

Model Procedures:

PARENT TRUSTEE/LOCAL GOVERNING COMMITTEE MEMBER ELECTION

Annex E – Academies: qualifications and disqualifications to serve as an academy trustee

Legislation, policies and procedures



Need advice?

For advice on any issue, Gold members have access to GOLDline legal advice
9 –5pm weekdays. Find out more T: 0121 237 3782 www.nga.org.uk/goldline



National Governors' Association

The National Governors' Association (NGA) is an independent charity representing and supporting governors, trustees and clerks in maintained schools and academies in England. The NGA's goal is to improve the well-being of children and young people by increasing the effectiveness of governing boards and promoting high standards. It does this by providing information, guidance, research, advice and training. It also works closely with, and lobbies, UK government and educational bodies, and is the leading campaigning national membership organisation for school governors and trustees.

The NGA online Guidance Centre is the information hub for governors. It supports you in your role as a governor, giving you access to up to date guidance and advice covering all aspects of school governance, including finance; staffing; Ofsted; curriculum; special educational needs; legislation and school improvement.

Practical governance resources include sample documents; templates; checklists; information summaries; insights; case studies and much more.

To join NGA and receive regular updates, contact:

T: 0121 237 3780 | E: membership@nga.org.uk | www.nga.org.uk



Annex E – Academies: qualifications and disqualifications to serve as an academy trustee

A person must be aged 18 or over at the date of their election or appointment. No current pupil of the academy/one of the academies in the trust shall be a trustee.

A person shall be disqualified from holding office or continuing to hold office as trustee/local committee member if:

- s/he becomes incapable by reason of illness or injury of managing or administering his own affairs;
- s/he is absent without the permission of the trustees from all their meetings held within a period of six months, and the trustees resolve that his office be vacated;
- s/he has been declared bankrupt and/or his estate has been seized from his possession for the benefit of his creditors and the declaration or seizure has not been discharged, annulled or reduced; or
- s/he is the subject of a bankruptcy restrictions order or an interim order;
- s/he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986; or
- s/he is subject to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
- s/he ceases to be a trustee by virtue of any provision in the Companies Act 2006;
- s/he is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision); or
- s/he is otherwise found to be unsuitable by the Secretary of State;
- s/he 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 was responsible; or to which he was privy; or which he, by his conduct, contributed to or facilitated;
- s/he 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 178 of the Charities Act 2011;



- s/he has not provided to the chairman of the trustees a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997.