



BOARD MEMBER RECRUITMENT

AUTUMN 2020



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Your application

Thank you for your interest in becoming a Board Member for Orwell. On the following pages, you will find details of the role and the selection process to assist you in completing and tailoring your application. In order to apply you should submit the following:

1. Details of your employment and experience – your personal and professional background.
2. A personal statement outlining your reasons for wanting to be a Board Member of Orwell Housing

The declaration form – but completion of the equalities section is not mandatory, this is requested for monitoring purposes in line with our commitment to equality and diversity; and

Indicate on the declaration form if you cannot attend either of the interview dates.

Please note that applications can only be considered if all the documentation is complete. Please send your application, preferably in MS Word format, by email to: claire.monk@orwell-housing.co.uk

Applicants will be assessed against OHA's skills matrix to assess their suitability for the role.

Applications must be received by **Sunday 10 January 2021**

Please ensure we receive your application in good time.

To help avoid your submission being treated as spam, please use a secure email address from which to send your application and refer to the role in the header.



Welcome to Orwell

The Orwell Board and I appreciate your interest in our current Board vacancies. We know that non-executive candidates are rightly discerning about which organisations they choose to join. We think Orwell is a special place and hope that you will be encouraged to continue to read this pack to give you a flavour of what Orwell is about and the kind of people we are looking for as new Board Members.

Dedicated to the success of our people and places – sums up what we are about at Orwell. We are most definitely not just a landlord that manages property. Our philosophy at Orwell is that we do things because we care, we never forget that homes are for people. For our customers, access to a safe, affordable and energy efficient home is often the start of their journey with us.

We have over 50 years-experience as a strong, regional but locally focused organisation working to meet housing, support and care needs. We have an overall customer satisfaction rate of 93%. We currently own or manage nearly 4,000 homes providing safe and secure accommodation for over 7,500 people and operate in 15 local authority areas. Our annual turnover is £36m with assets of £228m and we employ some 700 people. Our annual surplus is reinvested in new homes and the services we provide. One of our unique strengths is the provision of care and support services to older people, young people, the homeless, those fleeing domestic abuse and people with learning disabilities. We are the largest provider of extra care housing for older people in Suffolk.

As we look forward to the future, we know that we need to continue to harness our strengths to keep making a positive impact for our communities. Changing demographics and customer expectations, alongside a more challenging strategic environment that brings uncertainty and complexity – our new Board Members will need to provide support and challenge to the Executive Team through strategic

debate and decision making. As such we anticipate that regardless of your experience or background you will bring your customer insight and experience as an Orwell resident.

For the Board we are currently looking to recruit two new tenant Board members and particularly keen to speak to individuals with experience of being a customer of Orwell. We are also looking for people who can add value by their ability to think differently and strategically and who can make an effective Board level contribution, helping Orwell deliver its vision. As a community focused organisation the values and understanding you bring will be crucial whether your background is the commercial, public or not-for-profit sector.

We are ambitious about the future and are seeking Board Members who have a similar outlook, individuals who are looking for a rewarding role that will also stretch them. I hope that we have inspired you to further consider these opportunities. If you decide that Orwell is the right place for your talent and commitment, I shall very much look forward to reading your submission and meeting you during the selection process.

Kindest regards



Kim Newman
Chair

About Us

Our Organisational Values

Our Organisational Values are set out in our Business Plan and are:

People focused – people are at the heart of our business. By recognising people's diverse needs and strengths and treating everyone fairly we can both serve our customers better and best support our teams to run a brilliant business and improve services.

Solutions Orientated – we are solutions focussed, we will search for solutions and ideas that overcome the challenges faced by our customers and communities.

Collaborative – we will work in partnership and search out best practice. We will collaborate with tenants, customers, colleagues and like-minded organisations to find solutions together.

Genuine - we are open, transparent and honest and adopt an enthusiastic and energetic way of working which brings together the ethos of "Team Orwell"

Expert – we lead the way with our knowledge and expertise across a number of our services and are committed to training and supporting our colleagues to be the best at what they do in order that they can provide the best possible standards of service.

Ambitious – we are ambitious to grow the organisation so that it can do more and realise the full potential of both ourselves and those we support and house.

