

Trustees' roles, responsibilities and commitments

1. Introduction

The Environmental Rights Centre for Scotland (ERCS) was [registered as a Scottish Incorporated Charitable Organisation](#) on 3 July 2020. We were initiated by [Scottish Environment LINK](#) in January 2020 who remained the parent charity until the full transfer of financial and employer liabilities on 1 July 2021.

Between January and September 2020, the LINK Legal Strategy Subgroup was operating as a shadow Board of Trustees providing continuity and strategic direction. The group formally adopted ERCS's constitution on 1 September and were appointed the initial trustees. Additional trustees were recruited thereafter.

The first two and a half years have been a critical and time-consuming phase to establish ERCS's organisational structure, work programmes and strategic direction, as outlined in our [Business Plan –2021 update](#).

This paper sets out trustees' general duties and commitments.

2. Trustees' general duties

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 charitable 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 93 and 94.

2.1 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.

2.2 Specific roles and responsibilities of ERCS Board of Trustees

The Board of Trustees has collective responsibility for the overall determination of ERCS's strategy and organisational policy, and delegates the day-to-day management and work of the organisation to the Chief Officer and staff team.

Role purpose: provide effective governance and leadership, and act as ambassadors and champions for ERCS.

Governance: trustees contribute to the effective governance of ERCS

- Be committed to the purpose, mission and values of ERCS
- Attend Board meetings and make effective contributions
- Use any specific knowledge or experience to help the Board reach sound decisions – this involves scrutinising board papers, leading discussions, focusing on key issues and providing advice and guidance
- Monitor and review progress against the strategic and associated workplans
- Ensure ERCS has the appropriate policies and procedures to conduct its work
- Agree budgets and monitor the financial position
- Ensure ERCS complies with law and good practice and that all regulatory and statutory requirements are met.

Leadership: trustees collectively provide strategic leadership for ERCS

- Contribute to the development of long-term strategic and associated workplans
- Contribute to how the Board monitors and responds to changes in the operational environment
- Understand the importance of managing risk and limiting exposure to significant risks
- Understand the boundaries between the Board and operational functions.

Representation: trustees available to act as ambassadors and champions for ERCS

- In agreement with the Chief Officer, act as a spokesperson for ERCS and in a manner consistent with ERCS's values, mission and organisational position



- Accompany Chief Officer in meetings with Scottish Government, national agencies and other organisations
- Attend or represent ERCS at meetings, events, conferences involving members, partners and funders.

Time commitment: one day over every quarter (2 hours reading papers/emails + 3 hours attending quarterly Board meetings).

3. Working groups

Working groups are intended to enable trustees with relevant skills and experience to work with ERCS's key officers to support the development and implementation of ERCS's operations and work programmes.

Working groups may also comprise ERCS's associates and provide the dedicated space to input into specific programmes of work. They have responsibilities delegated by the Board of Trustees and report back to the Board on progress.

Role purpose: provide effective governance and leadership of ERCS's programmes of work.

Additional time commitment: one day over every quarter (2 hours reading papers/emails + 3 hours attending quarterly working group meetings).

Individual trustees may also give extra time to attend 1-1 meetings on their area of expertise

4. Chair and Vice-chair role

In addition to the collective responsibility for the effective governance and leadership of ERCS, the Chair and Vice-chair will act as key ambassadors and champions for ERCS – this requires excellent communication and networking skills, approachability, political awareness and sensitivity.

Role purpose: ensure effective and collegiate governance and leadership of ERCS and, in agreement with the Board, act as ambassadors and champions for ERCS.

Governance: the chair and vice-chair, with the chief officer, will lead governance and strategic development

- Ensure there is a duty of care within the whole organisation
- Ensure the Board is open and accountable to stakeholders about its own work and the governance of the organisation



- Ensure a properly qualified and resourced staff team is in place to manage the effective day-to-day operations of ERCS
- Ensure ERCS complies with law and good practice and that all regulatory and statutory requirements are met
- Ensure there is a focus on long-term strategy and development.

Leadership: the chair and vice-chair will provide strategic leadership for ERCS, supporting the Board to develop a long-term strategy and vision which encompasses the breadth and depth of ERCS's mission.

- Provide strategic leadership, bringing insight, inspiration, judgement and perspective
- Regularly review with the board and exec the development of long-term strategic and associated workplans.
- Ensure the Board monitors and responds to changes in the operational environment
- Understand and reflect the importance of managing risk and limiting exposure to significant risks
- Understand and manage effectively the boundaries between the Board and operational functions
- Ensures that ERCS manages conflicts of interest appropriately and transparently.

Representation: the chair and vice-chair will act as key ambassadors and champions for ERCS

- In agreement with the Chief Officer, act as a spokesperson for ERCS and in a manner consistent with ERCS's values, mission and organisational position
- Attend meetings with Scottish Government, national agencies and other organisations
- Attend or represent ERCS at meetings, events, conferences involving members, partners and funders.
- Chair Board meetings, the Annual General Meeting and any other competent/constituted meeting of trustees, or delegate to another trustee.

Additional time commitment: 2 hours every fortnight.

5. Treasurer role

In addition to the collective responsibility for ERCS's financial records and to understand and take an overview of the organisation's financial situation, the Treasurer will have financial or accounting knowledge and have the capacity to spend extra time on detailed finance matters.



Role purpose: provide effective governance and leadership of ERCS, and specific financial oversight and guidance.

Governance:

- With the Chief Officer support the maintenance of accounting records and budget preparation, the development of and annual review of financial procedures and controls, and financial reporting.

Leadership:

- With the Chief Officer, contribute to the development and review of financial procedures and controls to be ratified by the Board
- Report back to the charity trustee board on the organisation's financial situation and risk management.

Additional time commitment: half day over every month.

6. Trustee Recruitment Pack

- Trustees' roles, responsibilities and commitments
- ERCS constitution
- ERCS business plan
- Trustee application form and code of conduct & declaration.