Disqualification of Trustees

A person must be aged 18 or over at the date of their election or appointment. No current pupil of the school shall be a trustee.

A person shall be disqualified from holding office or continuing to hold office as trustee if:

- s/he becomes incapable by reason of illness or injury of managing or administering his own affairs;
- s/he is absent without the permission of the trustees from all their meetings held within a period of six months, and the trustees resolve that his office be vacated;
- s/he has been declared bankrupt and/or his estate has been seized from his possession for the benefit of his creditors and the declaration or seizure has not been discharged, annulled or reduced; or
- s/he is the subject of a bankruptcy restrictions order or an interim order;
- 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 was responsible; or to which he was privy; or which he, by his conduct, contributed to or facilitated;
- 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;
- s/he 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.

Where, by virtue of these provisions a person becomes disqualified from holding, or continuing to hold office as a Trustee; and they are, or are proposed, to become such a Trustee, they shall upon becoming so disqualified give written notice of that fact to the Clerk.

Charity Commission: Trustee Disqualification Reasons from 1 August 2018

From 1 August 2018, you are automatically disqualified from acting as a charity trustee if:

1. You have an **unspent** conviction for any of the following
    a. an offence involving **deception or dishonesty**
    b. a **terrorism** offence
        i. to which Part 4 of the Counter-Terrorism Act 2008 applies
        ii. under sections 13 or 19 of the Terrorism Act 2000
    c. a **money laundering** offence within the meaning of section 415 of the Proceeds of Crime Act 2002
    d. a **bribery** offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
    e. an offence of **contravening a Commission Order or Direction** under section 77 of the Charities Act 2011
    f. an offence of **misconduct in public office, perjury** or **perverting the course of justice**
    g. In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007(encouraging or assisting)in relation to the offence
2. You are **on the sex offenders register** (ie. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
3. You have an unspent sanction for **contempt of court** for making, or causing to be made, a false statement or for making , or causing to be made, a false statement in a document verified by a statement of truth
4. You have been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011.
5. You are **a designated person** for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011.
6. You have **previously been removed as an officer, agent or employee of a charity** by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
7. You have **previously been removed as a trustee** of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
8. You have been **removed from management or control of anybody** under section s34(5)(e) of the Charities and Trustee Investment (**Scotland**) Act 2005 (or earlier legislation)

9. You are **disqualified from being a company director,** or have given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for you to act as director of the charity
10. You are **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order)
11. You **have an individual voluntary arrangement** (IVA) to pay off debts with creditors
12. You are **subject to** a moratorium period under **a debt relief order**, or a debt relief restrictions order, or an interim order
13. You are subject to an order made under s.429(2) of the Insolvency Act 1986. (**Failure to pay under a County Court Administration Order.**)

I declare that I have read the disqualification provisions in this document and that I am not disqualified from serving as an Academy Trustee.

Name:

Signature:

Date: