

Teams of Our Lady – Equipes Notre Dame GB



Trustee Training Policy

February 2021



Trustee Training Policy

Introduction

Teams of Our Lady GB was formally registered charity in England and Wales in 1994. It is established as a Trust (Charity number 1044902) with the charitable purposes of “*advancement of religion in accordance with the tenets of the Christian faith in particular by the promotion of Christian marriage family life and the spiritual development of husband and wife*”

Charity regulation requires charity trustees to be appropriately trained in their role as trustees. The trustees are the regional couples of the Northern, Central and Southern Regions and the GB Treasurers.

Training

Trustees will undertake training as trustees by

- Reading this policy and the appendices
- Reading the governing document and latest annual report
- Reading Charity Commission Document CC3
 - CC3a www.gov.uk/guidance/charity-trustee-whats-involved
 - or CC3 www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866947/CC3_feb20.pdf
- Reading Charity Commission “Trustee Welcome Pack” www.gov.uk/government/publications/charity-trustee-welcome-pack/charity-trustee-welcome-pack
- Having discussed Trusteeship at a Trustees meeting so that they are sure of where to obtain further information and support should it be needed. Help would first be sought from the Charity Commission website, though other external help will be commissioned if there is any doubt about any matter.

On appointment, trustees will have signed the declaration of eligibility to be a Trustee. This will include the eligibility detail in Appendices 1 and 2

This policy will be provided to all trustees before, and on, appointment.

Communication of Policy

This policy is placed on the website, advertised in e-communications and discussed at ‘Formation for Responsibility’ meetings.

Review of Policy

This policy will be reviewed periodically as any changes in regulations or best practice occur; this will be at least every 3 years

Agreed

This policy was agreed by the Trustees on 2021

Signed:Chairperson Date:

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Appendix 1

Key points of Charity Law

All Charities in UK are required to comply with the charity regulations. In England and Wales the regulator of charities is the Charity Commission.

Charities must comply with their governing document

And the trustees are jointly and severally liable for correct governance. They must earnestly try to achieve the charitable objects.

All charities must do good – often described as ‘public benefit’, and must also reduce all adverse impacts of their activities as much as possible. This, for example, would include reducing carbon emissions and impact on the environment.

The Trustees take this responsibility when they are appointed.

The charity must ensure that the trustees are ‘fit and proper’, though there is no precisely defined process for this. They must over 18, not be disqualified, not have a conviction for fraud and be clear of several other restrictions. (See Appendix 2 for the complete list of restrictions on Trusteeship). This check is usually arranged through a declaration, which may be annual, given that a person’s situation can change at any time. A criminal records check is only permissible, / required for certain charities.

Charities are required to train their trustees. The training is not defined and will depend on the type, scope and size of the charity. The starting point is to read the Charity Commission’s document “The Essential Trustee” – there is also a shortened version to start with CC3a

Not all charities are registered with the Charity Commission – in fact it is probably only one third. The main reason for not registering is that the turnover has to be over £5,000 or expected to be so. However, charity law applies to both registered and non-registered charities.

How charities report depends on their form and their turnover. There are some tax arrangements for charities, but this does not generally include a dispensation for paying VAT.

Gift aid may be claimed from HMRC, the persons managing that process must be “Fit and Proper” according to the HMRC application.

The Charity Commission “Welcome Pack” is an easy to read webpage. It starts..

Trustees must focus on the charity’s purposes

You must deliver only your charity’s purposes. Your charity’s funds can only be spent on supporting the delivery of these purposes.

Read the governing document. Make sure you understand:

what your charity is set up to achieve (its purposes)

who your charity is there to benefit (its beneficiaries)

what your charity can or cannot do to carry out its purposes (its powers)

Checking that your charity is furthering its purposes is something you will do all the time as a trustee.

The Teams of Our Lady GB Charity Registration includes this detail:

How the charity helps:

Makes grants to individuals

Provides advocacy /advice /information

Acts as an umbrella or resource body

Where the charity operates: Throughout England And Wales, Scotland.

