

# BRITISH ACADEMY OF FORENSIC SCIENCES

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## Governance



## Contents

Governance.....	1
Role of Trustees .....	3
Role of the President (Chair) .....	4
Role of the Secretary-General .....	5
Role of the Treasurer .....	6
Role of the Editor .....	7
Role of the Webmaster .....	8
Role of the Administrator .....	8
Code of Conduct .....	10
Meetings .....	12
Council Meetings .....	12
Annual General Meeting.....	13
Special general meetings .....	14
Amending the constitution .....	14
Data Protection.....	14
For Trustees .....	15
For Members .....	15

# BAFS Governance

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The **British Academy of Forensic Sciences** (hereafter referred to as the 'Academy') is a registered charity whose object is to:

- encourage the study, improve the practice, and advance the knowledge of the forensic sciences relating to medicine, science, and the law
- improve and develop the education and knowledge of both those actively concerned in the practice of the forensic sciences, and the public generally.

The constitution sets out the main rules through which the Academy is organised and shall be reviewed every ten years.

This document provides a supplement to the constitution to aid governance and shall be reviewed every five years.

Members of council, both elected and co-opted, act as **trustees** of the charity, acting through the **Executive Council (EC)**. There is an elected **Chair of Council (the President)**, a **Secretary to the Council (the Secretary-General)** and a **Treasurer**. The EC has one active sub-committee (the **Editorial Board (EB)**), led by the **Editor**, set up to manage the business of the journal, Medicine Science and the Law. The EC also nominates a **Web-master** whose role is to oversee the web-site. The charity may have paid employees such as an **administrator** or **assistants** as required, and may provide expenses to individuals undertaking particular duties, such as **the Editor**.

## Role of Trustees

Trustees are volunteers who lead the charity and decide how it is run. They cannot be people who have been disqualified under the Charities Act, unless the disqualification has been waived by the Commission. They ensure that the charity:

- has the money it needs
- spends its money sensibly on the activities it was raised for
- follows the law, including preparing reports and accounts to send to the Charity Commission
- protects people who are in any way involved with, or encounter, the charity
- does not break the rules in its constitution

## Role of the President (Chair)

### *General*

The Chair's role is to lead the Council and BAFS to enable it to fulfil its purposes, acting as a spokesperson and figurehead as appropriate. The individual is expected to have:

- a willingness to lead the organisation
- tact, diplomacy, and powers of persuasion.
- relevant knowledge
- relevant skills to run a meeting well.

The President will assist in the planning and preparation of Council meetings and the AGM with others, as appropriate and check that the notice, agenda and supporting papers are sent out in good time. The President will have a general overview of the work of the Academy to ensure that the objectives are being met and the charity fulfils the requirements of the Charity Commission through the activities of the Secretary-General, the Treasurer, the Editor of MSL and the Webmaster. The President will ensure that Council provides an appropriate and timely response to relevant government and other consultative documents when approached.

The President will chair meetings ensuring that:

- There is an opportunity for all trustees to declare any private interest they have with any item to be discussed before the discussion take place.
- They have checked with those present that the minutes are a true and accurate record of the previous meeting
- All those attending and voting at the meeting have an equal opportunity to speak on each item and encourage them to participate fully
- Items on the agenda are covered within the timescale set for the meeting
- Not to allow any one person to dominate the meeting
- If the meeting needs to come to a decision a vote should be taken. This can be a binding decision, or a recommendation and the Chair is responsible for making it clear to those present the nature of the decision upon which they are voting. Decisions are to be made by a simple majority of those voting, providing there is a quorum present
- The implementation of decisions is clearly assigned and monitored

### *Specifically*

- Liaise with the Secretary-General to recommend the names of an individual, or individuals, to be put before Council as potential successors to the role of President
- Aim to maintain the presidential cycle – medicine, science, and law – in the posts
- Act as an ex-officio member of the Editorial Board of BAFS, and any other sub-committees
- Assisted by other Trustees, to ensure planning of regular events (Lund and Ormrod Lectures, Friends' Dinner and the Science and Courts series), and other special events that the EC wish to engage in alone, or with other organisations
- Liaise with the Treasurer to understand and advise the EC on any financial or other risks associated with events.

