

Earthworks Trustee Recruitment Pack



People of all abilities learning and working together towards a greener future





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Welcome to Earthworks

Thank you for showing interest in Earthworks and considering becoming a Trustee. This booklet is designed to provide you with information about Earthworks and being a Trustee. We also stress the importance of Earthworks' values and vision, which are central to all we do. This booklet includes a role description, person specification, application form and skills audit/conflict of interest form for completion by anyone wishing to apply.

Earthworks welcomes applicants from anyone in the community and would encourage people from diverse backgrounds to join us. We need that wide-ranging perspective to help ensure good governance at Earthworks and to reflect the community we serve.

We ask you to read this document and then contact us if you need further information. If you then decide to apply to become a Trustee, please complete the enclosed application form and return to:

Chair of Trustees
Earthworks St Albans
Hixberry Lane
St Albans AL4 0TZ
Telephone: 01727 847311
Email: earthworks@earthworksstalbans.co.uk

Legal and other useful information

Our constitution is set out in our Articles and Memorandum of Association: <https://beta.companieshouse.gov.uk/company/03307683/filing-history?page=5>. We refer to these documents below as our 'Governing Documents'.

The Memorandum states that 'The company is established to advance the education and training of the public, and particularly those with learning difficulties and mental health problems, in conservation work, horticulture and other land based skills; to promote the improvement of the natural environment; and advance the education of the public in all aspects of conservation and environmental protection.'

Earthworks is a registered charity. Our website provides more details of how we operate: www.earthworksstalbans.co.uk. Trustees are therefore subject to charity law. For information visit www.charity-commission.gov.uk

Earthworks is a Limited Company. Trustees are therefore company directors, subject to company law: <http://www.companieshouse.gov.uk>

We will require new Trustees to be subject to an Enhanced Check run by the Disclosure and Barring Service of the Home Office. This is to safeguard our work with vulnerable adults, which is the fundamental purpose of Earthworks.

Introduction and background to Earthworks

The Earthworks' story started over 20 years' ago when the large local psychiatric and learning disability hospitals were closing down. Residents made the positive move into supported, community-based housing. However, new opportunities for integration were needed. The Earthworks steering committee was formed to meet the aspirations for social involvement and creative occupation of people with learning disabilities and mental health difficulties.

After extensive consultation, Earthworks developed as a charity offering training and work experience in horticulture and conservation. After five years' preparation we leased a two-acre site of waste ground in Hixberry Lane, St Albans from the district council.

Earthworks has gone from strength to strength. It offers people a place to develop and grow in the three acres of gardens. Our driving principle is to develop a place where all people are enabled to work together as equals.

We love Earthworks with a passion. We hope that you will too.

What is a Trustee's role at Earthworks?

Trustees are people who must look after the money or other resources that have been given to a charity and use those assets in the best interests of the beneficiaries of the charity. In Earthworks' case, the beneficiaries are principally adults with learning disabilities or mental health difficulties who come to us for training and work experience in horticulture and conservation - our 'Earthworkers'.

The Board of Trustees is made up of people who give their time and carry out their duties voluntarily. They use their professional and personal knowledge and experience to guide the strategic direction of the charity. Trustees do not receive any pay (although reasonable out-of-pocket expenses are repayable).

The Board of Trustees is the governing body of Earthworks St Albans and is ultimately (and legally) responsible for all the services and beneficiaries of the charity. For any new Trustee, it will be the duty of Earthworks to ensure you understand the work we do and the responsibilities we undertake as set out in our Governing Documents.

Who is eligible to become a Trustee?

Our Trustees must be 18 or over. A person cannot act as a Trustee if they are disqualified under the Charities Act, unless their disqualification has been waived by the Charity Commission.

Reasons for disqualification include if a person:

- is disqualified as a company director;
- has an unspent conviction for an offence involving dishonesty or deception (such as fraud);
- is an undischarged bankrupt, or has a current composition or arrangement including an individual voluntary arrangement (IVA) with their creditors; and
- has been removed as a trustee of any charity by the Commission (or the court) because of misconduct or mismanagement.

From August 2018, new disqualification reasons were added: these include being on the sex offenders register, unspent convictions for a wider range of offences including bribery and money laundering, or disobeying a direction of the Commission. Further details are set out in the application form below.



Role description for a Trustee at Earthworks

A Trustee for Earthworks is an exciting and fulfilling opportunity. The role of a Trustee is to ensure that Earthworks fulfils its duty to its beneficiaries and delivers its vision and values.

Trustees, who make up the Board, are both jointly and individually responsible for the overall governance and strategic direction of the charity, its financial health, the probity of its activities and developing the organisation's aims, objectives and goals in accordance with the Governing Documents, legal and regulatory guidelines.

The statutory duties¹ of all Trustees include ensuring that:

- the charity is carrying out the purposes for which it is set up;
- the Board acts in the charity's best interests;
- Trustees manage the charity's resources responsibly;
- Trustees act with reasonable care and skill;
- the charity complies with statutory accounting and reporting requirements; and
- jointly with other Trustees they hold the charity "in trust" for current and future beneficiaries.

