

The Role of a Trustee in the Education Learning Trust

Trustee board

Trustees of the Trust are both Trustees of the ELT charity and directors of the ELT Company limited by guarantee. The Charities Act 2011 defines charity Trustees as the people responsible under the charity's governing document for controlling the administration and management of the charity, regardless of what they are called. They are known collectively as the Trustee board.

Legal duties of a Trustee

Under charity law ELT Trustees have the ultimate responsibility for directing the affairs of the ELT, and ensuring that it is solvent, well run and delivering the charitable outcomes for which it has been set up. In law Trustees of the ELT have several legal duties, which are often described as those of compliance, care and prudence.

Duty of compliance – Trustees must:

- ensure that the ELT complies with charity law, and with the requirements of the Education and Skills Funding Agency as regulator; in particular ensure that the charity prepares reports on what it has achieved and annual returns and accounts as required by law
- ensure that the ELT does not breach any of the requirements or rules set out in its governing document, funding agreement or the Academy Trust Handbook and that it remains true to the charitable purpose and objects set out there
- comply with the requirements of other legislation and other regulators which govern the activities of the ELT
- act with integrity, and avoid putting yourself in a position where your duty to the charity conflicts with your personal interests or loyalty to any other person or body

Duty of care – Trustees must:

- use reasonable care and skill in their work as Trustees, using their personal skills, knowledge and experience as needed to ensure that the ELT is well run and efficient
- consider getting external professional advice on all matters where there may be material risk to the ELT, or where the Trustees may be in breach of their duties

Duty of prudence – Trustees must:

- ensure that the ELT is, and will remain, solvent
- use the ELT's funds and assets reasonably and responsibly and only in furtherance of the ELT's charitable objects
- avoid undertaking activities that might place the ELT's endowment, funds, assets or reputation at undue risk
- take special care when investing the ELT's funds, or borrowing funds for the ELT to use

Specific duties of Trustees of the ELT

To contribute to the work of the Trustee board in ensuring high standards of achievement for all children and young people across the Trust.

Strategic direction

Trustees must ensure that the ELT has a clear vision, mission and strategic direction that will enable the ELT to fulfil its charitable objects and is focused on achieving these. Trustees must work in partnership with the CEO and other senior staff to ensure that:

- the ELT has a clear vision, set of values and strategy, and that there is a common understanding of these by Trustees, Members, staff and those sitting on academy committees
- operational plans and budgets support the vision and strategy
- the views of stakeholders (parents, pupils, local communities and staff) are regularly sought and considered
- there is regular review of the external environment for changes that might affect the ELT (political, financial, demographic, competitive, partnerships, alliances)
- there is regular review of the need for the ELT and for the services it provides or could provide, and regular review of strategic plans and priorities.

Performance of the Trust

Trustees are responsible for the performance of the ELT, for its impact upon stakeholders and for its corporate behaviour:

- to ensure that the ELT measures its impact and progress towards its strategic objectives and to regularly consider reports on the ELT's performance
- to ensure that there are policies including effective employment policies to direct key areas of the charity's business
- to ensure that the ELT's values are understood and put into practice, by Trustees and staff
- to ensure that there are complaints systems in place for stakeholders
- to ensure that there are processes for Members, Trustees, staff and other stakeholders to report activity which might compromise the effectiveness of the ELT
- to recruit the chief executive and to hold them to account for the management and administration of the charity
- to ensure that the chief executive receives regular, constructive feedback on their performance in managing the charity and in meeting their annual and longer term objectives

Compliance

Trustees must ensure that the ELT complies with all legal and regulatory requirements:

- to ensure, with professional advice as appropriate, that the ELT complies with all constitutional, legal, regulatory and statutory requirements
- to understand and comply with the constitution and rules that govern the ELT, and to review the constitution regularly (at least every three years) to ensure it is fit for purpose

Prudent management of resources

Trustees must be stewards of the ELT's assets, both tangible and intangible, taking care over their security, and how they are used:

- to ensure that the ELT's financial obligations are met and that there are adequate financial controls in place to ensure all money due is received and properly applied, and that all assets and liabilities are recorded
- to act reasonably and prudently in all matters relating to the ELT and always in the interests of the ELT
- to ensure that Trustees take professional advice when needed, and record the advice received

- to be accountable for the solvency of the ELT
- to ensure that the ELT acts in accordance with employment law and that the ELT exercises a duty of care to its employees
- to ensure that intangible assets such as organisational knowledge and expertise, intellectual property, the ELT's good name and reputation are recognised, used and safeguarded
- to review the condition and use of the assets owned by the ELT
- To ensure that the major risks to the ELT are regularly identified and reviewed and that systems are in place to mitigate or minimise these risks

Good governance

Trustees must ensure that the ELT's governance is of the highest possible standard:

- to ensure that the ELT has a governance structure that is appropriate to a charity of its size/complexity, stage of development, and its charitable objects, and reflects the diversity of its stakeholders
- in a multi academy Trust, to ensure that there are effective mechanisms for individual academies within the Trust to be both supported and held to account by the governance structure
- to ensure that decisions are made with a view to promoting the education and wellbeing of children and young people
- to ensure that board decisions are recorded in writing by means of minutes
- to ensure that the board's delegated authority is recorded in a scheme of delegation for board committees, job descriptions for honorary officers, Trustees and key staff, and that reporting procedures back to the board are recorded in writing and complied with
- to ensure that the responsibilities delegated to the chief executive are clearly expressed in the scheme of delegation and understood, and directions given to them come from the board as a whole or other properly authorised route
- to ensure the board regularly reviews the ELT's governance structure and its own performance, to an agreed programme
- to ensure that major decisions and policies are made by the Trustees acting collectively
- to ensure that the board has within its membership the skills it requires to govern the ELT well
- to ensure that the board has access to, and considers, relevant external professional advice and expertise
- to ensure that there is a systematic, open and fair procedure for recruitment of Trustees and of the chief executive
- to ensure that all Members of the board receive appropriate induction on their appointment and that they continue to receive appropriate advice, information and training (both individual and collectively)
- to ensure that Trustees have a code of conduct and comply with it, and that there are mechanisms for the removal of Trustees who do not abide by the Trustee code of conduct

This document will be reviewed annually.