



ELECTION OF PARENT COUNCILLOR PROCEDURES

Endeavour Learning Trust

1. INTRODUCTION

ELT is responsible for the organisation of Parent Councillor Elections and any enquiry or dispute shall be dealt with and, if necessary, determined by the Chief Executive Officer.

Responsibility for the conduct of a Parent Councillor election in an individual academy is delegated to the Head of School/Headteacher, as returning officer, and elections shall be conducted in accordance with the procedures set out in this document.

2. NUMBER OF PARENT COUNCILLORS

Each Local Academy Council (LAC) will have two parent councillors.

A "Parent Councillor" is

- a) a person who is elected as an Academy Councillor by parents of registered pupils at the academy and who is himself/herself such a parent at the time when elected, or
- b) a person appointed as a Parent Councillor (specific circumstances apply to this)

Registered pupils at an academy would include children in nursery classes attached to a primary academy, and children in special units attached to the academy.

3. DEFINITION OF PARENT

Section 576 of the Education Act 1996 defines a parent as:

- all natural parents, whether they are married or not;
- any person who, although not a natural parent, has parental responsibility (as defined in Children Act 1989) for a child or young person
- any person who, although not a natural parent, has care of a child or young person.

Having care of a child means that a person with whom a child lives and who looks after the child, irrespective of what their relationship with the child is, is considered to be a parent in education law.

4. ELIGIBILITY TO STAND FOR ELECTION AS A PARENT COUNCILLOR AND TO PARTICIPATE IN PARENT COUNCILLOR ELECTIONS

Anyone who is the parent of a registered pupil at the school and who is not disqualified from holding office (see 3.2) is eligible to stand for election as a Parent Councillor.

A person is disqualified from election or appointment as a Parent Councillor of an academy if they are paid to work at the school for more than 500 hours in any consecutive twelve-month period or, when he/she ceases to be a parent of a registered pupil at the school. Parent Councillors whose child leaves school during their term of office are entitled to complete their term.

Other disqualification criteria are set out Appendix One below.

Anyone who is a parent of a registered pupil at the academy may nominate themselves or propose candidates for election, and may vote in the elections.

Each parent shall have one vote per vacancy, regardless of the number of children s/he has in the academy. Academies must make every effort to ensure that each parent receives only 1 nomination and ballot paper regardless of how many children s/he has on roll at the academy.

5. PROCEDURES TO BE FOLLOWED IN THE EVENT OF A VACANCY

Send a letter, using email where possible, to everyone who is known to be a parent of a child in the academy. The letter should include the following information:

- number of vacancies to be filled;
- nomination form;
- where to get additional copies of the nomination form, if required (e.g. school office)
- closing date for the return of nomination forms to the school (a minimum of seven days from the date of the letter);
- Attention will be drawn to the disqualification criteria that prevail in respect of holding office as an Academy Councillor of the school. This will include the following paragraph:

“The letter includes a list of the disqualification criteria which you must read (and assure yourself that you comply with) before nominating yourself or accepting a nomination. Anyone requiring additional information on this subject can contact the Clerk to the Academy Councillors. All Academy Councillors will be appointed subject to the successful completion of an enhanced DBS check. Academy Councillors can take up their duties from the date of their appointment providing they have submitted their completed DBS form to the school office”.

Parents may nominate themselves, however, if a parent is nominated by another parent, the nominee must sign to indicate acceptance of the nomination. Both parents must sign to confirm they are parents of a registered pupil at the academy. There is no requirement for the nomination to be seconded.

As nomination forms are received check that they have been signed by the proposer and/or nominee. If any signature is missing please return the nomination form forthwith to either the parent who has nominated themselves, or the proposer.

The Head of School/Headteacher must ensure before any election is called, that every person nominated and every proposer is a parent of a registered pupil at the academy. Also that every nominee confirms in writing that s/he is a parent of a registered pupil at the academy and is willing to stand for election as a Parent Councillor and is not disqualified from holding office as an Academy Councillor of the academy if elected.

If the number of nominations received is equal to, or fewer than, the number of vacancies, then there is no need to hold an election and those nominated should be declared elected

and procedures recommenced for filling any remaining vacancy or vacancies. In such cases, an email should immediately be sent to parents advising them of the names of candidates elected.

