

# The role of trustees



## What are trustees?

Charity trustees make up the group of people with legal responsibility for the overall management and decision making in a charity. They may or may not be called trustees. Some organisations may prefer to call them a member of the management or executive committee, a governor or a director. Likewise, the group they make up may be called the management committee, governing body or the board.

The role of trustee is voluntary. Except in exceptional circumstances, and where allowed by the charity's constitution, trustees should not be paid or receive any personal gain from their role. They should also not be out of pocket for the work they do and should receive payment to cover any expenses.

The role is usually not permanent. Most trustees have a set number of years which they work, at the end of which they will need to stand for re-election or take a break from the role. It is a good idea for trustees to consider re-election carefully to avoid burn-out or the group becoming over reliant on one person.

## What is the role of trustees?

Trustees are responsible for the direction and performance of their charity. If a charity has few or no staff they may carry out the tasks necessary for the day-to-day running of the charity. If it is a larger charity which has paid staff, the staff will usually carry out this day-to-day work. The role of the trustees will be to provide management and monitoring of staff activities.

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## **Responsibilities of trustees**

Trustees:

- have ultimate responsibility for the work of the charity
- must act in the best interests of the charity
- take decisions about the future of the charity
- ensure the organisation remains sustainable
- consider likely future challenges and prepare the charity to face them
- ensure the charity is working within the law
- be accountable for the organisation
- support the head of staff
- monitor to ensure the charity is meeting objectives
- ensure the board is working effectively and efficiently

The role can be very challenging but it can also be extremely interesting and rewarding. Taking on this responsibility can give you the chance to exercise your existing skills and develop new ones.

## **Liability of trustees**

If a problem occurs in the charity's work or finances, the ultimate responsibility rests with the trustees. This applies to both legal and financial aspects of the charity's work, for which they can be held liable. However, if a board has followed the guidelines laid down in the organisation's governing document, made proper informed decisions and taken advice where necessary, they are unlikely to find themselves being held personally liable. If trustees have acted reasonably, generally the law will protect them from the consequences of their honest mistakes.

For further information go to:

<http://www.charity-commission.gov.uk/supportingcharities/trustee1.asp>

## **Who can be a trustee?**

Trustees come from all walks of life and generally the wider range of people you can have represented on your board, the better. However there are some people who are not able to serve as trustees. If you answer 'yes' to any of the following you will not be eligible:

- under 18 years of age
- convicted of an offence involving deception or dishonesty, unless the conviction is spent
- an undischarged bankrupt
- previously been removed from trusteeship of a charity by the court or Charity Commissioners
- under a disqualification order under the Company Directors Disqualification Act 1986

## **What are the qualities needed to be a trustee?**

Boards need a wide variety of skills to be able to function effectively. This will include the 'hard' skills which you may immediately think of as being important: legal, accounting, business management etc. These skills will be required in order that the board can understand the issues and meet their legal and financial obligations as trustees.

Equally important are the 'soft' skills: encouraging team working, problem solving, facilitating decision making, maintaining good working relationships and keeping the trustees in touch with the membership of the group.

A board will be stronger if there are members who represent a variety of views. For example even if you are a group primarily for parents of children with a particular disorder, there is likely to be some benefit in having parents, adults with the condition and adult siblings of people with the condition on the board.

Perhaps the most important qualities needed by the trustees are a commitment to the aims of the group and the time to be able to put the work in to achieve these.

## **Forming a management committee**

A management committee does not have to have lots of people and in many ways it will be easier and cheaper to manage if the numbers are kept down. Unless otherwise specified in the organisation's constitution the essential roles you do need to fill are the chair, secretary and treasurer. Make sure that the people asked to take on these roles are going to be able to meet the needs of the organisation. Check the outline of their individual roles below to see the type of skills each will need.

### **Chair**

- leads the management committee, ensuring it fulfils its responsibilities for the governance of the charity
- sets the agenda and chairs committee meetings
- act as a figurehead for the charity, representing it at functions, meetings, events and for publicity purposes
- if the organisation has paid staff it will be the chair's role, in conjunction with other trustees, to supervise the staff

### **Secretary**

- carries out the secretarial functions necessary to support the work of the board
- liaises with the chair to put together the agenda for meetings
- takes accurate minutes of the meetings which form the legal record of the decisions taken by the organisation
- sends out copies of the minutes and agenda to other committee members
- deals with any written correspondence as requested by committee members
- passes on relevant written enquiries to the appropriate group member
- prepares papers and carries out the administration of the Annual General Meeting

## **Treasurer**

- prepares and presents regular financial reports to the committee
- maintains the financial records
- prepares financial records to support applications for funding
- ensures payment of expenses and acts as signatory for cheques

## **Additional roles**

Other roles which you may want to consider having a trustee to cover include parent contact, liaison with medical professionals, publicity, fundraising etc. However, there is no reason why the person or people fulfilling these roles needs to be a member of the committee. It may be far easier and a more efficient use of their time for them to get on with these extremely important tasks and simply take instruction and report back to the committee as needed.

