

Charity Trustees



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0845 300 1818

The Scout Group

The Charity Trustees of a Scout Group are the members of the Group Executive Committee. The Policy, Organisation and Rules (POR) of The Scout Association lists the members of the Group Executive under four categories of members as follows:-

1. Ex Officio Members

- Group Chairman
- Group Secretary
- Group Treasurer
- Group Scout Leader
- Assistant Group Scout Leader
- All Section Leaders (not Assistants)
- Group Scout Fellowship Chairman
- Explorer Scout Leader (if stated in a Partnership Agreement)
- Sponsoring Authority or its nominee (if any)

2. Nominated Members

- persons nominated by the Group Scout Leader
- the nominations must be approved by the Group Council at the Group's Annual General Meeting
- the number of Nominated Members must not exceed the number of Elected Members

3. Elected Members

- persons elected by the Group Council at the Group's Annual General Meeting.
- these should normally be four to six in number
- the actual number must be the subject of a resolution by the Group Scout Council

4. Co-opted Members

- persons co-opted annually by the Group Executive Committee
- the number of Co-opted Members must not exceed the number of Elected Members.

[Note: With effect from January 1997, the District Commissioner and District Chairman are no longer Ex-Officio Members of Group Executive Committees. Instead, they have a right to attend meetings. They are not Trustees of the Group. They do not have the right to vote at meetings.]

The Group Scout Council is the body to which the Group Executive Committee is accountable. For membership of the Group Council see POR.

The members of the Group Council are not charity Trustees except for those who are members of the Group Executive Committee as well.

The District Scout Council

The Charity Trustees of a Scout District are the members of the District Executive Committee. The Policy, Organisation and Rules (POR) of The

Scout Association lists the members of the District Executive under four categories of members as follows:-

1. Ex Officio Members

- District Chairman
- District Secretary
- District Treasurer
- District Commissioner
- District Explorer Scout Commissioner

2. Nominated Members

- persons nominated by the District Commissioner
- persons nominated need not be members of the District Scout Council
- the number of Nominated Members must not exceed the number of Elected Members
- the nominations must be approved by the District Scout Council at the District Annual General Meeting

3. Elected Members

- persons elected by the District Scout Council at the District Annual General Meeting
- there should normally be four to six Elected Members
- the actual number must be the subject of a resolution by the District Scout Council

4. Co-opted Members

- persons co-opted annually by the District Executive Committee
- the number of Co-opted Members must not exceed the number of Elected Members.

Chairman are no longer Ex-Officio Members of District Executive Committees. Instead, they have a right to attend meetings. They are not Trustees of the District. They do not have the right to vote at meetings.]

The District Scout Council is the body to which the District Executive Committee is accountable. For membership of the District Council see POR.

The members of the District Council are not charity Trustees except for those who are members of the District Executive Committee as well.

The County/Area Scout Council

The Charity Trustees of a Scout County/Area are the members of the County/Area Executive Committee. The Policy, Organisation and Rules (POR) of The Scout Association lists the members of the County/Area under four categories of members as follows:-

1. Ex Officio Members

- County/Area Chairman
- County/Area Secretary
- County/Area Treasurer
- County/Area Commissioner
- County/Area Scout Network Commissioner

2. Nominated Members

- persons nominated by the County/Area Commissioner in consultation with the County/Area Chairman
- persons nominated need not be members of the County/Area Scout Council
- the number of Nominated Members must not exceed the number of Elected Members
- the nominations must be approved by the County/Area Scout Council at the County/Area Annual General Meeting

[Note: With effect from January 1997, the County/Area Commissioner and County/Area

3. Elected Members

- members of the County Scout Council elected annually by the County/Area Scout Council
- there should normally be four to six Elected Members
- the actual number must be the subject of a resolution by the County/Area Scout Council

4. Co-opted Members

- persons co-opted annually by the County Executive Committee.
- the number of Co-opted Members must not exceed the number of Elected Members

[With effect from January 1997, the Chief Commissioner is no longer an Ex-Officio Member of County/Area Executive Committees. Instead, he has a right to attend meetings. He is not a Trustee of the County/Area. He does not have the right to vote at meetings.]

[The County's/Area's Nominated Member(s) and Youth Representative on the Council of The Scout Association should be invited to attend meetings of the County/Area Executive Committee if they are not already a member. If they are not already members they are not a Trustee of the County/Area. They do not have the right to vote at meetings. In England the Field Development Officer should be invited to attend meetings.]

The County/Area Council is the body to which the County/Area Executive Committee is accountable. For membership of the County/Area Scout Council see POR.

The members of the County/Area Council are not charity Trustees except for those who are members of the County/Area Executive Committee as well.

Qualifications for Trustees

A Trustee must be at least eighteen years old, a responsible person and one who is not disqualified under Section 72 of the Charities Act 1993. A person is disqualified from being a Trustee if he/she :-

- has been convicted at any time of any offence involving deception or dishonesty, unless the conviction is regarded as spent; or
- is an undischarged bankrupt; or
- has made a composition with creditors and has not been discharged; or
- has at any time been removed by the Charity Commissioners or by the court in England, Wales or Scotland from being a Trustee because of misconduct; or
- is disqualified from being a company director; or
- has failed to make payments under a county court administration order.

It is possible to apply to the Charity Commissioners for a waiver under Section 72 (4) of the Charities Act 1993 in certain circumstances.

