

Parent Governor Election and Appointment (Process and Resources)

These rules apply to all maintained community schools, including nursery schools, community special schools and voluntary aided schools. Academy/free schools may also wish to use these instructions.

Parent governors are elected by other parents at the school. Any parent, or carer, of a registered pupil at the school at the time of election is eligible to stand for election as a parent governor. Parent governors may continue to hold office until the end of their term of office even if their child leaves the school.

Schools must make every reasonable effort to fill parent governor vacancies through elections.

THE ELECTION OF PARENT GOVERNORS

The Local Authority is responsible for the organisation of parent governor elections and any enquiry or dispute shall be dealt with and, if necessary, determined by the Director of Children and Families.

Responsibility for the conduct of parent governor elections in individual schools is delegated to the Headteacher, as Returning Officer, and elections shall be conducted in accordance with the procedures agreed by the Local Authority and set out in this document. The headteacher may be assisted by the clerk or another suitable person.

1 Number of Parent Governors

- 1.1 The instrument of Government shows how many parent governors your school is entitled to.
- 1.2 The School Governance (Constitution)(England) Regulations 2012 state that a "parent governor" is
 - a) a person who is elected as a governor by parents of registered pupils at the school and who is a parent at the time of election, or
 - b) where the school is a maintained nursery school, a person who is elected as a governor by –
 - i) parents of registered pupils at the school, or
 - ii) parents of children for whom educational or other provision is made on the premises of the schooland is such a parent at the time of election, or
 - c) a person appointed as a parent governor.
- 1.3 Registered pupils at the school include children in nursery classes attached to infant schools or departments, and children in special units attached to mainstream schools.

Further information can be found on <http://www.legislation.gov.uk/ukxi/2012/1034/made>

2 Definition of Parent

2.1 Section 576 of the Education Act 1996 defines a parent as:

- all natural (or adoptive) parents, whether they are married or not;
- any person who, although not a natural parent, has parental responsibility (as defined in Children Act 1989) for a child or young person
- any person who, although not a natural parent, has care of a child or young person.

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

Further information can be found on

<http://www.legislation.gov.uk/ukpga/1996/56/section/576>

3 Eligibility to stand for election as a parent governor and to participate in Parent Governor elections

- 3.1 Anyone who is the parent of a registered pupil at the school and who is not disqualified from holding office (see 3.2) is eligible to stand for election as a parent governor.
- 3.2 A person is disqualified from election or appointment as a parent governor of a school if they are an elected member of the Local Authority or if they are paid to work at the school for more than 500 hours (i.e. more than one third of the hours of a full time equivalent) in any consecutive twelve month period (at the time of election or appointment). Other disqualification criteria are set out in section 4.1 (below).
- 3.3 A person is **not** disqualified from continuing to hold office as a parent governor when they cease to be a parent of a registered pupil at the school.
- 3.4 Anyone who is a parent of a registered pupil at the school may nominate themselves or propose candidates for election, and may vote in the elections.
- 3.5 Each parent shall have one vote per vacancy, regardless of the number of children they have in the school. Schools must make every effort to ensure that each parent receives only 1 nomination and ballot paper regardless of how many children they have on roll at the school.

4 Procedures to be followed in the event of a vacancy

4.1 As soon as a resignation (or end of term of office) is received or one month before the term of an existing parent governor ends, the Returning Officer, or someone nominated by them must send a letter using pupil post where possible to everyone who is known to be a parent of a child in the school inviting nominations. Where this occurs near the end of a summer term, the process may be delayed until the beginning of the next term in order to include parents of new pupil's joining the school. The letter should include the following information:

- number of vacancies to be filled

- nomination form (sample attached)
- where to get additional copies of the nomination form, if required (e.g. School Office)
- sufficient information for parents to understand what the role of a governor involves, what the time commitment will be and what expectations the governing body has for training, committee membership and/or lead governor roles. Include any information on skills, experience or attributes the governing body are looking for to strengthen the work of the governing body, but these cannot be made a condition of nomination. If a governing body wishes to hold information events or meet with any interested potential parent governors this should be held within the time limit below and included in the accompanying letter to the nomination form.
- closing date for the return of nomination forms to the school (**fourteen days from the date of the letter**)
- possibility of nominees producing a short personal statement to go out with the ballot paper (see paragraph 4.6).
- Finally, please ensure that you draw attention to the disqualification criteria that prevail in respect of holding office as a governor of the school. You should include the following paragraphs:

“I should like to advise you that the School Governance (Constitution) (England) Regulations 2012 state that in certain circumstances a person may not hold office as a governor of a school. I enclose a list of the disqualification criteria which you must read before nominating yourself or accepting a nomination.

