

## **Roles, Duties and Responsibilities of Committee Members and Trustees**

### **General**

Appointed Committee Members of u3a Guernsey (the charity) become Trustees of the u3a Trust, have independent control over the charity and they are legally responsible for the charity's management and administration. As such, the individual must fully understand the responsibilities of a trustee.

- They must ensure that they meet the requirements to be a trustee, for example
  - They must be at least 16 years old for a charity that is a company or a CIO, or at least 18 to be a trustee of any other charity
  - Must not be disqualified
  - Must be appointed following the guidance within the charity's Constitution
- They must ensure that the charity is carrying out its purpose (Object) as contained in the Constitution
  - They must do this by ensuring that the charity is being run for the purpose it was set up for
- Comply with the charity's Constitution
  - The Constitution contains details of who, when and how new trustees are appointed, who can be a trustee, how long a trustee can be appointed for and if a trustee can be re-appointed. It also states how trustees can resign or be removed
- The trustees must act in the best interest of the charity
  - They must plan what the charity will do and what they want to achieve
- Manage the charity's resources responsibly
  - The trustees must ensure that the charity's assets are only being used to support the charitable purpose (object)
- Each Trustee must act with reasonable care and skills
  - Each potential new trustee must ensure they are able to give up enough of their time and energy to ensure that they attend meetings and enable the charity to meet its objectives
- Each Trustee should ensure that the charity is accountable, and that the charity is complying with the law and is run effectively

## 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.
- Trustees should make themselves aware of guidance from the Guernsey charity regulatory authority.
- Trustees must comply with the Guernsey Charity Law
- 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 object.
- 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 relevant regulatory body's requirements for being Trustees.

## References to Committee and Trustee Duties in Approved u3a Guernsey Documents

### **1. u3a Guernsey Constitution**

The management of u3a Guernsey shall be vested in the Executive Committee, which shall be the governing body of u3a Guernsey and its board of trustees for the purposes of the Law. The Executive Committee shall be responsible for the strategy and policies of u3a Guernsey, may exercise all the powers of u3a Guernsey and shall deal with the administration, management and control of the affairs and property of u3a Guernsey.

The Executive Committee shall comply with its obligations under the Law, and observe applicable time limits in the case of obligations to file items with the Guernsey Registrar of Non Profit Organisations (the “Guernsey Registrar”), with regard to:

- (a) the keeping of accounting records for u3a Guernsey;
- (b) the preparation of annual statements of account and a trustees' report for u3a Guernsey;
- (c) the independent audit or examination of the statements of account of u3a Guernsey (if required by the Law);
- (d) the making of a charity annual return to the Guernsey Registrar;
- (e) the transmission of the statement of accounts and trustees' report of u3a Guernsey to the Guernsey Registrar.

The Executive Committee shall present to each AGM the trustees' report and annual accounts of u3a Guernsey for the preceding year.

The Executive Committee shall seek approval for the appointment of an independent examiner or auditor for the accounts from the membership at the AGM.

### **2. Data Protection Policy**

#### **Accountability and Governance**

The u3a Committee are responsible for ensuring that the u3a Guernsey remains compliant with data protection requirements and can evidence that it has when required. Where consent is required for specific purposes then evidence of this consent (either electronic or paper) will be obtained and retained securely. The u3a Committee will ensure that new members joining the Committee receive an induction into the requirements of GDPR and

the implications for their role. u3a Guernsey will also ensure that group conveners are made aware of their responsibilities in relation to the data they hold and process.

Committee Members shall also stay up to date with guidance and practice within the u3a movement and shall seek additional input from the Third Age Trust National Office should any uncertainties arise. The Committee will review data protection and who has access to information on a regular basis as well as reviewing what data is held. When Committee Members and Group Conveners relinquish their roles, they will be asked to either pass on data to those who need it and/or delete data.

### **Secure Processing**

u3a Guernsey Committee Members have a responsibility to ensure that data is both securely held and processed.

### **Data Breach Notification**

Were a data breach to occur action shall be taken to minimise the harm. This will include ensuring that all u3a Guernsey Committee Members are made aware that a breach has taken place and how the breach occurred. The Committee shall then seek to rectify the cause of the breach as soon as possible to prevent any further breaches. The Chair of the u3a Guernsey shall contact u3a National Office within 24 hours of the breach occurring to notify of the breach. A discussion will take place between the Chair and National Office as to the seriousness of the breach, action to be taken and, where required, the Office of the Data Protection Authority would be notified. The Committee shall also contact the relevant u3a members to inform them of the data breach and actions taken to resolve the breach.

Where a u3a member feels that there has been a breach by the u3a, a committee member will ask the member to provide an outline of the breach. If the initial contact is by telephone, the committee member will ask the u3a member to follow this up with an email or a letter detailing their concern. The alleged breach will then be investigated by members of the committee who are not in any way implicated in the breach. Where the committee needs support or if the breach is serious, they should notify the u3a National Office. The u3a member should also be informed that they can report their concerns to the u3a National Office if they don't feel satisfied with the response from u3a Guernsey. Breach matters will be subject to a full investigation, records will be kept and all those involved notified of the outcome.

## **3. Incident Report Form**

### **Procedure**

This form is to be filled in by a member of the Committee, a Group Convenor, or the Property Owner and then be forwarded to a u3a Committee Member as soon as possible, but within 24hrs. Parts A, B and C are to be filled out for all Incidents. Parts D and E for an Incident involving an Injury to a Person or Persons and Part F for an Incident involving Property Damage. When completed please sign the Declaration G at the end. All reports will be reviewed by the Committee to ensure that any further action necessary is carried out. A copy will be retained by the u3a Secretary, in case of a claim, for a period of at least three years.