



MANAGEMENT COMMITTEE TRAINING, 17 February 2019



GOLAPGANJ UPAZILA SOCIAL TRUST (UK)

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Agenda

1. Introduction
2. Definition of Charity Trustees
3. Who can be trustee
4. Main duties of the trustees
5. How to make decision as a trustee
6. Officers role and responsibility
7. When trustee can be personally liable



1. INTRODUCTION

The Golapganj Upazila Social Trust (UK) is an organisation which is based in the United Kingdom. Its aim is to build bridges between generations, as well as promoting culture to our British born individuals who have family from the Golapganj Thana in Sylhet.

The trust will be working for the benefit of the people who are from the Golapganj Thana and live and work in the United Kingdom, especially our younger generation, to provide knowledge of our culture and language, as well as our roots and heritage. In the future, The Golapganj Upazila Social Trust (UK) may expand outside the United Kingdom.



2. CHARITY TRUSTEE

Trustees have overall control of a charity and are responsible for making sure it's doing what it was set up to do. They may be known by other titles, such as:

- directors
- board members
- governors
- committee members

Whatever they are called, trustees are the people who lead the charity and decide how it is run. Being a trustee means making decisions that will impact on people's lives. Depending on what the charity does, you will be making a difference to your local community or to society as a whole.

Trustees use their skills and experience to support their charities, helping them achieve their aims. Trustees also often learn new skills during their time on the board.

3. WHO CAN BE A TRUSTEE

You can be a trustee if you are:

- 18 year old and purchase the objectives of the organisation in accordance with the constitution of the organisation.
- You have no unspent conviction for an offence involving, dishonesty or deception (fraud).
- You are not bankrupt or entering into a formal arrangement with a creditor (for example an individual voluntary arrangement).
- You must be properly appointed according to the constitution.
- You have not been removed as a director or charity trustee because of wrongdoing.

4. MAIN DUTIES OF THE TRUSTEES

- a. Trustees must make sure that the charity is carrying out the purposes for which it is set up, and no other purpose.
- b. Trustees must make sure that the charity complies with its governing document and comply with charity law requirements and other laws that apply to your charity
- c. Trustees must Act for charity's best interests such as:
 - 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



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- 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
- d. Trustees must manage the charity's resources responsibly and honestly. This is sometimes called the duty of prudence. Prudence is about exercising sound judgement. You and 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. Trustees must act with reasonable care and skill, making use of your skills and experience and taking appropriate advice when necessary. You should give enough time, thought and energy to your role, for example by preparing for, attending and actively participating in all trustees' meetings

e. 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.

5. 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 charity meetings.

When 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.



6. OFFICER'S ROLES AND RESPONSIBILITY

Some trustees have special roles, such as the chair and the treasurer. They are known as officers. You must comply with any specific provisions in your governing document about officers. Officers don't automatically have any extra powers or legal duties than the other trustees, but may carry out specific roles or have specific responsibilities delegated to them. Don't forget - all trustees remain jointly responsible for the charity. For example, all trustees share responsibility for finances (not just the treasurer).

7. WHEN TRUSTEES CAN BE PERSONALLY LIABLE

It's extremely rare, but not impossible, for charity trustees to be held personally liable:

- to their charity, if they cause a financial loss by acting improperly
- to a third party that has a legal claim against the charity which the charity can't meet

Understanding potential liabilities will help you to protect yourself and your charity by taking action to reduce the risk. This includes complying with your duties. It also includes deciding whether your charity should become incorporated (for example as a company or CIO).

