

## Election/Appointment Procedure of Parent Governors

When a vacancy for a parent governor arises it will be necessary to carry out an election process. This process will need to ensure that invitations for nominations are sent to all eligible parents.

*Section 576 of the 1996 Act defines a parent as “the actual parents of a child and any person [i.e. an individual, but not a public or voluntary organisation] who is not an actual parent but who has parental responsibility for the child or who has care for the child”. Thus a child may have more than two eligible parents.*

Schools are required to keep a register of people with parental responsibility (Education Act 1996, s.434). This term is defined in the Children Act 1989.

As clerk to the governing body, you may be asked to assist in the administration of the election procedure; however the responsibility for the process remains with the ‘Returning Officer’. In Kent, the Local Authority has formally delegated this task to the headteacher. Your involvement as clerk will be dependent on factors such as whether you work in the school, have access to the parental register, and time available.

The following is a summary of the election procedure for parent governors

### **Election procedure**

#### **Returning Officer**

The Headteacher should act as Returning Officer to conduct these elections, a function formally delegated by the LA.

#### **Election Period**

The returning officer shall determine an election period as soon as possible and this should not exceed two weeks.

All papers relating to the election (including envelopes and disallowed ballot papers) should be kept for six months in case the election result is challenged. The number of ballot papers issued and the number returned at each election should be recorded to monitor participation.

#### **Nominations**

A letter must be sent by the returning officer to all parents notifying that a parent election is required inviting nominations on an enclosed nomination form. (see example letter and nomination form)

The letter should include information about the voting procedure, together with a notice of the time and date by which nomination forms should be returned. The letter should invite nominees to submit a short statement, (maximum 100 words) which will be circulated to parents in the event of more nominations than vacant posts being received and a ballot then required.

Candidates for election must be supported by a proposer and seconder from among parents entitled to vote in the election (see above). In the case of boarding schools, a seconder will not be required.

Schools must **not** publish or assist with the distribution of manifestos or provide lists of voters to candidates.

#### **Disqualification**

The circumstances which disqualify persons seeking to become a governor (elected or otherwise) are laid down in Schedule 6 of The School Governance (Constitution) (England) Regulations 2003.

#### **Elected Unopposed**

In the event of the number of parents standing for election not exceeding the number of vacancies, the nominees are elected automatically as parent governors.

## **Ballot Process**

If more nominations than vacant posts are received a ballot will need to be conducted. Elections must be by secret ballot, as required by the Education Acts.

A letter giving details of the voting procedure, together with a ballot paper (see example), should be distributed to each parent.

Each ballot paper should be stamped or endorsed for security and it is recommended that they are produced on coloured paper.

Ballot papers should be returned in an inner unmarked envelope and placed in an outer envelope which, is clearly marked 'Parent Governor Election' and bear the name and address of the voter, the name(s) of their child(ren) and should be signed across the seal.

Each parent should have one vote for each vacancy, irrespective of the number of children s/he has at the school.

It is advised that a ballot box is provided for parents to place their ballot papers or they should be advised of other arrangements.

### **Count of Votes/Ballot Papers**

The returning officer at the closing date for return of ballot papers should arrange for candidates and a governor to have the opportunity to be present at the verification and count of ballot papers. The number of ballot papers issued and returned should be recorded to verify the result.

The returning officer determines whether ballot papers are valid. Votes should be allowed where the voter's intention is clear. The election should be decided by a simple majority of votes cast. In the event of a tie lots should be drawn.

Parents and the governing body should be informed of the number of votes cast for each candidate.

All papers relating to the election (including envelopes and disallowed ballot papers) must be kept for six months in case the election result is challenged.

### **Special Units**

In schools with a nursery or special unit, the parents and children attending the unit can take part in parent governor elections in the same way as all other parents at the school.

### **Additional notes of guidance**

The names and addresses of those elected and the date of the election shall be notified to the clerk to the governors without delay. The clerk will issue formal letters of appointment and inform the LA of the appointment.

The date of appointment is either the closing date for nominations where a candidate is elected unopposed or the date of the ballot if more candidates than vacancies were received.

If vacancies for parent governors still exist after an election procedure has been followed, the governing body may appoint the required number of parent governors from parents of children of school age, preferably, although not necessarily, with children at the school (please see chapter 2 of the Guide to the Law). This process is allowed for schools of any category.

The following persons are not eligible to be appointed as parent governors:-

- An elected member of the Local Education Authority.
- An employee of a school paid to work for more than 500 hours in any school year. (i.e. for more than one-third of the hours of a full-time equivalent)

## low Chart for Parent Governor Elections