Our Vision

To make a positive difference to the quality of life and future opportunities of our customers, our employees and our communities.

Orwell's business and property portfolio

The majority of Orwell's housing is located in the Ipswich and Lowestoft town areas; however, in recent years we have become more diverse and now have properties in all districts within Suffolk, South Norfolk, North Essex and Cambridgeshire, and also manage (as well as owning the majority of) five sheltered housing schemes, twelve extra care housing schemes, eight schemes supporting adults with learning disabilities and eight temporary supported housing schemes including two women's refuges.

We are currently the largest supported housing provider in Suffolk and also own 39 additional supported living schemes. We work in partnership with a number of different agencies to provide housing management, support and care services in a wide range of accommodation. The agencies we currently work with include: Access Community Trust, Affinity, Anglia Care Trust, Avenues Group, Break, Care UK, Dimensions, ENS, Family Mosaic, Heritage Care, Heywoods Grange, Home Group, Julian Support, Leading Lives, Mencap, Papworth Trust, Suffolk Social Care Services, The Benjamin Foundation and United Response.

Our current budgeted turnover is approximately £36m. The Statement of Comprehensive Income and the Balance Sheet can be viewed in the Annual Report which can be viewed [here](#) and the current Business Plan can be viewed [here](#).

To view a map of all Orwell's properties and their locations, click [here](#).

Our development company Orwell Homes provides development services to Orwell Housing Association and builds homes for sale with surpluses passed back to the Association.

Orwell has partner status with Homes England to receive grants on behalf of the e² consortium to develop new affordable homes. e² is a development consortium comprising of four housing associations and one local authority (Orwell, Freebridge Community Housing, Saffron Housing Trust, Greenfields Community Housing and Waveney District Council).

The Board

The Orwell Board oversees and leads the work of the Group, providing strategic direction to the Group's Executive Team, who translates this into operational activity.

We operate in accordance with the requirements contained in the National Housing Federation Code of Governance. A board member would normally serve three terms of three years up to a maximum of 9 years and work with at least one of the committees. The committees cover the areas of Audit, Governance and Nominations and Remuneration.

Ms Kim Newman – Chair



Kim joined the Board of Orwell in March 2015 and is now Chair of the Board and a member of the Governance and Remuneration & Nominations Committees.

With a background in commercial management, business strategy and collaborative partnerships, Kim has over 25 year's experience in the property and construction sectors.

Kim is the founder and Managing Director of PML, a specialist consultancy within the housing and commercial property sector. Prior to setting up PML in 1995, Kim spent a number of years with national consultancy practices in various leadership roles.

Alastair Thomas – Vice Chair and Chair of Orwell Homes



Alastair Thomas joined the Board of Orwell Housing Association in March 2012. He is Chair of Orwell Homes Limited, Vice-Chair of the Board and sits on the Remuneration & Nominations Committee.

Alastair is a Chartered Surveyor and the founder of the Equity Estates Group in 1990 that undertakes commercial and residential property development, investment and asset management, principally in East Anglia and the South East. Uniquely the Group also undertakes the delivery of park and ride schemes and to date has designed, planned and delivered over 3,000 spaces for both Essex and Suffolk County Councils, including Ipswich's first park and ride at Copdock.

Robyn Llewellyn – Chair of Audit Committee



Having joined the Board of Orwell Housing Association in 2012, Robyn is Chair of the Audit Committee and sits on the Governance and Remuneration Committees.

Robyn is currently Head of Engagement, Midlands and East for the National Lottery Heritage Fund where she leads the engagement and inclusion activity across the Area, helping to distribute an annual budget of £48m. Robyn has spent her career working in the public sector as a champion of the power of heritage to change lives for the better. Current interests include exploring opportunities to bring community investment and heritage together and helping to connect more people with nature and landscape.

As Secretary to the local cricket club, she helped to promote youth sport for all, particularly girls, and was instrumental in obtaining ECB Clubmark status. Other interests include walking in the wonderful East Anglian countryside and spending time in her allotment in Suffolk, where she has lived since 1991.

Barbara Thorndick – Chair of Nominations and Remuneration



Barbara joined the Board in March 2016 she is Chair of the Remuneration & Nominations Committee and sits on the Audit and Governance Committees.

