



# Governor Elections in Catholic Voluntary Aided Schools

Guidance for governing bodies of Catholic schools in the Archdiocese of Birmingham on procedures for the election of parent and staff governors

September 2012



**DIOCESAN EDUCATION SERVICE**

Archdiocese of Birmingham Registered Charity No 234216

*Making Christ Known Today*



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## 1 INTRODUCTION

This guidance has been adapted from a document prepared jointly in 2002 by officers of Diocesan Schools Commission (DSC) and the City of Coventry for use in Catholic schools in Coventry. This revised edition by the Diocesan Education Service derives from the Education Act 2002 and conforms to the provisions of the Statutory Instruments '*School Governance (Constitution)(England) Regulations 2007 (2007 No.957) and 2012 (2012 No. 1034)*'. It is recommended by the DES as an appropriate model for use by Catholic Voluntary Aided schools in the Archdiocese of Birmingham.

### 1.1 Why are elections necessary?

The 2002 Act places a binding legal duty on the governing body to hold elections. Sections 19 (2) and 20 (2) (3) confers powers on the Secretary of State to make regulations to ensure, among other things, that members of the parent body and staff employed at a school be elected to serve as governors. The obligation applies to all categories of maintained school, including voluntary aided schools.

All schools under the Trust Deed of the Archdiocese of Birmingham have voluntary aided status and, as such, the governing body is responsible for determining the process whereby the elections take place. In both the Statutory Instruments, Schedule 1 applies to the election of parent governors and Schedule 2 to staff governors.

The Regulations allow for a governing body to ask the local authority (LA) to take over their responsibilities for the election of parent governors and to delegate the election of staff governors to the headteacher. However, only in exceptional circumstances would a Catholic school governing body hand its responsibility in this matter to an outside secular body. Should a governing body consider that it faces such circumstances and needs to consider the possibility, advice should be sought from the Director of Education at the DES as early as possible before any decision is made.

On the other hand, it is usual for the governing body to delegate the responsibility of elections to one of their number. In that circumstance it should, preferably, be a foundation governor.

### 1.2 When are elections held?

Elections for parent and staff governors should take place whenever there is a vacancy for a governor in these categories. The election should be held as soon as practically possible after the vacancy arises. The successful candidate shall hold office for a new term of office as specified in the Instrument.

### 1.3 Eligibility and terms of office

Parent and staff governors serve for a period between one and four years as determined by the governing body when the Instrument of Government is made. Terms other than four years are recorded in the Instrument of Government. Different categories of governor may have different periods of office but all governors within any one category must have the same term of office.

### 1.4 Model letters and forms

- This guidance is available from the DES website in Word format from: <http://www.bdes.org.uk>
- This enables the letters and forms in the appendices to be downloaded and adapted where necessary by schools for their own use.

**ELECTION  
OF  
PARENT GOVERNOR**

## 2 ELECTION OF PARENT GOVERNORS

### 2.1 Constitution and term of office

- The Instrument of Government indicates the number of parent governors who are eligible to be elected and their terms of office. The term of office is 4 years (or less if indicated in the Instrument of Government) from the date of the election unless they resign as a governor in the interim period. A parent governor does not have to resign from the governing body if his/her children are no longer registered as pupils in the school.
- A **parent governor** is defined in the Regulations as:  
**a person who is elected by parents of registered pupils at the school and is such a parent at the time of when he is elected.**

#### Where the Instrument of Government was made before September 2012<sup>1</sup>

For the purposes of election, the term 'parent' applies to 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 18

#### Where the Instrument of Government was made on or after 1 September 2012<sup>2</sup>

For the purposes of election, the term 'parent' applies to 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

- It is possible for a child to have more than two parents eligible to participate in the election. Although it is not required to take extraordinary measures to find every person who might qualify, the Returning Officer should not rule anyone as ineligible who is known to be a 'parent'.
- A parent is ineligible for election if (s)he is an elected member of the LA or employed to work at the school for more than 500 hours in any twelve consecutive months.
- Voting is on the basis of one vote per parent per vacancy.
- If it should be the case that no parent stands for election, the regulations provide alternatives for the governing body to ensure there is some form of parental representation on the governing body (see details in section 2.4).
- Parent governors may finish their term of office even if their child leaves the school. The parent governor role is not to represent parents in the sense of being a delegate but to bring to the governing body the qualities and insights that they have because they are a parent of a child in the school with first hand knowledge of all that it means. They are not a representative of the parents but a representative parent.

### 2.2 Election procedures

- The governing body should appoint a Returning Officer, acting on their behalf, to be responsible for the organisation and administration of the election process. The appointed Returning Officer should be a foundation governor who should have regard to any advice prepared by the Diocesan Education Service.
- The governing body should also appoint from their number a 'Scrutineer' to support the Returning Officer when counting votes. Again, the person appointed should be a foundation governor.

<sup>1</sup> (The School Governance (Constitution)(England) Regulations 2007, Regulation 5)

<sup>2</sup> (The School Governance (Constitution)(England) Regulations 2012, Regulation 7)

## 2.3 Nomination procedure

- The Returning Officer must take reasonable efforts to inform all parents of their rights to nominate, stand as a candidate and vote.
- Written notice of the election of a parent governor, issued by the Chair of the Governors, should be circulated through the school to the parents of all registered pupils in the school. Additionally, notices may also be given by way of Parish notices in those Parishes serving the areas from which the children of the school are drawn.
- Written notice of the election must clearly indicate:
  - Rules of eligibility.
  - The usual period of office.
  - Intimation of likely frequency of meetings.
  - Election procedures.
  - Nomination and election timetable.
  - Name and address of the Returning Officer.
- A notice of election should be sent to **all** parents of registered pupils containing the above information (**see model letter at Appendix A**).
- The failure on the part of any parent to receive notice of the election shall not invalidate the procedure or election.
- If the governing body so wishes a paragraph may be included setting out the commitment involved in being a governor. Guidance is contained in the Diocesan Handbook for Governors 'Governance Matters'  
<http://www.bdes.org.uk/Uploads/governance%20matters%20revised%20140812%20mm.pdf>
- There should be a tear-off slip at the bottom of the notice of election letter for parents to return to school indicating that they have received the letter. Reasonable efforts should be made to ensure delivery of the letter and the return of the acknowledgement slip.
- The governing body must decide on election procedures before the election process starts. It is good practice for a candidate for election to be proposed by two other parents of registered pupils at the school on a form provided for the purpose on request from the Returning Officer (**see Appendix C**).
- Any parent seeking to be elected as a parent governor is required to agree to undertake a disclosure from the Criminal Records Bureau (CRB). (N.B. the LA will be responsible for carrying out the Criminal Records checking process).
- If a parent refuses to undertake such a disclosure then they will be ineligible to stand for election to the governing body. Guidance on the type of offence or conviction that would prevent a parent from serving as a governor is given in **Appendix C**.
- The candidate is required to sign the nomination form confirming their acceptance of the nomination.
- The completed nomination forms must be received by the returning officer on a date and time specified in the letter inviting nominations. The Returning Officer should allow a reasonable length of time for the collection and return of nomination forms. A period of not less than ten school days is suggested. **Nominations must not be accepted after the specified closing date/time.**
- In the event of more nominations being received than there are vacancies the Returning Officer shall prepare and distribute ballot papers (see item 2.6 below).

