



The Birchall Trust

*Counselling Survivors of Rape and Sexual Abuse
in South Cumbria and North Lancashire*

A review of The Birchall Trust's governance arrangements and action plan

***The Birchall Trust
60 Hartington Street
Barrow in Furness
Cumbria
LA14 5SR***

***Registered Charity No: 1109637
Company No: 5424196
Adopted by The Board of Trustees: May 2019
Next review April 2020***

Introduction

This report sets out an analysis of how the charity is governed and makes recommendations as to how its governance can be strengthened.

The report is part of a consultancy funded by The Lloyds Bank Foundation in 2018. The consultancy used the following techniques:

- Review of relevant documentation.
- Interviews with key personnel.
- A postal survey of board members
- A day workshop for board members on the 14th November 2017.

Background

The Birchall Trust, was established as a charity in 2004 with the following objects:

To relieve the mental and physical distress of persons who are victims of rape, sexual abuse and incest by the promotion of a service which offers support, information and counselling, to work towards the advancement of education about sexual crimes and the effect on the victims of such crimes and to offer the service to persons and their families friends and partners, who may also need support, counselling or education in the council districts of South Lakeland and Barrow-in-Furness.

The charity is governed by a constitution adopted on the 14th April 2005. The Birchall Trust is a registered charity (1109637) and is incorporated as a company limited by guarantee (5424196)

The organisation is controlled by the charity trustees (currently five in number).

Review of The Birchall Trust's governance

The postal survey included a list of potential roles that trustee boards can play. Members scored them on a scale of 1 (we need to do this better) to 4 (we do this very well):

Role	Description	Score: 1 (we need to do this better) to 4 (we do this very well).
Strategy	Setting the organisation's direction and priorities and planning ahead.	3 3 2 2 2
Scrutiny	Overseeing the organisation's performance and business position.	4 3 4 4 3
Safeguarding	Protecting the organisation's assets, reputation and standing.	4 3 4 4 4
Stewardship	Ensuring that risk is managed and that proper practices are in place.	3 2 4 3 4
Support	Providing support and guidance to key staff.	3 2 3 1 3

Board members were asked to score six statements on a scale of 1 to 4: 1: strongly disagree to 4: strongly agree regarding the board's performance

	Score 1 (strongly disagree) to 4 (strongly agree)
I fully understand my responsibilities and legal duties as a trustee.	4 3 4 3 3 3
I usually get good background information before meetings.	3 3 3 3 2 3

I have a good knowledge of the wider context in which we operate.	4 2 4 4 4 3
I feel that the organisation makes good use of my skills.	3 3 4 2 3
Trustee meetings are usually productive and effective	3 3 3 2 2
I get good training and support for my role as a trustee.	2 2 2 2 2

This suggest that the charity meets the relevant legal requirements of a charity and there is a good awareness of the roles and duties of trustees.

On an occasional basis the board should review and revisit the charity’s governing document to ensure that they are operating within its requirements and that it is still relevant – for example, it may be worth reviewing the charity’s geographic area of benefit.

How the board currently works

In the survey members were asked to comment on how the board currently operates and suggest what it should do more and less of.

Should do more of	Should do less of
<ul style="list-style-type: none"> • Better support for the CEO • Trustees to have lead responsibility • Better strategic planning 3 • Fund rasing • Trustees to be more involved • Forward planning • Exploring innovation • Challenge staff and CEO • Better clarity of staff and board boundaries 	<ul style="list-style-type: none"> • Handholding • Getting involved in the day to day 2 • Support to CEO re operational matters • Responding to crisis

Discussion at the strategy session on the 14th November 2018 focused on four main issues

- A. That the board should play a strategic role
- B. Ensuring that the board receives relevant and useful reports to enable it to fulfil its role.
- C. Ensuring that delegation and support mechanisms between the board and CEO are clear and effective.
- D. That the board is an effective group that supports the charity

This report is aimed at suggesting practical and realistic ways of implementing these issues.

A. Playing a strategic role

There is a consensus that the Board has a key role in setting and steering The Birchall Trust's strategy. This involves:

- Ensuring that the organisation remains focused on its mission and purpose.
- Identifying trends and opportunities that charity needs to respond to.
- Agreeing what is and is not a priority and shaping charity future work.
- Being prepared to delegate the strategy's implementation while at the same time monitoring progress and new developments.

The Birchall Trust operates in a fast changing and at times uncertain world. Developments and trends in needs and expectations, government policy and legislation and developments in the sector all need to be monitored and considered to see how they might shape the organisation's future.

The board survey identified four issues as being key challenges:

- Funding: (5 mentions) – ensuring that the organisation is financially viable, developing new funding streams.
- Demand management: (4 mentions) – monitoring patterns and changes in client demand and needs. Balancing capacity and managing demand.
- Future growth and strategy: (2 mentions) – steering The Birchall Trust's future development. Reviewing opportunities.
- External environment - spotting trends, opportunities and threats and working out how The Birchall Trust might respond.

To develop a strategic role the board needs to set aside time for this to happen. Often in organisations discussion of day to day operational matters takes up so much time that there is little space for proper and planned discussions of future strategy. All too often trustee boards get pulled into detail issues or discussions about what has happened in the recent past.

Several organisations have successfully adopted a planned annual cycle of board meetings where time is set aside for the board to discuss or review specific issues.

