

## **Role of Trustees**

### **Introduction**

Charity trustees are the people who serve on the governing body of a charity. Trustees have and must accept ultimate responsibility for directing the affairs of a charity, and ensuring that it is solvent, well-run, and delivering the charitable outcomes for the beneficiaries for which it has been set up.

All charity Trustees have legal duties and responsibilities. The most important of these are summarised in the Charity Commission's guidance *The Essential Trustee: What you need to know*. The Directors of a charitable company are charity Trustees and have duties under company law as well as charity law.

To set out the relevant standards expected of Trustees in order to maintain the highest standards of integrity and stewardship; to ensure that the organisation is effective, open and accountable; and to ensure a good working relationship with the Chief Executive and his/her senior team.

### **Trustees must**

1. Use reasonable care and skill in their work as trustees, using their personal skills and experience as needed to ensure that the charity is well-run and efficient.
2. Consider getting external professional advice on all matters where there may be material risk to the charity, or where the trustees may be in breach of their duties.
3. A Trustee must administer the organisation and all its assets in the interest of current, potential and future beneficiaries.
4. Trustees should hold themselves accountable to the organisation's stakeholders, including the public, for the Board's decisions, the performance of the Board and the performance of the organisation.
5. Except where legally authorised, Trustees must not gain financial or other material benefit for themselves, their families or their friends from their Trusteeship of the charity. Nor must a Trustee attempt to use their status as Trustee to gain customer advantage within the organisation e.g. queue jump. The Board should ensure that there are clear written policies on claiming of expenses by Trustees.
6. A Trustee must not place them self under any financial or other obligation to outside individual organisations that might influence them in the performance of their official duties, and manage any conflict that may arise through the Declaration of Interests Policy.
7. Trustees should conduct themselves in a manner which does not damage or undermine the reputation of the organisation, or its staff individually or collectively and should not take

part in any activity which is in conflict with the objects, or which might damage the reputation of, the organisation.

8. Trustees must make decisions together and take joint responsibility for them. The extent to which any one Trustee or a small group of Trustees is empowered to speak for, or take action on behalf of, the organisation or the Board must be a matter for Trustees to decide together at a meeting of the Board. The Board may, for instance, delegate responsibility for a particular action to the Chair. Such decisions must be recorded.

### **Responsibilities**

9. Trustees must, with the help of the Chief Executive, formulate and review annually the organisation's vision, values and long-term strategy as well as policies for their fulfilment.

10. With the assistance of the Chief Executive and appropriate professional advisers, Trustees must ensure that the organisation complies with regulatory and statutory requirements and must exercise control over the organisation's financial affairs. In addition to compliance with statutory requirements, Trustees should have a commitment to the development and implementation of good practice.

11. Trustees must be familiar with, and keep under regular review, the rules and constitution of the organisation. Any changes must be made in accordance with constitutional and legal requirements.

12. In order to develop a working knowledge of the organisation and to give themselves credibility, Trustees should endeavour to maintain links and keep in touch with the organisation by regular visits to the hospice(s) and, where practicable, to front line services provided by the organisation. Unless there is a good reason to believe that the Chief Executive's actions are threatening the probity of the organisation, all such visits should be made by arrangement with the Chief Executive or members of the Senior Management Team.

### **Meetings of the Board of Trustees**

13. Trustees must strive to attend all meetings regularly, ensuring they prepare for these meetings and contribute appropriately and effectively. This includes attending Board Meetings and Sub Committees of which you are a member, giving apologies when unable to attend. Trustees who miss more than three meetings in a period of 12 months without good reason may be subject to a performance review by the Chair of Trustees.

14. Trustees should bring fair and open minded views to all discussions of the Board and should ensure that all decisions are made in the charity's best interests.

15. Trustees must aim to foresee and avoid any conflict of interest. Where one arises, a Trustee must at once declare the interest and absent him/herself from any discussion or

vote taken on the matter by the other Trustees. Any transaction under which the Trustee will benefit either directly or indirectly must have proper legal authority. The Chair or Chief Executive should be warned in advance of a Board meeting of any likely instances of a conflict of interest arising.

16. Confidential information or material (relating to users, beneficiaries, Members of the Association, staff, commercial business, etc.) provided to, or discussed at, a Board meeting must remain confidential and within the confines of the Board and must not be discussed outside the Trustee body.

17. Trustees have a responsibility to develop and ensure the maintenance of a properly constituted, balanced and competent Board, including clear procedures for selection, election, training, retirement and if necessary, removal of Trustees and to ensure arrangements are followed for recruiting the Chair, Vice Chair and other honorary officers.

### **Staff**

18. Trustees must ensure there is a clear understanding of the scope of authority delegated to the Chief Executive.

19. Policies and strategies agreed by Trustees should be expressed in unambiguous and practical terms, so that the Chief Executive and staff responsible for implementing those policies are clear what they need to do. Directions given to the Chief Executive and the staff should be from the Board as a whole.

20. Trustees should act fairly and in accordance with good employment and equal opportunities principles in making decisions affecting the appointment, recruitment, professional development, appraisal, remuneration and discipline of the Chief Executive and other staff.

21. Trustees must understand, accept and respect the difference in roles between the Board, the Chief Executive and senior staff, ensuring that the honorary officers, the Board, the Chief Executive and his/her senior team work effectively and cohesively for the benefit of the organisation, and develop a mutually supportive and loyal relationship.

22. Having given the Chief Executive delegated authority, Trustees should be careful – individually and collectively – not to undermine it by word or action.

Trustees are subject to the same Disclosure and Barring Service checking procedures as are all staff and volunteers.

## **Person specification**

Each trustee must have:

- a commitment to the mission of Hospice at Home West Cumbria
- a willingness to devote the necessary time and effort
- integrity
- strategic vision
- good, independent judgement
- an ability to think creatively
- a willingness to speak their mind
- an understanding and acceptance of the legal duties, responsibilities and liabilities of trusteeship
- an ability to work effectively as a member of a team and to take decisions for the good of Hospice at Home West Cumbria

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