Appendix 2

Eligibility to be a Charity Trustee

As charity trustee you must declare that you are eligible. The following circumstances would disqualify you from eligibility and that you confirm that you meet HMRC's requirements to be considered a "Fit and Proper Person".

Summary of the legal disqualification reasons

Disqualifying reasons relating to unspent convictions

You are disqualified if you have an unspent conviction for:

- a dishonesty or deception offence disqualified from trusteeship. There is more information about what is meant by this in [Annex A](#)
- particular terrorism related offences
- particular money laundering offences
- particular bribery offences
- particular offences under the Charities Act for disobeying a Charity Commission order or direction
- offences for misconduct in public office, perjury, and perverting the course of justice
- attempting, aiding or abetting these offences

You are not disqualified if your conviction is spent. You can use this [guidance from the charity Unlock](#) to work out when your conviction becomes spent, and so no longer disqualifies you from being a charity trustee and from holding certain senior manager positions at a charity.

You can also look at the [Nacro website](#) or at the [employment section of GOV.UK](#) for information about what counts as a spent conviction and when convictions become spent.

Other disqualifying reasons

You are disqualified if you:

- are subject to notification requirements under sexual offences legislation, commonly referred to as being on the sex offenders register. If these notification requirements apply to you, you are disqualified by the automatic disqualification rules, even if your offence is spent
- are currently declared bankrupt or are subject to bankruptcy restrictions or an interim order, including an individual voluntary arrangement (IVA) - limited exceptions apply
- are subject to a debt relief order under the Insolvency Act 1986, or a debt relief restrictions order, or interim order, under that Act
- are disqualified from being a company director - limited exceptions apply
- have previously been removed as a trustee, or as an officer, agent or employee of a charity by either the Charity Commission or the High Court due to misconduct or mismanagement
- have previously been removed from a position of management or control of a charity in Scotland for mismanagement or misconduct
- have been found to be in contempt of court for making, or causing to be made, a false statement - limited exceptions apply
- are a designated person under particular anti-terrorist legislation

The disqualifying reasons and the exceptions are set out in full in the [disqualifying reasons table](#) (ODT, 20.7KB).

It is important that you look at these full descriptions to decide if you are disqualified, and to see the limited exceptions that apply. You may need help from a legal advisor to decide whether your circumstances fall within the disqualifying reasons.

HMRC Fit and Proper Persons Declaration

HMRC also requires that those who are running charities (Trustees and Managers) are “fit and proper persons”. Examples of factors that may lead to HMRC deciding that a trustee or manager is not a fit and proper person include, but are not limited to, where individuals:

I am not disqualified from acting as a charity trustee

- I have not been convicted of an offence involving deception or dishonesty (or any such conviction is legally regarded as spent)
- I have not been involved in tax fraud or other fraudulent behaviour including misrepresentation and/or identity theft
- I have not used arrangements notified under the Disclosure of Tax Avoidance Schemes ("DOTAS") rules in Part 7 Finance Act 2004 in respect of which a reference number has been issued under section 311 of Finance Act 2004, where the arrangements featured charitable reliefs or which used a charity, and where my tax position has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.
- I have not used tax arrangements which have been successfully counteracted under the general anti-abuse rules (see Part 5 of Finance Act 2013 or section 10 National Insurance Contributions Act 2014, as enacted or as amended from time to time) where such counteraction has become final.
- I have not been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity, and I am not:
 - a promoter named by HMRC under the Promoters of Tax Avoidance Schemes (POTAS) legislation in Part 5 of Finance Act 2014, or
 - a promoter of any tax arrangements designed or intended to obtain for any person a tax advantage and such tax advantage has successfully counteracted by HMRC under the general anti-abuse rule (see Part 5 of Finance Act 2013 and section 10 National Insurance Contributions Act 2014 as enacted or as amended from time to time) and such counteraction has become final, or
 - a promoter of arrangements notified under DOTAS, in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the tax position of all or any of the users of the arrangements has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final
- I am not an undischarged bankrupt
- I have not made compositions or arrangements with my creditors from which I have not been discharged
- I have not been removed from serving as a charity trustee, or been stopped from acting in a management position within a charity
- I have not been disqualified from serving as a Company Director I will at all times seek to ensure the charity's funds, and charity tax reliefs received by this organisation, are used only for charitable purposes

Charity Trustee Responsibilities - For charities in general – specifics need to be detailed.

