

ERCS Trustee Code of Conduct & Declaration

Trustee Code of Conduct

The role of the Board of Trustees is to provide effective governance for ERCS and be responsible for ensuring that the charity works to achieve its charity purposes. [The Guidance and good practice for Charity Trustees](#) outlines how trustees can meet the legal requirements set out in the [Charities and Trustee Investment \(Scotland\) Act 2005](#). Trustees cannot be remunerated for their legal duties but can have out of pocket expenses reimbursed, as outlined in the Guidance and ERCS's Constitution clauses 94 and 95.

Legal duties for all trustees

(i) A general duty to act in the interests of the charity, requiring trustees to:

- Operate in a manner consistent with the charity's purposes
- Act with care and diligence
- Manage any conflict of interest between the charity and any person or organisation who appoints charity trustees.

(ii) Specific duties requiring trustees to:

- Ensure that the charity details on the Scottish Charity Register are kept up to date
- Report any changes to the Scottish Charity Regulator (OSCR)
- Keep proper accounting records and comply with reporting requirements
- Comply with charity fundraising requirements
- Provide the required information to the public.

In particular, trustees intend to adhere to the following principles:

- **Wider interest:** Trustees will take decisions solely in interest of ERCS Charitable Objects and will not act to gain advantage for themselves or organisations to which they belong
- **Integrity:** Trustees will not place themselves under obligation to any individual or organisation which might reasonably be thought to influence them in the discharge of their duties to secure the objectives of ERCS



- **Objectivity:** In carrying out their role, including making appointments (including trustee appointments), awarding contracts etc. trustees will take decisions solely on merit
- **Accountability and Stewardship:** Trustees will ensure that ERCS uses its resources prudently and in accordance with the law and submit themselves to what scrutiny is appropriate to their role
- **Openness:** Trustees should ensure that confidential material, including material about individuals, is handled in accordance with due care and will be as open as possible about ERCS's decisions and actions; trustees are encouraged to communicate decisions and the rationale for these, with the wider membership
- **Honesty:** Trustees will act honestly and will declare any private interests conflicting with the interests of ERCS and will claim travelling and other allowances from ERCS only in strict accordance with its rules
- **Leadership:** Trustees accept that they have a duty to promote and support these principles by example to maintain the trust and confidence of members and the wider public in the integrity of ERCS
- **Respect:** Trustees will treat fellow directors, members and staff of ERCS with respect and courtesy at all times.

By completing the Trustee Declaration, a trustee confirms their intention to uphold the ERCS Trustee Code of Conduct.



Declaration by a Trustee

Environmental Rights Centre for Scotland SC050257

I, being or about to become a Charity Trustee of the above-named charity (“the Charity”), Do Hereby AFFIRM that:

1. My full name is _____
2. I am over 16 and my date of birth is _____
3. My home address is _____

4. I am not disqualified from acting as a Charity Trustee (**see Note 1**).
5. All statements made and facts listed in any application, curriculum vitae or other information supplied by me in connection with my becoming a Charity Trustee of the Charity are honestly made and are true.
6. I have read and understood [The Guidance and good practice for Charity Trustees](#) issued by the [Office of the Scottish Charity Regulator](#) (**see Note 2**).
7. I agree to act in accordance with the principles of good governance as required by the [Charities and Trustee Investment \(Scotland\) Act 2005](#) and any statutory re-enactments or amendments there of.
8. I agree to submit to a full induction process as a new Charity Trustee of the Charity and accept, as part of my continuing responsibilities as a Charity Trustee, to undertake ongoing training as a Charity Trustee and to partake in any annual or other assessment of my performance as a Charity Trustee.
9. I undertake to ensure that the Charity acts in a manner consistent with its charitable purposes and complies with any direction, requirement, notice or duty imposed upon it by virtue of the [Charities and Trustee Investment \(Scotland\) Act 2005](#).



10. I understand also the collective responsibilities of all the Charity Trustees of the Charity so as to ensure that a breach of duty by any other of the Charity Trustees is corrected and not repeated and that any Charity Trustee in serious or persistent breach is removed as a Charity Trustee.
11. I understand that, as a Trustee, my duty is to serve the needs of the Charity first and foremost.
12. I shall not allow a conflict of interest to develop between myself and the Charity and, if, and when, I become aware of a potential conflict, shall intimate this to the Charity at the earliest opportunity.
13. I have read and understood [ERCS Trustees' roles, responsibilities and commitments](#) and will abide by the ERCS Trustee Code of Conduct.

Signature: _____

Date: _____

Notes to Declaration of a New Trustee

1. Please note that you cannot act as a Charity Trustee:
 - if aged under 16 at the time of appointment
 - if you have an unspent conviction for an offence involving dishonesty or an offence under the 2005 Act
 - if convicted of an offence under the Charities and Trustee Investment (Scotland) Act 2005
 - if an undischarged bankrupt or have a Protected Trust Deed.



- if removed from the management or control of a charity by the Office of the Scottish Charity Regulator or by the Scottish Courts
 - if removed as a Charity Trustee by the Charity Commissioners for England & Wales or by the English Courts
 - if disqualified under Company Directors Disqualification Act 1986.
2. The Office of the Scottish Charity Regulator (OSCR) is at 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee DD1 4NY.

OSCR provides a series of helpful Guidance Booklets, which are also available on its [website](#). The one with which Charity Trustees must be familiar is [The Guidance and good practice for Charity Trustees](#).