

SAMH TRUSTEE ROLE PROFILE, PERSON SPECIFICATION AND DUTIES OF A CHARITY TRUSTEE

General Statement of Responsibilities:

The responsibility of a Trustee is to oversee the affairs of SAMH through efficient, effective and accountable governance ensuring that the organisation is solvent, professionally-run and that it acts in accordance with its aims and objectives.

Trustees are responsible and accountable for the overall strategic leadership and direction of SAMH, safeguarding the assets, reputation and ethos of the organisation; and promoting its work. Trustees are expected to uphold SAMH's core values that everyone has the right to be treated with dignity, respect and equality.

Trustees must comply with legislative and regulatory requirements as a Trustee.

Duties as a Trustee:

1 To seek to improve the lives of people with mental health problems and to place their interests as the focus of discussion and debate; to proactively contribute to the business and development of the organisation and to promote mental good health and wellbeing through professional networks and in the community at large.

2 To contribute to the governance of SAMH within best practice frameworks, ensuring that SAMH complies with the provisions of the Companies Act, the Charities and Trustee Investment (Scotland) Act 2005¹ and any appropriate legislation, including guidance from the Office of the Scottish Charities Regulator (OSCR)²

2.1 General Duties as outlined in law and regulatory guidance:

- Trustees must act in the interest of the charity:
 - Operate in a manner consistent with the charity's purpose.
 - Act with care and diligence.
 - Manage any conflict of interest between the charity and any person or organisation who appoints charity trustees.
- Trustees must comply with the 2005 Act and the specific duties³:
 - Charity details on the Scottish Charity Register.
 - Report to OSCR: making changes to the charity.
 - Financial records and reporting.
 - Fundraising.
 - Providing information to the public.
- Trustees must ensure as far as reasonably practicable that any:
 - Breach under the above is corrected by the trustee concerned and not repeated.
 - Trustee who has been in serious or persistent breach is removed as a trustee.
 - Trustees should be aware of other legal requirements such as equality law. See the OSCR guide for further information: [equality guidance](#).

¹ http://www.legislation.gov.uk/asp/2005/10/pdfs/asp_20050010_en.pdf

² https://www.oscr.org.uk/media/2728/v10_guidance-and-good-practice-for-charity-trustees.pdf

³ <https://www.oscr.org.uk/guidance-and-forms/guidance-and-good-practice-for-charity-trustees/charity-trustee-duties/>

- **Note:** Some people are disqualified by law from acting as a charity trustee⁴:
 - Someone with an unspent conviction for dishonesty or an offence under the Charities and Trustees Investment (Scotland) Act 2005.
 - Someone who is an undischarged bankrupt or has a **Protected Trust Deed** to pay off debts with creditors
 - Someone who had been removed under either Scottish or English law or the courts from being a charity trustee.
 - Someone who is disqualified from being a company director.

3 To approve the strategic direction of SAMH, in conjunction with other Trustees, the Chief Executive and Executive Team.

4 To proactively participate in and be responsible for Trustee Board decisions, with due regard to advice from the Chief Executive and Executive Team.

5 To monitor organisational performance against agreed outcomes and targets.

6 To appoint SAMH's Chief Executive Officer.

7 To contribute specific skills, knowledge and experience to assist Trustee Board to discharge its responsibility and to reach sound decisions. This may include involvement in sub-committees, scrutinising reports and consultations, - facilitating/leading discussions and chairing or attending working groups as well as providing specific advice and guidance on issues where a Trustee has particular expertise.

8 To develop a constructive and effective working relationship with other Trustees, the Chief Executive, members of the Executive Team and other members of staff.

9 To act in the interests of SAMH, putting its interests before own interests or those of any other person or organisation; declaring any potential conflict of interest.

10 To uphold and represent SAMH's purpose, vision, values and mission in a personal and professional capacity.

11 To act with the care and diligence that is reasonable to expect of a person who is managing the affairs of another person, ensuring that SAMH operates in a manner consistent with its specified purpose as laid out in the Articles of Association.

12 To adhere to the SAMH's Trustees' Code of Conduct (under review), Articles of Association and other governing documents.

Data Protection Act 2018 and the General Data Protection Regulations:

Trustees should be aware that SAMH is required to share their personal information in the following ways:

- As a Company Limited by Guarantee, SAMH must register Trustees as directors with Companies House.
- As a registered charity, Trustees' names will be submitted to OSCR.
- As a provider of social care services, SAMH must register all Trustees with the Care Inspectorate.
- As required, information to support grant and tender submissions.
- With banking institutions and insurance companies (specifically in relation to the professional indemnity insurance cover).
- As a volunteer, further information can be found on our Volunteer Privacy Policy.

⁴ <https://www.oscr.org.uk/managing-a-charity/faqs/>

TERMS OF APPOINTMENT AND COMMITMENT REQUIRED

Trustees are appointed for a term of 3 years and are eligible to seek nomination to serve a further 3-year term after which they must retire from the Trustee Board.

- 4 x Trustee Board meetings held per annum (generally held in Glasgow, commencing 4.00pm for approximately 2.5 hours duration)
- 1 x Trustee Board away-day which involves an overnight stay
- 1 x Annual General Meeting
- 1 x annual 1-2-1 meeting with Chair
- In addition there is an expectation that Trustees will undertake at least one service visit a year and participate in other opportunities, for example Parliamentary Reception.

Trustees will be supported in the role with induction and development opportunities. There is a reasonable expectation that trustees will undertake induction and development opportunities; including gaining an understanding of SAMH, mental health, the role responsibilities and liabilities of a Trustee, and visiting SAMH workplaces to meet with staff, volunteers and people we support.

Whilst this voluntary role is unpaid, reasonable expenses are payable in line with SAMH's standard expenses policy.

You do not need to live or work in Scotland to be a SAMH Trustee, but will be expected to attend Trustee Board meetings and other events as outlined above.

PERSON SPECIFICATION FOR SAMH TRUSTEES

SAMH Trustees will uphold and represent SAMH's purpose, vision, values and missionⁱ in a personal and professional capacity. We are looking for candidates who have a commitment and enthusiasm to progress the work of SAMH to improve the lives of people with mental health problems.

There are some areas we consider essential for this position:

- A commitment to the values, aims and ethos of SAMH and to ensuring that its activities are in the interests of beneficiaries.
- A strong empathy with our purpose
- A commitment to equality and diversity
- Be eligible to act as a Company Director and Charity Trustee.
- Have or be prepared to gain an understanding of the legal duties, responsibilities and liabilities inherent in the role.
- Have the ability to work effectively in a group; contribute to discussions; challenge constructively and ask questions appropriately.

ⁱ **Purpose:** SAMH is dedicated to mental health and wellbeing for all.

Vision: Our vision of a society where people are able to live their lives fully regardless of present or past circumstances.

Mission: SAMH will lead by example. SAMH will be innovative, purposeful and challenging in all that it does. SAMH will campaign for rights and rights-based services, challenge stigma and discrimination and promote inclusion.

Values: We believe that everyone has the right to be treated with **dignity, respect** and **equality**. We believe that everyone is entitled to **hope** and **choice** and to achieve **personal fulfilment**.