



## **POLICY FOR NEW TRUSTEES**

The appointment of a new trustee is an important matter. Before appointing a new trustee, the trustee board must make sure it is acting within the law, in accordance with the charity's governing document and that the prospective trustee is not disqualified from being a trustee.

The Charity Commission recommends that DBS checks should be obtained for trustees of charities which work with children or vulnerable adults.

Prospective trustees should understand the responsibilities they are taking on and be relied upon to carry them out responsibly.

There are legal restrictions on who may be a charity trustee. Before appointing a new trustee, the trustee board must make sure that the appointment meets the requirements of the charity's governing document and the law.

When preparing to appoint a new trustee, the trustee board must ensure that the person is qualified to act as a trustee. No-one under the age of 18 can be a trustee of a charitable trust or unincorporated association.

Some people are disqualified by law from acting as trustees, including anyone described in sections 178 to 180 of the Charities Act 2011. This includes:

- anyone who has an unspent conviction for an offence involving deception or dishonesty;
- anyone who is an undischarged bankrupt;
- anyone who has been removed from trusteeship of a charity by the Court or the Commission for misconduct or mismanagement;
- anyone under a disqualification order under the Company Directors Disqualification Act 1986; and
- anyone who has entered into a composition or arrangement with their creditors which includes an individual voluntary arrangement (IVA), and is currently on the Insolvency Service Register.

It is normally an offence to act as a trustee while disqualified unless the Commission has given a waiver under section 181 of the Charities Act 2011 (there are some special provisions applying to the administration of charitable companies). The appointment of a trustee must be in accordance with the charity's governing document, which sets out procedures for appointing new trustees, including any restrictions, such as a maximum number of trustees or an age limit. It is important that trustees follow these procedures. If they don't, this could result in the appointment being invalid. If the governing document contains provisions which prevent certain people from acting as charity trustees, the commission cannot grant a waiver under section 181 of the Charities Act 2011 as it cannot override the provisions within a governing document.

Before appointing a trustee, the trustee board should obtain a declaration from the prospective trustee that they are not disqualified. It should also consult official registers of disqualified persons. The Commission strongly recommends that charities working with children or vulnerable adults, with positions which are eligible to obtain DBS checks should do so.

As a minimum, the trustee board should ask new trustees to sign a declaration to confirm that they are not disqualified from acting as a charity trustee.

When any new trustee of a charity is to be appointed each potential new trustee should sign the Charity Commission declaration of eligibility form CSD1382 to confirm that all the necessary checks have been made and that they can legally accept the appointment. The form is for the charity's own records and does not need to be sent to the Commission.

Full anti-money laundering checks also need to be undertaken for each trustee:

- Copy passport or photocard driving licence
- Current utility bill (no more than 3 months old)

The following documents should be held for each trustee:

- Current DBS check
  - Current safeguarding certificate
  - Charity Commission form CSD1382
  - Copy passport or photocard driving licence
  - Current utility bill
- 
- Date of next review: June 2022

This policy has been approved & authorised by:

<b>Name:</b>	Jeremy Metcalfe
<b>Position:</b>	Chair of the Trustees
<b>Date:</b>	1 June 2021
<b>Signature:</b>	