

## U3A Summary of Trustee Duties and Responsibilities

Charity trustees are the people responsible for governing a charity and directing how it is managed and run. They may be known as trustees, directors, board members or committee members. No matter what term is used, you are legally a trustee if you are part of the group of people with overall responsibility for overseeing and leading the charity, ensuring it is solvent and well-run and delivering the charitable outcomes for the benefit of the public.

Trustees serve as volunteers and receive no payment other than out of pocket expenses. They must put the interests of their charity first, work together as a team and assume collective responsibility.

There are six main duties and responsibilities as detailed below.

### ENSURE YOUR CHARITY IS CARRYING OUT ITS PURPOSES FOR THE PUBLIC BENEFIT

You must make sure that the charity is carrying out the purposes for which it is set up, and no other purpose. This means you should:

- Ensure you understand the charity's purposes as set out in its governing document.
- Plan what your charity will do, and what you want it to achieve.
- Be able to explain how all of the charity's activities are intended to further or support its purposes.
- Understand how the charity benefits the public by carrying out its purposes.

Spending charity funds on the wrong purposes is a very serious matter.

### COMPLY WITH YOUR CHARITY'S GOVERNING DOCUMENT AND THE LAW

You must:

- Make sure that the charity complies with its governing document.
- Comply with charity law requirements and other laws that apply to your charity.

You should take reasonable steps to find out about legal requirements, for example by reading relevant guidance or taking appropriate advice when you need to.

Registered charities must make sure that the details held by their regulatory authority remain accurate and ensure they provide all necessary information, financial and otherwise, by the required date.

## ACT IN YOUR CHARITY'S BEST INTERESTS

You must:

- Do what you (and no one else) decides will best enable the charity to carry out its purposes.
- Make balanced and adequately informed decisions, thinking about the long term as well as the short term.
- Avoid putting yourselves in a position where your duty to your charity conflicts with your personal interests or loyalty to any other person or body.
- Not receive any benefit from the charity unless it's properly authorised and is clearly in the charity's interests; this also includes anyone who is financially connected to you, such as a partner, dependent child or business partner.

## MANAGE YOUR CHARITY'S RESOURCES RESPONSIBLY

You must act responsibly, reasonably and honestly. This is sometimes called the duty of prudence.

Prudence is about exercising sound judgement. You must:

- Make sure the charity's assets are only used to support or carry out its purposes.
- Avoid exposing the charity's assets or reputation to undue risk.
- Not over-commit the charity.
- Take special care when investing or borrowing.
- Comply with any restrictions on spending funds.

You should put appropriate procedures and safeguards in place and take reasonable steps to ensure that these are followed. Otherwise you risk making the charity vulnerable to fraud or theft, or other kinds of abuse, and being in breach of your duty.

## ACT WITH REASONABLE CARE AND SKILL

As the people responsible for governing a charity, you:

- Must use reasonable care and skill, making use of your skills and experience and taking appropriate advice when necessary.
- Should give enough time, thought and energy to your role, for example by preparing for, attending and actively participating in all trustees' meetings.

## ENSURE YOUR CHARITY IS ACCOUNTABLE

You must comply with statutory accounting and reporting requirements. You should also:

- Be able to demonstrate that your charity is complying with the law, well run and effective.

- Ensure appropriate accountability to members and within the charity as a whole.

For further information on the duties and responsibilities of trustees, go to:

- [www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)
- [www.oscr.org.uk](http://www.oscr.org.uk)
- [www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk)

## U3A Trustee Code of Conduct (England & Wales)

### INTRODUCTION

Charity trustees work together as a team and are collectively responsible for controlling the management and administration of a charity.

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.

### GENERAL

- 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 ..... U3A and the U3A Movement, strive to uphold its reputation and never do anything which could bring ..... U3A or the U3A Movement into disrepute or expose it to undue risk.
- Trustees are expected to use ..... U3A’s resources responsibly and only to further its stated charitable objects/purposes.
- Trustees are expected to reflect the current organisational policy of ..... U3A, regardless of whether it conflicts with their personal views.
- Trustees are expected to abide by ..... U3A’s governance procedures and practices.
- Trustees must never derive any pecuniary benefit from being a trustee and must notify the Chairman of any gifts received.
- Trustees should inform the Chairman 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.

## SPECIFIC – COMMITTEE MEETINGS

### Preparation for and attendance

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

### 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 Chairman will then decide whether to exclude the trustee from a particular item or even from the whole meeting. In the event that the Chairman has a conflict of interest, then the committee should request the Vice Chairman to rule on the matter.

### 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.

### Confidentiality

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

### Corporate 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.

Current and new elected trustees should be asked to confirm their acceptance of the code which should be minuted. Alternatively you can ask each trustee to indicate acceptance by signing and dating a copy which should be kept on file.

# DISCIPLINARY PROCEDURE

In the event of a report of any trustee allegedly breaching the code of conduct or if a breach becomes apparent, the Chairman should immediately appoint two trustees to investigate and report back. The result of these investigations must not be disclosed to any other trustees at this stage.