She is the former Chief Executive of West Kent Housing Association, which under her leadership was the first housing association in the country to be awarded top marks by government inspectors for delivering excellent services to residents. In 2007/8 she set up the Placeshapers Group of housing associations to help represent the interests of community-based housing associations who further their work through locally based partnerships. In 2008 she was awarded the OBE for services to social housing.

In 2012 Barbara set up her own business which provides coaching services to individuals and companies in both the public and private sectors.

Jeanette Alfano, MBA, BTech (Hons) – Chair of Governance



Jeanette joined the Board of Orwell in 2015. She is Chair of the Governance Committee and a member of Audit and Remuneration & Nominations committees.

Jeanette is the former Director of Technology and Transformation at Optivo. Optivo has 44,000 homes in the South East and the Midlands and was the result of merging AmicusHorizon and Viridian. Jeanette led the integration of the systems and was responsible for the creation and delivery of the strategy to make Optivo a Digital Enterprise.

Jeanette has spent her career in Technology roles and has worked in both the private and public sector. She is passionate about the use of technology as an enabler for corporate success.

Dan Gaul – Board Member



Dan was previously Head of Service for Suffolk County Council and was responsible for the council's 16 residential care homes for older people. He was lead manager for the department's capital programme and coordinating the development of specialist housing services with district and borough councils. He has also had management roles within procurement and corporate services.

Dan is the lead board member for Supported Housing & Care, Tenant Engagement and Equalities.

Cynthia Alers – Board Member



Cynthia Alers joined the board of Orwell Housing in March 2017 and is Vice Chair of the Audit Committee. She is currently a consultant advising listed company boards on strategy, investor relations, corporate communications, governance and capital markets.

Cynthia has worked in finance and capital markets for most of her career, holding senior positions with Workspace, Kier, Sage, Laird, Saga, and JP Morgan. She has also worked in the public sector with OFWAT, the Continuing Care Commission and the Industry and Parliamentary Trust.

Her previous board roles include the Port of Dover, where she chaired the Audit Committee and was a member of the Nominations and Remuneration Committees, Northeast Academy Trust as Finance Director, and Buckden Millennium Trust as Executive Chair.

Cynthia brings good knowledge of the property sector from her time with Workspace and Kier and a strong career experience in strategy and finance. She is interested in stakeholder engagement and how other countries manage support and care for the vulnerable.

Helen Driver – Board Member



Helen joined the Board of Orwell Housing Association in March 2019. She sits on the Board of Orwell Homes Limited and the Audit Committee.

Helen is the founder of Moneyready, an online financial education platform for young people. Helen is the former Head of Investor Relations at Aviva plc, responsible for the group's financial communications with shareholders and the investment community. Helen was formerly Head of Global Equities at Aviva Investors, and prior to that Investment Director at Standard Life Investments in Edinburgh. Since 2013 Helen has been a committee member of the Assets & Liabilities Committee of the Futurebuilders England and Modernisation Funds, managed by the Social Investment Business on behalf of the Cabinet Office.

Helen grew up in Suffolk, and after her investment career took her to Frankfurt, London and Edinburgh, returned to the county with her young family in 2012. When not supporting her children on the football pitch or in the swimming pool, Helen sings in a choir and enjoys getting out and about in the Suffolk countryside.

Dayle Bayliss – Board Member



A Chartered Surveyor, eight years ago Dayle's desire to deliver construction services from a different perspective led her to found Dayle Bayliss Ltd, a Surveying, Design and Project Management Consultancy. This gave Dayle the freedom to exercise her collaborative approach to construction projects, as well as tackle the challenges of skills and diversity in construction. Dayle has already won national and local business awards, including East

Anglian Daily Times Young Business Person of the Year 2012, Project '@TheRec' Winner of the 2015 East of England RICS Regeneration Award and highly commended accolades for her work. Dayle has been recognised on the Suffolk 100 of Economic Influencers 2017 and in 2018 one of Suffolk's Inspiring Women.