## 2.4 Uncontested election

- If, following the receipt of nomination forms, there are the same number of nominations as there are vacancies then a ballot is not required and the candidate(s) shall be duly elected unopposed.

## 2.5 Election arrangements

- If there are more candidates than vacancies, an election must be held with voting taking place by secret ballot during a specified period.
- The returning officer should organise the voting and the duration of the vote to suit the needs of the school. The process should allow a reasonable length of time for the procedure to be carried out freely, efficiently and democratically. A period of not less than six school days is suggested for the casting of votes.
- The arrangements should provide for every parent to have the opportunity to vote by post or by hand. The arrangements may also include the opportunity to do so by electronic means.

## 2.6 Ballot papers

- The returning officer shall prepare a ballot paper, listing the full names of all candidates properly nominated in alphabetical order together with a covering letter outlining the arrangements for the ballot. Supporting statements from the candidate(s) can be printed on the reverse of the ballot paper or in a covering letter if such has been agreed by the governing body. (If that is what the governing body require, candidates should be provided with very clear instructions as to the nature and length of their supporting statement).
- The ballot paper should be sent to parents via the normal methods used by the school. Model ballot papers (and an accompanying letter if required) are attached at **Appendices E & F**. (N.B. If using 'pupil post', ballot papers will need to be posted, or delivered, to all parents whose children are absent from school on the day the ballot papers are issued).
  - The ballot paper shall contain clear instructions on:
    - How to vote.
    - The date by which the ballot paper must be returned.
    - The name and address to which the ballot papers must be returned.
    - The method by which the ballot papers must be returned. If returned by pupil post or Royal Mail, the envelope must be clearly marked '**Parent Governor Election - Ballot Paper**'.
    - The date and time of the count.
  - If a covering letter is sent as well as the ballot paper it will need to provide parents with the same details as on the ballot paper.
  - Each eligible parent is entitled to only one ballot paper BUT if a ballot paper is inadvertently spoilt (or lost by the pupil) a duplicate may be issued by the returning officer, who should make a record of the event.
  - In order to ensure the integrity of the election the ballot papers should be produced on a coloured (i.e. other than white) paper, to minimise the risk of photocopying, and:
    - Each paper should be marked with an individual number. They should be numbered consecutively, with the first number chosen at random (i.e. with 500 ballot papers these could be numbered in the following ways - 47 to 546, or 1 to 500, or 1405 to 1905 etc.). More than one set of consecutive numbers may be used. The sequence(s) of numbers should be recorded in order to check the validity of returned ballot papers at the count.

- Failure on the part of the governors, Returning Officer or any person in the school to ensure that the ballot is a secret one may render the election null and void. Ballot papers should, therefore, be returned in sealed envelopes.

**NB. The numbers of individual ballot papers should not be recorded against the names of individual parents.**

- If the governing body is running Parent and Staff Governor elections simultaneously it may be helpful to distinguish between them by using different coloured ballot papers.
- A vote cast on a form other than a ballot paper shall be ruled void and not counted.
- Any ballot paper signed or marked in any way other than that stipulated should be deemed a spoiled vote and not counted.
- Voting by proxy is not allowed.
- A parent may cast a vote for as many candidates as there are vacancies to be filled i.e.
  - 1 vacancy = 1 vote for 1 candidate
  - 2 vacancies = 2 votes, one each for 2 different candidates.
- The election is not invalidated by the failure of any individual to receive or to return a ballot paper.
- The returning officer should ensure that a suitable sealed and locked ballot box(es) are provided at a convenient point(s) within the school. It (they) should be stored in a safe place at the end of each day. Envelopes returned by pupil post or Royal mail should be clearly marked '**Parent Governor Election - Ballot Paper**'. They must be left in the envelope, stored safely and only opened by the Returning Officer at the appropriate time.

## 2.7 The count

- The counting of ballot papers and the declaration of result should follow soon after the close of voting. If it is necessary to defer counting until the next day, the box(es) should remain sealed with the aperture also now sealed and stored overnight in a safe place.
- The returning officer will have the responsibility for deciding the validity of dubious or spoilt ballot papers, but can refer for guidance to the DES.
- The returning officer should consult all the candidates prior to the voting day to establish whether or not they wish to be present during the counting of votes.
- At the close of the counting, the returning officer should announce the result. In the event of a close result the returning officer should recount the votes. It is a matter for the governing body to determine the margin of votes that would constitute a 'close' result before the election process begins. We advise that 'close' might be any case where the difference in votes cast between the 'elected' candidate and the unsuccessful candidate(s) with the next highest number of votes is less than 6. However, the actual number chosen is a matter for the governing body.
- In any event any candidate may ask for a recount if the result is close. As a general rule when recounting votes this process should be repeated until the same number has been achieved twice.
- In the event of a tie the returning officer should first recount the votes. If the result remains the same the returning officer should draw lots to determine the successful candidate. In such circumstances any candidate whose votes have

tied should be present, or have been invited to be present. It would be preferable if all affected candidates were present.

## 2.8 Declaration of result

- Parents should be informed of the result of the election by the Returning Officer in the most appropriate method, for example in a letter to parents, in the regular school newsletter, or a notice displayed on a public notice board at the school (**see Appendix G or H**).
- The returning officer should forward the results to the clerk to the governors immediately following the election using the declaration of result form (**see Appendix H**).
- On receipt of the notification, the clerk will:
  - Inform the DES and LA.
  - Arrange for the LA to undertake the appropriate checks.
  - Communicate the result to the governing body at its next meeting.
  - Formally write to the newly elected governor(s) setting out the arrangements for future meetings etc.
  - Arrange for the governor to receive all necessary and appropriate literature e.g. Instrument of Government; Diocesan Handbook for Governors of Catholic Schools 'Governance Matters'.

## 2.9 After the election

- The ballot papers should be retained securely by the Returning Officer for a period of at least six months, in case the election result is challenged.
- It is good practice to note the number of ballot papers issued and the number returned in order to monitor participation.

## 2.10 When vacancies cannot be filled

- If there are fewer nominated candidates than vacancies, the vacancies must be filled by parents appointed by the governing body. They may appoint:
  - A parent of a pupil at the school or if that is not possible
  - A parent of former pupil or if that is not possible
  - A parent of any child under or of compulsory school age

## 2.11 Interpretation

- Any query or complaint concerning the election procedures shall be referred in the first instance to the governing body whose decision shall be final and binding on all those concerned. It is the responsibility of the governing body to decide who is eligible for nomination or eligible to vote. Governors are asked to remember that in some cases these may be sensitive issues and urged to take advice in the event of any concerns that may be raised.

