

CHARITY TRUSTEES WANTED

Brighter Futures is a small voluntary organisation with ambitious plans for future expansion of its services supporting the Rhyl community.

It is a registered charitable Incorporated Organisation which was established in 2018.

The Trustees are seeking new members to help us grow and develop, we need members of the public to join our Trustee board.

We are particularly keen to recruit members of the local community in Rhyl who have one or more of the following skills:

Experience of running a charity or community group.

Experience in Marketing, PR or Event Management.

Experience in Financial management.

Experience of business management.

Experience in Fund-raising.

The above skills are not essential as training will be provided if required.

Trustee meetings are held every two months at the Brighter Futures Community Facility on Wellington Road, usually during early evening.

The Trustees are responsible for setting the strategy and policies of the Charity and guides and supports the staff & volunteers.

To find out more about joining us, please contact us by emailing hello@brighterfutureshyl.co.uk or sending us a DM on Facebook.

What you will be expected to do:

Attend 6 Trustee committee meeting per year.

Attend "where possible" 3 policy review meetings per year.

Review a short monthly report by email.

What we will provide:

Any training required.

Any travel, food, clothing or childcare expenses.

Any IT or stationary materials required.

A chance to help improve your community.

Information for potential Trustees of Brighter Futures:

Introduction

Being a trustee of Brighter Futures can be really rewarding. It is a great way to use your skills and experience to support our community of Rhyl. Whilst the desire to give something back is a great starting point, you need be aware that your role also brings a number of legal responsibilities.

This guide is designed to provide an overview of the roles and responsibilities of being a charity trustee at Brighter Futures.

What is a Brighter Futures Trustee?

Our trustees are the body of people who have ultimate responsibility for Brighter Futures. It is your responsibility to manage, govern and control the charity and to make decisions about our policies, objectives and strategies.

Our trustees may also be called the management committee, the board of management, the directors or other similar terms. Regardless of what we are called, we hold the same position of responsibility.

Recruiting and training charity trustees

The process for recruiting our new trustees is set out in our governing document, this can be downloaded from our website. The governing document also covers aspects such as resignation, removal and reappointment of trustees.

Eligibility

Certain individuals are not eligible to act as a trustee of Brighter Futures. You will be ineligible if:

1. You have an unspent conviction for an offence involving dishonesty or deception;
2. You are currently declared bankrupt, subject to bankruptcy restrictions or an interim order;
3. You have an individual voluntary arrangement to pay off debts with creditors;
4. You are disqualified from being a company director; or
5. You have previously been removed as a trustee by either the Charity Commission or the high court due to misconduct or mismanagement.

Those applying to be a Trustee will be required to complete a declaration confirming their eligibility to act.

Skills audit

When recruiting new trustees, we actively seek trustees with appropriate skills and experience. We may carry out a "skills audit" prior to advertising any positions. Common skills we seek are:

- Finance and accounting;
- Legal and governance;
- Human Resources;
- IT
- Marketing and PR;
- Fundraising; and
- Policy or technical expertise.
- A vast knowledge of or lived experience in Rhyl

Other considerations we have

We are keen to ensure beneficiaries or service users are properly represented on the board of trustees. We use the guidance provided by the Charity Commission “CC24: Users on Board: Beneficiaries Who Become Trustees” to ensure we have fully considered the implications of this.

It is mandatory that Trustees complete an Enhanced DBS check by our Charity.

All new trustees for appointment will be asked to complete a conflict of interest declaration.

All potential trustees (those selected) will be invited to attend a trustee meeting as an observer before making the appointment.

Induction and Training

Newly appointed trustees will be given a proper induction to ensure an in-depth understanding of the charity. This will involve providing copies of key internal documents, including:

- the charity’s governing document;
- recent financial accounts;
- minutes of recent trustee meetings;
- the charity’s conflicts of interest policy, along with a declaration of interests form; and
- key strategic documents (vision, mission, objectives, business plans and budgets).

New trustees will also be given a copy of the Charity Commission publication “CC3: The Essential Trustee” which provides detailed information on the roles and responsibilities of trustees.

All Trustees must agree to undertake our core skills training within 3 months of becoming a trustee; these are currently:

The role of a trustee, health & safety, safeguarding and trustee financial awareness, you may also be asked to undertake further training as required.

Primary responsibilities of our trustees

The primary duty of our trustees is to advance the purposes of our charity. However in the pursuit of this primary duty, trustees must fulfil a number of basic responsibilities.

Proper administration & public benefit

Our trustees must ensure that the charity is run in accordance with its governing document, and in compliance with charity law and all other laws and regulations affecting its remit.

