

## **14. Council of Governors – disqualification and removal**

**14.1** The following may not become or continue as a member of the Council of Governors:

**14.1.1** A person who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged;

**14.1.2** A person who has made a composition or arrangement with or granted a trust deed for his creditors and has not been discharged in respect of it;

**14.1.3** A person who within the preceding five years has been convicted in the British Islands of any offence if a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) was imposed on him;

**14.2** Governors must be at least 18 years of age at the date they are nominated for election or appointment.

## **ANNEX 6 – ADDITIONAL PROVISIONS – COUNCIL OF GOVERNORS** **Membership of the Council of Governors**

1. The following may not become or continue as a member of the Council of Governors:

(a) a director of the Trust;

(b) A person who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged;

(c) A person who has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it;

(d) A person who within the preceding five years has been convicted in the British Islands of any offence if a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) was imposed on him;

(e) A person who is the subject of an unexpired disqualification order made under the Company Directors Disqualification Act 1986;

(f) a governor or director of another NHS trust or foundation trust;

(g) a spouse, partner, parent or child of a member of the Board of Directors of the Trust;

(h) being a member of the Public Constituency, a person who refuses to sign a declaration in the form specified by the Secretary of particulars of their qualification to vote as a member of the Trust and that they are not prevented from being a member of the Council of Governors;

(i) a vexatious complainant;

(j) a person who is required to notify the police of his name and address as a result of being convicted or cautioned for relevant sex offences pursuant to the Sex Offenders' Act 1997 or other relevant legislation;

(k) a person who has been disqualified from being a member of a relevant authority under the provisions of the Local Government Act 2000;

(l) a person who, on the basis of disclosures obtained through an application to the Criminal Records Bureau, is considered unsuitable by the Trust's Board of Directors;

(m) a person who within the preceding two years has been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service (whether National Health Service, private or independent care commissioner or provider) body;

(n) a person whose tenure of office as the chair or as a member or director of a health service body has been terminated on the grounds that his appointment is not in the interests of the health service, or for nonattendance at meetings, or for non-disclosure of a pecuniary interest;

(o) he has refused without reasonable cause to undertake any training which the Chair requires all governors to undertake; or

(p) he has failed to sign and deliver to the Secretary a statement in the form required by the Secretary confirming acceptance of the code of conduct for Governors.

Any member of the Council of Governors, or prospective member as the case shall be, shall notify the Secretary of any bar to his membership of the Council of Governors under the above paragraphs of this Annex as soon as becoming aware of such a bar. The Board of Directors may exercise its discretion to allow any individual to become or continue as a member of the Council of Governors in respect of any matter that would otherwise bar such membership under paragraphs 1(f) or 1(n) of this Annex where there is no conflict or potential conflict of interest on the part of the governor.