



EDUCATION AND SKILLS DIRECTORATE, BIRMINGHAM CITY COUNCIL

GUIDANCE FOR HEADTEACHERS ON HOLDING STAFF GOVERNOR ELECTIONS IN MAINTAINED SCHOOLS

1. Introduction

- 1.1 Under the provisions contained within the Education Act 2002 as amended and The School Governance (Constitution) (England) Regulations 2012, the Local Authority (LA) as the “appropriate authority”, delegates the function of electing staff governors at maintained community schools, community special schools, maintained nursery schools and voluntary controlled schools to the schools themselves, with the Headteacher acting in the role of returning officer.
- 1.2 At voluntary aided schools, foundation schools or foundation special schools the Governing Board (GB) is the “appropriate authority” for the conduct of staff governor elections and must determine its own arrangements. In most cases these schools will either follow the LA’s guidance, or the procedure recommended by the school’s founding body.
- 1.3 The procedure for recruiting staff governors at academies is likely to be found in documents such as their funding agreement, the articles of association, delegation or procedural document.
- 1.4 Staff governors are elected by other staff at the school. The LA expects Headteacher returning officers to have regard to the [Statutory Guidance \(click here\)](#) on the constitution of maintained school GBs and make every effort to conduct informed staff governor elections in which the expectations and credentials of prospective candidates are made clear.

2. When to conduct the election

- 2.1 To allow for a seamless transition, it is good practice to hold the election in advance of the outgoing governor’s end of term of office e.g. a month or six weeks ahead. This will allow for the newly elected governor’s term of office to commence immediately following the end of the term of office of the previous post holder.

3. Who is eligible to stand as a staff governor and vote?

- 3.1 Staff who work at the school and are employed by the GB or the LA under a contract of employment and are employed at the time of the election are eligible for nomination as staff governors, providing they are not disqualified from holding office as a governor under Schedule 4 of the School Governance (Constitution) (England) Regulations 2012 (**see Appendix G Qualifications and Disqualifications to serve as a School Governor**).

4. The Election Process

- 4.1 When a serving staff governor is reaching the end of their term of office, the clerk to governors will inform the GB and Headteacher. A timetable for an election is drawn up by the Headteacher that minimises delay and avoids school holidays. The election process should take place over a three-week period (see Appendix A for flowchart). Reference should be made to the most recent skills audit to identify desirable skills required by the GB. Identified skill preferences can be referred to in the letter calling for nominations.

- 4.2 The returning officer will send to each person eligible to be elected the following:
- 4.2.1 A letter to all eligible members of staff who qualify under paragraph 3.1 notifying them that an election for a staff governor is required. This letter should state the date of the election which is the date of the count of ballot papers. **(see Appendix B for model letter calling for nomination).**
 - 4.2.2 The nomination form that will indicate the closing date for nominations, which will be not less than five school days from the date of issue. Candidates will be invited to submit a statement in support of their nomination **(see Appendix C for the model nomination form).**
 - 4.2.3 A list of qualifications and disqualifications to serve as a school governor **(see Appendix G for list of those persons who qualify for election or appointment as a staff governor and those who are disqualified from serving as a school governor).**
- 4.3 Staff may self-nominate, but if a staff member wishes to nominate another member of staff they should seek their approval before submitting the nomination.
- 4.4 If more nominations are received than there are vacancies then a ballot will be required **(see section 5 Holding the Ballot).**
- 4.5 Where only one candidate is nominated, then that candidate will be elected unopposed from the date of the close of nominations.
- 4.6 If no member of staff stands for election to fill the vacancy, the returning officer should contact School & Governor Support for advice.

5. Holding the Ballot

Note: The School Governance (Constitution) (England) Regulations 2012 allow for voting by electronic means. If you intend to provide this facility, please contact School & Governor Support.

- 5.1 If there are more nominations than vacancies, a ballot will be held. Letters, ballot papers and return envelopes marked in the bottom left hand corner “Governor Election” will be sent to all eligible members of staff. The letters will set out that:
- 5.1.1 All staff employed by the LA or the GB under a contract of employment and who work at the school are entitled to vote.
 - 5.1.2 The closing date and time for receipt of ballot papers, which will be not less than five school days.
 - 5.1.3 If applicable, the candidates’ personal statements will be enclosed.
- (see Appendix D for the model ballot letter and Appendix E for the model ballot voting paper).**
- 5.2 Some schools may be concerned about the security and confidentiality of voting and might consider using a “double envelope” voting system **(see Appendix F for details of the double envelope system).**
- 5.3 A ballot box will be provided in the school reception area, and staff will also be given the option to vote by post.