In addition to laws and regulations, all charities must be operated for public benefit. The Charity Commission has extensive guidance on public benefit contained in three publications: PB1 – The Public Benefit Requirement, PB2 – Public Benefit: Running a Charity, and PB3 – Public Benefit: Reporting. Public benefit is considered in more detail in section 6.

Ultimate responsibility

Our trustees must accept ultimate responsibility for everything that the charity does. The trustees are responsible for all strategic and operational aspects of the charity and are accountable if anything goes wrong.

Paid employees carry out the day-to-day operations of the charity. Whilst it is permissible for trustees to delegate the implementation of decisions to staff, trustees cannot absolve themselves of their responsibility to make the decisions and be accountable for them.

Act reasonably and prudently

The law imposes a duty of care on charity trustees. This means that they must exercise such care and skill as is reasonable in the circumstances.

If a potential trustee has (or claims to have) specific knowledge or expertise, perhaps by way of their professional background, they can reasonably be expected to apply that knowledge to their role as charity trustee. In these cases the duty of care is therefore greater. If trustees do not have the required skills or expertise to make an informed decision, they can be reasonably expected to take professional advice.

Safeguard and protecting our assets

Our trustees have a responsibility to safeguard the assets of the charity at all times. This includes tangible assets such as property, cash, stock and staff, as well as intangible assets such as intellectual property, brand and reputation. To effectively safeguard our charity's assets, trustees have a responsibility to identify and evaluate potential risks facing the charity and to mitigate those risks accordingly.

Act Collectively

Our trustees have collective responsibility for all actions and decisions. It is important for all our trustees to take an active role in the decision-making process and for decisions to be taken according to majority rule. Some trustees may serve a particular function (e.g. chair, treasurer or secretary). Whilst they may be responsible for explaining a certain subject area (e.g. the treasurer may present the financial accounts), the responsibility for decision-making is still collective.

Act in the best interests of or charity

Our trustees must always act in the best interests of the charity. They have a duty to exercise objectivity and independence when making decisions. Trustees must never allow their personal interests or views to affect their judgement.

Avoid conflicts of interest

Conflicts of interest come in many forms: a conflict of interest could be where a trustee stands to benefit personally from a charity, or it could be where a trustee's loyalty to another organisation affects their ability to prioritise the best interests of the charity..

Running our charity

This section provides guidance on some of the more operational responsibilities of running the charity.

Public benefit

By law (Charities Act 2011), all trustees must have due regard to the Charity Commission's guidance on public benefit when planning, performing and evaluating the activities and objectives of the charity.

This means that all trustees should:

- Be briefed on the guidance;
- Understand how the guidance is relevant to their particular charity;
- Review their existing activities in light of the guidance; and
- Bear the guidance in mind when planning future activities.

A statement that the trustees have complied with this law must be made in the charity's annual report.

Risk management

In order to fulfil your responsibility to safeguard the charity's assets, trustees should carry out a risk review to identify and manage potential risks. A risk can be defined as anything that would prevent the charity from achieving its objectives. There are various models for carrying out a risk review. Our current approach is to list all potential risks across a range of categories:

- Financial
- Environmental/natural disasters
- Technological (IT)
- Reputation
- People (human resources)
- Funding
- Legal/regulatory
- Governance/strategic
- Political
- Competition

When all risks are identified, they can then be prioritised. This is often done by scoring each risk for impact and probability, with high-impact, high-probability risks being ranked as the highest priority.

When the risks are prioritised, the trustees must then decide how to manage each risk. Options include:

- Avoidance – ceasing the activity;
- Mitigation – putting in place systems and controls to mitigate the risk;
- Transference – transferring the risk to another party, e.g. through insurance; or
- Acceptance – accepting the risk if it is low impact and low probability.

The risks should be compiled into a risk register document, which is regularly and actively monitored and updated by the trustees.

A statement that the trustees have complied with this law must be made in our annual report.

Financial procedures

Robust financial procedures are another key part of safeguarding our assets. Comprehensive financial procedures cover everything from cheque signatories, authorising expenditure, budgeting processes, cash handling, opening post and accounting processes.

Trustees are responsible for ensuring adequate financial procedures are in place and are complied with. If money is lost as a result of staff fraud, the trustees will be expected to explain to the Charity Commission what steps were being taken to prevent fraud and why they broke down.

Reporting and accounting

It is beyond the scope of this guidance to cover all potential reporting obligations our charity. The fundamental obligations are covered below.