Not content with running a successful practice, Dayle is passionate about breaking down myths and barriers that exist around construction careers. This has led her to work on the NALEP Construction Sector Skills Plan and Chair of the 2017 Suffolk Skills Show. She is a member of the NALEP Skills Advisory Panel and the skills lead for the Construction Sector Group, Building Growth. Her experience culminated in being appointed as Chair to the Department for Education Employer Advisory Panel (Construction – Design, Surveying and Planning board), the task-group set up for the development of the new T-Levels. Dayle is also enthusiastic around enterprise, new business and innovation in Suffolk. Her appetite to support entrepreneurship has led her to being former Vice Chair the Board for Menta, the Suffolk Enterprise Agency and board member for both the Suffolk Chamber Central Suffolk and Suffolk Business Women Boards.

A Fellow of the Royal Institute of Chartered Surveyors (RICS), Dayle is formerly a Member of Governing Council and a member of the Board of Trustees for Lionheart, the Benevolent Fund for RICS members. Both posts enable Dayle to make rewarding contributions to the RICS, especially helping colleagues who experience financial, social or wellbeing difficulties.

Ian Pinches – Board Member



I am a qualified accountant (FCCA) with a senior management and Senior Executive Director background in Social Housing and Care (Sanctuary Housing and Central & Cecil respectively) coupled with a decade of Non-Executive experience gained across a variety of public sector organisations. I also have a decade of experience establishing and running a multi-award-winning business operating in the Hospitality sector (now retired). I have been a Fellow of The Royal Society of Arts for over a decade.

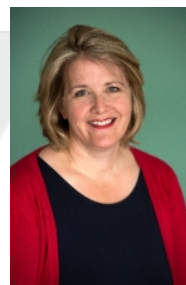
Brett Rennolds – Board Member



Brett has a proven track record in Business Development, Care & Support, Governance and Audit & Risk. As a voluntary and public-sector specialist, he works with organisations, groups and individuals to enable development, change and growth, enjoying the challenges associated with change management, co-production and stakeholder engagement, primarily it's the 'winning of hearts and minds' that drives him. He identifies solutions to challenges collaboratively, inclusively and transparently. Colleagues would describe me as authentic, and person-centred, whilst maintaining a positive, proactive attitude when faced with adversity.

Executive Team

Wendy Evans-Hendrick, Chief Executive



Wendy Evans-Hendrick originally trained as a Town Planner but after a short time in the profession joined a housing association and moved into the development field.

Wendy was the Director of Development & Property Services for Orwell from 1994 until 2018 when she was appointed to the Chief Executive Officer role.

She also acts as the Director of Development for the e² Development Consortium which represents three other associations in Norfolk and Suffolk and two local authorities and is a trustee for the Seckford Foundation and Chairs their Care Committee.

Chris Wyer – Director of Resources & Growth



Chris joined Orwell in January 2007 as Director of Financial Services.

He is a fellow of the Chartered Association of Certified Accountants having qualified in 1986 whilst working at BT plc.

Prior to joining Orwell Chris held senior positions within the construction and manufacturing sectors within the UK, Europe and America including 17 years as Finance Director of the manufacturing subsidiary of a FTSE 100 company. Since joining Orwell, Chris's role has expanded beyond the Finance function and now also includes Development, Growth, Information Technology, Risk, Governance, Legal, Procurement and Fleet.

Paul Kingston – Director of Customers and Communities



Paul has worked at Orwell since 1994 and been in the housing sector for over 30 years, having worked for two local authorities and a housing association in Norfolk prior to working for Orwell.

Qualified to MBA level, Paul has been extensively involved with the Chartered Institute of Housing Eastern Regional Committee and the National Council, as well as in the past being involved with the Royal British Legion Housing Association, Abbeyfield Society and Norwich & Peterborough Building Society, a mixture of voluntary and paid positions. More recently Paul is a Board member at Estuary Housing Association in Essex and chairs their Services Board.

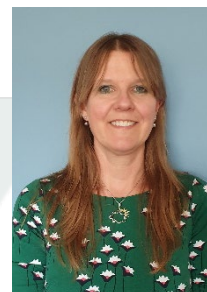
Rowan Procter – Director of Care & Support



Rowan is an experienced senior leader, a nurse by profession, which has afforded her clinical credibility in the roles she has undertaken. She is a respected strategic leader with a reputation for pragmatic wisdom and possess a proven track record of being able to motivate others to achieve excellence. She excels in assessing services and planning efficiencies through engagement and ownership with the service teams, ensuring changes are in accordance with the organisational objectives.

