

Responsibilities of Charity Trustees



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0845 300 1818

Notes:

1. The Charities Acts apply to England and Wales only. Similar legislation applies to Scotland.
2. Certain rules within *Policy, Organisation and Rules* (POR) do not apply, without modification, in parts of the British Isles outside England and Wales.

General information

This factsheet introduces some of the issues you need to know about and areas where you may need to find out more.

For a more comprehensive outline of what is expected of a Charity Trustee you should read the free publication *Responsibilities of Charity Trustees* (CC3) available from the Charity Commission for England and Wales.

Members of the Executive Committee of each Scout Group/District or County are The Charity Trustees of that body. *Policy, Organisation and Rules* (POR) lists the membership of each Executive Committee.

Individual Scout Groups, Districts and Counties are all educational charities.

Qualifications for Charity Trustees

A Trustee must be at least 18 years old, a responsible person and one who is not disqualified under section 72 of the Charities Act 1993 because of bankruptcy or conviction for an offence of dishonesty or deception.

You should become a Charity Trustee only if you:

- are prepared to give the necessary time and effort to the management of the charity

- can help the charity achieve its aim through your expertise or commitment and
- understand and accept that trusteeship carries legal duties and responsibilities.

Responsibilities of Charity Trustees

Trustees have a responsibility for the management and administration of a charity. In relation to Scouting, these responsibilities include but are not limited to the following:

- act strictly in accordance with the charity's governing document (in this case POR)
- act together and in person and not delegate control of the charity to others
- maintain all assets
- act in the charity's interests only and without regard to your own private interests
- ensure adequate insurance is in place for all assets and equipment
- ensure adequate insurance exists for all activity not covered by the Association's legal liability and personal accident policies
- take proper professional advice on matters on which you are not yourselves competent
- manage the charity's affairs prudently
- ensure proper accounting procedures are in place, are used and are effective
- keep full and accurate accounting records
- collect in full all monies owed or due to the charity, including membership fees, tax and rate relief

The Scout Information Centre

Gilwell Park Chingford London E4 7QW Tel + 44 (0)20 8433 7100 Fax + 44 (0)20 8433 7103 email info.centre@scout.org.uk www.scoutbase.org.uk

- make sure bank accounts are operated by more than one person
- make sure all the charity's property is under control of the Trustees, seek advice from The Scout Association's Trust Corporation at Headquarters for matters relating to trusteeship of property
- ensure that funds held for different purposes are kept in separate bank accounts, or the accounting records clearly show at all times the amounts held for each purpose
- must not significantly accumulate income unless you have specific future use for it
- income must be spent solely for the purposes set out in the charity's governing document.

If you need to employ staff:

- you should give each employee a proper contract of employment, and
- give each employee a written job description making clear the extent of their authority to act on your behalf.

If you raise fund by public appeal you should:

- make sure your appeal properly describes what public donations will be used for
- be open and honest about the costs of any appeal
- not use fund-raising methods which exert undue pressure on people to give
- approve in advance any fund-raising or advertising campaign.

Liability of Charity Trustees

Charity Trustees must act prudently, lawfully and in accordance with the charity's governing document (POR).

If they act otherwise, they may be in breach of trust and may become personally liable for any loss incurred by the charity. However, Trustees may be excused for acting in breach of trust if they acted honestly and reasonably. Trustees must act jointly in administering the charity; they

will also be responsible jointly to meet any liability incurred by them or on their behalf.

No Trustee acting alone can bind their fellow Trustees unless specifically authorised by the Executive Committee. When making decisions, the Executive Committee do not have to be unanimous. Therefore a majority vote binds all the members even if a Trustee is absent from a meeting.

If a Trustee votes against a decision, this should be properly recorded in the minutes. As individuals, the Trustees must act in the best interests of the charity.

Summary

Charity Trustees are an integral part of Scouting's organisation. Although the responsibilities may be seen as onerous, anyone acting with the best interests of the charity in mind, will be carrying out a valuable role in supporting Scouting.

Further information is available from:

The Charity Commission for England and Wales

Harmsworth Street

13-15 Bouverie Street

London

EC4 8DP

Telephone: 0870 333 0123

email: charity-commission.gov.uk

and from:

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