

Procedures for Electing Parent and Staff Governors



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Election of parent and staff governors

I. MODEL BALLOT ENVELOPE

A. 'The appropriate authority'

For community, community special and voluntary controlled schools the appropriate authority for organising and determining all matters relating to the election of parent, and staff governors is the Local Authority (LA). In Essex, responsibility for conducting the elections is delegated to the headteacher who acts as 'returning officer' in accordance with the LA's procedures as set out below. (Note that neither governing bodies nor governing body clerks have any part to play in the election process for parent and staff governors).

For voluntary aided, foundation and foundation special schools the governing body is the appropriate authority, unless the governing body agrees to hand over responsibility to the LA. If so, the arrangements below will apply. If not, the governing body will need to determine its own arrangements in compliance with the Regulations.

Church of England Aided School Governing Bodies are encouraged by the diocese to consider adopting these procedures if this is the wish of the governing body, including delegating the election arrangements to the headteacher.

B. Election of parent governors

Who is eligible to stand as a parent governor and vote in the elections?

All 'parents', as defined in the School Governance (Constitution) (England) Regulations 2007, who make themselves known to the school, may stand as parent governors, providing they are not disqualified from holding office as a governor under Schedule 6 of the School Governance (Constitution) (England) Regulations 2007 as amended.

Parents include:

- the parents (natural or adoptive);
- any individual who has or has had 'parental responsibility for, or cares or has cared for, a child or young person under the age of 18';
- a person who the child lives with and who looks after the child, irrespective of what their relationship is with the child - e.g. step-father, grandparents, other relatives, cohabitees and foster parents. **NB This must be someone involved in the full-time care of the child on a settled basis.**
- At a maintained nursery school a parent governor is any parent (or carer) of a child who is making use of the service provided by the nursery.

Under the Constitution Regulations, no parent (or carer) engaged in paid employment at the school for more than 500 hours in any consecutive 12 month period (at the time of election or appointment) can stand for election/appointment as a parent governor of the same school, nor can any parent who is an elected member of the Local Authority. **NB If a serving parent governor subsequently starts to work at the school for more than 500 hours in a consecutive 12 month period, they would serve out their term of office.**

Election procedures

- (i) When there is a vacancy or prospective vacancy for a parent governor, every eligible parent (or carer) who has made him/herself known to the school must be given the opportunity to participate in the elections, but there is no obligation on the school to track down such persons.
- (ii) The first step is for the headteacher to write to all parents (model letter attached at D) to invite nominations, enclosing a sheet setting out the qualifications and disqualifications (attached at E) to serve as a governor and a nomination form (sample attached at F). The letter should indicate the closing date for receipt of nominations, which must be not less than 14 days. Letters and enclosures may be sent either via the pupils or by post.

The nomination form must make it clear that the successful candidate will be required to be cleared as suitable to have access to children and young people.

- (iii) Candidates for election must at the time of election be involved in the full-time care of a child on the register of the school, on a settled basis. Self-nomination is acceptable provided that the headteacher is satisfied that the nominee is not disqualified under the regulations to be a governor.
- (iv) The nomination form invites candidates to submit a short personal statement for circulation to parents with the ballot papers; the headteacher may set a reasonable limit on the number of words allowed – 50 to 60 words is suggested as a reasonable maximum
- (v) Where the number of candidates nominated is the same as, or fewer than, the number of vacancies then all those nominated will be elected unopposed. If there are more candidates than vacancies it will be necessary to arrange a ballot. (Note that if not enough parents stand for election to fill all the vacancies, the governing body is required to appoint parent governors to the vacancy or vacancies in accordance with the School Governance Constitution Regulations. Any such parent governor appointed in this way will still be required to proceed through the disclosure system as at (ii) above.)
- (vi) Ballots, when required, must be secret. To ensure confidentiality a 'double envelope system' is used. Each parent should be sent two envelopes with a ballot paper – one blank and one printed envelope (sample attached at I), the latter being for the parent to complete to allow the headteacher to check eligibility to vote. The parent is asked first to seal the completed ballot paper in the unmarked envelope and then to seal that envelope in the printed envelope, which the voter should then complete and sign.
- (vii) It is quite acceptable for the pupils to be asked to deliver and return the ballot papers. However the law requires that parents must be given the opportunity to vote by post if they so wish. Ballot papers will need to be posted, or otherwise delivered, to any parents whose child is absent from school when the ballot papers are issued.
- (viii) A single ballot paper (irrespective of the number of children the parent has in attendance at the school) must be sent to each known parent (model attached at H). The letter which must accompany the ballot paper (model attached at G) explains the voting procedure and should also give the date by which the ballot papers must be returned - at least 14 days must be allowed.
- (ix) Parents are allowed one vote per vacancy – the ballot paper therefore must indicate the maximum number of candidates for whom a parent may vote. If a ballot paper is inadvertently spoilt, or lost by a pupil, a duplicate may be issued.
- (x) No arrangements may be made for proxy voting.

