

# Administration

## 4.10 Introductory Trustee Guide

### Welcome

Thank you for choosing to volunteer as a trustee of St Joseph’s Nympsfield Out of School Club (OOSC). We extend a warm welcome and hope that your volunteering with the charity will be enjoyable, fulfilling and rewarding.

Our trustees are extremely important to us. The charity thrives thanks to the dedication of the many different people who work with us – our volunteers, our family members and our employees. As a volunteer, we value the contribution of your time and skills, as they are an essential ingredient to our continued success.

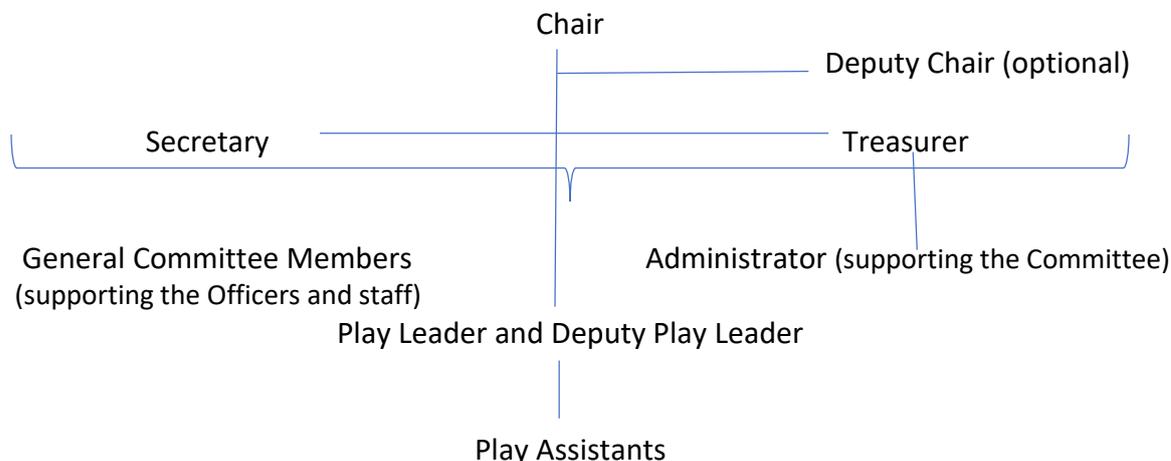
Volunteering as a trustee of St Joseph’s Nympsfield Out of School Club can also have many rewards and benefits. It offers you the opportunity to become more practically involved in the care and education of your child; and it is widely recognised that when parents play an active role, their child can achieve more. You will also have a chance to update existing skills and learn new ones. This can have valuable long-term personal/professional benefits such as when applying for jobs or undertaking further training.

We are pleased to introduce this trustee guide to provide you with some valuable information as part of your induction process.

Our aim is to advance education for the public benefit by the provision for childcare for children from 3 years of age<sup>1</sup> (toilet trained and attending the onsite OOSC) to 11 years of age (attending St Joseph’s Catholic Primary School, part of the Little Way Catholic Educational Trust) living in the Stroud Valley. To achieve this and the objects of the charity, we undertake the following activities by:

- providing children’s places for OOSC activities;
- managing, supporting, developing and paying staff;
- ensuring Ofsted and Gloucestershire County Council compliance;

The St Joseph’s Nympsfield Out of School Club’s charity structure is:



<sup>1</sup> Children in the last year of attending St Joseph’s Pre-school before they move onto Primary School

The charity aims to involve family members by inviting them to join the Committee at meetings.

### **Appointing trustees**

St Joseph's Nympsfield Out of School Club is committed to engaging a diverse committee of trustees, which reflects the society in which we operate. The trustees of St Joseph's Nympsfield Out of School Club are elected each year at the charity's Annual General Meeting (AGM), or may be co-opted onto the committee at the invitation of the trustees, following the AGM. Individuals over the age of 18 who are a family member with the charity are eligible to be elected as trustees.

A few individuals may be disqualified from acting as a trustee of a charity; such as those that have an unspent conviction for an offence involving deception or dishonesty, or are bankrupt (unless they are discharged). If you are unsure if you are eligible, you can contact the Charity Commission for further guidance ([www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)).

The trustee role is also subject to suitable checks by Ofsted ([www.gov.uk/government/organisations/ofsted](http://www.gov.uk/government/organisations/ofsted)), which include an enhanced Disclosures and Barring Service check. Having a criminal record will not necessarily bar you from volunteering with us. This will depend on the circumstances and background to the offence(s) disclosed.

### **The role of the trustees**

The trustees, often referred to as the Committee, are jointly responsible for the effective running of St Joseph's Nympsfield Out of School Club and making decisions regarding the management of the charity in order to achieve its aims. The trustees have an overriding duty to act lawfully and in the best interests of the charity and its beneficiaries – the children – working together to enable the OOSC to carry out its purposes.

You must also avoid putting yourself in a position where your duty to the OOSC conflicts with your personal interests or loyalty to any other person or body. If it is envisaged that there is a conflict of interest, then you will be asked to read policy 2.7 Conflict of Interest and sign the associated form.