## Role of the Secretary-General

### *General*

The role of the Secretary-General is to ensure that Council and other meetings are properly administrated, to review and present memberships applications and to keep membership records up-to date and to ensure that the Academy meets its charitable objectives, keeping within the rules of its Constitution and fulfilling its expectations following the guidance of the Charity Commission.

The individual is expected to be able to:

- be organised and methodical
- ensure that good minutes are taken
- keep and maintain a record of agreed minutes
- act as Chair in the absence of the President

### *Specifically*

- To plan and prepare the Council meetings and the AGM with others as appropriate
- Plan meeting dates in association with the Chair and other Trustees
- Ensure that rooms are booked in appropriate and accessible venues, or meetings are set up virtually, and that notifications, minutes and other papers are sent out in a timely fashion
- To prepare a formal agenda listing the items of business to be discussed
- To discuss the proposed agenda with the Chair to ensure that all necessary issues are discussed at each meeting
- In the absence of a minute taker, ensure that minutes are taken of Council meetings and that the minutes are produced in a timely fashion
- Ensure that there is an accurate record of decisions and actions taken in the minutes and report on the progress of actions previously taken and the results of past decisions
- Maintain a record of agreed minutes
- Assist the Chair in the planning of events
- Summarise correspondence received at the next Council meeting, draft replies as appropriate and deal with other correspondence as agreed at Council meetings
- Liaise with the President to recommend the names of an individual, or individuals, to be put before Council as potential successors to the role of President
- To set out and advertise the date and mechanism by which any nominations to Council must be received
- Act as an ex-officio member of the Editorial Board of BAFS, and any other sub-committees
- Oversee the appointment of co-optees to the Council on an annual basis
- Prepare an annual report to members
- Liaise with the Treasurer to ensure that annual accounts are prepared and audited
- Report to the Charity Commission on an annual basis

## Role of the Treasurer

### *General*

The role of the treasurer is to make sure that the charity keeps proper accounts and to take the lead on making policies for financial matters. The individual is expected to:

- Have knowledge and experience of current and fundraising finance practice relevant to a learned society charity
- Have knowledge of appropriate financial management (as necessary)
- Ensure that BAFS expenditure does not exceed its income and assets.
- Be able to communicate clearly

The treasurer is expected to oversee the financial affairs of the organisation and ensure they are legal, constitutional and within accepted accounting practice and to be able to take a lead in interpreting financial data to the EC. The treasurer needs to ensure that proper records are kept and that effective financial procedures are in place and to oversee the production of necessary financial reports, accounts and audits.

### *Specifically*

- To liaise with relevant Trustees and staff to ensure the financial viability of the organization
- Regularly report the financial position at Council meetings through a balance sheet
- Oversee the production of the end of year accounts and propose its adoption at the last meeting of the previous financial year
- Ensure that proper records are kept, and that effective financial procedures and controls are in place in respect of:
  - Signatories
  - Bank transfer payments
  - Use of credit card
  - Expenditure and purchasing limits
  - Payments to individuals by any means
- Others as appropriate
- Appraise the financial viability of plans and proposals
- Lead on appointing and liaising with auditors
- To ensure that the Academy and its officers are properly indemnified through appropriate insurance policies

## Role of the Editor

### *General*

The Editor of MSL is appointed by the EC and the Editorial Board (EB) acts as a sub-committee of the EC. The President and Secretary-General are de facto ex-officio members of the EB. The responsibility of the editor and his board are to produce a journal with peer-reviewed articles that reflect all the forensic and medical sciences, and the law in collaboration with the publishers. The editor is expected to:

