



Election of Staff Governors



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It is important that schools make every effort to fill staff governor vacancies to ensure the continuity of the governing body.

It is a requirement that nominations are sought once the term of office of an existing staff governor comes to an end or if a staff governor resigns. Please note that staff governors cease to be governors immediately they cease to be employed at the school.

It is recommended that, where possible, the Headteacher starts the election process prior to the term of office of the existing staff governor coming to an end.

Number of Staff Governors and the Headteacher

For those schools which have not reconstituted their Governing Body since 1 September 2012 and are operating in accordance with provisions of the School Governance (Constitution) (England) Regulations 2003:

- One staff governor place must be reserved for the headteacher and this position cannot be taken by anyone else, even if the headteacher chooses not to be a governor.
- At least one staff governor must be a teacher unless no teacher stands for election.
- The number of staff governors on the governing body will vary depending on what is set out in the Instrument of Government.

For those schools which have reconstituted their Governing Body since 1 September 2012 and are operating in accordance with the provisions of the School Governance (Constitution) (England) Regulations 2012:

- One staff governor place must be reserved for the headteacher and this position cannot be taken by anyone else, even if the headteacher chooses not to be a governor.
- At least one staff governor must be a teacher unless no teacher stands for election.
- The number of staff governors on the governing body will vary depending on what is set out in the Instrument of Government.

For those schools which have reconstituted their Governing Body since 1 September 2012 and are operating in accordance with the provisions of the School Governance (Constitution) (England) Regulations 2012:

- There is only one elected staff governor position.
- The Headteacher is a governor in their own right.
- Other staff members may be appointed to the governing body as co-opted governors as long as no more than one third of the governing body is made up of staff (including the headteacher).

Staff Governors Terms of Office

The term of office of a staff governor cannot be extended even if the staff governor wishes to remain in office. The term of office of a staff governor is a minimum of one year and up to a maximum of four years as stated in the Instrument of Government. Once a staff governor's term of office comes to an end, the staff governor resigns, or the staff governor ceases to be employed at the school, nominations must be sought.

Eligibility

All those paid to work at the school (both teaching and support staff) on either a full or part-time basis, under a contract of employment or a contract for services, are eligible to stand for election as a staff governor and/or to vote in that election process.

There is no definitive ruling on eligibility, but staff employed by Direct Service Organisations or other Contractors and working at the same school on a regular basis may stand for election. However, if the Direct Service Organisation or Contractors rotate staff among schools, then those staff are not eligible.

Volunteers and staff who either teach or instruct pupils off site and do not work at the school are not eligible to stand or vote.

School staff are not eligible to serve as Local Authority or Community governors in the school where they are employed. Additionally, if a staff member also has a child/children attending the same school and they work more than 500 hours in a year, they are not eligible to stand as a parent governor at the school. They are however eligible to vote in parent governor elections.

Prospective staff governors should confirm that they are not disqualified from being a school governor (see back page). They should also confirm that they meet the eligibility criteria for being a staff governor at that school.

If the governing body has a code of conduct, it is good practice to advise prospective staff governors that, on becoming a governor, they will be expected to sign up to and adhere to that code.

Seeking Nominations

The Headteacher should inform staff by letter or internal advertisement that an election for a staff governor is to be held and that nomination forms are available from the school office. The date by which the nomination form should be returned should be stipulated. Ten working days is a reasonable period of time for notifications to be put forward.

Conducting the Ballot

A ballot will need to take place if there are more nominations than there are vacancies for Staff Governors.

- Following the closing date for the receipt of nomination forms, the headteacher should send a ballot paper to all eligible voters together with a brief statement from each candidate and indicating the date on which it must be returned.
- To ensure that duplicated ballot papers are not returned, each one should be numbered.
- A ballot box should be provided and placed in an area to allow easy access for staff whilst at the same time preventing it from being tampered with ie not in an unsupervised area.
- One or two weeks is a reasonable period of time for the return of ballot papers but a specific date and time must be given and any received after that time must not be counted.
- At least two people should be present at the count to verify and witness correct procedures are followed. The candidates should be invited to attend but it is not a requirement that they are present.
- In the event of a tie, the candidates' names should be drawn from a hat, in the presence of an independent witness.

Announcing the Result

The headteacher should announce the result of the election by positing a notice on the school's staff notice board. The name and contact details of the staff governor appointed should be sent to staff in Governor Services together with the effective date of the appointment.

You cannot be a governor if:

- You are under 18 at the time of your election or appointment or you are a registered pupil at the school; or
- You are **already** a governor of a different category at the **same** school; or
- You have been detained under the Mental Health Act 1983 during your period of office; or
- You have failed to attend governing body meetings, without the consent of the governing body, for a continuous period of six months, beginning with the date of the first meeting missed (not applicable to ex-officio governors); or
- You are subject to a bankruptcy restriction order or an interim order; or
- You have had your estate sequestrated and the sequestration order has not been discharged, annulled, or reduced; or
- You are subject to:
 - i) a disqualification order or disqualification undertaking under the Company Directors Act 1986.
 - ii) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989.
 - iii) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002.
 - iv) an order made under Section 492(2)(b) of the Insolvency Act 1986 (failure to pay under a County Court administration order); or
- You have been removed from the office of charity trustee or trustee for a charity by the Charity Commissioners or High Court on grounds of any misconduct or mismanagement, or under Section 32 of the Charities and Trustees Investment (Scotland) Act 2005 from participating in the management or control of any body; or
- You are included in the list of people considered by the Secretary of State as unsuitable to work with children; or
- You are disqualified from working with children or subject to a direction under Section 142 of the Education Act 2002; or
- You are disqualified from registration for childminding or providing day care; or
- You are disqualified from registration under Part 3 of the Childcare Act 2006; or
- You have received a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) in the five years before becoming a governor or since becoming a governor; or
- You have received a prison sentence of two and a half years or more in the twenty years before becoming a governor; or
- You have, at any time, received a prison sentence of five years or more; or
- You have been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor; or
- You refuse to allow an application to the Criminal Records Bureau for a criminal records certificate.