Eligibility and disqualifications to serve as a trustee/local governor:

Note that disqualification criteria for trustees, as detailed in articles of association, also apply to academy committees (local governing bodies) in a multi academy trust.

A person must be aged 18 or over at the date of their election or appointment. No current pupil of the academy/one of the academies in the trust shall be a trustee.

A trustee/local governor shall be disqualified from holding office or continuing to hold office if they:

- become incapable by reason of illness or injury of managing or administering their own affairs;
- are absent without the permission of the trustees from all meetings held within a period of six months, and the trustees resolve that their office be vacated;
- have been declared bankrupt and/or their estate has been seized from their possession for the benefit of their creditors and the declaration or seizure has not been discharged, annulled or reduced; or
- are the subject of a bankruptcy restrictions order or an interim order;
- are subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986; or
- are subject to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
- cease to be a trustee by virtue of any provision in the Companies Act 2006;
- are disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision); or
- are otherwise found to be unsuitable by the Secretary of State;
- have 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 they were responsible; or to which they were privy; or which they, by their conduct, contributed to or facilitated;
- have, 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 178 of the Charities Act 2011;
- have not provided to the chair of trustees a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997.

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Eligibility and disqualifications to serve as a maintained school parent governor:

A governor must be aged 18 or over at the time of their election or appointment and cannot hold more than one governorship at the same school.

A person is disqualified from election or appointment as a parent governor if they:

- are employed at the school for more than 500 hours in any 12 consecutive months;
- are an elected member of the Local Authority.

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

- are a registered pupil at the school;
- have failed to attend governing body meetings at the school without the consent of the governing body, for a continuous period of six months;
- have been disqualified for failing to attend governing body meetings at the school without the consent of the governing body, for a continuous period of six months whilst serving as a foundation, local authority, co-opted or partnership governor at the school in the last 12 months;
- have had their estate sequestrated and the sequestration has not been discharged, annulled or reduced;
- are subject to a bankruptcy restriction order, an interim bankruptcy restrictions 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 Companies 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 they were responsible; or to which they were privy; or to which they contributed, or they facilitated by their conduct; or
- have 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;
- 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);

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- are subject to a direction of the Secretary of State under section 142 of the Education Act 2002 (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction);
- are subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008;
- 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 EA 1996 (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992 (nuisance or disturbance on educational premise) during the 5 years prior to or since appointment or election as a governor;
- have refused a request by the clerk to the governing body to make an application under section 113B of the Police Act 1997 for a criminal records certificate.

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