

# Who can be a Governor?

## Who can be a member of the Council of Governors?

- Governors must be at least 16 years of age at the date they are nominated for election.
- Governors must be members of the Trust.
- There are some members of the Trust who are not allowed to be Governors. There are also some people who are not allowed to be members of the Trust. To check that you are allowed to be a member of the Trust and able to stand for election as a Governor please see below.

## Who cannot be a member of the Council of Governors?

- 1.1** A Governor shall not be eligible to become or continue in office as a Governor if:
- 1.1.1** they are less than 16 years of age at the date they are nominated for election or appointment;
- 1.1.2** they are an Elected Governor and they cease to be a Member of the constituency or class by which they were elected;
- 1.1.3** any of the grounds contained in paragraph 15 of the Constitution apply to them;
- 1.1.4** they have within the preceding two years been lawfully dismissed otherwise than by reason of redundancy or ill health from any paid employment with a Health Service Body and/or any public sector body;
- 1.1.5** they are a person whose term of office as the Chair or as a Member or Director of a Health Service Body and/or public sector body has been terminated on the grounds that their continuance in office is no longer in the best interests of the health service or public sector, for non-attendance at meetings or for non-disclosure of a pecuniary interest;
- 1.1.6** they have had their name removed by a direction under Section 154 of the 2006 Act from any list prepared under Part 7 of that Act and has not subsequently had their name included in such a list;
- 1.1.7** they have failed to make, or has falsely made, any declaration as required to be made under Section 60 of the 2006 Act;
- 1.1.8** they are subject to a direction made under Section 142 of the Education Act 2002;

- 1.1.9** they are included in any barred list established in connection with the Safeguarding Vulnerable Groups Act 2006 or is on an equivalent list maintained under the law of Scotland or Northern Ireland;
- 1.1.10** the Independent Regulator has exercised its powers to remove them as a Governor of the Trust or has suspended them from office or has disqualified them from holding office as a Governor of the Trust for a specified period or the Independent Regulator has exercised any of those powers in relation to them on any other occasion whether in relation to the Trust or some other NHS Foundation Trust;
- 1.1.11** they have received a written warning from the Trust for verbal and/or physical abuse towards Trust staff, service users, their carers, visitors or a member of the Trust;
- 1.1.12** they are a vexatious or persistent litigant or complainant with regard to the Trust's affairs;
- 1.1.13** they are a member of a Staff Class and any professional registration relevant to their eligibility to be a member of that Staff Class has been suspended for a continuous period of more than six months;
- 1.1.14** they have been expelled for whatever reason from another NHS Foundation Trust;
- 1.1.15** information revealed by a Disclosure and Barring Service check is such that it would be inappropriate, in the reasonable opinion of the Chief Executive, for them to become or continue as a Governor on the grounds that this would adversely affect public confidence in the Trust or otherwise bring the Trust into disrepute;
- 1.1.16** they are a Director of the Trust or another Foundation Trust;
- 1.1.17** they are a Governor of another Foundation Trust which is considered by the Secretary, in his absolute discretion, to be a competitor of the Trust;
- 1.1.18** they are a partner or spouse or otherwise related to a Director of the Trust;
- 1.1.19** they lack the capacity within the meaning of the Mental Capacity Act 2005 to carry out all the duties and responsibilities of a Governor.

*Please turn over*

# Who cannot be a member of the Trust?

## An individual shall not be eligible for Membership of the Trust if he or she:

1. Is less than 12 years of age at the time of the application to become a Member;
2. Fails or ceases to fulfil the criteria for Membership of any of the constituencies.
3. Was formerly employed by the Trust and was dismissed for gross misconduct;
4. Was formerly employed by the Trust and in the preceding two years was lawfully dismissed other than by reason of redundancy;
5. Has been placed on the registers of Schedule 1 Offenders pursuant to the Sex Offenders Act 1977 and/or the Children & Young Person's Act 1937 and his or her conviction is not spent under the Rehabilitation of Offenders Act 1974;
6. Does not agree to abide by the Trust principles;
7. In the five years prior to application has been involved as a perpetrator in a serious incident of violence or harassment of people working for the Trust or any other Health Service Body or any service users or carers of or visitors to the Trust or any other Health Service Body consistent with the Trust's Zero Tolerance Policy;
8. As deemed, in the reasonable opinion of the Trust, to have acted in a manner contrary to the interests of the Trust;
9. Has been excluded from the Trust's premises;  
and;
10. Is a vexatious complainant as determined by the Secretary.