**Procedures for the Election of the Staff Governor**

Guidance for Headteachers, School Office Staff and Clerks to Governing Boards of Maintained Schools

The Staff Governor election process documentation has been updated to reflect best practice (September 2022)

Please note that following the process as detailed in this Guidance is mandatory for all community and controlled schools and is also recommended for staff governor elections in all schools and academies

**Election Process Overview**

Staff Governor vacancy arises

Headteacher draws up election timetable and refers to governing board skills audit to draft letter to the staff body

Headteacher notifies all staff, both teaching and non-teaching, of the vacancy and invites nominations, highlighting skills needed by the board

Day 1

Nominations close

Day 7

Only one nomination is received

More than one nomination is received

No nominations are received

Nominated candidate elected unopposed from date of close of nominations

Day 7

Candidates, staff, parents and governing board are notified of election result.

Headteacher sends out ballot papers to all staff members eligible to vote

Day 13

The position remains vacant, and an election should be held as soon as an eligible candidate is identified.

Returned ballot papers are counted & the staff member with most votes is elected

Day 20

Candidates, staff, parents and governing board are notified of election result.

Day 25

Who is responsible for arranging a staff governor election?

* In community, community special and voluntary controlled schools and nurseries – delegated to the headteacher.
* In voluntary aided, foundation and foundation special schools - the governing board.

## Who is eligible to be nominated and who can vote in the election?

* The staff governor must be working at the school at the time of their election. They must resign from the governing board if their employment ceases before their term of office.
* Part-time and temporary staff, (not short-term supply staff) can normally stand for election and have a vote. The headteacher or chair of governing board should write/email to all staff advising of the vacancy, inviting nominations with a closing date.
* The school must ensure that the election process is fair and inclusive

If you are unsure who to include, please contact Oxfordshire Governor Services on

0330 0249046 or email [governorservices@oxfordshire.gov.uk](mailto:governorservices@oxfordshire.gov.uk) for advice.

**Staff governor election process**

**Detailed guidance**

If you have any queries about these procedures, please contact Oxfordshire Governor Services on 0330 0249046 or email [GovernorServices@Oxfordshire.gov.uk](mailto:GovernorServices@Oxfordshire.gov.uk)

1. Seeking Nominations

As soon as a resignation is received from the staff governor, or at the beginning of the term in which the staff governor's term of office expires, the governing board should review their skills audit and establish the skills desirable in a new staff governor.

*NB this cannot exclude anyone from applying but should be included as a guide for staff considering standing for the position.*

The Headteacher **must**inform all eligible staff of the staff governor vacancy, noting the need for relevant skills for effective governance. The letter or email **must** invite nominations from those eligible to vote. A closing date for nominations should be set at 1 week from the date of the letter.

*Appendix A – documents to send to staff inviting nominations*

* Draft letter/email inviting nominations
* Nomination form
* Eligibility criteria for staff governor election process
* Qualification and disqualification criteria

NB this **must** be sent to *all* eligible staff, both teaching and non-teaching (see P3 for eligibility criteria)

Nomination forms that are returned outside the return dates **should** be treated as invalid.

On the closing date:

If only one valid nomination is received, that staff member is automatically elected (see [New Governor Checklist](https://schools.oxfordshire.gov.uk/cms/sites/schools/files/folders/folders/documents/governorservices/recruitment/New%20Governor%20Induction%20Checklist%20Sept%202022.pdf) for next actions)

**OR**

If there is more than one nomination an election **must** be held (See 2. How To Conduct an Election).

**OR**

If no candidates are forthcoming, the position on the governing body **remains vacant** and an election should be held as soon as an eligible candidate is identified.

1. How to conduct an election:

Ballot Papers **must** be sent to all staff.

One vote per staff member is allowed

Candidates cannot withdraw from election after ballot papers have been circulated.

1. Secret Ballot Procedures

Staff governor elections **must** be held by secret ballot.

Electronic election processes are allowed, provided that secrecy is maintained AND you can be certain that each staff member only votes once.

