

LINES OF DUTY

roles and responsibilities of a trustee



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What does a trustee actually do and what are they responsible for?

Trustees look after an organisation's assets – property, money, equipment – and are responsible for an organisation fulfilling its purpose, aims and objectives. Being a trustee is a serious role with legal duties, but by practicing good governance and caring about your organisation, its people and purpose, being a trustee is incredibly rewarding.

For Trustees' Week 2021 we asked 5 trustees 10 questions, so check these out on our website to hear what Sheila, Caroline, Karl, Ray and Karin do in their Orkney third sector organisations.



Trustees MUST do 9 things - 4 general duties and 5 specific duties - and a board of trustees works together to carry out these out.

General duty 1

Trustees must act in the best interests of the charity, not what is best for them, anyone in their family, other organisations they are involved in.

General duty 2

Trustees must ensure organisations do what they are set up to do, spend on what they are meant to, and follow a constitution/ governing document.

General duty 3

Trustees must act with care and diligence, running the organisation without breaking the law, meeting costs, treating staff, service users and volunteers with fairness and care and follow health, safety and data regulations.

General duty 4

Trustees must comply with The Charities and Trustee Investment (Scotland) Act 2005. This is a framework trustees must work within and is the main law for charities. Every Scottish charitable organisation must register with OSCR - The Scottish Charity Regulator – and OSCR makes sure trustees do not break the law. Some people are not allowed to be a charity trustee and OSCR can provide advice about this.

Specific duty 1

Trustees must provide OSCR with the information needed for the Scottish Charity Register.

Specific duty 2

Trustees must contact OSCR with any changes to organisation details or governing document changes. OSCR must be sent accounts and an online return form annually.

Specific duty 3

Trustees must record and report on finances, making sure they keep a record of the monies in/out. The organisation must prepare their accounts and get them audited or examined each year. A copy of the accounts must be sent to OSCR and an organisation must keep a copy of this for 6 years.

Specific duty 4

Trustees must make sure that any charity fundraising activities or fundraisers follow the relevant rules concerning this.

Specific duty 5

Trustees must make sure that the charity's details are on all the organisational paperwork, like letters and websites. Charities must give a copy of their governing document or latest accounts to anyone that asks for them.

Personal liability is a concern for some trustees.

There are two kinds of charitable organisations – incorporated charities and unincorporated charities. Incorporated charities tend to be charitable companies or organisations with individual trustees not being personally liable unless they break their legal duties. Unincorporated charities such as trusts and member associations, have no legal duty and so the only way for them to be sued or otherwise is through the trustees.

The risks of this happening are low and can usually be insured against, but it is recommended that organisations change to an incorporated charity to protect their trustees.

OSCR have lots more information about the roles, responsibilities and legal duties of trustees on their website www.oscr.org.uk/managing-a-charity/trustee-duties and can be contacted for advice and support. VAO can also be contacted offering trustees, third sector organisations and volunteers information, advice, support and training. Organisations in Orkney are regularly looking for new volunteer trustees so get in touch if you are interested in in this or if you need help looking for volunteers for your organisation.

VAO can provide information, advice, support and training for trustees, third sector organisations and volunteers, so get in touch if we can help!