See Charity Commission “Jigsaw”

www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/544220/Jigsaw.pdf

<ul style="list-style-type: none"> • act strictly in accordance with the charity’s governing document
<ul style="list-style-type: none"> • act together and in person and not delegate control of the charity to others
<ul style="list-style-type: none"> • maintain all assets
<ul style="list-style-type: none"> • act in the charity’s interests only and without regard to your own private interests
<ul style="list-style-type: none"> • ensure adequate insurance is in place for all assets and equipment
<p>Safeguard all assets: For funds; collect it, protect it, account for it Also look after Capital and Reputation. Risk Assess. Develop best practices to protect organisation and people</p>
<ul style="list-style-type: none"> • ensure adequate insurance exits for all activity including legal liability
<ul style="list-style-type: none"> • take proper professional advice on matters on which you are not yourselves competent
<ul style="list-style-type: none"> • manage the charity’s affairs prudently
<ul style="list-style-type: none"> • ensure proper accounting procedures are in place, are used and are effective
<ul style="list-style-type: none"> • keep full and accurate accounting records
<ul style="list-style-type: none"> • collect in full all monies owed or due to the charity, including membership fees, tax and rate relief,
<ul style="list-style-type: none"> • make sure bank accounts are operated by more than one person
<ul style="list-style-type: none"> • make sure all the charity’s property is under control of the Trustees
<ul style="list-style-type: none"> • ensure that funds held for different purposes are identified so that the accounting records clearly show at all times the amounts held for each purpose
<ul style="list-style-type: none"> • must not significantly accumulate income unless you have specific future use for it
<ul style="list-style-type: none"> • income must be spent solely for the purposes set out in the charity’s governing document. And must only be spent on the declared purpose of the fundraising
<ul style="list-style-type: none"> • Must always observe the law
<p>If you need to employ staff:</p>
<ul style="list-style-type: none"> • you should give each employee a proper contract of employment, and
<ul style="list-style-type: none"> • give each employee a written job description making clear the extent of their authority to act on your behalf.
<p>If you raise funds by public appeal you should:</p>
<ul style="list-style-type: none"> • make sure your appeal properly describes what public donations will be used for
<ul style="list-style-type: none"> • be open and honest about the costs of any appeal
<ul style="list-style-type: none"> • not use fund-raising methods which exert undue pressure on people to give
<ul style="list-style-type: none"> • approve in advance any fund-raising or advertising campaign.
<p>Liability of Charity Trustees</p>
<p>Charity Trustees must act prudently, lawfully and in accordance with the charity’s governing document. If you do not act responsibly could be liable for losses or wrong use of funds.</p>
<p>If they act otherwise, they may be in breach of trust and may become personally liable for any loss incurred by the charity. However, Trustees may be excused for acting in breach of trust if they acted honestly and reasonably. Trustees must act jointly in administering the charity; they will also be responsible jointly to meet any liability incurred by them or on their behalf.</p>
<p>No Trustee acting alone can bind their fellow Trustees unless specifically authorised by the Committee. When making decisions, the Committee do not have to be unanimous. Therefore a majority vote binds all the members even if a Trustee is absent from a meeting.</p>
<p>No trustee can act alone; but if they did it must be dealt with; revise protocols; “expenses claim” approach</p>
<p>If a Trustee votes against a decision, this should be properly recorded in the minutes. As individuals, the Trustees must act in the best interests of the charity.</p>