

Governor Support Service

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Parent Governor Elections

This guidance applies to all maintained community, community special, maintained nursery and voluntary controlled schools in the London Borough of Hillingdon.

2019/20

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About this guide

This guidance has been put together by the Governor Support Service in Hillingdon. It uses edited information from the Department for Education and the Governor Support Service (GSS). It is designed to guide Headteachers, governors and clerks through the regulations and process of parent governor elections in maintained community, community special, maintained nursery and voluntary controlled schools in the London Borough of Hillingdon.

About us

The GSS is an independent service offering governor training, advice, guidance and support to all Hillingdon Schools. With over 20 years' combined experience working within local authorities in Governor Support roles, we are able to offer local and legislative advice, support and training to school governors and clerks.

The support we provide aims to enable governors to focus on their key roles and responsibilities – therefore assisting you to enable your school to deliver a good quality education.

All support services and training can be purchased by schools on an annual basis (service level agreement) or on a pay as you go basis.

Contact us

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Introduction and background

Why do we need parent governors on a governing body?

Parent governors are an important element in achieving an effective and well-balanced governing body. It is very important that parents stand for election to the governing body so that the views of parents with children at the school are represented on it.

What is their role?

Once elected or appointed, a parent governor takes on the role of school governor, public volunteer. All governors are equal, no category of governor is any more important or influential than any other. Parent governors are representative of, and exercise a strategic parental voice on a governing body.

As part of the governing body, which has corporate responsibility, governors are the strategic leaders of our schools and have a vital role to play in making sure every child gets the best possible education. All governors must ensure that the governing body has a strong focus on their 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
- Overseeing the financial performance of the school and making sure its money is well spent.

These functions are reflected in the regulations for maintained schools which came into force in September 2013 and in the criteria Ofsted inspectors use to judge the effectiveness of a school's governing body.

All governors have a right to take part in discussion on all items, put items on the agenda and so on. The only exceptions to this general rule occur where the child of the parent governor concerned is being discussed or the individual governor has some other direct personal interest in the matter, for example a financial or employment interest which is greater than that of the other governors.

Parent governors need to be aware that they share a collective responsibility with other governors and can never act alone unless they have the express approval of the full governing body. They are not there to override existing school systems, for example, relating to individual parental complaints. They are a two-way channel of communication, feeding views of parents as a whole into governing body meetings, and then, if required, reporting back to parents on decisions reached without breaking the confidentiality of the meetings.

What legislation determines that a governing body must have parent governors?

- The Education Act 2002
- The School Governance (Constitution) Regulations 2012

Who carries out the parent governor election?

In community, community special, voluntary controlled and maintained nursery schools, the "appropriate authority" for organising and determining all matters relating to the election of parent governors is the Local Authority (LA). [*School Governance (Constitution) (England) Regulations 2012.*] Hillingdon Council is the LA for the purposes of this guidance.

In the London Borough of Hillingdon, responsibility for conducting the elections is **delegated to the Headteacher**, who acts as 'returning officer' in accordance with the LA's procedures as set out in this guidance. The Headteacher may wish to conduct this process with assistance from school administrative staff and/or the Clerk to Governors, but only with agreement from the governing body.

In voluntary aided and foundation schools the "appropriate authority" is the governing body, which may choose whether to adopt the arrangements set out in this document. Where such schools adopt these LA

procedures, they must record this decision clearly in their full governing body minutes and review it periodically.

Who is eligible to stand as a parent governor or vote in a parent governor election?

The definition of “parent” includes:

- all natural parents, whether they are married or not: and
- any person who, although not a natural parent, has parental responsibility for a child or young person; and
- “Parent” is defined for the purposes of the Constitution Regulations as including “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”. It includes a person who the child lives with and who looks after the child, irrespective of what their relationship is with the child. The reference in the definition must be to someone involved in the full-time care of the child on a settled basis.

Parental Responsibility

More than one person may have parental responsibility for the same child at the same time, and a person does not cease to have such responsibility solely because some other person subsequently also acquires it. Both parents have parental responsibility if they were married to each other at the time of the child’s birth, although they may have since separated or divorced.

If the child’s parents were not married at the time of the birth, the mother has parental responsibility for the child and the father is able to acquire parental responsibility for the child if he:

- marries the mother of the child;
- enters into a parental responsibility agreement with the mother;
- registers the child’s birth jointly with the mother (effective from 1 December 2003, but not retrospective);
- Applies to the court for a parental responsibility order.

Parental responsibility passes to the adopter when an adoption order is made.

