print): .....

Date: .....

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## **1. INTRODUCTION AND OVERVIEW**

- 1.1 Wimbledon and Putney Commons Conservators (“WPCC”) is a registered charity which is governed by the Wimbledon and Putney Commons Act 1871 (the “WPC Act 1871”) and the Commissioners Clauses Act 1847 (the “CC Act 1847”). Conservators as trustees of the charity must also adhere to the requirements of the Charities Act 2011 (“the CA 2011”).
- 1.2 This revised Code of Conduct for Conservators (“the Code”) adopted on 11<sup>th</sup> February 2019 sets out the conduct which is expected of Conservators when they are acting in that capacity as the persons having the general control and management of the administration of the charity. The Code applies to the Conservators, who are the charity trustees of WPCC and to all co-opted members to a formal WPCC Committee.
- 1.3 Each Conservator must exercise the powers that the Conservator has in that capacity in the way that the Conservator decides, in good faith, would be most likely to further the purposes of WPCC. Each Conservator must in the performance of functions in that capacity exercise such care and skill as is reasonable in the circumstances, having regard in particular to any special knowledge or experience that the Conservator has.
- 1.4 Conservators, as charity trustees, have a legal duty to act in the best interests of WPCC and to achieve the purposes set out in the WPC Act 1871 and CA 2011.
- 1.5 The Nolan Report sets out seven Principles of Public Life, which are incorporated into the Code. WPCC has a duty to promote and maintain high standards of ethics and conduct by Conservators.
- 1.6 Conservators will be offered training on the Code and WPCC expects all Conservators to take advantage of such training, including refresher courses, to ensure that they are fully aware of the provisions of the Code and the standards expected of them in public.
- 1.7 Conservators are also urged to avail themselves of the Local Resolution Procedure under the Code for dealing with minor disagreements and to ensure the effective use of WPCC’s resources. The aim of the Local Resolution Procedure is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within WPCC, and the WPCC’s reputation.
- 1.8 The following pages set out the Code and guidance, it is not an exhaustive list of all legal obligations which fall upon Conservators and does not discharge individuals from their duty to ensure that at all times they conduct themselves in accordance with Principles and Standards. WPCC also has its core values, which Conservators are asked to observe and follow.
- 1.9 Conservators should comply with the Code whenever they are acting in their official capacity as a Conservator including at Board, Committee and Working Group meetings. The Code also applies to Conservators’ dealings with each other, with outside bodies, briefing meetings with officers, site visits, use of social media and in communication with WPCC.

- 1.10 Freedom of expression is a right which applies to all Conservators of WPCC. The criticism of opposing ideas and opinion is considered to be part of democratic debate and it is unlikely that such comments would amount to a breach of the Code. Comments which breach the Principles and Standards below may, in contrast, be a potential breach of the Code.
- 1.11 Mutual respect and courtesy between Conservators and officers is essential and affects the efficient administration of WPCC's functions and the reputation of WPCC itself. For WPCC to work effectively it requires a high degree of trust and common understanding between officers and Conservators. Both need to respect each other's roles and officers may from time to time have to give advice which the Conservators might not agree with and Conservators may from time to time take decisions contrary to the advice of officers. Those instances should be accepted as unusual but not unacceptable. Where officers do have to give advice that a certain course of action cannot be carried out, they should seek to give suggestions as to how Conservators might achieve some or all of their objectives in other ways.
- 1.12 The key role of Conservators is to define the policy priorities, monitor implementation, assure themselves of compliance with all applicable regulations and to provide strategic leadership and direction in partnership with the executive.

## **2 PRINCIPLES AND STANDARDS OF CONDUCT AND CORE VALUES**

- 2.1 This Code sets out the Principles and Standards of conduct and behaviour expected of Conservators. As the WPCCC is a registered charity, the Conservators, as “trustees”, are also responsible for ensuring that the Commons are maintained and managed in accordance with charity law, within its charitable objects and the requirements of the Charity Commission as set out in Responsibilities of Charity Trustees (CC3).
- 2.2 The Code also incorporates the organisation’s values, it aims to ensure that all observe the highest standards of propriety and act in the best interests of WPCCC through effective stewardship of the organisation, at all times.

### **Principles**

- 2.3 The Code’s principles of conduct are as follows:

**i. Selflessness**

Conservators must act solely in the charity’s interest. They must never use their position as Conservators improperly to confer an advantage on, or to avoid a disadvantage for, themselves or improperly to confer an advantage or disadvantage on others.

**ii. Integrity and propriety**

Conservators must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. Conservators should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends. Conservators must declare and resolve any interests and relationships.

**iii. Objectivity in decision making**

In carrying out their responsibilities Conservators must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Whilst Conservators must have regard to the professional advice of officers and may properly take account of the views of others, it is their responsibility to decide what view to take and, if appropriate how to vote on any issue.

**iv. Accountability**

Conservators must be accountable to the public for their decisions and actions. Conservators must be prepared to submit themselves to such public scrutiny as is appropriate to their responsibilities.

**v. Openness**

Conservators must be as open as possible about all their actions and those of WPCCC. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**vi. Honesty**

Conservators must declare any private interests relevant to their duties and take steps to resolve any conflict in a way that protects the public interest. Interests must be registered and declared in a manner which conforms to the procedures set out below.

**vii. Leadership**

Conservators must promote and support these principles by leadership and example so as to promote public confidence in their role and in WPCC. They must respect the impartiality and integrity of the WPCC's staff. Conservators should be willing to support the Code and willing to challenge poor behaviour whenever it occurs.

**viii. Stewardship**

In discharging their duties and responsibilities, Conservators must ensure that WPCC's resources are used both lawfully and prudently. They must ensure that WPCC's resources are not used improperly for purposes (which include any party political purposes) that are not aligned with the charity's core objects.

**ix. Confidentiality**

Conservators must respect the status of confidential issues they read and discuss. They are bound to maintain the confidential status of this material and any discussions.

Conservators undertake to respect and preserve the confidentiality of the Confidential Information (defined below), and shall not without the prior written consent of the Chairman of the WPCC:

- (a) communicate, or otherwise make available, the Confidential Information to any third party; or
- (b) use the Confidential Information for any commercial, industrial or other purpose other than for the benefit of WPCC in the proper performance of their duties; or
- (c) copy, adapt, or otherwise reproduce the Confidential Information except as strictly necessary for the proper performance of Conservator duties or as permitted by law.