* 1. The paper-based system

All staff eligible to vote, must be given:

* Instructions on how to vote
* A ballot paper
* A copy of candidates’ statements (provided as part of the nomination process)
* *Two* envelopes in which the ballot papers are to be returned to ensure secrecy\* (the “double envelope” system)

A ballot box **should** be provided in the school for the return of ballot papers.

* 1. Using Technology in the Voting Process

A separate email address **should** be set up to receive ballot papers. More than one member of staff should have access to the mailbox.

An email **should** be sent to each eligible member of staff.

The following documents must be attached to the email:

* Details on how to vote
* A copy of candidates’ statements (provided as part of the nomination process)
* Ballot paper

See Appendix B, which includes details on how to vote.

After the deadline, the headteacher should check the name in the title of each email against a list of eligible staff. This must also be cross checked against a list of paper ballot envelopes to ensure no one has voted twice.

Please make sure you check your spam folder!

Once it has been established that all votes are valid, the attachments should be printed and the votes recorded.

These votes should then be combined with those received on paper.

1. The Count

The school **must** appoint a returning officer, usually the Headteacher.

Those standing for election **should** be invited to attend the count as well as at least one independent scrutineer (e.g. a non-staff governor).

Ballot papers that are returned outside the return dates **should** be treated as invalid.

In the event of a tie, a recount should be carried out. If this is also a tie, straws can be drawn or a coin tossed.

1. After the Count

All candidates should be notified of the result.

If the successful candidate declines to take up office a new ballot should be held using the same nominations*.*

Staff, parents and governors should be informed of the result by newsletter and by notices in the school, or the usual means of communication.

Following the acceptance of the position from the successful candidate, the [New Governor Checklist](https://schools.oxfordshire.gov.uk/cms/sites/schools/files/folders/folders/documents/governorservices/recruitment/New%20Governor%20Induction%20Checklist%20Sept%202022.pdf) should be followed.

**APPENDIX A**

Papers for Nominations Process

* Draft letter/email inviting nominations – Notification of staff governor vacancy
* Nomination form
* Qualification and disqualification criteria
* Eligibility criteria for staff governor election process
* Note to nominee if an election is not needed

**Notification of Staff Governor Vacancy**

**(To be sent by email to eligible staff and put on the staff noticeboard)**

Dear Colleague

We have a vacancy for a staff governor which we need to fill as soon as possible.

A staff governor can be employed full time or part time, be teaching or non-teaching support staff. The Headteacher is not eligible to stand in this election. They have a place on the governing board by virtue of their role.

The governing board has an extremely important role. They are responsible for the strategic direction of the school, working in partnership with the headteacher, promoting high standards of educational achievement and ensuring our resources are used to maximum impact. Governors individually have no power but when they act collectively, as a corporate body instead of as individuals, they are very powerful.

Being a staff governor enables you to see your school in a wider context, to hear the views of parents and members of the community and to contribute a staff perspective to strategic discussions and decisions determining the school’s future. You will be in a position to explain staff views to the governing board and to explain governing board thinking to the staff.

A staff governor is a *representative* member of the staff body rather than a delegate.

* Staff governors do not have to try to represent the views of all staff, nor stand alongside the headteacher in being held to account by the governing board.
* They should communicate with them about issues that arise, but only in so far as is reasonable: not confidential matters.
* When decisions have to be made by the governing board, the staff governor is free to vote in accordance with their own views.

All governors receive training to help them carry out their role. Oxfordshire Governor Services runs a wide variety of training courses for governors which you can attend, including an induction course for new governors – we expect all our governors to complete induction training.

If you would like to put yourself forward to fill this vacancy, please complete a nomination form and return it to ***…………………….(school office?)*** by ***…………….(time and date).***

An election, by secret ballot, will be held if more nominations are received than the number of vacancies. If an election is needed details of the procedure will be sent to all staff.

**If you would like to know a little more about becoming a staff governor, please get in touch with ……………………………………**

Please think about taking on the role, or suggesting someone who will do it well. We need committed staff governors to make the governing board as effective as it can be. Staff governors, like all governors, will be most effective if they bring relevant skills ***(school could include specifics if appropriate)*** and experience, as well as the ability to work as part of a team.

