

TRUSTEE ROLE DESCRIPTION – DIOCESE OF CHICHESTER *(for Bishop’s Council candidates)*

What is a trustee?

A trustee is an individual person or member of a board given control or powers of administration of property in trust with a legal obligation to administer it solely for the purposes specified. In the Diocese of Chichester, the trustees are all the members of the Bishop’s Council who are not disqualified from acting as charity trustees or company directors.

Trustees have independent control over, and legal responsibility for, a charity’s management and administration. They play a very important role, almost always unpaid, in a sector that contributes significantly to the character and wellbeing of the country.

Trusteeship can be rewarding for many reasons: from a sense of making a difference to the Christian and charitable cause, to new experiences and relationships. It is also likely to be demanding of your time, skills, knowledge and abilities. Being aware of the duties and responsibilities will help you carry out your role in a way that not only serves the Diocese well but also gives you confidence that you will be complying with key requirements of the law.

Trustees are expected to take their responsibilities seriously. Ensuring you give sufficient time and attention to Diocesan business will help. It is recognised that most trustees are volunteers who sometimes make honest mistakes. Trustees are not expected to be perfect, but they are expected to do their best to comply with their duties. Charity law generally protects trustees who have acted honestly and reasonably.

However, trustees who act in breach of their legal duties can be held responsible for consequences that flow from such a breach and for any loss the charity incurs as a result. When cases of potential breach of trust or duty or other misconduct or mismanagement are investigated, it may take account of evidence that trustees have exposed the charity, its assets or its beneficiaries to harm or undue risk by not following good practice.

It is the legal duty of a trustee to:

1. Act in the charity’s best interest
2. Manage the charity’s resources responsibly, implementing appropriate financial controls and managing the risk register
3. Act with reasonable care and skill, taking appropriate legal advice when needed, for example when buying and selling land and property

Are you eligible to be a trustee?

You must make sure you are allowed to be a trustee.

- You must be properly appointed, and should know how long your appointment lasts. If you are not properly appointed, the trustees' decisions or actions may be invalid, potentially creating disputes or putting charity assets at risk.
- You must not be disqualified (see below). Acting whilst disqualified as a charity trustee or company director is a criminal offence.
- You must be at least 18 years old.

You may not act as a trustee if you are disqualified under the Charities Act. See Annex A for details of disqualification reasons. If one of the disqualification reasons does apply, you may be able to apply for a waiver from the Charity Commission which will allow you to take up or continue to act as a trustee.

What should you consider in becoming a trustee?

If you are considering becoming a trustee there are some criteria which you should consider before doing so.

- Do you have a genuine interest in the Diocese's work and will you be able to give enough of your time to help in the running of it?
- Are you committed to reflecting the Christian beliefs and values of the Diocese?
- Do you have skills and experience that will complement those of the other members on the Council? Theological, spiritual, pastoral, financial, investment, risk management, safeguarding, business, IT, communications, legal, educational, governance, and property experience would all be of value. The skills audit will help you and electors assess this.
- Do you have any conflicts of interest that would preclude you from acting in the charity's best interests?

Fit and Proper persons

Charities that want to claim UK tax reliefs and exemptions (eg Gift Aid) must meet the management condition in the Finance Act 2010. This requires all of the charity's managers (including trustees) to be 'fit and proper persons'.

An individual is 'a fit and proper person' if they ensure that charity funds and tax reliefs are used only for charitable persons.

It will be necessary for all trustees to sign a 'fit and proper person' declaration form which may be cross checked by HMRC to see if the details raise any information that could be of concern to the charity such as:

- Whether the trustee has been involved in tax fraud or other fraudulent behaviour including misrepresentation and/or identity theft
- Whether HMRC has knowledge of the trustee's involvement in attacks against, or abuse of, tax repayment systems

- Whether the individual has used a tax avoidance scheme featuring charitable reliefs or using a charity to facilitate the avoidance
- Whether the individual has been involved in designing and/or promoting tax avoidance schemes
- Whether the individual has been barred from acting as a charity trustee by a charity regulator or Court, or has been disqualified from acting as a company director.

Declaration

The declaration which current and prospective members of the Bishop's Council are asked to sign covers the material required both by the Charity Commission and HMRC.

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