Confidential Information: any information relating to the WPPC which is not publicly available including, but not limited to, any information specifically designated as confidential by the Board or Chief Executive Officer; any information supplied in relation to which a duty of confidentiality is owed or arises; and any other information which should reasonably be regarded as possessing a quality of confidentiality.

This duty of non-disclosure may no longer apply where either the consent of the person authorised to give it has been obtained, or there is a legal requirement to disclose. If in doubt, Conservators are encouraged to seek the views of the Chief Executive Officer.



**x. Equality and respect**

Conservators must treat each other with respect and promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. Conservators should respect the impartiality and integrity of WPCC's officers and its other employees. Conservators have a responsibility to behave in a way that is not offensive to others and acknowledge that the views and opinions held by others and decisions made by managers may not coincide with their own.

**Standards**

2.4 The Code's standards of conduct are as follows standards:

**i. General**

Conservators must:

- act within the powers of the governing documents of WPCC and the law, and abide by the policies and procedures of the organisation. This includes having a knowledge of the contents of relevant legislation, charitable objects and relevant policies and procedures.
- be an active Board Member, making their skills, experience and knowledge available to WPCC and seeking to do what additional work they can outside Board meetings, including sitting on Committee(s)/Working Groups.
- develop and maintain a sound and up-to-date knowledge of WPCC and its environment. This will include an understanding of how WPCC operates, and the nature and extent of its work.
- utilise WPCC's resources responsibly, in line with policies and procedures.
- accept responsibility to ensure that WPCC is well run.
- raise issues and questions in an appropriate and sensitive way.

**ii. Meetings**

Conservators must:

- endeavour to attend all appropriate meetings and other appointments of WPCC or give apologies. If they cannot regularly attend meetings they should consider their position.
- Prepare fully for all meetings and work for WPCC. This will include reading papers, querying anything they do not understand, thinking through issues before meetings and completing any tasks assigned to them in the agreed time.

- Actively engage in discussion, debate and voting in meetings, contributing in a considered and constructive way, listening carefully, challenging sensitively and avoiding conflict.
- To participate in collective decision making, accepting a majority decision of the Board and not to act individually unless specifically authorised to do so, recognising that if they regularly and strongly cannot support Board decisions they should consider their position.

### **iii. Governance**

Conservators must:

- actively contribute towards improving the governance of the Board, participating in induction and training and sharing ideas for improvement with the Board.

### **iv. Relation with Others**

Conservators must:

- work considerately and respectfully with all those they come into contact at WPCC. Conservators must respect diversity, different roles and boundaries, and avoid giving offence.
- recognise that the roles of Conservators, staff and volunteers of WPCC are different, and seek to understand and respect the difference between these roles. Where a Conservator also volunteers with the organisation the Conservator must maintain the separation of their role as a Conservator and as a volunteer.
- seek to support and encourage all those they come into contact with at WPCC. In particular to recognise their responsibility to support the Chairman and senior staff members.
- make any public comments about WPCC in line with WPCC policy, whether made as an individual or as a Conservator.

### **v. Leaving the Board**

Where there is a substantial breach of any part of these Principles and Standards, including absence from meetings for 12 months in succession or ceasing to have the qualification required for election/appointment, this may result in procedures being put in motion that may result in a Conservator being asked to resign from the Board.

If a trustee is guilty of misconduct and/or mismanagement and is a risk to the Charity's property, then the Charity Commission or the appointing Government Department has power to remove them.

If a Conservator wishes to resign at any time, they must inform the Chairman in advance in writing, stating their reasons for leaving.

## Core Values

- 2.5 In addition to the Principles and Standards of conduct, Conservators should, so far as possible, reflect WPCC's Core Values, which have been adopted by WPCC:
- i. **Dependable** - We will maintain the Commons with pride and professionalism working in and for the community, taking responsibility for our actions.
  - ii. **Respectful** - We will respect and value others giving time and being courteous in considering all viewpoints.
  - iii. **Committed** – We will commit to engaging and communicating with the public to build a greater understanding of the Commons and its management.
  - iv. **Creative** – We will provide innovative approaches to sustain the Charity and protect the Commons.
  - v. **Excellent** - We will use our energy, resources and skills, striving for excellence in all we do.

## 3. CONFLICT OF INTEREST PROCEDURE

- 3.1 Conservators should avoid putting themselves in a position in which their obligation to act in the best interests of WPCC potentially conflicts with their personal interests or duties. Such conflicts may create problems because they can:
- inhibit free discussion
  - result in decisions or actions that are not in the interests of WPCC
  - risk giving the impression that WPCC, or an individual Conservator, has acted improperly.
- 3.2 However, from time to time, conflicts of interests may arise where a Conservator's personal interests and loyalties conflict, or can be perceived to conflict, with those of WPCC.
- 3.3 Even the appearance of a conflict can damage WPCC's reputation and so any interests, duties or obligations which may give rise to the appearance of a conflict must be recognised, disclosed appropriately and dealt with in accordance with these procedures.
- 3.4 Conservators should act in accordance with the spirit as well as the wording in the paragraphs below. This Section offers guidance but is not intended to modify any legal duty which would otherwise apply.
- 3.5 A conflict of interest is any situation in which a Conservator's personal interests or loyalties could, or could be perceived to, prevent the Conservator from making a decision which is in the best interests of WPCC. This includes actual conflicts of interest and of loyalty as well as perceived and potential conflicts.
- 3.6 Conflicts of interest usually arise where either:

