

GUIDANCE ON THE PROCEDURES FOR THE CONDUCT FOR ELECTIONS FOR PARENT GOVERNORS OF WOODHOUSE ACADEMY

Reviewed: Autumn 2021
To be reviewed: Autumn 2023
(from Ossett Academy model policy)

1. INTRODUCTION

This document explains the procedures to be followed in the election of parent governors to Woodhouse Academy Trust. It also contains information on a range of related issues.

2. ELIGIBILITY TO BE A GOVERNOR

There are important restrictions on who can become a member of the Governing Body and these are listed in Appendix A to this document.

3. RESPONSIBILITY FOR ELECTIONS

3.1 The members of the proposed Academy Trust have overall responsibility for all parent governor elections. The Academy makes all arrangements for and determines all other matters relating to such elections. It also determines whether a person is a registered parent of a registered pupil at the school.

4. ELECTION OF PARENT GOVERNORS

4.1 Definition of the Elected Parent Governor

Subject to sub-paragraph b) below:

- (a) An elected parent governor is a person who is elected as a member of the governing body of the school by parents of registered pupils at the school and who is a parent at the time he/she is elected.
- (b) In order to avoid influenced company status, the Articles of Association of the Academy Trust may prevent a person who is deemed a Local Authority Associated Person from being appointed as a Governor. Local Authority Associated Persons include employees of the Local Authority and other public bodies and those who have been elected to a local government council within the previous three years. No person who is a Local Authority Associated Person is eligible to be appointed to the office of Governor, unless his/her appointment to such office is authorised by the Local Authority to which he/she is associated.

Please contact the Academy office if further information or clarification is required.

- (c) A person who is paid to work at the school for more than 500 hours in any consecutive twelve month period (at the time of election or appointment) is not eligible for nomination as a parent governor.

4.2 Definition of Parents

Parent is defined as including any individual who has or has had parental responsibility for, or cares for or has cared for, a child or young person under the age of 18. It includes a person who the child lives with and 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.

4.3 Period of Office

Parent governors are normally elected for a four-year term of office. They do not need to resign if their child leaves the school during the period they serve, though they may do so if they wish.

4.4 Notification of Vacancies

The Academy will maintain information on the dates on which parent governors' terms of office come to an end, or when resignations of governors occur. When a vacancy arises, the Members of the Academy Trust will liaise with the Principal over the timing of the election and any action, which needs to be taken.

4.5 Timing of Elections

Department for Education (DfE) guidance is that, where parent governor vacancies occur at the beginning of the school year, elections should be held early in the Autumn Terms, before the first governing body meeting of the school year, but with the new intake of parents. At other times, elections should be held as promptly as possible.

5. NOMINATIONS FOR ELECTION

All parents will be informed, by text/email prepared and distributed by the Principal (a copy will also be made available on the Academy website) and normally using the pupil post, that:

- (i) a vacancy , or vacancies, have arisen which are required to be filled by election;
- (ii) they are entitled to stand as a candidate (subject to the provisions of paragraph 4.1) and vote;
- (iii) there are restrictions on certain people holding office as a governor, and
- (iv) the successful candidate(s) will be subject to a criminal record check.

The correspondence will also explain that parents:

- (i) may nominate themselves, providing they are not disqualified from standing for election (please see paragraph 4.1 and Appendix A); or

- (ii) may nominate, with his/her permission, another parent (including their spouse) with a registered child at the school, providing he/she is not disqualified from standing for election (please see paragraph 4.1 and Appendix A); and
- (iii) should apply to the Principal for a nomination form or use the electronic version available on the Academy website.

Parents cannot make more nominations than there are vacancies.

Those nominated will be asked to signify on the nomination form their willingness to stand for election. They will also be invited to supply, with their nomination, a short, personal statement of not more than 100 words for circulation to parents.

The Principal will be asked to ensure that the preliminary letter is distributed by pupils on the basis of **one for each parent**.

If pupils are absent, the postal service, or other means of delivery, must be used.

Nominations will be returned to Woodhouse Academy. There will be a closing date of approximately one to two weeks after the despatch of flyers to the parents. The school will acknowledge the receipt of nominations within seven days, parents are welcome to contact the school to confirm that their form has been received.

If the number of qualified nominees is smaller than, or equal to, the number of vacancies, voting will not be required. Those nominated will simply be declared to be governors. The Principal will inform the parents and ensure that the DFE have details of the successful candidate.

The Members of the Academy Trust will send a letter of appointment to the successful candidate.

