

Parent Governor Election Guidance

Background Information

The Instrument of Government of Community, Primary, Secondary and Special Schools provides for “Parent Governors, that is to say, persons who are elected to the Governing Body of the school by parents of registered pupils at the school and who are themselves such parents at the time when they are elected”. All Voluntary Controlled and Voluntary Aided Schools also have Parent Governors.

Each Parent Governor shall from the date of their election hold office for a term as determined by the governing body and set out in the Instrument of Government. Like other Governors, Parent Governors are eligible for re-election subject to the necessary criteria continuing to be fulfilled. Elections should be held when a vacancy occurs either through expiration of the term of office or resignation of a Parent Governor. Nominations should normally be sought as soon as possible, excluding the main school holiday periods.

Within these broad guidelines and those set out below, each Headteacher will be responsible for choosing appropriate dates for the distribution of the standard letters, for the return of nomination forms and the return of voting papers as, of course, the details will vary for each school.

It would not be appropriate to try to influence the nature of the nominations made or the votes cast for Parent Governors by referring to the desirability of appointing a due balance between men and women during the election process.

The Headteacher will undertake the duties of “returning officer”. Any candidate may appeal to the Director of Children & Young People’s Service if he/she believes the election has not been fairly conducted.

Elections

The requirements of Schedules 1 and 2 of the School Governance (Constitution) (England) Regulations 2012 relating to the election of Parent and Staff Governors are as follows:

It shall be for the Local Authority, in the case of a Community, Community Special or Controlled school, and for the Governing Body in the case of a Voluntary Aided, Foundation or Foundation Special School -

- a) to determine, for the purposes of an election of Parent Governors or Staff Governors to the Governing Body, any question whether a person is –

- i) a parent of a registered pupil at the school or
 - ii) paid to work at the school as a school teacher or otherwise
- b) to make all necessary arrangements for, and to determine all other matters relating to, any such election (except any requirement as to the minimum number of votes required to be cast for a candidate to be elected).

Parent Governor Election Procedure

1. Where there is a vacancy or prospective vacancy for a parent governor every eligible parent of carer known to the school must be given the opportunity to take part in the elections. There is no expectation that the school will track down parents.
2. The Headteacher should write to parents (a model letter is available at Appendix A) inviting nominations, and enclosing the leaflet, invitation to a meeting or other information the governors have decided to send. This should tell parents what skills the governing body is looking for in its new governors. The letter should also include a nomination form (see Appendix B), and a list of disqualifications (Appendix F).
3. The letter should give a closing date for the receipt of nominations which must not be less than 14 days. Letters and enclosures may be sent by post or via the pupils.
4. The nomination form should require the candidates full name and address, and should include a space for the candidate to write a personal statement in response to the published information on required skills and attributes, and the Headteacher may set a reasonable word limit on this. Governors are also able to invite candidates to submit a CV with their personal statement.
5. Where the number of candidates is the same as, or fewer than, the number of vacancies all those nominated will be elected unopposed. If there are more candidates than vacancies a ballot will be required.
6. When a ballot is held it must be secret, and to ensure confidentiality a double envelope system should be used. Each parent should be sent two envelopes with their ballot paper.
7. The Headteacher should draw up a voting paper in accordance with the standard format on which the names of the candidates are listed in alphabetical order. The Headteacher should ensure that each voting paper is stamped with a distinguishing mark and that a record is kept of the number of voting papers issued.
8. Voting papers will be distributed on the basis of one paper per parent irrespective of the number of children they may have on roll at the date of distribution, e.g. mother and father with one child on roll – one voting paper for each parent; single parent with two children on roll – one voting paper; mother and father with three children on roll – one voting paper for each parent.

9. The voting papers will be distributed to all parents via their children or by post if the child is absent, and parents will have votes on each voting paper according to the number of Governors being elected. There will be no proxy voting.
10. Voting papers should be returned to school by a set time on the prescribed day – not less than five clear school days should elapse between the distribution of the voting papers and closing the vote.
11. Parents may return voting papers to school personally by post or via their children. As the ballot paper must be secret, parents returning their voting papers with their children should be advised that the voting papers should be returned in sealed envelopes.
12. Schools should record the number of voting papers issued and returned, but not how individuals have voted.
13. Responsibility for counting the votes should rest with the Headteacher who shall act as returning officer. An opportunity should be afforded to each candidate or their nominee to be present when the votes are counted. The Headteacher should determine the validity of any spoiled voting papers, after consultation if necessary with the Area Office.
14. Election will be by simple majority vote. In the event of a tie after a recount the election shall be determined by the drawing of lots. No other method of breaking a tie will be acceptable.
15. The number of votes cast for each candidate should be recorded. Parents and Governors should be notified of those parents thus elected to the Governing Body, and a notice should be displayed in the school.
16. The ballot papers should be retained securely for six months in case the election result is challenged.

