

Being a Trustee of Home-Start Bradford District

Most Trustees consider their role within the charity as both a privilege and a responsibility. Being a Trustee means that you are legally responsible for the governance of the charity, so it is not something to be taken lightly. Equally though, being a Trustee is something to be enjoyed and you will have the satisfaction of knowing that you are making a valuable contribution to your local community and helping to provide effective support for families with young children at the start of their lives.

“Trusteeship is one of the most important roles in the voluntary sector. Trustees give direction to a charity and are ultimately responsible for its activities”

Small Charities Coalition

Joining an established Board or committee can sometimes be daunting and many people find it takes time to work out what is going on at meetings, and how best to make a useful contribution. As with most situations, what you get out of being a Trustee depends very much on what you put in. We will endeavour to provide you with all of the information and support you need to make the most of being a Trustee, and to carry out your legal duties as effectively as possible.

What we expect of Trustees

We have adopted the Charity Governance Code, which takes as a starting point that all trustees:

- are committed to their charity’s cause and have joined its board because they want to help the charity deliver its purposes most effectively for public benefit
- recognise that meeting their charity’s stated public benefit is an ongoing requirement
- understand their roles and legal responsibilities, and, in particular, have read and understand:
 - the Charity Commission’s guidance The Essential Trustee (CC3)
 - their charity’s governing document
- are committed to good governance and want to contribute to their charity’s continued improvement.

The six main duties of a Trustee are to:

1. ensure that the charity is carrying out its purposes for the public benefit
2. comply with the charity’s governing document and law
3. act in the charity’s best interests
4. manage the charity’s resources responsibly
5. act with reasonable care and skill
6. ensure the charity is accountable.

Decisions about the charity are made by the Trustees together, working as a team (usually by simple majority if necessary). When you are making decisions, you must:

- act within your powers
- act in good faith, and only in the interests of the charity
- make sure you are sufficiently informed, taking any advice you need
- take account of all relevant factors you are aware of, ignoring any irrelevant factors
- deal with conflicts of interest and loyalty
- make decisions that are within the range of decisions that a reasonable trustee body could make.

It is extremely rare, but not impossible for charity Trustees to be held personally liable to the charity or to a third party – usually you would need to be shown to have acted improperly or illegally.

Trustees must be eligible to be a charity Trustee. You must be at least 16 years old, and properly appointed according to the charity’s governing document. You must not be disqualified by:

- being bankrupt (undischarged) or having an individual voluntary arrangement (IVA)
- having an unspent conviction for certain offences (particularly those involving dishonesty or deception)
- being on the sex offenders’ register
- having been previously removed as a Trustee.

You must also meet HMRC’s ‘fit and proper persons’ test and undergo an enhanced DBS check.

Structure

Home-Start Bradford District is a Charitable Incorporated Organisation (CIO), a form of charity with 'legal personality', which means that it can enter into contracts in its own name (rather than the name(s) of its Trustees), and its members have limited liability (if the charity is dissolved, each member agrees to pay up to £1 towards the charity's liabilities and costs). It is governed by a Constitution adopted in April 2020 and registered with the Charity Commission in May 2020, which is broadly the same as the original Memorandum and Articles of Association which set up the charity in 2001.

The charity must hold an Annual General Meeting (AGM) each year at which the annual accounts and Trustees' annual report are received, auditors for the next year are appointed and members accept the retirement of Trustees and elect new Trustees to fill the vacancies.

The Trustee Board must have at least four and a maximum of twelve Trustees, and one third of the Trustees (the longest-serving) must retire at each AGM, although they can be reappointed. This means that each Trustee must step down at least every three years.

The Trustees must hold at least four meetings per year, but at the moment we have meetings every other month (six per year). The Admin & Data Officer takes minutes of decisions taken and key discussions at each meeting. Trustees are expected to make reasonable efforts to attend as many meetings as possible, but we recognise that 100% attendance is not usually possible. Three Trustees must be present for a meeting to be quorate (ie. decisions can be made), and if a Trustee misses four meetings in a row they automatically resign.

The Trustees elect a Chair who chairs meetings and takes a lead on setting strategic direction.

One Trustee is also appointed as Treasurer. They work with the Systems Manager to maintain an overview of the charity's financial affairs, ensuring that it is financially viable, and that proper financial records and procedures are maintained. They have a duty to provide the Trustee Board with up-to-date and understandable financial information about the charity's position in relation to the agreed budget at each meeting of the Board.

More information

We hope this answer some of your questions, if you have any others then please do contact the office.

The Essential Trustee:

<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>