Responsibilities of Charity Trustees

Trustees have a responsibility for controlling the management and administration of the charity. In relation to a Scout Group, these responsibilities include but are not limited to the following:-

- promoting the objects of Scouting and monitoring the Group's activities
- repair, maintenance and insurance of buildings belonging to the Group
- ensuring that the Group's assets and equipment including motor vehicles and boats etc. are properly insured managed and protected.
- maintaining adequate insurance for activities not covered by the Association's legal liability policy eg major events, marine and boating risks, aviation and air activity risks, authorised Scout visits abroad, go karting, tree felling
- arranging adequate travel insurance for visits abroad

- raising funds and ensuring that the Group has adequate funds for its activities
- ensuring that proper accounting procedures are in place
- arranging Group public occasions
- arranging accommodation and assisting in finding camp sites
- assisting in recruitment of Leaders and other adult support
- appointing any sub-committees which may be required
- appointing Group Administrators and Advisers other than those elected

The responsibilities of District and County Executive Committees are similar. Additional responsibilities are set out in POR Rule 9 (b) (iii) for District and in Rule 12 (b) (iii) for County Executive Committees

Role of Specific Officers

The Chairman

The Chairman is responsible for drawing up the agenda and chairing meetings of the Executive Committee. He/she takes a leadership role in ensuring that the committee fulfils its responsibilities in the administration of the charity. Other tasks may include authorising action to be taken between meetings of the full committee, and signing legal documents.

The Secretary

The Secretary is responsible for sending out agendas and papers, taking minutes, checking that a quorum is present, taking on other duties which may be delegated by the committee and maintaining the Scout unit's records.

The Treasurer

The Treasurer is responsible for overseeing the financial affairs of the charity, ensuring its financial viability and that proper accounting records and procedures are maintained. A treasurer should help other Trustees to perform their financial duties by explaining the accounting requirements and keeping the committee aware of its financial responsibilities. The duties may include preparation of budgets and financial reports. All

Treasurers should be aware of the accounting and audit requirements for charity accounts. See the factsheets available from the Scout Information Centre.

Liability of Charity Trustees

Provided that Trustees act prudently, lawfully and in accordance with the charity's governing document - ie The Scout Association's Policy Organisation and Rules made pursuant to the Association's Royal Charter and Bye Laws - any liabilities which they incur as Trustees may be refunded from the assets of the charity.

If they act otherwise, they may be in breach of trust and may be personally liable to make up any loss incurred by the charity. However, Trustees may be excused for acting in breach of trust if they acted honestly and reasonably. Since 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.

No Trustee acting alone can bind his or her fellow Trustees unless specifically authorised to do so by the Executive Committee. However, the committee's decisions do not have to be unanimous. Therefore a majority vote binds all the members even if a Trustee is absent from the meeting.

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 and avoid conflict with personal interest and must not profit from their trusteeship.

The following is a list of examples where an Executive Committee may be liable. The list is not meant to be exhaustive.

- failing to insure or maintain property
- failing to obtain a valuation report from a qualified surveyor in case of a sale of land with or without buildings
- receiving salary or other payment for being a Trustee (in certain circumstances, some Trustees may receive payment eg if acting in a professional capacity)

- approving expenditure on items outside the scope of the charity's objects e.g. in the case of a scout unit, spending money on a non-scouting activity
- failing to complete annual returns to the Charity Commission
- approving a loan knowing that the charity will not have the means to repay it or not considering whether the charity is capable of repaying the loan
- failing to ensure health and safety standards are followed

Trustee Indemnity Insurance

If a Trustee causes a loss to an organisation through a breach of trust or duty then the Trustee is normally required to make good the loss to that organisation.

It is possible for Charity Trustees to take out indemnity insurance to protect themselves against personal liability arising out of honest mistakes made in properly undertaking the administration of the charity.

Any insurance would not cover a Trustee's wilful breach of trust or duty, nor does it cover liability for contracts entered into with third parties by or on behalf of the charity. Therefore, the Charity Trustees need to ensure that there are sufficient funds available to finance any contractual liabilities.

The premium for liability insurance may be paid out of the funds of the charity only if the governing document so provides. This is because the power to buy Trustee indemnity insurance confers a personal benefit on Trustees and under general law, a Trustee is not entitled to the benefit from his trusteeship. In the case of The Scout Association, the adoption of such a power would require an amendment to the Royal Charter which is not considered to be a viable proposition at this time.

The Association's view is that as Trustee indemnity insurance is very limited in scope and the premiums are relatively high, it is not worth trying to amend the Royal Charter.

Therefore, the members of an Executive Committee cannot use the unit's funds to pay the premium although it is still open to members to pay the premium out of their own resources.

The Association's legal liability insurance policy covers liability arising out of Scouting activities and occupier's liability. Details of this insurance are given in POR.

Further Sources of Information

- Scout Information Centre, The Scout Association, Gilwell Park, Chingford, London E4 7QW

Open 8am-8pm weekdays, and 9am-12pm on Saturdays

Tel: 0845 300 1818 (Local Rate)

Dir: 020 8433 7100

Fax: 020 8433 7103

E-Mail: info.centre@scout.org.uk

- ScoutBaseUK (Members Website)
Web: www.scoutbase.org.uk
- Charity Commission
Web: www.charity-commission.gov.uk
- The Good Trustee Guide
Published by The National Council of Voluntary Organisations (NCVO)
Price £25 (March 2003)
Tel: 020 7713 6161
Web: www.ncvo-vol.org.uk