

GOVERNING BODIES

DISQUALIFICATION RULES TAKEN FROM THE SCHOOL GOVERNANCE (CONSTITUTION) (ENGLAND) REGULATIONS 2003 – PART 4

General

No person shall:-

- serve as a governor unless he is aged 18 years or over;
- at any time hold more than one governorship of the same school.

Mental disorder

A person shall be disqualified from holding office or from continuing to hold office at any time when he is detained under the Mental Health Act 1983.

Bankruptcy

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

- he has been adjudged bankrupt or sequestration of his estate has been awarded and he has not been discharged and the bankruptcy order has not been annulled or rescinded;
- he has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it.

Disqualification of company directors

A person shall be disqualified as a governor at any time when he is subject to a disqualification order under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (*failure to pay under county court administration order*).

Disqualification of charity trustees

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

- he has been removed as a trustee of a charity by an order made by the Charity Commissioners 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 to which he contributed or which he facilitated by his conduct;
- he has been removed under section 7 of the Law Reform (Miscellaneous Provisions)(Scotland) Act 1990 (*powers of Court Session to deal with management of charities*), from being concerned in the management or control of any body.

Persons whose employment is prohibited or restricted

A person shall be disqualified from holding office at any time when he is

- included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted under section 1 of the Protection of Children Act 1999;
- subject to a direction of the Secretary of State under section 142 of the 2002 Act;
- disqualified from working with children under sections 28 and 29 of the Criminal Justice and Court Services Act 2000; or

- by virtue of an order made under section 470 or section 471 of the 1996 Act, is disqualified from being the proprietor of any independent school or from being a teacher or other employee in any school.

Criminal convictions

A person shall be disqualified from holding office as a governor if:

- within a period of five years ending with the date immediately preceding the date on which his appointment or election as a governor would have taken effect or since his election or appointment as a governor he has been convicted, whether in the UK or elsewhere, of any offence and has passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- if within a period of 20 years ending with the date immediately preceding the date on which his appointment or election as a governor would have taken effect he has been convicted of any offence and has had passed on him a sentence of imprisonment for a period of not less than two and a half years;
- if at any time he has been convicted of an offence and has had passed on him a sentence of imprisonment for a period of not less than five years;

For the purposes of the paragraphs above, any conviction by or before a court outside the UK of an offence which, if the facts giving rise to the offence had taken place in any part of the UK, would not have constituted an offence under the law in force in that part of the UK must be disregarded.

- within a period of five years ending with the date immediately preceding the date on which his appointment or election as a governor would have taken effect or since his appointment as a governor he has been convicted under section 547 of the 1996 Act or under section 85A of the Further and Higher Education Act 1992 (nuisance and disturbance on educational premises) of an offence and has been sentenced to a fine.

Criminal Records Certificate

A person is disqualified from holding or continuing to hold office as a governor when he refuses a request by the clerk to the governing body to make an application under section 113 of the Police Act 1997 for a criminal records certificate.

Disqualification Rules which apply only to specific categories of Governor

Parent Governor

No one shall be elected (by parents) or appointed (by the governing body) if they are:-

- a) an elected Member of the Local Authority; or
- b) paid to work at the school for more than 500 hours in any twelve month period between 1 August and 31 July.

LA Governor

No one who is paid to work at the School (regardless of the number of hours) can be appointed as an LA governor.

Community (Co-opted) Governor

No one is eligible to be appointed as a community (co-opted) governor if they are:-

- a) a registered pupil at the School;
- b) paid to work at the School (regardless of the number of hours)
- c) an elected Member of the Local Authority.