The Group Constitution is the legal governing document for our charity. It outlines the rules that the trustees must follow to run the charity properly and legally. A copy will be made available to you as part of your induction.

Our trustees may have various roles and duties. The officers (Chair, Treasurer and Secretary) are usually given certain key tasks to perform to help ensure they are carried out effectively. However, the trustees are a team and must support one another so that no one person has too much work or responsibility. An outline of the trustee's responsibilities is provided within 4.11 "Role of Committee Members" and should be updated as necessary to reflect the agreed allocation of tasks across the Committee. Certain administrative tasks may be delegated to employees of the charity, primarily the Play Leader and the Administrator, where appropriate. However, as the trustees, you remain responsible for directing and managing their work.

We recommend that you read the Charity Commission's guidance (CC3) entitled "The Essential Trustee: What you need to know, what you need to do".

## **Trustee induction**

As a volunteer you will not be issued with a contract of employment. There will be an expectation that you will meet the role's requirements – as a charity trustee, an employer and a registered childcare provider. To ensure that this happens, you will be given a realistic preview of what to expect from the role before you start volunteering, and provided with the following information during your induction process:

- relevant Committee Member role description;
- the OOSC's Group Constitution;
- the latest OOSC Annual Return, including the Trustees' Annual Report and Accounts;
- minutes of the last Committee meeting;
- an electronic copy of the Early Years Foundation Stage made available to the Chair;
- Ofsted inspection report (latest version);
- Ofsted registration document – see notice board in OOSC reception;
- PATA login – to look at training;
- DfE Guidance: Keeping Children Safe in Education (latest version);
- DfE non-statutory guidance: After-school Clubs, community activities and tuition: safeguarding guidance for providers (latest version).

Your first task as a trustee is to use the available information to make yourself aware of your various responsibilities. A good place to start is to familiarise yourself with the charity's Group Constitution, which will answer many of the common queries about how the charity operates and Keeping Children Safe in Education (Annex A).

It is also important to have a good handover. If available, previous trustees will give you clear direction or training on the charity's systems and procedures and may be invited to initial meetings to provide advice and support

## **Managing the finances**

An important part of your role as a trustee will be to ensure that the charity's finance comply with relevant financial requirements and are managed in accordance with the Group Constitution. This involves keeping accurate accounting records, preparing the accounts at the end of the financial year and, in some cases, having them audited or examined by an independent person to ensure the money is appropriately accounted for. The accounts must be accompanied by an annual report, prepared by the trustees, describing the activities of the charity in the year and providing information about the management and operations of the charity. St Joseph's Nympsfield Out of School Club uses the services of an external accounting firm to manage the OOSC's finances, with the Treasurer being responsible for overseeing this operation.

## **Managing employees**

St Joseph's Nympsfield Out of School Club employs a team of qualified and experienced Play Leaders and Assistants to manage the day to day running of the childcare provision. It also has a dedicated finance team who supports the Treasurer and an Administrator who supports the Committee (primarily the Officers) and liaises with the Play Leader as needed.

As a trustee of St Joseph's Nympsfield Out of School Club, you will be one of the employers of the staff who work for the charity and must comply with the laws on employment. These will involve you fulfilling responsibilities to your employees (by respecting their legal rights) and to the Government (by operating PAYE and other systems). You will also need to work together with your

fellow trustees to supervise the work of your employees and to put appropriate systems and controls in place to ensure that tasks are carried out correctly and meet legal requirements.

### **Charity Commission registration**

St Joseph's Nympsfield Out of School Club is registered with the Charity Commission (registered number 1089094), which is the body that regulates charities in England and Wales. Trustees must complete an annual return for the Charity Commission each year within 10 months of the charity's financial year-end, to ensure they are kept up-to-date with any changes to the charity or its trustees. A copy of the charity's annual report and accounts must also be submitted to the Charity Commission with the annual return, if the charity's income exceeds £25,000 per year.

St Joseph's Nympsfield Out of School Club's registered charity number is [1084550](#).

### **Ofsted and the Early Years Foundation Stage**

St Joseph's Nympsfield Out of School Club is registered as a childcare provider with Ofsted (registered number [101856](#)). Ofsted inspect and regulate the quality and standards of care and education in childcare settings, out of school clubs and primary schools against the outcomes and requirements of the Early Years Foundation Stage. The Early Years Foundation Stage is a mandatory framework for all registered childcare providers and schools caring for children from birth to five years. It aims to ensure that all childcare services provide a safe and secure environment for children and support children's learning and development through carefully planning play activities that are fun and appropriate to their needs.

The trustees of our charity jointly form the 'registered person' with Ofsted and have overall responsibility for ensuring the childcare provision complies with the requirements of Ofsted registration and the Early Years Foundation Stage. As part of your induction you will need to ensure you are aware of these requirements. For the most part, the requirements will be delivered through the effective leadership of the staff at the setting; particularly the Play Leaders, who will take charge of the day-to-day running of the provision.