## 2.12 Invalid procedures

- Where the governors are satisfied, by simple majority vote at a duly appointed meeting, that the procedures adopted in any election have been improperly conducted or that the secret ballot has not been achieved, then they shall declare the election null and void and initiate fresh election procedures.
- Any questions or areas of doubt concerning the election of parent governors should be referred to the Diocesan Education Service before any formal decision is made.

**APPENDIX A**  
***[Publish on school headed notepaper]***

**MODEL LETTER TO PARENTS REQUESTING NOMINATIONS**

***[Insert date]***

Dear Parent

**ELECTION OF PARENT GOVERNORS**

The Instrument of Government for ***[insert school name]*** as constituted under the Education Act 2002 requires that the governing body must include ***[insert number]*** parent governor(s) who have been elected by the parents of registered pupils of the school and who are themselves parents of registered pupils of the school at the time of their election. However, any parent who is an elected member of the local authority or employed to work at the school for more than 500 hours in any twelve consecutive months is not eligible to be a parent government.

There is/are currently ***[insert number]*** vacancy(ies) and you are therefore invited to take part in the election of ***[insert number]*** parent governor(s) for this school who will serve on the governing body for ***[insert number]*** years unless they resign the post in the interim.

Nomination forms are available from ***[insert name]*** and must be returned to the school no later than ***[insert time]*** am/pm on ***[insert date]*** Should ***[insert number]*** or fewer nominations be received by the official closing date, the candidate(s) will be duly elected unopposed. In the event of there being ***[insert number]*** or more nominations an election will take place between ***[insert date]*** and ***[insert date]***. Information on voting arrangements will be sent to you at a later date.

Please note that you should not participate in more nominations than there are vacancies. Each nomination requires two proposers.

In the meantime, please acknowledge receipt of this letter by returning the slip given below.

Yours sincerely

Returning Officer

\_\_\_\_\_

I, the undersigned, being a parent of ..... in class .....  
acknowledge receipt of your recent letter concerning the election of parent governors.

Signed: .....

Date: .....

Please return to: ***[insert name of contact and school address]***

## APPENDIX B

### Becoming a Parent Governor

Not everyone can become a governor. There are some restrictions. They are set out in Schedule 6 of The School Governance (Constitution)(England) Regulations 2007 (2007 No.957) and Schedule 4 of the 'School Governance (Constitution)(England) Regulations 2012 (2012 No. 1034), which have legal force in this area. Relevant details are printed on the reverse of the nomination paper. Remember also that any parent who is an elected member of the LA or employed to work at the school for more than 500 hours in any twelve consecutive months **is not eligible** for election.

By signing the nomination paper eligible candidates indicates that they understand and accept the stated conditions, agree to undertake a disclosure via the **Criminal Records Bureau** (CRB) if necessary and accept that an appointment will not become valid until a disclosure has been obtained.

Should you, in the course of your work in the school, have unsupervised access to pupils it will be necessary to have an enhanced CRB check which would identify any possible criminal offences which apply. The same provisions apply to non-governor members of governing body committees or working parties.

Refusal to submit to the check would result in disqualification as a governor.

In the case of elected parent governors (and non-governor members of governing body committees or working parties), the LA will be responsible for undertaking the necessary CRB checking process

**If there is any doubt as to eligibility or whether a disclosure is required in a particular circumstance, the clerk to the governors or governors overseeing the election should contact the DES for guidance.**

**APPENDIX C**  
**[Publish on school headed notepaper]**

**MODEL NOMINATION FORM**

**NOMINATION OF PARENT(S) TO SERVE ON THE GOVERNING BODY OF [Insert name of school] FOR [insert number] YEARS**

<b>Candidate Name (Block capitals)</b>	
--	--

<b>Nominator 1 Name (Block capitals)</b>	<b>Address</b>		
<b>Parent of</b>		<b>Year(s)</b>	
<b>Signature</b>		<b>Date</b>	

<b>Nominator 2 Name (Block capitals)</b>	<b>Address</b>		
<b>Parent of</b>		<b>Year(s)</b>	
<b>Signature</b>		<b>Date</b>	

I accept the above nomination. In the event of a ballot being necessary I wish the attached information in support of my candidature (e.g. comprising not more than 100 words) to be circulated to those entitled to vote.

I understand that neither the governing body nor Returning Officer bear any responsibility for the validity of any statement made.

By signing this nomination paper I acknowledge that I understand and accept the conditions printed overleaf, agree to undertake a disclosure via the Criminal Records Bureau and accept that my appointment, if elected, will not be valid until such a disclosure has been obtained.

<b>Candidate Name (Block capitals)</b>	<b>Address</b>		
<b>Parent of</b>		<b>Year(s)</b>	
<b>Signature</b>		<b>Date</b>	

Please return to: **[insert return address and closing date]**

See overleaf

## APPENDIX C

For the purposes of election under an Instrument of Government made before 1 September 2012

If elected to serve as a Governor, I hereby recognise and confirm that:

- i. My appointment places a statutory duty upon me to ensure that the religious character of the school is preserved and developed and that the school is conducted in accordance with the provisions of the Archdiocesan Trust Deed [Schedule 9, paragraph 2(a) and (b), School Standards and Framework Act, 1998].
- ii. My appointment requires me to comply with the provisions of Canon Law, the teachings of the Catholic Church and such determinations made by the Archbishop and his Trustees and their agent, the DES, in respect of the school or other schools situated in the Archdiocese.

I confirm that I am not subject to any disqualification from membership of a Governing Body in accordance with the appropriate regulations for this purpose School Governance (Constitution) (England) Regulations 2007 .

Under the above regulations, I declare that I am not disqualified from serving as a school governor and that:

- i. **I am not** a registered pupil at the school.
- ii. **I am** aged 18 or over at the date of this appointment;
- iii. **I am not** liable to be detained under the Mental Health Act 1983;
- iv. **I am not** an elected member of the local authority.
- v. **I am not** paid to work at the school for more than 500 hours in any twelve consecutive months.
- vi. **I am not** a bankrupt.
- vii. **I am not** subject to a disqualification order under the Company Directors Disqualification Act 1986; the Company Directors Disqualification (Northern Ireland) Order 1989 or 2002 or to an order made under section 429(2)(b) of the Insolvency Act 1986;
- viii. **I have not** been removed from the office of a charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement or, been removed under section 34 of the Charities and Trustee Investment (Scotland) Act 2005, from being concerned in the management or control of any body;
- ix. **I am not** included in the list kept under section 1 of the Protection of Children Act 1999 (List 99) of those considered by the Secretary of State as unsuitable to work with children; subject to a direction of the Secretary of State under section 142 of EA 2002 (or any other disqualification, prohibition or restriction which takes effect as it contained in such a direction; barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006; disqualified from working with children under sections 28,29 or 29A of the Criminal Justice and Court Services Act 2000; disqualified from registration under Part 10A of the Children Act 1989 for child minding or providing day care; or disqualified from registration under Part 3 of the Childcare Act 2006
- x. **I have not**, within the period of five years ending with the date immediately preceding the date on which the appointment is due to take effect, received a sentence of imprisonment, suspended or otherwise, for a period of not less than three months without the option of a fine;
- xi. **I have not**, in the twenty years ending with the date immediately preceding the date on which the appointment is due to take effect, been convicted of any offence and had passed on me a sentence of imprisonment for a period of not less than two and a half years;
- xii. **I have not**, at any time, had passed on me a sentence of imprisonment for a period of not less than five years;
- xiii. **I have not** been fined, in the five years prior to becoming a governor, for causing a nuisance or disturbance on education premises;

