

Appointment of Ex-offenders – Information for Applicants

The Criminal Justice and Court Service Act 2000, extends the definition of 'Regulated' positions for which criminal records checks can be made through the Criminal Records Bureau (CRB) under the rehabilitation of Offenders Act 1974 (Expectations) Order 1975 from time to time enacted and amended. One such regulated position is that of school governor.

Appointment to the position of school governor will not be confirmed until a satisfactory clearance has been received by the Local Authority (LA). The LA has a nominated person who will deal with criminal records for checks for school governors and they will remain confidential to that person and the County Council's Disclosure Unit which is responsible for processing the checks. A previously issued Criminal Records Disclosure Certificate will not be accepted. You should speak to the nominated person at the LA if you already possess a current Criminal Records Disclosure Certificate.

Criminal records will be taken into account for school governor recruitment purposes only when the conviction is relevant. Having a criminal record will not necessarily bar you from appointment as a school governor. This will depend on the background, nature and circumstances of your offence(s).

Essex County Council meets the requirements of the Criminal Records Bureau and its code of practice in relation to the processing, handling and security of disclosure information. A copy of the County Council's policy on the employment of ex-offenders is available at the school for information. If you would like to see a copy of the Criminal Records Bureau's Code of Practice, please contact Essex Governor Services who will arrange a copy to be sent to you.

Qualifications to serve as a governor

A governor must:

- be aged 18 or over at the time of his/her election or appointment;
- not hold more than one governorship at the same school;
- not had his/her estate sequestrated and the sequestration has not been discharged, annulled or reduced or be subject of bankruptcy restrictions order or an interim order;
- not be subject to a disqualification order under the Companies Directors Disqualification Act 1986 or under Part 2 of the Companies (Northern Ireland) Order 1989; or a disqualification undertaking under the Companies Directors Disqualification Act 1986 or accepted under Part 2 of the Companies (Northern Ireland) Order 1989 or be subject to an order made under Section 429(2)(b) of the Insolvency Act 1986;
- not have been removed from the office of charity trustee or trustee for a charity by the Charity Commissioners or High Court on grounds of any misconduct or mismanagement;
- not have been removed, under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, from being concerned in the management or control of any body;
- not be included in the list of teachers or workers prohibited or restricted from working with children or young people (currently called List 99);
- not been disqualified from working with children under Sections 28 and 29 of the Criminal Justice and Court Services Act 2000;
- not be subject to a direction of the Secretary of State under s.142 of the Education Act 2002;
- not be disqualified from being an independent school proprietor, teacher or employee in any school;
- not have been sentenced to 3 months or more in prison in the UK or elsewhere (without the option of a fine) in the 5 years before or since becoming a governor;
- not have received a prison sentence of 2½ years or more in the 20 years before becoming a governor;
- not at any time have received a prison sentence of 5 years or more;
- not have been convicted and fined for causing a nuisance or disturbance on educational premises during the 5 years prior to or since appointment or election as a governor;
- not be detained under the Mental Health Act 1983;
- have been cleared through the disclosure process through the Essex County Council's Disclosure Unit before taking up appointment;
- not be employed at the school for more than 500 hours per academic year if wishing to stand for parent governor at the same school;
- not be an elected member of the Local Authority (applies to parent and community governors only).