**PROCEDURE FOR THE**

**ELECTION OF STAFF GOVERNORS**

**AND**

**GUIDANCE NOTES FOR HEADTEACHERS/PRINCIPALS**

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**Contact Point**

Governor Support (01522 553240)

Governorsupport@lincolnshire.gov.uk

**ELECTION OF A STAFF GOVERNOR**

**ELECTION PROCEDURE**

1. ***BACKGROUND***

The statutory requirements for the conduct of elections for the staff governor are contained in Regulation 7 and Schedule 2 of the School Governance (Constitution) (England) Regulations 2012.

Schedule 1 to the above Regulations requires “the appropriate authority” (this is the Local Authority for Community, Community Special and Voluntary Controlled schools or the governing body in the case of Voluntary Aided and Foundation schools) to select the electoral methods to be used and the Local Authority has determined that a simple, majority vote system should be used.

The Staff Governor is elected by and from among both the teaching and non-teaching staff at the school.

The procedure to be used for the election of the staff governor to Community, Community Special and Voluntary Controlled school governing bodies is enclosed.

Voluntary Aided and Foundation school governing bodies are recommended to adopt this procedure.

The Headteacher/Principal or their nominated appointee will serve as the Returning Officer. A Returning Officer will not be eligible to stand as a candidate in the election for the staff governor.

Examples of letters, forms and notes to be used are attached for your use. These include:-

* Timescale for the election process (Appendix A)
* Eligibility Criteria (Appendix B)
* Model nomination invitation letter (Appendix C)
* Nomination Form (Appendix D)
* Ballot Paper (Appendix E)
1. ***ELIGIBILITY TO PARTICIPATE IN THE ELECTION PROCESS***

The staff governor is elected by and from among both the teaching and the non-teaching staff at the school. This includes teachers, learning support assistants, school administrators, Premises Officers and any other person who is employed under a contract of employment to work at the school.

**Please note that arrangements must be made to ensure that part-time or absent staff receive all relevant information/papers in advance to ensure that they are able to take a full part in the election.**

***Eligibility to Vote in an Election***

All staff (as defined above) are entitled to vote in the election irrespective of whether the candidate(s) standing are members of the teaching or non-teaching staff.

***Eligibility to Continue as a Staff Governor following a change in Employment***

A staff governor ceases to hold office if he/she ceases to be employed at the school.

1. ***NOMINATION PROCESS***

**The method to be used in the event of tie should be decided before the election, i.e drawing lots or tossing of a coin.**

The Returning Officer will display for a period of 10 working days a notice of vacancy in the Staff Room(s) and other prominent places within the school/college. It is recommended that a copy of the Eligibility Criteria (**Appendix B**) is displayed alongside the staff list. A model nomination invitation letter is attached as (**Appendix C).**

The Returning Officer will supply each member of staff eligible to participate in the election procedure with a nomination invitation letter **(Appendix C)** and a nomination form (**Appendix D**). This may be carried out electronically. However, if using electronic means to send out nomination forms, the school must ensure that staff without access are sent a paper copy of all documentation.

Nominations must have the signed agreement of the person nominated and be signed by one member of staff who is entitled to vote in the election.

**If there is only one nomination, then a ballot is not necessary.**

1. ***BALLOT PROCESS***

Should a ballot be necessary (see 3 above), the Returning Officer will ensure that each member of staff eligible to vote (including absent staff) receives a ballot paper **(Appendix E)** containing the full names of all candidates and the date of Ballot Day.

The voting must be by secret ballot.

Each member of staff entitled to vote should vote by placing a cross on the ballot paper against the name of the candidate of their choice. Any member of staff eligible to vote may abstain from voting.

The ballot paper should be placed in the box provided for the purpose by the Returning Officer. The box will be sealed at the closure of voting day and kept in a secure place within the school/college.

Part-time members of staff or those expected to be absent on Ballot day may vote by post if they wish.

On the next school day following the closure of voting day, the votes will be counted by the Returning Officer in the presence of the candidates if they wish. The candidate with the highest number of votes will be declared elected.

The election will not be invalidated if a member of staff fails to return a ballot paper.

The Returning Officer should inform the Clerk to the Governors of the successful candidate(s). The Clerk to Governors should inform Governor Services utilising the appropriate form.

1. ***TERM OF OFFICE***

The term of office for the Staff Governor will be four years unless a shorter period has been agreed and recorded in the Instrument of Government.

1. **FURTHER CONSIDERATIONS**

The governing body may in addition appoint such number of co-opted governors as it considers necessary which may include those who are also eligible to be elected as staff governors. However, the total number of co-opted governors who are also eligible to be staff governors, when counted with the staff governor and the headteacher, must not exceed one third of the total membership of the governing body.

**APPENDIX A**

**SUGGESTED TIMETABLE FOR THE STAFF GOVERNOR ELECTION**

This timetable is only a suggested one and can be varied to suit an individual school/college. However, the number of days given for each of the stages could be increased but must not be reduced.

