Diocesan Trustee Guide (England & Wales)

**What you need to know**

**What you need to do**

This document aims to give a brief outline of the responsibilities of Mothers’ Union trustees in dioceses in England and Wales.

However, the information in this document can only give general guidelines. If you would like any clarification on any of these issues, please contact Mary Sumner House (020 7222 5533) or email mu@mothersunion.org

Further details about the duties of all charity trustees can be found in the Charity Commission document *The essential trustee* (CC3) which is available on the Charity Commission website:

<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>

**The six main duties of diocesan trustees**

1. Carrying out the purposes of Mothers’ Union for the public benefit

Every trustee should have a copy of their diocesan constitution/governing document which sets out both the purposes (aims and objectives) for which the Mothers’ Union charity is established and what trustees are able to do to achieve these purposes. If you are unsure about any of the contents of your governing documents, or about what Mothers’ Union can and cannot do in the diocese, ask for clarification at a trustee meeting (you may not be the only person who is unsure!).

As part of the trustee board, you have a responsibility for developing a plan for Mothers' Union to achieve its aims, identifying what you want to achieve and how this will benefit the public in your diocesan area or society at large.

Although this sounds quite daunting, if the trustee board focuses on meeting the requirements in the following sections, you should be carrying out the work and mission of Mothers’ Union and providing public benefit.

# Further Information

For more information on public benefit:

<https://www.gov.uk/government/publications/public-benefit-an-overview/public-benefit-an-overview>

2 Complying with your constitution/governing document and the law

Every charity needs to operate in accordance with:

* its constitution/governing document
* charity law
* other laws and regulations.

*Constitution/governing document*

You need to be familiar with your diocesan constitution/governing document so you can be sure that decisions about the activities of Mothers’ Union in your diocese are within our aims and are made in accordance with the procedures set out for your trustee board (for example, who can vote at meetings).

*Charity Law*

As a board, you need to be sure that:

* proper financial records are kept
* an annual return and accounts are sent to the Charity Commission
* the Charity Commission is told of any changes to the information on the register, including trustee details.

*Other laws and regulations*

Individual trustees don’t need detailed knowledge of legislation, but need to know that as a trustee board, you are acting within the law in areas such as equality, safeguarding, data protection and health and safety. If your diocese employs any paid staff, you should also be aware of relevant employment legislation.

# Further Information

Information and guidance on relevant legislation can be found on the Mothers' Union website. You can find this in the *Running a diocese: Information for Trustees* section of the Diocese and Province resources page: <https://www.mothersunion.org/running-diocese-information-trustees>

3 Acting in your charity’s best interests

As a trustee board, you are collectively responsible for making decisions that will most effectively carry out the aims of Mothers’ Union in your diocese, both now and in the future.

When making decisions about Mothers’ Union in your diocese, you must:

* have all the information you need to make a reasonable decision. Listen to those who have expertise in an area, but don’t be afraid to ask questions or challenge assumptions. One or two trustees shouldn’t be allowed to drive through decisions without sufficient discussion.
* accept majority decisions.
* take advice in an area where you are uncertain about legal implications, etc before making a decision: the staff team at Mary Sumner House can help in most instances.
* address any conflicts of interest in areas where your personal interests or loyalties could appear to prevent you making a decision in the best interests of Mothers’ Union. Trustee boards should agree a Conflict of Interest policy at the start of each triennial period.

# Further Information

Collective Responsibility in Decision-making and Conflicts of Interest guidance can be found in the *Being a Trustee* section of the Diocese and Province resources page <https://www.mothersunion.org/being-trustee-0>

Further information on decision making by trustee boards can be found at:

<https://www.gov.uk/guidance/charity-meetings-making-decisions-and-voting>

and on managing conflicts of interest at:

<https://www.gov.uk/manage-a-conflict-of-interest-in-your-charity>

4 Managing Mothers’ Union’s resources responsibly

You have a responsibility to make sure that Mothers’ Union in your diocese manages all its resources responsibly, including finances, assets, staff and volunteers, and that inappropriate risks are not taken either with Mothers’ Union assets or its reputation.

*Finances*

There should be a realistic annual budget for Mothers’ Union in the diocese with regular reports given to trustees so you are up to date with the financial situation and how this relates to your agreed budget. All trustees should be provided with and encouraged to comment on financial information.

