



# 2021 Elections to Vice President and the Council of the Chartered College of Teaching

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## Disqualification



## Introduction

Members of the Council of the Chartered College of Teaching are charity trustees under charity law. You cannot therefore become a Member of the Council if you are disqualified from being a charity trustee.

## Who can't be a charity trustee

### Automatic disqualification

Some people are disqualified by law from acting as charity trustees. You are disqualified from acting as a charity trustee if any of the reasons shown in this disqualifying reasons table (PDF, 533KB, 5 pages) apply to you:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/731084/010818\\_Disqualification\\_Reasons\\_Table\\_v2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/731084/010818_Disqualification_Reasons_Table_v2.pdf).

Being disqualified means that you can't take on, or stay in, a charity trustee position. You can find out more about automatic disqualification rules at:

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

These reasons are mainly bankruptcy related, and also include unspent convictions for crimes involving dishonesty or deception, being on the sex offenders register and certain unspent convictions, such as for terrorism or money laundering.

It is important that you check carefully whether you are disqualified and get advice if you are in any doubt. It is normally an offence to act whilst disqualified. Conviction may lead to a fine, imprisonment or both. If you act whilst disqualified, you may also have to repay any money received from the charity during this period.

If you are disqualified you can, in most circumstances, apply to the Charity Commission to waive your disqualification. You can do this at any time after you become disqualified. If given, a waiver will bring your disqualification to an end in respect of the charities named in the waiver.

Details of the waiver provisions can be found at: <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#what-a-waiver-is-and-who-can-apply>.

### Disqualification by the Charity Commission

The Charities Act 2011 gives the Commission a discretionary power to make a disqualification order where the 3 statutory criteria, set out in section 181(A) of the 2011 Act, are met.

A disqualification order will state whether you are disqualified in relation to all charities, specified charities or a class of charities. The period of disqualification depends on the seriousness of the case and can be for a maximum of 15 years.

The effect of being disqualified is that you are prevented from being or acting as a charity trustee, or a trustee for a charity, in relation to those charities specified in the disqualification order.



## When automatic disqualification doesn't apply

You are not disqualified if your conviction is spent. You can use [this guidance from Unlock](#) to work out when your conviction becomes spent, and no longer disqualifies you.

You can also look at the [Nacro website](#) or at the [employment section of GOV.UK](#) for information about what counts as a spent conviction and when convictions become spent.

It is an offence for an individual to act as a charity trustee when disqualified. If a disqualified person is appointed as a charity trustee, the appointment will be invalid. Furthermore, if problems arise with a trustee, and it emerges that existing trustees failed to follow Charity Commission guidance, the Commission may consider the trustees to have acted improperly.