



Ravenstone Village Hall

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Introduction

From 1 August 2018 changes to the automatic disqualification rules mean that there will be more restrictions on who can run a charity.

In line with the requirements Ravenstone Village Hall has updated its policy relating to the recruitment and appointment of Trustees and Staff.

A person is disqualified from acting as a charity trustee, if certain legal disqualification reasons apply to them.

These reasons are mainly bankruptcy related, and also include unspent convictions for crimes involving dishonesty or deception.

Being on the sex offenders register, and certain unspent convictions - such as for terrorism or money laundering

People who are disqualified from acting as a trustee are also disqualified from holding certain senior manager positions at a charity.

Relevant senior manager positions are both Chief Executive (or equivalent) positions and Chief Finance Officer (or equivalent) positions.

The reasons which lead to disqualification can be found at Appendix A

Ravenstone Village Hall will not appoint a Trustee or Senior Manager who is disqualified under the rules, including on an interim basis, unless their disqualification has been waived.

The following procedure will be used to identify Trustees or Senior Managers who become disqualified after they have been appointed.

Trustees and Senior Managers will be asked to sign the declaration forms which can be found at Appendix B and C every 2 years.

In addition to obtaining signed declarations, the secretary will be responsible for checking any relevant official registers which record the names of people who are disqualified from acting as charity trustees.



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These include:

The Individual Insolvency Register maintained by the Insolvency Service, which contains details of:

- bankruptcies that are either current or have ended in the last 3 months
- current individual voluntary arrangements and fast track voluntary arrangements
- current bankruptcy restriction orders and undertaking.

Searches of the Register can be made on the [Insolvency Service website](#), by visiting your the Official Receiver's office, or by post or fax.

The register of disqualified directors maintained by Companies House. Searches of the register can be made on the [Companies House website](#).

The [register of all persons who have been removed as a charity trustee](#) either by the commission or by an Order of the High Court.

Note : 16/08/2020 Ravenstone Village Hall do not currently employ any Senior Managers.

Waivers

A disqualified person, in most circumstances, can [apply to the Charity Commission to waive their disqualification](#). They can do this at any time after they become disqualified.

The right to apply for a waiver is an important acknowledgement that there are circumstances in which waiving a person's disqualification will be in the best interests of a Ravenstone Village Hall by allowing them to recruit and retain a well-qualified person who may otherwise be unavailable to them.



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What the Commission needs to know from trustees

If a person applies for a waiver specifically so that they can work in a trustee or senior manager position, the application process will ask the waiver applicant to supply details of the views of your trustees on the following matters:

- whether a majority of the trustees supports the application
- details of the recruitment process that led to the applicant's appointment or proposed appointment – if none, then reasons should be given
- details of the duties and responsibilities of the trustee or senior manager position that the applicant holds or wants to take up
- why trustees consider that the applicant is the best appointment. For Example, what special skills does the applicant have which are not otherwise available
- why the applicant cannot act in an advisory capacity rather than act as a trustee or senior manager
- whether the trustees have assessed, and can manage any risk to the charity and its assets in making or maintaining the appointment. For example, where the disqualification reason is financial difficulty or mismanagement the trustees may wish to support a waiver application, subject to them deciding that the applicant will not be in a Treasurer /Chair/Finance Director position at Ravenstone Village Hall, and that he or she will not have access to the charity's bank accounts
- the trustees' views on the position and reputation of the charity if the applicant's appointment is made or maintained
- if the applicant is an undischarged bankrupt, the trustees' views on whether the legal limitations on his or her activities could damage the charity. For Example, the statutory limitations on obtaining credit could cause difficulties in the relationship between the charity and its bankers

The applicant will ask the trustees to supply this information so that they can include it with their application when they contact the Commission.

The person who is, or will become disqualified, must apply for the waiver, or an advisor can do so on their behalf. The Charity Commission do not accept applications from charities on the person's behalf.



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In some cases, the Commission may contact your charity to ask for more information.

Trustees

Disqualified Trustees will not continue to act in their position. They will resign formally from their trustee position so that it is clear that they are no longer part of the trustee body.

Relevant senior managers

Staff in a relevant senior manager position, who become disqualified, will not continue to act in that position.

Trustees will take legal advice if a senior manager becomes disqualified- particularly concerning the employment and other rights of the senior manager.

Serving trustees and relevant senior managers, who are disqualified will be directed to the Charities Commission website where [detailed guidance for individuals](#) can be obtained.

It will usually be a criminal offence for individuals to continue in their role if they are disqualified.

The automatic disqualification rules do not disqualify people from all involvement with Ravenstone Village Hall. There are other ways in which a disqualified person can be involved with, such as through appropriate employment in positions that do not count as Trustee or Senior Manager roles or by volunteering or in advisory roles.