



# Guidance Note: Appointment of Parent Governors



## **Guidance for Local Governing Bodies on the appointment of Parent Governors**

Where there is a vacancy for a position of an Elected Parent Governor the local governing body should:

- Take all reasonable steps to fill the vacancy as soon as is reasonably practical
- inform all parents of registered pupils at the school of the vacancy, that they are entitled to stand for election and be given the opportunity to do so
- determine qualifying dates (e.g. final date for nominations, ballot papers to be returned, etc.)
- provide an opportunity for postal voting
- hold the election by secret ballot

The local governing body may not impose any requirements as to the minimum number of votes to be cast for any candidate.

### **Guidance for Local Governing Bodies**

*Delegation:* Conduct of the election may be delegated to the headteacher, or other responsible members of staff. If so, the exact terms of the delegation should be made clear. Overall responsibility, however, remains with the local governing body.

*Timing of elections:* There is no provision for holding an election in advance of the occurrence of a vacancy. Where the term of office of an elected parent governor falls at the end of a school year, the election should be held in the Advent Term, preferably before the first full meeting of the local governing body. At other times, the election should be held as quickly as possible, but if the vacancy falls in the second half of the Pentecost Term, consideration should be given to holding the election over until the new school year to allow for the participation of new parents. Sufficient time should be allowed for information to circulate and ballot papers to be returned. The aim should be to complete the exercise within a month, allowing at least seven school days for receiving nominations and ten school days for the return of ballot papers.

*Eligibility of parents:* Any person who is the parent of a registered pupil at the school has the right to be advised of the vacancy for parent governor, invited to stand for election and the right to vote. This need not be a person with whom the pupil normally resides. Whilst there is no obligation on the school to search exhaustively for every person who might be eligible, the local governing body cannot rule ineligible any person known to be a parent.

The same eligibility and Child Workforce checks apply to parent governors as those applying to Foundation Governors. The school must ensure that a full (enhanced) Child Workforce check, barred list and S128 check has been completed before appointment. The school must also ensure that the prospective governor has signed a declaration of eligibility (see Annex A). The term of office will not commence until after the declaration of eligibility has been returned and the Child Workforce checks have been satisfactorily completed.

*Pre-election publicity:* All reasonable steps should be taken, including a letter by 'pupil post', in the 'Friday newsletter' and a notice on the school website, to advertise the election and invite nominations. Once nominations have been received, it is good practice to give election candidates an opportunity to circulate a mini 'curriculum vitae and manifesto' if they wish to do so. There is no requirement to do this, but the same opportunity must be offered to every

candidate. Candidates should have the necessary skills and experience to enable them to effectively support the school. The school therefore should publish any expectations of what might be considered to be helpful skills and experience in their pre-election publicity so that the 'electorate' (i.e. the parent body) can take this into account before casting their votes.

*Nominations:* The local governing body must decide how nominations are to be presented. It is usual, but not mandatory, to require nominees to secure a proposer and seconder. Some require additional 'sponsors' to ensure that the candidate has a measure of support. Where participation has been low in the past, self-nomination may be acceptable. In any event, the local governing body should secure written confirmation that the nominee is a firm candidate. Where the number of nominees is equal to or less than the number of vacancies, voting is not required.

*Failure to fill the vacancy:* If the number of parents standing for election is less than the number of vacancies, the remaining vacancies must be made up by parents 'appointed' by the local governing body. Ideally, any parent so appointed should be the parent of a registered pupil at the school. Where this is not possible, the person appointed should be the parent of a child of school age.

### **Conduct of the Election**

The electoral method is usually 'first past the post'. Proportional representation is acceptable, but not recommended unless the local governing body is confidently able to manage the complexities.

The local governing body must decide whether each parent receives one ballot paper, or one ballot paper per child. The former is recommended as being fairer albeit more difficult to administer, unless the school maintains (as many now do) a data base of parents and those with parental responsibility. Each parent must receive at least one ballot paper. The ballot paper should list the candidates, preferably in alphabetical order.

Since the ballot must be secret, there can be no requirement for parents to sign the ballot paper.

Counting of votes should take place at a time and place to be determined by the local governing body and be witnessed by at least one responsible person.

The outcome of the election should be notified to the CMAT, the NRCDES, parents, the headteacher, governors and the clerk to the local governing body.

**Term of office and re-election:** The Term of office for a parent governor is four years. Governors can stand for re-election when they have served out their current term. When they cease to be a parent/carer of a registered pupil at the school they must stand down from the governing body.

### **Contacts for further advice:**

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## Governor Confirmation of Eligibility

Grounds for disqualification fall into three broad categories:

- **general grounds;**
- **grounds that apply to particular categories of governor; and**
- **grounds that arise because of particular failings or actions on the part of the governor.**

All the grounds for disqualification apply also to associate members except that associate members can be registered pupils at the school and can be under 18.

### General grounds

- Registered pupils cannot be governors
- A governor must be aged 18 or over at the time of election or appointment
- A person cannot hold more than one governor post at the same school at the same time

### Grounds that apply to particular categories of governor

A person is disqualified from being a foundation governor if they are:

- not a practising Catholic (unless granted special dispensation from the Bishop of Nottingham - arranged through the NRCDES);
- an employee of the CMAT working at the school;
- closely related to an employee of the CMAT working in a position of influence at the school (NRCDES will determine if this applies);
- aged under 18 and/or are a registered pupil at the school.

A person is disqualified from being a parent governor if they are:

- an elected member of the LA or;
- paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).

### Grounds that arise because of particular failings or actions on the part of the governor

A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the local governing body of that school for a continuous period of six months beginning with the date of the first meeting they failed to attend, without the consent of the local governing body. *This does not apply to foundation governors appointed by virtue of their office (parish priests).*

A foundation governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office if that person:

- is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under 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 teachers or workers 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 disqualified from working with children or from registering for childminding 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 Disclosure and Barring Service (DBS) for a DBS Check.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the local governing body.

I declare none of the above circumstances will disqualify my eligibility to continue in the role of governor.