

Disqualification From Holding Office as a School Governor

Schedule 6 of the School Governance (England) Constitution Regulations 2007 outlines the circumstances which render someone **ineligible from holding office (or continuing to hold office) as a school governor in England**. In summary someone is disqualified from becoming or continuing to be a school governor if s/he:

- is a registered pupil at the school;
- is under 18 at the date of election or appointment;
- is detained under the Mental Health Act 1983(a);
- without the consent of the governing body, fails to attend their meetings for a continuous period of six months beginning with the date of the first such meeting;
- has had his/her estate sequestrated and the sequestration has not been discharged, annulled or reduced;
- is the subject of a bankruptcy restrictions order or an interim order;
- is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or under Part 2 of the Companies (Northern Ireland) Order 1989(c), or a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002(d); or (d) an order made under section 429(2)(b) of the Insolvency Act 1986(e) (failure to pay under county court administration order).
- has been removed from the office of trustee for 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; or
(b) he has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(a) (Powers of Court of Session), from being concerned in the management or control of any body.
- is disqualified from working with children;
- within the previous **five years** has been convicted of any offence and has had passed a sentence of imprisonment (whether suspended or not) for a period of not less than **three months** without the option of a fine.
- within the previous **twenty years** 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**.
- **at any time** been convicted of any offence and he has had passed on him a sentence of imprisonment for a period of not less than **five years**.
- within the previous five years has been convicted under section 547 of EA 1996(a) (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992(b) (Nuisance or disturbance on educational premises) of an offence and has been sentenced to a fine.
- refuses a request by the clerk to the governing body to make an application under section 113A of the Police Act 1997 for a criminal records certificate.