

# Charities Healthcheck

(and the questions you should ask)

A collaborative guide

Part 1 / 6

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## Overview

Key parts of the  
Healthcheck in:

- Part 2: Governance
- Part 3: People
- Part 4: Assets
- Part 5: Policies
- Part 6: Faith Groups

**To go fast, go alone. To go far, go together.**

Thanks to every contributor of ideas listed here (alphabetically) - a truly collaborative effort to get input of so many ideas from so many, and I hope the start of many examples of coming together! Join us by sending your thoughts for future editions so it can always be improved and refined.

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*Many thanks to Jamie Small of [Wordshop](#) who donated his time to proof these publications.*

# Cover Image: Braided River Reflection

Braided rivers in Aotearoa New Zealand are unique because they change often, moving along in the same general direction, but never ever staying exactly the same.

Trying to plan every aspect of your life means you'll miss out if you try to stay in one stream. A lot will come down simply to this: persistence, serendipity and the relationships you cultivate.

Then the magic ingredient to really see new opportunities, is that you have to be willing to also let directions shift, like a braided river, and go where the water of new opportunities are flowing.



*Image: The afternoon sun reflecting off the braided Rakaia River flowing out of Lake Coleridge, captured on a flight south to Queenstown.*

**Edited by Steven Moe**

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Additional thoughts? Send them to  
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# Introduction:

## Kia ora and welcome to this collaborative guide.

So what is a “collaborative guide”? I really just made that name up to represent that this only exists because so many have contributed to it.

I went out to ask for input on an initial draft of ideas and was overwhelmed by the response of so many who felt the same - that we want to ask the right questions to support charities and “for purpose” organisations to stay safe. Thanks to you all!

I’ve helped many hundreds of these groups and they consistently face the same issues. Those are refined down in this guide through a series of themes and then questions so that you can learn quickly what often only gets found out by trial and error.

Why not choose a theme and then ask just those questions at your next board meeting and consider the answers together? Even if you have run a charity for a long time, they will be good reflection points - we can all be constantly learning.

This Charities Healthcheck sets out the key legal risks that charities should know about, and could work to improve, to mitigate risks to Board members and the organisation.

This is not a textbook. It is not long. It is deliberately high level. It’s a guide - like when you are in another country and someone takes you on a tour of a local place, and you get more insight than if you walked around it on your own.

Hopefully this is also a project that evolves over time - and it will be updated each year based on feedback received.

The plan is to revise and reissue this next year, so we welcome comments ahead of 1 September 2024. So, if there are ideas you have to contribute, send them over to me and we can consider adding them - maybe different questions or expanded ones, other resources, different topic ideas.

Originally I called this 15 Key Issues Charities Face but now have split that into these parts of the guide so that you can focus on things by these themes:

- **Part 1: Overview**
- **Part 2: Governance**
- **Part 3: People**
- **Part 4: Assets**
- **Part 5: Policies**
- **Part 6: Faith Groups**

My role is to be a catalyst to solve your legal problems. With a team of lawyers focused on “for purpose” organisations and 80 staff across four offices, we are New Zealand’s leading law firm for charities, churches, companies and entrepreneurs who want to do things differently - with purpose and impact at your core.

This guide is just one example of supporting this area, so check out some others as well - these range from [Seeds Podcast](#) (350+ conversations), picture book [The Apple Tree](#), [the Reimagining Business book](#), the upcoming [Seeds Impact Conference](#) in October (just \$20 for a day with 27 change-making sessions) and guides like the [Charities in New Zealand: A Legal Handbook](#).



*Together, let's make things better.*

Ngā mihi,  
Steven Moe

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The Seeds Impact Conference will be held on 5 October 2023, with 27 sessions held over four zoom rooms and only \$20 to attend - more info and you can sign up here:

<https://seedsconference.nz/>



# Part II: Governance

## 1. Your founding document

### Why is this important?

This document sets the foundation on which your organisation is built - it is important it is clear, sets the rules, and is compliant with what is legally required.

Questions to provoke discussion	Your notes	Ranking (of 10)
When did you last review this document? Is it currently compliant with the law, including new laws e.g. The Trusts Act 2019?		
Does your purpose clearly state why you exist, the problem you seek to solve, and for whose benefit - and how is this expressed in the founding document and your strategy?		
What would be the conditions for your organisation to close - with mission completed?		
<b>Key Resource:</b> <a href="#">Charting the Future</a> paper		

## 2. Governance

### Why is this important?

Governance provides focus for the future so it is important to get it right!

