

KEY GUIDES



The Charity Trustee's Handbook

3rd edition

Mike Eastwood
and Jacqueline Williams

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directory of social change

'The Charity Trustee's Handbook is a practical addition to the resources of any trustee. The checklists for making your board of trustees and its sub-committees effective are invaluable.'

Tesse Akpeki, Leadership, Governance and Personal Development Consultant

'I really welcome this comprehensive guide which will be especially useful for new trustees or those considering engaging in a trustee role. The chapter "Is trusteeship for you?" is timely, well written and clear and, in recent times, the best I've seen.'

Jenny Berry, Crisis and Governance Lead, ACEVO

'This is a very practical guide to being a charity trustee which covers all you need to know in a straightforward, jargon-free style.'

Lindsay Driscoll, Charity Governance Consultant

'As trustee responsibilities become steadily more challenging, the handbook provides an essential source of invaluable information.'

Dr Chris Hanvey, Former Vice-Chair, The Family Fund

'This satnav for trusteeship is a valuable tool and a true must-read publication.'

Andrew Hind, former Professor of Charity Governance and Finance, Cass Business School and former CEO, Charity Commission

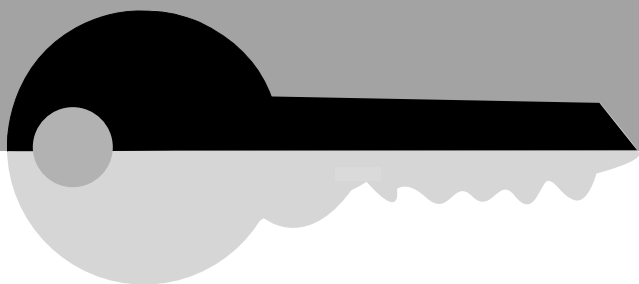
'This is a fantastic resource for charity trustees and anyone with an interest in ensuring that charities are well governed. It provides many examples of good practice, and some practical checklists which will be a great help to trustees. I particularly like the way it encourages trustees, who can sometimes feel that trusteeship is a lonely place. I commend it to anyone who wants to improve their understanding and knowledge of charity governance.'

Beryl Hobson, Director, Professional Governance Services Ltd

'A must-have in equal parts for those new to trustee boards and those more experienced trustees who seek information at a particular point of need.'

Alex Skales, CEO, Centre for Charity Effectiveness, Cass Business School

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About the series

This series of key guides is designed for people involved with not-for-profit organisations of any size, no matter how you define your organisation: voluntary, community, non-governmental or social enterprise. All the titles offer practical, comprehensive, yet accessible advice to enable readers to get the most out of their roles and responsibilities.

There are several other titles available in this series, you can find details about the whole range at www.dsc.org.uk/key.

For further information, please contact the Directory of Social Change (see page 148 for details).

About the Directory of Social Change

At the Directory of Social Change (DSC), we believe that the world is made better by people coming together to serve their communities and each other. For us, an independent voluntary sector is at the heart of that social change and we exist to support charities, voluntary organisations and community groups in the work they do. Our role is to:

- **provide practical information** on a range of topics from fundraising to project management in both our printed publications and our e-books;
- **offer training** through public courses, events and in-house services;
- **research funders** and maintain a subscription database, *Funds Online*, with details on funding from grant-making charities, companies and government sources;
- **offer bespoke research** to voluntary sector organisations in order to evaluate projects, identify new opportunities and help make sense of existing data;
- **stimulate debate and campaign** on key issues that affect the voluntary sector, particularly to champion the concerns of smaller charities.

We are a registered charity ourselves but we self-fund most of our work. We charge for services, but cross-subsidise those which charities particularly need and cannot easily afford.

Visit our website **www.dsc.org.uk** to see how we can help you to help others and have a look at **www.fundsonline.org.uk** to see how DSC could improve your fundraising. Alternatively, call our friendly team at **020 4526 5995** to chat about your needs or drop us a line at **cs@dsc.org.uk**.

About the authors

Mike Eastwood is currently Diocesan Secretary in the Diocese of Liverpool, Chief Officer in Liverpool Cathedral and Vice-Chair of Liverpool University Hospital Foundation Trust. He is also Trustee of the Parish Giving Scheme and Director of the Good Funeral Company.

Mike was Chief Executive of the Directory of Social Change from 1995 to 2001, Chair of Trustees for the National Association for Voluntary and Community Action, a member of the Advisory Council to the Charities Aid Foundation and a trustee for the Liverpool Council for Social Service.

Mike is co-author of another popular DSC publication: *Writing Better Funding Applications*.

Jacqueline Williams is a governance and financial management consultant and trainer and has extensive experience working with boards of directors (and charity trustees) across sectors internationally. Her recent roles include working with the Centre for Charity Effectiveness (CCE), part of Cass Business School, as a member of the team developing the trustee guidance *Lived experience on nonprofit boards*. With CCE she also helped develop the *Building Better Governance Guides*. Internationally, she works with the International Finance Corporation (IFC), part of the World Bank Group, to provide governance advice in different parts of Africa. She recently led the IFC teams in Sierra Leone and Liberia to establish the *Women on Boards* programmes aimed at increasing women's participation in leadership and on boards.

Her earlier career included regulatory and compliance roles with PricewaterhouseCoopers, the United Friendly Group and Sea Containers Group in the UK. She has had extensive personal experience serving on boards of not-for-profit organisations, mainly in the role of treasurer. Jacqueline is a qualified accountant and lawyer and has a master's in Corporate Governance and Ethics.

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Special appreciation to former The Small Charities Coalition, for assigning the text from *The Code of Conduct for Trustees* to us to adapt and update as a new chapter for this edition. Thanks also to Sandy Adirondack for the helpful checklists at the back of the book and for her advice on other aspects of the text.