Example of an annual cycle

AGM	Business session	Business session	Business session	Business session	Business session
	Governance review and update	Services review	Finance and funding review	Strategy and business planning	Policies and practice review

A key part of this is to have a two stage agenda. The first part focused on ‘routine’ business and performance items and the second part for a focused and prepared discussion on an element of The Birchall Trust’s work or future strategy.

A two stage meeting:

Stage 1: Routine business items – 30 to 45 minutes

Stage 2: Planned themed meeting. Prepared for and led in such a way to encourage reflection a deeper discussion of an issue.

Draft format for Stage 1 routine business meeting
Minutes/matter arising. Business and financial performance. CEO’s report – items for discussion to be indicated. Issues requiring board approval

The stage 1 meeting needs to be tightly planned for.

B. Ensuring that the board receives relevant and useful reports to enable it to fulfil its role.

In the sector all too often board receive either too little or too much information The Board needs relevant and timely information. Good reporting systems are crucial in enabling Board members to meet their duties to oversee performance, ensure accountability. They can also give board members a sense of the issues the organisation and its users are experiencing.

Issues can be brought to the board for one of five reasons;

1. Noting – items that board members need to informed of, but probably should not require any questions or discussion.
2. Approval – items that the board needs to formally approve – e.g. changes to the budget.
3. Decision - issues that the board needs to clearly resolve after discussion e.g. deciding on which option to pursue.
4. Information – items that the board need to be informed of, may lead to question and discussion, but not a decision e.g. reporting on a decision made by the CEO.
5. Discussion - issues that the board should discuss and think about as it may have impact on the organisation’s future e.g. discussing a consultation document from government.

Agenda items need to be clearly described to show why it is on the agenda and what kind of discussion is expected.

The Board needs to give feedback to CEO as to how useful reports are.

A useful approach is to clearly indicate the kind of report being made and what the Board is expected to do with it. It is possible to have three types of reports:

Type of report	Issues to report on	Reporting method
1. Routine	Automatic reports on The Birchall Trust’s performance to ensure that the Board has relevant information	The organisational “dashboard” – simple report with key organisational data setting out business performance.
2. Issues of concern/interest	Issues and developments that the board may find useful and interesting or relevant to the organisation’s future strategy or	Director’s report

	need to be aware have, but may not require a decision.	
3. Exceptional items	An issue, such as an incident or departure from plan e.g. significant project underperformance that the board needs to be aware of and approve the intended action.	Director's report – possibly as a closed item.

C. Ensuring that delegation and support mechanisms between the board and CEO are clear and effective.

A critical success factor in organisations is the relationship between the board and CEO. This can be a complex issue. The CEO needs to be able to act and lead the organisation outside of board meetings. S/he needs to know that she can act without having to wait for Board approval. But, also s/he needs to know what issues that board feels as the charity's legal governors must come to them. The CEO also needs to be able to get support, feedback and advice.

I would recommend that the board review on a regular basis the operation and effectiveness of how the CEO is managed and supported. The review should focus on:

- Delegation – how clear are the boundaries for the CEO. What issues and decisions are fully delegated?
- Supervision – how is the CEO supported and supervised. How can the board ensure that the CEO gets useful feedback, support and personal and professional development?
- Appraisal - it might also be useful to bring in an appraisal system to review progress, set priorities and have a more in depth discussion about the role.

I am able to advise on how these issues might be tackled if requested,

D. That the board is an effective group that supports the charity

How do you think that board needs to change or adapt over the next few years?	Use members better Need new trustees to spread workload More involved More strategic Better define chair/deputy role Better communication Better meetings Clear strategy to ensure organisational development. Support for CEO in playing a strategic role
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Board members bring a range of professional and life experience to the charity. The following skills areas were identified by members in the board survey:

- Experienced manager
- Safeguarding
- Voluntary sector experience
- Local govt experience
- Business management
- Management and finance
- Policy knowledge
- Research and policy
- Criminal Justice system knowledge
- Clinical experience
- Family member used trust
- Ex psychiatrist
- Recent member of prison Independent Monitoring Board

This shows that the board has a range of people with significant skills and expertise relevant to the charity's work and future development. The board should develop a process whereby members are able to indicate what sort of contribution they can best make to the charity. This might include shadowing an area of work, networking or being willing to act as an in house adviser if needed.

Board development:

Are there any specific interests or skills lacking in the board's current membership?	Human resources 2 Health sector Leadership
How could the way that the board operates be improved?	Older and newer members need to come together More trustee involvement More productive meetings 2 More strategic
What should be our priority in the future development of the board?	Legislation compliance Strategy HR Better use of trustee skills Support for managing a growing organisation Analysis of board roles
Any other comments?	Board is growing Target recruitment of new board

I would suggest that future board recruitment should be on the basis of skills and expertise. In some ways this can make recruitment more effective as it is easier to target recruitment and it is clearer why people are being asked to join.

Conclusion

It is clear that the charity has a board that meets its legal duties, provides a governance role and has oversight of the organisation's work. Although small in number, the board does have people with a range of skills and expertise that can 'add value' to the organisation. A key task will be to find ways of enabling the board to play a key role in steering The Birchall Trust's future direction by leading on strategy and supporting the Chief Officer.

Alan Lawrie