- 5.4 The ballot box should be secured and returned postal envelopes must be locked away unopened until the closing date.
- 5.5 At the closing date for return of ballot papers, the returning officer will count the votes in front of at least two witnesses. Candidates and governors will be invited to attend the count, but there is no requirement for either to attend. The returning officer is responsible for determining whether a “spoiled” ballot should be included. The outcome of the vote will be decided by the simple majority vote system.
- 5.6 In the event of a tie there should be a recount. If this does not produce a clear result, the returning officer should, in the presence of the independent witnesses, who are not candidates, draw lots and the candidate picked will be the elected governor.
- 5.7 Term of office start date.
- 5.7.1 If the staff governor position on the GB is vacant at the time of the election the start date for the term of office is one of the following:
- if no ballot was required the term of office starts on the closing date for nominations; or
 - if a ballot was required the term of office starts on the day of the ballot count.
- 5.7.2 If applicable the term of office for the newly elected staff governor commences the day after the end of term of office of the currently serving staff governor.

6. Post Ballot Actions

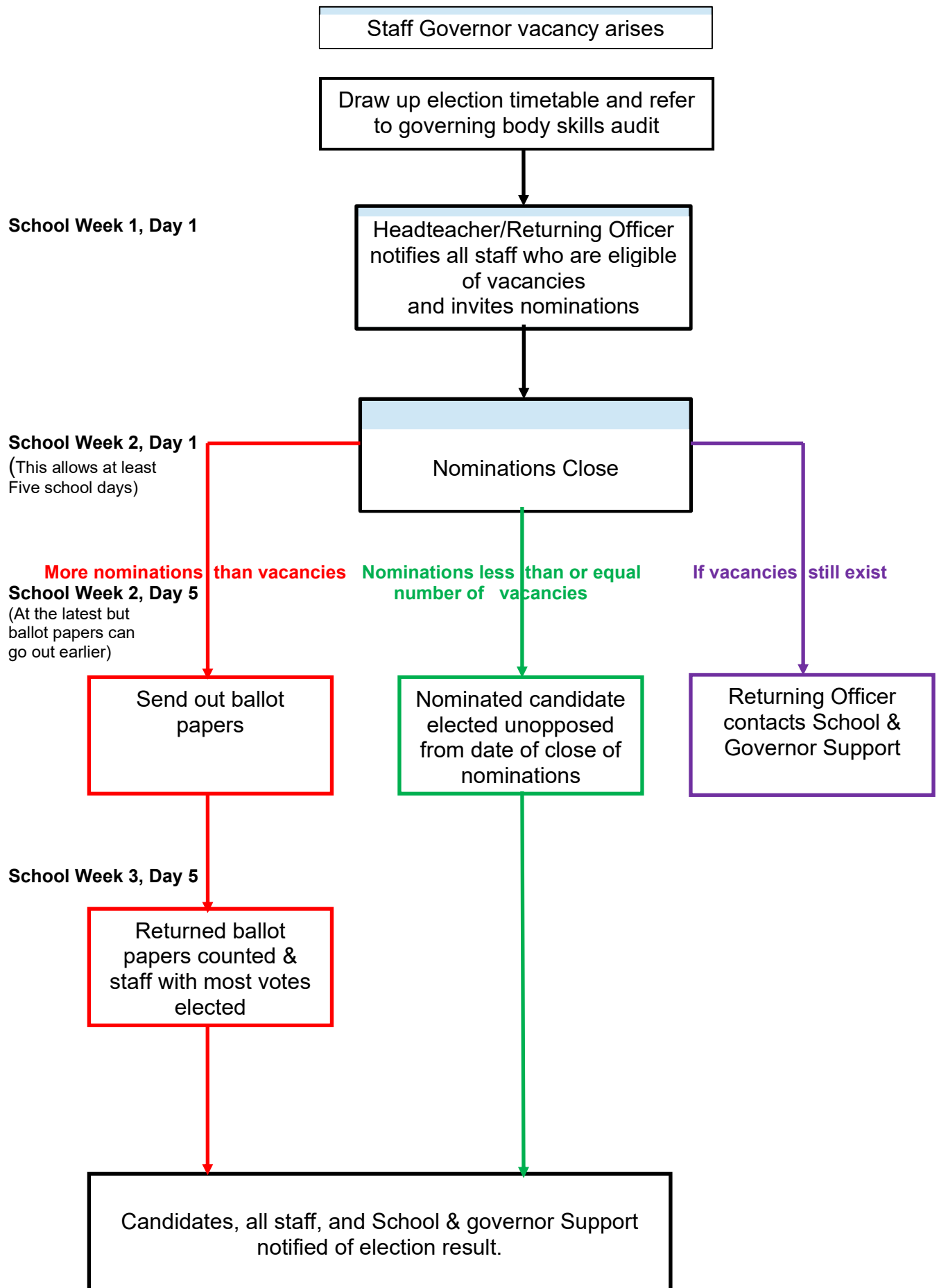
- 6.1 The Headteacher will request the clerk/governance professional to take the following actions:
- 6.1.1 Inform candidates of the result of the ballot.
- 6.1.2 Once the candidates have been informed, the result of the election should be notified to all members of staff. This could be via a Staff Notice board/school website. Governor information on the school’s website should also be updated.
- 6.1.3 Inform the Local Authority of the result of the election by emailing School & Governor Support at governors@birmingham.gov.uk and provide: the name, address, contact details of the elected staff governor and term of office (refer to the Instrument of Government).
- 6.1.4 Provide the elected governor with a copy of the governing body’s induction pack including details of governor induction training and how to book a place.
- 6.2 The ballot papers must be retained securely in school for six months in case the election result is challenged.

