

# Copies of Essential u3a Documents for u3a Committee Members and Trustees

## (A) Trustee Responsibilities (updated 7<sup>th</sup> November 2022, from <https://www.u3a.org.uk/advice>)

### 1 Introduction

To outline the responsibilities of Trusteeship of a u3a. Relevant to all u3a Trustees (committee members)

### 2 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 Trustees 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 are collectively responsible for the safe custody of members' money. Further information about financial responsibilities can be accessed on <https://www.u3a.org.uk/advice>

### 3 Trustee Code of Conduct (copied under (B) below)

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. It is recommended that u3a committees adopt the relevant Code of Conduct for their u3a and all new committee members are provided with a copy

### 4 Trusteeship

#### 4.1 Trusteeship (England and Wales)

All u3as are charities whether they are registered or not due to the charitable purpose (object clause) that is contained within the constitution. This 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 [www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3](http://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3).

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

- Ensure your charity is carrying out its purposes for the public benefit
- Comply with your charity's governing document and the law
- Act in your charity's best interests
- Manage your charity's resources responsibly
- Act with reasonable care and skill
- Ensure your charity is accountable

Trustees are also required to sign a Trustee eligibility form in order to declare their suitability for the Trustee role. The Chair/Secretary should retain a copy of these forms and ensure new Trustees complete one of these as part of their induction to the role. It is also recommended that u3as refer to the Charity Code of Good Governance [www.charitygovernancecode.org](http://www.charitygovernancecode.org) as a guide to governance requirements.

## **5. 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 U3As 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. 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.

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

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

### **6.1 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 that the Chair has a conflict of interest, then 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 this matter.

### **6.2 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.

### **6.3 Confidentiality**

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

### **6.4 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 resource, after due consideration, is to resign from the committee.

## **(B) Trustee Code of Conduct** (updated March 2022, from <https://www.u3a.org.uk/advice>)

This model Trustee Code of Conduct outlines the expected standard of behaviour from Trustees in performance of their role.

### **Trustee Code of Conduct**

- u3a Trustees must work together as a team and are collectively responsible for controlling the management and administration of the u3a.
- A u3a is advised to adopt a Trustee Code of Conduct which is an agreement between a u3a and individual committee members which clarifies the standard of behaviour expected in the performance of their role.
- Trustees should make themselves aware of guidance from their charity regulatory authority. This is recommended whether or not the u3a is a registered charity.
- Trustees must comply with charity law (as required by the relevant regulatory authority).
- Trustees are expected to know, follow and promote the principles of the u3a movement.
- Trustees must always act in the best interests of the u3a and the u3a movement, strive to uphold its reputation and never do anything which could bring the u3a or the u3a movement into disrepute or expose it to undue risk.
- Trustees must use their u3a's resources responsibly and only to further its stated charitable purpose.
- Trustees are expected to reflect the current organisational policy of their u3a, regardless of whether it conflicts with their personal views.
- Trustees are expected to abide by their u3a's governance procedures and practices.
- Trustees must never derive any pecuniary benefit (including benefits in kind) from being a Trustee and must notify the Chair of any gifts received.
- Trustees should inform the Chair before accepting an invitation to speak on behalf of the u3a.
- Trustees are expected to treat fellow committee members courteously at all times and maintain a respectful attitude towards the opinions of others.
- Organisational, committee and individual confidentiality must be respected at all times.
- All committee members must satisfy the Charity Commission requirements for being Trustees.

### **Requirements of a Trustee**

- Trustees must read the Charity Commission leaflet CC3 entitled 'The Essential Trustee – what you need to know, what you need to do' which can be downloaded from the Charity Commission website
- Trustees must comply with Charity Law and the requirements of the Charity Commission as regulator.
- Trustees are expected to know, follow and promote the [Principles of the u3a Movement](#) at every opportunity.

- Trustees must always act in the best interests of Crawley u3a and the u3a Movement, strive to uphold its reputation and never do anything which could bring Crawley u3a or the u3a Movement into disrepute or expose it to undue risk.
- Trustees are expected to use Crawley u3a's resources responsibly and only to further its stated charitable objects/purposes.
- Trustees are expected to reflect the current organisational policy of Crawley u3a, regardless of whether it conflicts with their personal views.
- Trustees are expected to abide by Crawley u3a's governance procedures and practices.
- Trustees must never derive any pecuniary benefit from being a Trustee and must notify the Chair of any gifts received.
- Trustees should inform the Chair before accepting an invitation to speak on behalf of the u3a.
- Trustees are expected to treat fellow committee members courteously at all times and maintain a respectful attitude towards the opinions of others.
- Organisational, committee and individual confidentiality must be respected at all times.

## Committee Meetings

- Trustees should adhere to the any Committee Procedures approved by their u3a.

## Declaration

All Trustees should be asked to confirm their acceptance of the code which should be minuted at the start of each new Committee cycle (the first Committee meeting after the AGM).

Trustees co-opted during the year will be asked to sign and date a copy which should be kept on file.

**Trustee Name**

**Trustee Signature**

**Date**

## **(C) Terms of Membership of the Third Age Trust**

(updated March 2022 from <https://www.u3a.org.uk/advice>)

This is the declaration made by each u3a which governs their relationship with the Third Age Trust. We need to confirm that Crawley u3a adheres to this in April every year when we submit the u3a Annual Return to the Trust.

No organisation can now be started which calls itself a u3a, and no u3a currently registered with the Trust can continue to use the term u3a or the u3a logo unless it continues to be a member of the Trust and abides by the following declaration.

We agree to the following terms of membership:

- To follow the principles of the u3a movement.
- To operate in accordance with our written constitution, which must follow a model constitution, provided by the Trust which is agreed with the regulatory authorities (The Charity Commission). Any amendments to the model, at any time, must be cleared in advance with the Trust, prior to its presentation to the members at a General Meeting. All u3as are deemed to have objectives that are aligned to the charitable purpose of the u3a movement.
- To send a copy of our constitution to the National Office, once it has been accepted by our members at the first AGM and subsequently whenever amendments have been agreed.
- To abide by the legal requirements and recommendations of the Charity Commission in England and Wales.
- To pay the stated membership subscription for membership of the Trust.
- To accept the Articles of Association of the Trust and act in accordance with them and any resolution passed at a General Meeting of the Trust.
- To complete an Annual Return and provide other details to the National Office as may be requested from time to time.
- To conform to the rules regarding the use of the u3a name and logo which are registered trademarks and must only be used with the Trust's permission.
- To encourage and assist in every way possible, the formation of new u3as in neighbouring areas.
- To inform the Trust if we are not able to accept new members, so that steps can be taken to ensure u3a membership is available to all third agers who want it.
- Although independently managed we will not act in a way which brings the u3a movement into disrepute. Should this happen, the Trust has the right to intervene with the ultimate penalty being a termination of membership.
- Should we cease at any time and for any reason to be a member of The Third Age Trust, we would not continue using the u3a name and logo as these are both protected, having been registered in accordance with Schedule 3 of the 1994 Trade Marks Act.