Rowan has a depth of experience in working across healthcare sectors and multi systems to gain engagement and agreement to ensure that improved high standards of patient care pathways are consistently delivered.

Michelle Harrison – Director of People & Culture



Michelle is a Fellow of the Chartered Institute of Personnel and Development and joined Orwell following her role of Head of People Support at Essex Wildlife Trust. Within this role she oversaw HR, Volunteering, Safeguarding and Health and Safety and put in place a cultural transformation programme, moving the organisation into the Times Top 100 and winning a Wellbeing award. Before that she worked for over 10 years at Colchester Quaker Housing and Family Mosaic (now Peabody) as HR Business Partner to their Care and Support and Supported Housing function.

Before her HR career she managed a Local Government training company and for a complete change for a few years renovated houses in Essex and Suffolk.

Role profile

Overview

1. Fulfilling the role of a Board Member to determine Orwell Housing Association's (OHA) strategic objectives and policies and to monitor progress in delivering them. To oversee a system of internal control and ensure the integrity of OHA's financial information.

Purpose

1. To work constructively with other Board Members, the Executive and other colleagues to ensure that OHA is managed and controlled appropriately and that it works within the requirements of the law and its funding and regulatory bodies.
2. To set and ensure compliance with the mission and aims of OHA, ensuring its long-term success.

Duties

1. Participate in the management and control of OHA's activity, including:
 - Promote the success of OHA;
 - Exercising sound financial monitoring, control and viability including consideration of risk and risk management;
 - Reviewing plans and objectives; and
 - Ensuring plans are implemented and evaluating OHA's performance.
2. Work in partnership with the Chair and other Board Members to:
 - Set a positive culture with a strong customer focus;
 - Ensure that OHA operates efficiently, effectively and economically;
 - Provide oversight, direction and constructive challenge to OHA's Chief Executive and Executives;
 - Appoint and if necessary dismiss the Chief Executive;
 - Satisfy yourself regarding the integrity of financial information, approve each year's Business Plan and annual accounts prior to publication;

- Establish, oversee and review a framework of delegation and systems of internal control; and
- Establish and oversee a risk management framework in order to safeguard the assets and reputation of OHA and the sector.

3. Ensure that OHA acts in keeping with OHA's Charitable Status and that OHA's affairs are conducted lawfully and in accordance with generally accepted standards of performance and propriety.
4. Ensure that OHA is acting in compliance with its own policies covering all legal, regulatory and good practice requirements.
5. Chair or be a Member of a subsidiary Board or Committee if requested to do so by the Chair.
6. Participate in a Board Member Appraisal Scheme so that the effectiveness of your performance as a Board Member and the performance of the Board as a whole can be monitored and enhanced.
7. Abide by the National Housing Federation (NHF) Code of Governance (2015) and the Code of Conduct for Board and Committee Members.
8. Promote the accountability of OHA through openness and contact with communities, representative bodies and strategic authorities.
9. Devote sufficient time and energy to OHA's business, including:
 - Preparing for and attending meetings and contributing to Board discussions; and
 - Participating in a learning and development programme and Board Development Days.
10. From time to time attend other meetings and functions in the interest of OHA.

Person Specification

Knowledge and experience

1. Experience in one or more of the following areas is desirable:
 - Treasury management/investment management
 - Legal services
 - General business skills
 - Risk management
 - Finance and audit
 - Corporate services, including Human Resources
 - Housing, property and development
 - Support and care
 - Orwell Housing Association Limited's (OHA) customers and communities
2. Understanding of the social housing sector.
3. Experience or understanding of good governance and the role of a Board Member.