Although a care order confers parental responsibility on the local authority, the local authority will not be treated as a parent for certain purposes under the Education Acts.

In the case of maintained nursery schools, any parent (or carer) of a child who is making use of the service provided by the nursery is eligible to stand for election for parent governorship at the school.

Any parent who is an elected member of a local authority or is paid to work at the school for more than 500 hours in the academic year, is **ineligible** to stand for election as parent governor at the school. However, they may vote in an election.

Other reasons why parents may not be eligible to stand as a governor

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

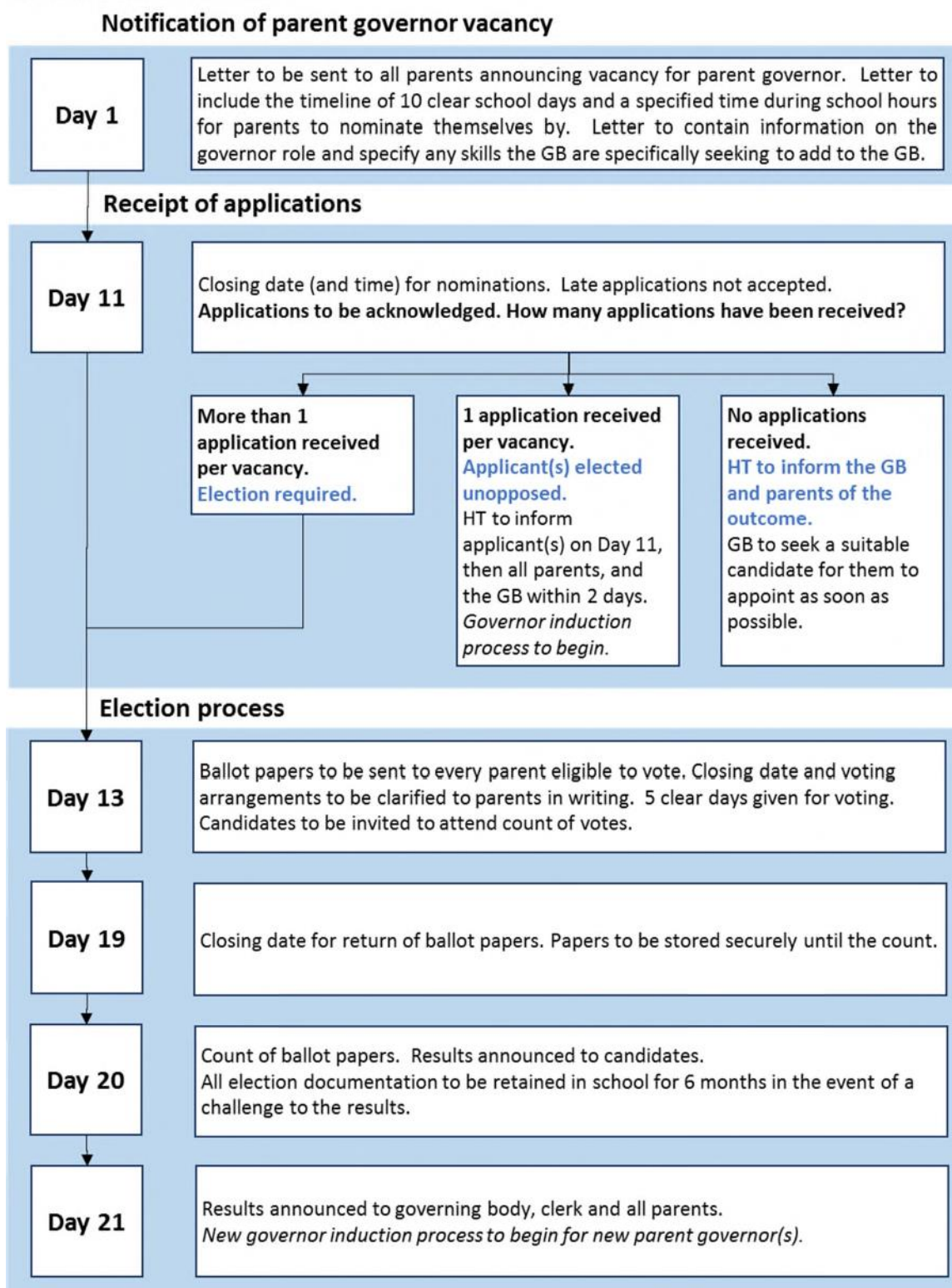
A person is disqualified from holding or from continuing to hold office as a governor if he or she:

- 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 restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order;
- has had their 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 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 492(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.

