

Annex F –Qualifications and disqualifications to serve as a school governor

A governor must be aged 18 or over at the time of his/her election or appointment and cannot hold more than one governorship at the same school.

A person is disqualified from holding or continuing to hold office as a governor or associate member if he or she:

- is subject to a bankruptcy restriction order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order;
- has had his/her estate sequestrated and the sequestration has not been discharged, annulled or reduced;
- is subject to:
 - a disqualification order or disqualification undertaking under the Company Directors Act 1986
 - a disqualification order under the Companies Directors Disqualification (Northern Ireland) Order 2002
 - a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002
 - an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under a county court administration order);
- has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or Commissioners or High Court on the grounds of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and Trustees Investment (Scotland) Act 2005 from being concerned in the management or control of any board;
- is included in the list of people considered by the Secretary of State as unsuitable to work with children;
- is disqualified from working with children or subject to a direction under section 142 of the Education Act 2002;
- is disqualified from working with children under sections 28,29, or 29A of the Criminal Justice and Court Services Act 2000;
- is disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010 for child minding or providing day care;
 - is disqualified from registration under Part 3 of the Childcare Act 2006;
- has received a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months (without the option of a fine) in the 5 years before or since becoming a governor;
- has received a prison sentence of 2½ years or more in the 20 years before becoming a governor;
- has at any time received a prison sentence of 5 years or more;

*“Parent” means a person with parental responsibility for, or carer of, a registered pupil at the school at the time of election.

- has been convicted under section 547 of EA 1996 (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992 (nuisance or disturbance on educational premise) during the 5 years prior to or since appointment or election as a governor;
- is employed at the school for more than 500 hours per academic year if wishing to stand for parent governor at the same school;
- is an elected member of the Local Authority (applies to parent governors only);
- has refused a request by the clerk to the governing board to make an application under section 113B of the Police Act 1997 for a criminal records certificate
- has been disqualified from holding office as a governor of this school due to failure to attend governing board meetings for a continuous period of six months

Parent Governor election notes

The 2012 Regulations state that the governing board of every maintained school must have at least two elected parent governors.

Both sets of regulations define an elected parent governor as a person who is elected as a member of the governing board of the school by parents of registered pupils at the school and who is a parent of such a pupil at the time s/he is elected. A person is disqualified from standing for election (or appointment) as a parent governor if s/he is:


- an elected member of the local education authority; or
- paid to work at the school for more than 500 hours in any consecutive twelve month period (at the time of the election or appointment).

Most LAs choose to delegate the responsibility for parent elections to the headteacher, who usually acts as the returning officer. In some cases, the school may use the clerk to the governors or appoint another member of staff as returning officer. Where the appropriate authority is the governing board, the chair or clerk to governors may be the returning officer.

It is good practice to have an agreed procedure in place so that it is clear to all parents what the process is and that it is transparent and objective. In addition to the formal election procedure, you might want to consider providing additional guidance on other aspects of the election process. For example, nowadays many parents use social media, and may use this as a canvassing tool to garner support. The school cannot prevent parents from using social media - indeed this may be a good way for the school to raise awareness of the school governor role. However it may be wise to remind parents that not all use social media and that the full range of candidate information is available on the school website.

Election Procedure for Parent Governors in Stockport

1. When a serving parent governor is reaching the end of his/her term of office, the clerk to governors will inform the governing board and headteacher. A timetable for an election is agreed that minimises delay and avoids school holidays.
2. The returning officer (in this school the returning officer is the headteacher) will send a letter to all parents notifying them that an election for a parent governor is required and inviting nominations on an enclosed nomination form **OR** the invitation and nomination form will also be placed on the school website and parents will be alerted to the election via parent mail. The returning officer will also enclose details of the circumstances in which someone is not allowed to serve as a governor. The nomination form will indicate the closing date for nominations, which will be not less than seven school days from the date of issue. Candidates will be invited to submit a statement in support of their nomination, which should be no longer than 250 words.
3. The governing board of the school carries out a regular skills audit of governors and may ask for parents with particular skills/experience to put their name forwards for election. This does not preclude any other member of the parent board from standing for election.
4. Parents may self-nominate, but if a parent wishes to nominate another parent they should seek their approval before submitting the nomination.
5. Where the number of candidates nominated is the equal to or fewer than the number of vacancies, then all those nominated will be elected unopposed. If not enough parents stand for election to fill all the vacancies, the governing board will appoint parent governors to the vacancy or vacancies in accordance with the [~~delete as appropriate~~ - School Governance (Constitution) (England) Regulations 2007 or School Governance (Constitution) (England) Regulations 2012.]
6. If there are more nominations than vacancies, a ballot will be conducted. Letters, ballot papers and return envelopes will be sent to all parents. The letters will set out that:
 - All parents of registered pupils are entitled to vote. Depending on the number of vacancies parents may be asked to vote for more than one candidate. Each parent can submit one ballot form, regardless of the number of children they have attending the school.
 - The closing date and time for receipt of ballot papers, which will be not less than seven school days.
 - If applicable, the candidates' personal statements will be enclosed [and will also be available to view on the school website].
7. A ballot box will be provided in the school office, and parents will also be given the option to vote by post. No arrangements will be made for proxy voting.
8. Returned envelopes must be locked away unopened until the closing date.
9. At the closing date for return of ballot papers, the returning officer will count the votes in front of at least two witnesses. Candidates and governors will be invited to witness this, but there is no requirement for either to attend. The returning officer is responsible for determining whether a "spoiled" ballot should be included. The outcome of the vote will be decided by the simple majority vote system.