Questions to provoke discussion	Your notes	Ranking (of 10)
What do your leaders understand their role in governance to be?		
Is it clear what role different groups play? Consider trustees, kaumātua, management, advisors, volunteers and donors.		
How does the Board assess its own performance and reflect both individually and collectively on performance?		
<b>Key resource:</b> <a href="#">Governance Masterclass: 7 scenarios</a>		

### 3. Strategy

#### Why is this important?

Looking to the future is critical and having strategy in place will make sure that your organisation is ready for what is coming.

Questions to provoke discussion	Your notes	Ranking (of 10)
How often do you have a strategy session? Do you discuss outcomes sought each year?		
Do you use a Board composition matrix to guide your Board recruitment? Do you have a Board succession plan? (More questions below on this)		
Do you have Board year-long objectives that are linked to the strategic plan and longer-term strategic plan?		
<b>Key resource:</b> <a href="#">Community Governance Aotearoa</a>		

### 4. Practical steps for good governance

#### Why is this important?

Ensuring good governance involves actively planning so there can be continual learning.

Questions to provoke discussion	Your notes	Ranking (of 10)
Do Officers have a learning and development plan, including Governance?		
Is there a standing agenda? How much time does it allocate for each matter? Is it forward-looking - less on the past and more on the future?		
Are Board members aware of key operating policies that affect them? Could they be included in an operating handbook for everyone?		
<b>Key resource:</b> <a href="#">Board matters</a> podcast		

## Part III: People

### 5. Employees & volunteers

#### Why is this important?

Our people are what make an organisation successful, so we need to look after them and have clear terms in place regarding how they contribute to advancing the purpose.

Questions to provoke discussion	Your notes
When were your employment agreements last reviewed? Is this happening on a regular basis, say yearly, at the performance review discussion?	
Do you have agreements for your volunteers? NDAs for volunteers? Do you get references for volunteers?	
Do you have a code of conduct or policy which outlines expectations of behaviour for staff, volunteers, elders/kaumātua?	
Key resource: <a href="#">Charities in New Zealand: A Legal Handbook</a>	

### 6. Taking care of your people

#### Why is this important?

We should look after those who contribute to our organisations in a proactive way.

Questions to provoke discussion	Your notes
Do you go through an appraisal/performance review process with your employees? How frequently? Are the performance objectives clearly aligned with the organisation's purpose and strategic plan?	
Are volunteers and staff properly managed, supervised and supported, covered by appropriate insurance cover?	
Mental health and wellbeing - what are you doing to safeguard your staff and volunteers?	
Key resource: <a href="#">Employment New Zealand</a> guidance	



## 7. Health & safety

### Why is this important?

This is not just a box ticking exercise - a culture of caring for our employees, volunteers and others will prevent injuries and deaths. Build a culture where this is important.

Questions to provoke discussion	Your notes
Is H&S being reported at Board level? The tone is set from the top.	
What measures are in place for identifying and managing risk?	
Do you have a health and safety plan in place for all activities and are your staff and volunteers trained?	
Key resource: <a href="#">WorkSafe reference guide</a>	

## 8. Human Rights Act

### Why is this important?

Complying with this legislation is not an optional extra - ensure your processes and policies will keep you safe.

Questions to provoke discussion	Your notes
Are you aware of what this Act says and its implications for what you do?	
How are you ensuring diversity and inclusion?	
Have you considered how your charity is contributing to human rights in your activities? For example, are your suppliers ethically sourced?	
Key Resource: <a href="#">Human Rights Commission guides</a>	

## 9. Complaints

### Why is this important?

Being able to respond to complaints will set your organisation apart. Don't just think about current complaints, also think about historical ones.

Questions to provoke discussion	Your notes
What would you do if there was a complaint brought against the organisation / a member of staff / a volunteer / a board member?	
What established procedures are there for handling historical complaints? What is needed to preserve the reputation of the organisation?	
Could you be proactive in this area to uncover complaints before they are actually brought and seek to have a proactive resolution?	
<b>Key resource:</b> <a href="#">Charities Services guidance on complaints</a>	

## 10. Privacy

### Why is this important?

The Privacy Act sets out many principles which need to be followed which are aimed at protecting the data and information of individuals.

