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1. Introduction

- 1.1 Trustees are the people who lead a charity and decide how it is run. The core aims of the College of Paramedics are to enhance healthcare and save lives through the advancement of education, training and continuing professional development within the paramedic profession. These strategic aims are overseen by the Trustees. The Board of Trustees (the Board) exists to ensure the College of Paramedics (the College) serves the interests of College members and the paramedic profession. It is responsible for governance, oversight of business and the setting of the strategic direction of the College.
- 1.2 College Trustees volunteer their services and act solely in terms of members benefit. They do not act in order to gain financial or other benefits for themselves, their family or their friends. However, there may be legitimate reason for a Trustee to provide goods or services to the College, to assist in the provision of College services. This policy covers the requirement of good governance in such circumstances.

2. Purpose

- 2.1 The purpose of this policy is to establish the formal position of the College regarding remuneration of Trustees.
- 2.2 This policy also provides a decision-making procedure regarding remuneration of Trustees.

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2.3 Before paying a Trustee, it is a legal requirement to refer to the Charity Commission’s guidance on paying trustees for services. This policy incorporates that guidance within its procedures.

2.4 Prior to engaging a Trustee to supply a service, the Chief Executive and Treasurer must consider, and take professional advice where necessary, whether the service, and the conditions in which it needs to be delivered, needs to be supplied by an employee under PAYE. If so, any Trustee selected to supply this service in such a way, would need to surrender their trustee role before doing so.

3. Definitions

3.1 For the purposes of this policy the following definitions will apply:

3.1.1 Formal Employment: have a contract for regular work within the PAYE system, based on the HMRC rules on employment status for tax. <https://www.gov.uk/guidance/check-employment-status-for-tax>

3.1.2 Supplying a service: supplying a specific, limited service either as a one off or intermittently. An example of this would be course approval visiting. Those providing this service will invoice the College; being self-employed or supplying through a Personal Services vehicle; company or limited liability partnership

3.1.3 Supplying goods: supplying a tangible item in exchange for payment.

3.2 Here-in where this policy refers to supplying a service it will also apply to supplying goods.

4. Scope of Policy

4.1 This policy applies to:

- all Trustees of the College
- persons connected to a Trustee such as a spouse or partner, siblings, a brother/sister-in-law, parents or business partner
- alternates who receive remuneration for a service and are asked to stand in for their Trustee at a Board meeting. In such circumstances, the Alternate cannot vote in any decision related to the service they provide and must declare their interest before taking part in any discussion. Alternates must also abide by Section 7.5 to 7.8 below.

5. The College Articles of Association on employing Trustees

(The Articles can be found on the College website. Article 4.1 covers reimbursement of expenses, which is not within the scope of this policy.)

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- 5.1 The College Articles of Association are clear that Trustees will not be formally employed by the College (Article 6.3).
- 5.2 Article 6.4 states that no Member of the Board or connected person may receive any other financial benefit from the College; unless the payment is permitted by article 7.
- 5.3 Article 7.2 states Trustees may enter into a contract for the supply of services that are supplied in connection with the provision of services, to the College where that is permitted in accordance with, and subject to the conditions in, Sections 73A to 73C of the Charities Act 1993 [now replaced by the Charities Act 2011 without significant changes to the content of Sections 73A-73C].
- 5.3.1 Section 6 of this policy is based on the conditions within Sections 73A to 73C of the Charities Act 1993.

6. Paying a Trustee for services in accordance with the Charities Act 1993 and compliant with the Charities Act 2011

- 6.1 The College may pay a Trustee for the supply of any services over and above normal trustee duties.
- 6.2 The decision to do this must be made by those Trustees who will not benefit.
- 6.3 When deciding to pay a trustee for services, the Board of Trustees must follow their duty of care as trustees, set out in the Trustees Act 2000. In practice, this means they will:
 - be clear that the payment can be justified in the College’s best interests
 - ensure that the payment is reasonable for the service provided
 - identify and record conflicts of interest and prevent them from affecting the decision
 - use reasonable care and skill when making the decision (take legal advice if needed)
 - decide what will be done if the services aren’t satisfactory
 - keep records of discussions at meetings and ensure the payment is recorded in the College accounts
- 6.4 Before enacting the decision, the College will:
 - produce a separate written agreement between the College and the Trustee being paid
 - specify the exact or maximum amount to be paid
 - make sure the Trustee does not take part in decisions made by the Board, regarding any aspect of the agreement
 - keep an up to date and accurate Conflict of Interest register

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- not allow payments or other benefits to half, or more than half, of members of the Board – the number of trustees receiving any payment must be in the minority

7. Procedure

- 7.1 If a Trustee wishes to supply services then they, with the assistance of the Head of Administrative Services(HoAS) and the oversight of Vice-chair [name to be inserted], must complete Part 1 of the form within Appendix 1 of this policy.
- 7.2 If the College wishes a Trustee to supply services then the HoAS, with the assistance of the Trustee and the oversight of Vice-chair [name to be inserted], must complete Part 1 of the form in Appendix 1 of this policy.
- 7.3 The completed Part 1 must then go to the Board to assist in their discussion of the decision. The Trustee involved cannot take part in the decision making.
- 7.4 If the decision is in the affirmative the Trustee, HoAS will draw up an agreement, overseen by Vice-chair [name to be inserted] The agreement and completed form must go before the Board for a final decision. This step may be done via email.
- 7.5 Once the agreement has commenced, the Trustee involved must declare themselves as having a conflict of interest whenever a discussion takes place with regard to any part of the agreement.
- 7.6 Alternates must declare any supply of service to the College as a Conflict of Interest. The Conflict of Interest Policy is available on the College website.
- 7.7 All Trustees of the Board should make themselves aware of Charity Commission rules and guidance <https://www.gov.uk/government/organisations/charity-commission/services-information>
- 7.7.1The Charity Commission has specific rules and guidance on the payment of trustees for services which apply if the charity’s governing documents permits this payment.
<https://www.gov.uk/guidance/payments-to-charity-trustees-what-the-rules-are>
<https://www.gov.uk/government/publications/trustee-expenses-and-payments-cc11/trustee-expenses-and-payments#paying-trustees-for-services>