## APPENDIX C

For the purposes of election under an Instrument of Government made on or after 1 September 2012

If elected to serve as a Governor, I hereby recognise and confirm that:

- i. My appointment places a statutory duty upon me to ensure that the religious character of the school is preserved and developed and that the school is conducted in accordance with the provisions of the Archdiocesan Trust Deed [Schedule 9, paragraph 2(a) and (b), School Standards and Framework Act, 1998].
- ii. My appointment requires me to comply with the provisions of Canon Law, the teachings of the Catholic Church and such determinations made by the Archbishop and his Trustees and their agent, the DES, in respect of the school or other schools situated in the Archdiocese.

Under the above regulations, I declare that I am not disqualified from serving as a school governor and that:

- i. **I am not** a registered pupil at the school.
- ii. **I am** aged 18 or over at the date of this appointment;
- iii. **I am not** an elected member of the local authority.
- iv. **I am not** paid to work at the school for more than 500 hours in any twelve consecutive months.
- v. **I am not** a bankrupt.
- vi. **I am not** subject to a disqualification order under the Company Directors Disqualification Act 1986; the Company Directors Disqualification (Northern Ireland) Order 2002 or to an order made under section 429(2)(b) of the Insolvency Act 1986;
- vii. **I have not** been removed from the office of a charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement or, been removed under section 34 of the Charities and Trustee Investment (Scotland) Act 2005, from being concerned in the management or control of any body;
- viii. **I am not** included in the list kept under section 1 of the Protection of Children Act 1999 (List 99) of those considered by the Secretary of State as unsuitable to work with children; subject to a direction of the Secretary of State under section 142 of EA 2002 (or any other disqualification, prohibition or restriction which takes effect as it contained in such a direction; barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006; disqualified from working with children under sections 28,29 or 29A of the Criminal Justice and Court Services Act 2000; disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010 for child minding or providing day care; or disqualified from registration under Part 3 of the Childcare Act 2006
- ix. **I have not**, within the period of five years ending with the date immediately preceding the date on which the appointment is due to take effect, received a sentence of imprisonment, suspended or otherwise, for a period of not less than three months without the option of a fine;
- x. **I have not**, in the twenty years ending with the date immediately preceding the date on which the appointment is due to take effect, been convicted of any offence and had passed on me a sentence of imprisonment for a period of not less than two and a half years;
- xi. **I have not**, at any time, had passed on me a sentence of imprisonment for a period of not less than five years;
- xii. **I have not** been fined, in the five years prior to becoming a governor, for causing a nuisance or disturbance on education premises;

**APPENDIX D**  
*[Publish on school headed notepaper]*

**WHEN INSUFFICIENT NOMINATIONS HAVE BEEN RECEIVED TO REQUIRE A BALLOT**

**MODEL LETTER TO PARENTS SETTING OUT THE RESULT OF THE NOMINATIONS FOR  
PARENT GOVERNOR(S)**

*[Insert date]*

Dear Parent

**NOMINATIONS FOR PARENT GOVERNOR(S)**

I am writing to inform you that following the request for nominations in respect of the *[insert number]* vacancy(ies) for parent governor(s), *[insert number]* nominations were received at the school by the official closing date.

In accordance with the rules of the election, the following parent(s) has/have therefore been duly elected unopposed to serve as parent governor(s) of the school. He/she/they can be contacted via the school

<b>Name (Block capitals)</b>		
<b>Parent of</b>		<b>Year(s)</b>

<b>Name (Block capitals)</b>		
<b>Parent of</b>		<b>Year(s)</b>

The above parent governor(s) is/are entitled in accordance with the Instrument of Government to serve for a period of *[insert number]* years at the school from *[insert date - normally the date of their election]* unless he/she/they resign as (a) governor(s) in the interim.

Yours sincerely

*[insert name]*  
Returning Officer

**APPENDIX E**  
*[Publish on school headed notepaper]*

**WHEN A SECRET BALLOT IS NECESSARY**

**MODEL LETTER TO PARENTS**

*[Insert date]*

Dear Parent

**ELECTION OF PARENT(S) TO SERVE ON THE GOVERNING BODY OF *[insert name of school]*  
FOR A PERIOD OF *[insert number]* YEARS.**

I am writing to inform you that following the request for nominations in respect of the *[insert number]* vacancy(ies) for parent governor(s) the following nominations have been received from parents wishing to serve as parent governors on the school's governing body for a period of *[insert number]* years.

A ballot is therefore necessary and a ballot paper is attached for your use. You may record one vote for up to *[insert number]* candidate(s) of your choice. You may not vote twice for the same candidate or vote for more than *[insert number]* candidate(s). To assist you in this matter brief details of candidates (where they have been submitted) are attached *[insert at discretion of governing body]*.

Ballot papers may be placed by you in the ballot box(es) situated *[insert location]* or returned to me in a sealed envelope clearly marked "Parent Governor Election - Ballot Paper". The ballot paper may be returned by post or, if you prefer, sent to school with a registered pupil of the school.

The closing date for the receipt of votes is on *[insert date]* at *[insert time]*am/pm. Any votes cast after this time will be invalid.

The counting of votes and declaration of result will take place on *[insert date and time]* and you will be informed of the result as soon as possible after that date.

Yours sincerely

Returning Officer

**APPENDIX F**  
***[Publish on school headed notepaper]***  
**WHEN A SECRET BALLOT IS NECESSARY**  
**MODEL BALLOT PAPER**

***[Insert Number]***

**BALLOT PAPER**

**ELECTION OF *[insert number]* PARENT GOVERNOR(S) TO SERVE ON THE GOVERNING BODY OF *[insert name of school]* FOR A PERIOD OF *[insert number]* YEARS**

Theresa Eleanor ADLINGTON	
Orla Deirdre DANIELS	
Eddie Grahame GOUGH	
John Adam McFADDEN	
Vijay Lal SHARMA	
Anthony Neil THOMAS	
Denise Emily Carol WILLIAMS	

Please place X in the box provided next to the names of up to ***[insert number]*** candidate(s) of your choice. No other marks should be made. Incorrectly completed or defaced papers will be invalid.

