



The Essex Association of Change Ringers

Founded 1879

President: The Right Reverend the Lord Bishop of Chelmsford

TRUSTEE DECLARATION OF ELIGIBILITY AND RESPONSIBILITY

Under the Charities Act 2011, all members of the Management Committee are, in law, trustees of the Essex Association of Change Ringers. The act imposes certain requirements and restrictions upon charity trustees. Trustees of charities in England and Wales must therefore complete and sign this form to confirm their eligibility to be a trustee. The declaration should be forwarded to the Association Treasurer as soon as possible after election or appointment.

DECLARATION of eligibility for newly appointed trustees (Please print your details using BLOCK CAPITALS)	
Personal Details <i>The following information is required and will be shown on the Register of Charities</i>	
Title <input type="text"/>	Full Names <input type="text"/>
<i>The following information is also required as it needs to be disclosed on the Annual Return made by the Association to the Charity Commission but will NOT be shown on the Register of Charities</i>	
Address <input type="text"/>	Postcode <input type="text"/>
Date of birth <input type="text"/>	Telephone number <input type="text"/>
Office(s) held <input type="text"/>	

By signing this form, you declare that you:

- are willing and eligible to act as a trustee
- understand the Association's purposes (objects) and rules set out in its governing document and support its objects
- are 18 years of age or over at the date of election or appointment
- **are not disqualified from acting as a trustee** and in the event of becoming disqualified, will take no further part in the affairs of the charity whilst such disqualification lasts

The Charity Act 2011 lists the conditions under which anyone is disqualified from serving as a trustee. They are:

- An unspent conviction for an offence involving dishonesty or deception
- An undischarged bankrupt (or subject to bankruptcy restrictions or an interim order)
- An undischarged composition or arrangement with creditors e.g. an individual voluntary arrangement (IVA)
- Are disqualified from being a company director or are subject to an order made under section 429(2) of the Insolvency Act 1986
- Have previously been removed as a trustee by the Charity Commission or the High Court due to misconduct or mismanagement
- Are disqualified or barred from acting as a trustee of this charity under the Safeguarding Vulnerable Groups Act 2006, amended by Protection of Freedoms Act 2012

From 1 August 2018, the Charity Commission disqualification rules make it an offence for a trustee to serve if:

- There is an unspent conviction for specified terrorism offences
- There is an unspent conviction for a specified money laundering offence
- There is an unspent conviction for specified bribery offences
- There is an unspent conviction for the offence of contravening a Charity Commission Order of Direction
- There is an unspent conviction for offences of misconduct in public office, perjury or perverting the course of justice
- There are unspent convictions for aiding, attempting or abetting the above offences
- The person is on the sex offenders register
- There is an unspent sanction for contempt of Court
- The person has disobeyed a Commission Order
- The person is a 'designated person' (under specific anti-terrorism legislation)

I also declare the information I have provided is true, complete and correct and I understand that it's an offence under section 60(1)(b) of the Charities Act 2011 to knowingly or recklessly provide false or misleading information

Please tick the box to confirm that you have read and understand the Rules of the Association and that you will comply with your responsibilities as a trustee as set out in the Charity Commission's guidance *The Essential Trustee (CC3)*, a summary of which is overleaf

Signed Date

Please return this form to the Association Treasurer as soon as possible

Charity Trustee: what's involved (CC3a version May 2018)

Find out more about being a trustee - The essential trustee: what you need to know, what you need to do (CC3)

About charity trustees

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 or 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. Most trustees don't get paid for their role, but you can claim reasonable expenses as a trustee.

Before you start - make sure you are eligible

You must be at least 18 years old to be a trustee. You must be properly appointed following the procedures and any restrictions in the charity's governing document. You must not act as a trustee if you are disqualified unless authorised to do so by a waiver from the Commission. Until 31 July 2018, the reasons for disqualification include:

- having an unspent conviction for an offence involving dishonesty or deception (such as fraud)
- being bankrupt, or entering into a formal arrangement (for example an individual voluntary arrangement) with a creditor
- removal as a company director or charity trustee because of wrongdoing

New reasons for disqualification were added on 1 August 2018. There are further restrictions for charities that work with children or adults at risk.

Trustees' 6 main duties

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

Spending charity funds on the wrong purposes is a very serious matter; in some cases trustees may have to reimburse the charity personally.

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

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

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.

Chair and treasurer trustee roles

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).

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).