

A. Introduction

1. U3As are individual Educational Charities and governed by charity law whether or not they are registered with the Charity Commission.
2. Main committee members are almost always trustees of their U3A. This is the default assumed by the Charity Commissioners and the U3A movement and is much the most simple method with clear accountability.
3. Trustees cannot be paid by U3As in any way (except for out of pocket expenses).
4. Persons on committees must be 'fit and proper persons'. County Court judgements and the like can exclude people from being a Charity Trustee.
5. Most U3A constitutions have rules on length of service on committees, possibility of being on committee of more than one U3A etc. Check your Constitution and make sure it is fit for purpose.
6. The Third Age Trust is both a charity and a limited company. This latter feature is not appropriate for individual U3As since they do not employ staff nor do significant trading.
7. All U3A committee members are protected by trustee insurance to cover for mistakes, not malpractice, while acting as trustees.

B. Requirements. Make sure your U3A.

1. Obeys your Constitution and Charity Law.
2. Remains solvent and keeps proper control on its assets whether in money or kind.
3. Registers with and sends reports to the Charity commission as required by law.
4. Behaves properly e.g. respects personal integrity, avoids conflicts of interest, and abides by collective decisions .
5. Does the things all U3As have agreed to do when they registered with the Third Age Trust. In particular keeps within 'Aims and Guiding Principles' of the U3A movement and encourages widest possible membership etc.
6. General Meetings (Annual - each U3A a must have, or Extraordinary - called at need) are properly prepared, conducted and reported
7. Keeps proper records of meetings either by a trustee or a minutes secretary. (Minutes secretaries with no participation rights do not need to be Trustees.)

C. Good Practice

1. All trustees are responsible for proper management.

1. They share responsibility for decisions made so need to work toward consensus.
2. Attend all committee meetings unless there are good reasons - once a trustee gets out of the loop it is very hard to get back in.
3. Conduct all meetings in a civilised way and accept differences of view are inevitable.
4. If urgent decisions are needed try to get all trustees involved by use of email or phones or, at worst, letters.
5. Once decisions are reached all trustees collaborate as appropriate in carrying them out.
6. Opinions stated at committee meetings are kept confidential.
7. Make sure individual trustees know what they are expected to do and when.

2. Trustees should exercise a proper duty of care including minimisation of risks.

1. They should ensure data protection legislation is obeyed. The key is an appropriate disclaimer and adherence to a strict 'need to know' policy on disclosure within the U3A and no disclosure outside it for any purpose other than legal compulsion and how to contact the U3A (Do not advertise addresses, phone numbers or email addresses outside those who must know.)
2. Make sure proper procedures are followed in cases of problems/grievances. Re-read the Trust's Advice sheet No 6 immediately any problem appears and proceed with caution.

3. The trustees are responsible for proper financial control To this end

1. All money collected by the U3A must be recorded in accounts and this includes group money.
2. No charity monies shall be kept in any place (e.g. bank account) not under the control of the trustees and the treasurer. This applies particularly to significant money collected in groups but may exclude petty cash up to an amount normally specified by the main committee which must be recorded but can be transferred in appropriate batches. Petty cash should be kept very small.
3. Money collected for charitable purposes cannot be used for non-charitable purposes. The charity commission has strict rules about

what is charity money. U3As as educational charities are thus able to use membership fees to support truly 'educational' groups but the charity commissioners are likely to classify a theatre group as being non-charitable and object to it being subsidised from membership fees.

4. It is wise to operate two bank accounts. The main account to be charity money including annual membership fees and a social (or No. 2) account which has money subscribed by members for trips, Christmas lunches, holidays (whether linked to a group or not) and the like.
5. Bank accounts need two signatories who should not be connected. It is wise to have 4 people allowed to sign so as to avoid problems caused by illness etc. You may need a (debit) card for the social account and considerable pressure may need to be brought on your bank to get it.
6. It is wise to have a recommended rate for payment to car owners who provide lifts, but this is not classified as U3A money and should not go through bank accounts. U3As should never put any pressure on members to accept a lift from any particular driver or they might be considered liable for problems.
7. Money for charitable purposes cannot be transferred any other charity unless it has the same purposes but payment can be made for services provide by another charity e.g. for room hire or at the behest of a monthly meeting speaker who asks for his fee to be made over to a charity of his/her choosing. Hence money cannot be donated from a U3A to any other charity however worthy. Collections e.g. into a specific box at for e.g. monthly meetings are permissible, but make sure your members are comfortable with this and avoid any pressure on them.
8. Money collected for non-charitable purposes can be transferred to the U3As charitable purposes, i.e. the main account, but not the other way round
9. Annual accounts should be prepared separately for charity and non-charity money but both must be presented to the AGM.
10. Registration with the charity commission is neither required nor in most cases allowed until the charity income reaches ~£5000 pa but if it exceeds this registration is required by law.
11. Gift aiding your subscriptions saves money. It is desirable to get a letter from HMRC as it can be a grey area and even depend on

judgements of individual Tax Inspectors. Most U3As charging separately per meeting and levying a membership fee will be eligible for gift-aid on membership fees but not individual meeting fees.

4. **Trustees should note various aspects of insurance/licences in U3A.**
 1. U3A group leaders have protection as tour operators for activities with a specific educational objective but for pure holidays U3As should use a properly ABTA bonded firm.
 2. Public liability insurance has been taken out for U3A activities to protect against claims from members of the U3A or from members of the general public. This does not include any element of Travel Insurance. Standard conditions re liability apply and it only covers groups with unpaid tutors. It **only** covers claims caused by a non-member attending a group if the person concerned is attending a taster session or it an occasional event. (Dangerous activities are excluded and in case of doubt consult U3A National Office.).
 3. Paying of tutors should be discouraged. Only allow if your U3A specifically agrees and you get actual sight of the tutor's valid public liability insurance at all times. This should be for an amount of at least £5M. Casual payments e.g. to a Monthly Meeting speaker are not classed as paid tutors and are covered. Paying a tutor who is a member of another U3A should never take place.
 4. In order to be covered for insurance a capitation fee must be paid to the Trust for each member. (If a capitation fee is paid by another U3A for someone who is a member of more than one U3A, the U3A who is reducing their annual subscription by the capitation fee and so does not pay the capitation fee must ensure that the other U3A is at all times actually paying a capitation fee for the specific person. This is onerous on the individual U3A. There is no pressure on any U3As to allow this concession. Although the Trust has no wish to burden members of more than one U3A with multiple capitation fees it recognises that not giving this concession can be the correct decision for individual U3As. Attendance of a member of one U3A at events run by another is covered.
 5. Equipment insurance is not included in the capitation fee but can be purchased from National Office.
 6. Licences for copying published material are no longer included in the capitation fee. However a licence is paid for playing of recorded music.