

Purpose:

Cerebral Palsy Sport believes that sound policies in the defining who is eligible to become a Trustee of the Board. This will significantly benefit the overall efficiency of the organisation, and promote the best interests of its employees, volunteers, Trustees, members and voluntary officers

1. **STATEMENT OF POLICY** – This policy defines who is eligible to become a Trustee. The policy forms part of Cerebral Palsy Sport’s internal governance arrangements.

2. **The Eligibility of Charity Trustees**
 - a. **Age**
 - i. Under charity law, a person must be aged **18 or over** to serve as a charity trustee. Note that under the 1993 Charities Act, the legal definition of a charity trustee is a person having the general control and management of the administration of a charity.
 - b. **Personal Solvency**
 - i. Under charity law, a person is disqualified from acting as a charity trustee if he/she:
 - 1) is an **undischarged bankrupt** or
 - 2) is subject to an **order for composition or arrangement with her/his creditors** under the Insolvency Act 1986 and the order has not yet been discharged
 - 3) is subject to an Insolvency Act Order for failing to make payments under **an administration order** is also disqualified, unless s/he has been specifically cleared to be a trustee by the Court that made the Order.
 - c. **Criminal Record**
 - i. A person is disqualified from being a charity trustee if s/he has been convicted of a criminal offence involving **dishonesty or deception** which has not been spent under the Rehabilitation of Offenders Act 1974.
 - ii. **NB:** If the sentence on conviction for the offence was **imprisonment (even if suspended) for 2½ years or more**, then that person is **disqualified for life**. A person is disqualified from being a trustee of a children’s charity if s/he has been **disqualified from working with children** under Criminal Justice and Courts Services Act 2000.

3. Removal Orders

- a. Charity trustees who have been removed as company directors by the High Court or as trustees by the Charity Commission are disqualified from acting as company directors and/or charity trustees.

4. Company Directors Disqualification Act 1986

- a. Company directors cannot act as directors or charity trustees while disqualified by the Court under this Act. Directors can be disqualified for:
 - i. **general misconduct** i.e.
 - 1) persistently failing to file accounts and returns
 - 2) conviction on indictment in relation to the formation, management or liquidation of a company
 - 3) fraudulent trading resulting in the winding up of a company
 - ii. **unfitness to manage** i.e.
 - 1) being involved in an insolvent company that has since wound up
 - 2) because the Court declares the person unfit for other reasons
 - iii. Anyone who acts as a company director knowing s/he is disqualified under 2 to 5 above can be made personally liable for the company's debts.

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Document Control:

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