

### **Disqualification Declaration**

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

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 academy at the same time.

### **Grounds that apply to particular categories of governor**

A person is disqualified from being a **parent** governor if they are member of NSAT or paid to work at the academy 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 **parent governor** if they are eligible to be a staff governor at the academy.

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

A person serving on the Local Governing Body shall cease to hold office if he becomes incapable by reason of mental disorder, illness or injury or managing or administering his own affairs.

A person serving on the Local Governing Body shall cease to hold office if s/he is absent without the permission of the chair of the Local Governing Body from all the meetings of the Local Governing Body held within a period of six months and the Local Governing Body resolves that his/her office be vacated.

A person shall be disqualified from serving on the Local Governing Body if:

- his/her estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;
- s/he is the subject of a bankruptcy restrictions order or an interim order.

A person shall be disqualified from serving on the Local Governing Body at any time when s/he is subject to a disqualification order or a disqualification undertaking 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).

A person serving on the Local Governing Body shall cease to hold office if s/he would cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).

A person shall be disqualified from serving on the Local Governing Body if 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 s/he was responsible or to which s/he was privy, or which s/he by his conduct contributed to or facilitated.

A person shall be disqualified from serving on the Local Governing Body at any time when he is:

- included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999; or
- disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000; or
- barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups act 2006); or
- included in the list of people prohibited from managing an independent school

A person shall be disqualified from serving on the Local Governing Body if s/he is a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if contained in such a direction.

A person shall be disqualified from serving on the Local Governing Body where 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 72 of the Charities Act 1993.

After the Academy has opened, a person shall be disqualified from serving on the Local Governing Body if s/he has not provided to the Company a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 197. In the event that the certificate discloses any information which would in the opinion of either the chair or the Executive director confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether the person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

Where, by virtue of these Rules, a person becomes disqualified from serving on the Local Governing Body; and s/he was, or was proposed, to so serve, s/he shall on becoming so disqualified give written notice of the fact

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

## **Publication of Governor's Details and the Register of Interests**

Governors hold an important public office and their identity should be known to their academy and wider communities. Local Governing Bodies should therefore publish on their website information about their members. The information they should publish should, as a minimum include for each governor:

- their name;
- their category of governor;
- which body appoints them;
- their term of office;
- the names of any committees the governor serves on; and
- details of any positions of responsibility such as chair or vice-chair of the Local Governing Body or a committee of the Local Governing Body.

Local Governing Bodies should also publish this information for associate members, making clear whether they have voting rights on any of the committees they serve on.

Local Governing Bodies are under a duty to publish on their website their register of interests. The register should set out the relevant business interests of governors and details of any other educational establishments they govern. The register should also set out any relationships between governors and members of the academy staff including spouses, partners and relatives.

Local Governing Bodies should make it clear in their code of conduct that this information will be published on their governors and, where applicable, their associate members. Any governor failing to reveal information to enable the Local Governing Body to fulfil their responsibilities may be in breach of the code of conduct and as a result be bringing the Local Governing Body into disrepute. In such cases the Local Governing Body should consider suspending the governor.

Local Governing Bodies must also provide certain information it holds to the Secretary of State through the Get information About Schools (GIAS) system.

Governors, with the exception of the Head teacher, can be disqualified if:

- they breach the code of conduct,
- where there have been repeated grounds for suspension,
- where a governor displays repeated and serious incompetence,
- has engaged in conduct aimed at undermining fundamental British values,
- where the actions of the governor are significantly detrimental to the effective operation of the Local Governing Body or

- there was been serious misconduct

The Local Governing Body may remove governors. Where a person who serves on the Local Governing Body is removed from office those removing him/her shall give written notice thereof to the Local Governing Body who shall inform the Directors.

Local Governing Bodies are expected only to exercise the power to remove an elected governor in exceptional circumstances where the actions or behaviour of the elected governor warrants removal rather than suspension.

**I declare that I have read and understood the above and I am not disqualified from serving as a governor (or an Associate Member) in accordance with the above criteria. I also declare I have read the publication of governor's details and register of interest requirements and I agree to the publication on the academy website.**

**Name**.....

**Signature**.....

**Date** .....