



WHAT IS A CHARITY TRUSTEE?

Trustees are people who have the general control of a group's administration and management. They may also be known as the board, management committee or directors. Officially this depends upon the legal structure of the group but usually it is the group's preference that determines what they are called.

Who can be a Trustee?

Most people over the age of 18 can be trustees and the governing document of the group will give the process for recruiting people onto the committee. It will also explain when, if at all, they have to stand down and how they are elected or re-elected. There are some restrictions imposed by charity law.

People who are disqualified by law include those who have been convicted of an offence involving dishonesty or deception and undischarged bankrupts. They must also be fit and able to carry out their duties but this does not mean it is impossible to have trustees who may have disadvantages such as a learning difficulty or if English is not their preferred language, whose own experience could be very beneficial to the group. In these cases it is important to consider how the meetings and communications can be inclusive.

Recruiting Trustees

As with all volunteers finding your trustees may prove difficult, depending on your project.

Word of mouth is the best way and simply asking people to join, but do try to be as inclusive and diverse as possible.

Consider the balance of skills and knowledge on the trustee board. It is important that new trustees are aware of their responsibilities and are given a proper induction.

Why become a Trustee?

- Your contribution to a project close to your heart.
- A chance to use the skills you have (you may not be exercising these in your paid job or in other aspects of your life).
- A chance to learn and take part in training and meeting other people.
- Being part of a team and hopefully enjoying what you are doing.
- The opportunity to shape a project that makes a difference to lives and your community.

Main Responsibilities

- The proper administration of the charity (employment, finance, reputation etc).
- Ultimate responsibility for what the group does.
- To act reasonably and prudently in all matters relating to the group.
- To safeguard and protect the assets of the group.
- To act collectively.
- To act in the best interests of the group.
- To avoid any conflict between their personal and those of the charity.

Meetings

The constitution may include how often trustee meetings should be held but otherwise there is no legal requirement, some may meet weekly, but more common is monthly or quarterly depending upon the needs of the project and the size of the group. Where the trustees are also the people directly running and managing the project they will meet more frequently than where the trustees delegate (e.g. employ a manager or have volunteers who run the group).

Delegation

The trustees have ultimate responsibility but they can delegate. Many smaller groups have no staff and work at all levels so the work is also done by the trustees. In other larger organisations trustees may only make the ultimate decisions and agree strategy, they may also have a sub-committee structure. Where decision making is delegated it must be allowed within the constitution and this should be checked if you are not sure. The terms of delegation should be set out in writing, perhaps noted in the minutes and should include: -

- What powers are being delegated?
- Who is the power or task being delegated to?
- Details about timing and reporting back.
- Specifics about financial issues.

Conflicts of Interest

Trustees can not receive any benefit from the charity unless the constitution specifically allows it though this is not usual. Reasonable expenses are not a benefit and can be paid. There are times when a trustee can be paid for their professional expertise but this should be checked with the charity Commission to be sure it is allowable.

The Trustees have to act in the best interest of that organisation so they need to be aware of where they may have other interests, e.g. they may be trustees of more than one group.

Liabilities

Trustees are liable for the group and unless the group has incorporated they are personally liable for any costs and legal action. However, if they act in line with their responsibilities and have good policies and practices in place, this should not be a problem. There is Trustee Indemnity Insurance available and the group needs to consider if this is a cost effective priority. Liability is also limited if the organisation becomes a Company Limited by Guarantee (i.e. incorporates).

Further Information

- Boards That Work – A Guide for Charity Trustees (Director of Social Change)
- Charity Trustee's handbook (Directory of Social Change)
- The Good Trustee Guide (NCVO)
- Charity Commission publications – see www.charity-commission.gov.uk (e.g. CC3, CC3a)