Headteacher Chair of Governors

**Election of Staff Governors**

**Nomination Form**

**Please return this form by midday on [insert date]**

|  |  |
| --- | --- |
| Your name: |  |
| Your role: |  |
| Email address: |  |
| Phone number: |  |

Please tick✓

|  |  |  |
| --- | --- | --- |
|  |  | I confirm that I am not disqualified from becoming a staff governor (see attached disqualification criteria) |

|  |  |  |
| --- | --- | --- |
|  |  | I confirm that I am able to fulfil the role including by attending meetings as required, and by contributing to governance work outside formal meetings. |

|  |  |
| --- | --- |
| Signed: |  |
| Date: |  |

Please include a few details about yourself and why you would like to become a governor in the box below (**no more than 100 words**). If an election is needed, this will be circulated to all staff to help them decide who to vote for. You do not have to complete this section, but if you don’t you may put yourself at a disadvantage if there is an election.

|  |
| --- |
|  |

**QUALIFICATIONS AND DISQUALIFICATIONS**

**Governors and Associate Members**

Regulation 17, Schedule 4 of The School Governance (Constitution) (England) Regulations 2012 covers the qualifications and disqualifications of governors for Maintained Schools.

All disqualifications apply to associate members except that they can be registered pupils at the school and can be under 18.

A governor must be aged 18 or over at the time of his or her election or appointment and cannot be a registered pupil at the school.

A governor must not also be a clerk to the governing body at which they are a governor.

A person cannot hold more than one governor post at the same school at the same time.

A person is disqualified from being a parent governor if they are an elected member of the LA or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).

A person is disqualified from being a local authority governor if they are eligible to be a staff governor at the school.

A person is disqualified from being a partnership governor if they are:

* a parent of a registered pupil at the school;
* eligible to be a staff governor at the school;
* an elected member of the LA; or
* employed by the local authority in connection with its education functions.

A person is disqualified from being a governor of a particular school if they have 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.

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

* + - 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.

**Note or email to nominees if a ballot is not required**

Thank you for your nomination as a Staff Governor. We have only received one nomination for the vacancy. This means that you have been elected unopposed. I congratulate you on your election.

The clerk to governors will send you a formal appointment letter and the school will contact you soon to make arrangements for your induction.

The next meeting of the governing board is on …………………………..(***date and time***)

I hope you will enjoy a fulfilling time as a staff governor.

…………………….. Name of Returning Officer.

**APPENDIX B**

Papers for Election Process

* Ballot Paper and Voting Instructions for staff

**BALLOT Paper**

***(School Name*)…………………………………………**

**Staff Governor Election**

There is a vacancy for a staff governor on the governing board. You may vote for only ONEcandidate. Please put an ‘**X**’ in the box next to your preferred candidate. **If you vote for more than one candidate your vote will not be counted.**

**VOTE FOR ONECANDIDATE ONLY**

|  |  |  |
| --- | --- | --- |
| 1 | Ms Anybody (eg Class teacher……………………………………..) |  |
| 2 | Mr Nobody (eg Teaching Assistant…………………………………..) |  |
| 3 | Mrs Somebody (eg Lunchtime supervisor………………………….) |  |

**(*Below/Attached/Overleaf*)** is a brief note prepared by each candidate about themselves.

**(N.B. candidates should be listed in alphabetical order of surname.)**

When you have chosen your preferred candidate, please:

1. Fold the ballot paper **- do not write your name on the ballot paper**.
2. Place your folded ballot paper in one of the envelopes provided DO NOT WRITE ANYTHING ON THIS ENVELOPE
3. Put the blank envelope in the second envelope and **write your name on this envelope so that it can be checked against the list of eligible voters.** (This envelope will be opened and discarded by the independent scrutineer without looking at the votes cast.)
4. If ballot papers are returned without a name on the outside envelope all candidates will be asked if they wish to accept them. If all candidates agree to accept unnamed envelopes; the result goes ahead. If one candidate disagrees all unnamed envelopes are disregarded. If candidates cannot be contacted on the day of the ballot the count will be delayed until they have been.
5. Deliver your ballot to the school (in person) and place in the ballot box which will be available between **(time)** and **(time)** in **(place).**

**All ballot papers must be received by (time and date)*.* Ballot papers received after this date, for whatever reason, will not be counted.**

**APPENDIX C**

Information about Governance for interested staff

* Guidance on Terms of Office
* Staff Governor Fact Sheet
* Composition of the Governing Board

**Guidance on Terms of Office**

**for Staff Governors**

* Governors are elected for the term of four years unless specified otherwise on the Instrument of Government, but they may resign at any time.
* Staff governors are elected by this same category of school staff. They cease to hold office when they cease to be employed at the school.
* If an elected governor decides to resign before their term of office is up the school must hold new elections.
* Any governor elected to take the place of another governor who has resigned early is elected for a full term of office.