Signed ***[Insert name]*** Returning Officer

Date: ***[Insert date]***

Envelopes returned by pupil post or Royal mail should be clearly marked 'Parent Governor Election - Ballot Paper' and returned to: The Returning Officer ***[insert school address]***

**APPENDIX G**  
*[Publish on school headed notepaper]*

**RESULT OF THE ELECTION OF PARENT GOVERNORS FOLLOWING A SECRET BALLOT**

**MODEL LETTER TO PARENTS**

*[Insert date]*

Dear Parent

**ELECTION OF *[insert number]* PARENT GOVERNOR(S) TO SERVE ON THE GOVERNING BODY OF *[insert name of school]* FOR A PERIOD OF *[insert number]* YEARS.**

I am writing to inform you that the result of the recent election for *[insert number]* parent governor(s) to serve on the school's governing body for the period until *[insert date]* is as follows:

<b>Candidates</b>	<b>Votes</b>
Mary Jane BLACK	xx
Tina EDWARDS	xx
George Frederick JONES	xx
Amrat PATEL	xx
Michael McCARTHY	xx
David Charles SMITH	xx
Joan WOOD	xx

The total number of votes cast xxx

The number of spoiled votes xx

In accordance with the rules of the election, the following parent(s) has/have therefore been elected to serve as the parent governor(s) of the school

.....

.....

The above is/are entitled, in accordance with the Instrument of Government, to serve as parent governor(s) of the school for a period of *[insert number]* years from the date of his/her/their election unless he/she/they resign the post in the interim.

Yours sincerely

***[Insert name]***  
Returning Officer

**APPENDIX H**  
***[Publish on school headed notepaper]***

**MODEL DECLARATION OF RESULT FORM - PARENT GOVERNOR(S)**  
**FOR DISPLAY ON SCHOOL NOTICEBOARD OR SIMILAR**

I ***[insert name]*** being the Returning Officer of ***[insert name of school]*** certify that:

1. All parents eligible to vote have:
  - (a) Been informed of the election and invited to make nominations.
  - (b) Been made aware of the candidates, date and method of election.
  - (c) Been given the opportunity to vote by secret ballot and that the secrecy of the ballot has been maintained.
2. The following votes were cast for each individual candidate:

- |    |                             |    |
|----|-----------------------------|----|
| 1. | <b><i>[Insert name]</i></b> | xx |
| 2. | <b><i>[Insert name]</i></b> | xx |
| 3. | <b><i>[Insert name]</i></b> | xx |
| 4. | <b><i>[Insert name]</i></b> | xx |
| 5. | <b><i>[Insert name]</i></b> | xx |
| 6. | <b><i>[Insert name]</i></b> | xx |

The total number of votes cast xxx

The number of spoiled votes xx

3. I have declared that the following has/have been elected to serve as parent governor(s) for a ***[insert number]*** year period.

.....

.....

.....

Signed ..... ***[Insert name]*** Returning Officer

Date: ***[Insert date]***

**ELECTION  
OF  
STAFF GOVERNOR**

### 3. ELECTION OF STAFF GOVERNORS

#### 3.1 Constitution

- The Instrument of Government indicates the number of staff governors who are eligible to be elected and their terms of office. The term of office is 4 years (or less if indicated in the Instrument of Government) from the date of the election unless they resign as a governor in the interim period.

- A **staff governor** is defined as:

Where the Instrument of Government was made before September 2012<sup>2</sup>

**A person who is elected by persons who are paid to work at the school and is himself so working at the time when he is elected.**

- At least one of the elected members of staff must be a teacher unless no teacher stands for election. If there are three or more staff governor places (including the headteacher) specified in the Instrument of Government at least one should be a person who is not a teacher, unless no such person stands for election.
- Upon ceasing to work at the school, a staff governor is disqualified from continuing to hold office as such a governor.
- The staff governor role is not to represent the staff in the sense of being a delegate but to bring to the governing body the knowledge and understanding that they have because they have first-hand experience of being employed to work in the particular school. They are not a representative of the staff but a representative member of staff.
- For the purposes of this election the meaning of a ‘teacher’ should be interpreted in accordance with Section 122 of the 2002 Education Act (**see Appendix P**).

Where the Instrument of Government was made on or after 1 September 2012<sup>3</sup>

**A person who is elected by persons who are employed by either the governing body or the local authority under a contract of employment providing for those persons to work at the school and is so employed at the time of election.**

- The category of staff governor includes both teaching and non-teaching staff.
- Upon ceasing to work at the school, a staff governor is disqualified from continuing to hold office as such a governor.
- The staff governor role is not to represent the staff in the sense of being a delegate but to bring to the governing body the knowledge and understanding that they have because they have first-hand experience of being employed to work in the particular school. They are not a representative of the staff but a representative member of staff.
- For the purposes of this election a person who is entitled to vote is one who is employed to work at the school under a contract with the governing body or employed on a contract which provides services to the school. In the latter case, they must be employed to work at the school for a minimum of one day per week and for it to be their main place of employment. If there is any doubt, advice should be obtained from the Diocesan Education Service.

#### 3.2 Election Procedures - Returning Officer

- The governing body should appoint a Returning Officer, acting on their behalf, to be responsible for the organisation and administration of the election process. The appointed Returning Officer should be a foundation governor who should have regard to any advice prepared by the Diocesan Education Service.
- The governing body should also appoint from their number a ‘Scrutineer’ to assist with counting the votes. The person appointed should be a foundation governor.

<sup>1</sup> (The School Governance (Constitution)(England) Regulations 2007, Regulation 4)

<sup>2</sup> (The School Governance (Constitution)(England) Regulations 2012, Regulation 6)

### 3.3 Nomination Procedure

- The Returning Officer must take reasonable efforts to inform all eligible staff of their rights to participate.
- Written notice of the election of a staff governor (**Appendix I**), issued by the Returning Officer, should be circulated through the school to all eligible staff using the usual mechanisms available in the school. The notice can be reinforced verbally if the governing body so decide via staff meetings for example.
- Written notice of the election must clearly indicate:
  - Rules of eligibility.
  - The usual period of office.
  - Intimation of likely frequency of meetings.
  - Election procedures.
  - Nomination and election timetable.
  - Name and address of the Returning Officer.
- Any eligible member of staff who is absent on the day that the notice of election is distributed should have it posted to them together with a nomination form (**see Appendix J**).
- The failure on the part of any member of staff to receive notice of the election shall not invalidate the procedure or election.
  - The governing body must decide on election procedures before the election process starts. It is good practice for a candidate for election to be proposed by two other eligible members of staff on a form provided for the purpose on request from the Returning Officer (**see Appendix J**).
- The candidate is required to sign the nomination form confirming their acceptance of the nomination.
- The completed nomination forms must be received by the Returning Officer on a date and time specified in the letter inviting nominations. The Returning Officer should allow a reasonable length of time for the collection and return of nomination forms. A period of not less than six school days is suggested. **Nominations must not be accepted after the specified closing date/time.**
- In the event of more nominations being received than there are vacancies the Returning Officer shall prepare and distribute ballot papers (see paragraph 3.5 below).

