

## Grounds for disqualification from appointment to, or continued membership of, a governing board

The majority of individuals are eligible to be appointed to a governing board; however there are some exceptions in law which would disqualify you from governing board membership. You are disqualified from holding or continuing to hold office on a governing board if you:

- are under the age of 18 at the time of election or appointment
- are registered as a pupil at the school
- have had your estate sequestrated and the sequestration has not been discharged, annulled or reduced
- are subject to a bankruptcy restriction order, an interim bankruptcy restriction order, a debt relief restrictions order or an interim debt relief restrictions order
- are subject to:
  - a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986
  - a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002
  - a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002
  - an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under a county court administration order)
- have been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or Commissioners or High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which you were responsible; or to which you were privy; or to which you contributed or facilitated by your conduct; or
- have been removed, under section 34 of the Charities and Trustees Investment (Scotland) Act 2005, from being concerned in the management or control of any body
- are 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)
- are subject to a direction of the Secretary of State under section 142 of the Education Act 2002 (prohibition from teaching)
- are subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008 (prohibition on participation in management of independent educational institutions)
- are barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006
- are disqualified from working with children under sections 28, 29, or 29A of the Criminal Justice and Court Services Act 2000
- are disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010 for child minding or providing day care
- are disqualified from registration under Part 3 of the Childcare Act 2006
- have been convicted of any offence and received a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months (without the option of a fine) in the 5 years before or since becoming a governor
- have been 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
- have been convicted of any offence at any time and received a prison sentence of 5 years or more
- have been convicted of an offence and sentenced to a fine under section 547 of the Education Act 1996 (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992 (nuisance and disturbance on educational premises) during the 5 years prior to or since appointment or election as a governor
- have refused a request by the clerk to the governing board to make an application under section 113B of the Police Act 1997 for a criminal records certificate

You are disqualified from election or appointment as a **parent governor** if you:

- are employed at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive 12 month period at the time of election or appointment
- are an elected member of the Local Authority