Specimen Letters and Forms

The following specimen letters and forms are attached as Appendices A - C at the end of this document:

- a) Sample letter inviting nominations to stand as Parent Governors in Community and Controlled Schools
- b) Sample nomination form
- c) Sample voting paper

SUFFOLK COUNTY COUNCIL

INSERT SCHOOL NAME

ELECTION OF PARENT GOVERNORS

Dear Parent

ELECTION OF PARENT GOVERNOR

There are currently **X** places for Parent Governors on the Governing Body of your child's school, and a vacancy for **X** of these places has recently occurred. I am therefore writing to give you details of the arrangements for nominations and voting for new Parent Governors.

Governing bodies are the key strategic decision-making body of every school and have a vital role to play in making sure every child gets the best possible education.

In all schools governing bodies should have a strong focus on three core strategic functions:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding the headteacher to account for the educational performance of the school and its pupils, and the performance management of staff; and
- Overseeing the financial performance of the school and making sure its money is well spent.

No special qualifications are needed and the most important thing is to have a keen interest in the school and be prepared to play an active part in the governing body's work. However, we would particularly welcome at this time nominations from parents with the following skills **<description of desired skills>**.

Enclosed with this letter is a nomination form on which parents who have children at the school can nominate themselves or another parent, with their consent, for election as a Parent Governor. It is necessary for a Parent Governor to have a child at the school at the time he or she is elected. Certain people are disqualified from being Governors and, as such, candidates are asked to please consult the attached sheet detailing the disqualification criteria before making a nomination. If grounds for disqualification come to light after appointment the person is automatically barred from being a governor and the appointment will terminate with immediate effect.

There is space on the nomination form for a statement of not more than **X** words by the person nominated in which they can give such details as they wish about themselves, their views and the skills they believe they can bring to the governing body. This statement would then be included on the voting paper.

The term of office is for **X** years whether or not the child of the elected parent remains at the school for the whole of this period. A Parent Governor elected now will hold office until **X** and, like other Governors, will be able to stand for re-election providing they are still eligible.

The closing date for nominations is ***insert date***. 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.

Suffolk County Council would like parents to play as full a part as possible in your children's education and, therefore, it is hoped that you will use your vote in this election.

If you would like to discuss what the role entails further please call **X** on ***insert number***.

Yours sincerely

(to be signed by the Headteacher)

SUFFOLK COUNTY COUNCIL

BURES CEVC PRIMARY SCHOOL

Election of Parent Governors

Nomination Form

Full Name:

Address:

I have a child at the above named school and am willing to serve as parent governor if elected.

A statement for inclusion in the voting paper is given below.

STATEMENT

(not more than 50 words)

I confirm that I am not disqualified from appointment for any of the reasons detailed on the enclosed form.

Signed:

Dated:

Completed nomination forms must be returned to the school by 3.15 pm on
(insert date)

SUFFOLK COUNTY COUNCIL

INSER SCHOOL NAME

Election of Parent Governors

Voting Paper

This voting paper contains the names of all candidates nominated in accordance with the procedures for election. Statements provided by the candidates are set out overleaf.

There is one voting paper for each parent irrespective of the number of children from the family on roll at the school.

VOTE FOR NOT MORE THAN X CANDIDATE(S).

Insert X in this column against the candidate(s) for whom you are voting	Name and Address of Candidate(s)

Completed voting papers should be returned to the school by post or by hand. It is recommended that voting papers are returned sealed in a double envelope to safeguard the secrecy of the ballot. For your convenience two envelopes are enclosed.

The closing date for votes is ***insert date***.

Qualifications and Disqualifications

General

1. A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when the person is a registered pupil at the school.
2. A person is disqualified from being elected or appointed as a governor unless the person is aged 18 or over.
3. Save as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a governor of a particular category at a school does not disqualify the person from election or appointment or from continuing as a governor of any other category at that school, but no person may at any time hold the office of more than one governor of the same school.
4. Any person who is disqualified from holding office as a governor of a school under this Schedule is likewise disqualified from holding or continuing to hold office as an associate member of the governing body unless the disqualification is under paragraphs 1 or 2 of this Schedule.

