



# TRUST BOARD TERMS OF REFERENCE

<b>Approval Date</b>	July 2022
<b>Policy Owner</b>	Dean Ashton (CEO)
<b>Adopted by Trust Board</b>	July 2022
<b>Review Date</b>	As required

## 1 Core values

The Board of Reach South Academy Trust (the **Academy Trust**) will at all times:

- observe the highest standards of impartiality, integrity and objectivity in relation to the governance of the Academy Trust;
- be accountable to its stakeholders and regulatory bodies for its activities;
- engage in a partnership with the Executive Team which includes the Chief Executive Officer (**CEO**) and the Director of Finance.

## 2 Expectations of Reach South Trustees

All Trustees are required to:

- follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (referred to as "the Nolan Principles" and set out in Annex 1);
- comply with:
  - the Articles of Association (the **Articles**),
  - these terms of reference,
  - the scheme of delegation to the Executive Team,
  - the conflicts of interest policy,
  - the code of practice appended at Annex 2 of these terms of reference;
- uphold the vision and values of the Academy Trust;
- ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and role of the Academy Trust;
- have regard to the Department for Education (**DfE**) guidance on the governance of academy trusts including the Academy Trust Handbook (the **Handbook**), the Governance Handbook and the Competency Framework for Governance (as amended from time to time);
- not misuse information gained in the course of their Trusteeship for personal gain, nor seek to use the opportunity of service to promote their private interests or those of connected persons, firms, businesses or other organisations;
- participate actively in the induction process and any relevant training.

## 3 Powers, functions and responsibilities of Trustees

The Trustees are responsible for the governance and supervision of the Academy Trust and its committees (including the Local Governing Bodies (**LGBs**)).

The Trustees have a number of duties and responsibilities relating to the governance of the Academy Trust and its finances. In summary, the Trustees are responsible for:

- establishing the vision, mission and values for the Academy Trust;
- carrying on the Academy Trust in accordance with the objects of the Academy Trust as set out in the Articles and safeguarding the assets of the Academy Trust;
- designing strategy and structure for the operation of the Academy Trust;

- the delegation of the running of the Academies and the direction of the education, pastoral care, financial and other policies of the Academies to the Executive Team;
- ensuring sound management and administration of the Academy Trust by the Executive Team, and ensuring that the Executive Team is equipped with the relevant skills and guidance;
- financial controls and the financial management of the Academy Trust in accordance with the provisions of the Handbook, which sets out in detail provisions for the financial management of the Academy Trust including guidance on financial systems and controls and accounting and reporting requirements;
- setting standards of conduct and values, monitoring performance and the achievement of objectives, and ensuring that plans for improvement are acted upon;
- risk management, that is identifying, quantifying and devising systems to minimise the major risks affecting the Academy Trust;
- agreeing a procedure for whistleblowing, ensuring that all staff are aware of the whistleblowing procedure, ensuring that there is one Trustee and one member of staff nominated as the contact to which concerns can be raised and that any concerns which have been raised are responded to properly and fairly; and
- ensuring the Academy Trust and the Academies are conducted in compliance with the general law.

#### **4 Recruitment of Trustees**

It is essential that the Trust Board has a proper mix of skills and experience. The Trustees, together with the Members, must therefore be able to identify potential new Trustees in order to plan for succession, which combines continuity of experience and expertise with new ideas and energy.

The Board as a whole is responsible for ensuring that:

- the skills of any new Trustee fit in with the Academy Trust's requirements in the short, medium and longer term;
- each new Trustee is not disqualified from acting as a Trustee by any provision of the Academy Trust's Articles (including the requirement that he is not disqualified as a company director or charity trustee);
- there is a system in place which ensures that all relevant checks, including an enhanced DBS check (countersigned by the Secretary of State in the case of a new Chair), are completed before or as soon as practicable after a Trustee takes up position; and
- the new Trustee understands the responsibility they are taking on and consents to act as a Trustee.

