



Governing Body

DECLARATION OF ELIGIBILITY 2018-2019

Name... ..
(Please use capitals)

Declaration of Eligibility

The College's Instrument of Government sets out the following grounds for a person to be ineligible to serve as a Governor* of the College:

1. No one under the age of 18 years may be a member, except as a student governor
2. A person is disqualified from holding, or continuing to hold, office as a governor if:
 - a) the person's estate has been sequestered and the sequestration has not been discharged, annulled or reduced or;
 - b) the person is subject to a bankruptcy restriction order, an interim bankruptcy restriction order, a debt relief restrictions order or an interim debt relief restrictions order
3. A person is disqualified from holding, or continuing to hold, office as a governor at any time when the person is subject to:
 - a) a disqualification order or disqualification undertaking the Company Directors Disqualification Act 1986;
 - b) a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002, as amended;
 - c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or
 - d) An order made under section 429(2) (b) of the Insolvency Act 1986 for failure to pay under a country court administration order.
4. A person is disqualified from holding, or continuing to hold, office as a governor if:
 - a) That person has been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which that person was responsible or to which they were privy, or to which they contributed or which was facilitated by that person's conduct;
 - b) The person has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005, from being concerned in the management or control of any body; or
 - c) The person is disqualified from being a charity trustee under the Charities Act 2011.
5. A person is disqualified from holding, or continuing to hold, office as a governor at any time when the person is:
 - a) Included in the list of those considered as unsuitable to work with children kept under section 1 of the Protection of Children Act 1999, as amended;
 - b) Subject to a direction under section 142 of the Education Act 2002 or any other disqualification, prohibition or restriction which takes effect as if contained in such direction;
 - c) Barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006;
 - d) Disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000;
 - e) Disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010 from child minding or providing day care;
 - f) Disqualified from registration under Part 3 of the Childcare Act 2006, as amended.
6. A person is disqualified from holding, or continuing to hold, office as a governor if:
 - a) Within the period of five years ending with the date immediately preceding the date on which the person's appointment would otherwise have taken effect or, as the case may be, on which that person would otherwise have become a governor by virtue of an office, or

- b) Since the person's appointment as governor or, as the case may be, the person became a governor by virtue of an office, the person has been convicted, whether in the United Kingdom or elsewhere, of any offence and a sentence of imprisonment (whether suspended or not) has been imposed for a period of not less than three months without the option of a fine;
 - c) Within the period of 20 years ending with the date immediately preceding the date on which that person's appointment would have taken effect or, as the case may be, on which that person would otherwise have become a governor by virtue of an office, they have been convicted of any offence and a sentence of imprisonment has been imposed for a period of not less than two and a half years.
 - d) A person who has at any time been convicted, as aforesaid, of any offence and a sentence of imprisonment has been imposed on the person for a period of not less than five years.
 - e) Any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom must be disregarded.
 - f) If a person within the period of five years ending with the date immediately preceding the date on which the person's appointment would otherwise have taken effect or, as the case may be, on which that person would otherwise have become a governor by virtue of an office; or
 - g) Since that person's appointment or, as the case may be, becoming a governor by virtue of an office, they have been convicted under section 547 of the Education Act 1996 in relation to a nuisance or disturbance on school premises, or under section 85A of the FHE 1992 in relation to a nuisance or disturbance on educational premises, of an offence and has been sentenced to a fine.
7. A person is disqualified from holding, or continuing to hold, office as a governor at any time:
- a) when the person, being a foundation governor, refuses a request by an officer of the Bishop; or
 - b) when the person, being any other category of governor refuses a request by the Clerk to make application under section 113B of the Police Act 1997, for a criminal records certificate.
8. Where a person is, or is proposed to become, a governor is disqualified from holding, or continuing to hold, office as a governor, they must give notice of that fact to the Clerk, or for foundation governors to an officer of the Bishop.
9. In addition to the above criteria please refer to Annex A, which is relevant from 1st August 2018. This provides further reasons for disqualification.
<https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#anne-xa-what-a-dishonestydeception-offence-is>

- **I declare that I am eligible to be a Governor of Carmel College**
- **I will notify the Clerk to Governors promptly if, after the date of this declaration, one or more of the disqualification reasons applies to me**

Signed... ..

Date.....

NB The same conditions apply to Associate Members of the Governing Body*

Annex A - Disqualification Reasons

After 1 August 2018, you will be automatically disqualified from acting as a trustee if:

1. You have an **unspent** conviction for any of the following
 - a) an offence involving **deception or dishonesty**
 - b) a **terrorism** offence
 - a. to which Part 4 of the Counter-Terrorism Act 2008 applies
 - b. under sections 13 or 19 of the Terrorism Act 2000
 - c) a **money laundering** offence within the meaning of section 415 of the Proceeds of Crime Act 2002
 - d) a **bribery** 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**
yes/no
 - g) In relation to the above offences, 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
2. You are **on the sex offenders register** (ie. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
3. 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
4. You have been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011.
5. You are **a designated person** for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011.
6. 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
7. 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
8. You have been **removed from management or control of anybody** under section s34(5)(e) of the Charities and Trustee Investment (**Scotland**) Act 2005 (or earlier legislation)
9. 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
10. You are **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order)
11. You **have an individual voluntary arrangement (IVA)** to pay *off* debts with creditors
12. You are **subject to** a moratorium period under **a debt relief order**, or a debt relief restrictions order, or an interim order
13. 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.**)