

Parochial Church Council (PCC) Membership Eligibility Criteria

Introduction

The purpose of this guidance is to set out the criteria for disqualification for an individual from standing for election to become a member of the PCC. The two main reasons for disqualification are that they are disqualified from being a charity trustee or because of an incident involving a child or adult at risk (vulnerable adult). This guidance has been prepared to assist potential PCC members being aware of these criteria to save any embarrassment after an election which would require them to stand down. All PCCs are charities therefore all members of a PCC are charity trustees.

In the event of a member of a parish being elected as a PCC member and subsequently being identified as a disqualified person then the PCC is required to notify the Charities Commission and may have to report the matter to the police.

Members will only be subjected to a Disclosure and Barring Scheme (DBS) check if a PCC sponsors and approves, in its own name, children's work or work with vulnerable adults (e.g. 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). It does not apply to all PCCs; only those that sponsor and approve children's work and/or work directly with vulnerable adults.

This guidance has been drawn up in accordance with information from the Charity Commission www.gov.uk/government/organisations/charity-commission and the Church of England Parish Resources website www.parishresources.org.uk and taking into account the relevant legislation; the Church Representation Rules and the Parochial Church Councils (Powers) Measure 1956 as well as the Church of England Practice Guidance: Safer Recruitment.

Disqualification Criteria

1. Charity Trustees

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

1. Have an unspent conviction for an offence involving dishonesty or deception.
2. Have an unspent conviction for specified terrorism offences to which Part 4 of the Counter-Terrorism Act 2008 applies; or under sections 13 or 19 of the Terrorism Act 2000 under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence.
3. Have an unspent conviction for a specified money laundering offence. A money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002.
4. Have an unspent conviction for specified bribery offences. An offence under sections 1,2,6 or 7 of the Bribery Act 2010.
5. Have an unspent conviction for the offence of contravening a Charity Commission Order or Direction. An offence under section 77 of the Charities Act 2011 - contravening a Commission Order or Direction.

6. Have an unspent conviction for offences of misconduct in public office, perjury, or perverting the course of justice.
7. Have unspent convictions for aiding attempting or abetting the above offences. In relation to offences at 1-6 above, an offence of: a) attempt, conspiracy, or incitement to commit the offence b) aiding, or abetting, counselling or procuring the commission of the offence c) under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence.
8. On the sex offenders register. Where a person is subject to notification requirements of Part 2 of the Sexual Offences Act 2003, commonly referred to as being on the sex offenders register.
9. Have an unspent sanction for contempt of Court. Where a person has been found to be in contempt of court for making, or causing to be made, a false statement or making (or causing to be made) a false statement in a document verified by a statement of truth.
10. Disobeyed a Commission Order. Where a person has been found guilty of disobedience to an order or direction of the Commission under section 336(1) of the Charities Act 2011.
11. A designated person (under specific anti- terrorist legislation). Where a person is a designated person for the purposes of: a) Part 1 of the Terrorist Asset-Freezing etc. Act 2010; or b) The Al Qaida (Asset Freezing) Regulations 2011.
12. A person who has been removed from a relevant office. Where a person has been removed: a) from the office of charity trustee, officer, agent or employee of a charity by an Order of the Commission under s79 of the Charities Act 2011, or earlier relevant legislation, or by a High Court Order, on the grounds of any misconduct or mismanagement in the administration of the charity; b) under s34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005, or earlier relevant legislation, from being concerned in the management or control of any body.
13. Subject to: a) a disqualification order under the Company Directors Disqualification Act 1986 or The Company Directors Disqualification (Northern Ireland) Order 2002 (SI 2002/3150; (N.I.4)); or b) an order made under s429(2) of the Insolvency Act 1986 (failure to pay under a County Court administration order).
14. A person who is: a) an undischarged bankrupt b) subject to any of the following: i) an undischarged sequestration Order ii) a bankruptcy restrictions Order iii) an interim Order iv) a moratorium period under a debt relief Order under Part 7A of the Insolvency Act 1986 v) a debt relief restrictions Order or an interim Order under Schedule 4ZB to the Insolvency Act 1986. Where a person has made a composition or arrangement with, or granted a trust deed for, their creditors and has not been discharged in respect of it.

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 Diocesan Safeguarding Advisers 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

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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 do not or am not

1. Have an unspent conviction for an offence involving dishonesty or deception.
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I understand that if the PCC sponsors and approves, in its own name, children’s work or work with vulnerable adults (e.g. 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 after being elected as a PCC member I am identified as a disqualified person then the PCC is required to notify the Charities Commission and may have to report the matter to the police.

Signature

Date