

# A Code for Sports Governance

## Guidance Note

### Requirement 4.7 – Welfare and Safety



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# Background

The revised Code for Sports Governance (the Code) was released by Sport England and UK Sport in December 2021.

A new Requirement 4.7 relating to an organisation's responsibilities towards welfare and safety was introduced, giving renewed prominence to this important area.

Requirement 4.7 sets out that **“The Board shall ensure its responsibilities towards the welfare and safety of its members and people (including but not limited to employees, participants, and volunteers) are factored into the decisions it makes and shall appoint one of its Directors to take a lead in this area.”**

This new Requirement is accompanied by a detailed Commentary within the Code which is included in Annex 5. The Commentary is not prescriptive and does not contain any mandatory requirements, criteria or approaches.

However, it's important to consider it when reviewing how to comply with the Requirement.

The guidance in this note builds on that Commentary to further explore some of the key elements of this Requirement and to help with the development of a description for the Board role, including suggestions on how to appoint to this role.

Whilst the guidance is primarily focused on the Requirement in the Code, we also hope it's useful for considering the broader area of welfare and safety as relevant to your organisation, and we signpost some resources at the end for further information.

February 2023



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**This guidance has been issued by UK Sport and Sport England, with thanks to Governance United for contributing to the content and thinking.**

<http://governanceunited.com>



# Introduction



## Who is this guidance for?

The guidance aims to provide support and ideas for any organisation seeking to appoint a Board lead in order to ensure effective oversight of welfare and safety and meet Requirement 4.7 of the Code. However, it may also be relevant to any organisation considering how it can better take account at Board level for the welfare and safety of all people who may be part of and/or interact with their organisation.

## How to use this guidance

The guidance does not aim to be fully comprehensive, nor prescriptive, and so we advise organisations and their Boards to use this as a starting point for considering how they may approach the Requirement to appoint a Board lead in this area.

It focuses on how organisations might set out the role description for the Board lead for welfare and safety and then how to identify an appropriate person.

It's important to take time to consider this role appointment carefully so that your fulfilment of Requirement 4.7 can be tailored to the environment in which you operate. The intention of this guidance is to prompt thinking about what is right for your organisation.



## What is welfare and safety?

Welfare and safety, as a term, covers a variety of serious issues that touch every organisation.

The Commentary to A Code for Sports Governance (available in Annex 5) mentions, by way of example, safeguarding (adults and children), mental health and wellbeing (including psychological safety), anti-doping and integrity.

This guidance does not seek to deal with those important areas in any detail; these are the domain of specialist legislation, regulation, information and advisers and it's important that each organisation seeks specialist advice as is relevant to it and where that is required.

Requirement 4.7 applies to employees, members and others who the organisation is responsible for but does not relate to property or facility health and safety.

It's vital that each organisation considers for itself what welfare and safety means, and what is relevant to that organisation, its structure, its workforce, members and participants.

The Board lead for welfare and safety is likely to be responsible for considering with the Board what welfare and safety means for the organisation. One way to determine what is required may be to create a "focus table" which lists all the groups of people who are involved in your sport or activity; and identifies the key concerns as to their welfare and safety, and what steps are required to ensure that these concerns are met.

## Meeting the new Requirement in the Code

If you are a Tier 3 funded partner of Sport England and/or UK Sport, then you will be required to comply with Requirement 4.7 as part of your funding agreement.

We set out here, as guidance only as at the date of this note, what you may provide to demonstrate that you meet this Requirement.

### Tier 3 Code Compliance:

You will be asked to confirm if your organisation has appointed a welfare and safety lead Director.

You will be asked to describe, and where appropriate evidence, how the Board fulfils the requirement to consider and take responsibility for the welfare and safety of its members and people when making any Board decision.

#### This may be evidenced by:

- welfare and safety being factored into Board decisions, for example in the Board Terms of Reference, standard Board paper format, or Board Minutes
- details of welfare and safety lead/Board profiles on website/welfare and safety lead role profile
- details of how the Board and management team consider welfare and safety related policies and process, aims and objectives, training for staff etc.



## Parts of the Code Requirement not covered by this guidance

This guidance does not deal with the part of the Code Requirement that states that the Board shall ensure its responsibilities towards the welfare and safety of its members and people are factored into its decision-making.

This aspect is discussed in the Commentary, which sets out that organisations should aim to establish a culture, across the organisation, where welfare and safety is paramount.

