



Trustee Recruitment Information Pack

Thank you for your interest in applying to join The Carers Centre for Brighton & Hove's Board of Trustees.

The Carers Centre was established in 1988 as a registered UK charity (No. 1015728). Our mission is to make a positive difference to the lives of carers by encouraging a wider recognition of their caring role; enabling them to fulfil their own needs as individual and offering them appropriate and suitable support.

Currently, we have five trustees and we are aiming to recruit more.

The Carers Centre pays trustees reasonable travel expenses and provides an induction into the Carers Centre's work.

Trustees are required to attend five meetings a year, in Brighton, that last about 2 hours. Additionally, trustees meet for one ½ day to attend the yearly trustee/staff away day.

This information pack contains five sections:

1. A copy of the full advertisement for the trustee vacancies
2. A job description and person specification for the Carers Centre trustees
3. Information about who can and cannot become a charity trustee, and about the legal responsibilities of charity trustees
4. Strategic aims of The Carers Centre for Brighton & Hove
5. How to apply

1. The advertisement

Trustees

The Carers Centre for Brighton & Hove is seeking trustees to join the existing team. We are interested in receiving applications from those with skills and experience in the following areas:

- Leadership/Management
- Human Resources
- Public Relations
- Legal

For an informal discussion about the role of trustee please contact Chris Lau on 01273 746 222 or info@thecarerscentre.org

2. Job description and person specification

Job description

1. To ensure that The Carers Centre for Brighton & Hove complies with its governing document, charity law and any other relevant legislation or regulations
2. To ensure that The Carers Centre for Brighton & Hove pursues its objects as defined in its governing document and that resources are only expended in pursuit of these objects
3. To provide strategic direction to the organisation, such as setting overall policy, defining goals, and evaluating performance against agreed targets
4. To ensure the financial stability of The Carers Centre for Brighton & Hove.
5. To appoint the Director and monitor his/her performance
6. As well these responsibilities, trustees may be asked to support/advise on any area of The Carers Centre for Brighton & Hove's work where they have particular experience, knowledge or skills

Person specification

Our goal is to have a balanced Board which reflects our activities and our supporters, and who between them have the range of skills and experience necessary for the effective running of the organisation.

We are interested in receiving applications from those with specific skills and experience in the following areas:

- Marketing
- Leadership/management

Trustees should also be able to demonstrate:

- A commitment to the charity and a willingness to devote the necessary time and efforts
- An understanding and acceptance of the legal duties, responsibilities and liabilities of trusteeship
- The ability to critically analyse information
- An ability to work effectively as a member of a team
- A willingness to speak their mind

3. Information about who can and cannot become a charity Trustee; and the legal responsibilities of charity Trustees.

No one under the age of 18 can be appointed as a charity trustee. Some people are disqualified by law from acting as charity trustees, including if you answer 'yes' to any of the following questions:

- Have you been convicted at any time of any offence involving deception or dishonesty, unless the conviction is legally regarded as spent?

- Are you a discharged bankrupt?
- Have you made compositions or arrangements with your creditors from which you have not been discharged?
- Have you at any time been removed by the Commissioners or by the court in England, Wales (or by the Court of Sessions in Scotland) from being a trustee because of misconduct?
- Are you disqualified from being a company director?
- Are you subject to an order made under s.429 (2) (b) of the Insolvency Act 1986?

You will be asked to sign a declaration confirming that to the best of your knowledge you are not disqualified from being a trustee.

What are the legal responsibilities of trustees?

This section contains extracts from *The Good Trustee Guide* published by the National Council for Voluntary Organisation (NCVO). A copy of the latest edition of *The Good Trustee Guide* will be provided to successful applicants.

Charity trustees are responsible under the charity's governing document for controlling the management and administration of the charity. *This means that trustees are ultimately responsible for everything the charity does and how it does it.*

Their overriding duty is to act in good faith, that is, in the belief that what they are doing is correct, within charity law. In addition, they must make sure that the charity pursues its aims, as set out in its governing document, uses its assets exclusively to pursue those aims, and acts in the interests of its beneficiaries. They must act personally (i.e. take an active part) in the best interests of the charity, avoid conflict with their personal interests and must not profit from their trusteeship.

Charity law

Under charity law, all trustees must be eligible for trusteeship, must follow the Charity Commission's disclosure, reporting and accounting requirements including those introduced in the Charities Act 1993. Failure to do this is a criminal offence. They must keep within the law on trading, political activities and fundraising.

Company law

As trustees of a charitable company, they must comply with the legal requirements relating to company directors. They must ensure that the charity keeps up to date with its company returns and record keeping. They must act in the best interests of the company even where this conflicts with their private or other interests. They must not continue trading as a company if they know, or should have known, that the company is insolvent.

