

THE THIRD ORDER of the SOCIETY OF SAINT FRANCIS
European Province
NOMINATION GUIDANCE NOTES
for
A TSSF PROVINCIAL CHAPTER OFFICEHOLDER and TRUSTEE

These Guidance notes accompany the nomination form issued to Professed Tertiaries of the TSSF European Province when a vacancy occurs on Chapter.

In order to ensure a good and fair outcome to the nomination and election of a post holder on Chapter, a good deal of thought, consultation and prayer has gone into consideration of how this might best be done. **It is very important for professed Tertiaries to approach the Nomination and Election of a Post Holder as a prayerful duty.** The guiding principle is that of **'discernment'**. This applies when nominating an individual for office; it also applies to the individual in assessing his or her ability to fulfil the duties of the office, to offer their time and talent to the role, and to participate fully as a Trustee of TSSF. It also applies to Tertiaries when they vote

The nomination form has the relevant **role description** attached to it. Anyone who wishes may contact the present officeholder for an informal discussion of the role.

The nomination form requests an **'Electoral address'** in electronic form, to be sent to Electors. This is a way in which the Candidate can inform voters about their suitability for the office in question. This will aid **'discernment'**. In order to help voters learn more about the Tertiary who has been put forward for office, the Proposer and Secunder, who have made the nomination, must be prepared to answer questions from those who wish to know more about the Candidate.

Electoral address

The following standard format for Electoral addresses is intended to provide a consistent comparison between Candidates, for the benefit of voters.

- A short statement giving any relevant TSSF experience, e.g. previous roles held (with dates), either 'Provincially' or in Area.
- Any 'specialist qualifications', which will assist the Candidate to undertake the role effectively (e.g. accountancy training; computer software experience, etc.).
- A short piece telling the reader how the Candidate proposes to undertake the job outlined in the attached Role Description.
- A short personal description of the Candidate's background, family and any particular motives that the individual seeks to bring to bear in the role.
- A photo may be included, but the address should be limited to one A4 sheet and should remain unchanged in the event of a contested election.

If more than one Tertiary is nominated for a Provincial post, then selection will be put to a vote, either across the Province or, for Link Tertiaries, across the Cluster. A voting form will be issued to all voters, including the electoral address from each Candidate and contact details for Candidate, Proposer and Secunder.

The Electoral address should be submitted as a Word document (preferred), PDF, or equivalent, using a sans serif font such as Arial or Verdana (not Calibri) in 12pt, with left aligned paragraphs (not 'justified'); this is to make it easy to produce large print versions for Tertiaries with visual handicaps.

Role of the Bishop Protector

Statute 5.1 states "Any professed Tertiary may hold office in the European Province. In the case of Chapter members (Trustees of the Charity), all names nominated, together with the denomination of each, shall be sent to the Bishop Protector for ratification." Normally, the Returning Officer sends the Bishop Protector this information along with the electoral address of each Candidate, before any voting papers are issued.

Duties of a Trustee

TSSF is a registered charity and Chapter members are Trustees. The Chapter Handbook discusses the responsibilities of Trustees sections III(ii) and III(iii). This may be found on the TSSF website or requested from the Returning Officer. It is required of anyone elected to office that they complete and sign a 'fit and proper persons' declaration (see the Appendix, below). The form for this declaration will be sent to each person nominated. The form need only be completed by the person elected, but each Candidate is asked to affirm that they are able to complete and sign it.

Code of Conduct for Elections

This is available as part of the Chapter Handbook or as a separate document. A copy will be sent to each person nominated; any Tertiary may download a copy or request it from the Returning Officer. Email: nominations@tssf.org.uk

APPENDIX: Fit and Proper Persons

1. Trustees should be considered to be 'fit and proper persons' in order to hold office as trustees of a charitable trust. Detailed guidance pertaining to this status is provided by both HM Revenue and Customs (HMRC) and the Financial Services Authority (FSA). At least two persons from TSSF Chapter must be nominated to HMRC as 'responsible persons', as must the 'authorised official' (and any 'appointed agent'), who deals with HMRC for gift aid purposes. Charities should take appropriate steps when appointing personnel to determine their suitability to act as trustees, so as not to jeopardise the charity's eligibility for tax relief. This status is associated with the influence an individual may have over the charity's funds, and any ensuing risks.
2. The Charity Commission would also view an individual's suitability to be a trustee in the context of the safeguarding of 'vulnerable beneficiaries of the charity': this is a 'duty of care'.
3. Grounds for a potential trustee failing the HMRC 'fit and proper person test' would include, for example, an individual:
 - a. with a history of tax fraud
 - b. with a history of other fraudulent behaviour and/or identity theft
 - c. who has, or has had, involvement with abuse of the tax repayment system
 - d. who is barred from acting as a charity trustee by a charity regulator, or a court (or been disqualified as a company director).

4. It may be considered unlikely that any professed member of TSSF, who puts themselves forward for office as a member of Chapter, would be unsuitable to act as a trustee of a charitable trust. In terms of the rehabilitation of offenders, there is no reason why a person, who fails one or other of such criteria, could not take office in TSSF, but it would be prudent to ensure that, for example, an individual who had previously succumbed to temptation, in terms of financial misappropriation, was not placed in a financial decision making role or a position of financial responsibility, such that the charity's finances were put at risk. Similarly, the reputation and perceived integrity of TSSF, by those in the Order, the wider church, or society, should not be brought unknowingly into disrepute by appointing to Chapter an individual whose name is held on a police register as a miscreant or deviant. Approving the appointment of such an individual, should at least be done in knowledge of the situation.

5. Candidates, who are nominated or elected to take up a TSSF trustee post, are now asked to answer a brief questionnaire, as part of the election to Chapter process. This is intended to expose any aspect of 'fitness' to serve in the particular Chapter post, with which they may not be compliant. The TSSF Questionnaire has been drawn directly from the 'HMRC help sheet' and is supplied to Candidates in the form of a signed declaration. Applicants must be confident that any information given regarding their suitability will be guarded most carefully, as they should expect, within the guidelines of the Data Protection Act. This information will therefore be kept securely by the Minister Provincial, Provincial Secretary and Returning Officer (as part of the election process), and only the overall suitability of a Candidate is relayed to other members of Chapter. Any details of non-compliance of a Candidate for a particular role or office will be carefully safeguarded and then destroyed, once the information has served its assessment purpose, or the individual has completed their term of office. Non-compliance as a 'fit and proper person' should not necessarily be a bar to holding office on TSSF Chapter

6. Formal vetting by HMRC is not generally needed, but they require to be notified (Finances Act 2010) of changes to the 'Authorised Official' post (person *within* TSSF who deals with HMRC on tax or Gift Aid relief). This is the **Provincial Treasurer**. They should also be notified about changes of 'nominees or Agents' (those *outside* TSSF who deal with HMRC on our behalf – our nominated 'agents' are Independent Examiners Ltd), and changes of 'Responsible' persons; normally appropriate trustees of our charitable trust. In line with HMRC recommendations Chapter have confirmed the nomination of the **Minister Provincial**, the **Provincial Secretary**, and the **Provincial Formation Guardian** as 'Responsible persons', All the above have signed 'fit and proper persons declaration', to be forwarded to our Agent, Independent Examiners Ltd. should they be required by HMRC for further vetting. Vetting of trustees is not required by TSSF generally, because the onus has been put upon the honesty and integrity of the individual in answering the questionnaire and signing the associated declaration. This meets the requirements of the Charity Commission and HMRC, as well as giving proper regard and respect to the integrity of a member of our religious Order.