

DISQUALIFICATION DECLARATION GOVERNORS AND ASSOCIATE MEMBERS

School Governance (Constitution) (England) Regulations 2012 – regulation 17, schedule 4 sets out the circumstances in which a person is qualified for or disqualified from holding or continuing in office as a governor.

*All disqualifications apply to associate members **except** that they can be registered pupils at the school and can be under the age of 18.*

Please read the following carefully and sign the form at the end if you comply with the following criteria:

General grounds

- Registered pupils cannot be governors (*but can be an associate member*).
- A governor must be aged 18 or over at the time of election or appointment (*but under 18s can be an associate member*).
- A governor cannot hold more than one governor post at the same school at the same time.
- A governor must not also be the clerk to the governing body at the same school at the same time.
- Any person who is disqualified from holding office as a governor of a school under this schedule is likely to be disqualified from holding office as an associate member, unless the disqualification is in relation to bullet points 1 and 2 above.

Grounds that apply to particular categories of governor

- A person is disqualified from being a **parent governor** if they are an elected member of the local authority
- A person is disqualified from being a **parent governor** if they are paid to work 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 twelve month period (at the time of election or appointment).
- A person is disqualified from being a **local authority governor** if they are eligible to be a staff governor at the school.
- A person is disqualified from being a **partnership governor** if they are:
 - a parent of a registered pupil at the school;
 - eligible to be a staff governor at the school;
 - an elected member of the local authority; or
 - employed by the local authority in connection with its education functions. (*this does not apply when the person is employed by the local authority to work wholly at a school maintained by the local authority*).
- A **staff governor** ceases to be eligible to hold this position when they leave the employment of the school.

Grounds that arise because of particular failings or actions on the part of the governor

- A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the head teacher or to foundation governors who are appointed by virtue of their office.
- A foundation, local authority, co-opted or partnership governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office if that person:

- is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced
- is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)
- has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
- has been removed from office as an elected governor within the last five years.
- is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people
- is barred from any regulated activity relating to children
- is subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008
- is disqualified from working with children or from registering for child-minding or providing day care
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
- has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor
- has received a prison sentence of two years or more in the 20 years before becoming a governor
- has at any time received a prison sentence of five years or more
- has been fined for causing a nuisance or disturbance on school or educational premises during the five years prior to or since appointment or election as a governor
- refuses a request by the clerk to make an application to the Disclosure and Barring Service for a criminal records certificate.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing body.