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10. In the event of a tie there should be a recount. If this does not produce a clear result, the returning officer should, in the presence of the witnesses, draw lots.
 11. The returning officer will inform all the candidates individually about the result of the ballot and notify the local authority of the names of successful candidates, stating the period of appointment as set out in the instrument of government.
 12. Other parents will be notified of the result via the school newsletter and/or website.
 13. The ballot papers will be retained securely for six months in case the election result is challenged.

NB

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

- In order to ensure confidentiality, parents will be provided with two envelopes – one unmarked and one printed. They will be asked to enclose the completed ballot paper in the unmarked envelope, then enclose this in the printed envelope, which the voter should complete and sign. This is to allow the returning officer to check eligibility to vote. A ballot box will be provided in the school [foyer], and parents will also be given the option to vote by post. No arrangements will be made for proxy voting.
- As and when ballot papers are returned, the returning officer will check the name on each outer envelope for entitlement to vote and make a record of the return of the ballot paper. This should be done in the presence of at least one witness. The inner envelope will then be removed and placed in the ballot box for counting when the ballot closes.

(see Annex A for a model nomination letter, Annex B for a model nomination form, Annex C for a model ballot letter, Annex D for a model ballot paper, Annex E for a model ballot envelope and Annex F for a list of the qualifications and disqualifications to serve as a school governor)

CODE OF CONDUCT FOR THE GOVERNING BOARD

The following is not a definitive statement of responsibilities but is concerned with the common understanding of broad principles by which the Governing Board and individual governors will operate.

Governors of School accept the following principles:-

Role & Responsibilities

- We understand the purpose of the governing board and the role of the headteacher/principal.
- We accept that we have no legal authority to act individually, except when the governing board has given us delegated authority to do so, and therefore we will only speak on behalf of the governing board when we have been specifically authorised to do so.
- We accept collective responsibility for all decisions made by the governing board or its delegated agents. This means that we will not speak against majority decisions outside the governing board meeting.
- We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all that is expected of a good employer.
- We will encourage open government and will act appropriately.
- We will consider carefully how our decisions may affect the community and other schools.
- We will always be mindful of our responsibility to maintain and develop the ethos and reputation of our school. Our actions within the school and the local community will reflect this.
- In making or responding to criticism or complaints affecting the school we will follow the procedures established by the governing board.
- We will actively support and challenge the headteacher.
- We will accept and respect the difference in roles between the board and staff, ensuring that we work collectively for the benefit of the organisation;
- We will respect the role of the executive leaders and their responsibility for the day to day management of the organisation and avoid any actions that might undermine such arrangements;
- We agree to adhere to the school's rules and policies and the procedures of the governing board as set out by the relevant governing documents and law
- When formally speaking or writing in our governing role we will ensure our comments reflect current organisational policy even if they might be different to our personal views;
- when communicating in our private capacity (including on social media) we will be mindful of and strive to uphold the reputation of the organisation

Commitment

- We acknowledge that accepting office as a governor/trustee involves the commitment of significant amounts of time and energy.
- We will each involve ourselves actively in the work of the governing board, and accept our fair share of responsibilities, including service on committees or working groups.

- We will make full efforts to attend all meetings and where we cannot attend explain in advance why we are unable to.
- We will get to know the school well and respond to opportunities to involve ourselves in school activities.
- We will visit the school, with all visits to school arranged in advance with the headteacher/principal and undertaken within the framework established by the governing board and agreed with the headteacher/principal.
- We will consider seriously our individual and collective needs for induction, training and development, and will undertake relevant training.
- We accept that in the interests of open government, our full names, date of appointment, terms of office, roles on the governing board, category of governor and the body responsible for appointing us will be published on the school's website.
- In the interests of transparency we accept that information relating to governors/trustees/academy committee members will be collected and logged on the DfE national database of governors (currently Edubase).

Relationships

- We will strive to work as a team in which constructive working relationships are actively promoted.
- We will express views openly, courteously and respectfully in all our communications with other governors, trustees, the clerk to the governing board and school staff both in and outside of meetings.
- We will support the chair in their role of ensuring appropriate conduct both at meetings and at all times.
- We are prepared to answer queries from other board members in relation to delegated functions and take into account any concerns expressed, and we will acknowledge the time, effort and skills that have been committed to the delegated function by those involved.
- We will seek to develop effective working relationships with the headteacher/principal, staff and parents, the local authority/the trust and other relevant agencies and the community.

Confidentiality

- We will observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside or outside school.
- We will exercise the greatest prudence at all times when discussions regarding school business arise outside a governing board meeting.
- We will not reveal the details of any governing board vote.
- We will ensure all confidential papers are held and disposed of appropriately.

Conflicts of interest

- We will record any pecuniary or other business interest (including those related to people we are connected with) that we have in connection with the governing board's business in the Register of Business Interests, and if any such conflicted matter arises in a meeting

we will offer to leave the meeting for the appropriate length of time. We accept that the Register of Business Interests will be published on the school's/trust's website.

- We will also declare any conflict of loyalty at the start of any meeting should the situation arise.
- We will act in the best interests of the school as a whole and not as a representative of any group, even if elected to the governing board.

Ceasing to be a governor

- We understand that the requirements relating to confidentiality will continue to apply after a governor leaves office

Breach of this code of conduct

- If we believe this code has been breached, we will raise this issue with the chair and the chair will investigate; the governing board will only use suspension or removal as a last resort after seeking to resolve any difficulties or disputes in more constructive ways.
- Should it be the chair that we believe has breached this code, another board member, such as the vice chair will investigate.

Governors are considered to be holders of public office, and as such should have regard to the Nolan Principles: <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

The Seven Principles of Public Life

(Originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations).

Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and example.

This Code of Conduct is based on the NGA Code of Conduct and can be found in full at <http://www.nga.org.uk/Guidance/Legislation,policies-and-procedures/Model-Policies/Code-of-Practice.aspx>

Adopted by the governing board of [name of school] on [date].