

SCHOOL GOVERNORS/ASSOCIATES ELIGIBILITY AND DISQUALIFICATIONS

(2012 Regulations)

- A person is disqualified from holding or/continuing to hold office as a governor when they are a registered pupil at the school or unless they are 18 or over.
- No person may at any time hold the office of more than one governor of the same school.
- A governor, who, without the consent of the governing body, has failed to attend their meetings for a continuous period of six months beginning with the date of the first meeting the governor fails to attend, is disqualified from office as a governor.
- A foundation, authority, co-opted or partnership governor who has been disqualified for none attendance is not qualified for election, nomination or appointment as a governor of any category at that school for twelve months starting on the date on which they are disqualified.
- A person is disqualified from holding/continuing to hold office as a governor if—
 - (a) their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
 - (b) they have been subject to a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order.
- A person is disqualified from holding/continuing to hold office as a governor when they are 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).
- A person is disqualified from holding/continuing to hold office as a governor if -
 - (a) they have 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, to which they were privy, or to which they contributed or which was facilitated by their 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.

- A person is disqualified from holding/continuing to hold office as a governor of when they are -
 - (a) included in the list kept under section 1 of the Protection of Children Act 1999(7) (list of those considered by the Secretary of State as unsuitable to work with children);
 - (b) subject to a direction of the Secretary of State under section 142 of EA 002(8) (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction);
 - (c) barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006(9);
 - (d) disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(10);
 - (e) disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010(11) for child minding or providing day care; or
 - (f) disqualified from registration under Part 3 of the Childcare Act 2006(12).
- A person is disqualified from holding/continuing to hold office as a governor when within five years of appointment they had been convicted of any offence with a sentence of imprisonment (suspended or not) for three months or more without the option of a fine.
- A person is disqualified from holding/continuing to hold office as a governor when they have been convicted of any offence and sentence of imprisonment of not less than two and a half years in the 20 years preceding appointment.
- A person is disqualified from holding/continuing to hold office as a governor when have at anytime received a prison sentence of five years or more.
- A person is disqualified from holding/continuing to hold office as a governor when they have been convicted under section 547 of EA 1996(13) (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992(14) (nuisance or disturbance on educational premises) of an offence and has been sentenced to a fine.
- A person is disqualified from holding/continuing to hold office as a governor when they refuses a request by the clerk to make an application under section 113B of the Police Act 1997(15) for a disclosure and barring certificate.

Where a person is proposed to become, a governor and is disqualified from holding, or from continuing to hold, office as a governor, the person must give notice of that fact to the clerk to the governing body.