What standards would you have to meet as a trustee?

Trustees are expected to act reasonably and prudently in all matters relating to the charity and in its long-term interests. They must act with the same degree of care, as a prudent person of business would exercise in the management of his or her own affairs or those of someone else for whom they had responsibility. In practice, this means that they need to know about the legal, financial and managerial issues affecting the charity, although they are not expected to have expert knowledge. If they state that they have expertise in a given area, however, they will be expected to act with a higher duty of care and this will be taken into account should any issue come to the attention of the courts or the Charity Commission.

If they do not seek advice on matters on which they are not an expert, be they legal, financial or managerial, they could be regarded as having acted imprudently and may be personally liable for the consequences. The Charities Act 1993 requires them to seek professional advice in some instances, for example, in relation to certain land transactions.

What happens if a trustee disagrees with his or her fellow trustees?

Trustees are 'jointly and severally' responsible for the activities of the charity and must act together. No trustee acting alone can bind his or her fellow trustees, unless specifically authorised to do so. However, the Board's decisions do not have to be unanimous. Therefore, the majority bind the minority, and you would be bound by the decisions of your fellow trustees even if you were absent from a meeting. If you vote against a decision, make sure your vote is recorded in the minutes and if the matter is serious, for example if you think the charity is going to spend resources on something outside its objects (which would be a breach of trust), you should consider resignation.

What are 'charitable objects'?

The governing document of the charity sets out its aims or 'objects' that is the underlying purpose of the organisation.

Trustees have a duty to act within the objects of the charity, and to apply the charity's assets exclusively to pursue those objects. It is a breach of trust to undertake any activities that lie outside the objects. You could be held personally liable to repay to the charity any monies spent on activities outside the objects.

What are the trustees' responsibilities for the charity's assets?

Trustees have a duty to protect all the assets belonging to the charity, by ensuring that there are adequate financial controls and that any land or buildings the charity owns are well maintained and insured.

What legislation do trustees need to be aware of?

The main legislation covering the activities of all charities is the 2006 Charities Act. You also need to be aware of the De-Regulation and Contracting Out Act 1994.

In addition, charitable companies are subject to the 1985 and 1989 Companies Acts. The charity also has to comply with legislation covering such matters as employment, health and safety, taxation and so on and further details are included in *The Good Trustee Guide* which will be provided to successful candidates.

As a trustee, you would not be expected to have a detailed knowledge of this legislation. However, you should be aware that the legislation exists and, where necessary, you should be satisfied that someone is responsible for making sure that effective compliance systems are in place.

What happens if the charity acts outside its powers?

If a trustee allows the charity to act outside its powers, for instance by unlawful sale of charity property, or making unlawful investments, s/he is committing a breach of trust and may be personally liable to reimburse any loss or expenditure.

4. Strategic aims of The Carers Centre for Brighton & Hove

The Carers Centre for Brighton & Hove was founded in 1988 and was officially opened at 210 Church Road, Hove. Twenty five years on, The Carers Centre is a thriving and central community project in Brighton & Hove, with 18 dedicated staff and numerous volunteers.

The Carers Centre for Brighton & Hove will ensure that the organisation is fit for purpose to deliver its vision and that it has the necessary infrastructure and resources by:

- Enabling carers to gain greater access to information, practical and emotional support, services and facilities
- Identifying and prioritising the needs of carers and developing appropriate services as resources become available
- Supporting carers and ex-carers to have an independent voice to positively and effectively influence the development of relevant local services provided by relevant statutory and voluntary organisations
- Promoting a positive image of carers, generating a deeper understand and wide recognition of carers' issues
- Utilising resources within the organisation in the most effective and efficient manner and working towards a recognised quality assurance framework

5. How to apply?

If you would like to be considered for one of the vacancies on the Board, I would be grateful if you would send me the following information:

• Your CV

• A letter setting out:

(a) Why you would like to become a trustee of The Carers Centre for Brighton & Hove

(b) The skills, experience and any other relevant attributes you feel you would bring to the Board. In covering this, please let us know whether you have any of the specific skills or experience mentioned in our advertisement. These were:

- Marketing
- Leadership/Management

(c) Confirmation that you will be able to commit to the five meetings per year, the one half day and to be available outside of these times.

(d) Details of a referee who will be in a position to comment on your suitability to act as a charity trustee; the referee will also be asked to confirm that to the best of his/her knowledge, you are not disqualified from being a trustee.

Please send your CV and application letter to The Carers Centre for Brighton & Hove office (18 Bedford Place, Brighton BN1 2PT) marked **CONFIDENTIAL** for the attention of Chris Lau. Alternatively you can email them to info@thecarerscentre.org