

Parent governor election process and resources

Who should use this process?

These instructions and rules apply to all Maintained Community Schools, including Nursery Schools, Community Special Schools and Voluntary Controlled Schools.

Church of England and Roman Catholic Voluntary Aided Schools are advised by their respective Directors to follow these rules, as are Foundation Schools.

Academy Schools may also wish to use these instructions.

Delegation

Devon County Council delegates to the headteacher/principal the arrangements for the conduct of parent governor elections and to act as returning officer. The headteacher/principal may be assisted by the clerk to the governing body or another person. The count should be conducted in front of witnesses. The Returning Officer must make every effort to ensure the security and fairness of the election process.

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

All 'parents' may stand as parent governors, providing they are not disqualified from holding office as a governor; see the disqualification criteria on page 5.

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 may be any parent (or carer) of a child who is making use of the service provided by the nursery.

The election process - a brief overview

- Inform all parents of an impending election, one month before the term of an existing parent governor ends, or as soon as possible after the vacancy arises.
- Parents should be asked to indicate their intention of becoming a governor by returning a self nomination form and a pen portrait. If the number of nominations received are fewer than or equal to the number of vacancies available, no voting is required; those nominated are elected unopposed. All candidates and parents of registered pupils should be informed of the result.
- If there are more nominations than vacancies available then an election will be needed. A pen portrait for each nomination, together with the process and the closing date for voting will be sent to all eligible parents for registered pupils. One vote per parent is allowed regardless of how many children they have in school.
- Once the voting process has closed, the head, or someone delegated by them, should act as returning officer. Those standing for election should be invited to attend the count as well as at least one witness to the count. Candidates and parents must be informed of the outcome of the election.

Notifying parents of the vacancy

As soon as a resignation is received from a parent governor, or one month before the term of an existing parent governor ends, the returning officer, or someone nominated by them, should send a letter to parents inviting nominations. The letter may be sent by pupil post, electronically or by mail; it is likely that a combination of these methods will be needed to ensure all eligible parents are notified. Where pupils have more than one person with parental responsibility who are living at different addresses, a letter should be sent to each person. If a vacancy arises at short notice the letter should be sent as soon as possible. Where this occurs near the end of the summer term, the process may be delayed until the beginning of the next term, in order to include the parents of new pupils joining the school. The election process will take a minimum of three weeks to complete.

Seeking nominations

All potential candidates must be made aware of the disqualification criteria, these should be reproduced with the letter notifying parents of the vacancy. You should allow two weeks for the return of nominations and one week in which parents can vote. Governing bodies should inform the electorate of any skills, experience or attributes they are seeking to strengthen the work of the governing body, but these cannot be made a condition of nomination. The Governance Handbook states: *'Where governors are elected, every effort should be made to inform the electorate about the role of a governor and the specific skills the board requires and the extent to which candidates possess these'*.

It is important to have sufficient information available for parents so that they can understand what the role of a governor involves, what the time commitment will be within your setting and what expectations the governing body has for training, committee membership and/or lead governor roles. It is useful to have a pack available which prospective candidates can request giving them more information prior to completing a nomination form. Please see our guidance on 'Finding and Keeping Effective Governors' for ideas on what to include.

It is also important to be clear on the role of the parent governor; The Governance Handbook states: *'Meaningful and effective engagement with parents, staff and the wider community is vital, and not achieved by the presence of various categories of governor on the board. Governors must govern in the best interest of pupils; it is not their role to represent a stakeholder group. Stakeholder engagement is an important, but distinct, activity for which boards will need to assure themselves that appropriate structures and arrangements are in place.'*

The nomination form should provide space for candidates to provide a short supporting statement to be circulated should an election be necessary. The nomination period must be open for two full school weeks.

Processing the nominations

When the closing date for nominations is reached the returning officer should check the nominations to ensure the eligibility of each prospective candidate. We strongly recommend each prospective candidate signs the Declaration of Eligibility, before proceeding to election.

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 that school, nor can any parent who is an elected member of the Local Authority. If a serving parent governor subsequently starts to work at the school for more than 500 hours they may serve out their term of office. A parent whose child ceases to be a pupil at the school may also serve out their term of office.