The successful candidate will be subject to a criminal record check.

If the number of nominations exceeds the number of vacancies, an election will be held by ballot.

6. CONDUCT OF THE ELECTION

The Principal will act as the Returning Officer for all elections. A ballot will be held using the first-past-the-post method. Parents will each be entitled to one vote per vacancy. The school will prepare the ballot papers required, together with the personal statements provided by candidates.

The Principal will write to all parents to explain that:

- (i) an election will be required and is being held by ballot;
- (ii) each parent, regardless of the number of children attending the school, will be entitled to one vote;

- (iii) each parent will be provided with a ballot form together with details provided by the candidates. Details of the candidates will also be on the Woodhouse Academy website.
- (iv) each parent will be entitled to vote only for the number of vacancies that exist;
- (v) parents will vote by making a cross against the name(s) of the candidate(s) for whom they wish to vote; no other mark should be made on the ballot paper;
- (vi) the ballot form will then be returned to the school by the closing date, which is stipulated;
- (vii) if ballot papers are spoilt, or lost, then duplicates may be issued before the closing date.

The Principal will prepare the explanatory letters and ballot forms, which will be distributed to parents, normally by pupil post.

The Principal will ensure that parents receive only one ballot form each, even if more than one child from a family attends the school.

If pupils are absent, special arrangements should be made to send the ballot forms and letters to the parents concerned.

The Principal will also ensure that forms are sent to all persons known to be parents of pupils at the school.

The votes will be counted by at least two members of staff. Candidates, or their representatives, may be present if they wish. The two staff members will decide the validity of dubious, or spoilt, ballot papers. The Principal will inform all parents of the name(s) of the successful candidate(s).

If there is a tie, the election will be decided by the drawing of lots.

The successful candidate(s) will be requested to undergo a criminal record and a confirmation of suitability from the DfE. Details of how the check will be carried out will be available from the Academy office.

All ballot papers will be retained securely for six months in case the result is challenged.

7. THE PROCEDURE WHERE VACANCIES CANNOT BE FILLED THROUGH ELECTION

If insufficient numbers of parents are elected to fill vacancies for parent governors, then the Members of the proposed Academy Trust will use their powers to appoint someone.

In such circumstances the Members of the Academy Trust will appoint as a parent governor:

- (i) a person who is the parent of a registered pupil at the school; or failing that

(ii) a person who is the parent of a former registered pupil at the school; or

(iii) a parent of a child under, or of, compulsory school age.

They will not appoint:

(i) anyone ineligible as a result of 4.1(b); or

(ii) anyone ineligible as a result of 4.1(c)

8. CRIMINAL RECORDS CHECK

Being an Academy brings considerable responsibility for the proper management of Academies and the protection of children.

There are important restrictions on who can become a governor (please see Appendix A of this document for details) and the Academy and DfE are empowered to carry out checks to ensure that newly appointed and re-appointed governors are not disqualified by these restrictions.

The checks follow the requirements of the Criminal Justice and Courts Act 2000 and guidance issued by the Department for Education. They include a request by the Academy Trust to make an application for a criminal records disclosure to the Criminal Records Bureau. A person is disqualified from being, or becoming a governor, if he/she refuses this request.

APPENDIX A

DISQUALIFICATION OF GOVERNORS

- No person shall be qualified to be a Governor unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academy shall be a Governor.
- A Governor shall cease to hold office if he becomes incapable by reason of illness or injury or managing or administering his own affairs.
- A Governor shall cease to hold office if he is absent without the permission of the Governors from all their meetings held within a period of six months and the Governors resolve that his office be vacated.
- A person shall be disqualified from holding or continuing to hold office as a Governor if-
 - a) his estate has been sequestrated and sequestration has not been discharged, annulled or reduced; or
 - b) he is the subject of a bankruptcy restrictions order or an interim order.
- A person shall be disqualified from holding or continuing to hold office as a Governor at any time when he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
- A Governor shall cease to hold office if he ceases to be a Governor by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).
- A person shall be disqualified from holding or continuing to hold office as a Governor if he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.
- A person shall be disqualified from holding or continuing to hold office as a Governor where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.
- After the Academy has opened, a person shall be disqualified from holding or continuing to hold office as a Governor if he has not provided to the chairman of the Governors a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the chairman or the Principal confirm their unsuitability to work with children that

person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

- Where by virtue of these Articles a person becomes disqualified from holding, or continuing to hold office as a Governor; and he is, or is proposed to become such a Governor, he shall upon becoming so disqualified give written notice of that fact to the Clerk.