It will be necessary to reproduce enough copies of the personal statement and of the standard ballot paper sent with these notes to enable each parent to have one copy.

Send a letter to every parent to include the following:

- one ballot paper per parent plus personal statements (every parent must receive a ballot paper). Ballot papers must not be marked in any way which could lead to the identification of the voter, nor should the voter sign anything attached to the ballot paper;
- closing date for the return of ballot papers to the academy (**minimum seven days from the date of despatch of the ballot papers**);
- information on location of ballot box where voting papers may be placed by parent or pupil returning them personally, e.g. in academy office or reception area.

All ballot papers, regardless of how they are returned, must be put in a secure ballot box (which must be locked away at night) and not removed until the time of the count.

Voting by proxy will not be allowed i.e. if a parent is for any reason unable personally to vote (e.g. because s/he is away on business or on holiday), it will not be possible for the parent to make arrangements for another person to vote on her/his behalf.

Duplicate ballot papers should only be issued if the parent completes a letter verifying that the original was not received or has been lost, and that s/he will vote only once in the election and will destroy the original ballot paper if found.

6. COUNTING THE VOTE

The electoral method is first-past-the-post.

The Head of School/Headteacher, as returning officer, is responsible for counting the votes and for deciding the validity of dubious or spoilt voting papers.

The Head of School/Headteacher should not undertake this task without witnesses (any member of staff or Local Academy Council who does not have a personal interest in the outcome of the voting may act as witness).

Votes must not be counted or removed from the secure ballot box until after the closing date.

Depending on the number of vacancies, the candidate or candidates gaining the most votes should be declared elected.

If the number of votes cast for any two or more candidates differs by less than five there should be an automatic recount.

Certain ties will not be important, e.g. if there are four Parent Councillor places and two candidates tie for first, second or third places, then both should be declared elected.

In the event of a tie for the only or last remaining place to be filled the votes should be recounted and in the event of the result being confirmed the candidates with equal votes should be invited to come to be interviewed by the Local Academy Council in order that the most suitable candidate can be invited to join the board.

7. AFTER THE ELECTION

The clerk to the LAC should be advised of the result immediately in order that letters of appointment and other relevant information may be sent to the successful candidate(s).

The Head of School/Headteacher is required to notify the Academy Councillors and the parents of the result of the election.

Details of the number of ballot papers issued and returned should be recorded and ballot papers retained securely for six months after the date of the election in case the result is challenged.

8. APPOINTED PARENT COUNCILLORS

Academies must make every reasonable effort to fill Parent Councillor vacancies through elections. Only if insufficient parents stand for election can the Local Academy Council appoint:

- a) a parent of a registered pupil at the school, or if that is not possible,
- b) a parent of a former pupil at the school, or if that is not possible,
- c) a parent of a child of or under compulsory school age

APPENDIX ONE QUALIFICATIONS AND DISQUALIFICATIONS

No person shall be qualified to be an Academy Councillor unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academy shall be an Academy Councillor.

An Academy Councillor shall cease to hold office if he becomes incapable by reason of mental disorder, illness or injury of managing or administering his own affairs.

An Academy Councillor may be disqualified from office if he fails to attend Local Academy Council meetings over a six month period, commencing from the date of the first Local Academy Council missed, without the permission of the Academy Councillors.

An Academy Councillor shall cease to hold office if he would be disqualified from acting as a charity trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).

A person shall be disqualified from holding or continuing to hold office as an Academy Councillor:-

a. If: -

- his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;
- he is the subject of a bankruptcy restrictions order or an interim order.

b. at any time when he is: -

- included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted under section 1 of the Protection of Children Act 1999; or
- disqualified from working with children under section 28, 29, 29A and 29B of the Criminal Justice and Court Services Act 2000.

c. if he is a person in respect of whom a direction has been made under section 142 of the Education Act 2002.

d. where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 72 of the Charities Act 1993.

e. if he has not successfully completed a DBS check.

Where a person becomes disqualified from holding, or continuing to hold office as an Academy Councillor and he is, or is proposed, to become such an Academy Councillor, he shall upon becoming so disqualified give written notice of that fact to the Clerk.