- there is a potential pecuniary interest or other material benefit directly to a Conservator, or indirectly through a person connected to the Conservator; or
  - a non-pecuniary interest when a Conservator's duty to WPCCC may compete with a duty or loyalty they owe to another organisation or person.
- 3.7 A Conservator or co-opted member of a Committee must within 28 days of taking office as a Conservator or co-opted member of a Committee notify the Chief Executive Officer of any conflict of interest. This applies whether that interest is their own, or that of a connected person (see paragraphs 3.11 - 3.13). The interest will be included in the WPCCC register of interests.
- 3.8 The WPC Act 1871 and CC Act 1847 contain the following restrictions on pecuniary and non-pecuniary interests and other material benefits that a Conservator may receive:
- A Conservator cannot be remunerated or hold any paid office with WPCCC (section 31, WPC Act 1871).
  - A Conservator cannot receive any expenses in connection with meetings of the Conservators (section 48, CC Act 1847).
  - A Conservator cannot be concerned with or participate in any manner in any contract, or in the profit from any contract, or of any work done under the authority of the WPC Act 1871 (section 9, CC Act 1847). (There is an exception under section 10 of the CC Act 1847 which would allow WPCCC to enter into a contract with a company in which a Conservator is a shareholder of, provided the Conservator with the shareholding does not participate in the Conservators vote on the contract).
- 3.9 If an interest above has not been notified or entered in the register, then the Conservator must disclose the interest to any meeting of WPCCC at which they are present, where they have disclosable interest in any matter being considered. Where a matter is considered to be a sensitive interest, which includes any concern that disclosure might lead to the Conservator or co-opted person being subject to violence or intimidation, that individual should speak to the Chief Executive Officer, who may agree to exclude details from any publicly available version of the register of interests.
- 3.10 Following disclosure of an interest not on WPCCC's register or the subject of pending notification, Conservators must notify the Chief Executive Officer of the interest within 28 days beginning with the date of disclosure.

### **Connected persons**

- 3.11 A conflict can arise indirectly because of a Conservator's relationship with, or connection to, another person or organisation. This is because of the risk that the Conservator's decision-making could be affected, or that it could be perceived that there is a conflict of interest. Issues relating to conflicts of interest often arise in charities because of benefits received by connected persons.
- 3.12 Examples of connected persons include: members of a Conservator's family, their spouse or civil partner, or someone with whom they are living as a husband or wife, or as if they were civil partners, a business partner or colleague, anyone whose finances are interdependent with the Conservator (e.g. through joint bank accounts, joint mortgages or property held in joint names, one party financially dependent on the other, joint beneficiaries of a trust), businesses in which a Conservator has an interest through ownership or influence, or anyone else receiving a benefit where it could be perceived that the benefit could influence the Conservator's ability to make decisions only in the best interests of WPCCC.

- 3.13 A Conservator might be a member of another organisation whose policies or objectives are inconsistent with or otherwise have a bearing on those of WPCC. A Conservator's duty is to take only their responsibilities to WPCC into account.

### **Declaring interests**

- 3.14 Many possible conflicts can be managed by ensuring appropriate transparency as to a Conservator's potentially conflicting interest. This is done by proactive declaration and, for appropriate interests, the maintenance of a register of interests.
- 3.15 Conservators must use their judgment in accepting any gifts and hospitality which might compromise WPCC's reputation and must declare these at the earliest opportunity. The disclosure must include sufficient information to enable appropriate decisions to be taken as to the seriousness of any potential conflict and its management. Conservators should always take decisions solely in terms of WPCC's interests; they should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- 3.16 A declaration of interests form is provided for this purpose, listing the types of interest you should declare. The declaration of interests needs to be completed prior to taking office and updated at least annually and/or when any material changes occur.
- 3.17 If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the Chairman or Chief Executive for guidance.
- 3.18 In addition to keeping the declaration of interests up to date, Conservators must declare any interest (including a perceived or potential interest) at the earliest possible opportunity and orally at any meeting where a conflict may arise. Conflicts of interest should be a standard agenda item at the beginning of each meeting of the Conservators or any Committee/Working Group. If a Conservator is aware of an undeclared conflict issue affecting another Conservator, he or she should notify the Chair or the other Conservators.
- 3.19 Information about Conservator interests, including all gifts and hospitality received by any Conservator, will be recorded on the charity's register of interests, which will be maintained by the Chief Executive Officer. The register will be accessible by Conservators and senior managers so that the relevant matters can be managed properly.

### **Disclosure of interests at meetings**

- 3.20 Where an interest described above or in the following paragraph in any business of WPCC has been declared and, where a Conservator is aware or ought reasonably to be aware of the existence of that interest and they attend a meeting of WPCC at which the business is considered, the Conservator must disclose to that meeting the existence and nature of that interest at the commencement of its consideration. If not apparent in advance from any agenda, as soon as the interest becomes apparent as being relevant to the business under consideration a Conservator must immediately declare it.
- 3.21 Where a Conservator has a personal interest in any matter of WPCC where a decision in relation to that matter might reasonably be regarded as affecting their well-being or

financial position or the well-being or financial position of a member of their family or any person with whom they have a close relationship (connected persons see paragraph 3.11 – 3.13) as the case may be, they must immediately declare it.

### **Data protection**

3.22 Some personal information about third parties can only be held with their agreement. Generally the limited information needed to declare a conflict will not require such consent. If consent is needed it is the responsibility of the Conservator providing the information to ensure consent is given. Any declaration where personal data is held will be processed in accordance with data protection principles as set out in the Data Protection Act 2018 only to ensure that Conservators act in the best interests of WPCCC and not for any other purpose.

### **Managing conflicts of interest**

3.23 Once a conflict of interest has been disclosed it must either be managed or removed so that any potential effect on decision-making is eliminated.

3.24 Where a conflict of interest needs to be managed, the way in which this is done must be decided by the Conservators. In doing this the Conservators must follow the WPC Act 1871, the CC Act 1847 and the general law which deal with how conflicts of interest must be handled. They should also take into account Charity Commission guidance on conflicts of interest.

### **Managing permissible material benefits to a Conservator or a connected person**

3.25 The provisions of the WPC Act 1871 and/or CC Act 2011 in relation to material benefits that a Conservator may receive (set out in section 3.14 – 3.19 above) are quite restrictive.

3.26 In circumstances where there is a potential financial or other material benefit directly to a Conservator or to a person connected with a Conservator which is not prohibited by the Acts, the following procedure must be followed:

- the material benefit must be authorised in advance;
- the affected Conservator must be absent from any part of any meeting where the issue is discussed or decided; and
- the affected Conservator should not vote or be counted in deciding whether a meeting is quorate.

3.27 A Conservator must not be involved in managing or monitoring on behalf of WPCCC a permitted contract in which the Conservator or a connected person has an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory. Generally, because of the possible reputational effect of contracts with Conservators, WPCCC will require strong reasons to enter such a contract rather than dealing with an unconnected person.

