



## Automatic Disqualification – Application for Waiver

### Introduction

You should complete all of the sections that apply to you. If a section is mandatory but you do not have the relevant information please enter N/A.

You should complete the application yourself. An advisor or advocate can complete it on your behalf but you need to 'sign' the declaration. The charity or an external organisation cannot submit the application on your behalf.

After you complete the form it will be sent to a case officer for consideration. We will try to provide you with a prompt decision but if there is a particular urgency you should explain this in the additional information section of the form.

### Am I Disqualified?

If you are not sure whether your conviction or reason means you are disqualified or whether the rules apply to you and your role, you need to take your own legal advice. Charities such as [Clinks](#) or [Unlock](#) may be able to help.

Unlock can also provide you with further guidance on whether or not convictions are spent.

### What you need to complete the form

There is no save and return option within the form, therefore we suggest that you have all of the information you need before starting to complete the application. You will need to tell us:

- current contact details – we will normally write to you by email but you can tell us on the form if that is not possible (for example if you do not have access to an email address)
- what type of waiver you want to apply for – this will normally be a waiver for a specific charity or charities. If you are not sure what type of waiver you need you can find more information in our guidance ([link to specific section of external guidance](#))
- details of the charity or charities in which you hold (or will hold) a position as a trustee or senior manager
- your role and responsibilities within each of those charities – you will have the opportunity to attach a job description. If you are a trustee you should tell us about any particular responsibilities that you will have (for example as the treasurer).
- which of the disqualification reasons apply to you – you can select more than one

For each of the reasons we need to know:

- the circumstances and details of your conduct that led to the conviction or disqualification reason. Please provide as much detail here, including details of your conduct since, for example any rehabilitation you have undertaken.
- the length of time since the event or conviction.
- the details of any sentence you received.
- when the disqualification reason will no longer apply:

<b>Disqualification reason</b>	<b>Date to enter</b>
Conviction of specific offences	Date the conviction is spent or never
Financial reasons (bankruptcy etc)	Date that the bankruptcy IVA or DRO comes to an end (discharged)
Contempt of court or disobedience to Commission orders	Date that the sanction becomes spent
Sex Offenders Register	Date that notification requirements end or indefinite

- supporting information from the trustees – there is further guidance on what the trustees need to provide below
- additional supporting information – you have the opportunity to provide us with any other information you think may be relevant when we are considering your application. This might include character references, relevant policies that the charity has in place etc. You can also use this section to advise us of any extenuating circumstances or urgency regarding your application.

### **What information we need from the trustees**

You will need to provide supporting information from the trustees so you should have this ready before you start to complete the form. You can submit it as a single document signed by one or more of the trustees or as a series of documents which address the points (minutes of meetings etc.)

We need to know from the trustees:

- if a quorate majority of the trustees support your application?
- details of the recruitment process that led to the your appointment or proposed appointment – if none, then reasons should be given
- why do the trustees consider that you are the best appointment-for example what special skills do you have which are not otherwise available?
- why you cannot act in an advisory capacity rather than act as a trustee or senior manager?

- whether and how the trustees have assessed, and managed any risk to the charity and its assets in making or maintaining the appointment. For example, where the disqualification reason is financial difficulty or mismanagement the trustees may wish to support a waiver application, subject to them deciding that the applicant will not be in a Treasurer /Chair/Finance Director position at the charity, and that he or she will not have access to the charity's bank accounts.
- what is the trustees' views on the position and reputation of the charity if your appointment is made or maintained
- if you are an undischarged bankrupt, the trustees' on whether the legal limitations on your activities could damage the charity. For example, for an unincorporated charity, the statutory limitations on obtaining credit could cause difficulties in the relationship between the charity and its bankers.