For more support on the good governance of Boards and effective decision-making at Board level, we encourage you to review the free resources and support available at [www.sportsgovernanceacademy.org.uk](http://www.sportsgovernanceacademy.org.uk).

It's important to understand that the appointment of a welfare and safety lead does **not** mean that other Directors on the Board have handed over responsibility in this area solely to the lead.

The Code Commentary makes it clear that the Board is collectively and ultimately responsible for the welfare and safety of all its members and people, and for any decisions made in this regard (as is the case with all decisions and actions of any Board).

## Developing a role description for the welfare and safety Board lead



# Developing a role description for the welfare and safety Board lead

## Why is a role description important?

An effective role description will support you in successful recruitment to the role, assisting you to clearly set out the purpose of the role as well as being clear about the knowledge and skills that the role requires. It will also assist in providing objective criteria when considering candidates for the role.

## Preparing a role description for the welfare and safety Board lead

You may have a general Board role description document which you can adapt for this specific role.

**We have included as Annex 1 an example role description which has specific emphasis on welfare and safety and which could be used as a starting point.**

**Also included in Annex 2 are some links to other resources which may be useful as you consider this role description.**

It's important that you ensure that the role description you decide on is tailored to the exact welfare and safety needs of your organisation and your Board structure and composition. To do this, you may get input from relevant people within your organisation, for example those whose roles touch on welfare and safety, and you may also seek external specialist help, for example from an appropriate consultant or recruitment firm.

The role description for members of the Board is normally agreed upon by the members of the Board themselves, whether the Nominations Committee or the Board as a whole, including the Chair, as they should be leading the recruitment for the role.



## What should the role description cover?

A Board role description usually focuses on four areas:

1. The purpose of the role
2. The main responsibilities of the role
3. The skills, knowledge and competencies required
4. The commitment required

### 1. The purpose of the role

This section of the role description will highlight that the main purpose is to take the lead on the organisation's oversight and handling of welfare and safety issues. It's worth highlighting in the role description itself that of course this does not detract from the fact that the Board as a whole has collective responsibility for welfare and safety. Rather, it's the role of the Board member leading on welfare and safety to facilitate and support the Board in that responsibility.

### 2. Main responsibilities of the role

In this section you will want to provide further clarity on what the role will actually entail in your organisation. For example, the welfare and safety lead might be expected to:

- lead, check and challenge on Board discussions that relate to welfare and safety matters
- support the development of a welfare and safety culture within the Board and organisation
- monitor whether reporting on, and pathways for, raising welfare and safety issues within your organisation are sufficient to enable the Board to perform its oversight function and to make properly informed decisions
- oversee that the welfare and safety risks and standards identified for your organisation are given sufficient prominence
- act as a link between the executive staff who have responsibility for welfare and safety (e.g. the safeguarding or integrity lead) and the Board.

It will also be helpful to include a section on General Responsibilities which sets out the responsibilities which apply to all Directors on your Board as, of course, whilst taking the lead in this area, the individual will continue to have all the usual responsibilities as a Board member.

### 3. The skills, knowledge and competencies required

Given the potentially wide scope of this role, it's worth considering very carefully what skills, knowledge and competencies are essential or desirable to this role.

In doing so, you may also like to reflect on how any gaps could be filled by training and development.

#### You might want to ask:

- Is it essential for the person to have detailed knowledge of safeguarding within a sports or physical activity setting, or is what you really need an understanding of the basic principles and a commitment to further training/development?
- Could generic skills in influencing change be desirable, rather than specific experience in development of welfare and safety culture?

### 4. The commitment required

It's important that you give some idea of what the role will require in terms of time commitment and that you are realistic in this respect. In doing so, clarify that this is not an executive role, but rather a strategic one in nature.

An estimate of the number and location of meetings and the time required outside those meetings would be very useful in setting expectations. See Annex 1 for more details.



## How to identify an appropriate person for the role



# How to identify an appropriate person for the role

## Assessing the suitability of existing Directors

You may have an existing Director who could be suitable for this role. You may, for instance, already have a Director who leads on safeguarding or who, as part of their Board role, has a particular focus on integrity.

Once you have put the role description together, it's worth revisiting your Board skills matrix, adapting it if necessary to reflect the welfare and safety lead role brief, and then reassessing the skill sets of your current set of Directors.