The Charity Commission regulates charities in England and Wales. All charities who are registered with the Charity Commission have to submit annual returns, annual accounts, and trustees' annual reports every year. The deadline for submitting these documents is 10 months after the accounting year end date. The Charity Commission does not have the power to issue fines to charities who submit their documents late, but the public register will highlight any late submissions. Failure to submit documents altogether is a criminal offence.

Policies

Our policies set out the agreed framework in which a charity operates. Some policies are required by law; others are simply good practice. A comprehensive set of policies helps to ensure our charity is managed and operated in a consistent and coherent way and that all activities are linked to the charity's strategy and objects. We have policies in the following areas:

- Conflicts of interest
- Whistleblowing
- Equal opportunities
- Reserves*
- Data protection and confidentiality
- Risk Management*
- Health and safety
- Email and internet access
- Volunteers
- Financial procedures and controls
- Complaints
- Reserves
- Safeguarding

Policies marked with * are compulsory under Charity Commission regulations and must be disclosed in the charity's annual report.

Meetings and Committees

Our governing document sets out how frequently the charity trustees should meet, how many trustees constitute a quorum at meetings, and the procedures for calling and running meetings. There are no minimum requirements defined in law, although the Charity Commission would expect even small charities to hold trustee meetings at least twice a year.

The primary consideration is that the frequency and structure of meetings is sufficient to ensure the trustees carry out their responsibilities and the charity is operated in an efficient and effective way.

We also use sub-committees to balance the needs of trustee input and operational efficiency. Our sub-committees are working groups set up to deal with specific tasks or areas, such as finance, HR or fund-raising. Sub-committees usually comprise representatives of both staff and trustees.

The charity should keep minutes of all trustee and sub-committee meetings. Minutes are an important legal record of key actions and decisions.

Fundraising

We raise funds through a variety of activities, including soliciting donations, applying for grant funding, selling products or services, holding fundraising events and investing surplus funds. The rules concerning fundraising are complex and trustees should seek appropriate advice before planning any fundraising events to ensure they are fully informed of the implications.

- Some of the potential risk areas are covered below:
- Charity trading – some fundraising activities may need to be operated through a trading subsidiary for legal or tax reasons. Trading subsidiaries can also be used to ring-fence riskier activities, thus minimising the charity's exposure to risk.
- Tax and VAT – there are several tax concessions available to charities for fundraising events. These include VAT exemptions, zero-rate VAT reliefs, and the gift aid scheme. Some fundraising initiatives may have complex tax implications which could have an adverse financial impact on the charity.

- Appeals and restrictions – where donors restrict the use of their funds (or where the charity creates a valid expectation that funds will be applied for a particular purpose) the trustees have a duty of care to ensure all funds are applied in accordance with the restrictions.
- Public collections and lotteries – there are specific rules on public collections (street or house-to-house) and licences may be required. Lotteries and raffles are also regulated by specific laws.
- Data protection – does the charity comply with data protection laws when using a fundraising/supporter database?
- Professional fundraisers – where professional fundraisers are used, does the charity have proper written agreements in place?

Trustees' benefits and liabilities

Remuneration and reimbursed expenses

It is a fundamental principle of charity law that charity trustees (and those “connected” to trustees) must not receive benefit from the charity. The Charity Commission takes the rules on trustee benefits very seriously and can order trustees to repay a benefit they receive if it is found not to comply with the rules.

Trustees can be reimbursed for reasonable out-of-pocket expenses.

Personal Liability vs. liability as charity trustee

There are two different types of liability: (a) the liability of breach of trust e.g. acting negligently or without duty of care; and (b) the liability to third parties that occurs in the course of running the charity e.g. the financial liability under a contract.

A trustee's liability to breach of trust is inherent to their position as charity trustee. The law imposes a duty of care on all charity trustees, regardless of the charity's legal form. If a breach of trust gives rise to a loss to the charity, the trustees are vulnerable to a claim to reimburse the charity for the loss. Such claims would be instigated by either the Charity Commission or the Attorney General. It should be noted that claims of this nature are rare.

Trustee indemnity insurance

Trustee indemnity insurance is in place that protects trustees against claims against them personally. Trustee indemnity insurance is regarded as a benefit to the trustees since it protects them personally rather than protecting the charity.

Our current structure:

Reserved Trustee Positions:

RHYL MENS SHED X 1

RHYL WOMENS SHED X 1

RHYL YOUTH GROUP X 1

PARENT & TODDLER GROUP X 1

ASD FAMILY GROUP X 1

WIFI CONNECTIONS X 1

Open (individual) Trustee Positions x 3