



**Bowdon C of E Primary School PTA
Nomination Paper for Election of Committee
Member**

Becoming a Trustee for Bowdon Church School PTA – Questions & Answers

1. What should I do before I become a trustee?

Read the governing documents (the constitution), annual report and annual accounts. Ensure you understand them and support what the PTA is trying to achieve. The Trustee Act 2000 defines some of the key statutory powers and duties of trustees of unincorporated charities. It also gives such trustees the powers they need to administer their charity effectively. If you are thinking of becoming a trustee, you should find out more about the Act, and how it applies to the PTA.

2. Trustees and directors - what's the difference?

Although there are many names for trustees, their central responsibilities are the same in all cases. However, there are two main types of charity - unincorporated and incorporated. The exact legal position of trustees is slightly different in each. The PTA is an 'unincorporated charity' (i.e. it is not a limited company), and its governing document is known as the Constitution.

3. Can I become a PTA trustee?

Yes, if you are over 18, but anyone who has been disqualified as a company director, or is an undischarged bankrupt or has an unspent criminal conviction cannot.

4. How will you decide who becomes a trustee of the PTA?

The four officers – Chair, Vice Chair, Treasurer and Secretary will become trustee by virtue of their office. Another 4 or more people will also be elected – they can be a parent/carer or a member of the teaching staff



5. If I am elected, how long will I be a trustee for?

For 1 year until the next AGM. You can then stand for re-election each year. You are also able to resign during your trusteeship if you wish to

6. Can trustees delegate their responsibilities?

Yes. Trustees can generally delegate certain powers to others, but will and must always retain the ultimate responsibility for running the PTA. The Trustee Act 2000 says that trustees of unincorporated charities can delegate carrying out a decision that the trustees have taken

(E.g. organise an event) and also delegate fundraising. Someone acting as a delegate or agent of the trustees should always make clear in dealings with third parties that they are acting in that capacity

7. How do trustees make decisions?

All decisions concerning the PTA are taken by all the trustees, acting collectively and as a team (subject to the power of delegation). However, the decisions need not be unanimous; a majority decision is sufficient.

Trustees can delegate any of the functions of the trustees to others e.g. to look into particular matters and make recommendations. At least 1 member of a sub-committee must also be a PTA trustee. The decision whether or not to act on the recommendations made is for the trustees to take together. This includes the purchase of goods and services.

8. Can trustees be paid for their duties?

No, most trustees are unpaid, and must not benefit in any way from their connection with the charity. Trustees are entitled to receive reasonable and necessary out-of-pocket expenses, but they must not benefit, either directly or indirectly, from the charity by, for example making contracts to do business with the charity.

9. Do trustees have to keep accounts?

Yes. The PTA must prepare annual accounts and there are legal requirements relating to:

- maintenance and retention of accounting records;
- preparation of charity accounts and Annual Reports;
- audit or independent examination of accounts;
- submission of accounts, Annual Reports and Annual Returns to the Charity Commission
- availability of accounts to the public.

If trustees fail to submit their accounts and Annual Return to on time, this could lead to action being taken against them.



10. What are PTA trustees' duties in relation to fundraising?

Trustees must ensure that they have proper control of funds where people are raising money on their behalf. They must ensure that funds are spent (or earmarked) for the purposes for which they were raised. Where trustees give permission for people to raise money on their behalf (such as someone undertaking a sponsored event) all funds raised should be paid into the PTA bank account before the deduction of any expenses.

11. With what other laws and regulations must trustees comply?

- Health and safety legislation
- Legislation concerning racial equality, disability discrimination, equal opportunities etc
- Legislation which covers working with children

12. What are the financial duties of trustees?

The trustees must ensure that its finances are used appropriately, prudently, lawfully and in accordance with its objects. Trustees must act reasonably and prudently in all matters relating to the charity and must always bear in mind that their prime concern is the PTA's interests. They must not let any personal views or prejudices affect their conduct as trustees.

13. How often do trustees need to meet?

They must meet as often as needed to do justice to the affairs of the PTA and make well-informed decisions. Trustees who do not meet often enough risk breaching their duty of care.

The Constitution sets out the quorum for meetings of the trustees. Trustees must ensure that their number does not fall below the minimum required for a quorum or, if it does, that it does not stay below that number.

14. What are the liabilities of PTA trustees?

If trustees act prudently, lawfully and in accordance with the governing document, then any liabilities (i.e. debts or financial obligations) that they incur as trustees should be able to be met out of the PTA's resources.

If the trustees act imprudently, or are otherwise in breach of the law or the Constitution, they may be personally responsible for liabilities incurred by the PTA, or for making good any loss to the PTA. Since trustees act collectively in running the PTA, they will usually be collectively responsible to meet any such liability.

15. As a trustee do I need a DBS check?

Yes. All trustees will be required to have a DBS check.