

## **QUALIFICATIONS AND DISQUALIFICATIONS (regulation 21 and Schedule 6 of the Constitution Regulations)**

A governor must be aged 18 or over at the time of their election or appointment. A person cannot hold more than one governorship at the same school.

A person is disqualified from being a governor or associate member if he/she:

- is a person who is detained under the Mental Health Act 1983;
- is the subject of a bankruptcy restrictions order or an interim order;
- has had his/her estate sequestrated and the sequestration has not been discharged, annulled or reduced.
- is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986.
- is subject to a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, or a disqualification undertaking accepted under the Company Director's Disqualification (Northern Ireland) Order 2002.
- Is subject to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
- has been removed from the office of a charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the 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 (List 99) of teachers and workers with children or young persons whose employment is prohibited or restricted;
- is disqualified from registration for child minding or providing day care;
- is disqualified from working with children;
- is disqualified from registration under Part 3 of the Childcare Act 2006;
- has, in the five years prior to becoming a governor, received a sentence of imprisonment, suspended or otherwise, for a period of not less than three months without the option of a fine;
- has, in the twenty years prior to becoming a governor, been convicted of any offence and has had passed on him/her a sentence of imprisonment for a period of two and a half years or more;
- has, at any time, had passed on him/her a sentence of imprisonment for a period of five years or more;
- has been fined, in the five years prior to becoming a governor, for causing a nuisance or disturbance on school or education premises;
- is subject to a disqualification order under the Criminal Justice and Court Services Act 2000.

**The Double Envelope System**

The system works in the following way:

All those entitled to vote should be provided with a ballot paper, a declaration form (sample attached) and two envelopes. The declaration form must not be attached to the ballot paper. It is helpful, although not essential, if one envelope is larger than the other.

Instructions should be given to voters that they should record their vote(s) on the ballot paper as indicated (eg by placing a cross against the name(s) of the candidate(s) for whom they wish to vote), and place the completed ballot paper in the smaller of the two envelopes, (if both envelopes are the same size, it will be necessary to fold the envelope once it has been sealed). They should not make any mark on the ballot paper by which they could be identified. They should then seal the envelope. Voters should then complete and sign the declaration form to indicate their entitlement to vote, and place the declaration form and the sealed envelope containing the completed ballot paper in the larger envelope and return it to the school, either by pupil post, by post or by personal delivery.

When the votes are being counted, the returning officer should open the outer envelope, and, without opening the inner envelope containing the ballot paper, check the declaration form to establish the eligibility of the voter. If the voter is confirmed as being eligible the declaration form should be put to one side, and the sealed envelope containing the ballot paper put in a pile of eligible votes for counting. If the voter is not confirmed to be eligible, the declaration form and the sealed envelope containing the ballot paper should be put together in a separate pile away from the other declaration forms and eligible ballot papers. Only after all outer envelopes have been opened and the sealed inner envelopes sorted into piles of eligible and ineligible votes should the inner envelopes containing eligible ballot papers be opened and the votes counted. The essential point at issue is that the returning officer must ensure that there is no means by which the identity of the voter can be deducted from the declaration form at the time the ballot papers are opened and counted.

After the count, all forms and ballot papers must be kept securely for six months. Declaration forms, eligible ballot papers and ineligible declaration forms and ballot papers should be kept in three separate bundles.