- Possess a broad ranging general knowledge and be up to date in current knowledge about the forensic aspects of medicine, science, and the law with an internationally recognised expertise in one
- Skilled in reading comprehension and critical thinking
- Have good time management
- Possess good judgment and decision making
- Be able to work well with individuals involved in publication of the journal

### *Specifically*

- Determine the editorial content within the defined scope of the journal in accordance with the aims and objectives of BAFS
- Oversee the content and quality of the journal, ensuring that the content reflects the objectives of the Academy
- Publish original, important well-documented and peer-reviewed articles on a diverse range of topics in the fields of interest to the readership, mindful of the diverse scientific, medical, and legal background of the subscribers
- Ensure that all articles comply with ethical codes of practice and legal guidelines
- Ensure that sufficient papers are delivered to the publishers in accordance with the agreed schedule
- With the publishers (through consideration of the contract with the publishers) and through communications with ex-officio members of the EB, establish/adopt policies for
  - Submission of manuscripts and criteria for authorship/contributorship
  - Processing for peer review, evaluation of decisions regarding publication and methods for reconsideration of rejected manuscripts
  - Identification and selection of theme issues and supplements
  - In regard to conflicts of interest and disclosure
  - Handling allegations and findings of scientific misbehavior and misconduct
- Communicate publication guidelines and policies (e.g. instructions for authors, instructions for reviewers, ethical guidelines, editorials and editorial board reports)
- In consultation with the EC, be responsible for the appointment and replacement of suitably qualified members of the EB, including specialty editors
- Utilise specialty editors to assist in commissioning, refereeing, and recommending reviewers and other support as necessary
- Chair the EB and attend and report to EC meetings on a regular basis
- Provide the EC with other reports, as requested
- Receive, review and act upon complaints from those involved in the publication process

- Promote the journal through a network of contacts and through attendance at national and international meetings
- Represent the EB in negotiations with the journal's publisher and participate in contract negotiations with any EC ex-officio members or other EC trustee appointed by them
- Manage and delegate as necessary administrative tasks to a designated Editorial Assistant.

### *Term of appointment*

All officers under the Constitution (other than the President) are elected or re-elected on an annual basis at the AGM. The EC sees the value of being able to recruit high quality individuals to the post and, in the interests of the applicant and journal, propose that the position should be offered for a minimum of five years, with a decision being made by the EC and editor after four years in office as to whether to reappoint for a further term, to allow advertising for a new editor within one year of the end of the agreed term, to ensure continuity. Editors wishing to resign should provide at least six-months' notice and may be consulted by the EC when making a new appointment.

### **Role of the Webmaster**

- To ensure the proper operation and accuracy of material presented
- To ensure that the website is up to date
- To offer suggestions for additional content
- To provide a regular report to the EC
- To liaise with the Administrator who will have day-to-day responsibilities in association with the website

### **Role of the Administrator**

#### *General*

The role of the administrator is to provide ongoing administrative service at a central office with telephone and e-mail for the Academy, assisting with membership, meetings, finances, events, and the website, liaising with the Chair, Secretary-General, and Treasurer, as appropriate. The administrator post is a paid position and that individual submits invoices to the Academy for the hours of work undertaken.

#### *Specifically*

- Meetings
  - To attend EC meetings, take minutes, maintain records of the minutes, and provide an accurate and concise summary of the meeting, liaising with the President and Secretary-General as appropriate
  - To distribute the agreed agenda and draft minutes in a timely fashion
  - To circulate to Council members the Minutes of meetings within a timely fashion, to encourage 'action points' to be dealt with promptly
  - To liaise with officers, providing support to each role
- Memberships
  - Writing to and welcoming new members
  - Dealing with subscriptions and standing orders



