

Indicative School Governance Qualifications and Disqualifications for Parent Governors

General

- A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when the person is a registered pupil at the school.
- A person is disqualified from being elected or appointed as a governor unless the person is aged 18 or over.
- Save as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a governor of a particular category at a school does not disqualify the person from election or appointment or from continuing as a governor of any other category at that school, but no person may at any time hold the office of more than one governor of the same school.
- Any person who is disqualified from holding office as a governor of a school under this Schedule is likewise disqualified from holding or continuing to hold office as an associate member of the governing Board

Disqualification criteria for categories of governor

A person is disqualified from election or appointment as a parent governor of a school if the person—

- is an elected member of the local authority; or
- is paid to work at the school for more than 500 hours in any twelve consecutive months.

A person is not disqualified from continuing to hold office as a parent governor because they cease to be a parent of a registered pupil at the school or to fulfil any of the requirements set out in paragraphs 10 and 11 of Schedule 1 (as the case may be).

Failure to attend meetings

This paragraph applies to every governor, other than governors who are governors by virtue of the office that they hold.

A governor who, without the consent of the governing board, has failed to attend their meetings for a continuous period of six months beginning with the date of the first meeting the governor fails to attend, is, on the expiry of that period, disqualified from continuing to hold office as a governor of that school.

A foundation governor, authority governor, co-opted governor or partnership governor who has been disqualified as a governor of a school is not qualified for election, nomination or appointment as a governor of any category at that school for twelve months starting on the date on which they are so disqualified.

Bankruptcy

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

- the person's estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
- the person is 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 the person is subject to—

- a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(c)
- a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002(d)
- 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(e) (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—

- the person has 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 any misconduct or mismanagement in the administration of the charity for which person was responsible or to which they were privy, or to which they contributed or which were facilitated by the person's conduct; or
- the person has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(f), from being concerned in the management or control of any body.

Disqualification of elected parent governors who have been removed from office

A person is disqualified from holding or continuing to hold office as a governor of a school until the date immediately after the fifth anniversary of the date of their removal as an elected parent governor under these Regulations.

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 the person is—

- included in the list kept under section 1 of the Protection of Children Act 1999(a) (list of those considered by the Secretary of State as unsuitable to work with children);
- subject to a direction of the Secretary of State under section 142 of EA 2002(b) (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction)
- barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006(c)
- disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(d)
- disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010(e) for child minding or providing day care; or
- disqualified from registration under Part 3 of the Childcare Act 2006(f).

Criminal convictions

A person is disqualified from holding, or continuing to hold, office as a governor of a school where any of the following apply to the person.

- If within the period of five years ending with the date immediately preceding the date of appointment or election as governor would otherwise have taken effect or, as the case may be, on which they would otherwise have become a governor by

virtue of an office, or since their appointment or election as governor, they have been convicted, whether in the United Kingdom or elsewhere, of any offence and a sentence of imprisonment (whether suspended or not) has been imposed on the person for a period of not less than three months without the option of a fine.

- If within the period of 20 years ending with the date immediately preceding the date of appointment or election as governor would otherwise have taken effect, they have been convicted of any offence and a sentence of imprisonment has been imposed for a period of not less than two and a half years.
- If a person who has at any time been convicted as aforesaid of any offence and a sentence of imprisonment has been imposed on the person for a period of not less than five years.

For the purposes of sub-paragraphs above, any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom will be disregarded.

- If within the period of five years ending with the date immediately preceding the date on which the appointment or election as governor would otherwise have taken effect, or since their appointment or election as governor, they have 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.

[Refusal to make an application for a criminal records certificate](#)

A person is disqualified from holding or continuing to hold office as a governor at any time when the person refuses a request by the clerk to the governing board to make an application under section 113B of the Police Act 1997(c) for a criminal records certificate.