

## **Formby U3A Trustees**

Formby U3A committee members take on the role of Trustees of the charity. Committee members are responsible for the governance of the U3A including directing how it is managed and run. The Trustees must make sure that the U3A is carrying out the purpose for which it is set up, and that all resources and funds are used only in furthering its charitable objective.

Trustees are collectively responsible for ensuring that a U3A fulfils its charitable objectives and does not stray beyond them. The central purpose of every U3A is educational. Trustees collectively are responsible for the safe custody of members' money

### **CODE OF CONDUCT FOR FORMBY U3A TRUSTEES (COMMITTEE MEMBERS)**

#### **(i) Introduction**

This code of conduct is an agreement between the organisation and the individual committee member which spells out the standards of behaviour expected. Current and new trustees should be asked to confirm their acceptance of the code which should be minuted.

#### **(ii) General Responsibilities**

- Trustees are recommended to read the Charity Commission leaflet CC3 entitled 'The Essential Trustee – what you need to know' which can be downloaded from the Charity Commission website. ([www.gov.uk/guidance/charity-trustee-whats-involved](http://www.gov.uk/guidance/charity-trustee-whats-involved)). (See Appendix 1)
- Trustees must comply with Charity Law and the requirements of the Charity Commission as regulator.
- Trustees are expected to know, follow and promote the Principles of the U3A Movement at every opportunity.
- Trustees must always act in the best interests of Formby U3A and the U3A Movement, strive to uphold its reputation and never do anything which could bring Formby U3A or the movement into disrepute or expose it to undue risk.
- Trustees are expected to reflect the current organisational policy of Formby U3A, regardless of whether it conflicts with their personal views.
- Trustees are expected to abide by Formby U3A's governance procedures and practices.
- Trustees must never derive any pecuniary benefit from being a trustee and must notify the Chairman of any gifts received.
- Trustees are expected to use Formby U3A's resources responsibly and only to further its stated charitable objects/purposes.
- Trustees should inform the Chairman before accepting an invitation to speak on behalf of the U3A.
- Trustees will respect both the authority of the Chairman in the role of meeting leader and accept majority committee votes as final.
- Trustees are expected to treat fellow committee members courteously and maintain a respectful attitude towards the opinions of others.
- Organisational, committee and individual confidentiality must be respected at all times.

### **(iii) Specific Responsibilities**

- **Committee Meetings - Preparation for and Attendance**

Trustees are expected to study the agenda and all supporting papers prior to the meeting and strive to attend all meetings.

- **Conflict of Interest**

Trustees must declare a conflict or possible conflict of interest at the start of the committee meeting or at the earliest possible opportunity. The Chairman will then decide whether to exclude the trustee from a particular item or even from the whole meeting. In the event that the Chairman has a conflict of interest, then the committee should request the Vice-Chairman to rule on the matter.

- **Confidentiality**

In order that all trustees feel comfortable expressing their views and ideas it is essential that everybody maintains complete confidentiality outside the committee at all times. The decisions made by the committee are minuted and once approved, the minutes are available on request to members.

- **Corporate responsibility**

No matter what individual trustees' opinions or voting choices are, once an item is approved by the committee, all trustees must accept it as decisive and final and not comment further outside the committee environment.

### **TRUSTEE INDEMNITY INSURANCE**

U3A committees are covered by Trustee Indemnity Insurance provided through the Third Age Trust. The insurance protects U3A Trustees both individually and as a board, against a genuine mistake or error of judgement providing that they have acted responsibly and followed their U3As constitution. Where this is deemed not to be the case, Trustees risk being held personally responsible and not being covered by indemnity insurance. Trustees should also be aware that even if an allowable claim is made, an excess will apply. The indemnity insurance will not protect against criminal law.

In the event of any irregularity at either main committee or group level, the Trustees are potentially liable if they have not taken all reasonable steps to minimise risks. Trustees must follow the requirements of the appropriate regulatory authority for their country in relation to any reporting requirements. It is not possible for an individual Trustee to opt out of collective responsibility.

Responsibility must never be given to a Group Leader/Convenor or Group Coordinator to operate a group that is in any way detached from the U3A. All money collected is the property of the U3A and it must all be accounted for to the membership at the AGM and to the appropriate regulatory authority, as required.

### **INDUCTION OF NEW TRUSTEES**

All committee members including those who are co-opted or invited to join are automatically Trustees. Induction enables new Trustees to familiarise themselves with their role, Formby U3A, its relationship with the Trust and the wider U3A Movement as well as their legal responsibilities.

