



Explainer: the six legal and regulatory duties of trustees, with particular reference to SHARP

The following six legal duties are taken from the Charity Commission's core guidance: [The Essential Trustee: what you need to know, what you need to do](#). They have been adapted to include reference to SHARP's Constitution and operation.

1. Make sure your charity's carrying out its purposes for the public benefit

Trustees must make sure the charity is carrying out the purposes for which it is set up, and no other purpose. This means you should:

- understand the charity's purpose(s). In SHARP's case this is the advancement of education, study, training, participation and outreach by undertaking, communicating, promoting and making public historical research and archaeological investigation into the landscape of the parish of Sedgeford, Norfolk in the context of its neighbouring parishes and surrounding area.
- plan what your charity will do
- understand how the charity's activities are intended to achieve its purpose(s)
- understand how the charity benefits the public by carrying out its purpose(s)
- promote awareness and understanding of the public benefit of the charities work

Spending charity funds on the wrong purposes is a very serious matter and could result in trustees having to reimburse the charity personally.

2. Comply with your charity's governing document and the law

Trustees must:

- make sure that the charity complies with its governing document. This is the SHARP Constitution and can be found on our website
- comply with charity law requirements (essentially the main points set out in this document)
- comply with other laws that apply to your charity. These include all criminal laws as well as laws relating to Health and Safety, Data Protection (GDPR), Safeguarding, Tax, etc.

You should take reasonable steps to find out about legal requirements, for example by reading relevant guidance such as 'The Essential Trustee' detailed above, taking appropriate advice or undertaking relevant training. Further information can be found at

<https://www.gov.uk/guidance/charity-commission-guidance#minute-guides-for-charity-trustees> and SHARP can provide guidelines and training as necessary. All SHARP policy documents can be found on our website.

3. Act in your charity's best interests

You must:

- do what trustees (and no one else) decide will enable the charity to do its work
- make balanced and adequately informed decisions with your co-trustees, thinking about the short and long term
- avoid putting yourself in a position where your duty to your charity conflicts with your personal interests or loyalty to any other person or body
- not receive any benefit (money or goods) from the charity unless it's properly authorised and clearly in the charity's interests– this also includes anyone who's financially connected to you – such as a partner, dependent child or business partner. Any benefits received must be in accordance with the charity's governing constitution.

4. Manage your charity's financial, human, intellectual and reputational assets responsibly

You must act responsibly, reasonably and honestly.

Trustees must:

- make sure the charity's assets are only used to support or carry out its purposes
- avoid exposing the charity's assets, beneficiaries (volunteers, members and the general public) or reputation to undue risk
- not over-commit the charity
- take special care when investing or borrowing
- comply with any restrictions on spending funds or selling land

Trustees should put appropriate procedures policies and safeguards in place and take reasonable steps to make sure these are followed. Otherwise you risk making the charity vulnerable to fraud or theft, or other kinds of abuse. All SHARP policy documents can be found on our website.

5. Act with reasonable care and skill

As someone responsible for governing a charity, you:

- must use reasonable care and skill, and take appropriate advice when necessary
- making full use of your abilities and experience
- should give enough time, thought and energy to your role, for example by preparing for, attending and actively participating in all trustees' meetings.

6. Make sure your charity is accountable

Trustees must comply with statutory accounting and reporting requirements ([What to send to the Charity Commission and how to get help - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/what-to-send-to-the-charity-commission)) and this is carried out as a collective. You should also:

- be able to demonstrate that your charity is complying with the law, well run and effective. SHARP trustees do this by sending in an annual return, report and accounts to the Charity Commission. These are usually prepared and submitted by the charity's Treasurer. SHARP also maintains a full suite of policy documents that are reviewed and updated regularly. SHARP team members are offered regular training.
- make sure there's appropriate accountability to members, if your charity has a membership separate from the trustees. SHARP holds an annual AGM where members can have their say and vote on any matters at hand. SHARP also widely publicises its work online via the website and through social media, publications and lectures.
- make sure there's accountability within the charity, particularly where you delegate responsibility for particular tasks or decisions to staff or volunteers. SHARP does this by holding regular meetings of the Committee, in which any Working Groups report back on the progress of their work. These reports are discussed in full. Committee members are also in regular contact via email. During the 'Season' regular team meetings and impromptu site meetings are held and volunteers are given the opportunity to discuss issues at weekly Question and Answer sessions.

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