- (xi) A two-stage system of opening ballot papers and recording votes cast must be used. As and when the envelopes are returned, the headteacher should, in the presence of at least one witness, check the name on each outer envelope for entitlement to vote and make a record of the return of the ballot paper. The inner envelope containing the ballot paper should be removed from the outer envelope and placed in the ballot box for counting at the appointed time. (If a voter chooses not to maintain confidentiality in this way, the ballot paper is to be counted as valid so long as it is clear from the ballot paper or the single envelope that the person is entitled to vote.)
- (xii) When the ballot has closed, the headteacher should open the ballot box and count the ballot papers in the presence of at least two witnesses. (The candidates should be invited to the count but their presence is not essential.) The headteacher is responsible for determining whether a 'spoiled' ballot paper should be counted.
- (xiii) The outcome of the ballot is determined by the simple majority vote system.
- (xiv) In the event of an equal number of votes being cast there should be a recount. If this does not produce a clear result the headteacher should, in the presence of the witnesses (and any candidates who attended the count), draw lots.
- (xv) Once the necessary checks have been made, the headteacher must write to all parents to let them know the outcome, giving details of the number of votes cast for each candidate.
- (xvi) Where a substantial number of parents have a language other than English as their main language all documents relating to the election should be translated into other language/languages.
- (xvii) The ballot papers should be retained securely for six months in case the election result is challenged. The number of ballot papers issued and returned at each election should be recorded.
- (xviii) The clerk to the governors should send a letter of appointment to the successful candidate(s) confirming the period of appointment.
- (xix) Details of the successful candidate(s) should be sent to Essex Governor Services without delay. Once their details are entered on the Governor database, the welcome pack for new governors will then be sent out, and they will be able to book onto Induction training.

(xx) Schools must make every reasonable effort to fill parent governor vacancies through elections. If insufficient parents stand for election the governing body can appoint:

- (a) a parent of a registered pupil at the school; or if that is not possible;
- (b) a parent of a former registered pupil at the school; or if that is not possible;
- (c) a parent of a child of or under compulsory school age.

Where the school is a community special school or foundation special school the governing body must appoint:

- (a) a parent of a registered pupil at the school; or if that is not possible;
- (b) a parent of a former registered pupil at the school; or if that is not possible;
- (c) a parent of a child of or under compulsory school age with special educational needs for which the school is approved; or if that is not possible;
- (d) a parent with experience of educating a child with special educational needs.

A person is disqualified from election or appointment as a parent governor of a school if they are an elected member of the LA, or if they work at the school for more than 500 hours in any consecutive 12 month period (at the time of election or appointment).

NB If a serving parent governor subsequently starts to work at the school for more than 500 hours in a consecutive 12 month period, they would serve out their term of office.

C. Election of staff governors

All governing bodies are now constituted under the School Governance (Constitution) (England) Regulations 2007 to have staff governors. This group includes the headteacher and both teaching and support staff paid to work at the school.

