

THE ROLE AND RESPONSIBILITIES OF A TRUSTEE

This fact sheet offers an introduction to the role and responsibilities of being a trustee for a trust school.

Definitions

Trust	A charitable organisation that supports one or more schools by holding land and buildings on trust. The trust is a company limited by guarantee, with charitable status and has to generate its own income. Any budget that the trust may have is separate from the budget of the school.
Trust members	Can be individuals or organisations. They take decisions about the organisation of the trust, including how trustees are elected or appointed. They also hold the trustees to account, for example at an AGM. A trust is a way of bringing sustainability to a school's relationship with different organisations. There are a variety of ways in which those organisations can support the school e.g. producing economies of scale by providing back office functions for a group of schools, offering subject expertise, leadership skills, mentoring, etc. It is possible for an individual trust member to be a trustee of the same trust.
Trustee	A named individual responsible for the day-to-day management of the trust, which will include identifying and appointing governors for the school(s) the trust supports.

Who can be a trust school trustee?

Most people 18 years of age or over can become a trust school trustee, but a few are not eligible. Those who have already been disqualified as company directors and those who have been convicted of an offence involving dishonesty or deception are some of the people who cannot usually become trustees. All trust school trustees must have a Criminal Records Bureau (CRB) check for this role. The school is responsible for ensuring this is undertaken.

What does a trustee do?

Being a trustee for a trust school should be rewarding and enjoyable and an opportunity to serve the community while learning new skills. Trustees are responsible for controlling the management and administration of a trust, ensuring that it is solvent, well-run, and delivering the charitable outcomes for which it has been set up. The administration of the trust is likely to be minimal (arranging and taking minutes of meetings, for example) and may not involve producing full annual accounts, depending on the trust's income and status.

Trustees should meet regularly, depending on the size and nature of the trust. Requirements for meetings should be set out in the governing documents. The Charity Commission recommends that there are at least two full trustees' meetings in any 12 month period. For trust schools the commitment is likely to be in excess of that. At a minimum, once a trust is established and if the trustees are dealing solely with core businesses such as appointing governors etc, the work of the trustees could be contained within termly meetings of 1-2 hours plus a two-hour AGM. However, in practice trustees may want to have more regular meetings depending on local circumstances and the nature of the trust's involvement with its school(s).

What about the school's governing body?

The governing body of a trust school (which retains parents, staff, community and local authority governors) remains responsible for all major decisions about the school and its future. However, trust schools benefit from long term relationships with external partners and their involvement in the school's governance and leadership. The skills and experience of trust- appointed governors aim to strengthen the governing body.

What are the liabilities of a trustee?

It is extremely rare for trustees to be held personally liable. Generally the law protects trustees who have acted reasonably from the consequences of honest mistakes, and trustees can take their own measures to reduce the risk still further. Trustee indemnity insurance is available – see www.charity-commission.gov.uk/publications/cc49.asp#24 for further information.

Can I be paid to be a trustee?

The Charities Act 2006 contains a limited power to pay trustees but most trustees are unpaid and must not benefit in any way from their connection with the trust. Reasonable and necessary out-of-pocket expenses, such as the cost of travel to attend trustee meetings, may be paid from the trust's funds. Any trustee payment must be transparent (i.e. unless authorised by the 2006 Act) it must be explicitly authorised by the trust's constitution or governing documents.

Further information

www.charity-commission.gov.uk/supportingcharities/trustee1.asp.

www.trustandfoundationschools.org.uk/partners/resources_and_publications.aspx

www.ncvo-vol.org.uk

www.dcsf.gov.uk/schoolorg/dsp_tsp-proposals.cfm