It is essential that you enclose the sheet listing all the disqualification criteria which is included in this guidance (for ease of copying we have not added an Appendix number to it). It may be helpful to photocopy this onto coloured paper.

- 4.2 **Parents may nominate themselves.** However if a parent is nominated by another parent, the nominee must sign to indicate acceptance of the nomination. Both parents must sign to confirm they are parents of a registered pupil at the school. There is no longer a requirement for the nomination to be seconded.
- 4.3 As nomination forms are received check that they have been signed by the proposer and / or nominee. If any signature is missing please return the nominations form forthwith to either the parent who has nominated themselves, or the proposer.
- 4.4 The Headteacher must ensure before any election is called, that every person nominated and every proposer is a parent of a registered pupil at the school. Also that every nominee confirms in writing that s/he is a parent of a registered pupil at the school and is willing to stand for election as a parent governor and is not disqualified from holding office as a governor of the school if elected.
- 4.5 If the number of nominations received is equal to, or fewer than, the number of vacancies, then there is no need to hold an election and those nominated should be declared elected and procedures recommenced for filling any remaining vacancy or vacancies. In such cases, a letter should immediately be sent to parents advising them of the names of candidates elected.
- 4.6 Where an election is to be held candidates may, if they wish, produce a short personal statement, a copy of which will be circulated with ballot papers. These statements

should be no longer than 250 words and should contain factual information about the candidate such as number and ages of children at the school, particular interests and occupation. Candidates must be given a deadline by which the statement must be submitted. If the candidate wishes to have the statement typed by the administration staff at the school, an earlier deadline would be necessary.

- 4.7 If a statement has not been received by the closing date for nominations check that the candidate does not claim to have submitted one. An extra 48 hours may be granted to candidates still wishing to submit a statement.
- 4.8 It will be necessary to reproduce enough copies of the personal statement and of the standard ballot paper sent with these notes to enable each parent to have one copy.
- 4.9 Schools must ensure that each parent entitled to vote receives only one ballot paper. To minimise the possibility of blank ballot papers being copied, it is recommended that a stamping instrument is used. Each ballot paper should be stamped with a stamping instrument in any corner of the paper. The instrument works by leaving a perforated mark on the paper which adds security to the paper so it cannot be copied. Only papers returned with this mark should be accepted, so it is important that all papers are stamped before being sent to electors. *The Authority Elections Team has agreed to despatch stamping instruments to all headteachers in March 2016. It is advisable that these instruments are secured in a safe place; replacement instruments will carry a charge.*
- 4.10 A letter should accompany the ballot paper and personal statement(s) to every parent which should include the following information:
- one ballot paper enclosed (one ballot paper per parent) plus any personal statements. That ballot papers must not be marked in any way which could lead to the identification of the voter, nor should the voter sign anything attached to the ballot paper
 - closing date for the return of ballot papers to the school (**fourteen days from the date of despatch of the ballot papers**)
 - candidates names should be listed alphabetically by surname (A-Z)
 - advice on alternative methods of returning the ballot papers, i.e. by pupil post, by post or by personal delivery
 - information on location of ballot box where voting papers may be placed by parent or pupil returning them personally, e.g. in school office or reception area.
- 4.11 The Headteacher may wish to use the double envelope system, which is a device which can be used to ensure the secrecy of a ballot where there is also a requirement that voters sign a declaration that they are entitled to vote, i.e. in this case that they are the parent of a registered pupil at the school (the system is explained in Appendix 1).
- 4.12 All ballot papers, regardless of how they are returned, must be put in a secure ballot box (which must be locked away at night) and not removed until the time of the count.
- 4.13 Voting by proxy will not be allowed i.e. if a parent is for any reason unable personally to vote (e.g. because s/he is away on business or on holiday), it will not be possible for the parent to make arrangements for another person to vote on her/his behalf.