7. Questions relating to the conduct of elections

Any questions relating to the conduct of elections outlined in this guidance including the rights of persons to vote, other than on matters reserved to the returning officer, should in the first instance be referred to School & Governor Support who may refer for determination to the Assistant Director of the Education & Skills Directorate who may refer the question to the Lead Cabinet Member for Childrens Services (LMCS) if they so choose but whose decision shall otherwise be final.

END

Appendix A - Flowchart



Appendix B – Model nomination letter

Dear Colleague,

STAFF GOVERNOR ELECTION

I am writing to invite you to stand for election as a staff governor or nominate another member of staff to do so. In our school we have provision for one staff governor and there is currently a vacancy.

The enclosed sheet summarises the circumstances under which someone cannot serve as a governor. Any person nominating another member of staff or nominating themselves must be employed by the LA or the GB under a contract of employment and work at the school.

The GB, with the headteacher, has overall responsibility for the running of the school. The role of a school governor is to contribute to the work of the GB in ensuring high standards of achievement for all children and young people in the school by:

- ensuring clarity of vision, ethos and strategic direction;
- holding the headteacher to account for the educational performance of the school, its pupils, and the performance management of staff; and
- overseeing the financial performance of the school and making sure its money is well spent.

The role of governor can be demanding but very rewarding. Staff governors serve a *<insert no. of years>* year term of office and under usual circumstances, can expect to spend between 10 and 20 days a year on governing duties. These include:

- attending meetings of the GB, usually outside of school hours and contributing to GB business;
- reading reports and papers and keeping up to date on the progress that the school is making; and
- visiting the school from time to time during the school day.

You will be expected to sign a governors' Code of Conduct, and to have:

- a strong commitment to the role and improving outcomes for children
- the inquisitiveness to question and analyse;
- the willingness to learn;
- good inter-personal skills;
- appropriate levels of literacy in English (unless a GB is prepared to make special arrangements); and
- sufficient numeracy skills to understand basic data.

In addition to be above, we would particularly welcome nominations from staff with the following skills *<description of desired skills>*. Training is available for all governors and this GB has an expectation that those new to school governance attend free induction training.

If you would like to stand for election, please complete the enclosed nomination form and return it to the school no later than <insert date>. You may also include a personal statement to support your nomination. There is no limit on the length of this statement, however, we encourage candidates to be succinct when setting out the skills, experience, and attributes that they can bring to the GB to support their nomination. Self-nominations will be accepted, but if you are nominating another member of staff please seek their prior consent.

If there are more nominations than vacancies the election will be by secret ballot on <insert date>. If that is necessary, voting papers will be sent to all staff together with details of the ballot procedure.

To find out more about our school's GB (i.e. frequency of meetings etc) and the GB's code of conduct please contact <insert contact details>.

Yours faithfully,

Returning Officer

Enc. Nomination form
Governor disqualification details

Appendix C – Model nomination form

{Enter school name}

NOMINATION FORM for the election of staff governors

Please enter IN BLOCK LETTERS the name and address of the person being nominated for election:

Name: _____

Address:

Signature of person nominated: _____

Signature of proposer (if different to nominee): _____

Name and address in BLOCK letters of proposer (if different to nominee):

Please complete your personal statement on the reverse of this nomination form.

There is no limit on the length of this statement, however, we encourage candidates to read the nomination letter carefully and be succinct when setting out the skills, experience and attributes that they can bring to the Governing Board (GB) to support their nomination.

Your personal statement will be provided to each person who is eligible to vote.