## **When should it take place?**

As soon as practicably possible after our AGM and certainly before the first full committee meeting.

## **What should induction include?**

As part of their induction new trustees should, where possible, be given:

- Guidance documents issued by the Charity Commission for U3As in England and Wales (The Essential Trustee CC3a/CC3) which give a good overview of trustee responsibilities.
- A copy of the Formby U3A constitution (essential)
- Minutes of previous 12 months meetings
- A copy of Committee Procedures and any job descriptions
- An overview on how different aspects of the Formby U3A are organised e.g. interest groups/monthly meetings/social events etc.
- Key policy documents – trustee code of conduct, disciplinary code
- Latest annual report and accounts
- Advice on where to find TAT information leaflets and advice sheets on such topics as insurance, data protection
- Advice on where to find resources available from the Third Age Trust (TAT)
- Dates of future committee meetings and AGMs

## **Who should attend?**

Our officers should be present but the invitation could be widened to any other member of the committee who might find it useful to attend.

## **Appendix 1. Overview of Trustee Responsibilities**

This is an extract from “The essential Trustee: what you need to know, what you need to do” (CC3)

### **1. Ensure your charity is carrying out its purposes for the public benefit**

You and your co-trustees must make sure that the charity is carrying out the purposes for which it is set up, and no other purpose. This means you should:

- ensure you understand the charity’s purposes as set out in its governing document
- plan what your charity will do, and what you want it to achieve
- be able to explain how all of the charity’s activities are intended to further or support its purposes
- understand how the charity benefits the public by carrying out its purposes

### **2. Comply with your charity’s governing document and the law**

You and your co-trustees must:

- make sure that the charity complies with its governing document

- comply with charity law requirements and other laws that apply to your charity

You should take reasonable steps to find out about legal requirements, for example by reading relevant guidance or taking appropriate advice when you need to.

Registered charities must keep their details on the register up to date and ensure they send the right financial and other information to the commission in their annual return or annual update.

### **3. Act in your charity's best interests**

You must:

- do what you and your co-trustees (and no one else) decide will best enable the charity to carry out its purposes
- with your co-trustees, make balanced and adequately informed decisions, thinking about the long term as well as the short term
- avoid putting yourself in a position where your duty to your charity conflicts with your personal interests or loyalty to any other person or body
- not receive any benefit from the charity unless it's properly authorised and is clearly in the charity's interests; this
- also includes anyone who is financially connected to you, such as a partner, dependent child or business partner
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### **4. Manage your charity's resources responsibly**

You must act responsibly, reasonably and honestly. This is sometimes called the duty of prudence. Prudence is about exercising sound judgement. You and your co-trustees must:

- make sure the charity's assets are only used to support or carry out its purposes
- not take inappropriate risks with the charity's assets or reputation
- not over-commit the charity
- take special care when investing or borrowing
- comply with any restrictions on spending funds

You and your co-trustees should put appropriate procedures and safeguards in place and take reasonable steps to ensure that these are followed. Otherwise you risk making the charity vulnerable to fraud or theft, or other kinds of abuse, and being in breach of your duty.

### **5. Act with reasonable care and skill**

As someone responsible for governing a charity, you:

- must use reasonable care and skill, making use of your skills and experience and taking appropriate advice when necessary
- should give enough time, thought and energy to your role, for example by preparing

- for, attending and actively
- participating in all trustees' meetings

## **6. Ensure your charity is accountable**

You and your co-trustees must comply with statutory accounting and reporting requirements. You should also:

- be able to demonstrate that your charity is complying with the law, well run and effective
- ensure appropriate accountability to members, if your charity has a membership separate from the trustees
- ensure accountability within the charity, particularly where you delegate responsibility for particular tasks or decisions to staff or volunteers

## **7. Making decisions as a trustee**

Charity trustees make decisions about their charity together, working as a team. Decisions don't usually need to be unanimous as long as the majority of trustees agree. They're usually made at committee meetings

You and your co-trustees make decisions about your charity, you must:

- act within your powers
- act in good faith, and only in the interests of your charity
- make sure you are sufficiently informed, taking any advice you need
- take account of all relevant factors you are aware of
- ignore any irrelevant factors
- deal with conflicts of interest and loyalty
- make decisions that are within the range of decisions that a reasonable trustee body could make in the circumstances you should record how you made more significant decisions in case you need to review or explain them in the future.