Skills and abilities

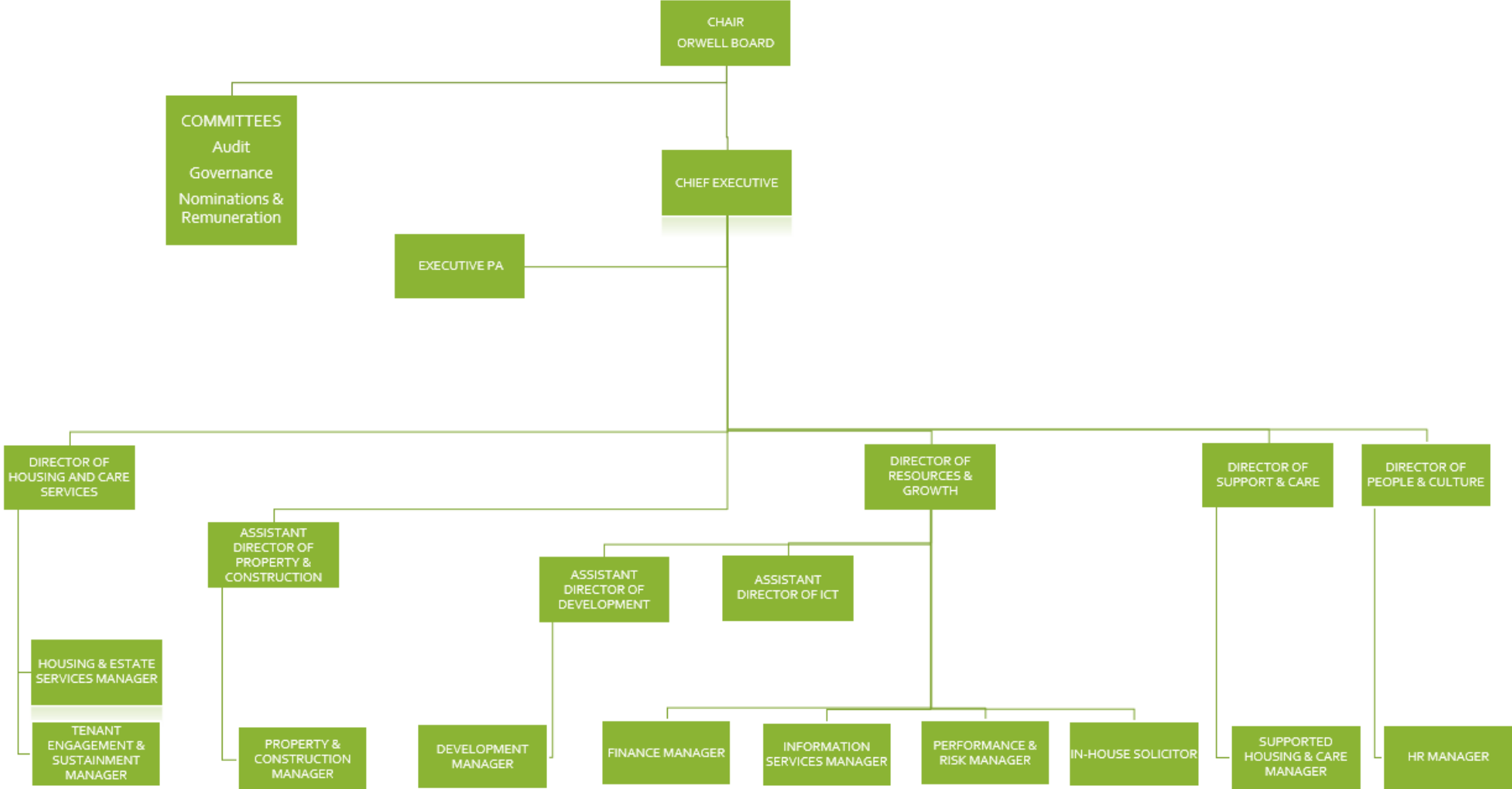
1. Good communication and interpersonal skills.
2. Able to exercise independent judgement, make decisions and take action, whilst exercising reasonable care, skill and diligence.
3. Able to work collaboratively with other Board Members and the Executive.
4. Able to assess risk and promote risk awareness, without being risk averse.
5. Able to Chair a Committee or subsidiary Board, work collaboratively and build consensus.

6. Able to challenge appropriately and hold the Executive to account.
7. IT literate – comfortable with communicating by email and willing to support OHA's aim of reducing the negative impact on the environment by using OHA's electronic platform for Board papers and other documents.
8. Has the time and commitment to effectively discharge the responsibilities of a Board Member attending both Board Meetings and Committees, Task and Finish Groups and other Orwell events.

