

Disqualification Declaration September 2017

“The Constitution of governing bodies of maintained schools” Statutory guidance for governing bodies of maintained schools and local authorities in England.

August 2017

All the grounds for disqualification apply also to associate members except that associate members can be registered pupils at the school and can be under 18. Please read the following carefully and sign the form at the end if you comply with the following criteria:

General grounds

Registered pupils cannot be governors.

A governor must be aged 18 or over at the time of election or appointment.

A person cannot hold more than one governor post at the same school at the same time.

Grounds that apply to particular categories of governor

A person is disqualified from being a **parent** governor if they are an elected member of the LA or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).

A person is disqualified from being a **local authority governor** if they are eligible to be a staff governor at the school.

A person is disqualified from being a **partnership governor** if they are:

- a parent of a registered pupil at the school;
- eligible to be a staff governor at the school;
- an elected member of the LA; or
- employed by the local authority in connection with its education functions.

Grounds that arise because of particular failings or actions on the part of the governor

A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the headteacher or to foundation governors appointed by virtue of their office.

A governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office if that person:

- is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, 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 (failure to pay under county court administration order)
 - has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
 - is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people
 - is barred from any regulated activity relating to children
 - is subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008
 - is disqualified from working with children or from registering for child-minding or providing day care
 - is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
 - has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor
 - has received a prison sentence of two years or more in the 20 years before becoming a governor
 - has at any time received a prison sentence of five years or more
 - has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor
 - refuses a request by the clerk to make an application to the Criminal Records Bureau for a criminal records certificate.
 - Has been removed from office as an elected Governor within the last five years

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing body.

Publication of Governor's Details and the Register of Interests

24. Governors hold an important public office and their identity should be known to their school and wider communities. Governing bodies should therefore publish on their website information about their members. The information they should publish should, as a minimum include for each governor:

- their name;
- their category of governor;
- which body appoints them;
- their term of office;
- the names of any committees the governor serves on; and
- details of any positions of responsibility such as chair or vice-chair of the governing body or a committee of the governing body.

25. Governing bodies should also publish this information for associate members, making clear whether they have voting rights on any of the committees they serve on.

26. Governing bodies are under a duty to publish on their website their register of interests. The register should set out the relevant business interests of governors and details of any other educational establishments they govern. The register should also set out any relationships between governors and members of the school staff including spouses, partners and relatives.

27. Governing bodies should make it clear in their code of conduct that this information will be published on their governors and, where applicable, their associate members. Any governor failing to reveal information to enable the governing body to fulfil their responsibilities may be in breach of the code of conduct and as a result be bringing the governing body into disrepute. In such cases the governing body should consider suspending the governor.

28. Governing Bodies must also provide certain information it holds to the Secretary of State through Edubase (or the Get information About Schools (GIAS) system which will replace Edubase this calendar year

The Constitution of governing bodies of maintained schools August 2017 added the following requirements for all governors and governing bodies:

Governors, with the exception of the Head teacher, can be disqualified if:

- they breach the code of conduct,
- where there have been repeated grounds for suspension,
- where a governor displays repeated and serious incompetence,
- has engaged in conduct aimed at undermining fundamental British values,

- where the actions of the governor are significantly detrimental to the effective operation of the governing body or
- there has been serious misconduct

Responsibility for removal of Governor:

Foundation Governors may only be removed from office by the person that appointed them. The governing body may remove an ex-officio foundation governor if requested by the person named in the instrument of government.

Local authority governors may be removed from office by the local authority.

The governing body may remove co-opted and partnership governors.

The governing body may also remove an appointed or an elected parent of staff governor.

Governing bodies are expected only to exercise the power to remove an elected governor in exceptional circumstances where the actions or behaviour of the elected governor warrants removal rather than suspension.

I declare that I have read and understood the above and I am not disqualified from serving as a school governor (or an Associate Member) in accordance with the above criteria. I also declare I have read the publication of governor's details and register of interest requirements and I agree to the publication on the school website :

Name.....

Signature.....