**Staff Governor Fact Sheet**

The Staff governor must be working at the school at the time of their election. They must resign from the governing board if their employment ceases before their term of office.

Part-time and temporary staff, (not short-term supply staff) can normally stand for election and have a vote. The headteacher or chair of governing board should write/email to all staff advising of the vacancy, inviting nominations with a closing date.

Procedures for the ballot are as for parent governors [Schedule 4, The Education Act (School Government) (England) Regulations 1999].

**Staff Governor Vacancies**

Governing bodies constituted in line with the 2012 regulations must have one staff governor place on their Instrument of Government in addition to the Headteacher.

The headteacher position within the staff category is ex-officio and cannot be made available to other members of the school staff even if the headteacher declines to be a governor.

**Extract from Statutory Guidance of The School Governance (Constitution) (England) Regulations 2012 and \*Amendment Regulations 2017**

*Staff governors (regulation 7 and Schedule 2)*

Teaching and support staff who, at the time of election, are employed by either the governing board or the local authority to work at the school under a contract of employment, are eligible to be staff governors.

Staff governors are elected by this same category of school staff. They cease to hold office when they cease to be employed at the school.

It is important that prospective staff governors understand the nature of the role of a governor – and specifically that their role will not be to represent staff, nor to stand alongside the headteacher in being held to account by the governing board, but to operate as part of the governing board to provide strategic leadership and to hold the headteacher to account. It is advised that clear expectations of role and conduct are communicated and agreed upfront.

\*As with elected parent governors, staff governors can be removed from office.

If no candidates are forthcoming, the position on the governing board remains vacant and an election should be held as soon as an eligible candidate is identified.

**Restrictions on the role of staff governor**

There are a number of areas where the role of the staff governor differs to that of their other governors.

* Governors employed by the school are not permitted to become Chair of the governing board, although they can chair committees.
* Staff governors can sit on any of the committees but must withdraw from any discussions that relate to the performance or pay of either themselves or any other member of staff.
* We do not recommend that staff governors to fulfil any of the named governor roles (eg. Health and Safety governor) because these roles must provide an external challenge to the school.
* Staff governors would not be asked to sit on either an Exclusions Panel or Complaints Panel. In both instances, parents may feel that staff cannot be objective and staff could be put in an uncomfortable position.
* Should the governing board need to call a Selection Panel to recruit either a Deputy or Head Teacher, staff would not be able to join that Panel.
* A staff governor would not be asked to sit on any Head Teacher Performance Management Panel. Again, this is to ensure staff governors are not put into awkward situations where there could be accusations of a conflict of interest.

Despite these restrictions, the Governing Board cannot fully function without its staff governors, so despite the necessary limitations placed upon the role, there is much more that you can offer. The majority of your governor colleagues are not educational experts and look to you for advice and guidance to help them fulfil their roles.

**Composition of the Governing Board**

The governing board of …………………………………….School comprises the following members:

|  |  |  |
| --- | --- | --- |
| **Number** | **Governor Type** | **How they are given their place** |
| 1 | LA (Local Authority) Governor | Nominated by County Councillors/LA, appointed by the governing board |
| *Insert Number* | Parent Governors | Elected by parents |
| 1 | Staff Governor | Elected by school staff |
| *Insert Number* | Co-opted Governors | Appointed by the governing board |
| *Insert Number*  *if applicable* | Foundation Governors | Appointed by a Diocese, Parochial Church Council or Trust |
| *Insert Number*  *if applicable* | Partnership Governors | Appointed by the governing board |
| 1 | Headteacher | Ex-officio: by virtue of the position they hold |