Personal behaviour and style

1. Demonstrates the professional conduct expected of the Board of OHA.
2. Demonstrates a strong commitment to equality and diversity.
3. Listens to others and provides effective decision making when required.
4. Demonstrates credibility and integrity.
5. Supports the mission, aims and values of OHA.
6. Open to learning and development for self, other Board and Committee Members and colleagues; fosters a learning culture.

Governance and Leadership Structure



Key terms

Remuneration

£4,358 per annum (plus reasonable expenses).

Time commitment

Estimated to be around one to two days per month. You will need to be flexible to fulfil role requirements, including Board, Committees, Task and Finish Groups and being available outside of the meeting cycle and able to respond to emails, calls etc.

A Board Member will need to ensure they have time for the following:

- Attending and preparing for Board and General meetings, as well as attending Committee meetings; - 7 Board Meetings including the AGM, 2 Board Away-Days, Tour of Estates (1 Day) and up to 10 Committee Meetings.
- Regular meetings with the Chair, including annual appraisal of performance;
- Supporting other Board members;
- Representing Orwell at external events as appropriate; and
- Learning and development sessions, including Board development days.

Location

Meetings are usually held off site in the Ipswich area. It will be important to be visible across Orwell's operating areas. Occasional national travel to attend conferences etc. will be necessary.

Residency in the Ipswich area is not a formal requirement of the role, but we would like to encourage applications from the areas that Orwell operates within – Essex, Suffolk, Norfolk and Cambridge. Board Members are ideally familiar with the region and its challenges and opportunities. Knowledge of key stakeholders in the region would be an advantage.

Tenure

A Board Member is appointed for a maximum of 9 years, over 3 three-year terms.

Key dates for the recruitment process are as follows:

Closing Date – Sunday 10th January 2021
Shortlisting Date – Friday 15th January 2021
Interview Date – Wednesday 27th January 2021

Model Declaration for Fit and Proper Persons

Declaration

Name of organisation in full: Orwell Housing Association Limited

Name of individual:.

Role in the organisation: Board member

I, the undersigned, declare that:

- I am not disqualified from acting as a charity trustee
- I have not been convicted of an offence involving deception or dishonesty (or any such conviction is legally regarded as spent)
- I have not been involved in tax fraud or other fraudulent behaviour including misrepresentation and/or identity theft
- I have not used a tax avoidance scheme featuring charitable reliefs or using a charity to facilitate the avoidance
- I have not been involved in designing and /or promoting tax avoidance schemes
- I am not an undischarged bankrupt
- I have not made compositions or arrangements with my creditors from which I have not been discharged
- I have not been removed from serving as a charity trustee, or been stopped from acting in a management position within a charity
- I have not been disqualified from serving as a Company Director
- I will at all times seek to ensure Orwell's funds, and charity tax reliefs received by this organisation, are used only for charitable purposes
- I am a resident and in the opinion of the Board, not in material or serious breach of my tenancy agreement or lease or subject to a Possession Order or in breach of a suspended Possession Order, or are subject to any of the following types of Court Order:
 - Criminal Behaviour Order
 - Injunction pursuant to Section 1 of the Anti-Social Behaviour Crime & Policing Act 2014, demoted tenancy, or closure order or any other judicial order (howsoever named) which has an equivalent effect:
 - The Association has obtained an order of a competent court or a tribunal for recovery of moneys due the Association, provided that if the order is suspended, or is an order for payment in instalments, they shall only cease to be a Board member, Co-optee or Committee member upon failing to meet the terms of the order.

Signed..... Date

Home address.....

Previous address if moved in past 12 months.....

Date of birthNational Insurance number.....

If you have signed this declaration but want to make any information known or clarify any points please add them in the space below or attach an additional sheet of paper.

Fit and proper persons help sheet and declaration

Who is this help sheet for?