If you do not already have a Board skills matrix, information hubs such as [www.sportsgovernanceacademy.org.uk](http://www.sportsgovernanceacademy.org.uk) contain some useful resources in this area.

It may be that as part of developing this role description, you decide to change or combine some existing Board portfolios. It's important to review your Board composition and portfolios to decide what feels most appropriate and suitable for your organisation.

Even if you do have an existing Director who could be suitable for this role, depending on the size of the Board (which must remain compliant with the Code which sets a maximum Board size of 12) and any current or forthcoming vacancies, you may feel it appropriate to open the role for wider recruitment.



## Recruiting a new Director for the role

Recruiting for this role should be similar to your normal Board recruitment processes, taking account of your Articles of Association or Constitution, your policies and any other relevant processes.

As with looking at options for fulfilling the role within your existing Board, considering or establishing a Board skills matrix is a good starting point. Ensuring diversity of skills and experience, including for this role, is paramount to ensure that the lead Director (and overall the Board) are able to oversee effectively this area.

There are many sector resources about effective recruitment, including the Perrett Laver Sport England & UK Sport Toolkit which also advises on diverse and inclusive recruitment: <https://diversitygovernance.perrettlaver.com>.

If recruiting externally, the Director should be appointed through an open, publicly advertised recruitment process. The Board or Nominations Committee in the case of a Tier 3 funded organisation, in each case led by the Chair, should normally take responsibility for leading the process and making a recommendation for the preferred candidate to the Board.

Also be aware that a DBS check is likely to be needed for some roles on the Board and we would strongly suggest that it's used for this role.

## Recruitment process for a new Director

For general information on the recruitment of new Directors, please see the Code Commentary for Requirement 2.4 which can be found at Annex 4.

Also included at Annex 3 are some examples of websites and resources where roles can be posted or advertised.

## Confirming appointment

Once your preferred candidate has been identified (and has agreed to take up the role), follow-up any necessary next steps you need to take to formalise the appointment.

This may include:

- any process set out in your Articles of Association or Constitution, and in your recruitment policy as well as statutory filings such as at Companies House
- issuing an appointment letter and taking up references
- completing an induction and onboarding process which should include a strong focus on your organisation's welfare and safety policies, procedures, history and priorities
- identifying any training needs and discussing how these may be met – this may include specific welfare and safety training.



# Annexes



# Annex 1

## Example welfare and safety Board lead role description

This is an example of a role description and person specification that you can adapt for your own organisation. As highlighted in the guidance, you will need to take time to carefully develop your role description so that it fits the context of your organisation.

### Purpose of this role

Welfare and safety is a broad term encompassing safeguarding (adults and children); mental health and wellbeing (including psychological safety); anti-doping and integrity, but is not limited to these issues. It's not intended however to cover all responsibilities related to health and safety or property and facilities.

Board members have collective responsibility for all matters, including welfare and safety and for any decisions made in this regard in addition to this appointment. The role of the Board welfare and safety lead is to provide a focus at Board level and to support the Board in ensuring that it has appropriate oversight of, and meets its responsibilities towards, the welfare and safety of its members and people (this will include employees, participants and volunteers and any other individuals which the organisation interacts with). The lead will also help to ensure that welfare and safety matters are factored into decisions, be the main contact on the Board for welfare and safety matters and will be supported by the team who manage day to day issues, with training provided as appropriate.



### Welfare and safety responsibilities

- lead and inform welfare and safety discussions and planning within Board meetings
- highlight welfare and safety implications of Board decisions and ensure that they are considered in decision making where relevant
- check and challenge the Board and Executive on decisions that affect welfare and safety across the organisation
- assist the Board in assessment of risk to the organisation in relation to welfare and safety issues and ensure that the Corporate/Strategic Risk Register adequately reflects welfare and safety risk to the organisation
- ensure that reporting by the executive to the Board on welfare and safety issues, including reporting on patterns and trends and performance, is appropriate and sufficient to enable the Board to make informed decisions
- act as a link between the executives who have responsibility for welfare and safety (e.g. the safeguarding lead) and the Board, providing non-executive support to executive staff on welfare and safety issues
- ensure that effective pathways are in place to enable the views of participants, their parents/guardians and other members and people on welfare and safety issues are made known to the Board
- act as an advocate for welfare and safety, highlighting its importance both with stakeholders and across the organisation and its participants
- support the organisation to maintain appropriate welfare and safety standards for members and other people (this will include employees, participants and volunteers, and other individuals which the organisation interacts with)
- act as an alternative route in relation to any welfare and safety concerns from people for whom the organisation is responsible
- develop personal knowledge and skills in relation to welfare and safety by undertaking training where appropriate and support other Board members in developing their own knowledge and skills.