Additional responsibilities for Earthworks' Trustees are to:

- ensure that Earthworks complies at all times with its Governing Documents, charity law, company law and any other relevant legislation or regulations;
- maintain proper financial control and ensure that Earthworks applies its resources exclusively in pursuance of its objects;
- set and maintain vision, mission and values;
- develop strategy, setting overall policy, defining goals and setting targets and evaluating performance against agreed targets;
- ensure accountability;
- set up employment procedures and respect the role of staff and volunteers;
- support the operational management of the organisation;
- draw up and monitor the implementation of internal policies, which must include equality and diversity as well as health and safety policies and grievance and disciplinary procedures;
- ensure that risk assessments for all aspects of the business are carried out;
- promote and safeguard the good name and values of Earthworks; and
- maintain effective Board performance and ensure the effective and efficient administration of the charity including funding, insurance and premises.

¹ This document summarises the key legal requirements of Trustees at the time of writing. Trustees will of course be subject to whatever the law requires on an ongoing basis, including obligations that may not be reflected in this document.

Person specification for a Trustee at Earthworks

Essential

- A commitment to the charity's objects, aims and values, particularly the belief that people who are disabled or have mental health difficulties should be able to work and learn together alongside others as equals
- A commitment to professional and collective decision-making made on behalf of beneficiaries
- A willingness to devote the necessary time and effort to carry out the role
- A track record of good, independent judgement
- A willingness to speak their mind with integrity and an awareness of confidentiality
- An understanding and acceptance of the legal duties, responsibilities and liabilities of trusteeship or willingness to undertake the required training in order to gain this understanding
- An ability to work effectively as a member of a team

Desirable

- Specific experience/expertise that may relate to the type of expertise Earthworks is looking for: e.g. accounting skills, social care, learning disabilities, mental health, conservation/sustainability and marketing
- Strong intellectual and analytical ability
- Innovative thinker and ability to focus on issues requiring action
- Experience in the charitable or voluntary sector
- An interest in environmental sustainability and conservation
- Experience of charity law and governance
- Experience of board or committee work
- Experience of business and strategic planning

How do I become appointed as a Trustee?

Appointments to the Board are made at the Annual General Meeting (AGM). The Board may wish to invite potential Trustees to attend (without voting rights) one or more of its meetings in advance of an AGM, to help inform the decisions about an application to be made by the individual and the Board. Once an appointment is agreed, we will inform the

Charity Commission and Companies House of your details as part of our registration. You will also be asked for identification details to be provided to our bank; and may be invited to be one of the signatories on our bank accounts.

Time commitment and involvement

Board meetings are held several times a year, at Earthworks in the evenings. We may also arrange occasional training events. Trustees are encouraged to offer support and guidance in different ways according to their areas of interest, knowledge, skills and personal circumstances. We look to Trustees to play an active role in the Open Days which we organise, which are a key element in our reaching out to the wider community. Spending time on site at Earthworks is also important, to gain a greater understanding of the charity in action.

Each Trustee should use any specific skills, knowledge or experience s/he has to help the Board reach sound decisions. These may involve scrutinising Board and other papers, leading discussions, and providing advice and guidance on issues in which the Trustee has expertise.

Length of service

Under Earthworks' Governing Documents, appointments to the Board are made at the AGM for one year, with no maximum term. This is no longer considered best practice for charity trustees. Earthworks is therefore working towards changing its Governance Documents so that Trustees would only exceptionally be reappointed for more than nine years; with a three year potentially renewable term being perhaps the norm.

Trustee Code of Conduct

Selflessness - Trustees should take decisions solely in terms of the best interest of the charity, the beneficiaries and wider stakeholders. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity - Trustees should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Trustees should make choices on merit.

Accountability - Trustees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Trustees should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Trustees have a duty to declare any private interests relating to their duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Trustees should promote and support all of the principles listed above through leadership and example.

Training for the Trustee role and useful documentation

The Board will support you, as a potential Trustee, to learn about the nature of the Earthworks enterprise and to understand the history and development of the organisation.

Upon appointment, the Board will help a new Trustee in their development into the role and identify what learning may be required.

Here are some documents from the Charity Commission which you may like to read now to give you further information:

The essential trustee: what you need to know, what you need to do

(www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3)

This document gives government guidance (in an accessible form) on the role of the Trustee.

Charity trustee welcome pack (www.gov.uk/government/publications/charity-trustee-welcome-pack/charity-trustee-welcome-pack)

This is a useful introductory leaflet for new Trustees.

Charity Governance Code

(https://www.charitygovernancecode.org/pdf_gen?tabs_cookie=1)

This code provides the guidance about good practice for small charities. Earthworks is working towards aligning its practices with the Code.