Each new Trustee will be properly inducted to ensure that they understand the nature and extent of their role and responsibilities. It is the duty of a new Trustee to ensure that they are familiar with the objects of the Academy Trust; its history and ethos and the nature and extent of its activities; and the content of the Academy Trust's Articles.

The Governance Professional will provide each new Trustee with:

- the Academy Trust's Articles
- these terms of reference
- the scheme of delegation to the Executive Team
- the Roles and Functions Matrix
- the conflicts of interest policy.
- The accounts, audit management letter and Trustee report for the previous three years
- the Academy Trust's vision and values
- the Academy Trust's development plan / improvement plan
- a list of Academy Trust policies and where to access them
- a list of other Trustees
- a calendar of meetings
- the minutes of the two most recent board meetings
- details of their fellow mentor Trustee (if applicable) and
- details of any upcoming training sessions available.

## **5 The appointment of Trustees**

On appointment, all Trustees shall be required to:

- undergo an enhanced DBS check (countersigned by the Secretary of State in the case of a new Chair of Trustees) and a section 128 check;
- complete a Trustee declaration (attached at Appendix 4);
- complete an AP01 form for submission by the Company Secretary to Companies House (either in paper form or electronically); and
- complete a declaration of business and pecuniary interests form.

The Governance Professional (or the Company Secretary if appointed) shall update the register of Trustees in the statutory books. The Handbook requires the appointment of any new Trustee to be notified to the DfE (in practice via the government "Get information about schools" system) within 14 days of appointment to enable an assessment of their suitability.

## **6 Training and development of Trustees**

The Trustees shall ensure that the Trust Board has the skills and experience needed to perform its functions effectively (and shall refer to the DfE's Competency Framework for Governance in doing so). Trustees shall also be kept up to date with developments in the legal and regulatory framework in which the Academy Trust operates.

The Trustees must have in place a system for evaluating Trustees, with a view to identifying potential gaps in their skills and any requirements for training. Such evaluation shall be carried out annually.

## 7 Accountability of Trustees

The Trustees are chiefly accountable to:

- the Members of the Academy Trust;
- the beneficiaries of the Academy Trust (pupils at the Academies, their parents and the local community) for the quality of education and pastoral care at the Academies, for matters of health and safety and for safeguarding and promoting the welfare of the pupils;
- the DfE, the Education and Skills Funding Agency (**ESFA**) and specifically the Secretary of State under the terms of the Funding Agreement;
- the Secretary of State (in their role as principal regulator in respect of charity matters) for operating the Academy Trust for the public benefit, for the prudent management of the Academy Trust and its financial efficiency, and for compliance with legislation including charities legislation;
- the employees of the Academy Trust for their working environment, and for compliance with the contract of employment and employment law requirements and matters of health and safety; and
- other regulatory authorities for compliance with regulated responsibilities to which the Academy Trust and the Academies are subject.

## 8 Conducting Trustees' business

The Trustees are required to:

- act together and in person and not delegate responsibility of the Academy Trust to others;
- act strictly in accordance with the Articles;
- act in the Academy Trust's interests only and without regard to their own private interests;
- manage the Academy Trust's affairs prudently;
- not take personal benefit from the Academy Trust unless expressly authorised by the Articles or the Charity Commission; and
- take proper professional advice on matters on which they are not themselves competent.

The Trustees should also hold the Executive Team to account. They should offer support, constructive advice, be a sounding board for ideas, a second opinion on proposals and help where needed, but will also challenge, ask questions, seek information and improve proposals where appropriate and at all times act in the best interests of the Academy Trust.

The Trustees shall have regard to the framework for inspecting schools in England under section 5 of the Education Act 2005 (as amended) issued by the Office for Standards in Education, Children's Services and Skills (Ofsted).

The duties and responsibilities of Trustees are explained in further detail in *CC3: The essential trustee: what you need to know, what you need to do* (Charity Commission, May 2018).