### 3.4 Uncontested Election

- There may be circumstances in which there are fewer candidates in the appropriate categories than there are vacancies. It is good practice for the governing body to have determined a strategy to deal with this event before it takes place. Available options are outlined in **Appendix Q** but advice may be sought from the Diocesan Education Service.
- If, following the receipt of nomination forms, there are the same number of appropriate candidates as there are vacancies, then a ballot is not required and the candidate(s) shall be duly elected unopposed. The Returning Officer should inform staff by the most appropriate method (**see Appendix K**) and also inform the Clerk to Governors who, in turn, will inform the Diocesan Education Service and LA. See also Section 8 “Declaration of Result” below which explains more fully the procedures for declaration.

### 3.5 Election Arrangements

- If there are more candidates than vacancies an election must be held with voting taking place by secret ballot during a specified period.
- The Returning Officer should organise the date and time of the ballot to suit the needs of the school. At least one (1) school day should be allowed for the casting of votes. A day(s) and time(s) should be specified for casting votes.

### 3.6 Ballot Papers

- Ballot papers will need to be produced and distributed in such a manner as to ensure only one paper per eligible employee. A model letter and ballot paper are attached (**see Appendices L & M**).
- **Ballot papers should be posted to absent staff and appropriate arrangements made for their return.**
- If running staff and parent elections simultaneously it may be helpful to distinguish between them by using different colour ballot papers.
- The ballot paper shall contain clear instructions on:
  - How to vote.
  - The date by which the ballot paper must be returned.
  - The name and address to which the ballot papers must be returned.
  - The method by which the ballot papers must be returned. Envelopes returned by hand or Royal mail should be clearly marked '**Staff Governor Election - Ballot Paper**'. They must be left in the envelope, stored safely and only opened by the Returning Officer at the appropriate time.
- The date and time of the count
- The date for publication of results
- An eligible member of staff may vote for as many candidates as there are vacancies.
- The Returning Officer should ensure that a suitable sealed and locked ballot box(es) are provided at a convenient point(s) within the school. It (they) should be stored in a safe place at the end of each day. Envelopes returned by hand or Royal mail should be clearly marked '**Staff Governor Election - Ballot Paper**'. They must be left in the envelope, stored safely and only opened by the Returning Officer at the appropriate time.

### 3.7 The Count

- The counting of Ballot papers and the declaration of result should follow soon after the close of voting. If it is necessary to defer counting until the next day, the box(es) should remain sealed with the aperture also now sealed and stored overnight in a safe place.
- The Returning Officer will have the responsibility for deciding the validity of dubious or spoilt ballot papers, but may refer for guidance to the Diocesan Education Service
- The Returning Officer should consult all the candidates prior to the voting day to establish whether or not they wish to be present during the counting of votes.
- At the close of the counting, the Returning Officer should announce the result. In the event of a 'close' result the Returning Officer should recount the votes. We advise that the governing body regard 'close' as being any case where the difference in votes cast between an elected and any unsuccessful candidate(s) with the highest number of votes is less than 6. However, the actual number chosen is a matter for the governing body.
- In any event any candidate may ask for a recount if the result is 'close'.
- **As a general rule when recounting votes this process should be repeated until the same number has been achieved twice.**
- In the event of a tie the Returning Officer should first recount the votes. If the result remains the same the Returning Officer should draw lots to determine the successful candidate. In such circumstances any candidate whose votes have tied should be present, or have been invited to be present. It would be preferable if all affected candidates were present.

### 3.8 Declaration of Result

- Teachers/support staff and parents should be informed of the result of the election by the most appropriate method, for example a letter or a notice displayed on a public notice board at the school **(see Appendices N & O)**.
- The Returning Officer should forward the results to the Clerk to the Governors immediately following the election using the declaration of result form **(see Appendix O)**.
- On receipt of the notification, the Clerk to the Governors will:
- Inform the Diocesan Education Service and LA.
- Arrange for the LA to undertake the appropriate Criminal record checks if required.
- Communicate the result to the governing body at its next meeting.
- Formally write to the newly elected governor(s) setting out the arrangements for future meetings etc.
- Arrange for the governor to receive all necessary and appropriate literature e.g. Instrument of Government; Diocesan Handbook for Governors of Catholic Schools 'Governance Matters'.

### 3.9 After the election

- The ballot papers should be retained securely by the Returning Officer for a period of at least six months, in case the election result is challenged.
- The number of ballot papers issued and the number returned should be noted in order to monitor participation.

### 3.10 Interpretation

- Any query or complaint concerning the election procedures shall be referred to the governors whose decision shall be final and binding on all those concerned. It is the responsibility of the governors to decide who is eligible for nomination or eligible to vote. Governors are asked to remember that in some cases these may be sensitive issues and urged to take advice in the event of any concerns that may be raised.

### 3.11 Invalid procedures

- Any questions or areas of doubt concerning the election of parent governors should be referred to the Diocesan Education Service before any formal decision is made.
- Where the Governors are satisfied, by simple majority vote at a duly appointed meeting, that the procedures adopted in any election have been improperly conducted or that the secret ballot has not been achieved, then they shall declare the election null and void and initiate fresh election procedures.

APPENDIX I

*[Publish on school headed notepaper]*

MODEL NOTICE REQUESTING NOMINATIONS  
TO ALL MEMBERS OF STAFF AT  
*[insert name of school]*

**ELECTION OF STAFF GOVERNORS**

The Instrument of Government for the School as constituted under the Education Act 2002 requires that the governing body must include *[insert number]* staff governors who have been elected by the staff at the school.

***For election according to an Instrument of Government made before 1 September 2012 state whether the vacancy is for a teacher vacancy or a non-teacher vacancy. Explain that if no person from one category stands for election, someone from the other category can be elected]***

There is/are currently *[insert number]* vacancy(ies) for staff governor(s) and the person(s) elected will serve on the governing body for *[insert number]* years unless they resign in the interim. Elected staff governor(s) cease to hold office if they cease to be employed at the school.

Eligible members of staff are now invited to take part in the election of *[insert number]* staff governors. Official nomination forms are available from *[insert place]* for this purpose. These should be returned to *[insert location]* no later than *[insert time]*a.m./p.m. on *[insert date]*.

Should only *[insert number of vacancies]* nomination(s) be received by the official closing date, the candidate(s) will be duly elected unopposed. In the event of there being more nominations an election will take place on *[insert date]* between *[insert time]*a.m. and *[insert time]*p.m. and you will be informed of the voting arrangements at a later date.

Signed ..... Returning Officer

Date: .....

APPENDIX J

*[Publish on school headed notepaper]*

MODEL NOMINATION FORM FOR STAFF

NOMINATION OF STAFF MEMBER TO SERVE ON THE GOVERNING BODY OF *[insert name of school]* FOR *[insert number]* YEARS

We

<b><u>Nominator 1</u></b> Name (Block capitals)			
Signature		Date	

<b><u>Nominator 2</u></b> Name (Block capitals)			
Signature		Date	

being permanent full time or part time staff on the establishment of *[insert name of school]* wish to nominate

<b><u>Candidate 1</u></b> Name (Block capitals)	
--	--

<b><u>Candidate 2</u></b> Name (Block capitals)	
--	--

<b><u>Candidate 3</u></b> Name (Block capitals)	
--	--

to serve as a teacher/support staff governor(s) on the governing body of the school for *[insert number]* years unless he/she/they resign in the interim or cease to be employed at the school.

I accept the above nomination.

<b><u>Candidate</u></b> Name (Block capitals)			
Signature		Date	

Return to: The Returning Officer *[insert location and closing date]*

## APPENDIX J

### For the purposes of election under an Instrument of Government made before 1 September 2012

If elected to serve as a Governor, I hereby recognise and confirm that:

- i My appointment places a statutory duty upon me to ensure that the religious character of the school is preserved and developed and that the school is conducted in accordance with the provisions of the Archdiocesan Trust Deed [Schedule 9, paragraph 2(a) and (b), School Standards and Framework Act, 1998].
- ii My appointment requires me to comply with the provisions of Canon Law, the teachings of the Catholic Church and such determinations made by the Archbishop and his Trustees and their agent, the DES, in respect of the school or other schools situated in the Archdiocese.

I confirm that I am not subject to any disqualification from membership of a Governing Body in accordance with the appropriate regulations for this purpose School Governance (Constitution) (England) Regulations 2007 .

Under the above regulations, I declare that I am not disqualified from serving as a school governor and that:

- i. **I am not** a registered pupil at the school.
- ii. **I am** aged 18 or over at the date of this appointment;
- iii. **I am not** liable to be detained under the Mental Health Act 1983;
- iv. **I am not** an elected member of the local authority.
- v. **I am not** a bankrupt.
- vi. **I am not** subject to a disqualification order under the Company Directors Disqualification Act 1986; the Company Directors Disqualification (Northern Ireland) Order 1989 or 2002 or to an order made under section 429(2)(b) of the Insolvency Act 1986;
- vii. **I have not** been removed from the office of a charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement or, been removed under section 34 of the Charities and Trustee Investment (Scotland) Act 2005, from being concerned in the management or control of any body;
- viii. **I am not** included in the list kept under section 1 of the Protection of Children Act 1999 (List 99) of those considered by the Secretary of State as unsuitable to work with children; subject to a direction of the Secretary of State under section 142 of EA 2002 (or any other disqualification, prohibition or restriction which takes effect as it contained in such a direction; barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006; disqualified from working with children under sections 28,29 or 29A of the Criminal Justice and Court Services Act 2000; disqualified from registration under Part 10A of the Children Act 1989 for child minding or providing day care; or disqualified from registration under Part 3 of the Childcare Act 2006
- ix. **I have not**, within the period of five years ending with the date immediately preceding the date on which the appointment is due to take effect, received a sentence of imprisonment, suspended or otherwise, for a period of not less than three months without the option of a fine;
- x. **I have not**, in the twenty years ending with the date immediately preceding the date on which the appointment is due to take effect, been convicted of any offence and had passed on me a sentence of imprisonment for a period of not less than two and a half years;
- xi. **I have not**, at any time, had passed on me a sentence of imprisonment for a period of not less than five years;
- xii. **I have not** been fined, in the five years prior to becoming a governor, for causing a nuisance or disturbance on education premises;

For the purposes of election under an Instrument of Government made on or after 1 September 2012

If elected to serve as a Governor, I hereby recognise and confirm that:

- i My appointment places a statutory duty upon me to ensure that the religious character of the school is preserved and developed and that the school is conducted in accordance with the provisions of the Archdiocesan Trust Deed [Schedule 9, paragraph 2(a) and (b), School Standards and Framework Act, 1998].
- ii My appointment requires me to comply with the provisions of Canon Law, the teachings of the Catholic Church and such determinations made by the Archbishop and his Trustees and their agent, the DES, in respect of the school or other schools situated in the Archdiocese.

Under the above regulations, I declare that I am not disqualified from serving as a school governor and that:

- i. **I am not** a registered pupil at the school.
- ii. **I am** aged 18 or over at the date of this appointment;
- iii. **I am not** an elected member of the local authority.
- iv. **I am not** a bankrupt.
- v. **I am not** subject to a disqualification order under the Company Directors Disqualification Act 1986; the Company Directors Disqualification (Northern Ireland) Order 2002 or to an order made under section 429(2)(b) of the Insolvency Act 1986;
- vi. **I have not** been removed from the office of a charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement or, been removed under section 34 of the Charities and Trustee Investment (Scotland) Act 2005, from being concerned in the management or control of any body;
- vii. **I am not** included in the list kept under section 1 of the Protection of Children Act 1999 (List 99) of those considered by the Secretary of State as unsuitable to work with children; subject to a direction of the Secretary of State under section 142 of EA 2002 (or any other disqualification, prohibition or restriction which takes effect as it contained in such a direction; barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006; disqualified from working with children under sections 28,29 or 29A of the Criminal Justice and Court Services Act 2000; disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010 for child minding or providing day care; or disqualified from registration under Part 3 of the Childcare Act 2006
- viii. **I have not**, within the period of five years ending with the date immediately preceding the date on which the appointment is due to take effect, received a sentence of imprisonment, suspended or otherwise, for a period of not less than three months without the option of a fine;
- ix. **I have not**, in the twenty years ending with the date immediately preceding the date on which the appointment is due to take effect, been convicted of any offence and had passed on me a sentence of imprisonment for a period of not less than two and a half years;
- x. **I have not**, at any time, had passed on me a sentence of imprisonment for a period of not less than five years;
- xi. **I have not** been fined, in the five years prior to becoming a governor, for causing a nuisance or disturbance on education premises;

APPENDIX K

*[Publish on school headed notepaper]*

**WHEN INSUFFICIENT NOMINATIONS HAVE BEEN RECEIVED TO HOLD A BALLOT**

**MODEL LETTER TO MEMBERS OF STAFF SETTING OUT THE RESULT OF THE ELECTION OF STAFF GOVERNORS**

**TO: ALL MEMBERS OF STAFF AT *[insert name of school]***

**ELECTION OF STAFF GOVERNOR(S)**

Following the receipt of nominations in respect of the vacancy for *[insert number of vacancies]* staff governor(s), only *[insert number]* nomination(s) was/were received at the school by the official closing date.

In accordance with the rules of the election, the following person(s) has/have been duly elected unopposed to serve as staff governor(s) of this school for *[insert number]* years unless he/she/they resign in the interim or cease(s) to be employed at the school:

Signed ..... Returning Officer

Date: *[insert date]*

APPENDIX L

*[Publish on school headed paper]*

MODEL LETTER TO STAFF WHEN A SECRET BALLOT IS NECESSARY

TO: ALL MEMBERS OF STAFF AT *[insert name of school]*

Election of *[insert number]* members of staff to serve on the governing body of the school for *[insert number]* years.