When forming your committee, bear in mind that if you are a registered charity the management committee is legally obliged to meet a minimum number of times per year. The more trustees you have, the more time and money these people will spend travelling to and from meetings. Before recruiting more trustees, ask yourself whether it is necessary that these people are part of the board or whether their talents are better used being more proactive.

## **The role of medical professionals**

For condition specific groups there is a huge value in having one or more medical professionals who are experts in the condition, who can be available to provide the group with information or to check, verify and put their name to the information you produce. Some groups may feel that this person should be a trustee, however this is not necessary. The most important aspect of this is that trustees have the assistance of a medical expert and that members can be assured that the medical information they receive is of the highest quality. If your medical expert feels they are able to commit to becoming a trustee that will be good, but remember that as with extra committee members, organising and running board meetings will become that much more time consuming and expensive. Consider whether inviting your medical advisor to sit in on meetings or address the board as necessary will meet your needs more easily.

## **Do you need more trustees?**

If you are considering whether your board needs some input from additional people, carry out a skills audit of your existing board members. What are the skills which you have between you? What are the skills you need in order to further the aims of the group? If you decide there are gaps which could usefully be filled look specifically for people who can offer these missing skills. Trustees should always be appointed on the basis of what they can offer the board and therefore the organisation, rather than their position in the group or society.

Potential trustees should consider if there would be any conflicts of interest for them if they were to become a trustee, which would inhibit them acting effectively as a member of the board.

## **Finding qualified trustees**

If you are having problems finding trustees who are able to take on the role and its responsibilities, you may wish to advertise to find people in the wider community who are able to help. There are several places you can go to find available volunteers.

NCVO (National Council for Voluntary Organisations) operates a Trustee Bank, a directory of organisations which match potential trustees with vacancies.

<http://www.ncvo-vol.org.uk/tgt>

## **Induction of new trustees**

Having a well thought out induction programme to introduce new trustees to their role and the organisation is very important. This will be particularly relevant where a new trustee has had no previous connection with the organisation and may not be aware of the issues involved. By ensuring that new trustees have a clear understanding of their role and place within the management structure many problems can be avoided.

The form the induction takes will vary depending on the nature of the organisation. It may be that a meeting with current trustees during which all parties can offer information and ask questions is the most appropriate way of doing this. For slightly bigger organisations you may want to consider providing a more formal process. However formal you make the process the new trustee should be provided with copies of key information and documents and an explanation of these.

## **Further information**

### **Charity Commission guidance:**

*CC3 - Responsibilities of Charity Trustees*

<http://www.charity-commission.gov.uk/publications/cc3.asp>

*RS1 - Trustee Recruitment, Selection and Induction*

<http://www.charity-commission.gov.uk/publications/report1.asp>

### **NCVO:**

Guidance on a wide range of trustee and governance issues

<http://www.askncvo.org.uk/Asp/search/docBrowser.aspx?catID=11>

Model documents for trustee boards, including model agreement between a new trustee and the board, job description for board members and trustee skills audit.

<http://www.askncvo.org.uk/Asp/search/docBrowser.aspx?catID=129>

***The Good Trustee Guide***, NCVO, March 2003 £25.00

An excellent introductory pack for new committee members or a 'refresher' for long-serving trustees. It is a comprehensive manual containing practical information on all aspects of a trustee's role, including legal, management and financial responsibilities and guidance on developing an effective trustee board.

### **Charity Trustee Networks**

CTN helps to set up and provide support to networks of charity trustees. The organisation aims to improve governance of the charitable sector by enabling trustees to access help, support and advice by sharing knowledge and experience with each other. For more information go to: <http://www.trusteenetworks.org.uk>

***One in a million***, 2003, ISBN 1903210194, £10.95

A user friendly guide to trusteeship for management committee members and those who work with them. The guide provides a comprehensive introduction for new trustees, an invaluable reference for existing trustees and a mine of useful information and good ideas for staff members who work with trustee boards and management committees.

This guide is part of the Contact a Family Group Action Pack. For more information please visit [www.cafamily.org.uk](http://www.cafamily.org.uk) or telephone 020 7608 8700.

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