

Eligibility criteria for governors

In order to serve as a governor, you must be able to comply with the following eligibility criteria and be willing to undertake the required checks to confirm eligibility.

1. Governors **must**:

- a. be over 18 years old at the time of election or appointment
- b. be willing to allow an application to the Disclosure and Barring Service (DBS) for a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In accordance with current legislation, this will not include a 'barred list' check unless the governor will be engaging in 'regulated activity' with children. A disclosure of a criminal record will not automatically disqualify a person serving as a governor and each case will be judged according to the latest statutory guidance on convictions and waivers.
- c. disclose any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with their duties as a governor on appointment and as soon as they become aware of it.
- d. have the right to live and work in the UK
- e. not be banned from being involved in the management and governance of schools. A 'Section 128' check will determine this.

Parent governors must be exercising parental responsibility of a child at the school at the time of election.

2. A person shall be disqualified from holding or continuing to hold office as a governor if they:

- a. are absent without the permission of the governing board from all the meetings held within a period of six months and it is resolved that your office be vacated.
- b. are incapable by reason of illness or injury of managing or administering their own affairs.
- c. 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;
- d. are the subject of a bankruptcy restrictions order or an interim order.
- e. 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).
- f. cease to be a trustee or governor by virtue of any provision in the Companies Act 2006, 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).

- g. 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.
- h. 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.

3. These eligibility criteria and checks are set out in the following documents and comply with the Data Protection Act 2018 and the UK General Data Protection Regulations:

- The [ONE Academy Trust Articles of Association](#) - every academy trust has Articles of Association. The Articles set out certain requirements in terms of the “suitability” checks that need to be carried out on trustees and local governors.
- [Funding Agreement](#) - the key contract entered into with the Secretary of State by the ONE Academy Trust. It also requires the academy trust to comply with the requirements of the Standards in relation to Disclosure and Barring Service (“DBS”) and other suitability checks.
- The [Education \(Independent School Standards\) \(England\) Regulations 2014 \(the 'Standards'\)](#) - the latest version of the Standards has been in force since January 2015. They place a statutory duty on academy trusts to carry out certain suitability checks on staff and trustees/governors.
- [Keeping Children Safe in Education \(KCSIE\)](#) - academies are bound to have regard to any guidance issued by the Secretary of State. Keeping Children Safe is the relevant statutory safeguarding guidance and includes a section on the checks to be carried out on academy trustees and governors.
- The **Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014**. [Regulation 2](#) provides for a Section 128 check to confirm if a person is banned from being involved in the management and governance of schools.
- [Charity Commission Automatic Disqualification Rules](#) - These are the automatic disqualification criteria. The guidance also sets out in what circumstances a waiver may be applied for.