And thanks to the many trustees and others who have shared their experiences with us.

Foreword

We live in unpredictable and fast-changing times. During the last few years, the environment in which charities and their boards of trustees operate has changed significantly. Three factors have brought about this change:

1. Strong negative coverage by the media as a whole, but mainly by the press. This has included the naming and shaming of trustees of failed or failing charities.
2. Our main regulator, the Charity Commission, has been forced by negative press coverage and by significant cuts in its funding to do a lot less in its role as an enabler of good governance, and instead do more in its role as a tough regulator.
3. The Charities (Protection and Social Investments) Act 2016 has given the Charity Commission greater powers – including the power to disqualify people from serving as trustees.

As a result there is much more focus on governance and particularly on compliance. Although compliance to the law and regulation is important, there is much more to governance than compliance.

The good news is that these major changes, and the financial downturn that started in 2008, has made trustees realise the importance of effective governance. I am hugely impressed by the many boards of trustees up and down the country who are working hard to ensure they govern effectually.

The Charity Trustee's Handbook is vital in these turbulent and uncertain times. The third edition includes additional sections on risk (including risks faced by charities working internationally), the importance of board effectiveness reviews and the usefulness of having a good code of conduct for trustees.

Being a trustee should be enjoyable, satisfying and even challenging. As long as you are willing to use your skills, expertise, experience and common sense for the benefit of your charity, and as long as you are willing to learn, you will get a great deal from trusteeships. This handbook will help to guide you successfully along the way.

I hope you enjoy being a trustee as much as I do.

Dorothy Dalton
Governance Specialist

Who this book is for

This book is written for 'you' as a current or prospective charity trustee. Throughout, we speak directly to you the trustee rather than to the board of the charity or the charity itself, or to staff, advisers or other readers who need or want to know about the role of trustees.

The book provides an introduction for trustees of charities anywhere in the UK. The legal and regulatory requirements in this book are based on England and Wales. There are differences in law and regulation across the four nations of the UK, but the basic principles of good trusteeship apply throughout the UK, and apply to both registered charities, as well as those that have not exceeded the necessary financial threshold and so remain unregistered. The basic principles also apply regardless of whether the charity is a charitable trust, an unincorporated association, a company limited by guarantee, a charitable incorporated organisation (CIO), or has another legal form.

We use the words 'voluntary sector' as our terminology of choice to describe the sector as a whole; it reflects the truly voluntary nature of being a trustee. However, the term voluntary sector is all-encompassing, incorporating both organisations that are charities and those that are not. We use the terms 'charity' or 'charities' rather than voluntary sector where the context is specific, such as in relation to legal requirements or where we have quoted statistical information.

1 What is a trustee?

This book aims to be a practical guide about how to operate effectively as a charity trustee, starting with two basic questions: ‘What is a charity trustee?’; and ‘What are you letting yourself in for when you become a charity trustee?’ It is about the practicalities and the reality, rather than being mainly about charity law, or the details of your legal responsibilities and liabilities. For information on charity law see the Charity Commission’s website on Gov.uk, and for information on other legal issues see the relevant sections on Gov.uk, such as employment, data protection, health and safety and so on.

First, by becoming a trustee of a charity, you are joining the wider voluntary sector. Whilst the size and scope of the sector can be defined in many ways, according to one snapshot in *The UK Civil Society Almanac 2022*, there are over 165,700 general charities in the UK (each with its own board of trustees) with a combined annual income of around £58.7 billion. Between them they have assets of over £157 billion and employ over 952,000 people. In addition to the charities in that survey there are many charities and other voluntary sector organisations that are not included for various reasons.

Overall, who knows how many hours of voluntary work are clocked up by the millions of people who volunteer each year? The only thing we can say for sure is that they dwarf the hours given by paid staff.

Charities and other voluntary organisations cover an enormous range of activities, from the arts to the environment, from health to welfare, from educating preschool children to caring for older people in poor health, from maintaining the nation’s heritage to providing accommodation for homeless people. A lot of people who have had experiences on the board have said that the most rewarding thing about being a trustee is making change happen.

Voluntary organisations are not the only ones working in these areas. The public and private sectors are also active here, providing services targeting individuals and their communities. Indeed there is increasing competition between the different sectors, with voluntary organisations often competing against private sector companies for public sector contracts. It is very positive to see numerous examples of charities collaborating with private sector organisations to further charitable

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The Charity Trustee's Handbook

The charity sector survives and thrives thanks to people like you – people who volunteer as trustees for the benefit of others. The responsibility of trusteeship, and the volume of legal information on what you should and should not do, however, can be overwhelming.

Whether you're a new trustee or have been in the role for some time, this book will help you to find your way and make good decisions.

The book offers:

- Essential information about your duties as a trustee and how to understand both the organisation and its people
- Straightforward advice on planning the work of the organisation, finding funding and getting a grip on the finances
- Clear checklists to help make your board and its sub-committees more effective
- A brand new chapter on codes of conduct

This new edition gives you practical advice that takes account of legislation in the Charities Act 2011, the Charities (Protection and Social Investment) Act 2016 and the 2017 *Charity Governance Code*. You can also take advantage of a series of checklists to help you develop your understanding and confirm whether or not you're on the right track. However large or small your charity, this handbook will be an essential requirement for every trustee.

'The Charity Trustee's Handbook is a practical addition to the resources of any trustee. The checklists for making your board of trustees and its sub-committees effective are invaluable.'

Tesse Akpeki, Leadership, Governance and Personal Development Consultant

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Andrew Hind, former Professor of Charity Governance, Cass Business School and former CEO, Charity Commission

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