



Duty of Care Policy

Approval date: 30th April 2024

Review date: 30th April 2027

Policy Summary

This policy has been created to ensure Trustees are aware of their duty of care when making decisions about the allocation of grants and funds to applicable projects.

A Lintel Trust Trustee's duty of care is to exercise such care and skill as is "reasonable to expect of a person who is managing the affairs of another person" (section 66(1)(b) of the CTI(S) Act).

Equalities

The operation of this policy will always be in accordance with Lintel Trust's Policy on Equality and Diversity

Privacy

All decisions made by Lintel Trust Trustees will be recorded, retained and managed in line with Lintel's Data Protection Policy and data protection legislation.

Policy Owner

Business Manager of Lintel Trust

Approved by

Lintel Trust - Board of Trustees

1. INTRODUCTION

2. PRINCIPLES

The following principles govern the operation of this policy:

- Be clear and understood by all Trustees
- Be fair, equitable and non-discriminatory
- Reflect statutory requirements and best practice

3. OBJECTIVES

The objectives of this policy are to ensure:

- Trustees are aware of their duty of care when making decisions about the allocation of grants and funds to applicable projects.
- Trustees are aware of and act in accordance with the Trustee Act 2000

4. APPROACH AND METHOD

The Lintel Trust in its formal approval of the policy acknowledges that it accepts full responsibility for its implementation. Day-to-day responsibility for the operation of this policy lies with the appropriate directors and managers. All Trustees have a responsibility to ensure that this policy is applied as instructed.

The policy will be implemented using the following approaches:

Section 1(1), Trustee Act 2000 provides that the Trustee: '...must exercise such care and skill as is reasonable in the circumstances, having regard in particular:

To any specialist knowledge or experience that he has or holds himself out as having, and

If he acts as Trustee in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

5. MONITORING, PERFORMANCE MEASUREMENT AND REPORTING

The following areas will be subject to monitoring:

- Risk management
- Provision of training and/ or information to staff

- Compliance with policy requirements and procedures

These will be monitored by appropriate managers within each company and/ or function and reported to the relevant director. If any significant issues of concern arise, these will be dealt with by the director who will report such matters to his/ her Board.

Any matter which demonstrates a serious failure of internal controls should also be reported immediately to Business Manager at Lintel Trust.

6. COMPLAINTS AND APPEALS

Lintel Trust welcomes complaints and positive feedback, both of which provide information which helps us to improve our services.

Our Complaints Policy allows for most complaints to be resolved by front line staff immediately. In the event of a complex complaint, a detailed investigation will be carried out by the Business Manager within a 20-day limit. If a resolution is not met, a response will be made by the SPA Director. If the customer remains dissatisfied, he/she may refer the matter to the Scottish Charity Regulator (OSCR). At each stage Lintel Trust will advise the customer how the complaint should be taken forward and advise which agency would be most appropriate to consider the case.

7. POLICY AVAILABILITY

This policy is available on request free of charge from Lintel Trust. A summary of this policy can be made available in a number of other languages and other formats on request.

8. POLICY REVIEW

Lintel Trust undertakes to review this policy regularly, at least every three years, with regard to:

- Applicable legislation, rules, regulations and guidance
- Changes in the organisation
- Continued best practice

Please refer to our Complaints Policy for details of the complaint procedure