### **Managing conflicts of duty or loyalty**

3.28 In relation to interests where there is no material benefit, such as a conflict of loyalty, having evaluated the level of conflict the Conservators must decide how it is to be managed. Generally the following will be appropriate:

Category of interest	Action to manage the interest
A. The interest is low risk and does not create a real danger of bias or conflict	The Conservator must declare the interest and may contribute information to the meeting and remain in the meeting, be counted in the quorum and vote
B. The interest creates a significant but not substantial danger of bias or conflict	It shall be at the discretion of the other Conservators (who do not themselves have an interest in the matter) whether the Conservator may contribute information to the meeting and remain in the meeting, but in any event the Conservator must not participate in the discussion, or vote on the matter and will not be counted in the quorum for that issue
C. The interest creates a substantial danger of bias or conflict of duty	The Conservator must leave the meeting, not participate in the discussion or vote on the matter and will not be counted in the quorum for that issue
D. The interest creates a severe or substantial and recurring danger of bias or conflict of duty	Other steps will need to be taken to manage the conflict in addition to those referred to above and in a serious case a Conservator may have to consider resigning

3.29 There are situations where a Conservator may participate in discussions from which he or she could indirectly benefit, for example where the benefits are universal to all users of the Commons, or where the benefit is minimal. These may be dealt with by a single disclosure upon taking office, updated annually where there is any change.

3.30 If a Conservator has an interest in the management of a body or organisation that has an interest in the Commons, this will always be regarded as at least a 'category B' interest for the purpose of any decisions that affect that body or organisation.

3.31 In relation to any type of conflict, where the conflict is so acute or extensive that following these procedures will not allow the Conservators to demonstrate that they have acted in the best interests of WPCC, a specific approach may need to be developed with the benefit of advice which could be sought from the Charity Commission.

### Recording steps taken

3.32 All decisions affected by a conflict of interest will be recorded by the Chief Executive Officer and reported in the minutes of the meeting. The record will include:

- the nature and extent of the conflict
- which Conservator or Conservators were affected
- whether any conflicts of interest were declared in advance
- an outline of the discussion

- whether anyone withdrew from the discussion
  - the actions taken to manage the conflict
  - how the Conservators took the decision in the best interests of the Conservators.
- 3.33 Where a Conservator or a connected person receives a payment or other benefit from a decision, this must be reported in the Annual Report and Accounts in accordance with the Charities' Statement of Recommended Practice.
- 3.34 The Chief Executive Officer will take special care to ensure that minutes or other documents relating to the item presenting a potential conflict are appropriately redacted before being provided to the person facing the conflict. A balance needs to be made to ensure that the person still receives sufficient information about the activities of the charity generally without disclosing information which it would be inappropriate for the person to receive.

### **Compliance**

- 3.35 Compliance with Conflicts of Interest will be the responsibility of the Chairman.
- 3.36 If it appears that a Conservator has failed to comply, the issue will be dealt as a matter of misconduct under this Code.



## 4. DIGNITY PROCEDURE

4.1 Harassment and bullying can have very serious consequences for Conservators and WPCC. Harassment or bullying may make Conservators unhappy, may cause them stress and affect their health and family and social relationships, may affect their performance, and could cause them to resign. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on WPCC can include loss of morale, poor work performance, legal claims and damage to the Charity's reputation. Serious harassment may be a criminal offence.

4.2 WPCC will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, action will be taken in accordance with the Complaints Procedure. WPCC will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint.

- i. **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.
- ii. **Harassment** includes a 'course of conduct' alarming a person or causing a person distress. Where that 'course of conduct' harasses a single individual, it must take place on at least two occasions. Where it is directed against two or more people, it only has to take place on one occasion in relation to each individual. A campaign of collective harassment by two or more people can amount to a 'course of conduct'.

Harassment also includes unwanted conduct related to relevant 'protected characteristics', which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

4.3 Bullying and harassment may take many forms:

- physical contact, ranging from touching to serious assault;
- verbal and written harassment through jokes, offensive language, gossip, slander and letters;
- postings on social media;
- visual display of posters, obscene gestures;
- isolation or non-cooperation at work;
- coercion;
- persistent undermining of an individual;
- rudeness and verbal aggression.

4.4 **Victimisation** is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in

relation to a complaint. This would include isolating someone because he/she has made a complaint or giving him/her a heavier or more difficult workload.

- 4.5 Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Charity will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.
- 4.6 Making a complaint that a Conservator knows to be untrue, or giving evidence that a Conservator knows to be untrue, may lead to action being taken against them.
- 4.7 A complaint of bullying and harassment will be made in accordance with the Code of Conduct Complaints Procedure and solutions will be sought in discussion with the complainant who will be protected against any form of victimisation that may arise as a result of making the complaint.
- 4.8 WPCC will treat every case of proven bullying or harassment in accordance with the Code of Conduct Complaints Procedure. In severe cases this could lead to censure of a Conservator, termination of employment of a member of staff or engagement as a volunteer or in extreme cases referral to the police for investigation.

## **5. COMPLAINTS PROCEDURE**

- 5.1 Where there are complaints of misconduct or infringements of someone's dignity, WPCCC must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made. The following procedure applies to complaints made against a Conservator by a fellow Conservator(s), an officer(s) or any other person(s).
- 5.2 In relation to officers, a complaint should be after consultation with the Chief Executive Officer unless it relates to the CEO in which case the complaint should be made to the Chairman.

### **Making a complaint**

- 5.3 The complaint should be made to the Chief Executive Officer in writing or by e-mail.
- 5.4 A copy of the complaint form, which shall be used for all complaints, is attached at Appendix 1. This form should also be used for making a complaint under the Local Resolution Procedure. Completion of a Complaint Monitoring Form at Appendix 1A is also requested, but is not compulsory.
- 5.5 In order to make a complaint, a complainant will need to have reasonable belief that there has been a breach of the Code and/or an infringement of their dignity. In order to have a reasonable belief that a breach has occurred, there will need to be direct evidence which supports the complaint. Without such evidence the complaint will not be pursued. Complainants should consult the Chief Executive Officer for advice if they are in doubt. Where the breach is a very minor or technical one, or where there is no clear evidence that a breach occurred, the Chief Executive Officer may advise the complainant that the matter might be more appropriately dealt with through WPCCC's Local Resolution Procedure.
- 5.6 If the complaint appertains to a potential criminal activity the Chief Executive Officer will consult with the Independent Person (see Appendix 3). If there is a view that the police or another statutory regulatory body should be involved then the Chairman of the Board and Chairman of the Audit and Risk Committee will be advised. WPCCC will at that point advise the complainant and hand the matter to the police or other statutory regulatory body.
- 5.7 Once received a complaint will be acknowledged by the Chief Executive Officer within five working days.