The constitution of every governing body must include a representative of teachers under the staff category. All those employed to work at the school as teachers (whether under a contract of employment or a contract for services) are eligible to stand as candidates for election as teacher (staff) governor, providing they are not disqualified from holding office as a governor under the School Governance Constitution Regulations. Supply teachers employed on a daily basis are not eligible to stand as candidates for staff governor or vote in any election for such a position.

For schools where the constitution provides for only two staff governors one will be the headteacher and the other will be a teacher. Where the constitution provides for three staff governors one will be the headteacher, one will be a teacher and one a member of the support staff.

If no teacher is put forward for a teacher governor the position can be filled by a member of the support staff and if no member of the support staff is nominated for any position allocated for support staff the position can be filled by a teacher.

Should the constitution include four or more staff governors one will be the headteacher, at least one a teacher and at least one a member of the support staff. The numbers in each category under these circumstances to be determined by the governing body at the time the instrument of government is set or reviewed.

Support staff are those paid to work at the school in any capacity other than as a teacher. Eligible support staff can include anyone employed directly by the school under a contract of employment or anyone employed under a contract of services eg school caterer even if employed by a contractor.

The election of staff governors involves all staff in the voting process. All staff will be invited to vote in the election of teacher and support staff governor elections.

The period of office of staff governors (except the headteacher) will be determined by the governing body (up to a maximum of four years) and stated in the Instrument of Government.

School staff that are eligible for election as staff governors (ie who are paid to work at the school) are not eligible to serve as Authority governors or community governors *at their school*. However, they can be governors at other schools.

If they are paid to work at the school for more than 500 hours in any consecutive 12 month period, they are not eligible for election or appointment as parent governors.

Election procedures

- (i) When there is a vacancy or prospective vacancy for a teacher governor or support staff governor, every teacher or support staff member employed to work at the school must be given the opportunity of participating in the appropriate elections.
- (ii) The first step is for the headteacher to write to all relevant staff to invite nominations, enclosing a sheet setting out the qualifications to serve as a governor and a nomination form – sample attached at F. The letter (no model provided) should indicate the closing date for receipt of nominations, which must be not less than 14 days. All relevant staff must be advised that the successful candidate will be subject to a check that they are suitable to have access to children and young people which may be made through the Criminal Records Bureau before taking up the governorship. This check will be made regardless of any CRB clearance the candidate may have in respect of their employment in the school.
- (iii) Staff who are nominated for election must be employed to work at the school either as teachers or support staff on the closing date for nominations.
- (iv) The nomination form invites candidates to give brief biographical details to go out with the ballot forms; the headteacher may set a reasonable limit on the number of words allowed.
- (v) Where the number of nominations received is the same as or less than the number of vacancies, candidates will be elected unopposed. If there are more nominations than vacancies, it will be necessary to arrange a ballot. (Note that the legislation does not provide, as it does where not enough parents stand for election, for the governing body to appoint a staff governor). In the event that no member of the teaching staff is willing to stand the position can be filled by a support staff member. Similarly, where no member of the support staff stands as a candidate for a support staff governor, a teacher can be elected to the vacancy. Where the headteacher chooses not to be a governor, the position is left vacant and cannot be filled by anyone else. Where a headteacher is absent from school for a prolonged period and an acting headteacher is appointed, the acting headteacher will be one of the staff governors and can vote.
- (vi) The ballot will be secret and the headteacher should ensure that each ballot paper – sample attached at H - is stamped with a distinguishing mark and that a record is kept of the number of ballot papers issued.
- (vii) A ballot paper, (model attached at H) which must make it clear that all staff may vote for the number of candidates for which there are vacancies, must be sent to all members of the staff – teaching and non-teaching – who are eligible to vote.
- (viii) Staff should vote in person wherever possible. However, the facility for postal voting should be made available to any eligible member of staff who finds this more convenient or is temporarily absent from the school.