- On behalf of the Secretary-General, maintaining and update the database, communicating with all members by e-mail are necessary and ensuring the membership enquiries are dealt with appropriately
- Finance
  - To liaise with the treasurer, providing documents to assist the treasurer in preparing their report at the EC meeting
  - To manage subscriptions
  - To maintain a computerized accounting package and prepare monthly accounts, with bank reconciliations
  - To prepare year end accounts and liaise with the accountant, in association with the Treasurer
  - To check bank statements
  - To prepare balance sheets, profit, and loss financial reports
  - To pay any invoices that have been authorized by the treasurer
  - To receive and bank money
- Events
  - To liaise with speakers, chairs, and venue staff to co-ordinate the event and finalise the programme
  - To book venues and deal with catering arrangements
  - To prepare programme flyers and marketing materials
  - To advertise events to members and other organisations, as appropriate
  - To administer registrations and bookings, send out receipts, and deal with enquiries
  - To prepare seating plans and name badges when required and to provide on-site management
  - To provide CPD certification
- Web site
  - To liaise with the web master, coordinating the continuing development of the website
  - To update, add content and set up new events on the website as agreed
  - To respond to enquiries made through the website appropriately
  - To manage PayPal income
  - To liaise with the site designer, as appropriate
  - With EC agreement, to undertake CPD to maintain the site on behalf of the Academy
- Journal
  - To liaise with publishers of MSL to provide the current membership list for distribution of the journal
  - To liaise with MSL editorial staff to provide current information about forthcoming events

## Code of Conduct

Trustees are expected to abide by the fundamental values that underpin all the activity of the Academy and comply with the following codes:

### *Accountability*

Trustees will ensure that the activities of the organisation should be able to withstand public scrutiny.

### *Conflicts of interest*

Trustees must act in the best interests of the organization, declaring any conflict of interest (personal or financial), or any circumstance that might be viewed by others as a conflict of interest, as soon as it arises, and to submit to the judgment of the EC on the matter.

Examples of conflicts of interest include:

- Being a trustee or member of staff of a related organization
- Being involved in an incident that may bring the Charity to notice and disrepute

Sensitive information can be discussed with the President and Secretary-General who will decide on any necessary action.

This must include any financial or other benefit paid directly, or indirectly, to a trustee or any 'connected person or company'; benefits can only be paid if there is appropriate authority.

### *Expenses*

Unpaid trusteeship is a defining characteristic of a charity, but no trustee is expected to be out of pocket because of the work they carry out on behalf of the organisation.

Acceptable expenses are normally costs that a trustee has had to meet personally to carry out trustee duties, such as the reasonable cost of travelling to or from an EC meeting and must be supported by receipts and submitted along with a claim form to one of the officers (Chair, Secretary General or Treasurer) for approval by at least two officers and documented in the accounts.

Expenses are not legitimate if they are excessive or are not related to legitimate agreed trustee activities.

Before agreeing to any expense claims, the officers should consider:

- Is the payment in the best interest of the charity?
- Is there authority for it?
- What conditions must be met if payments are to be made?
- How will any conflict of interest be managed?

Trustees are not expected to gain materially or financially from their role as a trustee and will not accept gifts or hospitality without prior consent of the EC. If trustees are in doubt about what constitutes a benefit and what is an expense, then the Charity Commission should be asked for advice.

All expenses, beneficiaries and purpose should be documented in the accounts.

### *Integrity and honesty*

These are the hallmarks of all conduct when dealing with Academy members and with external individuals and institutions

### *Law*

Trustees must comply with the law and declare anything that might disqualify them from acting as a charity trustee. All trustees are required to confirm their eligibility in writing and inform the Academy of any change of circumstances.

### *Leaving the council*

Trustees are expected to acknowledge that any substantial breach of the above codes may result in them being asked to leave the council. Should a trustee wish to resign before the end of their term they should inform the Chair in advance in writing, with a copy to the Secretary-General.

### *Meeting conduct*

Trustees must strive to attend all council meetings, including the AGM, giving apologies ahead of time to the Chair or Administrator if unable to attend. Attendance can be in person, virtual, or by telephone. Unless otherwise authorised by council, trustees who do not participate in three or more consecutive meetings will be in breach of our code of conduct.