Board of Trustees

Objectives:

- To take overall responsibility for everything that Earthworks does
- To act collectively and effectively in the interests of Earthworks

- To give strategic direction, determining and safeguarding the mission and vision of Earthworks
- To take the decisions required for the proper control and management of Earthworks
- To ensure that there is a clear structure for governing the organisation, including defining the role of any sub-committees
- To ensure that Earthworks has adequate financial resources for its activities
- To act prudently to protect the assets and property of Earthworks
- To ensure that Earthworks complies with its own Governing Documents, relevant laws and the requirements placed upon it by its funders and/or other bodies
- To review the risks to which Earthworks is subject, take action to mitigate these risks and to ensure sound risk management
- To act as a responsible employer
- To ensure that the principles of equality and diversity are upheld and that Earthworks is fair and open to all sections of the local community in all of its activities
- To seek assistance from experts in areas where the Trustees lack the necessary skills
- To induct every new Trustee.

Board meetings:

- Meetings to be held regularly
- The day and time of meetings to be arranged to suit most Trustees, but ensuring that no one member is continually prevented from attending meetings
- Business to be conducted efficiently
- Comments on agenda items and/or Board papers from Trustees unable to attend a meeting to be given, where applicable, to the Chair in advance of the meeting for inclusion during Board discussions.

Minutes of Board meetings:

- All decisions are recorded accurately in minutes that are agreed by the Board of Trustees. These are a formal record of the business of the organisation

Attendance at Board meetings:

- Trustees and Project Leaders
- Anyone else (for all or part of a meeting) at the invitation of the Board of Trustees (with or without speaking rights, but without voting rights), including prospective Trustees and any expert brought in on an ad hoc basis to advise the Board



Earthworks Trustee Application Form

Please complete this application form and the declaration of eligibility overleaf

Name:

Home Address:

Postcode:

Telephone:

Home:

Mobile:

Email:

Occupation or previous jobs:

Qualifications:

Please indicate why you want to become a Trustee of Earthworks and how you think your own personal skills and experience would enable you to fulfil the role of a Trustee.

Please give details of two people who would be willing to provide a reference.

Applicant’s declaration of eligibility:

I declare that:

- I am 18 or over.
- I am not prevented from acting as a trustee because I:
 - have an unspent conviction for one or more of the offences listed on this webpage:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/731084/010818_Disqualification_Reasons_Table_v2.pdf;
 - have an IVA, debt relief order and/or a bankruptcy order;
 - have been removed as a trustee in England, Scotland or Wales (by the Charity Commission or Office of the Scottish Charity Regulator);
 - have been removed from being in the management or control of any body in Scotland (under relevant legislation);
 - have been disqualified by the Charity Commission;
 - am a disqualified company director;
 - am a designated person for the purposes of anti-terrorism legislation;
 - am on the sex offenders register;
 - have been found in contempt of court for making (or causing to be made) a false statement;
 - have been found guilty of disobedience to an order or direction of the Charity Commission.

I undertake to fulfil my responsibilities and duties as a Trustee of Earthworks in good faith and in accordance with the law and within Earthworks' objectives/mission and Code of Conduct for Trustees.

I do not have any financial interests in conflict with those of Earthworks (either in person or through family or business connections) except those that I have formally notified in a conflict of interest statement. I will specifically notify any such interest at any meeting where Trustees are required to make a decision which affects my personal interests, and I will absent myself entirely from any decision on the matter and not vote on it.

Name	
Signature	Date

Please send this completed Trustee Application Form and the Trustee Skills Audit and Conflict of Interests Form and send both forms to:

Chair of Trustees
Earthworks St Albans
Hixberry Lane
St Albans AL4 0TZ
Telephone: 01727 847311

Email: earthworks@earthworksstalbans.co.uk

Earthworks Trustee Skills Audit and Conflict of Interests Form

Name:			
Relevant roles (professional & voluntary):	Training/qualifications		
<i>Please indicate if you have skills or knowledge or qualifications in the following areas (tick those that apply):</i>	Interest/ willing to learn	Some knowledge/skills	Expertise
Disability issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safeguarding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Equalities & valuing diversity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leadership & senior management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Governance/trustee responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial/book keeping/accounting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Project/change management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Business/strategic planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk management and insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal - Charity Law; Company Law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HR/employment law/restructuring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Committee procedures/chairing meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowledge of the local community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fundraising/income generation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conservation and Environmental Stewardship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing/media/PR/social media	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Networks/alliances/influence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Campaigning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Health & Safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervising staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Training of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computers & Information Technology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What motivates you to want to join the Board? What areas of work are you particularly interested in?

Do you have any potential conflict of interest issues (e.g. relationships, financial arrangements, and other charity involvements)?

Please confirm that you are aware of the legal responsibilities of Trustees. They are:

Ensuring compliance (with Governing Documents and any regulatory requirements)	Yes <input type="checkbox"/>
Duty of prudence	Yes <input type="checkbox"/>
Duty of care	Yes <input type="checkbox"/>

Please read *The Essential Trustee* by the Charity Commission and the *Charity Governance Code* for further details.