- (ix) No arrangements may be made for proxy voting.
- (x) The headteacher should open and count the ballot papers in the presence of the candidates or their nominated representatives and will be responsible for determining whether a 'spoiled' ballot paper should be counted.
- (xi) The outcome of the ballot is determined by the simple majority vote system.
- (xii) In the event of an equal number of votes being cast there should be a recount and if this does not produce a clear result the headteacher should draw lots in the presence of the candidates or their representatives.
- (xiii) The headteacher must ensure that the staff are notified of the outcome and the number of votes cast for each candidate after the necessary checks have been made.
- (xiv) The ballot papers should be retained securely for six months in case the election result is challenged. The number of ballot papers issued and returned at each election should be recorded.
- (xv) The clerk to the governors should confirm the appointment with the successful candidate stating the period of appointment for the category of governor determined by the governing body and set out in the Instrument of Government.
- (xvi) Details of the successful candidate(s) should be sent to Essex Governor Services without delay. Once their details are entered on the Governor database, the welcome pack for new governors will then be sent out, and they will be able to book onto Induction training.
- (xvii) Should the staff governor cease to be employed at the school the appointment ends immediately.

D. Model letter to parents to seek nominations for parent governor vacancies

Dear Parent or Carer

PARENT GOVERNOR ELECTION(S)

There is a vacancy for a parent governor / There are vacancies for parent governors on our school's governing body and I am writing to invite nominations to fill the vacancy/vacancies.

Parent governors play an important role as members of the governing body, which is responsible for directing the conduct of the school and for promoting high standards of educational achievement. The term of office for parent governors as determined by the governing body is _____ years. (Some details about the work of the school's governing body is enclosed.) Training is available for all governors and those new to being a governor are encouraged to attend induction training.

If you would like to stand for election please arrange for the enclosed nomination form to be completed and returned to the school not later than *<insert date>*. (Note not less than two weeks should be allowed for the return of nomination forms)

Nominations must be from parents or carers with children at the school on the day that nominations close. Parents/carers putting their names forward are invited to provide some brief biographical details limited to not more than *<insert number>* words suitable for inclusion in the ballot paper. Parents/carers who have paid employment in the school for 500 hours per academic year or more or who are elected members of the Local Authority are not eligible to stand in these elections.

The enclosed sheet summarises the qualifications to serve as a governor. Anyone standing for election must certify that he/she is not disqualified for any reason.

If there are more nominations than vacancies the election will be by secret ballot. If that is necessary, voting papers will be sent to all parents together with details of the ballot procedure.

Yours sincerely

Headteacher

E. Qualifications to serve as a governor

Schedule 6 of the Constitution Regulations covers the qualifications and disqualifications of governors.

A governor must be aged 18 or over at the time of his/her election or appointment and cannot hold more than one governorship at the same school.

A person is disqualified from holding or continuing to hold office as a governor or associate member if he or she:

- is detained under the Mental Health Act 1983 during his or her period of office;
- is subject to a bankruptcy restriction order or an interim order;
- has had his/her estate sequestrated and the sequestration has not been discharged, annulled or reduced;
- is subject to:
 - a disqualification order or disqualification undertaking under the Company Directors Act 1986
 - a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989
 - a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002
 - an order made under Section 429(2)(b) of the Insolvency Act 1986 (failure to pay under a County Court administration order);
- has been removed from the office of charity trustee or trustee for a charity by the Charity Commissioners or High Court on grounds of any misconduct or mismanagement, or under Section 34 of the Charities and Trustees Investment (Scotland) Act 2005 from participating in the management or control of any body;
- is included in the list of people considered by the Secretary of State as unsuitable to work with children;
- is disqualified from working with children or subject to a direction under Section 142 of the Education Act 2002;
- is disqualified from registration for childminding or providing day care;
- is disqualified from registration under Part 3 of the Childcare Act 2006;
- has received a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months (without the option of a fine) in the 5 years before or since becoming a governor;
- has received a prison sentence of 2½ years or more in the 20 years before becoming a governor;
- has at any time received a prison sentence of 5 years or more;
- has been fined for causing a nuisance or disturbance on school premises during the 5 years prior to or since appointment or election as a governor;

- is employed at the school for more than 500 hours per academic year if wishing to stand for parent governor at the same school;
- is an elected member of the Local Authority (applies to parent and community governors only).