Trustees agree to study the agenda and other information sent in good time prior to the meeting. Trustees are expected to engage in debate and vote in meetings, maintaining a respectful attitude towards the opinions of others and accept a majority vote on any issue as decisive and final. Trustees will maintain confidentiality about what occurs in meetings.

### *Personal*

Trustees must comply with BAFS policies in their relationship with fellow trustees, staff, members, and others, including maintaining a respectful, collegial, and courteous relationship with colleagues and others.

### *Reputation*

Trustees must not purport to represent BAFS to the media or in any public forum without the prior knowledge and approval of the Chair or Secretary-General. Where they do speak as a trustee it is expected that their comments will reflect current BAFS policy and uphold the reputation of BAFS and those who work in it. Trustees will seek to encourage membership of the Academy, particularly amongst younger members of the professions, and to propose members through nomination of appropriate individuals to join the Council when a vacancy arises.

### *Transparency*

Trustees are expected to strive to maintain a policy of openness throughout the organisation so as to promote confidence in all members.

## Meetings

### Council Meetings

The main strategic decisions are made at full trustee meetings. The frequency should reflect the needs of the organization, but it is recommended that at least three full trustee meetings are held in any 12 months

The trustees (acting as a group) may invite non trustees to part or all of a meeting, but they will not be allowed to take part in any vote, and they would be expected only to be present for relevant agenda items.

It is the responsibility of the Secretary-General to convene the meetings which the President will chair. The following points can be made:

- **Minutes** should record:
  - The name of the charity, the type of meeting, the date and time of the meeting, apologies for absence and the names of those present and their roles
  - A summary of the discussion on each item of business
  - The precise wording of any resolution, together with the name of the proposer of the motion
  - Information upon which any decision is based. If there is a perceived lack of clarity this should be clarified with the chair during the meeting, or immediately it has been recognized
  - Details of the decision – who voted and how, and whether the Chair used his or her casting vote
  - Any action required, including the names of people who are responsible for implementing any decision, if required
  - The date, time, and venue of the next meeting
- Accurate minutes should be kept of all meetings. The minutes do not need to be a word-for-word record but need to record information that is important to the decisions taken, or to the charity generally
- The minutes should be taken by a person not involved in the meeting (usually the Administrator). If this is not possible, for an unavoidable reason, the secretary-general may take the minutes. The Chair should ensure that any trustee who is also taking minutes can actively contribute to any discussion
- The minutes should be drafted as soon as possible after the meeting and circulated promptly
- The formal minutes once approved and signed as an accurate record by the chairman, form the only legal record of the business of the meeting
- While trustees may take notes of the meeting for their own purposes, these should not, however, be used as an afterthought to the official minutes. It is important that, if a trustee is unable to agree that the draft minutes are an accurate record of the meeting, then he or she should draw the matter to the attention of the chair before a decision is taken to approve the minutes and they are signed. It is for this reason that copies of the draft minutes should be sent to every trustee that attends the meeting to ensure they have the opportunity to comment. If, after discussion a trustee is still unable to agree then his or her

dissentation should be formally noted and recorded as a postscript to the minutes before they are signed

- The approval of, and any changes made to, minutes of a previous meeting must be recorded, together with matter arising from the previous minutes which are not being dealt with as a separate item of business
- As the minutes are the charity's record of decisions, it is important they are accurate and stored properly as they may need to be used to support decisions approved at meetings and to show approval and adoption of the audited accounts
- Minutes of trustees meeting must be made available to all trustees and any professional advisers but do not have to be made available to public inspection.