The Trustees shall have regard to the Handbook, which shall be circulated to all Trustees.

## 9 Chair of Trustees

The Board shall appoint an individual from among their number to act as Chair. The terms of the Chair's appointment are set out in Article 82. A change of Chair will require a notification to be made to the DfE, including a DBS and section 128 check to be submitted via the DfE.

The main role of the Chair is to chair meetings of the Trust Board. The Chair also provides leadership to the Trustees and acts as the main point of contact between the Trustees and the Executive Team.

Subject to Chair's Action (described below) and apart from any special responsibilities or powers given to the Chair in the Articles (e.g. the right to chair meetings of the Trust Board and to have a second or casting vote in any case of an equality of votes at a meeting of the Trust Board), the Chair has no special powers or rights over any other Trustee. If the Chair is to carry out certain specific functions (for example, the power to approve an overspend in a certain area of the budget or the CEO's appraisal) then this must be expressly delegated to the Chair by the Board in accordance with an appropriate power of delegation in the Academy Trust's Articles.

If the Chair is of the opinion that an approval of the Trustees is needed and it is not practicable to arrange a meeting on short notice in the circumstances, either:

- after receiving a written report from the CEO which clearly states, amongst other things, why the item concerned could not be deferred to a future meeting and why it would qualify for urgent decision under this procedure; or
- as a result of other information that is brought to their attention and a delay in exercising the function would likely be detrimental to the interests of:
  - the Academy Trust
  - a pupil or their parent; or
  - a person who works at the Academy Trust;

then, in consultation with the CEO (or another Trustee if the matter pertains to the CEO), they may exercise any function of the Academy Trust which can be delegated to an individual (**Chair's Action**).

The Chair may decide, on receipt of a request for a decision under the Chair's Action that the matter should only be dealt with by a special Trust Board meeting called on short notice, in which case a meeting shall be called promptly.

Any action under the Chair's Action should be reported in writing as soon as possible to the Trustees (together with a copy of any written report from the CEO). A record of the decisions taken shall also be included with the Trust Board's minutes.

## 10 Meetings of Trustees

There will be a minimum of three meetings of the Trustees and ordinarily six, in every academic year. Meetings of the Trustees shall be convened and conducted as provided by the Articles.

In determining the agenda for Trust Board meetings and committee meetings, the Trustees will have regard to the requirement on them to:

- ensure good financial management and effective internal controls;
- comply with the Funding Agreement and the Handbook;
- receive and consider information on financial performance at least three times a year; and
- take appropriate action to ensure ongoing viability against agreed budgets.

In consultation with the Chair, the Governance Professional to the Trust Board shall prepare an annual plan for the meetings of the Trustees.

## **11 Delegation of powers of Trustees**

Trusteeship (and directorship which necessarily follows) is a personal office of trust and responsibility and this cannot be transferred to another individual. However, in order to ensure the proper management of the Academies, the Trustees are able to delegate specific tasks to assist them in carrying out their duties and obligations.

It is for the Trust Board to determine what decisions it will take for itself, what will be delegated to committees, working groups or individual Trustees (e.g. the Chair) and what will be delegated to the Executive Team. The Trustees must also consider when and from whom they should take professional advice.

In determining whether delegation is appropriate, the Trustees will have regard to the following principles:

- non-executive powers must be exercised by the Trustees personally and may not be delegated;
- except when it is impracticable to do so, executive powers should be delegated to the CEO and Director of Finance, who may authorise further delegation; and
- every act of delegation is only a delegation of powers and does not relieve the Trustees of responsibility.

The Trustees must not delegate any of their powers listed in Annex 3 ("the Reserved Matters").

Delegation can be made to:

- Board committees including the following committees:
  - Finance,
  - Risk and Audit,
  - People,
  - Educational Standards and Performance,
  - Performance and Remuneration;
- the LGBs;
- any individual Trustee;
- the Executive Team (which in turn may delegate to further individuals).

