

TO ESTABLISH ELIGIBILITY FOR OFFICE OF GOVERNOR AT PETER SYMONDS COLLEGE (THE COLLEGE)

Eligibility: Instrument & Articles of Government

- 1.1 In accordance with the College's Instrument of government you are prevented from being eligible for office if you are in breach of one or more of clauses 8 (4) – 8 (8) and 8(10) as set out in the attached annex A and/or
- 1.2 You have been removed from office as a member of a further education corporation in the previous ten years.

Eligibility: Charity Law

- 2.1.1 Peter Symonds College is an exempt charity and as such, governors should also conform to Charity Commission Guidelines on eligibility. A person is not eligible to be a governor if they:
 - 2.1.2 have an unspent conviction for an offence listed in the attached annex B;
 - 2.1.3 have an individual voluntary arrangement (IVA) to pay off debts with creditors;
 - 2.1.4 are subject to an order made under section 429(2) of the Insolvency Act 1986;
 - 2.1.5 are currently declared bankrupt (or subject to bankruptcy restrictions or an interim order);
 - 2.1.6 have previously been removed as a charity trustee, employee or agent by the Charity Commission, OSCR, the Scottish charity regulator or the High Court due to misconduct or mismanagement;
 - 2.1.7 have been removed from management or control of any body under section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (or earlier legislation);
 - 2.1.8 are disqualified from being a trustee by an order of the Charity Commission;
 - 2.1.9 are disqualified from being a company director;
 - 2.1.10 are a designated person for the purposes of anti-terrorism legislation;
 - 2.1.11 are on the sex offenders register;
 - 2.1.12 have been found in contempt of court for making (or causing to be made) a false statement;

- 2.1.13 have been found guilty of disobedience to an order or direction of the Charity Commission;
 - 2.1.14 are not otherwise automatically disqualified from being a charity trustee under section 178 of the Charities Act 2011;
- 2.2 You are a “fit and proper person” as required by HMRC, and are not prevented from acting as a governor because you :
- 2.2.1 have been involved in tax fraud;
 - 2.2.2 have used arrangements notified under the Disclosure of Tax Avoidance Schemes (“DOTAS”) rules, in Part 7 Finance Act 2004 in respect of which a reference number has been issued under section 311 of Finance Act 2004, where the arrangements featured charitable reliefs or which used a charity, and where your tax position has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final;
 - 2.2.3 have used tax arrangements which have been successfully counteracted under the general anti-abuse rules (see Part 5 of Finance Act 2013 or section 10 National Insurance Contributions Act 2014, as enacted or as amended from time to time) where such counteraction has become final;
 - 2.2.4 have been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity.

Eligibility: Office for Students

- 2.3 Peter Symonds College is registered with the Office for Students and therefore you should also conform to the Office for Students (OfS) requirement that you are a ‘fit and proper person’ namely :
- 2.3.1 are of good character;
 - 2.3.2 have the qualifications, competence, skills and experience that are necessary for this role;
 - 2.3.3 are able by reason of your health, after reasonable adjustments are made, to properly perform the tasks of the office or position for which you are appointed;
 - 2.3.4 have not been responsible for, been privy to, contributed to, or facilitated any serious misconduct or mismanagement (whether unlawful or not) in your employment or in the conduct of any entity with which you are or have been associated;
 - 2.3.5 has not been and am not:
 - 2.3.5.1 disqualified from acting as a company director, or from acting as a charity trustee, as set out in the Company Directors Disqualification Act 1986 or the Charities Act 2011;
 - 2.3.5.2 convicted of a criminal offence anywhere in the world;

- 2.3.5.3 subject of any adverse finding in civil proceedings, where relevant, including, but not limited to bankruptcy or equivalent proceedings (in the last three years);
- 2.3.5.4 subject of any adverse findings in any disciplinary proceedings by any regulatory authorities or professional bodies at any time;
- 2.3.5.5 involved in any abuse of the tax systems;
- 2.3.5.6 involved with any entity that has been refused registration to carry out a trade or has had that registration terminated;
- 2.3.5.7 involved in a business that has gone into insolvency, liquidation or administration when I have been connected with that organisation or within one year of that connection coming to an end;
- 2.3.5.8 dismissed from a position of trust or similar;
- 2.3.5.9 involved with a higher education provider that has had its registration refused or revoked by the OfS or has had similar action taken against it by another regulator (this includes, but is not limited to, serving on a board/governing body, having voting rights, being a significant shareholder/owner, serving in a senior position, etc.).

The Commission on Standards in Public Life has underlined the importance of the undertaking included in the College’s Code of Conduct for Governors. This provides that *“you must declare openly any personal conflict of interest arising from a matter before the Governors or from any aspect of governorship”*.

Please sign and return the acknowledgement below.

Thank you

Vicky Owen Clerk to the Governors

I declare that I am not aware of any ground referred to above which would prevent me from being eligible for office as a Governor of the College and that I am a ‘fit and proper’ person in accordance with the requirements of the Office for Students set out above.

I will not benefit financially in connection with any college business, nor from the position as a Governor and I will declare any conflict of interest should occasion arise.

Signed

Name: Date:

If you are not able to make the declarations above, please get in touch with me to discuss the matter further.