

Disqualification rules for Trustees and Senior Managers of Charities

From 1 August 2018, changes to the Charity Commission rules mean there will be more restrictions on who can run a charity.

The new automatic disqualification rules

There will be 2 key changes:-

- People who are disqualified from acting as a trustee will also be disqualified from holding certain senior manager positions in charities. The relevant senior manager positions are the Chief Executive (or equivalent) positions and Chief Finance Officer (or equivalent) positions.
- An increase in the number of reasons that disqualify someone from acting. **The new reasons include being on the sex offenders register and certain unspent convictions – such as for terrorism or money laundering.**

Under the new rules, there will be no change to the following:-

- Acting whilst disqualified will still be a criminal offence.
- The right of disqualified people to apply for a waiver.

If you will become disqualified when the new rules change on 1 August 2018, you can choose to apply for a **waiver** of your disqualification before then. For more information go to:

<https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions>

Actions you may need to take if you are disqualified

Senior manager positions

If, after 1 August 2018, you are or become disqualified and are in a relevant senior manager position at a charity, you must cease to act in that position. You and the charity may need to take legal advice about how this will affect your employment and other rights.

Trustee positions

If you become disqualified as a trustee you must cease to act in any trustee positions. Serving charity trustees who become disqualified when the rules change, must not continue to act in their position. You should also resign formally from your trustee position so that it is clear that you are no longer part of the trustee body.

For more information go to <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions>

Or if you want to discuss this further, then please contact Nigel Jacques on nigel.jacques@sobus.org.uk