

NON-EXECUTIVE DIRECTOR AND ASSOCIATE NON-EXECUTIVE DIRECTOR ELIGIBILITY CRITERIA

To be eligible for appointment as a Non-Executive Director or an Associate Non-Executive Director, an individual must be a member of one of the Trust's Public Constituencies. To do so an individual must live in one of the following areas:

1. The County of **Gloucestershire**, including the following local authority areas:
 - Cheltenham Borough Council Area ("Cheltenham")
 - Cotswolds District Council Area ("Cotswolds")
 - Forest of Dean District Council Area ("Forest of Dean")
 - Gloucester City Council Area ("Gloucester")
 - Stroud District Council Area ("Stroud")
 - Tewkesbury Borough Council Area ("Tewkesbury")

2. **Out of County** areas including:

England

- Bristol
- Herefordshire
- Oxfordshire
- North Somerset
- South Gloucestershire
- Swindon
- Warwickshire
- Wiltshire
- Worcestershire

Wales

- Aneurin Bevan University Health Board area
- Powys Teaching Health Board area

Further, a person may not become or continue as a Director if:

1. They are a member of the Council of Governors;
2. They have been adjudged bankrupt or their estate has been sequestrated and in either case they have not been discharged;
3. They have made a composition or arrangement with, or granted a Trust deed for, their creditors and have not been discharged in respect of it;
4. They have within the preceding five years been convicted in the British Islands of any offence, and a sentence of imprisonment (whether suspended or not) for a period of three months or more (without the option of a fine) was imposed;
5. in the case of a Non-Executive Director, they are no longer a member of one of the public constituencies;
6. they are a person in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the insolvency Act 1986);
7. They are otherwise disqualified at law from acting as a director of an NHS foundation trust;
8. NHS Improvement (Monitor) has exercised its powers under the 2006 Act to remove that person as a Director of the Trust or any other foundation trust within their jurisdiction or has suspended them from office or has disqualified them from holding office as a Director of the Trust or of any other foundation trust for a specified period;
9. They are a person whose tenure of office as a Chair or as a member or director of a Health Service Body has been terminated on the grounds that their appointment is not in the interests of the public service, for non-attendance at meetings or for non-disclosure of a pecuniary interest;
10. They have had their name removed, from a relevant list of medical practitioners pursuant to Paragraph 10 of the National Health Service (Performers Lists) Regulations 2004 or Section 151 of the 2006 Act (or similar provision elsewhere), and has not subsequently had their name included in such a list; or they have within the preceding two years been dismissed otherwise than by reason of redundancy from any paid employment with a Health Service Body.
11. They have within the preceding two years been dismissed, otherwise than by reason of redundancy or ill health, from any paid employment with a health service body;
12. In the case of Non-Executive Directors, they have refused to undertake any training which the Board of Directors requires them or all Non-Executive directors to undertake;
13. They have failed to sign and deliver to the Director of Corporate Governance a statement in the form required by the Board of Directors confirming acceptance of the

- code of conduct for Directors;
14. They are the subject of a Sex Offender Order;
 15. If within the last 5 years they have been involved in a serious incident of violence at any of the Trust's hospitals or facilities or against any of the Trust's employees or registered volunteers;
 16. They are a spouse, partner, parent or child of, or occupant in the some household as, a member of the Board of Directors or the Council of Governors of the Trust;
 17. They are a member of a local authority's Overview and Scrutiny Committee covering health matters;
 18. They lack capacity within the meaning of the Mental Capacity Act 2005 to carry out all the duties and responsibilities of a Governor;
 19. They are the subject of a disqualification order made under the Company Directors Disqualification Act 1986;
 20. They have failed to repay (without good cause) any amount of monies properly owed to the Trust;
 21. They fail to satisfy the fit and proper persons requirements for directors as detailed in Regulation 5 of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, as may be amended from time to time.