

# Managing the membership of the board

## Declaration of eligibility for Trustees

### How to use this document

This contains a list of disqualifications for trustees and in the Appendix a declaration for completion and signing by a new trustee.

### Disqualifications

Unlike maintained schools, all categories of trustees in academies are subject to the same disqualifications as one another – there are no further disqualifications applied in the model articles with respect to parent or staff governors. Although, individual articles should be referred to. Trustees and members of local governing committees will be disqualified from holding or continuing to hold office as trustee or local governing committee member, on the following grounds:

- They are under the age of 18;
- They are currently a pupil at the academy;
- They have failed to attend meetings within a six month period without apologies being accepted by the trustees;
- They are subject to a bankruptcy restrictions order or interim order ; interim bankruptcy restriction order; a debt relief restrictions order; an interim debt relief restrictions order; or they have been declared bankrupt and/or their estate has been repossessed for the benefit of creditors and the declaration or seizure has not been discharged, annulled or reduced;
- They have been disqualified as a company director or failed to make a payment under a county court administration order;
- They have been disqualified as a charity trustee; found to be unsuitable by the Secretary of State; or ceases to be a trustee under any provision in the Companies Act 2006;
- They have been removed as a charity trustee on the ground of misconduct or mismanagement;
- They have been convicted of any criminal offence except for those ‘spent’ under the Rehabilitation of Offenders Act 1974, or those for which the maximum sentence is a fine or lesser sentence unless they have been convicted of an offence outlined in Section 178 of the Companies Act 2011;
- They have not provided an enhanced Disclosure and Barring Service (DBS) check to the chair; or where they have, the chair, chief executive officer or principal or Secretary of State determines that their unsuitability to work with children renders them disqualified;
- They become incapable by reason of illness or injury of managing or administering his own affairs.

A disqualified person must give written notice of their disqualification to the clerk or other governance professional whether or not they are currently in office, or due to be appointed.

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### Appendix

#### Declaration of Eligibility for Trustees template

By signing this form you declare that you:

- are willing to act as a trustee and consenting to act as a Director of the company
- understand your organisation's purposes (objects) and rules set out in the NGA's governing document
- Are not automatically disqualified from acting as trustee of a charity
- Give your consent for NGA to carry out any relevant checks, including, if necessary, identity checks and checks against the Charity Commission's list of removed or disqualified trustees.
- agree to be bound by the NGA's code of conduct for trustees
- agree to be bound by the NGA's conflict of interest policy

**Name:**

**Signed:**

**Date:**

This declaration is based on the Charity Commission's Declaration of Eligibility and responsibility for newly appointed Trustees (CC5C).