



Disqualification from membership of governing boards of maintained schools



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Disqualification from holding office as a governor

This leaflet outlines the circumstances where a governor or associate member shall be disqualified from the membership of a governing board.

Schedule 4 of The School Governance (Constitution) (England) Regulations 2012 sets out the situations in which a person must not be allowed to become or continue as a school governor in a maintained school.

All criteria for disqualification apply also to associate members; with the exception that an associate member may be a pupil, and may be under 18.

A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when he or she:

- Is a registered pupil at the school
- Is under 18 years old
- Is included in the list of those unsuitable to work with children
- Is disqualified from working with children, barred from regulated activity and/or disqualified from registering for childminding or providing daycare
- Has been declared bankrupt
- Is disqualified from being a company director and/or a charity trustee
- 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 Disclosure and Barring Service (DBS), previously the Criminal Records Bureau (CRB)

Disqualification for failing to attend meetings

Section 9 of schedule 4 of the regulations explains that governors who fail to attend meetings without the consent of the governing board for a continuous period of six months are disqualified from continuing to hold office as a governor at that school.

This applies from the date of the first meeting which the governor failed to attend.

With the exception of ex-officio governors, such as the headteacher, all governors and all associate members are subject to this regulation and may be disqualified through non-attendance.

Disqualification from being a certain type of governor

Some people are also disqualified from becoming certain types of governor because of their other roles. For example:

- Elected members of the LA or people who are paid to work at the school for more than 500 hours in any 12 consecutive months cannot be parent governors
- Partnership governors cannot be parents of registered pupils at the school, members of staff at the school, elected members of the LA or employed by the LA in connection with their education functions (unless they are employed wholly in other schools in the LA)

Note:
This is a general guide and is not intended to be an authoritative interpretation of the relevant legislation. More detailed information can be found in the School Governance (Constitution)(England) Regulations 2012.

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