Questions to provoke discussion	Your notes
Do you have an up-to-date Privacy Policy? Review plan/schedule?	
What would you do if there was a privacy breach?	
Do you keep information longer than it is needed?	
<b>Key resource:</b> <a href="#">Privacy information article</a>	

## Part IV: Assets

### 11. Property

#### Why is this important?

Property will be a key asset of a charity so it is important to look after it well.

Questions to provoke discussion	Your notes	Ranking (of 10)
Do you have a costed long-term maintenance plan in place for your properties? Who is responsible for this and ensuring it does happen?		
Which entity owns the land and buildings your organisation uses?		
Should an entity be formed to hold the land/assets separate to your organisation to “ring fence” liability?		
Key resource: <a href="#">Christian Savings on long term maintenance plans</a>		

### 12. Finances

#### Why is this important?

Taking care of the finances is vital for a charity to be able to operate and advance its purposes - having good processes in place will ensure the long-term viability of the organisation.

Questions to provoke discussion	Your notes	Ranking (of 10)
Do you have appropriate systems and processes for monitoring your financial solvency?		
Are you reporting in line with the correct financial reporting tier of charity? There are four tiers.		
Do you have financial reserves to keep your organisation functioning through a change in circumstances?		
Key resource: <a href="#">XRB guidance</a> for charities on tiers and reporting		

### 13. Finance controls

**Why is this important?**

Having controls in place to ensure that the finances are looked after is critical to the long-term viability of the organisation.

Questions to provoke discussion	Your notes	Ranking (of 10)
What internal controls are in place to manage financial matters?		
Who has delegated authority to spend money? What are the parameters of that authority?		
Is there a fraud policy in place (deterrence and detection)?		
<b>Key resource:</b> CAANZ <a href="#">tools and resources</a>		

### 14. Reporting on impact

**Why is this important?**

Your organisation may be doing amazing work but how are you telling others about it? Doing so well will ensure there is interest and support from volunteers, funders and other stakeholders.

Questions to provoke discussion	Your notes	Ranking (of 10)
Do your annual accounts clearly communicate your impact?		
Have you considered Impact Reporting and what this means for your organisation?		
There is often a clear gap in reporting by Charities on the non-financial aspects. It is good to define what success is, but more importantly to set out how you think you will achieve your goals for the year, and how you have performed against those goals.		
<b>Key resource:</b> Charities Services <a href="#">guide on reporting</a>		

## 15. Insurance

### Why is this important?

Things do go wrong - insurance helps provide a safety net for if those things happen.

Questions to provoke discussion	Your notes	Ranking (of 10)
What insurance do you have in place?		
Are coverage and excess terms appropriate? Do you understand the scope of coverage and any exclusions?		
When were your insurance policies last reviewed? Do you have a review schedule?		
Key resource: Article on <a href="#">why insurance matters</a>		

## 16. Related trusts / other stakeholders

### Why is this important?

Having a clear relationship with other related or other groups is vital.

Questions to provoke discussion	Your notes	Ranking (of 10)
What links are there between your organisation and related groups?		
Your organisation may have led to others being created - does your group remain an umbrella group or are they separate?		
Should the ties be strengthened, or loosened?		
Key resource: <a href="#">10 minutes on how to set up an impact-driven organisation</a>		

## 17. Other entity legal structures

### Why is this important?

Sometimes our organisations are linked to others which are aligned to what you do - so how do you relate with them? What entity type should they be?

Questions to provoke discussion	Your notes	Ranking (of 10)
How are any aligned initiatives structured? Consider preschools, cafés, funeral homes, counselling services, social housing etc.		
Have you considered “ring fencing” them in separate entities rather than being under umbrella of your group?		
If so, what is the best legal “vehicle” to drive those initiatives? Consider the options such as company, trust, partnership, incorporated society.		
Key resource: <a href="#">10 minutes on how to set up an impact driven organisation</a>		

## 18. Contracts

### Why is this important?

Contracts set out how your organisation will relate with other group - suppliers, customers, contractors, government - being clear is important.

Questions to provoke discussion	Your notes	Ranking (of 10)
Do you have a contract/agreement register clarifying who is responsible for each relationship?		
Are agreements in written form or verbal only? For key supplier/customers, ensure they are written and signed/dated.		
Check key clauses like in your contracts/agreements, such as: termination rights, indemnities, liability, right to vary, scope of services.		
Key resource: <a href="#">Startups legal toolkit</a>		

## Part V: Policies

### 19. Policies

#### Why is this important?

Having good policies in place will ensure that you stay up to speed with many aspects of keeping your organisation healthy.