### **Confidentiality**

- 5.8 As a matter of fairness and natural justice the subject Conservator should usually be told who has complained about them and received details of the complaint. However, in exceptional circumstances, the Chief Executive Officer may withhold the complainant's identity if on request they are satisfied that the complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.

- 5.9 If a request for confidentiality is refused, the Chief Executive Officer will explain the reason and give the complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed.
- 5.10 The complaint will be acknowledged and the subject Conservator will be informed that a complaint has been made about him or her. Such notification will state that the complaint has been made; the name of the complainant (unless the complainant has requested confidentiality and this is being upheld), brief details of the complaint and the paragraphs of the Code which may have been breached. In very limited situations, the subject of the complaint may not be notified, in which case the Chief Executive Officer will record his reason. Such situations may be where it is not reasonably possible to identify who the subject of the complaint might be.
- 5.11 Where the details of complaints are passed to any third parties, including but not limited to press or media, or posted on social media, this may prejudice an investigation. In the case of a complainant, WPCC would not pursue the investigation further and WPCC would reserve the right not to pursue further complaints from the same complainant. In the case of a Conservator, where they pass details of a complaint to any third parties, this may also be considered a breach of the Principles and Standards of the Code.

### **Initial Assessment**

- 5.12 In determining whether to investigate a complaint, the Chief Executive Officer will adopt a three-stage process, all in consultation with an Independent Person. At each stage the Chief Executive Officer may request further clarification or documentation from the complainant, without this forming part of any investigation.

**Stage 1** – The Chief Executive Officer will decide whether the complaint is within WPCC’s jurisdiction which will include consideration of the paragraphs of the Code or evidence of the infringement to a person’s dignity to which the complaint might relate. If there is no jurisdiction then the complainant will be informed that the complaint will not be considered further.

**Stage 2** - The Chief Executive Officer will decide whether there is direct evidence that a breach and/or infringement to a person’s dignity took place. The level of proof will be on the balance of probabilities, that is to say, whether it is more likely than not. If there is no direct evidence, or if the complaint is considered to be vexatious, then the complaint will be dismissed.

**Stage 3** – The Chief Executive Officer will decide whether the complaint is suitable to be dealt with within the Local Resolution Procedure, or whether it should be the subject of a full investigation. The criteria which will be used for this analysis are set out in Appendix 2.

### **Local Resolution Procedure**

- 5.13 The Local Resolution Procedure is a process for low-level complaints including those made by one Conservator against another.

- 5.14 If the Chief Executive Officer, in consultation with the Independent Person, decides to refer the matter to local resolution, then the complainant will be informed within 5 working days and the Local Resolution Procedure shall then apply (see section 6 below).
- 5.15 The criteria for referring the matter to the Local Resolution Procedure will include the following:
- Complaints that one Conservator has failed to show respect and consideration for others
  - Complaints that one Conservator has made vexatious, malicious or frivolous complaints towards another.
  - Other low-level complaints which in the opinion of the Chief Executive Officer, following consultation with an Independent Person, are suitable for informal resolution.

### **Formal Investigation**

- 5.16 If the matter is to be fully investigated, as opposed to being dismissed or referred to the Local Resolution Procedure, the WPCC will at the earliest opportunity appoint an Investigating Committee who will prepare an initial report and recommendation. An Investigating Committee will have specific Terms of Reference agreed by the Board and will comprise up to three Conservators, or where this is not possible the Committee may be supplemented by up to two Independent Persons. There must be at least one Independent Person as a member of the Investigating Committee. When appointing the Investigating Committee, the Chief Executive Officer will write to the relevant parties informing them that the matter is to be fully investigated and informing them who will be the Chairman of the Investigating Committee responsible for conducting the investigation. The Chairman of the Investigating Committee should give an indication as to likely timescale for the completion of the investigation, which should be within 6 weeks. WPCC reserves the right to extend this period in certain cases in the event that the complaint is more complex and time consuming or where further advice/guidance is required. Referring a matter for investigation does not mean that there have been any findings of fact. It simply means that the alleged conduct, if proved, may amount to a failure to comply with the Code and that some action should be taken in response to the complaint.
- 5.17 The Chief Executive Officer will consider the recommendation of the Investigating Committee's report. If the recommendation is that there has been no breach of the Code, the Chief Executive Officer and Chairman of the Investigating Committee will consult the Independent Person. If, having taken into account the views of the Independent Person, the Chief Executive Officer and Chairman of the Investigating Committee approves the recommendation of the report then the Chief Executive Officer will write to the complainant and the Conservator concerned to inform them that there will be no further action. This will normally be undertaken within 10 working days of the receipt of the report. The Chief Executive Officer will give reasons for the decision. There is no appeal or review of that decision by WPCC or any other person.
- 5.18 If the investigation concludes that there is evidence of a breach of the Code then the Chief Executive Officer and Chairman of the Investigating Committee will consult the Independent Person and make a decision either to:

- (a) resolve the matter without the need for a hearing. That may include the application of those sanctions limited to those set out in paragraph 7.7 below. The Chief Executive Officer will write to the complainant and the Conservator concerned to inform them of the decision. The Chief Executive Officer will give reasons for the decision. There is no appeal or review of that decision by WPCC or any other person;
  - (b) convene a meeting of the WPCC's Hearings Committee, to hear the matter; or
  - (c) report it to the police if it is believed it might fall under their jurisdiction.
- 5.19 In exceptional circumstances it may be considered by the Chief Executive Officer, Chairman of the Investigating Committee and Independent Person that the Chairman of WPCC should be invited to consider whether the Conservator should be asked to withdraw from WPCC's duties pending the outcome of the Hearings Committee. There will need to be reasonable grounds for the belief that such a step is in the interests of the subject Conservator or WPCC.

