

TRUSTEE DECLARATION

1: FIT AND PROPER PERSON DECLARATION

I confirm that I have not:

- been involved in tax fraud
- been involved in other fraudulent behaviour including misrepresentation and/or identity theft
- had involvement in attacks against, or abuse of, tax repayment systems
- used a tax avoidance scheme featuring charitable reliefs or using a charity to facilitate the avoidance
- been involved in designing and/or promoting tax avoidance schemes
- been barred from acting as a charity Trustee by a charity regulator or Court, or being disqualified from acting as a company director

2: TRUSTEE ELIGIBILITY DECLARATION

I confirm that:

- I am at least 18 years old
- I have not been disqualified from being a Trustee under the Charities Act and therefore:
 - Am not a disqualified company director
 - Do not have an unspent conviction for an offence involving dishonesty or deception
 - Am not an undischarged bankrupt and do not have a current composition or arrangement including an individual voluntary arrangement (IVA) with creditors
 - Have not been removed as a Trustee of any charity by the Charity Commission or the court because of misconduct or mismanagement.

3: FITNESS TO WORK WITH CHILDREN

I confirm that:

- I am willing to undertake appropriate DBS (or other relevant) checks as part of my role with the ESFA, if that role involves the undertaking of restricted activities.
- Irrespective of whether a DBS (or other relevant) check is necessary, I consider myself to be safe to work with children and have no convictions and am not subject to any investigations which would cast doubt on this matter.

In line with the requirements of HMRC and the Charity Commission, I agree to this information being held for a period of 4 years after completion of my service as a Trustee

Signature:

Name:

Date:.....

Trustee positions

Automatic disqualification declaration

This example can be used alongside the [existing trustee declaration¹](#) form by:

- Charities to satisfy themselves that individuals who hold (or who are applying for) a trustee position will not be disqualified from holding that position from 1 August. Charities can ask the individual to complete this declaration alongside the existing [trustee declaration form](#) if they have not already done so.
- Individuals who hold, or are applying for, a trustee position, to declare that they will not be disqualified from holding that position from 1 August 2018.

Charities must make sure any declaration forms are handled and processed in accordance with duties under the General Data Protection Regulation (GDPR).

From 1 August 2018 individuals will be automatically disqualified from acting as a trustee of a charity if:

- one or more of the reasons in Annex A apply; and
- they have not obtained a waiver of that disqualification from the Charity Commission.

Completing the declaration

Read the automatic disqualification [guidance²](#) to decide if you will be disqualified from 1 August 2018

Complete and sign this declaration to confirm that you will not be disqualified.

If one of the disqualification reasons does apply, you may be able to [apply for a waiver from the Charity Commission³](#) which will allow you to take up or continue to act as a trustee.

Pass a copy of the completed declaration to the trustees for the charity's records (the declaration should not be sent to the Charity Commission).

Declaration

I declare that:

- I am not disqualified from acting as a trustee from 1 August 2018; and
- I will inform the trustees promptly if, after the date of this declaration, one or more of the disqualification reasons applies to me.

Full Name:

Signature:

Date:

Charity Name and Number:

Annex A – Disqualification Reasons

After 1 August 2018, you will be automatically disqualified from acting as a trustee if:

1. You have an **unspent** conviction for any of the following
 - a) an offence involving **deception or dishonesty**
 - b) a **terrorism** offence
 - a. to which Part 4 of the Counter-Terrorism Act 2008 applies
 - b. under sections 13 or 19 of the Terrorism Act 2000
 - c) a **money laundering** offence within the meaning of section 415 of the Proceeds of Crime Act 2002
 - d) a **bribery** offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
 - e) an offence of **contravening a Commission Order or Direction** under section 77 of the Charities Act 2011
 - f) an offence of **misconduct in public office, perjury or perverting the course of justice**
yes/no
 - g) In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007(encouraging or assisting)in relation to the offence
 2. You are **on the sex offenders register** (ie. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
 3. You have an unspent sanction for **contempt of court** for making, or causing to be made, a false statement or for making , or causing to be made, a false statement in a document verified by a statement of truth
 4. You have been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011.
 5. You are **a designated person** for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011.
 6. You have **previously been removed as an officer, agent or employee of a charity** by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
 7. You have **previously been removed as a trustee** of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
 8. You have been **removed from management or control of anybody** under section s34(5)(e) of the Charities and Trustee Investment (**Scotland**) Act 2005 (or earlier legislation)
 9. You are **disqualified from being a company director**, or have given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for you to act as director of the charity
 10. You are **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order)
 11. You **have an individual voluntary arrangement (IVA)** to pay off debts with creditors
 12. You are **subject to** a moratorium period under **a debt relief order**, or a debt relief restrictions order, or an interim order
 13. You are subject to an order made under s.429(2) of the Insolvency Act 1986. (**Failure to pay under a County Court Administration Order.**)
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