



All post c/o: 6 Tilbury Place,  
Brighton, BN2 0GY  
Telephone: 01273 679900  
Email: [office@tarnerland.org.uk](mailto:office@tarnerland.org.uk)  
Web: [www.tarnerland.org.uk](http://www.tarnerland.org.uk)

Charity number: 1152321

## **Trustee- Roles & Responsibilities**

### **Job description**

1. To ensure that TCP complies with its constitution, charity law and any other relevant legislation or regulations.
2. To ensure that TCP pursues its objectives as defined in its constitution and that resources are only expended in pursuit of these objectives.
3. To provide strategic direction to the organisation, such as setting overall policy, defining goals, and evaluating performance against agreed targets.
4. To ensure the financial stability of TCP.
5. To assist the manager to enable them to maximise their performance.
6. As well as these responsibilities trustees may be asked to support/advise on an area of TCP where they have particular experience, knowledge or skills.

### **Person specification**

Our goal is to have a balanced board which reflects our activities and our supporters, and who between them have the range of skills and experience necessary for the effective running of the organisation including:

- Human resources/professional development
- Fundraising/sponsorship/corporate or/and individual giving
- Leadership/management
- Public relations and/ or marketing
- Legal / Financial
- Project management
- Digital marketing/social media
- IT/web technology
- Commercial acumen

### **Trustees should also be able to demonstrate:**

- A commitment to the charity and a willingness to devote the necessary time and efforts.
- An understanding and acceptance of the legal duties, responsibilities and liabilities of trustees.
- The ability to critically analyse information.
- An ability to work effectively as a member of a team.
- A willingness to speak their mind.

**Information about who can and cannot become a charity trustee: and the legal responsibilities of charity trustees.**



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No one under the age of 18 can be appointed as a charity trustee. Some people are disqualified by law from acting as charity trustees, including if you answer 'yes' to any of the following questions:

- Have you been convicted at any time of any offence involving deception or dishonesty, unless the conviction is legally regarded as spent?
- Are you a discharged bankrupt?
- Have you made compositions or arrangements with your creditors from which you have not been discharged?
- Have you at any time been removed by the Commissioners or by the court in England, Wales (or by the Court of sessions Scotland) from being a trustee because of misconduct?
- Are you disqualified from being a company director?
- Are you subject to an order made under s.429 (2) (b) of the Insolvency Act 1986?

You will be asked to sign a declaration confirming that to the best of your knowledge you are not disqualified from being a trustee.

As an OFSTED registered child care provider all trustees will be registered with OFSTED and will need to have their position approved by OFSTED.

## **What are the legal responsibilities of trustees?**

This section contains extracts from *the Good Trustee Guide* published by the National Council for Voluntary Organisation (NVCO).

Charity trustees are responsible under the charity's constitution for controlling the management and administration of the charity. *This means that trustees are ultimately responsible for everything the charity does and how it does it.*

Their overriding duty is to act in good faith, that is, in the belief that what they are doing is correct, within charity law. In addition, they must make sure that the charity pursues its aims, as set out in its constitution, uses its assets exclusively to pursue those aims, and acts in the interests of its beneficiaries. They must act personally (i.e. take an active part) in the best interest of the charity, avoid conflict with their personal interests and must not profit from their trusteeship.

## **Charity Law**

Under charity law, all trustees must be eligible for trusteeship, must follow the charity commission's disclosure, reporting and accounting requirements including those introduced by the Charities Act 1993. Failure to do this is a criminal offence. They must keep within the law on trading, political activities and fundraising.

## **Company Law**

As trustees of a charitable company, they must comply with legal requirements relating to company directors. They must ensure that the charity keeps up to date with its company returns and record keeping. They must act in the best interests of the company even where this conflicts with their private or other interests. They must not continue trading as a company if they know, or should have known, that the company is insolvent.



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## **What standards would you have to meet as a trustee?**

Trustees are expected to act reasonably and prudently in all matters relating to the charity and its long term interests. They must act with the same degree of care, as a prudent person of business would exercise in the management of his or her own affairs or those of someone else for which they had responsibility. In practice, this means that they need to know about the legal, financial and managerial issues affecting the charity, although they are not expected to have expert knowledge. If they state that they have expertise in a given area, however, they will be expected to act with a higher duty of care and this will be taken into account should any issue come to the attention of the courts or the charity commission.

If they do not seek advice on matters on which they are not an expert, be they legal, financial or managerial, they could be regarded as having acted imprudently and may be personally liable for the consequences. The Charities Act 1993 requires them to see professional advice in some instances, for example, in relation to certain land transactions.

## **What happens if a trustee disagrees with his or her fellow trustees?**

Trustees are 'jointly and severally' responsible for the activities of the charity and must act together. No trustee acting alone can bind his or her fellow trustees, unless specifically authorised to do so. However, the board's decisions do not have to be unanimous. Therefore, the majority bind the minority, and you would be bound by the decisions of your fellow trustees even if you were absent from a meeting. If you vote against a decision, make sure your vote is recorded in the minutes and if the matter is serious, for example if you think the charity is going to spend resources on something outside its objects (which would be a breach of trust), you should consider resignation.

## **What are 'charitable objects'?**

The constitution of the charity sets out its aims or objects that is the underlying purpose of the organisation.

Trustees have a duty to act within the objects of the charity, and to apply the charity's assets exclusively to pursue those objects. It is a breach of trust to undertake any activities that lie outside the objects. You could be held personally liable to repay to the charity any monies spent on activities outside the objects.

## **What are the trustees' responsibilities for the charity's assets?**

Trustees have a duty to protect all the assets belonging to the charity, by ensuring that there are adequate financial controls and that any land or buildings the charity owns are well maintained and insured.

## **What legislation do trustees need to be aware of?**

The main legislation covering the activities of all charities is the 2006 Charities Act. In addition, charitable companies are subject to the 1985 and 1989 Companies Acts. The charity also has to comply with legislation covering such matters as employment, health & safety, taxation and so on; further details are included in The Good Trustee Guide. As a trustee, you would not be expected to have a detailed knowledge of this legislation. However, you should be aware that the legislation exists and, where necessary, you should be satisfied that someone is responsible for making sure that all effective compliance systems are in place.



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## **What happens if the charity acts outside its powers?**

If a trustee allows the charity to act outside its powers, for instance by unlawful sale of charity property, or making unlawful investments, s/he is committing a breach of trust and may be personally liable to reimburse any loss or expenditure.