#### **Frivolous and Vexatious Complaints**

- 5.20 Complaints made against Conservators must be based upon fact and not motivated by malice or by rivalry. Complainants should not make complaints:
- (a) which have little or no substance or
  - (b) where the evidence of any breach is weak or non-existent or
  - (c) which are persistent complaints of a similar nature against a Conservator or
  - (d) which are a repetition of complaints already previously decided.
- 5.21 In the case of doubt as to whether a threshold has been met, advice should be sought from the Chief Executive Officer. The making of frivolous or vexatious complaints may, if made by a Conservator, be conduct which will be considered a breach of the Code and dealt with under the Local Resolution Procedure.

## **6. LOCAL RESOLUTION PROCEDURE**

- 6.1 WPCC has adopted this Local Resolution Procedure in order to promote and maintain high standards of conduct amongst Conservators. It is intended to assist in the swift resolution of issues, so as to avoid the unnecessary escalation of the situation which may damage personal relationships within WPCC and WPCC's reputation. This procedure is also intended to resolve matters on an informal basis, where this is appropriate.
- 6.2 For informal resolution of a problem involving a Conservator identified or reported to the Chairman or Chief Executive Officer (where a formal complaint has not been made) the request will be passed on to the Chairman (in the event they are not the original recipient). Confidential meetings will then be arranged between relevant parties with the Chairman to engage in the process and seek a resolution to the issues raised. Any meetings may take place at WPCC's offices or other locations as is convenient. The process will be confidential and without prejudice to the parties involved to bring a formal complaint if the matter is not resolved but will be documented. In the event that the matter is not resolved the content of the discussions shall not be referred to in any subsequent complaint. There is no power for any matter referred under the informal process to be subject to any sanction under the Code.
- 6.3 Complaints may be dealt with under this procedure as follows. Anyone who wishes to submit an allegation under this procedure should send the complaint to the Chief Executive Officer. Additionally, the Chief Executive Officer may have referred a complaint to this procedure following consultation with an Independent Person. Following receipt of the complaint, or referral, the Chief Executive Officer will act as follows:

### **Stage 1**

The Chief Executive Officer will undertake a brief preliminary investigation to establish the facts and the areas of dispute. Possible resolutions will be canvassed with the complainant and then the Conservator about whom the complaint has been made.

Then the Chief Executive Officer will also consider, following this, whether another course of action or more formal investigation, is more appropriate.

### **Stage 2**

A mediation meeting will be held between the person making the complaint, the Conservator against whom the complaint is made and the Independent Person. Such other persons as may be deemed appropriate including the Chief Executive Officer, the Chairman of the Board, or in the case of a complaint being made by an officer a companion or union representative. The meeting may commence with the parties in separate rooms and the Independent Person acting as a mediator. The purpose of the meeting will be to try and resolve the matter without it going further.

### **Stage 3**

If the matter is not resolved at stage two and the complainant wishes to proceed with it, the matter will be referred to a local resolution hearing before the Hearings

Committee (see section 7 below in relation to the constitution of the Hearings Committee). The person making the complaint will be asked to submit a statement in writing within 15 working days and the Conservator complained against will respond within 15 working days. Either party may submit a statement from a witness.

- 6.4 Within 30 working days of the written evidence a hearing will be set before the Hearings Committee. Any party may have at their own expense a companion or representative, provided that in the case of representation the Chief Executive Officer and other party have been given 21 days' notice to this effect. Evidence will be limited to the contents of the statements. If any party does not attend, the hearing will proceed in their absence. After hearing oral evidence, the Hearings Committee will come to a conclusion on the allegation, which will be notified to the parties.
- 6.5 The possible outcomes to a hearing under the Local Resolution Procedure are:
- A finding that the matter does not warrant any further action to be taken
  - A recommendation to the Chief Executive Officer that there be a change to procedures or that more formal investigation action be taken
  - A finding that the complaint be recorded by the Chief Executive Officer as vexatious
  - A finding that the complaint is upheld, but no further action is required
  - A finding that the complaint is upheld and that the Conservator should be censured
- 6.6 Unless the complaint has been upheld, publicity will not be given to the names of the parties. The hearing before the Hearings Committee will be confidential.



## **7. HEARINGS PROCEDURE**

- 7.1 If a hearing is required, the Chief Executive Officer will write to the subject Conservator proposing a date for the hearing. This date will normally be within six weeks of the investigation report and will be before the Hearings Committee. The Hearings Committee shall be constituted and shall have a quorum of three Conservators approved by the Board plus an independent person. A Chairman of the Hearings Committee will need to be appointed. Subject to the circumstances there may need to be a Special Meeting of the Conservators convened in accordance with s. 45. CC Act 1847.
- 7.2 The Chief Executive Officer will outline the hearings procedure, the Conservator's rights and ask for a written response from the Conservator within a set time to establish whether:
- the Conservator wishes to attend the hearing;
  - the Conservator disagrees with any of the findings of fact in the investigation report and if so which findings and the reason for disagreement;
  - the Conservator wishes to give oral evidence, or rely on written submissions;
  - witnesses will be called by the Conservator to give evidence (there is no power on the part of WPCC to compel attendance by a witness).

The parties and the Hearing Committee will be sent a full bundle of documents for the hearing at least 5 working days prior to the hearing.

- 7.3 Any party may have at their own expense a companion or representative, provided that in the case of representation the Chief Executive Officer and other party have been given 21 days' notice to this effect.

### **Procedure at hearing**

- 7.4 All hearings and will be held in private and all documentation must be held as confidential. The procedure at the hearing will be in accordance with a procedure to be determined by the Chairman of the Hearings Committee. It will usually adopt the following procedure:
- The Chairman of the Investigating Committee will present his/her report to the Hearing Committee
  - The Chairman of the Investigating Committee will be questioned on the report by any party and by the Hearings Committee
  - Evidence will be given with questions being asked by any party and by the Hearings Committee. The order will be the complainant first, then the Conservator the subject of the complaint and then any witnesses in such order as the Hearings Committee decides appropriate
  - The Hearings Committee will withdraw to consider their decision, with the outcome notified by the Chairman of the Hearings Committee. The decision will be confirmed in a Decision Notice which will be sent to the parties within 5 working days of the hearing.