F. Model nomination form for election of parent/staff governor(s)

<Insert school name or use headed paper>

NOMINATION FORM FOR THE ELECTION OF PARENT/STAFF GOVERNOR(S)

Name of Nominee

Address

I wish to submit my nomination for the election of Parent/Staff Governor

I confirm (i) that I am willing to stand as a candidate for election as a parent/staff governor and (ii) that I am not disqualified from holding office for any of the reasons set out in the School Governance Regulations.

Signature

(Date)

The nominee may set out overleaf information about him/herself to go out with the ballot papers. *<Insert limit on number of words if required>*

Completed nomination forms must be returned to the school by *<insert date>*

Please see note on appointment of ex-offenders attached to this form

Appointment of Ex-offenders – information for applicants

The Criminal Justice and Court Service Act 2000, extends the definition of 'regulated positions' for which criminal records checks can be made through the Criminal Records Bureau (CRB). There is also a requirement to disclose any conviction, caution or binding over including 'spent convictions' under the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 from time to time enacted and amended. One such regulated position is that of school governor.

Appointment to the position of school governor will not be confirmed until a satisfactory clearance has been received by the Local Authority (LA). The LA has a nominated person who will deal with criminal records checks for school governors and they will remain confidential to that person and the County Council's Disclosure Unit which is responsible for processing the checks. A previously issued Criminal Records Disclosure Certificate will not be accepted. You should speak to the nominated person at the LA if you already possess a current Criminal Records Disclosure Certificate.

Criminal records will be taken into account for school governor recruitment purposes only when the conviction is relevant. Having a criminal record will not necessarily bar you from appointment as a school governor. This will depend on the background, nature and circumstances of your offence(s).

Essex County Council meets the requirements of the Criminal Records Bureau and its code of practice in relation to the processing, handling and security of disclosure information. A copy of the County Council's policy on the employment of ex-offenders is available at the school for information. If you would like to see a copy of the Criminal Records Bureau's Code of Practice, please contact Essex Governor Services who will arrange a copy to be sent to you.

G. Model letter to parents where ballot is required to elect parent governors

Dear Parent/Carer

PARENT GOVERNOR ELECTION(S)

I wrote to you on *<insert date>* to invite nominations for the vacancy/vacancies for a parent governor/parent governors.

I am delighted to say that there has been a good response and there are *<insert number>* candidates for the *<insert number>* vacancy/vacancies. This means we must now hold a ballot.

I enclose a ballot paper. You can vote for up to *<insert number equal to the number of vacancies>* of the candidates. As indicated on the ballot paper you should vote by marking an X alongside the name/names of the parent/parents you support.

Also enclosed are two envelopes. This is intended to ensure that how you vote remains confidential. Once you have marked the ballot paper you should seal it in the unmarked envelope. Then put this unmarked envelope containing the ballot paper into the second envelope. You should then fill in the details as required on the outside of the second envelope and add your signature. The closing date for the return of ballot papers is *<insert date>*. (Not less than 2 weeks should be allowed for the return of ballot papers.)

When the envelopes are received we check the outer envelopes to make sure that they are from parents who are entitled to vote. They are then opened and the inner envelopes are placed unopened in the ballot box. This ensures that when we later open the inner envelopes to count the votes there is no way of telling who voted for whom.

Yours sincerely

Headteacher

H. Model ballot paper

<SCHOOL NAME>

Election of Parent//Staff Governor(s)

BALLOT PAPER

This voting paper lists all the candidates nominated for the vacant parent/staff governor vacancies on the school's governing body.

YOU MAY VOTE FOR NOT MORE THAN *<insert number>* CANDIDATES

Name of Candidate	<i>Insert X against the candidate(s) you support</i>

Information from candidates about themselves is set out overleaf/on the enclosed sheet(s)

J. Model ballot envelope

ELECTION OF PARENT GOVERNOR

atSchool

Voting form returned by:

Name

Signature

Parent of

Form