

Electing parent governors - maintained schools

All governors regardless of their constituency are elected or appointed with one common purpose – to govern the school in the best interest of pupils. Parent governors are no exception. They are not elected to represent their stakeholder group, but are elected in order to contribute to the work of the governing body in ensuring high standards of achievement for all children and young people in the school, contributing to strategic discussion, holding senior leaders to account by monitoring school performance and ensuring money is well spent.

Having board members who bring different perspectives and knowledge to the board strengthens it. Elections can provide a useful device for ensuring that not all members of the board are appointed and that those with different views are able to join the board. But irrespective of how governors are appointed, it is crucial that they are confident in their role, committed to asking challenging questions and equipped with the confidence to have the courageous conversations essential for good governance being achieved.

Constitution

The required number of parent governors on your governing body, will be set out in the instrument of government, although the Constitution Regulations 2012 provide for a minimum of two parent governors. When recruiting parent governors, schools cannot simply choose the second choice from the previous election when a parent governor resigns but instead will need to go through the whole election process as detailed below.

A parent governor is defined as a person who is elected as a member of the governing body of the school, by parents of registered pupils at the school, and who is a parent at the time s/he is elected. “Parent” includes any individual who has or has had parental responsibility for, or cares or has cared for, a child or young person under the age of 19. A person is disqualified from standing for election or appointment as a parent governor if s/he is:

- An elected member of the local education authority; or
- Paid to work at the school for more than 500 hours in any consecutive 12 month period (at the time of the election or appointment); or
- Subject to any of the disqualifications under the Regulations (see Appendix F below).

Elections for parent governors must be organised by the ‘appropriate authority’ which must take reasonably practicable steps to ensure that every parent of registered pupils at the school are:

- Informed of the vacancy and the fact that it is required to be filled by election;
- Informed that they are entitled to stand as a candidate and vote in the election; and
- Given the opportunity to do so.

For community, community special, maintained nursery and voluntary controlled schools, the appropriate authority will be the local authority (LA). For voluntary aided, foundation or foundation special schools, it will be the governing body.

Where the LA is the appropriate authority, it is common for the responsibility for parent elections to be delegated to the headteacher, who commonly acts as the ‘returning officer’. In some cases, the school may use the clerk to the governors or appoint another member of staff as returning officer. Where the appropriate authority is the governing body, the chair or clerk to governors may be the returning officer.

It is good practice to have an agreed, documented procedure in place so that it is clear to all parents what the process is and that it is transparent and objective. In addition to the formal election procedure, you might want to consider providing additional guidance on other aspects of the election process.

For example, many parents use social media, and may use this as a canvassing tool to garner support. The school cannot prevent parents from using social media - indeed this may be a good way

for the school to raise awareness of the school governor role. Although, it would be a good idea to place the full range of candidate information on the school website.

The Regulations provide an entitlement for parents to vote by post, including delivery by hand, but also provides for the opportunity to vote by electronic means. Use of such a system must not preclude voting by post or delivery by hand but should be an extension of the process.

Some schools have chosen to allow parents to vote using an online election system and whilst this is permissible under the Regulations, local authorities and governing bodies will need to be satisfied that the integrity of the secret ballot is maintained. The key things to think about when considering opting for an electronic voting system include:

- A cross-referencing mechanism to account for those parents voting online and those voting by paper, in order to avoid multiple entries from individuals
- An authentication procedure to ensure that only those eligible to vote, actually do so and can only do so once
- Data protection - the school would have to be clear about how personal information may be stored and used by such a system and ensure that this is made clear to parents
- School resources in terms of set up, maintenance and staffing costs.

In the event that there are fewer candidates than vacancies, the governing body must appoint a parent of a registered pupil at the school. Although, if it is not possible to do so (for example where no other parent wishes to be appointed), the governing body may appoint the parent of a former registered pupil, or a parent of a child under or of compulsory school age.

Election Procedure

1. When a serving parent governor is reaching the end of his/her term of office, the clerk to governors will inform the governing body and headteacher. A timetable for an election is agreed that minimises delay and avoids school holidays.
2. The returning officer will send a letter to all parents notifying them that an election for a parent governor is required and inviting nominations on an enclosed nomination form. The invitation and nomination form will also be placed on the school website. The returning officer will also enclose a sheet setting out the circumstances in which someone is not allowed to serve as a governor. The nomination form will indicate the closing date for nominations, which will be not less than 10 school days from the date of issue. Candidates will be invited to submit a statement in support of their nomination, which should be no longer than 250 words.
3. The governing body carries out a regular skills audit of governors and on occasion, may ask for parents with particular skills/experience to put their name forwards for election. This does not preclude any other member of the parent body from standing for election.
4. Parents may self-nominate but if a parent wishes to nominate another parent, they should seek their approval before submitting the nomination.
5. Where the number of candidates nominated is equal to or fewer than the number of vacancies, then all those nominated will be elected unopposed. If too few parents stand for election to fill all the vacancies, the governing body will appoint parent governors to the vacancy or vacancies in accordance with the School Governance (Constitution) (England) Regulations 2012.
6. If there are more nominations than vacancies, a ballot will be conducted. Letters, ballot papers and return envelopes will be sent to all parents. The letters will set out that:
 - All parents of registered pupils are entitled to vote. Depending on the number of vacancies, parents may be asked to vote for more than one candidate. Each parent can submit one ballot form, regardless of the number of children they have attending the school;
 - The closing date and time for receipt of ballot papers, which will be no less than 10 school days;
 - If applicable, the candidates' personal statements will be enclosed

7. A ballot box will be provided in the school reception area, and parents will also be given the option to vote by post. No arrangements will be made for proxy voting.
8. Returned envelopes must be locked away unopened until the closing date.
9. 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 witness this, 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.
10. 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 witnesses, draw lots.
11. The clerk to governors will inform all candidates individually about the result of the ballot. The clerk will also notify the local authority of the names of successful candidates, stating the period of appointment as set out in the instrument of government.
12. Other parents will be notified of the result via school newsletter and/or website.
13. The ballot papers will be retained securely for six months in case the election result is challenged.

Some schools may be concerned about the confidentiality of voting and might consider using a "double envelope" voting system. These schools may wish to replace steps 7 and 8 with the following:

In order to ensure confidentiality, parents 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, then 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 [reception area/foyer], and parents 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.