## **12 Committees**

The Trustees may appoint committees with functions related to the Academy Trust. The constitution, membership and proceedings of any committee shall be determined by the Trustees under terms of reference.

Membership of a committee may include persons who are not Trustees provided that a majority of the members of the committee are Trustees.

No vote on any matter shall be taken at a meeting of a committee of the Trustees unless the majority of members of the committee present are Trustees.

The Trustees shall ensure that they receive adequate feedback on the work of any committees.

Committees will act in an advisory capacity to the Trustees, except where powers have been specifically delegated to them by the Trustees. The specific committees to be appointed are as follows:

- Finance,
- Risk and Audit,
- People,
- Educational Standards and Performance,
- Performance and Remuneration;

In accordance with the Handbook, the Trustees must establish a Risk and Audit Committee (or other committee with an audit and risk function) which must direct the Academy Trust's programme of internal scrutiny and report to the Trust Board on the adequacy of the Academy Trust's financial and other controls and management of risks. The Risk and Audit Committee (or other committee with an audit and risk function) must have regard to the Handbook. The Risk and Audit Committee (or other committee with an audit and risk function) must meet at least three times each year.

The Risk and Audit Committee (or other committee with an audit and risk function) must have an annual programme of review and identify on a risk-basis (with reference to its risk register) the areas it will review, modifying its checks accordingly.

A short annual summary report outlining the areas reviewed, key findings, recommendations and conclusions must be prepared and presented to the Risk and Audit Committee (or other committee with an audit and risk function) for each year ended 31 August by the person or organisation carrying out the programme of works. The summary report must be submitted to the ESFA (along with the audited report and accounts) by 31 December each year.

The terms of reference of each committee of the Trustees must be approved by the Trust Board and reviewed at least once in every 12 months. They provide the sole agreed framework within which each committee operates.

## **13 Stakeholder voices**

Trustees are asked to have regard to the voices of their various stakeholders and to put in place arrangements to receive feedback and to respond appropriately. This shall include the following, as they are involved in other elements/tiers of trust governance and more broadly:

- a) Pupils
- b) Parents and carers
- c) Staff.



## **14 Risk management**

The charities statements of recommended practice (the **SORP**) set out requirements for reporting on the risks to a charity.

The Trustees' report therefore must include a description of the principal risks and uncertainties facing the Academy Trust and any subsidiary undertakings, as identified by the Trustees. The report must also include a summary of the Trustees' plans and strategies for managing these risks. The Trustees must identify specific risks and describe ways to combat each one, rather than making general statements regarding risk management.

The Trustees are therefore responsible for:

- identifying the major risks that apply to the Academy Trust, including:
  - operational risks (employment issues, health and safety, fraud, service quality and development etc.);
  - financial risks (accuracy of financial information, cash flow, reserves, over-reliance on funding sources etc.);
  - external risks (changes in government policy, economic factors, demographic changes, adverse publicity etc.); and
  - regulatory risks (compliance with legislation, changes in policies of the regulators etc.).
- making decisions (based where appropriate on advice from professional advisors) as to how to respond to those risks; and
- making appropriate statements regarding the management of risks in the annual report.

Noting that the overall responsibility for risk management and oversight of the risk register lies with the Trust Board, the Risk and Audit Committee, supported by the Executive Team, shall prepare a risk register for approval by the Trustees, along with a procedure by which the risk register shall be subject to regular review. The risk register shall have named individuals assigned to manage each area.

## **15 The management of conflicts of interest**

The Companies Act 2006 imposes a statutory duty on the Trustees to avoid situations in which they have or could have an interest, which conflicts (or could conflict) with the interests of the Academy Trust. The duty is to:

- a) declare the nature and extent of any interest in any matter relating to the Academy Trust; and
- b) avoid any conflict of interest between that interest and the interests of the Academy Trust.

In addition, charity law and guidance issued by the Charity Commission confers obligations on the Trustees to manage any conflict between a Trustee's duty to the Academy Trust and their own personal interests or for a Trustee to be influenced by conflicting duties to the Academy Trust and a third party.