- 4.14 Duplicate ballot papers should only be issued if the parent completes a form (sample attached) verifying that the original was not received or has been lost, and that s/he will vote only once in the election and will destroy the original ballot paper if found.

5 Counting the Vote

- 5.1 The electoral method is first-past-the-post.
- 5.2 The Headteacher, as Returning Officer, is responsible for counting the votes and for deciding the validity of dubious or spoilt voting papers.
- 5.3 The Headteacher should not undertake this task without witnesses (any member of staff or governing body who does not have a personal interest in the outcome of the voting may act as witness).
- 5.4 Votes must not be counted or removed from the secure ballot box until after the closing date.
- 5.5 Candidates should be advised of the time and venue of the count so that they may attend, or be represented, if they wish.
- 5.6 Depending on the number of vacancies, the candidate or candidates gaining the most votes should be declared elected.
- 5.7 If the number of votes cast for any two or more candidates differs by less than five there should be an automatic recount.
- 5.8 Certain ties will not be important, e.g. if there are four parent governor places and two candidates tie for first, second or third places, then both should be declared elected.
- 5.9 In the event of a tie for the only or last remaining place to be filled the votes should be recounted and in the event of the result being confirmed the candidates with equal votes should be invited to the school to draw lots to establish the successful candidate.

6 After the Election

- 6.1 SWGD should be advised immediately of the outcome of the election, by means of a form which will be provided (copy attached).
- 6.2 The Headteacher is required to notify the authority, the governors and the parents of the result of the election.
- 6.2.1 Details of the number of ballot papers issued and returned should be recorded and ballot papers retained securely for six months after the date of the election in case the result is challenged.

7 Appointed parent governors

- 7.1 Schools must make every reasonable effort to fill parent governor vacancies through elections. Only if insufficient parents stand for election can the governing body appoint:
- a) a parent of a registered pupil at the school, or if that is not possible,

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

Governing bodies may only appoint as a parent governor a parent who has, in their opinion, the skills to contribute to effective governance and success of the school

The governing body may remove an appointed, but not an elected parent governor (see below)

Removal of elected parent governors (The constitution of governing bodies 2012, statutory guidance)

A parent governor is considered to be elected if they stood for election for parent governorship, whether or not a ballot took place is irrelevant for this purpose)

From 1st September 2017 all maintained school GBs will have the power to remove elected parent governors in the same way as co-opted governors can be removed (majority decision by the board). School Governance (Constitution and Federations) (England) (Amendment) Regulations 2017.

These powers have been provided to remove elected governors where there may be serious or repeated instances of governance misconduct. Furthermore from the 1st May 2017 any person who has been an elected parent governor and removed from the GB during their term of office, will be disqualified from serving or continuing to serve as a school governor for five years from the date of removal.

Every effort should be made upfront to avoid potential difficulties later by informing prospective candidates of the nature of the role and securing their agreement to a clear set of expectations for behaviour and conduct – as set out in a code of conduct. A model code of conduct can be found on www.egfl.org.uk/governance

Governor qualification and disqualification criteria

The following summarises the qualification and disqualification regulations which can be seen in full in, the constitution of governing bodies of maintained schools August 2017 ([statutory guidance](#))

A governor must be aged 18 or over at the time of their election or appointment.

A registered pupil of the school cannot be a governor.

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

- failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the headteacher or to foundation governors appointed by virtue of their office
- A foundation, local authority, co-opted or partnership governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve-month period starting on the date on which they were disqualified
- is the subject of a bankruptcy restrictions order; an interim bankruptcy restrictions 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 the Companies (Northern Ireland) Order 2002; 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 trustee for a charity by an order made by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
- has been removed from office as an elected governor within the last five years.
- is included in the list of people 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 subject to a direction of the Secretary of State under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008
- 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
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has been sentenced to three months or more in prison (without the option of a fine) in the five years ending with the date preceding the date of appointment/election as a governor or since becoming a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has received a prison sentence of two and a half years or more in the 20 years ending with the date preceding the date of appointment/election as a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has at any time received a prison sentence of five years or more
- has been convicted and fined for causing a nuisance or disturbance on school or educational premises during the five years ending with the date immediately preceding appointment/election or since appointment or election as a governor
- refuses a request by the clerk to make an application to the Disclosure and Barring Service for a criminal records certificate.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing body.