Scotland’s Gardens Scheme

Trustee Role Description

**Context**

Scotland’s Gardens Scheme (SGS) is a Scottish Charitable Incorporated Organisation registered with the Office of the Scottish Charity Regulator (OSCR) and has its principal office in Scotland.

Scotland’s Gardens Scheme’s Constitution defines the object of charity as being *“the opening of gardens in Scotland to the public, and the collection of funds for charity through such openings of gardens, by acceptance of donations, bequests and by other means or initiatives for the benefit of charities”*.

The object of Scotland’s Gardens Scheme has been refined for the benefit of our stakeholders into a broader purpose and vision as follows *“Our purpose and vision is to raise money by enabling, encouraging, and supporting garden openings of all shapes and sizes and landscapes, whilst making the whole experience inspiring, rewarding and enjoyable for all involved”*.

On a day-to-day basis, Scotland’s Gardens Scheme is managed by a National Organiser (NO) who is responsible for overseeing the Head Office and who is the interface between the Trustees on the one hand, the District and Area Organisers and Garden Owners on the other hand and between Scotland’s Gardens Scheme and its beneficiaries. The NO attends Trustee meetings as required and is closely involved in their development of strategic planning and policy formulation.

Trustees are appointed for an initial period of three years. A retiring Trustee shall be eligible for re-election after one term of office, but no Trustee can serve more than three consecutive terms of office, without at least one year out of office before being eligible again.

The Trustee body is comprised of Garden Openers, District and Area Volunteers and other stakeholders and those with specific professional knowledge.

The Chair of Scotland’s Gardens Scheme is appointed for a term of five years after which s/he must stand down from Scotland’s Gardens Scheme for at least one year.

The Treasurer is also appointed for a five-year period and is eligible for re-election thereafter.

Since its inception in 1931 SG has raised more than £9m and has donated £6m to charity.

**Role of a Trustee**

 As a Trustee, you must:

1. Act in the interests of Scotland’s Gardens Scheme.

2. Ensure that Scotland’s Gardens Scheme operates in a manner consistent with its objectives and purpose and uses its resources for these ends.

3. Act with due care and diligence.

4. Ensure that Scotland’s Gardens Scheme complies with current charity legislation and with the guidance issued by OSCR.

**Explanation:**

**1. Acting in the interests of Scotland’s Gardens Scheme**

You must put the interests of SGS ahead of any personal interests. You must declare your interests on the register of Trustees’ interests and withdraw from discussions and decision making which affect your areas of conflicted interest.

**2.** **Ensuring that Scotland’s Gardens Scheme operates in a manner consistent with its objectives and purpose.**
You must ensure that SGS activities fall within its Constitutional purpose and that it adheres to its governing document in the development and execution, and subsequent monitoring of its strategic plan and its priorities. You must ensure that its assets are only applied for charitable purposes (as defined under section 7 of the Charities and Trustee Investment (Scotland) Act 2005 and which are also regarded as charities for tax purposes). Currently, the Trustees are principally supporting charities in the fields of health, wellbeing, horticultural education and welfare.

**3. Acting with due care and diligence**
Trustees are responsible for all aspects of Scotland’s Gardens Scheme including regularly reviewing its strategy and policies; overall performance, the formulation of budgets and monitoring its financial performance; overseeing the Legacy Funds; the selection of beneficiary charities; ensuring there is an appropriate framework in place to oversee the employment of staff and management of volunteers; considering any constitutional changes that may be in the interests of the charity.

In addition, Trustees are responsible for ensuring that SGS complies with Charity legislation and advice from OSCR; that legal, financial and other professional advice is sought as required; that Scotland’s Gardens Scheme remains solvent and that the Board of Trustees is fit for purpose.

Trustees are expected to attend all Board meetings, with attendance at subgroup meetings as agreed with the Chairman, and to fully participate in its discussions and decision-making processes. Failure to attend meetings without good cause will lead to the termination of appointment.

**4.** **Ensure that Scotland’s Gardens Scheme complies with current charity legislation**

Trustees have an obligation to ensure that SGS accounts are approved in a timely manner and that they are filed with OSCR. Trustees are also expected to ensure that SGS has in place procedures to deal with employment law, health and safety and data protection regulations and any other legislation that might affect SGS and its activities.

**5. Liabilities**

As the transactions of the SCIO are undertaken by it directly, rather than by its charity trustees on its behalf, the charity trustees are in general protected from incurring personal liability. However, as with any other type of corporate body, this protection is not absolute; in some circumstances, charity trustees individually may be held responsible for the actions of the SCIO. Such circumstances are rare but may occur when the charity trustees have been reckless, negligent, have acted illegally or have acted out with their powers in their management and control of the SCIO.