End of document

Policy approved by the Board of Trustees, via meeting, 27.09.2018

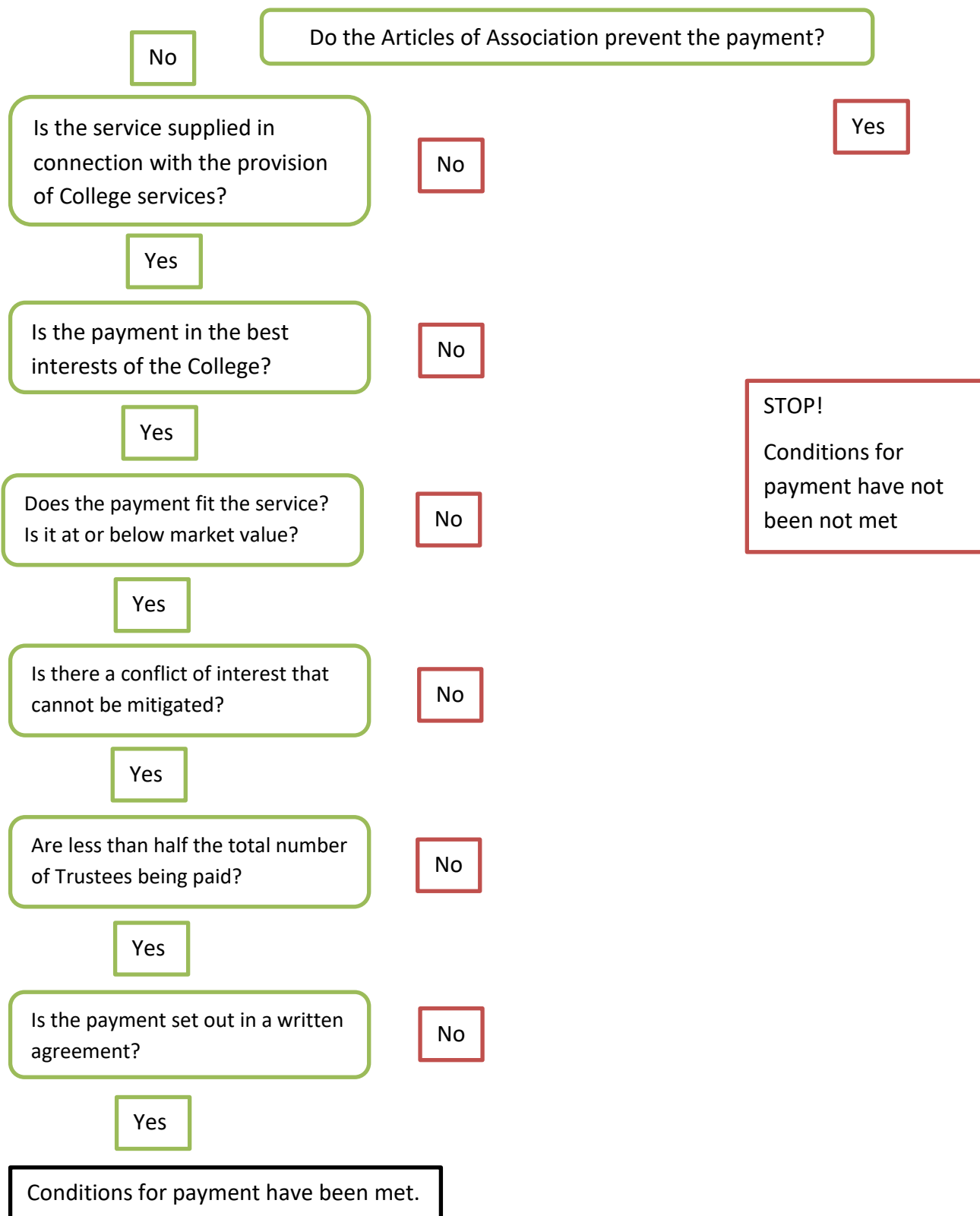
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Appendix 1 - Trustee remuneration decision form

Service to be supplied:		
Trustee:	Position:	
Is the supplier of service someone connected to this Trustee?	YES NO	
Part 1	YES/NO	Details
Is the service supplied in connection with the provision of College services?		
Is it in the best interests of the College that the service are supplied by this person?		
Does the payment fit the service? Is it at or below market value?		
Is there a conflict of interest?		
If yes how can this be mitigated?		
Is legal advice required to help make this decision?		
What will be done if the service is not satisfactory?		
How many trustees are already receiving payment for services?		50% or over? YES NO
If the above questions have been satisfactorily answered and the Board has agreed to a payment for services		
Part 2 The agreement cannot commence until all answers are YES		
Has an agreement between the College and the Trustee been written and attached with this record? YES/NO	Has a specific and maximum payment been decided upon and recorded within the agreement? YES/NO	
Have Finance services been informed of the agreement details? YES/NO	Has the Conflict of Interest Register been updated? YES/NO	
Have all Board members been made aware that [insert name] must not take part in Board decisions regarding any aspect of the agreement? YES/NO		

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Appendix 2 - Decision flowchart



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