The ballot and voting

If the number of nominations received are fewer than, or equal to, the number of vacancies available, no voting is required; those nominated are elected unopposed.

If there are more nominations than vacancies available then an election will be needed. Ballot papers, or details of how to vote, along with a pen portrait for each nomination, and the closing date for voting must be sent to all eligible parents. One vote per parent is allowed regardless of how many children they have in school. Ballots, when required, must be secret.

The information about the candidates may be sent by pupil post, electronically or by mail; it is likely that a combination of these methods will be needed to ensure all eligible parents are notified.

Electronic voting is permitted, the returning officer and governing body will need to ensure that any electronic process is secure, that voters can only vote once and that individual voters, or how they have cast their votes, cannot be identified. If an electronic process is adopted the school must provide an alternative paper ballot and means of submitting the ballot paper for parents who request it. Voting must be open for a minimum of one full school week.

For a paper ballot enter the full name of the candidates in alphabetical order and the date and time for the return of the completed ballot papers. Print sufficient copies to allow one for each eligible voter (we recommend printing on coloured paper) and distribute to eligible parents by pupil post and/or by mail. All returned completed unopened ballot papers should be kept in a secure place as should any that are unused. Suggested ballot papers are available on our website www.babcock-education.co.uk/ldp/governors

The count

Candidates have the right to attend the count if they wish, and must be advised of the venue, date and time of the count at the same time as the ballot papers are sent out. The count will be conducted by the head, as returning officer, or his/her nominee and should be witnessed by at least one person unconnected to the election.

The candidate(s) to be elected will be the candidate(s) gaining the highest number of votes in the election. If there is a tie in the numbers of votes cast, the first step should be to recount the votes. If the votes are still equal for two or more candidates then the returning officer should arrange for them to draw lots.

The count should normally take place at the school, after the closing time for voting on the day (or the following day) by which completed ballot papers are to be returned.

Nomination forms and ballot papers that are returned outside the return dates are to be treated as invalid. The decision as to whether a vote is valid falls to the returning officer. Completed ballot papers should be kept in a safe place for a period of three months, after which they may be destroyed.

The start date

The successful candidate(s), subject to signing the declaration of eligibility and initiating a DBS check as appropriate, will take up post on the day after the present parent governor's term of office comes to an end. Where the post is already vacant the start date is the date of the count or, when an election has not been necessary, the day following the closing date for applications.

Following the election

All candidates should be notified of the outcome of the election, the clerk may be delegated to write to the candidates individually. The result should also be communicated to all parents, this could be done via the school website, newsletter and notice boards.

The clerk must notify the governor support team of the new parent governor's details, plus ensure that a signed Declaration of Eligibility is completed and the process for undertaking a DBS check has been initiated. The new governor will receive information from the governor support team. A good induction process for your new governor is vital, please see our document 'Finding and Keeping Effective Governors' for some suggestions. www.babcock-education.co.uk/ldp/governors

If a vacancy is unfilled

If a vacancy remains unfilled then every effort should be made to fill it. In these circumstances a parent governor may be 'appointed'. Parents who are eligible to be 'appointed' include:

- a parent of a registered pupil at the school or;
- a parent of a former registered pupil at the school or;
- a parent of a child of, or under, compulsory school age.

This also applies to community special schools and foundation special schools, but for these schools the appointment criteria are:

- a parent of a registered pupil at the school, or
- a parent of a former pupil at the school, or
- a parent of a child of or under compulsory school age with special educational needs for which the school is approved, or
- a parent with experience of educating a child with special educational needs.

The governing body should make the appointment on the basis of the skills the individual can bring to the governance of the school. Relevant skills may include important personal attributes, qualities and capabilities, such as the ability and willingness to learn and develop new skills.

Disqualification criteria

A copy of these criteria should accompany the letter to parents informing them of the vacancy.

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

- fails to attend the governing body meetings – without the consent of the governing body – for a continuous period of six months, beginning with the date of the first meeting missed (not applicable to ex officio governors);
- is subject to a bankruptcy restriction order, an interim bankruptcy restriction order, a debt relief order or an interim debt relief order;
- has had his or her estate sequestrated and the sequestration order has not been discharged, annulled or reduced;
- is subject to:
 - I. a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986
 - II. a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989
 - III. a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002
 - IV. 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 three months (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-and-a-half 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 to allow an application to the Disclosure and Barring Service (DBS) for a DBS check.

