

## **What Does it Mean to be a Trustee?**

All u3as are charities whether they are registered or not due to the charitable purpose that is contained within the constitution. The status means that all committee members are Trustees. The Charity Commission publishes guidance on the role of Trustees – The Essential Trustee' CC3 which committee members need to familiarise themselves with.

The Essential Trustee highlights some key areas of Trusteeship which includes:

- Ensuring your charity is carrying out its purposes for the public benefit
- Complying with your charity's governing document and the law
- Acting in your charity's best interests
- Managing your charity's resources responsibly
- Acting with reasonable care and skill
- Ensuring your charity is accountable

Trustees are also required to sign a Trustee Eligibility form to declare their suitability for a Trustee role. The Chairman should retain a copy of these forms and ensure new Trustees complete one of these as part of their induction to the role

### **1. Trustees' Responsibilities and Duties**

A u3a's committee members take on the role of Trustees of the charity. Committee members are responsible for the governance of the u3a including directing how it is managed and run. The Trustee must make sure that the u3a is carrying out the purpose for which it is set up, and that all resources and funds are used only in furthering its charitable objective.

Trustees are collectively responsible for ensuring that a u3a fulfils its charitable objectives and does not stray beyond them. The central purpose of every u3a is educational. Trustees collectively are responsible for the safe custody of members money.

### **2. Trustee Code of Conduct**

A Trustee code of conduct is an agreement between the organisation and the individual committee member which clarifies the standard of behaviour expected in the performance of their role.

### **3. Trustee Indemnity Insurance**

u3a committees are covered by Trustee Indemnity Insurance provided through the Third Age Trust. The insurance protects u3a Trustees both individually and as a board, against a genuine mistake or error of judgement providing that they have acted responsibly and followed their u3a's constitution. Where this is deemed not to be the case, Trustees risk being held personally responsible and not being covered by indemnity insurance. Trustees should also be aware that even if an allowable claim is made, an excess will apply. The indemnity insurance will not protect against criminal law. In the event of any irregularity at either main committee or group level, the Trustees are potentially liable if they have not taken all reasonable steps to minimise risks. Trustees must follow the requirements of the

appropriate regulatory authority for their country in relation to any reporting requirements. It is not possible for an individual Trustee to opt out of collective responsibility. In addition, responsibility must never be given to a Group Leader/Convenor or Group Coordinator to operate a group that is in any way detached from the u3a. Trustees retain overall responsibility of the u3a and its activities. All money collected is the property of the u3a and it must all be accounted for to the membership at the AGM and to the appropriate regulatory authority, as required.

## **4. Committee Meetings – Specific Requirements**

Trustees are expected to read the agenda and all supporting papers prior to the meeting and strive to attend all meetings.

### **4.1 Conflict of Interest**

Trustees must declare a conflict or possible conflict of interest at the start of the committee meeting or at the earliest possible opportunity. The Chair will then decide whether to exclude the Trustee from a particular item or even from the whole meeting. In the event the Chair has a conflict of interest, the committee should request the Vice Chair to rule on the matter. If the Vice Chair is unavailable or unable to rule on this matter, then the Chair elected for the meeting should rule on the matter.

### **4.2 Power to make decisions**

This rests solely with the committee, as a body and decisions can only be taken as a result of a majority vote in favour by those members of the committee present at the time. No Trustee has the authority to act in isolation.

### **4.3 Confidentiality**

In order to ensure all Trustees feel comfortable expressing their views and ideas it is essential that everybody always maintains confidentiality outside the committee. The decisions made by the committee must be minuted and once approved made available to members on request.

### **4.4 Collective responsibility**

No matter what individual Trustees' opinions or voting choices are, once an item is approved by the committee, all Trustees must accept it as decisive and final and not comment further outside the committee environment. If a Trustee is unable to accept a decision their only recourse, after due consideration, is to resign from the committee.