



Trustee responsibilities

Trustees have a shared responsibility for effectively managing the branch in order to provide a local animal welfare service in line with Society objects /policies.

It is important that all branch trustees participate fully in and bear equal responsibility for decision-making. For example, although the treasurer has primary oversight of financial matters, the committee as a whole has responsibility for financial decisions and the allocation of resources. A model Code of conduct is available for adoption from the Society and is strongly advised as a way of ensuring good governance.

It is important for branch trustees to understand what is involved in the control and management of the administration of a charity. The [Charity Commission](#) regulates all charities in England & Wales and offers advice and support. It has produced helpful guidance on the various aspects of trusteeship (see [Further information](#)). Trustee training can also be provided by the relevant [BSS](#).

Both elected and co-opted branch trustees must sign a [Trustee Declaration of Willingness to Act](#) to clarify that they are not disqualified from being a trustee and that they accept the post. The declaration is usually signed at the AGM or at the first committee meeting following it, or when trustees are co-opted. Until a trustee has signed and returned the declaration, he/she has not formally accepted the post so should not receive paperwork, etc. and can not vote at committee meetings. This is why it's vital that trustees sign the declaration once they are elected/co-opted.

As of 1st August 2018 in addition to our standard declaration of willingness, trustees also need to complete the [new declaration from the Charity Commission](#) and read their [guidance for individuals](#) on who can't be a trustee or senior manager of a charity.

The declaration is called '[charity trustee positions: automatic disqualification declaration](#)'. **Please complete the new Declaration to confirm you are not disqualified if you haven't already.**

Trustees must also ensure that their senior staff who carry overall responsibility for managing the Branch or its finances, e.g. branch managers, complete the '[senior charity manager positions: automatic disqualification declaration](#)'. This should be done annually and it would be worth taking advice to ensure that the recruitment/contracting process for senior manager positions reflects the requirement that individuals are not disqualified.

It is illegal for a disqualified person to stay in a charity trustee or senior manager position unless the Charity Commission has given him/her a waiver.

Branches should also consider making further checks using official registers which record the names of people who are disqualified from acting as charity trustees:

- The Individual Insolvency Register maintained by the [Insolvency Service](#), which contains details of current and recent bankruptcies and individual voluntary arrangements
- The register of disqualified directors maintained by Companies House. Searches of the register can be made on the [Companies House](#) website
- The [register of all persons who have been removed as a charity trustee](#) either by the commission or by an Order of the High Court since 1 February 1993.

We will produce a single, RSPCA branded declaration form ready for next year so you only have to complete one form in future.

Trustee codes of conduct

These set out the standards of behaviour to be expected of committee members and may be adopted by branches. Although using a [code of conduct](#) is a 'best practice' a suggestion, it is helpful to note that these models are based on industry guidelines and the 'Nolan principles' for standards in public life. Please note there is also a [detailed version of the branch model trustee code of conduct](#). You can also download the [Declaration for fit & proper persons](#) document.

Further useful guidance in this area is available:

- [Good Governance - A Code for the Voluntary and Community Sector](#)
- [Trustees and decision making](#).

Finance

The financial aspects of trustee responsibility are of particular importance. In order to ensure good financial control, the branch must have the following in place:

- full and accurate accounting records
- bank accounts operated by more than one person/cheque signatories
- regular reports produced by the treasurer
- an understanding of SORP (Statement Of Recommended Practice format and content of charity reports and accounts
- procedures to ensure all money owed or due to the charity is collected
- a reserves policy
- an appropriate budget
- an understanding of the implications of holding restricted funds

- impartial professional advice and monitoring performance of investments.

Extensive guidance relating to the financial side of running a branch is covered in the RSPCA pdf document [Guidance for branch trustees - Finance](#), which will be available as sections on the Link shortly. If you require a paper copy of the guidance please contact your [BSS](#).

Reporting requirements

Branch trustees need to make an appropriate statement regarding [risk management](#) in their annual report. The Society provides a template that branches may use to identify and respond to the major risks that apply to their work. In accordance with charity law, each year the branch should produce an [annual report and accounting records](#) and submit an annual return to the Charity Commission.

The Charity Commission aims to increase public trust and confidence in charities, publishing accounts for all charities with an income over £25,000 on their website. Failure to submit accounts/returns on time can therefore be damaging to the reputation of the branch in the eyes of potential donors.

There is guidance both from the Charity Commission and RSPCA as to the legal requirements of accounting / reporting.

Branch AGM

The [branch Annual General Meeting \(AGM\)](#) should be held before the end of June each year ([branch rule 5](#)). It is an opportunity for the trustees to report the year's activities to the members, explain the accounts and answer questions. At the AGM, the members adopt the accounts and elect the trustees for the coming year.

Seeking professional advice

Sometimes it may be necessary for branch trustees to take professional advice. For example, a branch would normally need to consult a solicitor and a surveyor when considering a lease for a charity shop. Support and guidance for trustees can be provided by the [BSS](#) in the first instance.

Data protection

All organisations holding information on computer or in structured manual files are legally obliged to comply with the requirements of the [Data Protection Act 1998](#). The Act applies to information about living individuals and its aim is to protect the rights and privacy of individuals. The RSPCA has a firm commitment to comply with data protection requirements. RSPCA branches must consider and address data protection compliance, including registration with the Information Commissioner's Office. Advice is available on the [The Link](#) and from the Data Protection Compliance Officer at Southern Support Centre, queries should be directed through your [BSS](#).

RSPCA trademarks

The RSPCA's image and reputation are bound up in its universally recognised trade marks – the RSPCA acronym and the lozenge logo. Branch use of the RSPCA trademarks is strictly governed by [branch rules 13](#). The document [RSPCA Trade mark guidelines](#) provides further information and guidance.

Use of Social media

The RSPCA has been increasing its participation in [social media](#) to strengthen the brand and our connection with the public. Given the reach of the Internet, and the fact that something posted today may remain online for many years to come, it's important to follow basic procedures when using social media. Adhering to the [RSPCA Social media guidelines](#) aims to offer protection. Trustees should be mindful that personal views should be kept separate from the work of the RSPCA.

Trustee personal liability

The national Society group policy provides indemnity insurance for breaches of trust committed by branch trustees acting in good faith.

For unincorporated charities there is a risk of incurring personal liability by:

- acting unlawfully, imprudently or outside terms of the governing document.
- committing the charity to debts amounting to more than its assets.

This can be minimised by ensuring the branch:

- complies with its governing document and RSPCA policies
- has good management and financial procedures
- keeps clear & accurate records
- outlines clear responsibilities and procedures for any paid staff
- is aware of employment law developments
- takes professional advice when necessary
- manages/declares any conflicts of interest.

The RSPCA guidance on [Limiting trustees liability](#) provides more detailed information and a copy of a presentation on [Trustee liability](#) is also available. The document [Lease guidance](#) provides further suggestions for limiting trustee liability on charity shop leases.

The guide on [Do you need a trading company?](#) provides detailed guidance for branch trustees considering the need for a trading subsidiary, which allows a charity to ring-fence the funds & liabilities of its commercial undertakings so that if they fail, the charity and its trustees are protected.

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