Further details are set out in the Conflicts of Interest Policy with which the Trustees are obliged to comply.

## **Annex 1     the Seven Principles of Public Life set out by the Committee on Standards in Public Life ("the Nolan Principles")**

### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **6. Honesty**

Holders of public office should be truthful.

### **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Annex 2 Trustees' code of practice**

### **1 Introduction**

This code of practice is designed to set out the conduct required of trustees in order to ensure the highest standards of integrity and stewardship.

### **2 General responsibilities**

*"Trustees must act reasonably and prudently in all matters relating to the Charity and must always bear in mind the interests of the Charity. They should not let their personal views or prejudices affect their conduct as trustees." (The Essential trustee: what you need to know(CC3), Charity Commission, February 2008).*

*"The primary duty of a trustee is to carry out the function of his or her office with the utmost good faith. He or she must be impartial and mindful of the interests of the beneficiaries of the Charity and of the objects for which the Charity is established". (Governance and management of charities, Andrew Hind, NCVO Publications, 1995)*

Trustees should listen to the view of other trustees, staff, volunteers or external advisers respectfully, taking cognisance of differences of opinion. Trustees should not cause offence to others or undermine the standing of their colleagues as a member of the Trust Board.

### **3 Roles and responsibilities**

- To understand the role of the Executive Team and the purpose of the Trust Board.
- To actively challenge and support the Executive Team.
- To maintain and develop the values, ethos and reputation of the Academy Trust and the Academies.
- To accept collective responsibility for all decisions made by the Trust Board or to its delegated Trustees.
- To act fairly and without prejudice.
- To fulfil all that is expected of a good employer in circumstances where the Trust Board has responsibility for staff.
- To consider how the decisions of the Trust Board may affect other schools and the community.

### **4 Commitment**

- To commit considerable amounts of time and energy to the Trust Board in order for it to fulfil its functions and duties.
- To become actively involved in the Trust Board's work and accept a fair share of responsibilities.
- To send apologies in advance of Trust Board meetings to which the individual Trustee is unable to attend, but making full effort to attend all meetings of the Trust Board.
- To develop and maintain relationships with the Academies and arrange visits where necessary in advance with the Executive Team.

- To develop and maintain effective working relationships with the Executive Team, staff and parents, volunteers, the community, the local authority and other relevant agencies.
- To respond to opportunities and become actively involved in Academy activities.
- To undertake relevant training and to identify and fulfil any skills gaps as and when determined by the Board.
- To accept that relevant individual Trustee details shall be published on the Academy Trust's website and also logged on the DfE's national database ("Get information about schools").

## **5 Board papers**

While the Trust Board aims to conduct its business openly, it is inevitable that some matters must be confidential either for a time or always.

All matters discussed at Trust Board meetings (save for items which are clearly neither confidential nor of a sensitive nature either legally, commercially, financially or personally) should be treated as strictly confidential and should not be discussed with anyone other than those present at the meeting when the matter in question was discussed unless authorised by the Trust Board to do so. If in any doubt, Trustees should contact the Chair.

## **6 Board meetings**

Open discussion and debate is actively encouraged, in which every spectrum of objective opinion is welcomed.

As Trustees must act with probity, the Trust Board should take and consider professional advice from internal and / or from external advisers in all decision-making.

Where consensus is not achieved, decisions will be taken during board meetings by calling for a vote by those present. Trustees who abstain on, or vote against, any motion may request an appropriate note be made in the minutes.

The Trust Board must be accountable but delegate authority on various matters on which it is entitled to full reports as necessary.

## **7 Outside board meetings**

Trustees should exercise restraint outside a meeting in relation to particular comments made within the Trust Board meeting by individual members. Trustees must accept that it is inappropriate for any private or public references to "who said what", except in dialogue with other Trustees.

Trustees should accept the need for care and restraint, honouring the spirit as well as the letter of the code of practice, when talking about Trust Board matters in any other forum.

