

Disqualification from Holding a Governorship

(The School Governance (Constitution) Regulations 2012 and related guidance)

All the grounds for disqualification below apply also to **associate members** except that associate members can be registered pupils at the school and can be under 18.

Governors or prospective governors must notify the clerk to the governing body if any of the grounds for disqualification apply.

General

- Registered pupils cannot be governors.
- A governor must be aged 18 or over at the time of election or appointment.
- A person cannot hold more than one governor post at the same school at the same time.

Particular categories of governor

- A person cannot be a **parent governor** if they are an elected member of the local authority or paid to work at the school for more than 500 hours in any consecutive twelve month period (at the time of election or appointment).
- A person cannot be a **local authority governor** if they are eligible to be a staff governor.
- A person cannot be 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.

Failure to attend meetings

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 headteacher or to foundation governors 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.

Bankruptcy

A person is disqualified from holding or continuing to hold office as a governor of a school if:

- their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
- they are the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order.

Disqualification of Company Directors

A person is disqualified from holding, or from continuing to hold, office as a governor of a school at any time when they 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; or
- 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 is disqualified from holding, or from continuing to hold, office as a governor of a school if 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 misconduct or mismanagement or
- been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005, from being concerned in the management or control of any body.

Persons whose employment is prohibited or restricted

A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when they are:

- included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people;
- barred from any regulated activity relating to children;
- disqualified from working with children or from registering for childminding or providing day care;
- disqualified from being an independent school proprietor, teacher or employee by the Secretary of State.

Criminal Convictions

A person is disqualified from holding or continuing to hold office as a governor if they have:

- 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;
- received a prison sentence of two years or more in the 20 years before becoming a governor;
- at any time received a prison sentence of five years or more;
- been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor.

Refusal to make an application for a criminal records certificate

A person is disqualified from holding or continuing to hold office as a governor if they refuse a request by the clerk to the governing body to make an application to the Criminal Records Bureau for a criminal records certificate.