- 7.5 If the Hearings Committee concludes that there has been no breach of the Code, there will be no further action. There is no appeal or review of that decision by WPCC or any other person. The Hearings Committee will give reasons for its decision.
- 7.6 If the Hearings Committee concludes that the Conservator the subject of the complaint has failed to comply with the Code, then WPCC has powers to make such sanction as it considers to be appropriate and proportionate in order to promote and maintain high standards. Only the Charity Commission or an appointing Government Department have the power to remove a trustee.

### **Sanctions**

- 7.7 These sanctions may include any of the following:
- A request that the Conservator submit a written apology in a form specified by the Hearings Committee;
  - A request that the Conservator undertake specified training;
  - A request that the Conservator participates in such conciliation as may be specified;
  - A requirement that the Conservator deals with WPCC business through one specified point of contact;
  - Placing such restrictions on Conservators' access to staff which may be reasonable in the circumstances and, providing that such restrictions do not prevent the Conservator from carrying out their duties;
  - A requirement that the Conservator does not attend at WPCC's offices, unless attending Board meetings;
  - Reporting the Conservator to his/her Secretary of State as appropriate and reporting the matter to a full meeting of the Board;
  - Reporting the matter to a full meeting of the Board with a recommendation that the Conservator has any privileges/position to which they are entitled removed or that they be removed from any appointment made by WPCC to any external body;
  - Reporting the matter to a full meeting of the Board with a recommendation that the Conservator be removed from any committee to which they are currently appointed, with a review period;
  - Reporting the matter to a full meeting of the Board with a recommendation that the Conservator be suspended from the Board and any committee to which they are currently appointed, with a review period.
  - No sanction.
- 7.8 The Hearings Committee does not have the authority to remove a Conservator from office. That authority rests with the Charity Commission or the appointing Government Department. Depending on the circumstances the Hearings Committee may determine that the matter needs to be considered by the full Board, potentially with a view to involving the Charity Commission or appropriate Government Department. The Hearings Committee may report the matter to the police if it is believed it might fall under their jurisdiction.

### **Publication of findings**

- 7.9 A summary of the complaint and findings will be reported to a full meeting of the Board, for their information.

**STATEMENT OF ACCEPTANCE**

I have read and understood the Code of Conduct for Conservators and Complaints Procedure for Conservators agreed by the Board at its meeting on 11 February 2019.

The Board **RESOLVED** to approve the updated Code of Conduct for Conservators that sets out the conduct expected of someone in public service and incorporates procedures for managing conflicts of interest, dignity and complaints, enabling WPCC to deal with any

breaches of conduct and behaviour by a Conservator

I agree to abide by the Code.

Signed: .....

Name (please print): .....

Date: .....

## APPENDIX 1

### Conservators' Code of Conduct Complaint Form

To be used if you wish to make a complaint that a Conservator or co-opted member of the Board, has failed to comply with the Conservators' Code of Conduct.

If English is not your first language, please contact us if you require help to complete this form.

#### Your details

##### 1. Please provide us with your name and contact details

Title:	
First Name:	
Last Name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

We will only use the information you provide to us for the purposes of processing your complaint. Your information, including any personal information you provide to us (such as name and contact details) may be shared with the people referred to below, or with other relevant authorities as required, only for the purposes of processing your complaint.

All comments and complaints are treated confidentially and will not disadvantage you in any future dealings with WPCC. It may not always be possible to keep your details confidential, such as where your complaint is about a third party, involves potentially criminal activity or where particular legislation applies to your complaint.

We will tell the following people about this complaint:

- The Conservator(s) you are complaining about
- The Chief Executive Officer to WPCCC
- WPCCC's Independent Person(s)
- The Chairman of the Board of WPCCC

If you have serious concerns about your name and details of your complaint being released, please complete **section 6** of this form.

**2. Please tell us which complainant type best describes you:**

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | Member of the public                      |
| <input type="checkbox"/> | A Conservator or co-opted member of WPCCC |
| <input type="checkbox"/> | Member of Parliament                      |
| <input type="checkbox"/> | Local authority Councillor                |
| <input type="checkbox"/> | WPCCC employee or volunteer               |
| <input type="checkbox"/> | Other (please provide details)            |

**Making your complaint**

- 3.** Once you have submitted your complaint, it will be considered by the Chief Executive Officer of WPCCC and after reasonable consultation with the WPCCC's Independent Person, will assess, on the basis of your written submission and any additional relevant material, whether the alleged conduct might amount to a failure to comply with the Conservators' Code of Conduct.

The Chief Executive Officer has the following range of options available to him/her: Formal Investigation (which will involve an investigation of the complaint), referral to the WPCCC's Local Resolution Procedure or no further action, for instance if it is considered that any failure to comply with the Code of Conduct is of a trivial nature.

- 4.** Please provide us with the name of the Conservator(s) you believe have breached the Conservators' Code of Conduct.

Title	First Name	Last Name

5. Please explain in this section (or on separate sheets) what the Conservator has done that you believe breached the Conservators' Code of Conduct. If you are complaining about more than one Conservator you should clearly explain what each individual person has done that you believe breached the Code of Conduct.

A copy of WPCCC's Conservators' Code of Conduct can be found on the website

Alternatively, a paper copy can be obtained from the Chief Executive Officer to WPCCC by writing to:

Chief Executive Officer, Wimbledon and Putney Commons Conservators, Ranger's Office, Manor Cottage, Windmill Road, Wimbledon SW19 5NR

- You should be specific, wherever possible; about exactly what you are alleging the Conservator said or did. For instance, instead of writing that the Conservator insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.
- You should tick the box to confirm that the facts set out are true

**Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.**

Do you wish your complaint to be dealt with under the WPCC's Local Resolution Procedure?

Yes/No

If you answered No, please briefly explain your reason:

I confirm by ticking this box and sending this form that the facts I have set out in my complaint are true

Date:

**Only complete this next section if you are requesting that your identity is kept confidential.**

6. In the interests of fairness and natural justice, we believe Conservators who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify WPCC doing so.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Chief Executive Officer to WPCC, in consultation with WPCC's Independent Person, will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious and it relates to potential criminal activity, we can proceed with an investigation or other action and disclose your name to the police even if you have expressly asked us not to.

**Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:**

--

## **Additional Help**

7. Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of equalities legislation, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

If you need support in completing this form, please let us know as soon as possible.

This complaint should be submitted to the Chief Executive Officer of WPCC, by sending to the following contact addresses:

By post to : Chief Executive Officer, Wimbledon and Putney Commons Conservators, Ranger's Office, Manor Cottage, Windmill Road, Wimbledon SW19 5NR

Or by e-mail to: [complaints@wpcc.org.uk](mailto:complaints@wpcc.org.uk)



## APPENDIX 1a

### Private and Confidential

### Code of Conduct Complaint Monitoring Form

WPCC is committed to the provision of equal opportunity and specifically to conducting its affairs in a manner which will not discriminate against, either directly or indirectly, any person on the grounds of: disability; gender; transgender; race; ethnic or national origin; religion or belief; age or sexual orientation.

To help us meet this commitment, it would be helpful if you would complete this form. This monitoring form will be separated from your complaint on receipt and will be used solely for the purposes of monitoring the process.

<b>Section 1</b> (please tick the boxes which apply)		
My age is:	Under 21	<input type="checkbox"/>
	21-30	<input type="checkbox"/>
	31-40	<input type="checkbox"/>
	41-50	<input type="checkbox"/>
	51-60	<input type="checkbox"/>
	61-64	<input type="checkbox"/>
	65 or over	<input type="checkbox"/>
My gender is:	Female	<input type="checkbox"/>
	Male	<input type="checkbox"/>

<b>Section 2</b> (please tick one box only)			
I would describe myself as:	White:	British	<input type="checkbox"/>
		Irish	<input type="checkbox"/>
		Any other	<input type="checkbox"/> please write in
	Mixed:	White and Black Caribbean	<input type="checkbox"/>
		White and Black African	<input type="checkbox"/>
		White and Asian	<input type="checkbox"/>
		Any other`	<input type="checkbox"/> please write in
	Asian or Asian British:	Indian	<input type="checkbox"/>
		Pakistani	<input type="checkbox"/>
		Bangladeshi	<input type="checkbox"/>
		Any other	<input type="checkbox"/> please write in
	Black or Black British:	Caribbean	<input type="checkbox"/>
		African	<input type="checkbox"/>
		Any other	<input type="checkbox"/> please write in
	Chinese or other ethnic group:	Chinese	<input type="checkbox"/>
		Any other	<input type="checkbox"/>

please write  
in

<b>Section 3</b>		
Do you consider yourself to have a disability*?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

\*The Equality Act 2010 defines disability as 'a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities'.

Thank you for your co-operation. Please return this form with your complaint

## APPENDIX 2

### Criteria for consideration of a complaint by Chief Executive Officer

In deciding whether to accept or reject a complaint of breach of the Code, or to refer it to the Local Resolution Procedure, the Chief Executive Officer has a wide discretion. He or she will take into account the following criteria, where relevant.

- Public interest factors including the seriousness of the alleged breach, whether there has been any breach of trust, the extent of any harm caused and whether there has been any discrimination.
- Proportionality by balancing the seriousness of the allegation against the resources required to investigate the allegation
- Whether there are any aggravating factors or significant mitigating factors
- Whether a prompt acknowledgment and apology has been offered
- Whether the complaint is one of a pattern by or against a Conservator
- Whether the complaint appears to be malicious, frivolous or vexatious
- Whether the complaint suggests that there is a wider problem as affects WPCC
- Whether training or conciliation would be the appropriate response
- Whether either the complainant or subject Conservator has indicated a preference for Local Dispute Resolution
- Whether it is potentially criminal and WPCC should inform the police if it is believed it might fall under their jurisdiction

## APPENDIX 3

### Criteria for an Independent Person

The appointment by WPCC of at least one, possibly two Independent Persons is recognised as best practice. The role of an Independent Person is to help promote and maintain high standards of conduct, verify that due process has been followed and ensure that the processes have been unbiased. The Independent Person role is purely advisory, they have no authority to make decisions on behalf of WPCC that responsibility rests with the collective Board of Conservators. They may however report independently to the Board on the process and its outcome.

Prospective applicants should have experience of public sector organisations, good analytical and communication skills, be contactable during working hours and be available to attend hearings or meetings at relatively short notice with the Chief Executive Officer, which may be held during the daytime or evening.

However, a person cannot be appointed to this role if:

- a) they are politically active;
- b) now, or within the past five years, they have been a Conservator, co-opted member or Officer of WPCC;
- c) they are a relative or close friend of a person within (b);
- e) they are involved with WPCC as a major supplier, partner or contractor.
- f) they are a levy payer

### Skills and Competencies

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills in relation to what can be complex issues
- leadership qualities, particularly in respect of exercising sound judgement.
- a demonstrable interest in local issues.
- an awareness of the importance of ethical behaviours.
- sufficient experience, seniority and authority to influence decision makers.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- be a good communicator.

Desirable but not essential additional criteria are:

- working knowledge/experience of local government or other public service and/or of complex organisations and awareness of and sensitivity to the political process.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

- local knowledge is not essential but will be viewed positively.

## **Role Description**

Responsible to: Wimbledon and Putney Commons Conservators

Liaison with: Conservators, Chief Executive Officer and other officers of Wimbledon and Putney Commons Conservators.

1. To assist WPCC in promoting high standards of conduct by Conservators and co-opted members of Wimbledon and Putney Commons Conservators and in particular to uphold the WPCC Code of Conduct adopted by the Board and the Principles and Standards of public office.
2. To be consulted by the Chief Executive Officer and/or Conservators before a decision is made on an investigated allegation and to be available to attend meetings for this purpose if necessary.
3. To be available for consultation by the Chief Executive Officer and/or Conservators before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any Conservator and co-opted member, who is the subject of a complaint under the Code of Conduct.
5. To develop a sound understanding of the ethical framework as it operates within Wimbledon and Putney Commons Conservators.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside Wimbledon and Putney Commons Conservators
7. To facilitate mediation where this is required as part of the Local Resolution Procedure.