



PD 01

Policy on the Duties and Liabilities of Elected Board of Trustees

1. Purpose

- a) To make the elected Board aware of their duties and liabilities as specified in charity law and the guidance issued by the Charity Commission
- b) The Constitution specifies that it is a mandatory requirement that each newly elected Board member must be aware of, and accept the duties and liabilities under charity law before becoming involved in managing the affairs of SGUK
- c) Hence each newly elected Board Member (Trustee) is required to confirm their acceptance of these duties and liabilities by signing the Board Members see PD 08 declaration and abiding by the Code of Conduct see PD 02

2. Duties and Liabilities

- a) It should be noted that the Charity Commission has published guidance on the duties of "a Trustee", whereas SGUK has designated this role as "a Board member"
- b) The Charity Commission guidance should be read in full to gain a proper understanding of its meaning. However, for information, the essential elements have been selectively extracted below. An elected Board Member must: -
 - i. Comply with charity law and requirements of the Charity Commission. Also, any other legislation that applies to the activities of the organisation
 - ii. Comply with the requirements of the Constitution. Consequently, it is essential that elected Board members are conversant with the contents of the Constitution
 - iii. Exercise reasonable care and skill to ensure that the organisation is efficiently run
 - iv. Use charitable funds and assets wisely, and only to further the purposes and interests and to meet the objectives of the organisation
 - v. Ensure that SGUK is and will remain financially solvent

- vi. In this respect, it should be noted that SGUK is classified as an unincorporated financial body. Consequently, if it were to become insolvent then the Board members may become personally liable for the Charity's debts and losses. However, the Charity Commission has the power to relieve them of personal liability where it can be shown that they have acted honestly and reasonably and ought fairly to be excused
- vii. Act with integrity, and avoid any personal conflicts of interest or misuse of organisation funds or assets
- viii. Strive to attend all meetings, providing timely apologies to the secretariat or chair when necessary. Papers for meetings will in general be provided in advance and Board members are expected to read them, think about their contents, and come to meetings prepared to discuss and vote on the issues in hand
- ix. Avoid undertaking activities that might place the organisation's property, funds, assets, or reputation at undue risk
- x. Consider getting external professional advice on all matters where there may be a significant risk to SGUK, or where Board members may be in breach of their duties

In addition, a Board Member should:

- xi. Work with the other Board Members as a team, and have collective responsibility for the organisation
- xii. Devote sufficient time and effort to keep up to date with the activities of SGUK

3. Implementation

- a) It shall be the responsibility of the SGUK Charity Commission Liaison Officer (currently the Treasurer) with assistance of the Secretariat to make a newly elected Board Member aware of this Policy and to obtain their acceptance by signing the Board Members declaration (PD 08) before they start their first Board Meeting with the Secretariat retaining copies
- b) The Board, under the guidance of the Chairman, is responsible for monitoring, reviewing, and ensuring these arrangements are effective on a regular basis (usually annually)

4. Abbreviations

SGUK Safety Groups UK

5. References

- The Charities Act 2011 – What trustees need to know
- The Essential Trustee: An Introduction (CC3a) by the Charities Commission
- The Essential Trustee: What you need to know (CC3) by the Charities Commission. This and other publications are available at - <http://www.charitycommission.gov.uk>