

Issues

- Unable to gain insurance due to age.
- Insufficient expertise, business or financial skills to administer charity.
- Difficulties in finding new trustees.
- Personal liability.
- Growing bureaucracy.
- Trustees unable or unwilling to act (for example by way of skills/experience/determination).
- Retaining independence from external influences.
- Decisions are made in the best interests of the charity.
- What do the trustees need to think about?

What skills, experience and knowledge are required to fill vacant trustee posts?

- The best method of recruiting new trustees.
- What does the governing document say about termination and filling vacancies?
- Do the trustees have powers available to amend the trustee provision clauses?
- Can the trustees employ a Clerk?
- Can the trustees employ a Managing Agent?
- Appointing a corporate trustee.
- Are the trustees able to purchase trustee indemnity insurance?
- Explore new legal identity as a Charitable Incorporated Organisation (CIO).

Information available from the National Almshouse Association: www.almshouses.org

- Standards of Almshouse Management.
- General advice on trusteeship issues through correspondence and visits.
- Almshouse Gazette.
- National Association of Almshouses Comprehensive Insurance Policies (NAACIP).
- Seminars organised in different regions across the country and county meetings.

Information available from Charity Commission website: www.charitycommission.gov.uk

Publications and Guidance - Guidance - How to be an Effective Charity Trustee - Signposts to our published guidance that will help you.

Publications and Guidance – Publications – Quick Links.

- *The Essential Trustee: What you need to know* (CC3).
- *Finding new trustees: What charities need to know* (CC30).
- *Trustee recruitment, selection and induction* (RS1).

Publications and Guidance – Guidance – Operational Guidance – Numerical List of Operational Guidance.

- Trustee indemnity insurance (Operational guidance OG100).

The Commission will be producing detailed guidance on how to set up a Charitable Incorporated Organisation once the consultation exercise on CIOs has been completed.

Information available from other sources

National Council for Voluntary Organisations has several specialist teams who provide information, advice and support. These teams produce publications, briefing papers and guidance notes; run conferences and seminars; and offer a range of practitioner forums (www.ncvo-vol.org.uk).

When is the Commission's authority needed?

If the charity's governing document contains an express prohibition on the purchase of trustee indemnity insurance.

Where an amendment to the trustee provisions would restrict the existing right of any person or organisation to appoint or remove a charity trustee.

Where there is no power available to appoint a corporate trustee (see OG 38).

What information does the Commission require?

- A full explanation of difficulties with trusteeship.
- What options have been considered.
- Details of proposal.

How do the trustees obtain authority?

The trustees may need to complete an application for a Scheme using one of our forms CHY-ST1(A) or CHY-ST1(B). The Commission will forward the form to the trustees once we have agreed to make a Scheme.

How is the Commission's authority given?

By Scheme unless the trustees can make the changes by using one of the following options:

- a power of amendment in its governing document;
- the power in sections 275 to 280 of the 2011 Act (Small Charities provisions);
- the statutory power for all unincorporated charities set out in section 280 of the Charities Act 2011 that enables the trustees of all such charities to 'modify the powers or procedures' in their governing document (see section 4 of OG 45 A1);
- the statutory power in the Companies Act 2006 that enables the members of charitable company to alter the memorandum and articles of association, subject to our **prior** written consent in some cases under s.198 of the 2011 Act, (see OG 47 B2); and
- an Order under s.105 of the 2011 Act used to confer discretionary authorities on the trustees (section 4 of OG 1 A1