Completed nomination forms must be returned to the school by <insert date>

Personal Statement

I wish to submit my nomination for the election of staff governor

I confirm (i) that I am willing to stand as a candidate for election as a staff governor and (ii) that I am not disqualified from holding office for any of the reasons set out in the School Governance (Constitution) (England) Regulations 2012.

Signature

(Date)

Appendix D – Model ballot letter

Dear Colleague,

STAFF GOVERNOR ELECTION

I wrote to you on *<insert date>* to invite nominations for the vacancy for a staff governor. This letter referred to the following skills and experience the Governing Board (GB) ideally requires at this time *<description of desired skills>*.

I am delighted to say that there has been a good response and there are *<insert number>* candidates for the one vacancy. This means we must now hold a ballot.

Attached to this letter is:

- a ballot paper with the names of the candidates (in alphabetical order)
- a copy of the personal statements from the candidates who are *<insert staff names>*

You may vote for one candidate only. Each member of staff can only submit one ballot paper. As indicated on the ballot paper you should vote by marking an X alongside the name of the member of staff you support.

Once you have marked the ballot paper you should seal it in the envelope provided. This should then be put in the ballot box, which can be found *<named location, e.g. school foyer>* by *<insert date>*. If it is not possible for you to vote in person, please return to the following address: *<insert address for returning officer>*. If you are voting by post, please ensure you allow enough time for your ballot paper to arrive no later than the closing date. Any postal votes received after this date will not be counted.

Or if using the double enveloping system remove the paragraph above and replace with the paragraph below

Once you have marked the ballot paper you should seal it in the blank envelope. This should be placed in the addressed envelope and handed in to the school at the reception desk. They will check your entitlement to vote and immediately place the envelope containing the ballot paper in the ballot box.

The election will be decided by a simple majority of votes cast. In the event of a tie, lots will be drawn.

When the election has been completed, I will let you know the outcome. If in the meantime you have any queries, please let me know.

Thank you for taking the time and trouble to support this election.

Yours faithfully,

Returning Officer

Appendix E – Model ballot voting paper

Include personal statements separately.

Election of Staff Governor <insert school name>

There is one vacancy for a staff governor. You may vote for one candidate only.

Candidates

Election of staff governor – <insert school name>

Candidate	Mark an 'X' to indicate your vote

Appendix F – Model ballot envelope (if using a double envelope system)

Using a Doubled Envelope Voting System

In order to ensure confidentiality, staff will be provided with two envelopes one unmarked and one printed. They will be asked to enclose the completed ballot paper in the unmarked envelope, enclose this in the printed envelope, which the voter should complete and sign. This is to allow the returning officer to check eligibility to vote. A ballot box will be provided in the school's reception area, and staff will also be given the option to vote by post. No arrangements will be made for proxy voting.

As and when ballot papers are returned, the returning officer will check the name on each outer envelope for entitlement to vote and make a record of the return of the ballot paper. This should be done in the presence of at least one witness. The inner envelope will then be removed and placed in the ballot box for counting when the ballot closes.

The outer envelope should be printed with the following information for the staff to complete.

Election of staff governors at *<insert school name>*

Voting form returned by:

Name

Signature

Appendix G –Qualifications and disqualifications to serve as a school governor

Qualifications and disqualifications to serve as a school governor

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 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.

A person is disqualified from being a local authority governor if they are eligible to be a staff governor at the school.

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

- a parent of a registered pupil at the school;
- eligible to be a staff governor at the school;
- an elected member of the local authority; or
- employed by the local authority in connection with its education functions.

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 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 governing body. This does not apply to the headteacher or to foundation governors appointed by virtue of their office.

A foundation, local authority, co-opted or partnership 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 as a governor of a school if, in summary, that person:

- is the subject of a bankruptcy restrictions order; an interim bankruptcy restrictions order; debt relief restrictions order; an interim debt relief restrictions order; or their estate has been sequestered 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 the Companies

(Northern Ireland) Order 2002; 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 trustee for a charity by an order made by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body.
- has been removed from office as an elected governor within the last five years.
- is included in the list of people 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 subject to a direction of the Secretary of State under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008
- is disqualified from working with children or from registering for child-minding or providing day care
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State 22
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has been sentenced to three months or more in prison (without the option of a fine) in the five years ending with the date preceding the date of appointment/election as a governor or since becoming a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has received a prison sentence of two and a half years or more in the 20 years ending with the date preceding the date of appointment/election as a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has at any time received a prison sentence of five years or more
- has been convicted and fined for causing a nuisance or disturbance on school or educational premises during the five years ending with the date immediately preceding appointment/election or since appointment or election as a governor
- refuses a request by the clerk to make an application to the Disclosure And Barring Service for a criminal records certificate.

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