

Ferring Retirement Club (Charity No. 1040624)

Trustee Eligibility Policy

1. Introduction

- 1.1 Ferring Retirement Club (the 'Charity') is a registered charity whose objects are: *"the relief of the elderly in any manner now or hereafter deemed charitable within Ferring and the surrounding area"*.
- 1.2 The Charity and its property are administered and managed by appointed Trustees (the "Trustees").
- 1.3 The aim of this policy is to ensure that all Trustees are aware of the eligibility criteria to be met in order to be appointed as a Trustee and of their continuing responsibility to comply with such eligibility criteria while serving as a Trustee of the Charity.

2. Eligibility Criteria

- 2.1 The Charity Commission requires all charity trustees to confirm that they are willing to act as a trustee, that they understand the organisations' aims and objects, as set out in the charity's governing document, and that they are not disqualified from acting as a trustee, under the Charities Act, unless the disqualification has been waived by the Charity Commission.
- 2.2 Matters that would disqualify or prevent an individual from acting as a trustee are set out in **Schedule 1** to the policy - this is a summary of legal disqualification reasons produced by the Charity Commission.
- 2.3 Any person appointed as a Trustee of the Charity shall not be under the age of 18.
- 2.4 Upon appointment as a Trustee of the Charity, each Trustee is required to complete an Eligibility Declaration in the form set out in **Schedule 2** to this policy.
- 2.5 This policy does not deal with circumstances where an individual believes that he or she should not be disqualified from acting as a Trustee and/or waiver by the Charity Commission. Such matters will be dealt with on a case by case basis.

3. Duties and Responsibilities

- 3.1 All Trustees of the Charity are required to comply with the duties and responsibilities associated with that position, as set out in the Charity Commission's guidance document *"The Essential Trustee (CC3)"*.
- 3.2 By becoming a Trustee of the Charity, all Trustees accept and acknowledge that they have a legal obligation to act in the best interests of the Charity and to ensure that the

Charity's affairs are not affected by private interest or by any competing duties of loyalty owed to others.

3.3 It is the personal responsibility of every Trustee to ensure that they have read and understood this policy and that they act in accordance with it.

4. Data protection

Any personal information provided will be processed in accordance with The Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation and any subsequent UK legislation or regulation covering data protection.

5. Review

This policy shall be circulated to all Trustees for information and review annually.

Last reviewed and approved 16 January 2024

Schedule 1

Summary of the legal disqualification reasons

Disqualifying reasons relating to unspent convictions

You are disqualified if you have an unspent conviction for:

- a dishonesty or deception offence disqualified from trusteeship. (There is more information about what is meant by this below)*
- particular terrorism related offences
- particular money laundering offences
- particular bribery offences
- particular offences under the Charities Act for disobeying a Charity Commission order or direction
- offences for misconduct in public office, perjury, and perverting the course of justice
- attempting, aiding or abetting these offences

You are not disqualified if your conviction is spent.

***What a dishonesty/deception offence is**

These are offences that by definition must include an element of dishonesty or deception.

Some examples of offences involving dishonesty or deception are:

- theft
- fraud by false representation
- fraud by failing to disclose information
- obtaining services dishonestly
- obtaining property or services by deception
- evading liability by deception

Other disqualifying reasons

You are disqualified if you:

- are subject to notification requirements under sexual offences legislation, commonly referred to as being on the sex offenders register. If these notification requirements apply to you, you are disqualified by the automatic disqualification rules, *even if your offence is spent*
- are currently declared bankrupt or are subject to bankruptcy restrictions or an interim order, including an individual voluntary arrangement (IVA) - limited exceptions apply
- are subject to a debt relief order under the Insolvency Act 1986, or a debt relief restrictions order, or interim order, under that Act
- are disqualified from being a company director - limited exceptions apply
- have previously been removed as a trustee, or as an officer, agent or employee of a charity by either the Charity Commission or the High Court due to misconduct or mismanagement
- have previously been removed from a position of management or control of a charity in Scotland for mismanagement or misconduct
- have been found to be in contempt of court for making, or causing to be made, a false statement - limited exceptions apply
- are a designated person under particular anti-terrorist legislation

Schedule 2

Ferring Retirement Club (FRC)
Greystoke Road, Ferring, Worthing BN12 5JL
Charity No. 1040624

Eligibility Declaration by Charity Trustee

I acknowledge that I have been appointed as one of the Charity's Trustees.

I have received and read the governing document of the Charity and support its purposes.

I understand the duties and responsibilities involved, as explained to me and indicated in the Charity Commission leaflet CC3a: Responsibilities of Charity Trustees.

I am not under 18 years of age and am not disqualified* from serving as a Trustee of the Charity.

In the event of becoming disqualified, I will notify the Secretary with immediate effect and will take no further part in the affairs of the Charity whilst such disqualification lasts.

Name..... Signed.....

Date.....

Home address.....

Email address..... Telephone number.....

Date of birth

(The above information is required for completion of FRC's details with the Charity Commission and Annual Return)

*Disqualification reasons:

- You have an unspent conviction for an offence involving dishonesty or deception;
- You have an IVA, debt relief order and/or a bankruptcy order
- You have been removed as a trustee in England, Scotland or Wales (by the Charity Commission or Office of the Scottish Charity Regulator)
- You have been removed from being in the management or control of any body in Scotland (under relevant legislation)
- You have been disqualified by the Charity Commission
- You are a disqualified company director
- You are a designated person for the purposes of antiterrorism legislation
- You are on the sex offenders register
- You have been found in contempt of court for making (or causing to be made) a false statement
- You have been found guilty of disobedience to an order or direction of the Charity Commission