 **To be Displayed/Issued:**

Notice of Vacancy Day 1

Nominations papers issued to all such staff Day 1

Closing date for nominations Day 11

List of all nominated staff and date of Day 12

Ballot Day to be displayed

Ballot papers issued to all eligible staff Day 12

Closing Date for Voting Day 23

Day of count Day 24

(**Day = school day**)

**NB** Please note that arrangements must be made to ensure that part-time or absent staff receive all relevant information/papers in advance to allow compliance with the above timescales.

PLEASE NOTE THAT THE APPOINTMENT DATE IS EITHER DAY 11 (CLOSING DATE FOR NOMINATIONS) IF ONLY ONE STAFF MEMBER PUTS FORWARD A NOMINATION FOR THE VACANCIES **OR** DAY 24 (THE COUNT DATE) IF THERE IS A BALLOT.

**APPENDIX B**

**ELIGIBILITY CRITERIA TO SERVE AS A SCHOOL GOVERNOR**

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

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

* is subject to a bankruptcy restriction order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order;
* has had his/her estate sequestrated and the sequestration has not been discharged, annulled or reduced;
* is subject to:
	+ a disqualification order or disqualification undertaking under the Company Directors Act 1986
	+ a disqualification order under the Companies Directors Disqualification (Northern Ireland) Order 2002
	+ a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002
	+ 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 an order made by the Charity Commission or Commissioners or High Court on the grounds of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and Trustees Investment (Scotland) Act 2005 from being concerned in the management or control of anybody;
* 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 working with children under sections 28,29, or 29A of the Criminal Justice and Court Services Act 2000;
* is disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010 for child minding 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 3 months (without the option of a fine) in the 5 years before or since becoming a governor;
* has received a prison sentence of 2½ years or more in the 20 years before becoming a governor;
* has at any time received a prison sentence of 5 years or more;
* has been convicted under section 547 of EA 1996 (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992 (nuisance or disturbance on educational premise) during the 5 years prior to or since appointment or election as a governor;
* is employed at the school for more than 500 hours per academic year if wishing to stand for parent governor at the same school;
* is an elected member of the Local Authority (applies to parent and community governors only);
* has refused a request by the clerk to the governing body to make an application under section 113B of the Police Act 1997 for a criminal records certificate
* has been disqualified from holding office as a governor of this school due to failure to attend governing body meetings for a continuous period of six months
* has been removed as a governor at a school under Regulation 25 of the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2017 within the last 5 years

**(For further clarification or advice on eligibility, please contact your Headteacher)**

**APPENDIX C**

**Model Nomination Invitation Letter**

Dear Colleague

Election of Staff Governor

I am writing to advise that there is a vacancy for one staff governor on our governing body and to invite you to stand for election or to nominate another colleague to do so.

The governing body, with the headteacher, has overall responsibility for the running of the school. Governing bodies have three main roles:-

* 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.

Governors need a strong commitment to the role, the inquisitiveness to question and analyse and the willingness to learn. All governors have the same roles and responsibilities and as a staff governor you would be a representative member of staff, not a staff representative.

A staff governor serves for a < number > year term of office. We meet <how many times a year> and a <number/names> of committees who usually meet <once/twice> a term. < Schools may also wish to include the expected commitment of a governor in terms of attendance at meetings and visits >

If you would like to stand for election or wish to nominate someone else, you should complete the nomination form provided. Completed nomination forms must be returned by the end of the school day on <\*\*date\*\*>. If there is more than one nomination, a ballot will be held.

If you would like further information on your eligibility to serve as a staff governor or on the role of a governor, please contact me.

Yours sincerely

Returning Officer

**APPENDIX D**

**NOMINATION FORM FOR THE ELECTION OF THE STAFF GOVERNOR**

**\*\*(NAME OF SCHOOL/COLLEGE)\*\***

***TO BE COMPLETED BY THE CANDIDATE***

**Name:**  ……………………………………..……………………….………

**(please print)**

**Signature** ………………………………………………………………………

***TO BE COMPLETED BY THE MEMBER OF STAFF NOMINATING THE CANDIDATE***

**STAFF MEMBER**

**Name:**  ………….…………………………………..………………………

**(please print)**

**Signature** ………………………………………………………………………

**This form must be returned to the school by the end of the day on (\*\*date\*\*) at the latest.**

**APPENDIX E**

**BALLOT PAPER FOR ELECTION OF THE STAFF GOVERNOR**

**(\*\*NAME OF SCHOOL/COLLEGE\*\*)**

***LIST OF CANDIDATES***

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1. NAME OF CANDIDATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. NAME OF CANDIDATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. NAME OF CANDIDATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. NAME OF CANDIDATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

You may only vote for ONE candidate(s) by putting an X in the appropriate box). You should not put any other mark on the ballot paper.

**This form must be returned to the school by the end of the day on (\*\*date\*\*) at the latest.**