**HULL UNIVERSITY STUDENTS' UNION FIT AND PROPER PERSON POLICY**

1. **General**

Hull University Students’ Union (HUSU) operates as a charity. It derives its principal income through commercial operations and an annual grant from the University of Hull to support its activities. As with all charities, it has a responsibility to ensure that those who hold senior positions or who exercise significant influence over its activities, are fit and proper persons.

Accordingly:

* New and prospective members of the Board of Trustees (including External Trustees, Presidents and Student Trustees)
* New employees with senior management responsibilities
* Any other individuals identified by the Chair of the Board or Chief Executive as exercising control or significant influence over the activities of HUSU

are subject to a Fit and Proper persons assessment, conducted by the Executive Support Co-ordinator.

The purpose of this process is to enable HUSU to consider whether the individual has been responsible for, been privy to, contributed to, or facilitated:

* Any serious personal misconduct; or
* Mismanagement (whether unlawful or not) in their employment or in the conduct of any entity with which they are or have been associated,

which, were they appointed to HUSU, could compromise the financial security or reputation of HUSU, or otherwise be at odds with the high standards of personal conduct expected of the Board and HUSU employees.

Prior to the appointment, either as a Trustee, President or senior member of staff of HUSU, an assessment will be undertaken to determine whether an individual is of good character, and where appropriate, has the qualifications, competence, skills and experience that are necessary for their role.

As part of this process, the individual will be invited to complete a Self-Assessment Declaration and return this to the Executive Support Co-ordinator as set out in the following sections.

1. **Election as a Sabbatical Officer (President) or Appointment as a Student Trustee**

The Self-Assessment Declaration must be completed and submitted prior to standing for election (for Sabbatical Officer roles) or attending interview (for Student Trustee roles).

Other independent checks may also be undertaken, which may include:

* A Disclosure and Barring Service (DBS) check, to check the criminal record of the individual; this requires the consent of the individual.
* A company director search on the individual (active and historic directorships),
* A search on the Charity Commission’s website to identify all registered charities that the individual is a trustee of.
* A focused internet search to confirm that there are no adverse indicators.

Once these checks have been completed, the Executive Support Co-ordinator will review the Self-Assessment Declaration alongside all other information received and will conduct a formal Assessment.

The outcome of this assessment will be documented, noting whether the individual is considered suitable or unsuitable. If any negative information has come to light, this will be carefully documented, and referred to the Chief Executive for a final decision.

Students seeking election as a Sabbatical Officer or appointment as a Student Trustee will receive confirmation of their eligibility to stand or be informed why approval is withheld under this policy.

1. **External Trustees, Non-Executive Directors, or prospective senior employees**

The Self-Assessment Declaration must be completed before appointment is confirmed.

Other independent checks may also be undertaken, which may include:

* + A Disclosure and Barring Service (DBS) check, to check the criminal record of the individual; this requires the consent of the individual.
  + A company director search on the individual (active and historic directorships),
  + A search on the Charity Commission’s website to identify all registered charities that the individual is a trustee of.
  + A focused internet search to confirm that there are no adverse indicators.

References will be taken up for all new members of staff, and for new External Trustees.

Once these checks have been completed, the Executive Support Co-ordinator will review the self-assessment Declaration alongside all other information received and will conduct a formal Assessment.

The outcome of this assessment will be documented, noting whether the individual is considered suitable or unsuitable. If any negative information has come to light, this will be carefully documented, and referred to the Chief Executive and Chair of the Board for a final decision.

If the appointment is not confirmed, the reasons for this will be explained.

**SELF ASSESSMENT DECLARATION**

|  |  |
| --- | --- |
| **Name** |  |
| **Position sought** |  |
| **Proposed start date**  **(if known)** |  |

Please complete and return this declaration to the Executive Support Co-Ordinator, at [huu-execsupport@hull.ac.uk](mailto:huu-execsupport@hull.ac.uk), as soon as possible.

**Please note that in the case of elected positions as a Sabbatical Officer this is required prior to standing for election.**

**For Student Trustees this is required as part of the application process.**

**For External Trustees, Non-Executive Directors, or prospective employees this must be completed before appointment is confirmed.**

If you have answered ‘Yes’ to any of questions 3-9 in this declaration you must provide full details on a separate document, making it clear to which question you are referring. All information provided will be kept confidential and managed in line with our Data Protection Policy.

