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Guidance

Charity trustee: what's involved (CC3a)

Find out what being a charity trustee involves, if you can claim expenses and where to get help and advice.

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From:

The Charity Commission (<https://www.gov.uk/government/organisations/charity-commission>)

Applies to:

Wales and England (see guidance for Scotland (<http://www.oscr.org.uk>) and Northern Ireland (<http://www.charitycommissionni.org.uk/>))

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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
- 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 - see [Payments to trustees: what the rules are \(https://www.gov.uk/payments-to-charity-trustees-what-the-rules-are\)](https://www.gov.uk/payments-to-charity-trustees-what-the-rules-are).

Before you start - make sure you are eligible

You must be at least 16 years old to be a trustee of a charity that is a company or a charitable incorporated organisation (CIO), or at least 18 to be a trustee of any other sort of charity.

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. The reasons for disqualification are shown in the disqualifying reasons table and include:

- being bankrupt or having an individual voluntary arrangement (IVA)
- having an unspent conviction for certain offences (including any that involve dishonesty or deception)
- being on the sex offenders' register

You can read the automatic disqualification guidance for charities (<https://www.gov.uk/guidance/automatic-disqualification-rule-changes-guidance-for-charities>) which explains the disqualification rules in more detail.

There are further restrictions for charities that work with children or adults at risk.

Find out more:

The essential trustee - who can be a trustee (<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#s3>)

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.

Find out more:

The essential trustee - purposes and public benefit (<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#s4>)

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.

Find out more about your governing document and the law

(<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#s5>).

Change your charity's details (<https://www.gov.uk/change-your-charitys-details>)

Send a charity's annual return (<https://www.gov.uk/send-charity-annual-return>)

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

Find out more:

The essential trustee - act in your charity's best interests (<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#s6>)

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.

Find out more:

The essential trustee - manage your charity's resources responsibly

(<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#s7>)

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

Find out more:

The essential trustee - act with reasonable care and skill (<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#s8>)

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

Find out more:

The essential trustee - ensure your charity is accountable

(<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#s9>)

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

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.

Find out more about making decisions (<https://www.gov.uk/government/publications/its-your-decision-charity-trustees-and-decision-making>).

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).

Find out more about chair and treasurer roles (<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#s12>).

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).

Find out more about reducing the risk of liability (<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#s10>).

Find out more about being a trustee

Help run a charity (<https://www.gov.uk/government/get-involved/take-part/help-run-a-charity>)

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

A number of organisations provide help and advice to new trustees:

Help offered	Organisation
Information and support about the trustee role	National Council for Voluntary Organisations (http://www.ncvo.org.uk/), National Association for Voluntary and Community Action (https://navca.org.uk/) (in England) or Wales Council for Voluntary Action (http://www.wcva.org.uk/)
Information and advice on charity governance and strategy	Cass Centre for Charity Effectiveness (https://www.cass.city.ac.uk/faculties-and-research/centres/cce) Good Governance: A Code for the Voluntary and Community Sector (http://www.governancecode.org/)
Advice on charity accounting and reporting	Charity Finance Group (http://www.cfg.org.uk/)
Online training for trustees	TrusteElearning (http://savo.org.uk/e-learning/trustee-e-learning/)

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1. 3 May 2018

This publication has been updated in line with recently published guidance on automatic disqualification and safeguarding.

2. 10 July 2015

The commission has published this updated guide to reflect the changes to CC3.

3. 19 August 2014

Added links to organisations that can help with trustee training

4. 23 May 2013

First published.

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Brexit

Check how the new Brexit rules affect you

(<https://www.gov.uk/transition>)

Related content

- Charity trustee: declaration of eligibility and responsibility (<https://www.gov.uk/government/publications/confirmation-of-charity-trustee-eligibility>)
- Charity trustees: resignation and removal (<https://www.gov.uk/guidance/charity-trustees-resignation-and-removal>)
- Finding new trustees (CC30) (<https://www.gov.uk/government/publications/finding-new-trustees-cc30>)
- Payments to charity trustees: what the rules are (<https://www.gov.uk/guidance/payments-to-charity-trustees-what-the-rules-are>)

- The essential trustee: what you need to know, what you need to do (CC3)
(<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>)

Detailed guidance

- How to report a serious incident in your charity (<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>)
- Charity meetings: making decisions and voting (<https://www.gov.uk/guidance/charity-meetings-making-decisions-and-voting>)
- Payments to charity trustees: what the rules are (<https://www.gov.uk/guidance/payments-to-charity-trustees-what-the-rules-are>)
- Charity trustees: resignation and removal (<https://www.gov.uk/guidance/charity-trustees-resignation-and-removal>)
- Charity Commission guidance (<https://www.gov.uk/guidance/charity-commission-guidance>)
- + 3 more
- Why some individuals can't act as charity trustees (<https://www.gov.uk/guidance/charity-trustee-disqualification>), Trustee board: people and skills (<https://www.gov.uk/guidance/trustee-board-people-and-skills>), and Public benefit: rules for charities (<https://www.gov.uk/guidance/public-benefit-rules-for-charities>)

Collection

- List of Charity Commission 'CC' guidance publications
(<https://www.gov.uk/government/collections/list-of-charity-commission-cc-guidance-publications>)
- Further education and sixth-form college governors
(<https://www.gov.uk/government/collections/further-education-and-sixth-form-college-governors>)
- Managing your charity guidance (<https://www.gov.uk/government/collections/managing-your-charity-guidance>)

Explore the topic

- Managing your charity (<https://www.gov.uk/topic/running-charity/managing-charity>)
- Setting up a charity (<https://www.gov.uk/topic/running-charity/setting-up>)
- Trustee role and board (<https://www.gov.uk/topic/running-charity/trustee-role-board>)