Delegated Powers

1. Statement of Intent

This document sets out the roles for the trustees of the board at the Alburgh with Denton and Harleston Preschool Nurseries. It explains how decisions are delegated, the specific board roles and the purpose of present sub-committees. There are specific terms of reference that exist for each sub-committee, which will have their own Terms of Reference that trustees will have to agree and adopt.

2. Definitions

2.1 What is a Charity Trustee?

The Charity Commission Guidance CC3 The Essential Trustee: What you need to know states 'Charity trustees are the people who serve on the governing body of a charity. They may be known as trustees, directors, board members, governors or committee members. Charity trustees are responsible for the general control and management of the administration of a charity.' To find the full document follow this link: https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3

2.2 How long does the appointment of a Trustee last?

A. Alburgh with Denton and Harleston Preschool Nursery's trustees serve for a maximum of five consecutive terms although they can stand for election after a gap of one year.

B. Trustees are elected for a maximum of five-year terms (in which each term is 2 years). There must be a minimum of three trustees and a maximum of twelve.

3. Main Responsibilities

3.1 Trustees have and must accept ultimate responsibility for directing the affairs of a charity, and ensuring that it is solvent, well-run, and delivering the charitable outcomes for the benefit of the public for which it has been set up.

3.2 Compliance – Trustees must;

A. Ensure that the charity complies with charity law, and with the requirements of the Charity Commission as regulator; in particular ensure that the charity prepares reports on what it has achieved and Annual Returns and accounts as required by law.

B. Ensure that the charity does not breach any of the requirements or rules set out in its governing document and that it remains true to the charitable purpose and objects set out there.

C. Comply with the requirements of other legislation and other regulators (if any) which govern the activities of the charity.

D. Act with integrity and avoid any personal conflicts of interest or misuse of charity funds or assets.

3.3 **Duty of prudence – Trustees must:**

A. Ensure that the charity is and will remain solvent.

B. Use charitable funds and assets reasonably, and only in furtherance of the charity's objects.

C. Avoid undertaking activities that might place the charity's endowment, funds, assets or reputation at undue risk.

D. Take special care when investing the funds of the charity or borrowing funds for the charity to use.

3.4 **Duty of care – Trustees must:**

A. Use reasonable care and skill in their work as trustees, using their personal skills and experience as needed to ensure that the charity is well-run and efficient.

B. Consider getting external professional advice on all matters where there may be material risk to the charity, or where the trustees may be in breach of their duties.

3.5 **Expected Duties**

In addition to the above, each Trustee should:

A. Use any specific knowledge or experience they have to help the Board reach sound decisions. This will involve scrutinising papers in advance of meetings, leading discussions, focusing on key issues, and providing advice and guidance requested by the Board on new initiatives, or other issues relevant to the area of the organisation's work in which the Trustee has special expertise.

B. Attend Board meetings. (Members who are absent from meetings for 6 months as laid down in our Constitution, without an acceptable apology may be removed from the Board).

C. Attend sub-committee meetings as assigned.

D. Participate in other tasks as arise from time to time, such as interviewing new staff or sitting on appeals panels

4. Delegation

4.1 The Board:

A. Will set the mission, vision, values and aims of the organisation

B. Will be responsible for the policy framework for the organisation and for liaising with the Manager to agree their strategy, business plan, and annual budget.

C. Will receive termly updates from the Manager and Book-keeper.

D. Will undertake the Manager's annual review.

E. Will monitor risk through scrutiny of the Risk Register

F. Will monitor the financial positioning of the organisation against the annual budget

G. Will receive reports from the sub committees, where at least one trustee is present on the sub-committee (Clause 18.2a in the governing document)

H. Can request reports from the Manager on aspects of the organisation's operations.

I. May create task and finish groups to deal with specific pieces of work

4.2 The Manager:

A. The Manager and their staff team will have full delegated authority for the day to day operations of the organisation together with any decisions including all work planning, allocation and development. This will include all HR and appointment issues and any financial decisions within an agreed budget or provided for by newly acquired funding. Further information on this can be found in our Finance Policy.

B. The Manager is required to provide updates to the Board covering key issues and developments within:

- Operational Delivery
- Finance
- HR
- Communications
- Forward planning and development
- Risk

C. The Manager must liaise with the Board as per details included in the following relevant policies:

- Finance
- Health and Safety
- Safeguarding
- Grievances
- Data Protection

4.3 Decision Making

All decisions concerning the organisation are taken by all the Trustees acting collectively and as a team. However, the decisions do not need to be unanimous – a majority decision is sufficient. A Trustee who does not attend a meeting will still be bound by the decisions made at that meeting.

5. Conflicts of Interest

Trustees cannot generally receive any benefit from their charity. The Trustees have to act in the best interest of the organisation so they need to be aware of where they may have other interests, e.g. they may be Trustees of more than one organisation. Alburgh with Denton and Harleston Preschool Nursery will keep an annually updated register where any potential conflicts of interest are recorded. If there is one the Trustee would not be entitled to vote on the issue and should leave meetings when it is discussed.