

CHARITY TRUSTEE DUTIES IN SCOTLAND

Charity trustees are the people who control and manage a charity. As a charity trustee, you have legal duties:

YOU MUST ACT IN THE INTERESTS OF THE CHARITY

- You must do what is best for the charity and its beneficiaries, not what is best for you, your friends or family.
- You must put the needs of the charity before the needs of any other organisation that you are involved with either in a personal or professional capacity.

YOU MUST OPERATE IN A MANNER CONSISTENT WITH THE CHARITY'S PURPOSE

- Your charity's purposes are set out in your governing document (often called a constitution, trust deed or memorandum and articles of association).
- Every charity has a governing document and everything you do should be directed at achieving your charitable purposes.
- Every trustee should know what the governing document says.

YOU MUST ACT WITH CARE AND DILIGENCE

- You have to protect your charity including its beneficiaries, assets and reputation.
- You should have a clear, up-to-date picture of how it is doing financially, and have procedures in place to deal with any risks.
- If the charity faces a problem, it is ok to use the charity's money to get independent advice, if you need to.
- You're responsible for making sure your charity complies with any relevant laws. For example, health and safety, employment, data protection and equality laws.

YOU MUST COMPLY WITH THE CHARITIES AND TRUSTEE INVESTMENT (SCOTLAND) ACT 2005

- You must understand the legal requirements of being a charity.
- You must comply with the specific duties of Scottish charity law.

GET THE FULL PICTURE:

You can find our Guidance For Charity Trustees at www.oscr.org.uk

For support in recruiting trustees you can contact your local Third Sector Interface. Every local authority area in Scotland has one TSI – find yours at www.vascotland.org

FURTHER HELP AND SUPPORT:

- The Scottish Council for Voluntary Organisations can help with trustee recruitment and induction: www.scvo.org.uk
- You can find your local Third Sector Interface at www.vascotland.org
- Volunteer Scotland is the national volunteering body and can advertise your trustee vacancies free of charge: www.volunteerscotland.net
- www.reachskills.org and do-it.org can support you with matching opportunities for trustees.

Telephone: 01382 220446
8.30am to 4.30pm Monday to Thursday
8.30am to 4pm Friday
Email: info@oscr.org.uk

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TAKING STEPS TO SUCCESSFUL TRUSTEE RECRUITMENT



6 STEPS TO SUCCESSFUL CHARITY TRUSTEE RECRUITMENT

Having a diverse board can help to make your charity more effective. The right mix of skills and experience will boost your charity's ability to meet its aims.

The steps below are a general guide for good practice, some of them might not be appropriate for all charities.



STEP 1 – CHECK THE RULES

Look at your governing document; what are the rules for appointing new trustees? Are there any restrictions on who can be a trustee? If you're not sure what your rules say then contact your local Third Sector Interface (TSI) for help.



STEP 2 – SKILLS AUDIT

Assess the skills of the current board before recruitment starts. This might be a self-assessment questionnaire or simply a conversation at a board meeting. Think about where the gaps are on the board and work out what you need from a new trustee. Writing a brief description of the role helps you be clear about what you want from potential candidates.



STEP 3 – ADVERTISE

Create a clear advert that says what the charity does and what you are looking for from someone. Think about where the people you want to attract would be likely to see your advert – whether it's social media, newspapers or newsletters, notice boards, your website or posters. TSIs and Volunteer Scotland offer free advertising.



STEP 4 – CANDIDATE SELECTION

Invite candidates to an informal chat or interview and be prepared to answer any questions they may have. Select the candidate(s) with the skills, passion and enthusiasm that you need. Remember, it's important to thank everyone for their interest. Unsuccessful candidates might still want to help your charity in another way.



STEP 5 – ELECT

Now that you have the right person(s) for the job, make sure you elect in line with your governing document. If your charity is membership based, remember they need to be elected by the membership.

It's good practice to ask all new trustees to complete a trustee declaration form.



STEP 6 – INDUCT

All charity trustees must understand their legal duties. Giving them the key documents they need (the charity's accounts, governing document, previous minutes of trustee meetings) will help them to understand how the charity operates. Mentoring and holding social events with all the trustees is a good way to start your new trustee off on the right path, as well as identifying any training they might need.

Not sure where to start? Sample inductions are available from SCVO, or your local TSI will be able to help.