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**Staff Governor Election and Appointment (Process and Resources)**

These rules apply to all maintained community schools, including nursery schools, community special schools and voluntary aided schools. Academy/free schools may also wish to use these instructions.

The Local Authority is responsible for the organisation of staff governor elections and any enquiry or dispute shall be dealt with and, if necessary, determined by the Director of Children and Families. However, in Ealing responsibility for the conduct of staff governor elections in individual schools is delegated to the Headteacher, as Returning Officer, and elections shall be conducted in accordance with the procedures agreed by the Authority and set out in this document.

**1 Number of Staff Governors**

In the [School Governance (Constitution) (England) Regulations 2012](http://www.legislation.gov.uk/uksi/2012/1034/contents/made)  “staff governor” means:

(a) is elected in accordance with Schedule 2 as a governor 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

(b) is so employed at the time of election

Under the regulations there is only **one** staff governor place allocated on the governing body. This is in addition to the Headteacher who has a right to a place on the governing body. They may waive that right, but the place remains open to them at any time if they later change their mind.

See paragraph 7 or other ways staff are eligible/not eligible to be on the governing body

**2 Eligibility to Stand and Vote**

 When there is a vacancy or prospective vacancy for a staff governor, every teacher or support staff member employed to work at the school must be given the opportunity of participating in the appropriate elections. 2.1 Eligibility to stand for election and to vote:-

Both teaching and support staff paid to work at the school, whether working at the school under a contract of employment or a contract for services and where there is regular attendance at the school, are eligible for staff governorship and eligible to vote. Regular attendance is defined as a requirement by the contract of employment or contract of services for the individual member of staff to attend the school on at least one occasion each week of at least 2½ hours duration or at least 5 hours total duration each week made up of shorter periods. The requirement applies to term-time only.

Examples of those who may be eligible include (this list is indicative only):

* + Full-time teachers
	+ Part-time teachers based at one school
	+ Peripatetic teachers (subject to 2.2 below)
	+ Teachers based at more than one school may stand and vote at the school where they spend most time. If time is spent equally between schools, then one school should be chosen
	+ Teachers on secondment may stand for election and vote in the school where their substantive post is held.

All paid school support staff i.e.:

* + School administrators
	+ School meals assistants
	+ Classroom assistants
	+ Catering staff
	+ Grounds maintenance staff
	+ School caretaker
	1. Those not eligible are:
* Casual supply teachers (i.e. ssupply teachers employed on a daily basis)
* Teachers on contracts of one term or less.
* Volunteers
	1. When to stand down

Staff governors must resign if they cease to be employed by the school, the contract of services to the school ceases or they no longer meet the eligibility requirements above.

2.4 In certain circumstances a person may not hold Office as a Governor of a School

Please ensure that you draw attention to the disqualification criteria that prevail in respect of holding office as a governor of the school. You should include the following brief paragraph in the letter seeking nominations.

“I should like to advise you that the School Governance (Constitution) (England) Regulations 2012 state that in certain circumstances a person may not hold office as a governor of a school. I enclose a list of the disqualification criteria which you must read before nominating yourself or accepting a nomination. Anyone requiring additional information on this subject can contact the Headteacher”.

**It is essential that you enclose the sheet listing all the disqualification criteria which is included in this guidance after page 6** (for ease of copying we have not added an Appendix number to it). It may be helpful to photocopy this onto coloured paper.

**3 General Procedures to be followed in the event of a vacancy**

3.1 The Headteacher should take all reasonable steps to ensure that all members of the staff eligible to participate in the elections (including those on maternity leave, secondment, or sick leave) are advised of the vacancy.

3.2 The Headteacher should write to all relevant staff to invite nominations, enclosing a sheet setting out the qualifications to serve as a governor and a nomination form.

It is important to also provide sufficient information for staff to understand what the role of a governor involves, what the time commitment will be and what expectations the governing body has for training, committee membership and/or lead governor roles. Also included should be any information on skills, experience or attributes the governing body are looking for to strengthen the work of the governing body, but these cannot be made a condition of nomination. If a governing body wishes to hold information events or meet with any interested potential staff governors this should be held within the time limit below and included in the accompanying letter to the nomination form

3.3 **A member of staff may nominate themselves as a staff governor**. However if a staff member is nominated by another member of staff the nominee must sign to indicate acceptance of nomination. No member of the staff may nominate more than one candidate for each vacancy. There is no longer a requirement for the nominations to be seconded.

3.4 Nomination papers should be returned to the Headteacher **within fourteen days of the date of the notification of the vacancy.**

3.5 As nomination forms are received, they should be checked to ensure that they have been signed by the proposer, and /or nominee. If any signature is missing return the nomination form forthwith to the member of staff who has nominated themself or proposer.

3.6 If only one nomination is received no vote is required and the candidate should be declared duly elected as the staff governor.

