

Guidelines for the Election of Parent Governors

The appropriate authority

Gloucestershire County Council is the appropriate authority with regard to the election arrangements for parent governors in community, community special and voluntary controlled schools. The County Council has delegated that responsibility to the headteacher. In voluntary aided, foundation and foundation special schools, the appropriate authority is the governing body. Academies are not required to follow these guidelines, but may choose to do so.

Who can stand as and vote for parent governors?

The definition of a parent in education legislation includes:

- 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.

And

- has a child on roll at the time of election.

Further guidance on the definitions of parent, parental responsibility and care of a child or young person can be obtained from the Governor Services Team on (01452) 427802/427803.

Parent governors generally serve for four years unless the governing body has registered a variation to this in the school's Instrument of Government.

Summary of Disqualification Regulations

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

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 the subject of a bankruptcy restrictions order, an interim order, a debt relief restrictions order, or an interim debt relief restrictions order;
- has had his or her estate sequestrated and the sequestration 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 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 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 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;
- 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 Criminal Records Bureau for a criminal records certificate.

A person is disqualified from election or appointment as a parent governor if they are an elected member of the LA or if they work at the school for more than 500 hours in any school year. In addition a person may not be **appointed** as a parent governor unless they are:

- a parent of a registered pupil at the school; or
- a parent of a former pupil of the school; or
- a parent of a child of or under compulsory school age;
- Special Schools only – a parent of a child of or under compulsory school age and with special educational needs for which the school is approved, or
- Special Schools only – a parent with experience of educating a child with special education needs

Full details of the Regulations covering the disqualification criteria can be found in [The School Governance \(Constitution\) \(England\) Regulations 2012](#).

Seeking Nominations

As soon as a resignation is received from a parent governor, or at the beginning of the term in which a parent governor's term of office expires, the headteacher/clerk shall send a letter to all those believed to have parental responsibility for children at the school, inviting nominations for the post.

Where pupils have more than one person with parental responsibility who are living at different addresses, and the parent has requested that paperwork relating to their child be sent to them, a letter should be sent to each address.

All potential candidates should be made aware of the disqualification criteria, and the role and responsibilities of a school governor. The DfE's Governance Handbook states: 'Governors must govern in the best interests of pupils; it is not their role to represent a stakeholder group.' Relevant skills may include personal attributes and qualities such as the capacity and willingness to learn and work as part of a team.

Where a vacancy arises at short notice, the letter should be sent as soon as possible. Where this situation arises near the end of the summer term, this process may be delayed until the beginning of the next term in order to include the parents of new pupils joining the school.

A sample letter and nomination form can be found at Appendix A and Appendix B.

Closing date for nominations

It is recommended that the closing date for nominations should be at least six school working days from the date on which letters are distributed. The actual closing date and time should be clearly stated in the letter. All nominees must be shown the disqualification regulations.

Number of nominations received

If the number of nominations is equal to, or fewer than the number of vacancies to be filled, a ballot need not be held. The nominee(s) is/are automatically elected unopposed. The headteacher/clerk shall notify the successful candidate(s), within three school working days.

The clerk should arrange for the successful candidate to complete the [Governor Record Form](#) (AOF446), retain the form on a confidential file, and notify Governor Services using the form [Governor Commencing a Term of Office](#) (AOF447).

If there are more nominations than there are vacancies, the headteacher/clerk shall arrange for a secret ballot to be held. Nomination papers received outside the stated return period are to be treated as invalid.

The ballot

The headteacher/clerk shall issue ballot papers (Appendix C) to all eligible parents as soon as possible after the closing date for the receipt of nominations. At least six school working days should be allowed between the ballot papers being sent out and the last date for their return. The deadline date and time for return should be clearly stated on the ballot paper.

The election should be held by secret ballot. Ballot papers themselves should not be signed or the voter identified in any way. They should be printed on paper of a distinctive colour.

Electronic voting is permitted and the school/governing body must ensure that the process is secure, that voters can only vote once, and that voters cannot be identified.

Voting

Where parents have more than one child in a school, and bearing in mind that voting is to be on the basis of one vote per parent per vacancy, a system must be devised to ensure that no parent receives more than one ballot paper.

The headteacher/clerk should arrange to get ballot papers to and from parents by pupil post where possible. Where a pupil does not live with a person who has parental responsibility, or they are absent from school when the ballot papers are issued they will need to be posted or otherwise delivered to the parents.

Ballot papers must be kept unopened and secure until the count. Ballot papers received outside the stated return period are to be treated as invalid.

The count

Candidates have the right to attend the count, and must be advised of the venue, date and time of the count (Appendix D) at the same time as the ballot papers are sent out.

The ballot box shall be opened on the next school working day after the closing date for the return of ballot papers, as notified to the candidates.

The presiding or returning officer shall be the headteacher or clerk, or his/her nominee, who will conduct the count.

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, the presiding officer shall arrange for those candidates to draw lots or toss a coin.

After the election

The headteacher/clerk shall notify the result to all candidates within three school working days (see sample letters in Appendix E). The clerk to governors should arrange for the successful candidate to complete the [Governor Record Form](#) (AOF446), retain the form on a confidential file, and notify Governor Services using the form [Governor Commencing a Term of Office](#) (AOF447).

The start date is the date of the election or, when an election has not been necessary, the day following the closing date for nominations. Where an election is held in advance of a parent governor ending, the start date will be given in the notice of election.

All parents should be notified of the result. Governors and all members of staff should also be notified.

All material relevant to the election (e.g. correspondence, ballot papers) to be kept for six months before destruction.

Appointment of parent governors

If, after an election process, vacancies for parent governors still remain, the governing body may appoint parent governors in accordance with the regulations. It is strongly recommended that two attempts are made at running elections to fill the vacancies before considering appointing parent governors.

The regulations regarding appointment of parent governors can be found in [The School Governance \(Constitution\) \(England\) Regulations 2012](#) or [The School Governance \(Federations\) \(England\) Regulations 2012](#)

The governing body should make the appointment on the basis of the skills an individual can bring to the governance of the school. Relevant skills may include personal attributes and qualities such as the capacity and willingness to learn and work as part of a team.

All potential appointed parent governors must be shown the disqualification regulations. The appointment of parent governors must be an item on the agenda at a full governing body meeting.

Unsuccessful candidates

Any unsuccessful candidates should be thanked for their interest.