

Eligibility and disqualification criteria

Not everybody is eligible for appointment as chair or non-executive of NHS Trust: the following people are disqualified:

- employees of the NHS trust with the vacancy
- people who have received a prison sentence or suspended sentence of three months or more in the last five years
- a person who has been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence;
- anyone who is under a disqualification order under the Company Directors Disqualification Act 1986
- people who are the subject of a bankruptcy restriction order or interim order
- a person who has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it;
- an undischarged bankrupt, or a person whose estate has had a sequestration awarded in respect of it and who has not been discharged;
- the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland;
- a person to whom a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986(40);
- anyone who has been dismissed (except by redundancy) by any NHS body
- anyone who has been removed from trusteeship of a charity
- in certain circumstances, those who have had an earlier term of appointment to an NHS trust terminated
- a person who has been erased, removed or struck off a register of professionals maintained by a regulator of health care or social work professionals;
- anyone who has been responsible for, privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity, or discharging any functions relating to any office or employment with a service provider
- anyone included in the children's barred list or the adults' barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland;
- serving MPs: including MEPs and candidates for election as MP or MEP
- chairs and members, directors and employees of health service bodies and Special Health Authorities which include:
 - NHS England
 - National Institute for Health and Care Excellence
 - NHS Digital
 - Dental Practice Board
 - Health Protection Agency
 - Health Education England
 - Health Research Authority

Some exceptions apply to some health service bodies however, and you may be the chair or NED of an NHS Trust and:

- another NHS trust or FT
- an executive director or employee of an NHS trust or FT
- a chair or member (NED) of the National Health Service Litigation Authority or the NHS Blood and Transplant

You may also be a NED (but not a chair) of an NHS trust and:

- perform or provide primary dental services, primary medical services or primary ophthalmic services under the National Health Service Act 2006
- be a partner or are in a partnership, or are legal and beneficial owners of shares in a company, or a director of a body corporate, that provides primary dental services, primary medical services or primary ophthalmic services
- be employed by any of the above.

University nominated NEDs of an NHS trust with a significant teaching commitment may be employed by a health service body.

In most circumstances, NHSI would not appoint civil servants in the Department of Health or members/employees of the Care Quality Commission to these roles.