## General responsibilities

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General Board member responsibilities should be included within the role description. Some examples of the kind of responsibilities you might include are suggested below.

Working with the other Board members and supported by our team, to whom most operational tasks are delegated, you will:

- ensure that the organisation complies with its governing document, company law, [charity law if applicable] and any other relevant legislation or regulations
- contribute actively to the Board's role in giving firm strategic direction to the organisation, setting overall policy, defining goals and setting targets and evaluating performance against agreed targets
- ensure that the organisation pursues its objects as defined in its governing document
- ensure the organisation applies its resources exclusively in pursuing its objectives
- be collectively responsible for the actions of the organisation
- ensure the financial stability of the organisation and the proper investment of the organisation's funds
- ensure the effective and efficient administration of the organisation
- protect and manage the property of the organisation
- safeguard the good name and values of the organisation
- declare any conflict of interest while carrying out the duties of a Board member
- attend meetings, read papers and prepare in advance of meetings
- attend and contribute to committee meetings as appropriate
- keep informed about the activities of the organisation and wider issues which affect its work
- appoint the chief executive officer and monitor their performance
- participate in other tasks as they arise from time to time.

## Skills and knowledge

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### Essential

- understanding of the importance of welfare and safety within the context of a organisation providing sport and/or physical activity
- commitment to the development of an organisational culture which supports and embeds welfare and safety across all organisational activity
- commitment to developing an understanding of welfare and safety, including safeguarding and other integrity issues (for example anti-doping), within the context of an organisation providing sport and/or physical activity.

General Board member skills should be included within the role description. Some examples of the kind of skills you might include are suggested below.

- strong leadership skills
- willingness to devote the necessary time and effort
- good, independent judgement
- good communication and interpersonal skills
- ability to ensure decisions are taken and followed-up
- willingness to join in discussions and check and challenge
- ability to work effectively as a member of a team.

### Desirable

- Experience of working within the welfare and safety field either in an executive or non-executive role, including some experience of safeguarding and athlete welfare.

### Time commitment

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The role of Board member requires an estimated commitment of [insert number of hours per month], including [provide details of frequency and length of Board meetings, strategy away days, any other commitments], preparation for and follow-up from meetings, and ad hoc contact on welfare and safety and/or general Board issues.

## Annex 2

### Other useful resources

It's important to be aware that the Code for Sports Governance, in putting a clear focus on welfare and safety across all members and participants in an organisation, is effectively breaking new ground.

As such, most resources available at the date of publication of this note focus on safeguarding and where they do refer to welfare and safety this may not be quite as wide as under 4.7.

These resources can nevertheless be helpful in developing your approach to welfare and safety in your organisation.



#### Sport Resolutions

An independent provider of sport-specific arbitration and mediation services with resources relating to dispute resolution

<https://www.sportresolutions.com>

#### Ann Craft Trust

Supports organisations to safeguard adults and young people at risk and minimise the risk of harm

<https://www.anncrafttrust.org>

#### The NSPCC Child Protection in Sport Unit (CPSU)

Helping our young people play sport and stay safe, including safeguarding training events

<https://thecpsu.org.uk>

#### The Sports Governance Academy

Governance support hub for the sports and physical activity sector including broad resources on effective boards and including information on safety and welfare

<https://sports-governance-academy.org.uk>

#### NCVO (National Council for Voluntary Organisations)

Body providing support to and representing the non-profit sector including resources for designated safeguarding leads and trustees

<https://www.ncvo.org.uk>

#### Getting on Board

Trustee recruitment charity

(note that provided the director role is unpaid, non-charities can advertise here):

<https://www.gettingonboard.org>

#### Reach Volunteering

Website for organisations to advertise voluntary roles, and for candidates to share their profiles (note that provided the director role is unpaid, non-charities can advertise here), also including trustee recruitment resources:

<https://reachvolunteering.org.uk>

#### Charity Commission

Regulator for charities in England and Wales including resources on safeguarding for charities and trustees

<https://www.gov.uk/guidance/safeguarding-for-charities-and-trustees>

#### Sport and Recreation Alliance

The umbrella body for sport and recreation in the UK including The Mental Health Charter