For minor breaches of the code, the Chairman shall use his/her best endeavours to resolve the problem amicably and quickly, through an informal chat with the trustee in question, especially if the breach has occurred during a committee meeting and therefore requires no prior investigation. However, even an informal discussion should not be vague. The problem or issue needs to be identified and the views of the trustee should be heard, but the Chairman must make clear what is required going forward and the consequences of repeating the behaviour in question. A written record of the informal discussion should be kept by the Chairman, but it should be stressed that this is not part of any formal disciplinary procedure.

However, if this process is not effective in reaching a solution or if it is felt that the breach is serious enough to require formal disciplinary action, the committee should be fully briefed and an agreement reached on the action to be taken.

## Level 1

A verbal warning which makes clear the nature of the unacceptable behaviour and includes a warning about future conduct and the consequences of non-compliance. It is up to the committee to decide who should give the warning and who else should be in support. Details of the warning should be recorded, dated and kept on file.

## Level 2

A written warning from the Chairman, on behalf of and agreed by the committee, itemising the unacceptable behaviour, stating the improvement required with immediate effect and the consequences of continued non-compliance.

## Level 3

A final written warning as above, which states that if the behaviour is repeated again the trustee will be asked to leave the committee, with immediate effect.

## Level 4

The trustee is asked to leave.

## Right of Appeal

At each stage of the formal disciplinary procedure there is a right of appeal providing it is lodged within a 7 day period. This can take the form of written representation or the desire for a right of reply.

## Hearing an Appeal

If a decision is appealed, the trustee should be given the opportunity to attend a specially arranged committee meeting, with a friend if so desired, who may also speak in a personal capacity. Reasonable notice must be given of the agreed date and at the meeting the Chairman should summarise the issue and invite the trustee to state his/her case.

The trustee should then be informed when a decision will be communicated. The matter should be fully discussed, taking into account any mitigating circumstances. Once a decision is reached the trustee should be informed in writing.

*The committee's decision following any appeal is final and absolute confidentiality must be maintained.*

In most cases disciplinary action would and should begin at Level 1. Levels 3 & 4 should only be invoked in the case of significant breaches of the code or a persistent repetition of behaviour which the trustee has previously been warned about, such as not complying with the terms of the constitution.

Examples of significant breaches would be:

- Grossly indecent or immoral behaviour – sexual/racial abuse, discrimination, harassment, bullying.
- Dangerous or violent behaviour.
- Incapacity caused by medication/drugs/alcohol.
- Falsification of expense claims.
- Theft.
- Malicious damage.
- Bringing the U3A/U3A Movement into disrepute.

Should you be in the unfortunate situation of having to resort to a formal disciplinary procedure, please remember the following:

- All action taken must be documented.
- You must at all times act fairly and even-handedly.
- Decisions must be made by the committee.

N.B. If the complaint concerns the Chairman, then the Officers acting as a group should take responsibility.

## [A List of Advice and Guidance topics that can be found on the Third Age Trust website.](#)

### The U3A Movement

Benefits and Services  
Direct Mail  
National Subject Advisers  
Networks and Small Groupings of U3As  
Objects and Principles  
Paid Tutors  
Principles of the U3A Movement  
Resource Centre  
Terms of Membership of the Third Age Trust  
The Third Age Trust  
The U3A Story  
Vision and Mission Statement

### Committee Responsibilities

AGMs  
Cloud Computing  
Committees and Procedures  
Licences  
Organising Residential Schools  
Shared Learning Projects  
Social Events and Travel  
Sorting out Problems and Grievances  
Standing Orders  
Taking Minutes  
The Challenge of Finding Committee Members  
The Challenge of Finding Group Convenors  
Useful Policy Statements

### Trusteeship

Recommended Disciplinary Procedure  
Summary of Trustee Duties and Responsibilities  
Trustee Code of Conduct (England & Wales)  
Trustee Code of Conduct (for U3As not registered with OSCAR or CCNI)  
Trustee Code of Conduct (N Ireland)  
Trustee Code of Conduct (Scotland)  
Trustee Induction

## Finance

Capitation Fees and Multiple Membership

Financial Matters

Gift Aid

## Data Protection

Guidance Notes: Data Protection and the General Data Protection Regulation (GDPR)

Sample Forms

Sample Policies

## Insurances and Safety

Cover Notes

Electrical Inspection and Testing

Incident Report Form

Insurance Overview

Portable Appliances Register

Public and Products Liability Insurance FAQs

Risk Assessment

## Supporting Your Members

Accessibility for Disabled Members

Communications

Copyright

Food Handling and Preparation

Group Convenors

Interest Groups

Supporting Members with Hearing Loss

Supporting Members with Vision Loss

## Raising Awareness

Media Relations

Publicity - how to get it

Sitebuilder

Writing Letters to the Editor



## Growth

Growth Matters

Keeping your U3A Vibrant

Waiting Lists

## Downloads

Annual Report and Accounts

Constitutional Review

Mailings 2017-18

Model Constitution

More Time to Learn

U3A Logo

## Forms

Committee Update Form

U3A Email Signup

The Third Age website is at : -

<https://www.u3a.org.uk/>

You need a login to get into the members area but don't worry you make up your own username and password !