Disqualification criteria for categories of governor

- 5.—(1) A person is disqualified from election or appointment as a parent governor of a school if the person—
 - (a) is an elected member of the local authority; or
 - (b) is paid to work at the school for more than 500 hours in any twelve consecutive months.(2) A person (“P”) is not disqualified from continuing to hold office as a parent governor because P ceases to be a parent of a registered pupil at the school.
6. A person is disqualified from appointment as a local authority governor if the person is eligible to be a staff governor of the school.
7. Upon ceasing to work at the school, a staff governor of a school is disqualified from continuing to hold office as such a governor.

Failure to attend meetings

- 8.—(1) This paragraph applies to every governor, other than governors who are governors by virtue of the office that they hold.
- (2) A governor who, without the consent of the governing body, has failed to attend their meetings for a continuous period of six months beginning with the date of the first such meeting the governor fails to attend is, on the expiry of that period, disqualified from continuing to hold office as a governor of that school.
- (3) A foundation governor, local authority governor or co-opted governor who has been disqualified as a governor of a school under sub-paragraph (2) is not qualified for election, nomination or appointment as a governor of any category at that school for twelve months starting on the date on which they are so disqualified.

Bankruptcy

9. A person is disqualified from holding or continuing to hold office as a governor of a school if—
 - (a) the person’s estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

(b) the person is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order([1](#)), a debt relief restrictions order or an interim debt relief restrictions order([2](#)).

Disqualification of company directors

10. A person is disqualified from holding, or from continuing to hold, office as a governor of a school at any time when the person is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986([3](#));
- (b) a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002([4](#));
- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or
- (d) an order made under section 429(2)(b) of the Insolvency Act 1986([5](#)) (failure to pay under county court administration order).

Disqualification of charity trustees

11. A person is disqualified from holding or from continuing to hold office as a governor of a school if—

- (a) the person (“P”) has been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which P was responsible or to which P was privy, or to which P contributed or which P facilitated by P’s conduct; or
- (b) the person has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005([6](#)), from being concerned in the management or control of any body.

Persons whose employment is prohibited or restricted

12. A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when the person is—

- (a) included in the list kept under section 1 of the Protection of Children Act 1999([7](#)) (list of those considered by the Secretary of State as unsuitable to work with children);
- (b) subject to a direction of the Secretary of State under section 142 of EA 2002([8](#)) (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction);
- (c) barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006([9](#));
- (d) disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000([10](#));
- (e) disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010([11](#)) for child minding or providing day care; or
- (f) disqualified from registration under Part 3 of the Childcare Act 2006([12](#)).

Criminal convictions

13.—(1) Subject to sub-paragraph (6) below, a person is disqualified from holding, or continuing to hold, office as a governor of a school where any of sub-paragraphs (2) to (4) or (6) below apply to the person.

(2) This sub-paragraph applies to a person (“P”) if—
(a) within the period of five years ending with the date immediately preceding the date on which P’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which P would otherwise have become a governor by virtue of an office, or
(b) since P’s appointment or election as governor or, as the case may be, since P became a governor by virtue of an office, P has been convicted, whether in the United Kingdom or elsewhere, of any offence and a sentence of imprisonment (whether suspended or not) has been imposed on P for a period of not less than three months without the option of a fine.

(3) This sub-paragraph applies to a person (“Q”) if within the period of 20 years ending with the date immediately preceding the date on which Q’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which Q would otherwise have become a governor by virtue of an office, Q has been convicted of any offence and a sentence of imprisonment has been imposed on Q for a period of not less than two and a half years.

(4) This sub-paragraph applies to a person who has at any time been convicted as aforesaid of any offence and a sentence of imprisonment has been imposed on the person for a period of not less than five years.

(5) For the purposes of sub-paragraphs (2) to (4) above, any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom must be disregarded.

(6) This sub-paragraph applies to a person (“R”) if—
(a) within the period of five years ending with the date immediately preceding the date on which R’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which R would otherwise have become a governor by virtue of an office, or
(b) since R’s appointment or election as governor or, as the case may be, since R became a governor by virtue of an office, R has been convicted under section 547 of EA 1996(13) (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992(14) (nuisance or disturbance on educational premises) of an offence and has been sentenced to a fine.

Refusal to make an application for a criminal records certificate

14. A person is disqualified from holding or continuing to hold office as a governor at any time when the person refuses a request by the clerk to the governing body to make an application under section 113B of the Police Act 1997(15) for a criminal records certificate.

Notification to clerk

15. Where a person (“P”) is, or is proposed to become, a governor and by virtue of any of paragraphs 9 to 13 P is disqualified from holding, or from continuing to hold, office as a governor, P must give notice of that fact to the clerk to the governing body.