

Trusteeship – an introduction for PCC Members

Registered charity No. 1132817

This paper has been produced for PCC members.

As a member of the Parochial Church Council you are also a charity trustee, as all PCCs are charities. This paper seeks to explain what this means in terms of your responsibilities and duties.

PCCs have been recognised as charities for many years. The basic responsibilities of their members, as charity trustees, have not changed significantly for some time. However, provisions of the 2006 Charities Act that will affect PCCs were implemented in 2008.

The Parochial Church Council (Powers) Measure 1956 defines the functions and powers of a PCC. Under the amended Measure, the principal function of the PCC is “promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical.” Thus PCC Members have significant responsibilities for the local mission of the Church, and effective team working lies at the heart of any successful PCC.

As a PCC Member, and trustee, you can make a real difference to your local church - to its aims and direction, its mission and vision, finances and the employment of any staff. The fact that PCC members are also charity trustees should be seen positively. Trusteeship recognises that we have accepted a particular responsibility and are accountable for this. If we do this diligently and act lawfully, we have nothing to fear. Along with this responsibility comes the authority and power to act.

God gives to all of us the responsibilities of stewardship for that which he has entrusted to us. This is true individually, but it is also true collectively. As a local church community, and as a PCC, we are stewards both of the mission of the church in that place, and of the resources available to the church.

This paper is based on the Charity Commission’s guide, CC3a, “The Essential Trustee”, and is produced with their support. It includes legal requirements, good practice and recent developments. For clarity, legal requirements are indicated by the  symbol; good practice is identified by the ✓ symbol.

This paper is intended to provide a general guide to the responsibilities of PCC members as trustees. When appropriate, PCCs should seek specific specialist advice from solicitors, the Diocesan Registrar, the diocesan office, accountants, or other professionals.

What are the duties of trustees?

PCC Members have, and must accept, ultimate responsibility for directing the affairs of their PCC, ensuring that it is solvent and well-run, and delivering its charitable outcomes. You need to keep in mind the following areas of responsibility.

 Ensuring compliance – PCC Members must ensure that their charity complies with charity law and with church (ecclesiastical) law. In particular...

All PCCs are required to prepare annual accounts, and report on their work. Those who become registered charities will need to return copies of these, and annual returns to the

Charity Commission. All PCCs are required to send a copy of their annual financial statements to their diocese.

All registered PCCs will need to state that they are a registered charity on their letterheads and on many of their financial documents. It is not a requirement to state the charity's registration number, but many do.

Duty of prudence – Trustees must:

Ensure that the PCC is and will remain solvent. This means that you need to keep yourself informed of the PCC's activities and financial position.

Use charitable funds and assets wisely, and only to further the purposes and interests of the PCC.

Avoid undertaking activities that might place the PCC's property, funds, assets or reputation at undue risk. Careful discernment is required when stepping out 'in faith'.

Duty of care – Trustees must:

Exercise reasonable care and skill as trustees, using personal knowledge and experience to ensure that the PCC is well run and efficient.

Take special care when investing funds, or borrowing funds for the PCC to use, seeking professional advice where appropriate.

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.

To fulfill these responsibilities properly, PCC members should make sure that they keep up to date with what the PCC is doing. You should give enough time and energy to the PCC's business, and meet regularly enough to make the decisions needed. How this is done will vary between different types and sizes of PCC.

Seven Marks of Good Governance

An effective PCC...

- ✓ is clear about its purposes, mission and values, and uses them to direct all aspects of its work.
- ✓ has adopted structures, policies and procedures which enable it to achieve its mission and aims and meet its objectives efficiently.
- ✓ sees sound governance as an important part of its stewardship. It has appropriate procedures in place.
- ✓ manages and uses its resources (including finance, skills, knowledge, experience and assets) so as to achieve its potential. It plans and budgets effectively, including periodic review.
- ✓ views accountability and transparency as key values, and recognises that it is accountable to wider constituents. It communicates effectively, explaining its activities and decisions in an open and transparent way whilst maintaining confidentiality where appropriate.

✓ is flexible enough to adapt to change appropriately. Avoiding complacency, the effective PCC will want to increase its effectiveness in meeting its core object of promoting in the parish the whole mission of the Church.

✓ acts with integrity, and in accordance with its values.

Some frequently asked questions...

Q: Do PCCs need to register with the Charity Commission?

A: The Charities Act 2006 will require PCCs with income over £100k to register with the Commission. St James' Church PCC is so registered.

Q: What are the potential liabilities of PCC Members as charity trustees?

A: PCC members are entitled to meet the PCC's liabilities out of its resources. The possibility of personal liability would only arise in the event of a failure to act in accordance with their legal responsibilities as trustees – including their duty to show a reasonable degree of care in the administration of the PCC's affairs.

Q: Can PCCs insure trustees against personal liability?

A: The short answer is yes. Many PCCs will find that their insurance policy already provides a good degree of cover for public liability, PCC and trustee indemnity, pastoral care indemnity and legal expenses. Your Independent Examiner may also be covered under your policy.

Q: Can PCC members be paid?

A: PCC members cannot become employed by the PCC, unless specific authority has been granted by the Charity Commission. However, PCC members may receive payment for services provided to the PCC if certain conditions are met. These are described in the Charity Commission's website information sheet 'Trustee Payment' (CSD- 1381A). Further guidance is available at <http://www.parishresources.org.uk/pccs.htm>

Q: What is the minimum age for a PCC member?

A: The minimum age for a PCC member is 16, and they are full trustees from this age.