



**Shaw  
Education  
Trust**

# **Election Procedures for Electing Academy Councillors**



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## 1.0 Introduction

- 1.0 These guidelines set out the procedures for holding and running an election for
1. Teaching Academy Councillor
  2. Support Staff Academy Councillor
  3. Parent Academy Councillor
- 1.1 The Trust's SET Governance Handbook states that Academy Councils should comprise a minimum of seven members, including:
- At least two co-opted Academy Councillors, whose appointments must be agreed by the Shaw Education Trust. (Whilst there is no maximum number of co-opted members, Academy Councils must ensure that they have a highly effective board. Too many members may make this more difficult. To this end, the recommendation is to have an Academy Council with around 9-12 members in total, but this may also depend on the size of the academy. It is important that any significant additions to the number of members is first of all discussed with SET).
  - Two elected parents of a pupil at the Academy known as Parent Academy Councillors; this is a minimum.
  - Two employees of the Academy. This usually comprises one teacher and one member of support staff, elected by employees of the Academy. Any exceptions to this must be clearly identified and agreed by the CEO,
  - The Principal of the Academy (ex-officio)
  - The Shaw Education Trust reserve to the right to add any number of Academy Councillors as they see fit
- 1.2 The responsibility for holding and running the election process is delegated to the Principal. For the purposes of this guidance this person is referred to as the Returning Officer (RO). They may delegate the administration of the election to the Academy clerk if the clerk is employed in school. If the clerk is appointed externally the RO will need to confirm whether the clerk can support the process given the potential restrictions under the Service Level Agreement or contract.
- 1.3 Current incumbents in elected positions need to re-stand for election when their term of office ends – there is no automatic right to reappointment. It is feasible to change categories but advice must be sought from the Trust's Central Team before any change can be made.
- 1.4 All AC positions are approved by the CEO irrespective of whether they have been elected or appointed.

1.5 Terms of office are 4 years unless otherwise stated.

1.6 The eligibility criteria are outlined in Annex 1.

## 2.0 The Procedure

### Before the election

- 2.0 When a serving Academy Councillor in one of the three categories listed above is reaching the end of their term of office the clerk will inform the Academy Council. It is preferable that this notice period is at least one half term as this will allow time for the election to take place.
- 2.1 A timetable for the election must be agreed which both allows time for consideration and minimises delays. It is good practice to avoid any school holidays.
- 2.2 The RO will ensure that the vacancy for the position is clearly advertised. This can include in staff and parent newsletters and on the website in case of parents.
- 2.3 For the purposes of electing a Parent AC; parents are eligible to stand if they have parental responsibility and this is known to the school; and it can include grandparents with parental responsibility.
- 2.4 Nomination forms must be sent to all eligible staff including those on sickness or maternity leave as they are eligible to stand in any election. This does not include any peripatetic staff, Trust Representatives or those on short term contracts e.g. short term supply staff. If there are any staff on long term supply please seek advice from the COO/Head of Governance.
- 2.5 In the case of the parent body each parent with parental responsibility will receive a nomination paper.
- 2.6 The nomination form must clearly state the closing date and the time for the receipt of nominations. This should be at least 10 school days from the date of issue but no longer than 15 school days.
- 2.7 A box for the receipt of nomination forms for staff elections must be placed in the staff room and for any staff who are not in school at the time of the process e.g. they are on maternity leave the RO may post the forms using a pre-paid envelope.
- 2.8 For parent elections this must be in the school reception area and must be in a safe and secure box.

## 3.0 Canvassing

- 3.0 In the letter informing the school community about the election there should be a statement on canvassing. Candidates are encouraged to write a short statement about themselves and why they should be elected but canvassing should be discouraged.

## 4.0 On the closing date for nominations

- 4.0 The following applies to all three categories of AC:
- As soon as possible, after the closing date for nominations the RO will review the nominations, assess, and check for eligibility and the correct completion of the nomination form.
  - If the number of accepted nominations is equal to or less than the number of vacancies these will be deemed unopposed and the forms submitted to the CEO for final approval.
  - If no nominations are received or those that are received are deemed ineligible then the process must be re-run.