Questions to provoke discussion	Your notes	Ranking (of 10)
What policies do you have in place?		
Policies can become large and are not read, living in the bottom drawer gathering dust. How do you keep your policies realistic, practical and up to date?		
How often do you review your policies?		
Key resource: <a href="#">Charities Guide</a>		

### 20. Te Tiriti o Waitangi

#### Why is this important?

Being clear on your relationship with tangata whenua and the Treaty is important here in Aotearoa New Zealand - these questions will help you consider that.

Questions to provoke discussion	Your notes	Ranking (of 10)
How do you articulate how the principles of Te Tiriti o Waitangi apply to your organisation?		
Have you considered the relationship with your local iwi?		
Do you have someone who can help you on the journey of understanding your organisation and its role, from a Māori/Pasifika perspective?		
Key resource: Kate Frykberg's <a href="#">reflections on this</a>		

## 21. Publications and media

### Why is this important?

Considering how you will relate to others through publications and media is important to consider early - before it becomes an issue.

Questions to provoke development of communications policies	Your notes	Ranking (of 10)
Do you have publications and/or brochures/flyers/pamphlets?		
Are these checked regularly to ensure they comply with current law?		
Is there a Publications Policy/processes? Who has delegated responsibility for Communications Policy and processes?		

## 22. Continuity

### Why is this important?

Being aware of what the risks are and how you would continue to operate is vital to ensure that the organisation is ready in advance.

Questions to provoke development of a business	Your notes	Ranking (of 10)
Do you have a Business Continuity Plan? How often do you review and update it?		
How often do you refer to it?		
How integrated is it into the daily activities of your organisation?		
<b>Key resource:</b> IOD <a href="#">guidance</a> on coping with a crisis		



## 23. Cybersecurity

### Why is this important?

Increasingly there are risks from people seeking to obtain information online - cybersecurity and measures being in place is one way to ensure you stay safe.

Questions to provoke discussion	Your notes	Ranking (of 10)
Have you considered cybersecurity, including a plan for responding to ransom-ware attacks?		
Do you regularly back-up digital records?		
How would you deal with an attack? What's your plan? Do you practice the plan every year?		
<b>Key resource:</b> ACNC <a href="#">guidance</a> - Australian but relevant here too		

## 24. Environmental sustainability & climate

### Why is this important?

Every organisation needs to consider the impacts it is having on our climate. Increasingly this will be part of reporting requirements as well.

Questions to provoke discussion	Your notes	Ranking (of 10)
Are you aware of climate change risks to your organisation, to: 1. infrastructure and operations; and 2. human health, equity and community wellbeing?		
Do you report on waste volumes and have a strategy for reducing landfill waste?		
Do you report on carbon emissions and have a strategy for reducing emissions?		
<b>Key resource:</b> <a href="#">Guidance</a> for charities on this		

## 25. Some final “other” issues

### Why is this important?

This is a potpourri of issues which you may face - while quite a random collection these are the other things we think are important to consider. Yes, there is some duplication to earlier sections but it is worth a glance over these as reminders.

Questions to provoke discussion	Your notes	Ranking (of 10)
Do you own your intellectual property (IP)? Have you trademarked names and logos? What other IP do you have? How is your IP protected and maintained?		
Do you have a risk matrix and mitigation plan, and is this reviewed on a regular basis?		
How do you protect your organisation’s reputation and social licence to operate?		
Key resource: <a href="#">Charities Guide</a>		

## Part VI: Faith groups

### 26. Faith groups

#### Why is this important?

There are unique dynamics when it comes to faith groups - this section focuses on churches but the principles would apply to any faith-based group.

Questions to provoke discussion	Your notes	Ranking (of 10)
What is the relationship between different groups within your organisation e.g. spiritual authority vs operational decisions vs strategy? Who has power in relation to each?		
Recognise the type of structure you have e.g. member-led vs apostolic-led. Do you have appropriate safeguards for both approaches or variations on them?		
What is the role of the Senior Pastor / Minister - who appoints them, for how long, and how are issues raised?		
What is the role of elders - are they Trustees? Or do they play a spiritual role only?		
Have you considered having external third-party spiritual advisers who are outside of your leadership but from other groups you respect?		
Is there a statement of belief for your organisation and what role does it play? Do those in governance need to sign to say that they agree with it?		
Consider having a "Safer Church Committee" to investigate incidents and report to trustees/Board. Safe churches is now a very important area Psychological safety, spiritual safety, sexual safety etc.		
What is the position of elder groups in your church - as in, the "buck stops here" people, whatever name they may have. Sometimes these people hold power but have the least knowledge about "governance" and little experience.		

