



Guidance on Parent Governor Elections

This document explains the procedures to be followed for the election of parent governors.
It also contains information on a range of related issues.



RESPONSIBILITY FOR ELECTIONS

Responsibility for all parent governor elections in the Trust is delegated to the Headteachers.

ELECTIONS OF PARENT GOVERNORS

Definition of the Elected Parent Governor

An elected parent governor is a person who is elected as a member of the Local Advisory Board of the school by parents of registered pupils at the school and who is a parent, or an individual exercising parental responsibility, at the time he/she is elected.

Definition of Parents

For the purposes of education legislation, Section 576 of the Education Act 1996 defines “parent” to include:

- all natural parents, whether they are married, or not;
- any person, who, although not a natural parent, has *parental responsibility* for a child, or young person; and
- any person who, although not a natural parent, *has care* of a child, or young person.

Parental Responsibility

Having parental responsibility means assuming all rights, duties, powers, responsibilities and authority that a parent of a child has by law. People other than a child’s natural parents can acquire parental responsibility through:

- being granted a residence order;
- being appointed a guardian;
- being named in an emergency protection order (although parental responsibility in such a case is limited to taking reasonable steps to safeguard, or promote, that child’s welfare); or
- adopting a child.

Care of a Child

Having care of a child, or young person, means that a person who lives with and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.

Period of Office

Parent governors are elected for a four-year term of office. They do not need to resign if their child leaves the school during the period they serve, though they may do so if they wish.

Notification of Vacancies

The Clerk will maintain information on the dates on which parent governors’ terms of office come to an end, or when resignations of governors occur. When a vacancy arises, the Headteacher will be notified and arrangements made for the timing of the election and any action which needs to be taken.

Election Literature

Information and model documents for use are available from the Clerk.

Nominations

All parents will be informed by the school that a vacancy, or vacancies, have arisen which are required to be filled by election.

Any interested parents will then be informed that:

- (i) they are entitled to stand as a candidate and vote;
- (ii) they may nominate themselves, providing they are not disqualified from standing for election;
- (iii) there are restrictions on certain people holding office as a governor; and
- (iv) the successful candidate(s) will be subject to a criminal record check.

Interested parents should be supplied with a nomination form.

Parents completing a nomination will be asked to signify their willingness to stand for election, and will be invited to supply a brief statement to support their nomination providing details of how they can contribute to the Local Advisory Board.

Nominations will be returned to the school. There will be a closing date of approximately one to two weeks after notification has been sent to parents.

If the number of qualified nominees is smaller than, or equal to, the number of vacancies, voting will not be required. Those nominated will simply be declared to be governors. The school should notify the Clerk who will write to the parent(s) to inform them that they have been elected.

If the number of nominations exceeds the number of vacancies, an election will be held by secret ballot.

CONDUCT OF THE ELECTION

The Headteacher will nominate a Returning Officer in school for elections. A secret ballot will be held using the first-past-the-post method. Parents will each be entitled to one vote per vacancy. The school should prepare the ballot papers required together with the personal statements provided by candidates.

The school will write to all parents to explain that:

- i) an election will be required and is being held by secret ballot;
- ii) each parent, regardless of the number of children attending the school, is entitled to one vote;
- iii) each parent will be provided with a ballot form together with details provided by the candidates.
- iv) each parent will be entitled to vote only for the number of vacancies which exist;
- v) parents must vote by making a cross against the name(s) of the candidate(s) for whom they wish to vote; no other mark should be made on the ballot paper;
- vi) the ballot form should then be sealed and returned by the closing date which is stipulated; and
- vii) if ballot papers are spoilt, or lost, then duplicates may be issued.

It is suggested that the school should distribute the explanatory letters and ballot forms to parents by pupil post or a suitable online method. Headteachers should ensure that parents receive only one ballot form each, even if more than one child attends the school. If pupils are absent, special arrangements should be made to send the ballot forms and letters to the parents concerned. Headteachers should also ensure that forms are sent to all persons known to be parents of pupils at the school.

The votes will be counted by a nominated member of staff. The Headteacher will decide the validity of dubious, or spoilt, ballot papers.

If there is a tie, the election will be decided by the drawing of lots.

The school will notify the Clerk of the successful candidate(s) who will contact them to confirm their appointment.

The school will write to the unsuccessful candidate(s) to inform them of the result.

The Headteacher should make arrangements for the successful candidate(s) to undergo a criminal record check. Please note that any Governor who refuses to have a check undertaken, when requested to do so, will be disqualified from being a governor.

Headteachers will be asked to inform all parents of the name(s) of the successful candidate(s).

All ballot papers should be retained securely for approximately 2 weeks in case the result is challenged.

Headteachers should contact the Clerk if they have any questions about these procedures.

THE PROCEDURE WHERE VACANCIES CANNOT BE FILLED THROUGH ELECTION

Parent governors should normally be elected by other parents at the school and schools must make every reasonable effort to fill parent governor vacancies through elections. However, it sometimes happens that fewer parents stand for election than there are vacancies. In these circumstances, the Local Advisory Board may make recommendations to the Trustees to appoint to those places, provided the individual meets prescribed criteria (*see below*).

CRITERIA TO FOLLOW WHEN APPOINTING PARENT GOVERNORS

The Local Advisory Board may appoint:

- i) a parent of a registered pupil at the academy; or where it is not reasonably practical to do so
- ii) a parent of a child of compulsory school age.

RESTRICTIONS ON THE APPOINTMENT OF PARENT GOVERNORS

There are general restrictions preventing people from becoming governors in any category (the list of restrictions is included overleaf; and full details of disqualification criteria can be found in articles of association).

ELIGIBILITY TO BE A GOVERNOR

A person is disqualified from holding or continuing to hold office as a school governor if that person:

- is a registered pupil;
- under the age of 18 at the time of appointment or election;
- is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;
- is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification 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, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
- has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body;
- is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people;
- is barred from any regulated activity relating to children;
- is disqualified from working with children or from registering for child-minding or providing day care;
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State;
- has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor
- has received a prison sentence of two years or more in the 20 years before becoming a governor;
- has at any time received a prison sentence of five years or more;
- has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor;
- refuses a request by the clerk to make an application to the Disclosure & Barring Service for a criminal records certificate.