

# The Role of a Trustee in Education Learning Trust

## **Trust 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 Trust board.

## **Legal duties of a Trustee**

Under charity law ELT Trustees have the ultimate responsibility for directing the affairs of 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 ELT have several legal duties, which are often described as those of compliance, care and prudence.

### **Duty of compliance - Trustees must:**

- ensure that 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 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 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 ELT is well run and efficient
- consider getting external professional advice on all matters where there may be material risk to ELT, or where the Trustees may be in breach of their duties

### **Duty of Safeguarding - Trustees must:**

- safeguard and promote the welfare of children
- ensure the suitability of staff, supply staff, volunteers, contractors and proprietors.
- ensure the Trust follows the Home Office's 'Revised 15 Prevent duty guidance: for England and Wales' and the DfE's general advice 'Protecting children from radicalisation: the prevent duty'.
- maintain strategic oversight to ensure that appropriate systems and procedures are in place across the trust to cover all aspects of the safeguarding agenda and ensure all statutory responsibilities issued by the Secretary of State are met.
- liaise with the Trust Governance Professional to ensure that safeguarding is a

standing agenda item for every governing board meeting.

- support the implementation of a whole-trust culture where safeguarding and child protection is given the highest priority.
- encourage all members of the Trust board to develop their understanding of their safeguarding and child protection responsibilities.
- ensure there are systems in place to provide support for staff who are dealing with safeguarding and child protection issues within the trust.

**Duty of prudence – Trustees must:**

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

**Specific duties of Trustees of ELT**

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

**Strategic direction**

Trustees must ensure that ELT has a clear vision, mission and strategic direction that will enable 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:

- 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 ELT (political, financial, demographic, competitive, partnerships, alliances)
- there is regular review of the need for 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 ELT, for its impact upon stakeholders and for its corporate behaviour:

- to ensure that ELT measures its impact and progress towards its strategic objectives and to regularly consider reports on 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 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 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 ELT complies with all legal and regulatory requirements:

- to ensure, with professional advice as appropriate, that ELT complies with all constitutional, legal, regulatory and statutory requirements
- to understand and comply with the constitution and rules that govern 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 ELT's assets, both tangible and intangible, taking care over their security, and how they are used:

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

**Good governance**

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

- to ensure that 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 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 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.**