* 1. If there is more than one valid nomination is received than an election is held to decide on the staff governor.

If there are no nominations, the positon on the governing body remains vacant. A further election process should be held as soon as possible.

# Election

4.1 Schools must ensure that each member of the staff entitled to vote receives only one ballot paper. To minimise the possibility of blank ballot papers being copied, it is recommended that a stamping instrument is used. Each ballot paper should be stamped with a stamping instrument in the corner of the paper. The instrument works by leaving a perforated mark on the paper which adds security to the paper so it cannot be copied. Only papers returned with this mark should be accepted, so it is important that all papers are stamped before being sent to electors. *The Authority Elections Team has agreed to despatch stamping instruments to all Headteachers in March 2016. It is advisable that these instruments are secured in a safe place; replacement instruments will carry a charge.*

4.2 Duplicate ballot papers should only be issued if the member of staff completes a form (sample attached) verifying that the original was not received or has been lost, and that s/he will only vote once in the election and will destroy the original ballot paper if found.

4.3 Information should be given as to the location of the ballot box, e.g. in school office or reception area.

4.4 Ballot papers with the names of the candidates on them should be circulated by the Headteacher to all members of the staff entitled to vote.

4.5 Each member of the staff has one vote per vacancy. All staff (teaching and support) have the right to vote for any candidate standing for election (teaching or support).

4.6 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.

4.7 **Ballot papers should be returned within fourteen days.**

4.8 All ballot papers must be put in a secure ballot box and locked away at night. Votes must not be counted or removed from the secure ballot box until after the closing date.

4.9 Voting by proxy will not be allowed i.e. if a member of the staff is for any reason unable personally to vote (e.g. because s/he is ill), it will not be possible for the staff to make arrangements for another person to vote on her/his behalf.

**5 Counting the Vote**

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

5.2 The Headteacher, as Returning Officer, is responsible for counting the votes and for deciding the validity of dubious or spoilt voting papers. Any difficulties in this area should be referred to School Workforce and Governance team

5.3 The Headteacher should not undertake this task without witnesses (any member of staff or of the School's Governing Body who does not have a personal interest in the outcome of the voting may act as witness).

5.4 Candidates should be advised of the time and venue of the count so that they may attend, or be represented, if they wish.

5.5 The candidate gaining the most votes should be declared elected.

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

5.7 In the event of a tie the votes should be recounted and, in the event of the result being confirmed, the candidates with equal votes should be invited to the school to draw lots to establish the successful candidate.

**6 After the Election**

6.1 School Workforce and Governance section should be advised immediately of the outcome of the election, by means of a form which will be provided (copy attached), in order that letters of appointment and other relevant information may be sent to the successful candidate.

6.2 The Headteacher is required to notify the local authority, the governors, members of the teaching and support staff and the parents of the result of the election.

6.3 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.

**7 School Staff Eligibility for Other Categories of Governorship**

School staff that are eligible for election as staff governors (i.e. paid to work at the school) are not eligible to serve as Local Authority governors or community governors at their school.

If they are paid to work at the school for more than 500 hours in any consecutive twelve month period they are not eligible for election or appointment as parent governors.

However staff can vote in parent governor elections if they are parents. They can also be governors at other schools. Their employment status will not affect their qualification for governorships in these categories at another school.

 Governing bodies also have the option to appoint those eligible to be staff governors as co-opted governor. However, the total number of co-opted governors who are also eligible as staff governors when counted with the staff governor and the Headteacher, must not exceed one third of total membership of the governing body. Please note these are appointed by the governing body whereas the one staff governor is elected by staff.

 Removal of elected staff governors (The constitution of governing bodies 2012, statutory guidance)

From 1st September 2017 all maintained school GBs will have the power to remove elected staff governors in the same way as co-opted governors can be removed (majority decision by the board). School Governance (Constitution and Federations) (England) (Amendment) Regulations 2017

These powers have been provided to remove elected governors where there may be serious or repeated instances of governance misconduct. Furthermore from the 1st May 2017 any person who has been an elected staff governor and removed from the GB during their term of office, will be disqualified from serving or continuing to serve as a school governor for five years from the date of removal.

Every effort should be made upfront to avoid potential difficulties later by informing prospective candidates of the nature of the role and securing their agreement to a clear set of expectations for behaviour and conduct – as set out in a code of conduct. A model code of conduct can be found on [www.egfl.org.uk/governance](http://www.egfl.org.uk/governance)

**QUALIFICATIONS AND DISQUALIFICATIONS** The constitution of governing bodies of maintained schools August 2017 (statutory guidance)

The local authority welcomes application regardless of age, gender, age, disability, sexual orientation, race, religion or belief.

A governor must be aged 18 or over at the time of their election or appointment.

A registered pupil of the school cannot be a governor.

