

Disqualifications

Schedule 5 to The Government of Maintained Schools (Wales) Regulations 2005 covers the disqualifications of governors.

A governor must be aged 18 or over at the time of their election or appointment (except for associate pupil governors).

A person is disqualified from holding or from continuing to hold office as a governor if he or she:

- is able to be detained under the Mental Health Act 1983 during his or her period of office;
- fails to attend the governing body meetings – without the consent of the governing body – for a continuous period of six months, beginning with the date of the first meeting missed (not applicable to ex officio governors). Where a governor has sent an apology for the meeting, the minutes of that meeting must record the governing body's consent or otherwise to the absence – and a copy of the minutes must be sent to the governor;
- is subject to a bankruptcy restriction order or an interim order;
- has had their estate sequestrated and the sequestration order has not been discharged, annulled or rescinded;
- 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
 - an order made under section 492(2)(b) of the Insolvency Act 1986 (failure to pay under a County Court administration order);
- has been removed from the office of charity trustee or trustee for a charity by the Charity Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 7 of the Law Reform (Miscellaneous Provisions)(Scotland) Act 1990 from participating in the management or control of any body;
- is included in the list of people whose employment is prohibited or restricted under Section 1 of the Protection of Children Act 1999;
- is disqualified from working with children or is the subject of a direction by the Welsh Assembly Government under section 142 of the Education Act 2002;

- disqualified from being the proprietor of an independent school;
- has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months (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-and-a-half 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; or
- refuses a request by the governing body to make an application to the Criminal Records Bureau for a criminal records certificate.

Where a person is disqualified from holding or continuing to hold office under these provisions they must give notice of that fact to the clerk to the governing body.

Pupils registered at the school, anybody eligible to be a staff or teacher governor at the school and elected members of the LA in which the school is situated are not able to become community governors. This is because community governors are intended to represent the wider community.

Elected members of the LA, LA employees and employees of the governing body of any school maintained by the LA are not eligible to be appointed by the governing body as parent governors unless they are parents of pupils at the school. (Normally parent governors are parents of pupils at the school who are elected by other such parents).

A person cannot, at any time:

- hold more than one governorship at the same school, nor
- be a member of more than two governing bodies of maintained schools unless he or she is:
 - a governor appointed to a school causing concern under sections 16, 16A, 18 or 18A of the SSF Act
 - a temporary governor; or
 - an ex-officio governor. An ex-officio governor may serve in that capacity on two governing bodies of maintained schools as well as on two other governing bodies as an ordinary (that is, not ex-officio governor)