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The Lindsay Leg Club Foundation
CRN 1111259

FOUNDATION GOVERNANCE DOCUMENT

Making decisions: Part Two

RATIONALE: FOUNDATION TRUSTEES HAVE A DUTY TO MAKE DECISIONS 'COLLECTIVELY' (JOINTLY). IT DOES NOT USUALLY MEAN THAT THE TRUSTEES MUST ALL AGREE, OR THAT A DECISION CAN ONLY BE MADE IF EVERY TRUSTEE TAKES PART.

FOR MOST DECISIONS IT MEANS THAT: ALL THE TRUSTEES HAVE A DUTY TO PARTICIPATE IN THE DECISION MAKING PROCESS (UNLESS THEY HAVE A CONFLICT OF INTERESTS). TRUSTEES HAVE TO DECIDE WHAT IS RELEVANT OR IRRELEVANT IN THE CIRCUMSTANCES AND SHOULD ALWAYS CONSIDER THE CHARITY'S OBJECTS AND WHAT IT IS TRYING TO ACHIEVE.

As a Foundation, trustees must make the best decision they can based on sound information. They should not allow personal prejudices to sway their judgment; to do so would be a breach of duty.

Minutes or other formal records should show that the trustees actively considered these issues. The written record should be sufficient to allow someone to understand the issues, the decision(s) and the reasons for it. Trustees may need to reconsider from time to time whether a decision is still in the best interests of the charity. This may be particularly important during an on-going project or activity where circumstances may change over time.

In any situation there is likely to be more than one option that the trustees could choose. The trustees must decide which option is in the best interests of the Foundation.

Trustees should identify the options open to them. They should take time to stand back from their decision and consider:

- Were trustees given enough time and consideration to this decision
- Did trustees missed anything and have they taken and considered professional or other specialist advice, or read any relevant guidance where they should have done so,
  and
- If trustees have not followed the advice or guidance, can this be justified?
- Is this the kind of decision the charity's beneficiaries or supporters would expect the trustees to make (and if not, how much weight should the trustees give to these views)?
- Can the trustees justify the decision in the circumstances?
- Could this decision appear inconsistent with decisions the trustees have made in the past?
- Can the difference in approach be explained and what grounds could anyone have for saying the trustees had acted?
- Will the decision affect the future ability of the charity to further its purpose effectively?
- If it will have a negative impact, can it still be clearly justified as being in the charity's interests?