



## DECLARATIONS OF ELIGIBILITY

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### PART ONE - DISQUALIFICATION OF TRUSTEES AND LOCAL GOVERNORS

***The following is an extract from the Articles of Association of Symphony Learning Trust and applies to Trustees and to members of any committee or delegate of the trustees including Local Governing Bodies. Should you wish to stand or continue as a Trustee, Local Governor or committee member, please ensure that you meet these requirements.***

64. No person shall be qualified to be a Trustee unless he is aged 18 or over at the date of his election or appointment. No current pupil or current student of any of the Academies shall be a Trustee.
65. A Trustee shall cease to hold office if he becomes incapable by reason of illness or injury of managing or administering his own affairs.
66. A Trustee shall cease to hold office if he is absent without the permission of the Trustees from all their meetings held within a period of six months and the Trustees resolve that his office be vacated.
67. A person shall be disqualified from holding or continuing to hold office as a Trustee if -
- a. he has been declared bankrupt and/or his estate has been seized from his possession for the benefit of his creditors and the declaration or seizure has not been discharged, annulled or reduced; or
  - b. he is the subject of a bankruptcy restrictions order or an interim order.
68. A person shall be disqualified from holding or continuing to hold office as a Trustee at any time when he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
69. A Trustee shall cease to hold office if he ceases to be a Trustee by virtue of any provision in the Companies Act 2006, is disqualified from acting as a trustee by virtue of section 178 of the Charities Act

2011 (or any statutory re-enactment or modification of that provision).

For use by mainstream, special, 16-19, alternative provision academies and free schools; and studio schools

70. A person shall be disqualified from holding or continuing to hold office as a Trustee if he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.

71. Not used.

72. Not used.

73. A person shall be disqualified from holding or continuing to hold office as a Trustee where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.

74. After the first Academy has opened, a person shall be disqualified from holding or continuing to hold office as a Trustee if he has not provided to the chairman of the Trustees a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the chairman or the Chief Executive Officer confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

Where, by virtue of these Articles a person becomes disqualified from holding, or continuing to hold office as a Trustee; and he is, or is proposed, to become such a Trustee, he shall upon becoming so disqualified give written notice of that fact to the Clerk. Articles 68 to 74, Articles 77 to 79 and Articles 97 to 98 also apply to any member of any committee or delegate of the Trustees, including a Local Governing Body, who is not a Trustee.

## **PART TWO – AVOIDING INFLUENCED COMPANY STATUS**

The Trust must ensure it stays within limits specified in the Articles of Association as to the number of Members and Trustees who are Local Authority Associated Persons. The definition of a Local Authority Associated Person is 'current members (councillors), current officers or anyone who has been a member within the past four years'.

**PART THREE – CODE OF CONDUCT**

The Members and Trustees expect that all persons involved in the governance of the Trust and the schools within it abide by the model code of conduct produced by the National Governors’ Association (attached)

**DECLARATIONS**

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**ELIGIBILITY**

- 1. I declare that I have read and understood the criteria for eligibility and circumstances leading to disqualification as set out above and confirm that I am eligible to be appointed or remain as a Member, Trustee, Governor or committee member within the Trust. If I become disqualified, I will give notice of the fact to the Clerk to the or Company Secretary
  
- 2. I declare that I am/am not\* (*\*delete as appropriate*) a Local Authority Person as defined above and if this changes I will give notice of the fact to the Clerk or Company Secretary
  
- 3. I confirm that I agree to abide with the Code of Conduct and understand that failure to do so may result in my suspension or removal as a Member, Trustee, Governor or committee member

Signed:.....

Print Name: .....

Date:.....