<https://www.sportandrecreation.org.uk/policy/the-mental-health-charter>

#### Developing a culture: Bond

<https://safeguarding-tool.bond.org.uk>

## Annex 3

# Recruitment websites and resources

There are a number of websites and online channels where you can post vacancies, often free of charge:

[UK Sport](#)

[Welsh Sports Association](#)

[sportscotland](#)

[Sport Northern Ireland](#)

[Sport and Recreation Alliance](#)

[Sporting Equals](#)

[Women in Sport](#)

[Women's Sport Trust](#)

[Careers in Sport](#)

[Jump in Sport](#)

[Women on Boards UK](#)

[Activity Alliance](#)

[Reach Volunteering](#)

[Getting on Board](#)

[Young Trustees Movement](#)

[Trustees Unlimited \(for NCVO members\)](#)

[NAVCA](#) – find your local volunteer centre via the NAVCA website and post your ad for free

In order to reach specific target audiences, a number of free and paid websites can be considered, such as:

[Stonewall](#)

[The Voice Newspaper](#)

[myGwork](#)

[Evenbreak](#)

[Society of Black Lawyers](#)

The position may also be advertised on specific NED recruitment websites where appropriate (with fees payable), such as:

[Global Sport Jobs](#)

[NED On Board](#)

[The Times Appointments](#)

[Guardian Jobs](#)

[Women Board Members](#)

In many of the online vacancy sites, as well as copying and pasting the text from your advert into their online forms, you will also be able to select certain skills, eg. safeguarding, safety, welfare to tag the vacancy with so that, when searching using keywords, candidates will find your advert.

Similarly, on a number of the online vacancy sites, you can proactively search for and contact candidates who have uploaded their profiles, searching for those with specific skills, backgrounds or experience that match the vacancy.

This would enable you to search for, e.g. safeguarding and review the profiles of candidates who have listed this as one of their skills.



# Annex 4

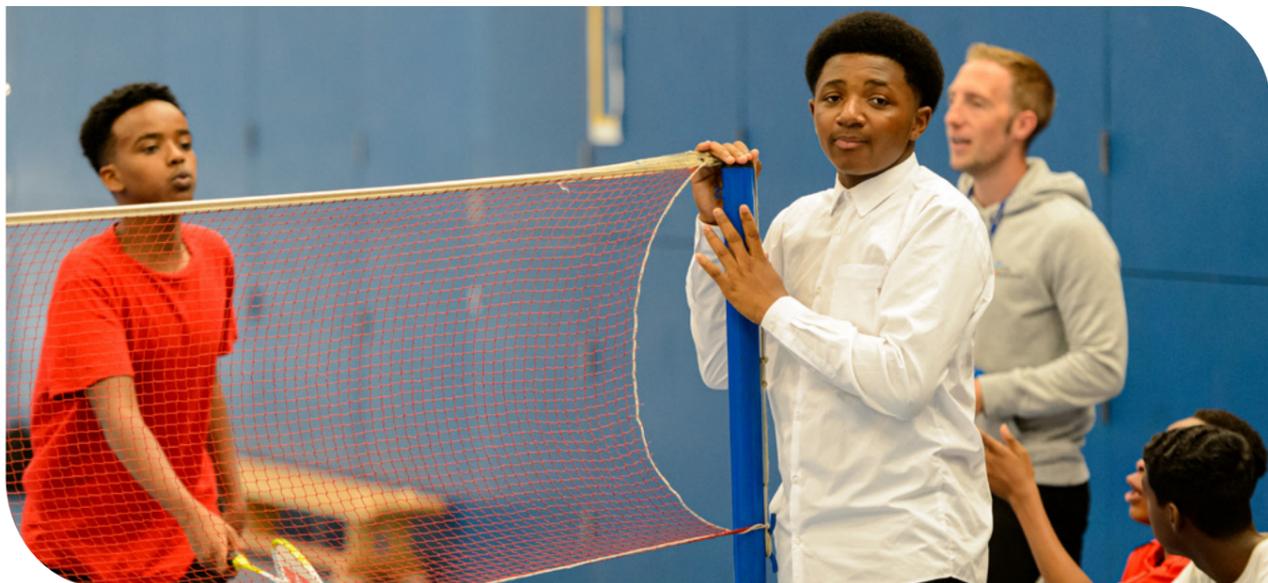
## Extract from A Code for Sports Governance

### Commentary to Requirement 2.4 – Board recruitment

The aim of the recruitment process is to secure the best candidates for the Board, and to do so in a formal, inclusive and transparent way which builds trust in the organisation.