Following the request for nominations in respect of the vacancy(ies) for *[insert number]* staff governor(s) the following nominations have been received from staff wishing to serve as a staff governor on the school's governing body for a period of *[insert number]* years:

*[insert name]*

*[insert name]*

*[insert name]*

*[insert name]*

A ballot is therefore necessary and a ballot paper is available on *[insert date]* from *[insert location]* for your use. You may record one vote for each of the candidates of your choice for the *[insert number of vacancies]*. **You may not record more than a single vote for any one candidate.**

Ballot papers may be placed by you in the ballot box(es) situated *[insert location]* or returned to me in an envelope clearly marked 'Staff Governor Election - Ballot Paper'. The voting period is *[insert date]* between *[insert time]*am and *[insert time]*pm. Votes cast after the close of the ballot will be invalid.

The counting of votes and declaration of the result will take place on *[insert date and time]* and you will be informed of the result as soon as possible after that date.

Signed ..... Returning Officer

Date: .....

**APPENDIX M**

*[Publish on school headed notepaper]*

**MODEL BALLOT PAPER FOR TEACHER/SUPPORT STAFF ELECTIONS**

**ELECTION OF *[insert number]* STAFF TO SERVE ON THE GOVERNING BODY OF  
*[insert name of school]* FOR *[insert number]* YEARS**

**BALLOT PAPER**

Mary Jane BLACK (Teacher)	
Tina EDWARDS	
George Frederick JONES	
Michael McCARTHY (Teacher)	
Amrat PATEL (Teacher)	
David Charles SMITH	
Joan WOOD	

Please place X in the box provided next to the names of up to *[insert number]* candidate(s) of your choice.

No other marks should be made. Incorrectly completed or defaced papers will be invalid.

*[Give instructions here about the voting procedure. This will vary depending upon the number of elected staff allowed by the Instrument of Government and the category of staff members who are nominated – see section 1 – ‘Election of Staff Governors’. If in doubt as to the appropriate voting instructions, contact the Diocesan Education Service]*

Signed ..... Returning Officer

Date: .....

Envelopes returned by hand or Royal Mail should be clearly marked ‘**Staff Governor Election - Ballot Paper**’ and returned to: The Returning Officer *[insert school address]*

**APPENDIX N**

*[Publish on school headed notepaper]*

**MODEL LETTER TO STAFF SETTING OUT THE RESULT OF THE ELECTION  
OF STAFF GOVERNOR FOLLOWING A SECRET BALLOT**

**TO: ALL MEMBERS OF STAFF AT *[insert name of school]***

**THE RESULT OF THE ELECTION OF *[insert number]* STAFF GOVERNOR(S) TO SERVE ON  
THE SCHOOL'S GOVERNING BODY FOR A PERIOD OF *[insert number]* YEARS WHICH TOOK  
PLACE ON *[insert date]* IS AS FOLLOWS:**

<b>Candidates</b>	<b>Votes</b>
BLACK Mary Jane (Teacher)	xx
EDWARDS Tina	xx
JONES George Frederick	xx
McCARTHY Michael (Teacher)	xx
PATEL Amrat (Teacher)	xx
SMITH David Charles	xx
WOOD Joan	xx

In accordance with the rules of the election, the following members of staff has/have therefore been elected to serve as staff governor(s) of the School, for *[insert number]* years unless he/she/they cease to be employed at the school or resign in the interim.

.....  
.....  
.....  
.....  
.....

Signed ..... Returning Officer

Date: .....

**APPENDIX O**

***[Publish on school headed notepaper]***

**MODEL DECLARATION OF RESULT FORM - STAFF GOVERNOR**

I ***[insert name]*** being the Returning Officer of ***[insert name of school]*** certify that:

1. All members of staff eligible to vote have been:
  - (a) informed of the election and invited to make nominations.
  - (b) made aware of the candidates, date and method of election.
  - (c) given the opportunity to vote by secret ballot and that the secrecy of the ballot has been maintained.

2. The following votes were cast for each individual candidate:

- |    |                             |    |
|----|-----------------------------|----|
| 1. | <b><i>[Insert name]</i></b> | xx |
| 2. | <b><i>[Insert name]</i></b> | xx |
| 3. | <b><i>[Insert name]</i></b> | xx |
| 4. | <b><i>[Insert name]</i></b> | xx |
| 5. | <b><i>[Insert name]</i></b> | xx |
| 6. | <b><i>[Insert name]</i></b> | xx |

The total number of votes cast	xxx
The number of spoiled votes	xx

3. I have declared that ***[insert name(s)]*** have/has been elected to serve as staff governor(s) for a ***[insert date]*** year period unless he/she/they cease to be employed at the school or resign in the interim.
4. The staff governor(s) may be contacted at the school.

Signed ..... Returning Officer

Date ***[insert date]***

## APPENDIX P

### DEFINITION OF A TEACHER EDUCATION ACT 2002 – SECTION 122

#### Section 122 (3)

A person is a school teacher if –

- (a) he is a qualified teacher;
- (b) he provides primary or secondary education under a contract of employment or for services;
- (c) the other party to the contract is a local education authority or the governing body of a foundation, voluntary aided or foundation special school; and
- (d) the contract requires him to carry out work of a kind which is specified by regulations under section 133(1).

#### Section 122 (4)

A person is also a school teacher if he serves as a head teacher of a school maintained by the local education authority

#### Section 122 (5)

A person is also a school teacher if his case satisfies paragraphs (b), (c) and (d) of subsection (3) and –

- (a) he possess a prescribed qualification;
- (b) he provides education of a prescribed kind or in prescribed circumstances (or both);
- (c) he is undertaking training of a prescribed kind, or obtaining experience of a prescribed kind, with a view to becoming a qualified teacher;
- (d) he is within a prescribed class of persons awaiting assessment for the purpose of becoming a qualified teacher; or
- (e) he is within a prescribed class of persons awaiting the award of a qualification.

## APPENDIX Q

### OPTIONS FOR THE GOVERNING BODY – INSUFFICIENT CANDIDATES

The Regulations concerning the governance of schools are intended to give governors greater freedom in the way they organise themselves and discharge their duties.

Consequently, the regulations do not provide for every possible contingency. Therefore, provided the governing body do not act contrary to any primary or secondary legislation, it may make judgements on its own procedures which will be sustainable if challenged.

Regulations require at least one of the elected staff governors to be a teacher and, if the instrument of Government determines there are more than three elected staff, at least one of them must be a person who is not a teacher.

The Regulations do not stipulate what governors must do if insufficient staff in the appropriate categories wish to put themselves forward as candidates. Statutory Guidance indicates what governors may choose to do but, again, does not stipulate what must be done.

Governors may decide:

- (a) to leave the minimum number of a particular staff category vacant if there are no nominated candidates in that category;
- (b) to fill the vacancies with candidates from the other staff category (assuming sufficient numbers are nominated).

Unlike the position for elected parents, in the event of no nominated candidates in either staff category standing for election there is no prescribed mechanism for filling the vacant posts. It is, therefore a matter for the governing body to determine its strategy. Again, the chosen strategy should be determined before the circumstances arise

Governors may decide:

- (a) to keep any vacant posts unfilled;
- (b) to appoint appropriate persons to the vacancies.

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