Whenever there is a change to the charity trustees who make up the 'registered person', the Chair email Ofsted and update them of the change<sup>2</sup>. Ofsted will carry out a number of checks to determine that the trustees are suitable to provide childcare; including a Disclosures and Barring Service check. Each new trustee will need to complete a declaration and consent form (EY2) online via the Government Gateway Portal, and to allow Ofsted to carry out an enhance Disclosures and Barring Service (DBS) check complete information, online. All trustees have shared responsibility for the childcare provision. However, one individual, usually the Chair, will be the 'nominated person', and act as the main contact between Ofsted and the trustees.

It is recommended that all trustees sign up to the DBS Update service – annual charge of £13. This must be done within a month of the issue date of their DBS certificate. Failing that, each should complete a "Ongoing Suitability for Trustees and Senior Staff" form on an annual basis.

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<sup>2</sup> Ofsted email : [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). The Administrator will assist the Chair in this respect, confirming what information Ofsted require in the email.

**Safeguarding children<sup>3</sup>**

St Joseph's Nympsfield Out of School Club is committed to ensuring that children have a safe, positive environment where they can learn and develop. It is the duty of the trustees to ensure that all staff and volunteers are also committed to children's well-being and safety; are clear about their responsibilities to safeguard and promote children's welfare; know the procedures for highlighting any concerns; and have appropriate guidance and training to undertake their roles. Please read the charity's safeguarding and child protection policy and procedure. All staff and trustees undertake a DBS check. Evidence of this and staff qualifications is kept in St Joseph's Nympsfield Out of School Club's Single Central Record, accessible only by the Chair, Play Leader and Ofsted.

**Health and safety<sup>4</sup>**

The charity regards the management of health and safety as an integral part of its activities and a management priority. Please refer to the charity's health and safety policies and procedures.

**Confidentiality and data protection<sup>5</sup>**

As a trustee of the charity you will come into contact with a variety of confidential personal information about staff, children, families and other volunteers. You must ensure that this information is treated with absolute confidentiality at all times and that you do not share personal information unless you are legally required to, or have obtained consent from the individual whom it regards. Otherwise you could breach the General Data Protection Regulations 2018 and the Data Protection Act 2018, which provides strict rules in this area.

Upon taking up your role as trustee, you will be required to read and sign the Committee Confidentiality Agreement contained within the OOSC's Confidentiality Policy.

**Expenses**

Trustees are entitled to be reimbursed for any reasonable expenses they incur that are necessary to enable them to carry out their trustees duties for St Joseph's Nympsfield Out of School Club. The expenditure will only be approved by the Committee and reimbursed if it has been incurred exclusively for the charity's work whilst carrying out a trustee role.

**Liability**

Liabilities can occur for trustees if they commit a criminal offence; do not comply with statutory duties; fail to follow the rules of the charity's governing document; breach the terms of an agreement or contract; or carry out, or authorise, a wrongful act.

St Joseph's Nympsfield Out of School Club is an unincorporated charity. This means that the Committee of trustees may be liable for actions they take in the charity's name, particularly if they have acted wrongly or if the charity does not have sufficient assets to meet a liability. However, if the trustees act lawfully and in accordance with the charity's Group Constitution, this personal liability is rare. It is also the charity's policy to put an appropriate level of reserves and insurance cover in place to safeguard against this situation.

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<sup>3</sup> 1.2 Safeguarding and Child Protection

<sup>4</sup> 3.2 Health and Safety General Standards

<sup>5</sup> 1.4 Confidentiality, 5.3 Data Protection, 5.4 Data Subject Access Requests and 5.5 Data Breaches

## Further information

PATA<sup>6</sup>

The trustees of charities running to the PATA Group Constitution **and** can contact PATA for advice, support and a variety of resources:

T: 01452 541244

E: [info@pataglos.org.uk](mailto:info@pataglos.org.uk)

W: [www.pataglos.org.uk](http://www.pataglos.org.uk)

### Charity Commission

The Charity Commission Website ([www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)) provides lots of useful information and resources including (but not limited to):

- Charity trustee: What's involved (CC3a)
- The essential trustee: what you need to know, what you need to do (CC3)
- Conflicts of interest: a guide for charity trustees (CC29)
- Prepare a charity trustees' annual report
- Prepare a charity annual return

### Associated Policies and Procedures

- 1.2 Safeguarding and child protection
- 1.4 Confidentiality
- 2.7 Conflict of Interest
- 5.3 Data protection
- 5.4 Data Subject Access requests
- 5.5 Data breaches

Version Number	Author	Purpose of change	Date
1.0	NP and HS	Updating policies	23.01.2023
2.0	KC, NF-P and MK	Reviewed and formatted and updated as follows <ul style="list-style-type: none"> <li>• DfE guidance documents checked and updated;</li> <li>• EY3a process updated to reflect Ofsted's revised requirements as of 27 Feb 2024;</li> <li>• Incorporation of recommendation that the Chair receives an electronic version of the EYFS for information; and</li> <li>• Inclusion of "Associated Policies and Procedures" section</li> </ul>	26.02.2024 Committee Meeting

<sup>6</sup> Originally the Playgroup and Toddlers Association set up in the 1960s. It is the largest voluntary sector provider of support to early years childcare and education in Gloucestershire