## 5.0 Holding an election

- 5.0 If there are more nominations than vacancies a ballot will be conducted.
- 5.1 Letters, ballot papers and return envelopes must be sent to all eligible staff (including those on sickness and maternity leave) and parents. Adequate administrative time should be allocated to this task.
- 5.2 The letter should set out clearly the instructions for voting in the election;
- 5.3 If applicable the candidate's personal statements should be attached – these do not need to be more than 500 words (or one side of A4). This could include a photograph but this is a personal choice.
- 5.4 The closing date and time for receipt of the ballot papers which will be not less than 10 school days but no more than 15 school days from the date of the letter. This should be clearly stated and papers received after this date will not be counted. This needs to be explicitly stated in the advert.
- 5.5 As with nomination forms a safe and secure box should be placed in such a position as to allow privacy whilst allowing surveillance.
- 5.6 Each ballot paper should be numbered although not identifiable in any other way – this ensures that the process can be monitored.
- 5.7 Ballot papers should be printed on coloured paper and marked in such a way as to avoid duplication.
- 5.8 There is to be no facility for proxy voting; although staff on sickness or maternity leave must be issued with a postal vote; again with a prepaid envelope.

## 6.0 After the ballot closes

- 6.0 The RO will open the box in the presence of the candidates or their nominated representatives.
- 6.1 The ballots will be counted and the outcome is determined by a simple

majority vote system. If there is a tie ballots will be recounted. If there is still a tie and unless one candidate withdraws voluntarily a further election should be held. If there is a co-opted vacancy on the AC and the unsuccessful candidate has the requisite skill set needed then it is possible that they could take up this place. Again this is subject to the approval of the CEO.

- 6.2 Ballot papers will be retained securely for 6 months in case of challenge and the numbers of ballots cast in total and for each candidate must be recorded.
- 6.3 It is the responsibility of the RO to notify the AC of the outcome of the elections and to ensure that the requisite forms are submitted to the CEO for final ratification.

## 7.0 On Appointment

- 7.0 All successful candidates are required to make the following written declaration:
- That they will abide by the Academy Council Code of Conduct;
  - That they are not disqualified from becoming an Academy Councillor by reason of any provision in the Terms of Reference for Local Academy Councils (and by extension the Articles of Association of the Academy Trust).
  - Confirm they understand that they must disclose any personal interest they may have in any matter to be discussed at a meeting of the Academy Councillors in accordance with paragraph 8 of the Constitution and Terms of Reference for Local Academy Councils (or as prescribed by the Trustees of the Academy Trust from time to time).
- 7.1 All Academy Councillors are required to complete a Disclose and Barring Service check prior to starting in the role. Staff will already be in receipt of an enhanced DBS and undertaking a further DBS for the purposes of being a StaffAC is not necessary.

## **Annex 1: Please note that you cannot be an Academy Councillor if you meet one or more of the following criteria:**

- You are under 18 at the time of your election or appointment or you are a registered pupil at a SET academy; or
- You have been detained under the Mental Health Act 1983; or
- You have failed to attend academy council meetings, without the consent of the Academy Council, for a continuous period of six months, beginning with the date of the first meeting missed (not applicable to ex-officio Academy Councillors); or
- You are subject to a bankruptcy restriction order or an interim order; or
- You have had your estate sequestrated and the sequestration order has not been discharged, annulled or reduced; or
- You are subject to:
  - i) a disqualification order or disqualification undertaking under the Company Directors Act 1986;
  - ii) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989;
  - iii) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002;
  - iv) an order made under Section 492(2)(b) of the Insolvency Act 1986 (failure to pay under a County Court administration order); or
- You have been removed from the office of charity trustee or trustee for a charity by the Charity Commissioners or High Court on grounds of any misconduct or mismanagement, or under Section 32 of the Charities and Trustees Investment (Scotland) Act 2005 from participating in the management or control of any body; or
- You are included in the list of people considered by the Secretary of State as unsuitable to work with children; or
- You are disqualified from working with children or subject to a direction under Section 142 of the Education Act 2002; or
- You are disqualified from registration for childminding or providing day care; or
- You are disqualified from registration under Part 3 of the Childcare Act 2006; or

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- You have received a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) in the five years before becoming a Academy Councillor or since becoming a Academy Councillor; or
- You have, at any time, received a prison sentence; or
- You have been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a Academy Councillor; or
- You refuse to allow an application to the Disclosure and Barring Service for a criminal records certificate.



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