

Annex 1 - Full Eligibility Criteria

AA ¹	CC ²	CA ³	SG ⁴	Disqualification Reason
Key Disqualification Criteria				
✓				You shall cease to hold office if you become incapable by reason of a mental disorder, illness or injury of managing or administering your own affairs.
✓				You shall cease to hold office if you are absent without the permission of the Trustees from all their meetings held within a period of six months and the Trustees resolve that your office be vacated.
	✓	✓	✓	You are disqualified from being a company director, or have given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for you to act as director of the charity
	✓	✓	✓	You are currently declared bankrupt (or subject to bankruptcy restrictions or an interim order i.e. "undeclared" bankrupt)
	✓		✓	You have previously been removed as a trustee of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
Convictions (Enhanced Disclosures and Barring Checks will be undertaken for <u>all</u> governors)				
	✓		✓	You have an unspent ⁵ conviction for any of the following: <ul style="list-style-type: none"> a. an offence involving deception or dishonesty
	✓			<ul style="list-style-type: none"> b. a terrorism offence <ul style="list-style-type: none"> i. to which Part 4 of the Counter-Terrorism Act 2008 applies ii. under sections 13 or 19 of the Terrorism Act 2000 under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence iii.
	✓			c. a money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002
	✓			d. an offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
	✓			e. an offence of contravening a Commission Order or Direction under section 77 of the Charities Act 2011
	✓			f. an offence of misconduct in public office, perjury or perverting the course of justice
	✓			In relation to the above offences (a-f), an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007(encouraging or assisting) in relation to the offence.
	✓			You are on the sex offenders register (i.e. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
	✓			You have an unspent sanction for contempt of court for making, or causing to be made, a false statement or for making , or causing to be made, a false statement in a document verified by a statement of truth
	✓			You have been found guilty of disobedience to an order or direction of the Commission under section 336(1) of the Charities Act 2011.
	✓			You are a designated person for the purposes of for the purposes of: Regulations 8 to 12 of the ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019;Regulations 11 to 15 of the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019; or Regulations 11 to 15 of the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019
			✓	You, subject to certain exceptions for overseas offences that do not correlate with a UK offence, has been sentenced to three months or more in prison (without the option of a fine) in the five years ending with the date preceding the date of appointment/election as a governor or since becoming a governor.

¹ The Auriga Academy Trust Articles of Association

² Charity Commission Criteria for Automatic Disqualification of Trustees (1 August 2018)

³ Companies Act 2006

⁴ Based on the "The constitution of governing bodies of maintained schools Statutory guidance for governing bodies of maintained schools and local authorities in England, August 2017

⁵

⁵ Guidance on whether this would apply can be found at <http://hub.unlock.org.uk/information/charities/> and <https://www.gov.uk/exoffenders-and-employment>

AA ¹	CC ²	CA ³	SG ⁴	Disqualification Reason
Convictions (continued)				
			✓	You, subject to certain exceptions for overseas offences that do not correlate with a UK offence, have received a prison sentence of two and a half years or more in the 20 years ending with the date preceding the date of appointment/election as a governor.
			✓	You, subject to certain exceptions for overseas offences that do not correlate with a UK offence, have at any time received a prison sentence of five years or more.
			✓	You have been convicted and fined for causing a nuisance or disturbance on school or educational premises during the five years ending with the date immediately preceding appointment/election or since appointment or election as a governor.
Removal from office (other than Trustee or Company Director)				
	✓			You have previously been removed as an officer, agent or employee of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement.
			✓	You have been removed from office as an elected or appointed governor within the last five years.
	✓			You have been removed from management or control of any body under section s34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (or earlier legislation).
Other financially linked disqualification criteria				
	✓			You have an individual voluntary arrangement (IVA) to pay off debts with creditors.
	✓		✓	You are subject to a moratorium period under a debt relief order, or a debt relief restrictions order, or an interim order.
	✓		✓	You are subject to an order made under s.429(2) of the Insolvency Act 1986. (Failure to pay under a County Court Administration Order.)
Other Secretary of State prescribed criteria for disqualification				
			✓	You are included in the list of people considered by the Secretary of State as unsuitable to work with children or young people.
			✓	You are barred from any regulated activity relating to children.
			✓	You are subject to a direction of the Secretary of State under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008.
			✓	You are disqualified from working with children or from registering for child-minding or providing day care.
			✓	You are disqualified from being an independent school proprietor, teacher or employee by the Secretary of State.
			✓	You refuse a request by the clerk, or their designate, to make an application to the Disclosure And Barring Service for a criminal records certificate.

Registered pupils cannot be governors. A governor must be aged 18 or over at the time of election or appointment. A person cannot hold more than one governor post at the same school at the same time.

The Trust checks all governors, including Members, the Trust Board and Local Academy Governors with the Insolvency Register, Companies House and the Charities Commission as well as with the Teachers Regulation Agency on appointment and regularly thereafter. This will be recorded centrally within the Trust; and on each Academy's Single Central Register as required.

The Secretary of State for Education must also countersign the Enhanced DBS check for the Chair of the Trust Board.

If a query is related to an area governed solely by the Charities Commission, a waiver may be applied for (in certain circumstances) subject to approval from the Trust Board.

Should a governor have a query relating to the above, they must advise the Clerk to Governors in the first instance. Should a governor fail to disclose any of the above criteria which is subsequently discovered, this may be considered as serious misconduct and therefore in scope for grounds for removal.

