



## Checks on Trustees

### **Declaration**

As a minimum a standard form should be signed by newly appointed trustees as the declaration that a person understands trusteeship and is not disqualified in law from appointment. The Charity Commission have one at:

[www.charitycommission.gov.uk/media/95481/sampledeccc30.pdf](http://www.charitycommission.gov.uk/media/95481/sampledeccc30.pdf) or BCVS can supply a Word version.

Also all trustees need to fulfil HMRC's Fit and Proper Person's test. HMRC have a model declaration at: [www.hmrc.gov.uk/charities/guidance-notes/chapter2/model-dec-ff-persons.pdf](http://www.hmrc.gov.uk/charities/guidance-notes/chapter2/model-dec-ff-persons.pdf)

### **External Checks**

1. The Individual Insolvency Register maintained by the Insolvency Service, which contains details of:
  - bankruptcies that are current or have ended in the last 3 months
  - debt relief orders that are current or have ended in the last 3 months
  - current individual voluntary arrangements (IVAs) and Fast-Track voluntary arrangements (FTVAs), including those that have ended in the last 3 months
  - current bankruptcy restrictions orders or undertakings (BROs/BRUs) and interim bankruptcy restrictions orders (iBROs)
  - current debt relief restrictions orders or undertakings (DRROs/DRRUs) and interim debt relief restrictions orders (iDRROs).

Searches of the Register can be made on the Insolvency Service website, [www.bis.gov.uk/insolvency/personal-insolvency/individual-insolvency-register](http://www.bis.gov.uk/insolvency/personal-insolvency/individual-insolvency-register) by visiting the local Official Receiver's office in Southampton, or by post or fax.

2. The register of disqualified directors maintained by Companies House. Searches of this can be made on the Companies House website: <http://wck2.companieshouse.gov.uk/dirsec>
3. The Charity Commission's register of removed trustees records all persons who have been removed either by an Order of the Commission or of the High Court. [www.charitycommission.gov.uk/about-charities/register-of-removed-trustees/](http://www.charitycommission.gov.uk/about-charities/register-of-removed-trustees/)
4. Trustees of charities working with children or vulnerable adults are also entitled (not a legal requirement) to obtain a DBS (criminal record) check. NB it is a criminal offence to request a DBS unless you can show that someone's role, such as above, is exempt from the Rehabilitation of Offenders Act. If trustees have close and unsupervised contact with beneficiaries then they will be in a regulated activity and be eligible to obtain an enhanced DBS and barred list check. The Charity Commission would expect checks to be carried out on trustees if you are entitled to. For more information contact BCVS or look at: [www.homeoffice.gov.uk/agencies-public-bodies/dbs/](http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/)

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