It is important to note that:

- **Decisions** reached at a trustees' meeting are collective decisions and binding upon all trustees, who should be encouraged to participate in any debate
- **Voting** will generally be taken on a show of hands, but other methods may be used as appropriate to the meeting. The Chair will normally have the casting vote in the event of a tie
- Meetings must be **quorate** (minimum of five trustees) and if not should be adjourned. A reconvened meeting should be arranged with suitable notice. A meeting may be also postponed until another time if it becomes unruly, stopped for an external reason, or if the meeting resolves to adjourn. It is recommended that no new business is introduced to a postponed meeting and the minutes of the earlier meeting should be recapped by the Chair.

## Annual General Meeting

The constitution directs that some matters must be decided at the annual general meeting (AGM). It is important that trustees are clear about the status and purpose of these decisions and that these are clearly communicated to those attending.

The aim of the AGM is to provide an opportunity to explain trustees' management of the charity to the members and provides members with an opportunity to ask questions before voting on business items on the agenda.

When planning the AGM, trustees should decide whether it is appropriate to accept nominations from the floor, in addition to nominations made in advance of the meeting.

Notice of the AGM needs to be advertised to all members of the charity within 60 days and should include:

- the date, time, and place of the meeting
- the details of mandatory business to be considered
- an invitation to propose resolutions
- if appropriate, the full names of any proposed nominees for officers to be elected, along with a brief description of the person

The agenda of the AGM should include:

- Apologies for absence
- Minutes from the previous meeting and matters arising
- Secretary-General's Report
- Elections of officers
- Retirements from council
- Treasurer's Report
- Election of auditor

No trustee should propose, second or advocate a resolution in which he or she has an interest

Any member wishing to propose a resolution should have the opportunity to circulate a draft and/or address the meeting on their proposal

Minutes of the AGM must be made available to the public on request, although a reasonable fee may be charged to cover the cost of making them available

### **Special general meetings**

Any member can ask the trustees to call a Special General Meeting (SGM) if they believe that the trustees are not fulfilling the charity's aims, or if they believe that the charity is not being administered effectively or properly. They may use this meeting to seek explanation or encourage further discussion. If properly requested, trustees cannot refuse a meeting.

### **Amending the constitution**

It is the trustees' responsibility to review the constitution from time to time to ensure the charity's continuing effectiveness. Keeping the document up to date will ensure that it properly reflects what the charity does and how it operates. A proper constitution ensures that:

- Trustees are correctly appointed
- Disputes are most readily resolved
- Trustees are not at risk of being in breach of trust, if their plans go beyond what is allowed
- Alterations require approval at a general meeting of members, either the AGM or an SGM
- It is noted that alterations to the constitution only need to be agreed by the Charity Commission if:
  - There is a change to the statement of the objects of the charity
  - Any change is made which authorises the funds to be used for the benefit of trustees, members or of people or organisations connected with them.

### **Data Protection**

Data protection law (2018) uses a set of key principles for how personal data should be used and protected. As a not-for-profit charity the Academy is exempt from registration with the Information Commissioner. It is the Academy's responsibility to ensure that personal data is safe and people's information rights are respected and it is our aim to follow the principles of protection as set out in the Act.

## **For Trustees**

As a registered charity, names of trustees and their date of appointment is available on the public register. The register will also indicate if a trustee is also a trustee for other charities.

Additional personal information is held securely by the Charity Commission. This includes the trustee's full legal name (unless permission has been sought for a different name to be displayed), their home address, email address (if they have one), phone number and date of birth.

The Secretary-General is the designated charity contact.

## **For Members**

All personal information relating to members is held securely on a secure electronic members register available only to the officers and the administrator. Members have a choice of the type of information they provide (professional or personal) and whether they wish their information to be made available to other members on the website.

Individuals applying for membership are required to indicate their agreement to the following statement:

“Should I be invited to become a member, I consent to the details in this application from being held on a computer database and being shared with the journal publishing company for me to receive MSL journal. My information will be held in membership records and in the members' area of the website as I have indicated. I understand that I may withdraw this consent by giving notice to BAFS at any time”.

Denise Syndercombe Court (denise.syndercombe-court@kcl.ac.uk)

Secretary-General

November 2021