

## Disqualification from Membership



The restrictions detailed below disqualify the applicant from becoming a school governor (Trustee or Local Monitoring Governor):

- aged under 18
- being a student at any school in the Trust
- are detained under the Mental Health Act 1983
- being an undischarged bankrupt
- being disqualified from acting as a charity trustee under Section 72 of the Charities Act 1993  
*Section 72 of the Charities Act 1993 provide a person will be disqualified as a charity trustee for:-*
  - *conviction of any offence involving dishonesty or deception (unless the conviction is spent);*
  - *being adjudged bankrupt or having his/her property made available to creditors and (in either case) he/she has not been discharged;*
  - *making a formal arrangement with his/her creditors which has not been discharged;*
  - *removal from the office of charity trustee by an order of the Charity Commissioners or of the High Court;*
  - *removal under Section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 from being concerned in the management or control of anybody; or*
  - *being subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under Section 429 (2) (b) of the Insolvency Act 1986.*
- have been disqualified from being a proprietor, teacher or employee in any independent school by an Independent Schools Tribunal or the Secretary of State
- being included in the list kept by the Secretary of State under Section 1 of the Protection of Children Act 1999
- being disqualified from working with children in accordance with Section 35 Criminal Justice and Court Services Act 2000
- being barred from regulated activity in relation to children (within the meaning of Section 3(2) of the Safeguarding of Vulnerable Groups Act 2006)
- being the subject of a direction under Section 142 Education Act 2002 or being subject to any prohibition or restriction which takes effect as if contained in such a direction
- having been convicted of any criminal offence, excluding any offence that is spent under the rehabilitation of Offenders Act 1974 and any offence for which the maximum sentence is a fine or a lesser sentence
- being subject to a disqualification order made by a Court under the Company Directors Disqualification Act 1986  
*A disqualification order **must** be made against a director if he/she is or has been a director of a company which has at any time become insolvent and his/her conduct as a director of that company (taken alone or together with his/her conduct as a director of any other company or companies) makes him/her unfit to be concerned in the management of a company.*  
*A disqualification order **may** be made against a director for:*
  - *conviction of an offence in connection with the promotion, formation, management, liquidation or striking off of a company or with the receivership or management of a company's property;*
  - *persistent breaches of companies legislation (eg failure to file accounts and annual returns);*
  - *fraudulent trading or of any other fraud in relation to the company;*
  - *conviction for contravention of or failure to comply with any provision in companies legislation requiring the filing of documents with the registrar of companies; or participation in wrongful trading.*
- have 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
- refused to undertake an application being made to the Disclosure and Barring Service for an enhanced disclosure
- act as the Governance Clerk or Company Secretary in the Trust at which you wish to become a governor.

**Please note:** This list is only a summary. Please contact Laura Keam, Company Secretary on 01872 530583, in confidence, if you wish to check whether any of the disqualifications apply to you.

### Declaration

- I am aged 18 years or over.
- I have read the list of reasons (detailed above) why some people are disqualified from becoming a Trustee or Local Monitoring Governor and I am not covered by any of these.
- I am aware that if I am appointed as a Trustee or Local Monitoring Governor the Trust may carry out a credit check and a criminal record check (DBS disclosure) to ensure my eligibility.

- I confirm that the information given in this application is accurate.

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**Name:**

**Date:**

**Signed:**

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