A person is disqualified from holding or continuing to hold office as a governor of a school if, in summary, that person:

* failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the headteacher or to foundation governors appointed by virtue of their office
* A foundation, local authority, co-opted or partnership governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve-month period starting on the date on which they were disqualified
* is the subject of a bankruptcy restrictions order; an interim bankruptcy restrictions order; debt relief restrictions order; an interim debt relief restrictions order; or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced
* is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986; a disqualification order under the Companies (Northern Ireland) Order 2002; a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)
* has been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
* has been removed from office as an elected governor within the last five years.
* is included in the list of people considered by the Secretary of State as unsuitable to work with children or young people
* is barred from any regulated activity relating to children
* is subject to a direction of the Secretary of State under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008
* is disqualified from working with children or from registering for child-minding or providing day care
* is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
* subject to certain exceptions for overseas offences that do not correlate with a UK offence, has been sentenced to three months or more in prison (without the option of a fine) in the five years ending with the date preceding the date of appointment/election as a governor or since becoming a governor
* subject to certain exceptions for overseas offences that do not correlate with a UK offence, has received a prison sentence of two and a half years or more in the 20 years ending with the date preceding the date of appointment/election as a governor
* subject to certain exceptions for overseas offences that do not correlate with a UK offence, has at any time received a prison sentence of five years or more
* has been convicted and fined for causing a nuisance or disturbance on school or educational premises during the five years ending with the date immediately preceding appointment/election or since appointment or election as a governor
* refuses a request by the clerk to make an application to the Disclosure and Barring Service for a criminal records certificate.

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

**Staff Governor Elections Ealing Council**

 **Children’s Services**

 **(School Workforce and Governance)**

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**NOMINATION PAPER**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **SCHOOL**

**Nomination of Candidate for Staff Governor**

I wish to nominate myself / other member of staff:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Please print name)

If you are proposing another member of staff please complete below:

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Please print name) **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**If you are the nominee please sign below:**

**I accept the nomination and would not be disqualified from holding office as a governor of the school if elected.**

**Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(Please print name)**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Judith Finlay**

**Director of Children and Families**

**Staff Governor Elections Ealing Council**

 **Children’s Services**

 **(School Workforce and Governance)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ GOVERNING BODY OF**

**BALLOT PAPER**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SCHOOL**

**TO ALL MEMBERS OF STAFF VOTING**

**Please put a cross X in the box beside the name of the candidate for whom you wish to vote.**

**YOU MAY VOTE FOR NO MORE THAN 1 CANDIDATE**

**NAME PLEASE INDICATE VOTES ONLY**

**WHETHER TEACHING**

**OR SUPPORT STAFF**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ------------**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ------------**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ------------**

**DO NOT IDENTIFY YOURSELF ON THIS BALLOT PAPER**

 **Judith Finlay**

**Director of Children and Families**

**Staff Governor Elections Ealing Council**

 **Children’s Services**

 **(School Workforce and Governance)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**MEMBER OF STAFF’S VERIFICATION**

**ORIGINAL BALLOT PAPER NOT RECEIVED OR LOST**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**School**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**I, the undersigned, acknowledge receipt of a duplicate ballot paper for the above election.**

**I declare that:-**

**(a) the original ballot paper was not received/has been lost by me;**

**(b) I will vote only once in this election; and**

**(c) I will destroy the original ballot paper if found.**

**Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(Please print) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Judith Finlay**

**Director of Children and Families**

**Staff Governor Elections Ealing Council**

 **Children’s Services**

 **(School Workforce and Governance)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ GOVERNING BODY OF**

**NOTIFICATION OF ELECTION**

**RESULT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SCHOOL STAMP**

**I confirm that the elections have now been held in accordance with the approved procedures and that the following candidate/s has been elected/appointed to the Governing Body of the School:**

|  |  |  |
| --- | --- | --- |
| **Full Name** **(Please Print)** | **Home Address –** (unless staff members want to receive correspondence at the school address) | **Contact Details**(ensure that staff member is aware that details provided will show on the membership list provided to all members of the governing body) |
| Title:Surname:First name(s): |  | Work:Home:Mobile:Email address: |
| Title:Surname:First name(s): |  | Work:Home:Mobile:Email address: |
| Title:Surname:First name(s): |  | Work:Home:Mobile:Email address: |

**Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Headteacher**

**Please return this form promptly to School Workforce and Governance, 2nd Floor, Perceval House or email to** **governors@ealing.gov.uk**

**Please remember to send your information securely to us. For more information on how we handle and use your personal data please go to**[**School Governance Privacy Notice (May 2018)**](https://protect-eu.mimecast.com/s/ldWiCWnkpfjNQ95umzLs2?domain=u2790089.ct.sendgrid.net)

 **Judith Finlay**

**Director of Children and Families**