



## St Mary's Catholic High School Academy Trust

### QUALIFICATIONS AND DISQUALIFICATIONS

**Circumstances in which a person is qualified for or disqualified from holding or continuing in office as a Parent Governor.**

#### **GENERAL**

1. A Parent Governor shall be elected by parents of registered pupils at the Academy
2. A Parent Governor must be a parent of a pupil at the Academy at the time when he/she is elected.
3. The Governing Body shall make all the necessary arrangements for, and determine all other matters relating to, an election of Parent Governors, including any question of whether a person is a parent of a registered pupil at the Academy.
4. Any election of Parent Governors which is contested shall be held by secret ballot.
5. The number of Parent Governors required shall be made up by Parent Governors appointed by the Governing Body if the number of parents standing for election is less than the number of vacancies.

#### **DISQUALIFICATION OF GOVERNORS**

1. No person shall be qualified to be a Governor unless he/she is aged 18 or over at the date of his election or appointment.
2. No current pupil of the Academy shall be a Governor.
3. A Governor shall cease to hold office if he/she becomes incapable by reason of mental disorder, illness or injury of managing or administering his/her own affairs.
4. A Governor shall cease to hold office if he/she is absent without the permission of the Governors from all their meetings held within a period of six months and the Governors resolve that his office be vacated.
5. A person shall be disqualified from holding or continuing to hold office as a Governor if:
  - (a) His/her estate has been sequestered and the sequestration has not been discharged, annulled or reduced; or
  - (b) He/she is the subject of a bankruptcy restrictions order or an interim order.
6. A person shall be disqualified from holding or continuing to hold office as a Governor at any time when he/she is 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).
7. A Governor shall cease to hold office if he/she ceases to be a Governor by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).



- 8.** A person shall be disqualified from holding or continuing to hold office as a Governor if he/she 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/she was responsible or to which he/she was privy, or which he/she by his conduct contributed to or facilitated.
- 9.** A person shall be disqualified from holding or from continuing to hold office as a Governor at any time when he/she is:

  - (a) included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999; or
  - (b) disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000; or
  - (c) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006.
- 10.** A person shall be disqualified from holding or continuing to hold office as a Governor if he/she is a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if contained in such a direction.
- 11.** A person shall be disqualified from holding or continuing to hold office as a Governor where he/she 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 72 of the Charities Act 1993.
- 12.** A person shall be disqualified from holding or continuing to hold office as a Governor if he/she has not provided to the Chair of Governors a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information, which would, in the opinion of either the Chair or the Principal, confirm their unsuitability to work with children that person shall be disqualified.
- 13.** If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.