Conducting a Parent Governor Election

The Timeline and Process



Please note that all days are calculated on school days.

If the full timeline for an election cannot be carried out, it would be advisable to begin the process when there is a clear 21 school day period for the process to take place. The process can be deferred to the next term or half term.

Informing Parents of the Vacancy

A 'Model letter to parents about governor vacancy' (template available) should be sent to all parents by the Headteacher. This may be accomplished:

- by pupil post
- by external post
- electronically (where available)

Every eligible parent (unless disqualified from holding office under the School Governance Constitution Regulations 2012) who has made himself/herself known to the school must be given the opportunity to participate in the elections.

The arrangements implemented by schools must enable parents to undertake all of the processes by post (including by "pupil post") or by electronic means if they so wish.

The 'Parent Governor Vacancy Notice Letter' must:

- invite nominations to be submitted to the school on the specified application form (template available)
- Include an information document on the role of governors, responsibilities and expectations, and also where further information may be obtained (template available)
- explain the circumstances surrounding when an election will or will not take place
- specify a deadline (date and time) and a place for the return of nomination forms giving ten clear school days for the forms to be returned
- specify from what date the parent governorship(s) became or will become available.
- be signed by the Headteacher.

Nominations

All parents must be self-nominating and must have a pupil on the register of the school on the closing date for the receipt of nominations.

The nomination form must ask parents to submit details of their skills and attributes and a personal statement about why they wish to volunteer as a school governor. These sections must be collated for circulation to all other parents with the ballot papers. No personal contact data should be circulated.

The character limit for the personal statement is set at 1400 characters maximum, with a separate section for a bullet point list of personal and/or professional skills. All candidates must use the same application form provided by the school (template available). Candidates may complete the form in legible handwriting. Alternatively, the school should make this form available electronically and *all candidates* must be given the opportunity to use the electronic version. This could be posted on the schools website for ease of access.

Circumstances under which no ballot is required

If the number of candidates is the same as, or fewer than, the number of vacancies, then all such candidates are deemed as 'elected unopposed'. The candidates must be informed on the same day

Any remaining vacancies must be reported to the governing body within two days by the Headteacher. The Headteacher must also inform parents of the results of the nomination process.

At this point the power to fill those remaining vacancies now transfers to the governing body. They acquire the power to appoint parents that they deem suitable at a full governing body meeting. If they are unable to find parents of children on roll at the school willing to fill the vacancies, then they can seek and appoint parents of a school age child locally. All steps taken to fill the vacancies must be reported and minuted at a full governing body meeting.

Circumstances under which a ballot is required

If there are more candidates than vacancies it will be necessary to hold a secret ballot.

The Ballot

The ballot paper must be sent to all known parents. Information about the voting procedure should be included in the letter which accompanies the ballot paper, together with notice of the date and time by which the ballot papers must be returned - at least five clear school days must be allowed.

Every person who is known to be a parent of a registered pupil or pupils at the school is entitled to **one vote per vacancy**. Where a parent has more than one child at the school it is important that no individual parent receives more than one ballot paper. If a ballot paper is inadvertently spoilt, or lost by a pupil, a duplicate may be issued.

In order that the ballot is secret, and also that it is possible to be certain that all votes received are from people eligible to vote, it is recommended that a double envelope system be used. Parents should be asked to place the ballot paper in an (inner) unmarked envelope and to return it to the school in an outer envelope, which they should sign. An example of the outer envelope information/self-adhesive label **(template available)**.

It is acceptable for pupils to deliver and return the ballot papers, and it is suggested that this should be the normal practice. However the law requires that parents be given the opportunity to vote by post and it is therefore in order for ballot papers to be returned in this way. Nomination forms and/or ballot papers will need to be posted, or otherwise delivered, to parents whose child is absent from school when the forms or papers are issued.

No arrangements may be made for proxy voting.

A proper two-stage system of recording votes cast and opening ballot papers must be used. On receipt of the envelopes the returning officer should check the name on the outer envelope for eligibility to vote and note the return of the ballot paper. Once eligibility to vote has been established, the outer envelope may be discarded and the inner one placed in the ballot box for counting at the appointed time. [If the voter chooses not to maintain confidentiality in this way, as long as it is clearly demonstrated on the ballot paper or a single envelope that the person is entitled to vote, the ballot paper is to be counted as valid].

Once the appointed time for the close of the ballot has been reached, no further votes can be accepted.

After the ballot has closed, the returning officer should open and count the ballot papers in the presence of at least two witnesses. The candidates must be invited to attend the count, although, the process should not be delayed if any of the candidates are unable to be present. The returning officer should determine whether a spoiled voting paper is valid.

