

Qualifications and disqualifications

General

No current pupil of the academy/one of the academies in the trust shall be a trustee.

A person must be aged 18 or over at the date of their election or appointment.

Save as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a governor of a particular category at a school does not disqualify the person from election or appointment or from continuing as a governor of any other category at that school, but no person may at any time hold the office of more than one governor of the same school.

Disqualification criteria for categories of governor

A person shall be disqualified from holding office or continuing to hold office as Trustee/Local Academy committee member if:

s/he becomes incapable by reason of illness or injury of managing or administering his own affairs;

s/he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986; or

s/he is subject to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);

s/he ceases to be a trustee by virtue of any provision in the Companies Act 2006;

s/he is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision); or

s/he is otherwise found to be unsuitable by the Secretary of State;

s/he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he/she was responsible; or to which was privy; or which by his/her conduct, contributed to or facilitated;

Failure to attend meetings.

This paragraph applies to every governor, other than governors who are governors by virtue of the office that they hold.

Resignation and removal a person serving on the Local Academy Board shall cease to hold office if:

a) he/she resigns office by giving notice in writing to the clerk of the Local Academy Board; the Executive//Head of School

b) or a staff governor ceases to work at the Academy;

c) the Directors terminate the appointment of a governor whose presence or conduct is deemed by the Directors, at their sole discretion, not to be in the best interests of the Trust or the Academy.

d) is absent without the permission of the trustees from all their meetings held within a period of six months, and the trustees resolve that the term of office be vacated.

Bankruptcy

A person is disqualified from holding or continuing to hold office as a governor of a school if

- (a) the person's estate has been sequestrated and the sequestration has not been discharged, annulled, or reduced; or
- (b) the person is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order(1), a debt relief restrictions order or an interim debt relief restrictions order(2).
- (c) s/he has been declared bankrupt and/or the estate has been seized from his/her possession for the benefit of his/her creditors and the declaration or seizure has not been discharged, annulled or reduced; or

Disqualification of company directors

A person is disqualified from holding, or from continuing to hold, office as a governor of a school at any time when the person is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(3);
- (b) a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002(4);
- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or
- (d) an order made under section 429(2)(b) of the Insolvency Act 1986(5) (failure to pay under county court administration order).

Disqualification of charity trustees

A person is disqualified from holding or from continuing to hold office as a governor of a school if—

- (a) the person has been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which the person was responsible or to which he/she was privy, or to which contributed, or which facilitated by he/she conduct; or
- (b) the person has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(6), from being concerned in the management or control of any body.

Persons whose employment is prohibited or restricted- is included in the list of people considered by the Secretary of State as unsuitable to work with children (under section 1 of the Protection of Children Act 1999);

is subject to a direction of the Secretary of State under section 142 of the Education Act 2002 (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction);

is subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008;

is barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006;

is disqualified from working with children under sections 28, 29, or 29A of the Criminal Justice and Court Services Act 2000;

is disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010 for child minding or providing day care;

is disqualified from registration under Part 3 of the Childcare Act 2006;

Criminal convictions

has been s/he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011; convicted of any offence and received a prison sentence of two and a half years or more in the 20 years before becoming a governor;

has been convicted of any offence at any time and received a prison sentence of 5 years or more;

has been convicted of an offence and sentenced to a fine under section 547 of EA 1996 (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992 (nuisance or disturbance on educational premise) during the 5 years prior to or since appointment or election as a governor.

Refusal to make an application for a criminal record certificate.

A person is disqualified from holding or continuing to hold office as a governor when the person has not provided to the chairman of the trustees a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997.