



**Procedure 4  
Version 3**

**Procedure for the appointment of new Trustees**

## **Procedure for the appointment of new Trustees**

Paragraph 9 of the CIO Constitution which was agreed on 28 February 2019 refers to the eligibility and admission procedure for new Trustees. The relevant extract is attached at appendix 1.

This procedure has been developed to support the CIO Constitution. The Charity Commission Guidance “Finding new trustees: what charities need to know” together with NCVO guidance “Trustee Recruitment for Small Organisations” have been taken into account in the preparation of this procedure.

### **1.Appointment process**

Some of the recruitment may be delegated to a sub-group of Trustees but the whole Board of Trustees remains in full control of the process and decision.

#### **1.1 Identifying need**

When FOYH identifies the need for new Trustees, the appointment process will be:

- The Board of Trustees will agree by producing a job description and person specification detailing what skills, experience and knowledge are needed in addition to those detailed on the agreed Trustee job description. For example: it may be that skills relating to HR or PR advice would be of value to the organisation

#### **1.2 Advertising**

- An advert will be prepared for inclusion in suitable forums. This may include, but is not restricted to, York CVS, Do-it.org and the membership newsletter.
- A press release will be prepared for local media inviting interested applicants
- Applicants to be invited to write to the Chairman with relevant details of their skills and experience
- The potential Trustee will be required to complete a Trustee Eligibility Form as attached at appendix 2

#### **1.3 Meeting with potential Trustees**

- Arrangements will be made for at least two Trustees (to include at least one officer) to interview the applicant to give them an opportunity to ask any questions they may have about the organisation and the role. This will also give us an opportunity to find out if the applicant is right for the role and will fit the ethos of FOYH. (Where the applicant is known to an existing Trustee – that Trustee will not be involved in the initial meeting).

#### **1.4 Appointment process**

- If still interested the potential Trustee will be invited to a meeting of the Trustees’ as an observer where he/she will be invited to give a brief resume of their skills and experiences, reasons for becoming a Trustee and what they feel they can offer to the role. At the end of the meeting they will be asked to leave and all existing Trustees will vote on whether or not they feel the applicant should be appointed
- Potential Trustees should consider and declare any existing or potential conflicts of interests.

- The Chairperson will write to the applicant within 21 days either welcoming them to the FOYH Trustees or detailing the reasons why they have not been successful in their application
- The applicant will be requested to complete a Disclosure and Barring Service application
- Two references as to the suitability of the candidate will be sought

### **1.5 Upon appointment**

- The applicant will be co-opted to the Board of Trustees as a non-voting Trustee until the completion of the three-month trial period. He/she will be invited to both the main and confidential sections of the meetings. (see also para 1.6 below)
- The Honorary Secretary will meet with the applicant to provide the Trustee with an information pack and organise an induction process meeting with relevant people within the Charity and hospital
- The Honorary Secretary will include the details of the new Trustee in the FOYH registration with the Charity Commission

### **1.6 Trial period**

- The new Trustee will have a three-month trial period.
- If an existing trustee has any concerns about the new trustee whilst he/she is on trial these concerns should be raised with the Chairman as soon as possible.
- At the end of the three-month trial period there will be:
  - a review meeting with the new Trustee and a Trustee (who had not been involved in the interview nor introduced the new Trustee). The meeting is to ensure that the Trustee fits with the ethos of FOYH, that he/she wishes to continue and that is acceptable to the Board of Trustees.
  - a vote by the Board of Trustees to approve the appointment.

## **2. Review of procedure**

This procedure will be reviewed every two years or sooner if guidance and/or legislation changes.

Version 3

Approved by: Board of Trustees

Date: 3 February 2020

Amended 9 March 2020/1 June 2020/1 March 2021

Extract from the CIO Constitution as agreed on 28 February 2019

### **“9. Membership of the CIO**

#### **(1) Admission of new members**

##### **(a) Eligibility**

Membership of the CIO is open to anyone who is interested in furthering its purposes, and who, by applying for membership, has indicated his, her or its agreement to become a member and acceptance of the duty of members set out in sub-clause (3) of this clause. A member may be an individual, a corporate body, or (an individual or corporate body representing) an organisation which is not incorporated.

##### **(b) Admission procedure** The charity trustees:

- (i) may require application for membership to be made in any reasonable way that they decide;
- (ii) shall if they approve an application for membership, notify the applicant of their decision within 21 days;
- (iii) may refuse an application for membership if they believe that it is in the best interests of the CIO for them to do so;
- (iv) shall if they decide to refuse an application for membership, give the applicant their reasons for doing so, within 21 days of the decision being taken, and give the applicant the opportunity to appeal against the refusal; and
- (v) shall give fair consideration to any such appeal, and shall inform the applicant of their decision, but any decision to confirm refusal of the application for membership shall be final.

#### **(2) Transfer of membership**

Membership of the CIO cannot be transferred to anyone else (except in the case of an individual or corporate body representing an organisation which is not incorporated, whose membership may be transferred by the unincorporated organisation to a new representative. Such transfer of membership does not take effect until the CIO has received written notification of the transfer).”

**Friend of York Hospitals - Trustee declaration form**

I declare that I have read the Charity Commission's automatic disqualification guidance and am **EITHER** not disqualified from acting as a charity trustee for any of the following reasons

1. You have an unspent conviction for any of the following:
  - a) an offence involving deception or dishonesty
  - b) a terrorism offence to which Part 4 of the Counter-Terrorism Act 2008 applies
  - c) an offence under section 13 or 19 of the Terrorism Act 2000
  - d) a money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002
  - e) a bribery offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
  - f) an offence of contravening a Commission Order or Direction under section 77 of the Charities Act 2011
  - g) an offence of misconduct in public office, perjury or perverting the course of justice
  - h) In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence.
2. You are on the sex offenders register (i.e. subject to notification requirements of Part 2 of the Sexual Offences Act 2003).
3. You have an unspent sanction for contempt of court for making, or causing to be made, a false statement or for making, or causing to be made, a false statement in a document verified by a statement of truth.
4. You have been found guilty of disobedience to an order or direction of the Commission under section 336(1) of the Charities Act 2011.
5. You are a designated person for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al-Qaida (Asset-Freezing) Regulations 2011.
6. You have previously been removed as an officer, agent or employee of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement in the administration of the charity.
7. You have previously been removed as a trustee of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement.
8. You have been removed from management or control of anybody under section s34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (or earlier legislation).
9. You are disqualified from being a company director, or have given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for you to act as director of the charity.
10. You are currently declared bankrupt (or subject to bankruptcy restrictions or an interim order).
11. You have an individual voluntary arrangement (IVA) to pay off debts with creditors.
12. You are subject to a moratorium period under a debt relief order, or a debt relief restrictions order, or an interim order.
13. You are subject to an order made under section 429(2) of the Insolvency Act 1986 (failure to pay under a County Court Administration Order).

**OR** I have obtained a waiver from the Charity Commission which sets my disqualification aside and have attached a copy to this form.

I agree to be bound by the charities policies and procedures:

Name:

Signed:

Dated: