

## SUMMARY OF DISQUALIFICATION REGULATIONS

### **The appropriate authority**

Liverpool City Council is the appropriate authority with regard to the election arrangements for parent governors in community, community special and voluntary controlled schools. The County Council has delegated that responsibility to the headteacher. In voluntary aided, foundation and foundation special schools, the appropriate authority is the governing body. Academies are not required to follow these guidelines, but may choose to do so.

### **Who can stand as and vote for parent governors?**

The definition of a parent in education legislation includes:

- all natural parents whether they are married or not;
- any person who, although not a natural parent, has parental responsibility for a child or young person and;
- any person who, although not a natural parent, has care of a child or young person.

### **And**

- has a child on roll at the time of election.

Further guidance on the definitions of parent, parental responsibility and care of a child or young person can be obtained from the Governor Services Team on 0151 233 3939.

Parent governors generally serve for four years.

### **Summary of Disqualification Regulations**

A governor must be aged 18 or over at the time of his or her election or appointment and cannot be a registered pupil at the school. A person cannot hold more than one governorship at the same school.

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

- 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);
- is the subject of a bankruptcy restrictions order, an interim order, a debt relief restrictions order, or an interim debt relief restrictions order;
- has had his or her estate sequestrated and the sequestration has not been discharged, annulled or reduced;
- is subject to:
  - i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986
  - ii) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989
  - iii) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002
  - iv) an order made under Section 429(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 Commission or Commissioners or High Court on grounds of any misconduct or

mismanagement, or under Section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body;

- is included in the list of people considered by the Secretary of State as unsuitable to work with children or young people;
- is barred from any regulated activity relating to children;
- is subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008
- is disqualified from working with children or from registering for child-minding or providing day-care;
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State;
- 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 Criminal Records Bureau for a criminal records certificate.

A person is disqualified from election or appointment as a parent governor if they are an elected member of the LA or if they work at the school for more than 500 hours in any school year. In addition a person may not be **appointed** as a parent governor unless they are:

- a parent of a registered pupil at the school; or
- a parent of a former pupil of the school; or
- a parent of a child of or under compulsory school age;
- Special Schools only – a parent of a child of or under compulsory school age and with special educational needs for which the school is approved, or
- Special Schools only – a parent with experience of educating a child with special education needs

Full details of the Regulations covering the disqualification criteria can be found in [The School Governance \(Constitution\) \(England\) Regulations 2017](#).