## **8 Disagreements**

Where a Trustee has a disagreement on any matter, they should raise the matter informally with the chair or through the normal procedures at a Trust Board meeting.

If not resolved, a Trustee may request the matter be taken further by the Chair.

If a satisfactory conclusion is not reached, the Trust Board may recommend the appointment of an independent mediator.

## **9 The Executive Team and the wider staff**

Staff and Trustees are expected to deal with each other with respect and courtesy.

Trustees must ensure there is a clear understanding of the scope of authority delegated to the CEO.

Having given the CEO delegated authority, Trustees should be careful, individually and collectively, not to undermine that authority either by word or action.

Trustees delegate the management to the CEO, which includes the management of staff.

If a Trustee has concerns relating to the performance of a member of staff, they should contact the Chair, who will take up the matter with the CEO.

## **10 Breach of the Code of Practice**

In the event of a breach of this Code of Practice, the matter shall be raised with the Chair and an investigation shall take place.

In the event a breach of this Code of Practice is believed to have been made by the Chair, another individual Trustee (such as the Vice Chair) shall conduct (or commission) the investigation.

The Board understands that removal of an individual Trustee will be used only as a last resort, once all efforts have first been utilised to resolve the matter.

Where there is no other plausible option other than to remove the Trustee, the Chair or other appropriate Trustee shall refer the matter to the Members.

### **Annex 3      Reserved matters**

The Reserved Matters are:

#### **Members**

(subject to such other consents/ requirements as might be required by law or the Funding Agreement)

- 1      to change the name of the Academy Trust
- 2      to change the Objects (which would require Charity Commission and Secretary of State consent)
- 3      to change the structure of the Trust Board
- 4      to amend the Articles of Association
- 5      to pass a resolution to wind up the Academy Trust
- 6      to appoint the auditors (save to the extent that the Trustees may make a casual appointment)

#### **Trustees**

(subject to such other consents/ requirements as might be required by law or the Funding Agreement)

- 7      to change the name of the Academies
- 8      to determine the educational character, mission or ethos of the Academies
- 9      to adopt or alter the constitution and terms of reference of any committee of the Trust Board
- 10     to amend these terms of reference
- 11     to terminate a supplemental funding agreement for an Academy
- 12     to establish a trading company
- 13     to sell, purchase, mortgage or charge any land in which the Academy Trust has an interest
- 14     to approve the annual estimates of income and expenditure (budgets) and major projects;
- 15     to appoint investment advisors
- 16     to sign off the annual accounts;
- 17     to appoint or dismiss the Chief Executive Officer, the Finance Director, the Company Secretary or the Governance Professional;
- 18     to settle the division of executive responsibilities between the Trustees on the one hand and Executive Team on the other hand, on the other hand, and to settle the division of executive responsibilities between those individuals

- 19 to do any other act which the Funding Agreement expressly reserves to the Trust Board or to another body (including for the avoidance of doubt, terminating the Funding Agreement or any part of it)
- 20 to do any other act which the Articles expressly reserve to the Trust Board or to another body or
- 21 to do any other act which the Trust Board determine to be a Reserved Matter from time to time.

## Annex 4 Trustee declaration on appointment

### Reach South Academy Trust (Academy Trust)

I confirm that I am willing to act as a director of the Academy Trust ("**a Trustee**"). I further confirm that I am not disqualified from so acting by virtue of any provisions of the Articles of Association of the Academy Trust, including, but not limited to, the requirement that I am not subject to an order under section 181A of the Charities Act 2011 disqualifying me from acting as a charity trustee or director by virtue of sections 178 and 178A of the Charities Act 2011 (extract included below).

Signed .....

Full name .....

Address .....

.....

.....

.....

.....

.....

Date .....

Please sign and retain the additional copy of this document with your records.

