

PAROCHIAL CHURCH COUNCIL (PCC) MEMBERSHIP ELIGIBILITY

Disqualification Criteria

1. Charity Trustees

Under the Charities Act 2011 the following are disqualified from acting as a trustee of a charity if they:-

- have been convicted of an offence involving deception or dishonesty (unless any such conviction is legally regarded as spent- for information regarding spent convictions see www.gov.uk/exoffenders-and-employment);
- are an undischarged bankrupt;
- have made compositions or arrangements with any creditors from which they have not been discharged;
- they have an individual voluntary arrangement (IVA) to pay off debts with creditors;
- they are subject to an order made under Section 429(b) Insolvency Act 1986;
- have been disqualified from serving as a company director under the Company Directors Disqualification Act 1986;
- have been disqualified as a charity trustee by order of the Charity Commission under Section 181A of the Charities Act 2011 (unless the order is limited to specific charities or a class of charities which does not include the PCC named above, or is spent);
- have been removed as a trustee, charity trustee, officer, agent or employee by an order of the Charity Commission;
- have been suspended by the Charity Commission;
- have been removed from the management or control of a body under Section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (or earlier legislation);
- have been found in contempt under the Civil Procedure Rules for having made a false disclosure statement or for having made a false statement which was confirmed by a statement of truth (unless any such conviction is legally regarded as spent);
- have been convicted of a relevant offence (or a related offence such as attempting to commit, or aiding and abetting or procuring the commission of, such an offence): (i) under certain anti-terrorism legislation, (ii) of money laundering, (iii) under the Bribery Act 2010, (iv) of disobeying or contravening an order of the Charity Commission, (v) of misconduct in public office, (vi) of perjury or, (vii) of perverting the course of justice;
- are subject to a notification requirement under Part II of the Sexual Offences Act 2003; or
- are a designated person for the purpose of Part I of the Terrorist Asset-Freezing etc Act 2010 or the Al-Qaida (Asset-Freezing) Regulations 2011.

Any such person is disqualified from being nominated, chosen or elected from being a member of a PCC unless the disqualification is subject to a waiver by the Charity Commissioners.

2. Safeguarding Vulnerable Groups Act 2006 – Barred List

If an individual's name has been recorded on the Safeguarding Vulnerable Groups Act 2006 – Barred List; they are disqualified from being nominated, chosen or elected from being a member of a PCC. This list is held by the Disclosure and Barring Service (DBS).

An individual's name will be recorded on the list if they have been convicted of a relevant offence or the Disclosure and Barring Service has received information that justifies the name being on the list as a response to the harm that has occurred to a child or adult at risk as well as the risk of harm posed by the individual.

3. Conviction for an offence under Schedule 1 of the Children and Young Persons Act 1933.

An individual is disqualified from being nominated, chosen or elected from being a member of a PCC if they have been convicted (this includes cautions) of an offence under Schedule 1 of the Children and Young Persons Act 1933.

4. Disqualification under Section 10(6) Incumbents (Vacation of Benefices) Measure 1977.

An individual is disqualified from being nominated, chosen or elected from being a member of a PCC if they have been disqualified from holding office under Section 10(6) Incumbents (Vacation of Benefices) Measure 1977.

Exceptions to Disqualification

The bishop of a diocese may waive a disqualification under the criteria conviction for an offence under Schedule 1 of the Children and Young Persons Act 1933. The process to be followed by the bishop is set out in Rule 46B of the Church Representation Rules.

Application Process

To reduce the possibility of a disqualified person standing for election it is recommended that each applicant is required to sign a declaration that they are not disqualified from standing for election setting out the above criteria. A template for this declaration can be found at Appendix 1.

If a DBS check is required, this will take place after the election and will be carried out by the parish lead recruiter (parish disclosure officer).

Sources of advice

The Bishop's Adviser for Safeguarding Children and Vulnerable Adults and the Assistant Safeguarding Adviser can provide advice regarding the DBS processes and the Schedule 1 of the Children and Young Persons Act 1933.

The Diocesan Secretary can provide advice regarding charity trustee issues and the Incumbents (Vacation of Benefices) Measure 1977.

**Declaration of fitness to stand for election to the Parochial
Church Council**

Name of PCC

Full name and title of applicant

Home address including post code.....

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Previous address including postcode if moved within the last 12 months

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I declare that:-

- I have not been convicted of an offence involving deception or dishonesty (unless any such conviction is legally regarded as spent- for information regarding spent convictions see www.gov.uk/exoffenders-and-employment).
- I am not an undischarged bankrupt.
- I have not made compositions or arrangements with any creditors from which I have not been discharged.
- I have not made an individual voluntary arrangement (IVA) to pay off debts with creditors.
- I am not subject to an order made under Section 429(b) Insolvency Act 1986.
- I have not been disqualified from serving as a company director under the Company Directors Disqualification Act 1986.
- I have not been disqualified as a charity trustee by order of the Charity Commission under Section 181A of the Charities Act 2011 (unless the order is limited to specific charities or a class of charities which does not include the PCC named above, or is spent).
- I have not been removed as a trustee, charity trustee, officer, agent or employee by an order of the Charity Commission.
- I have not been suspended by the Charity Commission.
- I have not been removed from the management or control of a body under Section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (or earlier legislation).
- I have not been found in contempt under the Civil Procedure Rules for having made a false disclosure statement or for having made a false statement which was confirmed by a statement of truth (unless any such conviction is legally regarded as spent).

- I have not been convicted of a relevant offence (or a related offence such as attempting to commit, or aiding and abetting or procuring the commission of, such an offence): (i) under certain anti-terrorism legislation, (ii) of money laundering, (iii) under the Bribery Act 2010, (iv) of disobeying or contravening an order of the Charity Commission, (v) of misconduct in public office, (vi) of perjury or, (vii) of perverting the course of justice.
- I am not subject to a notification requirement under Part II of the Sexual Offences Act 2003.
- I am not a designated person for the purpose of Part I of the Terrorist Asset-Freezing etc Act 2010 or the Al-Qaida (Asset-Freezing) Regulations 2011.
- my name is not on the Barred List held by the Disclosure and Barring Scheme under the Safeguarding Vulnerable Groups Act 2006.
- I do not have a conviction (this includes cautions) for an offence under Schedule 1 of the Children and Young Persons Act 1933.
- I have not been disqualified from holding office under Section 10(6) Incumbents (Vacation of Benefices) Measure 1977.

I understand that if the PCC sponsors and approves, in its own name, children’s work or work with vulnerable adults (eg a Youth Club, Sunday School, home visiting scheme for the housebound or a luncheon club for adults with special needs who require assistance with feeding or toileting) I will have to undergo a DBS check.

I understand that, if after being elected as a PCC member I am identified as a disqualified person, the PCC is required to notify the Charities Commission and may have to report the matter to the police.

Signature

Date