

CapabilityScotland

Trustee Board Member

Overall Purpose

Our Board of Trustees is responsible for the overall governance and strategic direction of the charity, developing the organisation's aims, objectives and goals in accordance with the governing document, legal and regulatory guidelines. The Board must act as a group and not as individuals.

Main Responsibilities

The key powers of the Board include, but are not limited to, the governance, budget and strategy of our organisation. Its main responsibilities are:

- To ensure that the charity and its representatives function within the legal and regulatory framework of the sector and in line with the organisation's governing document, continually striving for best practice in governance.
- To uphold the fiduciary duty invested in the position, undertaking such duties in a way that adds to public confidence and trust in the charity.
- To determine the overall direction and development of the charity through good governance, clear strategic planning and evaluating performance against agreed targets.
- To safeguard the good name and values of Capability Scotland.

Main Duties

The main duties of our Board and individual trustees are:

- To ensure the charity complies with legislative and regulatory requirements, and acts within the confines of its governing document and in furtherance to organisational activities contained therein.
- To act in the best interest of the charity, beneficiaries and future beneficiaries at all times.
- To promote and develop the charity thereby allowing it to grow and maintain its relevance to society.
- To maintain sound financial management of the charity's resources, ensuring expenditure is in line with the organisation's objects, and investment activities meet accepted standards and policies.
- To be involved in the interviewing, appointing and monitoring of the work and activities of the senior paid staff.
- To ensure the effective and efficient administration of the charity and its resources.
- To maintain absolute confidentiality about all sensitive information received in the course of trustee's responsibilities to Capability Scotland.





In addition to those overleaf, each Trustee should use any specific skills, knowledge or experience they have to help the Board of Trustees reach sound decisions. This may involve leading discussions, identifying key issues, providing advice and guidance on new initiatives and evaluating or offering advice on other areas in which the Trustee has particular expertise.

Accountability

As the Board is responsible and liable for the governance and functioning of the charity, they are accountable in varying degrees to a variety of stakeholders, including: customers, members, funders, the Government, OSCR, Care Inspectorate and Companies House.

Close attention must be given to the governing document to ascertain the type of organisational structure and the range of interested parties.

We require our trustees to:

- Act in the interests of the charity
- Do what is best for the charity and its beneficiaries
- Put the needs of the charity before the needs of any other organisation they are involved with, either in a personal or professional capacity.
- Operate in a manner consistent with our purpose
- Follow our governing document
- Act with care and diligence
- Protect and safeguard the charity including its beneficiaries, assets and reputation
- Have a clear and up to date picture of how we are doing financially and ensure we have the procedures in place to deal with any risks
- Manage any conflict of interest between Capability Scotland and our trustees or senior staff
- Be responsible for making sure we comply with any relevant laws such as health and safety, employment, data protection and equality laws
- Understand the legal requirements of being a charity
- Comply with the specific duties of the Charities and Trustee Investment (Scotland) Act 2005 (the Act).

Board Activity

The main areas of Board activity cover:

- Setting the Mission, Vision and Values of Capability Scotland
- Overseeing strategy and organisational development
- Human Resources (HR), remuneration and staffing
- Finance
- Risk management
- Legal and regulatory compliance
- Performance monitoring and scrutiny
- Nominations and board effectiveness

Further detail of Trustees' authority can be found in the Act and Capability Scotland's Memorandum and Articles of Association. All Trustees are expected to act in line with OSCR guidance and comply with all relevant legislation.



Person Specification

Each Trustee must have:

- A commitment to the vision, mission and values of Capability Scotland
- A willingness to meet the minimum time requirement
- Integrity
- An ability to think and act strategically
- Good, independent judgement
- An ability to think creatively
- A willingness to speak their mind
- An understanding and acceptance of the legal duties, responsibilities and liabilities of trusteeship
- Clarity regarding the differing roles of Board members and the Executive
- An ability to work effectively as a member of a team and to take decisions for the good of Capability Scotland

The Board of Trustees collectively needs skills and experience in the following areas:

- Disability lived experience or an understanding of issues affecting those with disabilities
- Health and social care
- Education
- Financial Management and Audit
- Income Generation and Business Growth
- Digital Strategy / IT
- Property Management
- Human Resource Management
- Collaborative Partnerships
- Fundraising and Funding sources
- Marketing / Public Relations
- Project Management
- Social Investment and Impact
- National and Local Voluntary Sector
- National and Local Government and Statutory Bodies
- Third Sector Legislation



Attendance at Meetings and Training

Trustees are expected to go through an induction process prior to their first Board meeting. Trustees are expected to attend all Board Meetings. The Board currently meets formally four times per year, for up to three hours each time, normally during the day. It is possible that trustees may be asked to attend further occasional half day or residential sessions on strategic planning or other relevant issues or training. The Annual General Meeting normally takes place directly after the Board meeting held in the Autumn.

There are, at present, three Committees of the Board – Remuneration & Nominations; Finance & Audit and Service Quality. Apart from the Remuneration & Nominations Committee, sub-committees also meet four times per annum, and meet independent of Board meetings.

It is expected trustees will join at least one Committee.

It is expected that outside of Board meetings, there may be occasions when the Chair, other Trustees or the Chief Executive may consult with trustees. From time to time trustees may be asked to assist with specific projects with relevance to their area of expertise or interest.

It is anticipated that trustees will take an active interest in Capability Scotland, occasionally attending social or service events and undertake the necessary reading and preparation for the meetings. Papers for all meetings are distributed one week in advance of the meeting.

Payment to Trustees

Trustee roles are unpaid. However, trustees are entitled to receive payment for legitimate expenses which they have had to meet personally in order to carry out trustee duties. These could include:

- Travel expenses to and from Board or Committee meetings.
- Cost of any additional support needed to enable a trustee to attend meetings.

Data Protection

Capability Scotland will retain all received application forms and short-listing information for 6 months following the date of appointment, after which time they will be destroyed.

Relevant personal information will be held on file and used for the purpose of the role of Trustee. Trustees will be made aware of this in advance and permission will be sought for each use.



www.capability.scot

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Registered Scottish Charity, number SC011330, regulated by the Scottish Charity Regulator (OSCR).