The outcome of the ballot is determined by a simple majority vote system.

In the event of an equal number of votes being cast there should be a recount. If this does not produce a clear result the returning officer should, in the presence of the witnesses, draw lots.

Immediately after the finalisation of the election, the Returning Officer should contact the candidates (unless they were present at the count) to notify them of the result. This can be done verbally.

The ballot papers should be retained securely for six months in case the election result is challenged. The number of ballot papers issued and the number returned, at each election, must be recorded. This can be done on an election result record sheet **(template available)**, which should accompany the retained ballot papers. When the ballot papers are discarded, the clerk should retain the election result record sheet

Election Results

The outcome of any parent governor election must be notified to all parents as soon as it is practicable after the election and after all candidates have been notified of the result.

The Headteacher must report the result of the election to the chair of the governing body and clerk to governors as soon as it is practicable.

All new parent governors must be informed about induction training and procedures, and visiting the school as a governor for the first time.

It is recommended that the clerk to governors provides each newly elected parent governor with:

- a letter welcoming them to the governing body, stating their term of office and giving details of any DBS check that they may be requested to undergo
- details of induction training and visiting the school as a governor for the first time.
- a list of dates, times and venues of all forthcoming governing body meetings
- a copy of the instrument of government (constitution of the governing body)
- membership list of the full governing body with contact details for the clerk and chair
- a copy of minutes from the last full governing body meeting
- a bespoke welcome pack for new governors from the school (advice available from Governor Support Service)
- any other information the governing body considers necessary.

Results of the election should be officially reported at the next governing body meeting and recorded in the minutes. The chair of governing body should officially welcome the new parent governor(s) when attending their first full governing body meeting.

All new governors and their contact details must be supplied to the Governor Support Service. Email these details to office@governor.support.

Frequently Asked Questions

What is the term of office for a parent governor?

Usually governors have a term of office for four years. However, if the Instrument of Government for your governing body specifies a lesser period of time then that will apply to your school. If you are unsure, either ask your clerk to governors or contact the Governor Support Service as we have records for all Instruments of Government.

What happens if the child(ren) of a parent governor leaves the school?

The parent may continue as a parent governor until their term of office expires as it is their status at the time of election/appointment that allows them to continue in office. The parent may decide that they no longer wish to continue. Any governor may resign at any time by giving notice in writing to the clerk to governors.

Can a parent governor election take place in advance of the vacancy becoming available (i.e. a term of office is due to expire shortly)?

Yes, but all documentation to parents must be clear that the term of office is effective from a specific date when the vacancy exists.

What happens if a parent submits something inappropriate to the tone of the election in their personal statement?

Political and religious views must not feature in any personal statement. The Headteacher should speak to the individual about why their statement is considered inappropriate for distribution as it stands, and the

candidate should be given an opportunity to either withdraw or rewrite the statement as soon as possible. Advice should also be sought from the Governor Support Service as soon as possible.

What happens if no parents nominate themselves before the deadline, but interest and/or an application is received after the deadline?

In this instance the governing body should be informed by the Headteacher, and the governing body may follow this interest up when seeking a suitable candidate from among parents of pupils on roll at the school.

Can parent governor candidates canvass other parents to vote for them?

Yes they can, this opportunity is afforded to all candidates and they may or may not choose not to do so. Candidates must not canvass for votes on school property or use any child or member of staff to support them in any part of this process. If any inappropriate behaviour is used and reported, then the Headteacher should speak to the individual(s) with their concerns.

Does a parent who works at the school for more than 500 hours in a school year have the right to vote in a parent governor election even though they may not stand for election?

Yes, they must be given an opportunity to vote just like any other parent. The same applies to elected members who are parents of children at the school, as they are too restricted by legislation from standing as parent governor.

What if there is a query about parent governor elections that is not covered by this guidance?

Please call the Governor Support Service for assistance as soon as possible. Contact details are given on the front page of this guidance.

List of resources available with this guidance

We have included with this guidance online the all templates you will need. They can be downloaded separately in MS Word from <http://www.governor.support/local-authority-statutory-duties/> (login required) so that schools can tailor them with schools logos and details etc.

- Model letter to parents about governor vacancy 2015
- Parent governors – Info for Applicants
- Parent Governor Application form 2015
- Parent Governor Election Procedure Letter from Headteacher
- Parent Governor Ballot Paper
- Voting Labels for Envelopes
- Parent Governor Election Record Sheet 2015