

## Academies: qualifications and disqualifications to serve as an academy governor

- ❖ A person shall be disqualified from holding office or continuing to hold office as trustee/local governor if:
- ❖ s/he becomes incapable by reason of illness or injury of managing or administering his own affairs;
- ❖ s/he is absent without the permission of the trustees from all their meetings held within a period of six months, and the trustees resolve that his office be vacated;
- ❖ s/he has been declared bankrupt and/or his estate has been seized from his possession for the benefit of his creditors and the declaration or seizure has not been discharged, annulled or reduced; or
- ❖ s/he is the subject of a bankruptcy restrictions order or an interim order;
- ❖ s/he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986; or
- ❖ s/he is subject to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
- ❖ s/he ceases to be a trustee by virtue of any provision in the Companies Act 2006;
- ❖ s/he is 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
- ❖ s/he is otherwise found to be unsuitable by the Secretary of State;
- ❖ 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 he was responsible; or to which he was privy; or which he, by his conduct, contributed to or facilitated;
- ❖ 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 178 of the Charities Act 2011;
- ❖ s/he has not provided to the Chair of Governors / Clerk to the Governing Body a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997.