**Reach South Academy Trust:** an exempt charity and company limited by guarantee

**Company registration number:** 10151730

**Registered office:** c/o UTC Plymouth, Park Avenue, Devonport,  
Plymouth, PL1 4RL



## Extract from section 178 of the Charities Act 2011

### **178 Persons disqualified from being charity trustees or trustees of a charity**

(1) A person ("P") is disqualified from being a charity trustee or trustee for a charity in the following cases—

#### **Case A**

P has been convicted of—

- (a) an offence specified in section 178A;
- (b) an offence, not specified in section 178A, that involves dishonesty or deception.

#### **Case B**

P has been made bankrupt or sequestration of P's estate has been awarded and (in either case)—

- (a) P has not been discharged, or
- (b) P is the subject of a bankruptcy restrictions order or an interim order.

#### **Case C**

P has made a composition or arrangement with, or granted a trust deed for, creditors and has not been discharged in respect of it.

#### **Case D**

P has been removed as a trustee, charity trustee, officer, agent or employee of a charity by an order made—

- (a) by the Commission under section 79(4) or by the Commission or the Commissioners under a relevant earlier enactment (as defined by section 179(5)), or
- (b) by the High Court,

on the ground of any misconduct or mismanagement in the administration of the charity for which P was responsible or which P knew of and failed to take any reasonable step to oppose, or which P's conduct contributed to or facilitated.

#### **Case E**

P has been removed, under section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10) (powers of the Court of Session) or the relevant earlier legislation (as defined by section 179(6)), from being concerned in the management or control of any body.

#### **Case F**

P is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/ 3150 (N.I.4)), or
- (b) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order).

#### **Case G**

P is subject to—

- (a) a moratorium period under a debt relief order under Part 7A of the Insolvency Act 1986; or
- (b) a debt relief restrictions order or interim order under Schedule 4ZB to that Act.

#### **Case H**

P has been found to be in contempt of court under Civil Procedure Rules for—

- (a) making a false disclosure statement, or causing one to be made, or
- (b) making a false statement in a document verified by a statement of truth, or causing one to be made.

#### **Case I**

P has been found guilty of disobedience to an order or direction of the Commission on an application to the High Court under section 336(1).

#### **Case J**

P 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.

#### **Case K**

P is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.

(2) Subsection (1) is subject to sections 179 to 181.

(3) While a person is disqualified under this section in relation to a charity, the person is also disqualified from holding an office or employment in the charity with senior management functions.

(4) A function of an office or employment held by a person "(A)" is a senior management function if—

(a) it relates to the management of the charity, and A is not responsible for it to another officer or employee (other than a charity trustee or trustee for the charity), or

(b) it involves control over money and the only officer or employee (other than a charity trustee or trustee for the charity) to whom A is responsible for it is a person with senior management functions other than ones involving control over money.

#### **178A Case A: specified offences**

(1) The following offences are specified for the purposes of Case A—

1 An offence to which Part 4 of the Counter-Terrorism Act 2008 applies (see sections 41 to 43 of that Act).

2 An offence under section 13 or 19 of the Terrorism Act 2000 (wearing of uniform etc, and failure to disclose information).

3 A money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002.

4 An offence under any of the following provisions of the Bribery Act 2010—

(a) section 1 (bribing another person),

(b) section 2 (offences relating to being bribed),

(c) section 6 (bribery of foreign public officials),

(d) section 7 (failure of commercial organisations to prevent bribery).

5 An offence under section 77 of this Act.

6 An offence of—

(a) misconduct in public office,

(b) perjury,

(c) perverting the course of justice.

(2) An offence which has been superseded (directly or indirectly) by an offence specified in subsection (1) is also specified for the purposes of Case A.

(3) In relation to an offence specified in subsection (1) or (2), the following offences are also specified for the purposes of Case A—

(a) an offence of attempt, conspiracy or incitement to commit the offence;

(b) an offence of aiding, abetting, counselling or procuring the commission of the offence;

(c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence.

(4) The Minister may amend this section by regulations to add or remove an offence.