This help sheet and the model declaration are for use by 'managers' of a charity, Community Amateur Sports Club (CASC) or other organisation entitled to UK charity tax reliefs. The term 'managers' applies to the trustees of charities, directors of corporate charities, directors of corporate trustees, CASC officials and any other persons having general control and management over the running of the charity or the application of its assets. For example:

- In a typical small local charity, a manager for the purposes of the fit and proper persons test could include the Chairperson, Treasurer, Secretary and the rest of the management committee who would have control over expenditure.
- In a larger charity a manager for the purposes of the fit and proper persons test would include all trustees or directors of a corporate charity but may also extend to certain employees who are able to determine how a significant proportion of the charity's funds are spent. For example, most large charities have a Board of Trustees and an Executive Board of senior employees. In such a case the trustees and members of the Executive Board would be managers of the charity.
- If you are a 'manager' of a charity you should read this help sheet and, if appropriate, sign a declaration based on the model below. You can use the model declaration below or copy the wording onto your own stationery. The charity, CASC or other organisation entitled to charity tax reliefs should keep the signed declaration in case HM Revenue & Customs (HMRC) ask to see it. The signed form should not be sent to HMRC unless HMRC asks to see it.

Why is there a 'fit and proper persons' test?

The 'fit and proper persons' test is a statutory requirement. The test requires that individuals who are 'managers' of the charity, CASC or other organisation are 'fit and proper persons' to be managers of such a body. It exists to ensure that charities, CASCs and other organisations entitled to charity tax reliefs are not managed or controlled by individuals who might misuse the tax reliefs the organisation receives. Unfortunately, fraudsters have been known to exploit charity tax reliefs, so the fit and proper persons test exist to help prevent that.

What does 'fit and proper' mean?

An individual is 'a fit and proper person' if they ensure, or are likely to ensure, that charity funds and tax reliefs are used only for charitable purposes.

In signing a declaration like the one below you are confirming that you will ensure that funds are used for charitable purposes and disclosing certain information about your past that may impact on whether you are indeed 'a fit and proper person'.

When a charity notifies HMRC of certain new managers, HMRC cross-checks that person's details against any information it has and will raise any concerns it has if there is anything to indicate the person may misuse the charity funds and tax reliefs. Factors that may lead to HMRC deciding that an individual manager is not a fit and proper person include where:

- the individual has been involved in tax fraud or other fraudulent behaviour including misrepresentation and/or identity theft
- HMRC has knowledge of the individual's involvement in attacks against, or abuse of, tax repayment systems

- the individual has been removed from acting as a charity trustee by a charity regulator or been disqualified from acting as a charity trustee or company director.
- the individual has 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, and the arrangements featured charitable reliefs or which used a charity, and their 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.
- the individual has 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) and such counteraction has become final.
- the individual has been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity, and they are:
 - a promoter¹ named by HMRC under the Promoters of Tax Avoidance Schemes (POTAS) legislation in Part 5 of Finance Act 2014, or
 - a promoter of any tax arrangements designed or intended to obtain for any person a tax advantage and such tax advantage has successfully counteracted by HMRC under the general anti-abuse rule (see Part 5 of Finance Act 2013 and section 10 National Insurance Contributions Act 2014 as enacted or as amended from time to time) and such counteraction has become final, or
 - a promoter of arrangements notified under DOTAS, in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the tax position of all or any of the users of the arrangements has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.

However, just because a person has been, say, barred from acting as a charity trustee or one of the other points above applies, it does not always follow that the charity will not be eligible for tax reliefs. When considering the application of the fit and proper persons test to managers, HMRC will take account of the likely impact on the charity's tax position. For example, any person who has no dealings with HMRC and no control over spending charity funds, even if the person is not a fit and proper person, is unlikely to affect the charity's eligibility to tax reliefs.

What do I need to do?

If you are confident you will do your best to ensure that charity funds and tax reliefs are used only for charitable purposes and do not need to disclose any information listed on the declaration, then you should sign a declaration and give it to the charity.

If you are confident you will do your best to ensure that charity funds and tax reliefs are used only for charitable purposes but you do need to disclose any information listed on the declaration then you should sign the declaration suitably amended - for example by crossing out the relevant bullet point - and provide details in the final box before you give the declaration to the charity. The charity will then need to decide what to do. If neither of the above applies you should not sign the declaration.

I've signed the declaration so what happens next?

The charity will keep the declaration and in certain cases pass your details to HMRC. If HMRC have any concerns about you, they will contact you to clarify the situation.