

Disqualification and Termination of Members

The following text summarises the disqualification and termination of members that relate to The Burgate School and Sixth Form according to its [Articles of Association](#) (Articles 15-15AA). Please seek advice if you think you may be affected.

15. A Member shall cease to be a Member if:
- a. that Member (which is an individual) dies or becomes incapable by reason of illness or injury of managing and administering their own affairs;
 - b. that Member has been declared bankrupt and/or their estate has been seized from their possession for the benefit of their creditors and the declaration or seizure has not been discharged, annulled or reduced, or if they are the subject of a bankruptcy restrictions order or an interim order;
 - c. that Member is a corporate entity and:
 - i. ceases to exist;
 - ii. a resolution or order is made for the Member to be wound up or to enter into administration;
 - iii. enters into any arrangement or composition with its creditors; or
 - iv. becomes insolvent;
 - d. that Member has been convicted of a Serious Criminal Offence;
 - e. that Member has not provided to the Chair a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997 or if such a certificate discloses information which the Chair considers would make that Member unsuitable for their role. If a dispute arises as to whether the Member should 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;
 - f. that Member refuses to consent to any checks required by the Secretary of State under the provisions of the Funding Agreement or otherwise;
 - g. that Member is found to be unsuitable to be a Member by the Secretary of State under the provisions of the Funding Agreement;
 - h. that Member is employed by the Academy Trust;
 - i. that Member would be disqualified from being a Trustee of this Academy Trust for any other reason, regardless of whether they are also a Trustee.
- 15AA Where, by virtue of these Articles a person becomes disqualified from holding, or continuing to hold office as a Member; and they are, or are proposed, to become such a Member, they shall upon becoming so disqualified give written notice of that fact to the Governance Professional.

Disqualification and Termination of Trustees

The following text summarises the disqualification of trustees that relate to The Burgate School and Sixth Form according to its [Articles of Association](#) (Articles 68-79). Please seek advice if you think you may be affected.

68. A Trustee must be aged 18 or over at the date of election or appointment. No current pupil or current student of the Academy shall be a Trustee.
69. A Trustee shall cease to hold office if they become incapable by reason of illness or injury of managing or administering their own affairs.
70. A Trustee shall cease to hold office if they are absent without the permission of the Trustees from all their meetings held within a period of six months and the Trustees resolve that the Trustee's office be vacated.
71. A person shall be disqualified from holding or continuing to hold office as a Trustee if:
 - a. they have been declared bankrupt and/or their estate has been seized from their possession for the benefit of their creditors and the declaration or seizure has not been discharged, annulled or reduced; or
 - b. they are the subject of a bankruptcy restrictions order or an interim order.
72. A person shall be disqualified from holding or continuing to hold office as a Trustee at any time when they are 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).
73. A Trustee shall cease to hold office if they cease to be a Trustee by virtue of any provision in the Companies Act 2006, or are 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).
74. A person shall be disqualified from holding or continuing to hold office as a Trustee if they have 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 they were responsible or to which they were privy, or which their conduct contributed to or facilitated.
75. Not used.
76. Not used.
77. A person shall be disqualified from holding or continuing to hold office as a Trustee where they have, at any time, been convicted of a Serious Criminal Offence.
78. After the Academy has opened, a person shall be disqualified from holding or continuing to hold office as a Trustee if that person does not provide the Chair with a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997 or if such a certificate discloses information which the Chair considers would make that person unsuitable for their role. 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.

- 78A A person (including the Chair) shall be disqualified from holding or continuing to hold office as a Trustee if that person:
- a. refuses to consent to any checks required by the Secretary of State under the provisions of the Funding Agreement, the Education (Independent School Standards) Regulations 2014 or otherwise; or
 - b. is found to be unsuitable to be a Trustee by the Secretary of State under the provisions of the Funding Agreement or the Education (Independent School Standards) Regulations 2014.
79. Where, by virtue of these Articles a person becomes disqualified from holding, or continuing to hold office as a Trustee; and they are, or are proposed, to become such a Trustee, they shall upon becoming so disqualified give written notice of that fact to the Governance Professional.