Model letter to inform parents of the vacancy and seek nominations

This letter should be accompanied by the Disqualification Criteria and the Nomination Form.

On school headed paper.

Dear Parent or Carer

PARENT GOVERNOR ELECTION

There is a vacancy for a parent governor on our school's governing body and I am writing to invite nominations to fill this vacancy. Please think about becoming a governor, or encouraging others to volunteer.

Parent governors are welcomed as valued members of the governor team and play an important role; the governing body works together as a group, meeting at least once every half term. Together they are responsible for the strategic direction of the school, promoting high standards of educational achievement and ensuring our resources are used to maximum impact. Life as a governor is interesting and varied and we feel sure that there are parents prepared to take on this important role and give their time and commitment to helping us to continue to improve the school's performance.

In looking to fill this vacancy the governors of the school have identified the following skills, experience and attributes that they feel would help strengthen the governing body:

< insert as appropriate >.

Training and support will be available to help you develop into the role. This will include in-house mentoring and support as well as access to external governor training, those new to being a governor are expected to attend induction training. The term of office for parent governors is <*> years. For further information about the role please get in touch with <insert name and contact details> who will be happy to help.

If you would like to stand for election please complete and sign the enclosed nomination form and return to the school office no later than 12 noon on <insert date>. If you wish you can include a few details about yourself and why you would like to become a governor (not exceeding 100 words). This will then be circulated to all parents to help them decide who to vote for if an election is required. You do not have to complete this section, but if you don't you may put yourself at a disadvantage if there is an election. An election, by secret ballot, will be held if more nominations are received than the number of vacancies. If an election is needed details of the procedure will be sent to all parents.

Nominations must be from parents or carers with children at the school on the day that nominations close. The enclosed sheet summarises the disqualification criteria to serve as a governor. Anyone standing for election must certify that he/she is not disqualified for any reason. 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.

Yours sincerely

<insert name>

** NOTE: The term of office for a parent governor is 4 years unless recorded differently in the Instrument of Government for the governing body. Please insert as appropriate.*

Model nomination form

On school headed paper

NOMINATION FORM

Election for a parent governor at <insert name of school>

Full name:

Children in year(s):

Pen Portrait (maximum 100 words) *

I wish to serve as a Parent Governor and to be a candidate if an election is necessary. I have read the rules regarding the eligibility to become a governor which I received with the nomination form and I confirm that I am eligible to serve as a School Governor.

Signed:

Date:

Please return this form to <insert name> no later than 12 noon on <insert date>.

* If you wish you can include a few details about yourself and why you would like to become a governor (not exceeding 100 words). This will then be circulated to all parents to help them decided who to vote for if an election is required. You do not have to complete this section, but if you don't you may put yourself at a disadvantage if there is an election.

Model letter to successful candidate(s)

On school headed paper.

Dear

ELECTION OF PARENT GOVERNORS

I am pleased to confirm your election as a Parent Governor on the governing body of this school for a period of <insert number> years commencing on <insert date> and to welcome you to the governing body.

Your appointment is subject to a full DBS check and completion of the Declaration of Eligibility form.

The Chair of Governors, <insert name> sends his/her good wishes on your appointment and will get in touch to answer any questions you may have prior to your first meeting.

I will notify the Governor Support team of your appointment and they will send you a welcome letter and details of training. The governing body expects people who are new to being a governor to attend induction training.

The date of the next meeting of the governing body is <insert date & time> at <insert venue>. You will receive an agenda and papers for the meeting at least 7 days in advance.

Yours sincerely

Clerk to the Governors

Model letter to unsuccessful candidate(s)

On school headed paper.

Dear

ELECTION OF PARENT GOVERNORS

I am writing to notify you that you were not elected to serve as a parent governor of the school in the recent election.

We are very grateful to you, however, for agreeing to stand for election and for your wish to support the work of the school in the role of school governor. *

Yours sincerely

Returning Officer

* If the candidate has skills that the governing body have identified as being required to support their work there may be an opportunity for the candidate to join the governing body as an associate member, or within a different category of governor, which could be mentioned here.