Questions to provoke discussion	Your notes	Ranking (of 10)
This is because often there is “internal” shoulder-tapping rather than governance experience being the criteria. That can be fine - but how do you sensitively propose upskilling?		
What is “governance” in a local church? It is not a word that shows up in the New Testament although there were leaders of the Church.		
What risks have you identified and what are you doing to mitigate those risks?		
What is the role of elders in a church that is affiliated, as opposed to an independent church?		
Complaints - is there a well understood and easy complaints process?		
Finance - what finance procedures are in place in the church?		
What policies do you have? What are the top five or 10 policies a church should have? We are currently working on a list.		
But remember a policy is only as good as the procedure that goes with it as that really is the “how we will address or manage/mitigate something”.		
Safeguarding (child protection) and vulnerable adults - there is currently a multi-church working group working on safeguarding standards across churches, so be watching out for the results of that.		
Food safety - check basic compliance requirements if food is sold on a Sunday or at other times, and more so if also sold to general public and not just members.		
To what degree can or should elders decide on things they know little about? Especially when it comes to theological and pastoral issues.		
<p align="center"><b>Key resources:</b> <a href="#">Churches Handbook</a> and <a href="#">Faith Groups Info Hub</a> and <a href="#">7 Principles of Governance for Faith Based Groups</a></p>		

## Resources

Perhaps these Healthcheck Guides have got you excited for ensuring best practice and wanting more information!

If so, then check out these free resources as well:

### Written guides and resources

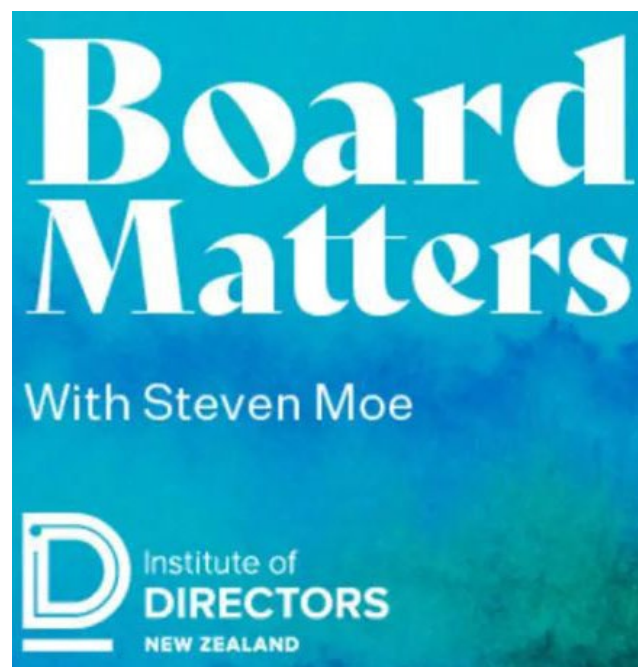
- [Charities in New Zealand: A Legal Handbook](#)
- [Governance Masterclass: 7 scenarios](#)
- [Governance essentials hub](#)
- [10 minutes on how to set up an impact driven organisation](#)
- [Social Enterprises in New Zealand: A Legal Handbook](#)
- [Health and Safety regarding volunteers](#)
- [Start-ups guide](#)
- [Governance podcast for IOD](#)
- [Impact Investing in NZ](#)
- [Reimagining Business Book](#)
- [Seeds podcast](#)
- [About privacy policies and what they should cover](#)
- [Capital Raising Guide](#)
- [Summary of two day IOD Leadership Conference](#)
- [Article on different types of roles: Volunteers, Employees, Contractors](#)
- [Trust control over other trusts article](#)
- [The Good Governance Code](#)

### Governance related videos

- [Chairing the Board](#)
- [Governance Masterclass - 7 scenarios](#)

### Other websites

- [Charities Services on types of tiers](#)
- [Charities Services guide for new board members](#)
- [NZ Navigator online charity assessment kit](#)
- [Community Governance Aotearoa](#)
- [IOD NFP site](#)
- [Community Networks Aotearoa: Tick for Governance course](#)
- [‘Better Banking’ report from CNA](#)
- [Christian Savings on long term maintenance plans](#)
- [Community Law Manual](#)
- [Questions on reputational risks](#)



*We hope this is helpful.*

*What else should we refer to in future editions?*