While the appointment process may differ for Independent and Nominated Directors, it should comply with Requirement 2.4. Thus, it should be documented, and information about the process should be available to the Board and relevant stakeholders as appropriate. For example, if a Nominated Director is appointed by the membership, it's important to ensure all members have access to the information about the process in a timely manner. For the appointment of Chair and Independent Non-Executive Directors, please refer to Requirement 2.6.

Irrespective of the process of appointment, all appointments should be made on merit in line with the skills required of the Board and the organisation's ambitions and plan to achieve greater diversity in all its forms (Req. 2.1-2.3). Requirement 1.3 requires each organisation to maintain an up-to-date matrix detailing the diversity of skills, background, experience, independence and thought required of its Board. This skills matrix enables the organisation to prepare the role description and person specification for any new Director which the organisation is seeking to appoint, whether this be for an Independent Non-Executive Director or a Nominated Director position. The organisation's Diversity and Inclusion Action Plan (Requirement 2.2) and Succession Plan (Requirement 2.7) should also inform this process.



To ensure the appointment of Nominated Directors who, under the terms of the organisation's constitution, are elected to the Board (e.g. by a particular constituency, such as a Council, or by the membership as a whole) are made on merit and in line with the required skills and ambitions for greater diversity, organisations may wish to give consideration to the following process:

- As noted above, a role description and person specification are prepared
- Vacancies (including the role description and person specification) are communicated widely (e.g. by publication on the UK Sport website, stakeholder groups and other diverse channels)
- The Nominations Committee reviews applications and satisfies itself the process can be considered free of bias and has produced a diverse range of candidates. It should also provide a view on whether proposed candidates have the required skills and experience. If this is the case, in the interests of transparency, it would be appropriate for the view of the Nominations Committee to accompany any election materials relating to that candidate so that those making the selection have access to that information (see also Requirement 1.15 about Nominations Committees).

Organisations should be mindful of conflicts of interest (Requirement 4.6) during recruitment, and should consider potential conflicts during the appointment process in order to avoid issues arising after an appointment is made.

Regardless of how they are appointed, all Directors must act in the best interests of the organisation, as set out in Requirement 4.4.

The Director appointment process should also consider the process of re-appointing Directors at the end of their term (where the maximum term limit under Requirement 1.6 has not yet been reached). Although in many cases re-advertisement may not be necessary, it's still important to review and assess the individual's performance and to consider the skills and diversity required on the Board before confirming a reappointment.

The Nominations Committee should play a role in this process, to ensure that all appointments and reappointments are in line with the needs of the Board and the wider organisation.

# Annex 5

## Extract from A Code for Sports Governance

### Commentary to Requirement 4.7 – welfare and safety

All Directors have a duty towards the welfare and safety of the organisation's employees, members and any other people for whom it's responsible. The Board must have clear oversight of all aspects of welfare and safety, including but not limited to safeguarding (adults and children), mental health and wellbeing (including psychological safety), anti-doping and integrity issues. This oversight should be considerate of establishing a culture, across the organisation, where welfare and safety is paramount. It should be noted this Requirement is not intended to encompass all responsibilities related to health and safety, in particular with respect to property and facilities. The Board should consider how best these aspects are managed.

It's important that each Board Member has appropriate understanding of welfare and safety issues relevant to their organisation. A training needs analysis should be conducted which considers previous knowledge of the Board i.e. through practical experience or training. Knowledge gaps should then be filled by undertaking relevant training.

To ensure that welfare and safety is given appropriate consideration during its decision-making, it's important for the Board to appoint a lead Director for this area. The lead Director will have responsibility for checking and challenging the Board on decisions that affect welfare and safety across the organisation and will be able to support the executive staff for issues in that area. The Board may also want to consider what role the lead Director could play in offering a direct route for raising any welfare and safety concerns from people for whom the organisation is responsible.

The Board may appoint the welfare and safety lead Director from within its current membership or, when a vacancy arises, look to openly recruit an individual with specialist knowledge and expertise. UK Sport/Sport England will provide further guidance to help with the development of a role description and how best to appoint to this role on a Board.

While an individual Director should be appointed to lead in this area, the Board is ultimately responsible for the welfare and safety of its members and people and any decisions made in this regard.