I have completed and provided accurate information within this Declaration to the best of my knowledge and understanding.

I understand that the personal data (including any sensitive personal data) contained within this Declaration will be used by HUSU to ensure compliance with its Fit and Proper Persons Policy.

The personal data will be disclosed only to those within HUSU responsible for ensuring the Union’s compliance with this policy

|  |  |
| --- | --- |
| **Signed** |  |
| **Name** |  |
| **Date** |  |

By submitting this document via email you acknowledge that this information is correct, and that you may be asked to provide a physically signed copy.

**For completion by prospective Sabbatical Officer or Student Trustee candidates only:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Question** | **Yes** | **No** |
| 1 | Have you ever been subject to any disciplinary investigation or sanction by the University of Hull or Hull University Students’ Union?  Give details below: |  |  |
|  | | | |

**Continue to next page**

**For completion by all Trustee Candidates, whether external, sabbatical or student trustee candidates**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Question** | **Yes** | **No** |
| 2 | I confirm that I have read and understood the criteria below for being a trustee and confirm that I am eligible to become a trustee:  You are not eligible to be a trustee if you:  • Are under 18 years of age  • Have been convicted of an offence involving dishonesty or deception that is not regarded as legally spent  • Are an undischarged bankrupt  • Have ever been removed from office as a charity trustee by a court or by the Charity Commission  • Have ever been disqualified under the Company Directors Disqualification Act 1986  • Have made compositions with your creditors from which you have not been discharged  • Have been disqualified by the Charities Act 2011 from acting as a charity trustee because of misconduct  I understand that as a trustee, I must act personally and not as the representative of any group or organisation and that, I will remain independent and will not come under the control of any external organisation or individual.  I understand that as a trustee under no circumstances should I accept gifts or hospitality where this could be seen as being likely to influence the decisions of the Board. |  |  |

**For completion by all candidates**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Question** | **Yes** | **No** |
| 3 | Have you ever had or used a different personal name?  Answer Yes regardless of the reason for the change of name or use of a different name. Typical examples for answering Yes are:   * Marriage * Deed poll * Nom de plume |  |  |
| 4 | Have you ever been or are you currently?  A director, a partner in a partnership, a trustee, secretary or controller of a company, or an officer of an organisation that has, either during your connection or within one year of that connection:   * Gone into liquidation * Called in a receiver or administrator * Been wound up * Been convicted of an offence that potentially carries a custodial offence for an individual |  |  |
| 5 | Have you ever been convicted of a criminal offence anywhere in the world? |  |  |
| 6 | Have you ever been the subject of any adverse finding in civil proceedings, where relevant, including but not limited to bankruptcy or equivalent proceedings? |  |  |
| 7 | Have you ever been disqualified by a court from being a director or from acting as a charity trustee, as set out in the Company Directors Disqualification Act 1986 or the Charities Act 2011, or from acting in the management or conduct of the affairs of any company? |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Question** | **Yes** | **No** |
| 8 | In the last ten years have you been subject to any of the following:   1. Refused or restricted in the right to carry on any trade, business or profession for which a specific licence, registration or other authority is required? 2. Investigated about allegations of misconduct or malpractice in connection with your professional activities which resulted in a formal complaint being proved but not disciplinary order being made? 3. Reprimanded, excluded, disciplined, or publicly criticised by any professional body to which you belong or have belonged? 4. Refused entry to or excluded from membership of any profession or vocation? 5. Dismissed or requested to resign from any office, employment or partnership (other than through redundancy)? 6. Reprimanded, warned about future conduct, disciplined, or publicly criticised by any regulatory body, or any officially appointed enquiry concerned with the regulation of a financial, professional, or other business activity? 7. The subject of a court order at the instigation of any regulatory body, or any officially appointed enquiry concerned with the regulation of a financial, professional, or other business activity? |  |  |
| 9 | Are you currently undergoing any investigation or disciplinary procedures in respect of issues that would give rise to any Yes answers to any of the above questions 2-8 |  |  |
| 10 | Have you been involved with any entity that has been refused registration to carry out a trade or has had that registration terminated? |  |  |

**If you have answered yes to any of questions 3-9, please provide full details on a separate document.**