There needs to be clear financial procedures to record and deal with money coming in and going out.

Your diocese should have a policy about the amount of money being held in its reserves.

*Assets*

Every Mothers’ Union diocese should have (and regularly review) an inventory of all the assets it owns and where these are kept. Make sure these are all appropriately insured.

*Staff and volunteers*

There is information on the Mothers’ Union website about managing staff. Use these to ensure that you are following best practice and complying with the law. Similar principles should be applied to volunteers.

*Managing risk*

Risk cannot be avoided, but a risk assessment policy will help to identify and assess potential risks and determine what action needs to be taken.

# Further Information

You will find guidance on these topics in in the *Running a diocese: Information for Trustees* section of the Diocese and Province resources page <https://www.mothersunion.org/running-diocese-information-trustees>

There is a range of information and links on the Charity Commission website about managing finances:

<https://www.gov.uk/guidance/managing-charity-finances>

5 Act with reasonable skill and care

All trustees are expected to use their own skills and experience, to take advice when necessary and to give time, thought and energy to their role.

You can do this by:

* using your personal skills and expertise and following the advice available for charity trustees.
* taking the time to read papers, etc in advance of meetings, so you can ask for clarification of anything you don’t understand.
* attending trustee meetings so you can contribute to discussions and decision making.
* recognising when significant decisions need professional advice or expertise from outside the board.

Sometimes things go wrong, and in serious cases, action needs to be taken to protect the charity. The most common types of serious incidents include fraud, theft, significant financial losses, criminal breaches and safeguarding issues. If a serious incident does take place, contact the staff team at Mary Sumner House as soon as possible.

# Further Information

Guidance relating to trustee meetings is available in the *Being a Trustee* section of the Diocese and Province resources page <https://www.mothersunion.org/being-trustee-0>

Further information can also be found at:

https://www.gov.uk/guidance/charity-meetings-making-decisions-and-voting

6 Ensure that Mothers’ Union in your diocese is accountable

As a trustee board, you should:

* be open about how you operate and spend the charity’s money
* be able to show to members in the diocese (and the wider public) that your diocesan Mothers’ Union is well run, effective and operating within the law
* Be willing to respond to concerns and complaints
* Be responsible for all decision and actions, even those delegated to sub-committees, employees, etc.

As well as the legal requirement to provide information to the Charity Commission, your constitution/governing document, accounts and annual report should be available on your website.

A simple complaints procedure should be available.

If tasks are delegated, there should be clear boundaries of what has been delegated and regular reports to the trustees

# Further Information

Information on charity accounts and writing an annual report can be found in the *Running a diocese: Information for Trustees* section of the Diocese and Province resources page <https://www.mothersunion.org/running-diocese-information-trustees>

A suggested complaints procedure can be found in the *Templates for Dioceses* section on the same page.

**Plan for the Future**

Trustees are responsible for the future direction of Mothers’ Union in their diocese, as well as day to day running. This involves making decisions, not only about new areas of work and how the funding/resources this may need, but also about reviewing what is currently done, if it is still relevant or if the same outcome could be achieved in a better way.

Find out what is currently happening in your diocese, who is responsible, how the activities are funded.

Put aside some time at a trustee meeting (or arrange an additional meeting) to review and reflect on your current activities and what you’d like to do in the future (strategic planning)

# Further Information

Staff at Mary Sumner House are available to help diocesan trustee boards with a process of review and forward planning.

**What are my personal liabilities?**

Many trustees are concerned about their personal liability. If you act honestly and reasonably, complying with legislation and your constitution/governing document, you are protected by law. However, if you act dishonestly, negligently, recklessly, for your personal benefit or in deliberate breach of the law or your duties, the position is different.

To reduce the risk of personal liability, a trustee board should:

* make sure that everyone understands their responsibilities as a trustee
* make sure the charity can meet its financial obligations, particularly before agreeing to a contract or borrowing money
* hold regular trustee meetings and keep proper records of decisions made
* make sure that decisions are not affected by conflicts of interest
* make sure that any benefits or payments to trustees or connected persons are properly authorised
* take advice from a suitably qualified person when necessary
* give clear written instructions on delegated powers and make sure these are followed
* make sure there are effective management and financial controls, including keeping detailed accounts, receiving regular financial reports and filing accounts on time with the Charity Commission
* make sure that Mothers’ Union in the diocese is complying with any laws appropriate to it.