

The Elbow's Guide to Governor Elections

Here we look at the governor (and trustee) elections. These can happen at any time of the year.

Before we go on there are a few things which are really important;

- The clerk plays a key role in the process,
- You cannot automatically assume that the existing chair or vice chair can continue without election or the flip side of this that they want to carry on,
- Elections are part of the democratic process,
- Only those who are eligible can stand and only those who are eligible can vote.

This guide is for guidance – when in doubt ask.

What type of governors are elected?

This is straightforward;

- The chair and vice chair ✓
- Parent governors ✓
- Staff governors ✓

The other governors are appointed eg foundation governors from the diocese or co-opted governors by the board. They are not elected. Staff governors include anyone who is employed at the school as a teacher or as any other member of the school's staff.

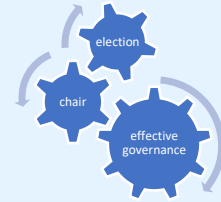
Who can be the chair or vice chair?

Again, this is straightforward anyone can be in these roles **except** the headteacher, the governors who are staff eg co-opted governors, the staff governor(s) and associate members. Parent governors can be chairs. If you are an academy please check your articles of association carefully as this will outline who can and cannot be the chair and so forth. In a maintained school the regulations are [here](#).

The role of chair should go to the person who is best suited for the role and who has the requisite skills. Boards need to give thought to their own leadership succession and begin to plan change early. One way to do this is by encouraging governors to chair committees for example. Being a chair should be a positive choice and is a very rewarding role but can be hard work.



¹ Source of cartoon – internet search. The Elbow does not own the copyright.



If the chair or vice chair gains employment in the school during their term of office they will need to stand down.

When to hold elections

At academy trust board level the election for chair and vice chair must take place annually. In a maintained school most boards hold an election every year. Remember that the chair or vice-chair may resign from being so at any time during their period of office by giving notice, in writing, to the clerk.

Other governor elections can take place at any time throughout the year. Again, keep your clerk informed – it is always useful to know who should be at the meeting and in what capacity.

You can re-elect the same chair and vice chair as many times as they are willing to stand and they remain the right person for the role. The National Governance Association *recommend* that no one serves in one school for more than 6 years but this is merely a suggestion.

How to hold elections – the chair and vice chair

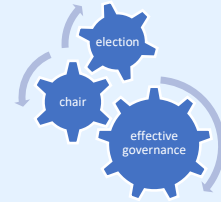
Whichever way you elect someone to these positions it should be done fairly and transparently and the clerk should be involved at all stages. These positions must be officially appointed and it must be noted in the minutes. You need to be clear about the length of the term of office and set this in advance not after you have elected someone so everyone knows where they stand.

There are a few important issues you need to think about, again for transparency's sake;

- Nominations really ought to be made in advance – electing 'on the hoof' so to speak is not always a good idea. Send your nominations to the clerk.
- If you have no clerk then for the purposes of this election you should nominate a governor to chair the meeting after first ascertaining that they do not wish to stand. You will need to ensure that the minutes reflect this decision.
- Candidates can self nominate and you need to decide in advance whether candidates are proposed and seconded. You can also decide, in advance, whether the candidates need to be present at the election – after all we all of us have emergencies when we cannot attend a meeting.
- You can be chair of more than one school – some boards see this as a strength. If your chair chairs in more than one setting it is acceptable to ask them about their capacity.

At the meeting

It is good practice to ask those who have been nominated and confirmed that they are willing to stand to leave the room as this vote/discussion/ballot takes place. The candidates should also have given some explanation as to why they wish to stand/re-stand. It should not be an



automatic process. Governors may wish to ask the candidates questions about knowledge, skills, capacity and impact if they have been in the role before etc. Equally boards need to be clear about what they expect from the chair. The clerk will be leading this element of the meeting as you have no chair. Any discussion around the decision making is confidential. All decisions made must be a majority decision even if there is only one candidate.

If the decision is tied you should ask the candidates to speak again and another vote/ballot held. It is really good practice to try and reach a consensus. Remember the candidates will not be in the room and that your discussions are confidential.

The successful candidate then takes the chair and runs the same election process for the vice chair.

Who can vote?

All governors have the right to vote including the candidates, the headteacher and staff. Associate members cannot vote because they are not governors. This is an important distinction. Remember that you are restricted from voting in any decision on a board if you have a financial or pecuniary interest in the outcome.

Parent Governor Elections

If there is a parent governor vacancy, you must try and fill this through an election process.

In a maintained school all parents or carers of registered pupils at the school at the time of a parent governor election are eligible to become parent governors, unless they are:

- An elected member of the local authority (LA) or
- Paid to work in the school for more than 500 hours in any consecutive 12 month period (at the time of election or appointment).

If you are in an academy you will need to check your Articles of Association. Maintained schools should refer to any guidance provided by their LA (parent governor elections are a LA function specifically delegated to the headteacher).

Don't forget that you need to ensure that the election process is run properly as it could be open to challenge. Remember to set an clear and definite closing date but allow enough time for the process to run smoothly.

Staff Governor Elections

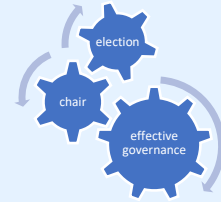
Again, the staff governor needs to be elected via an election process. You do need to remember that having more than 1/3rd staff on the board. This is stated in the guidance for maintained schools Annex B1 of [this](#). Some Local Governing Boards for example can have more than one staff governor. This will be set out in the Articles of Association. Your clerk will know.

Role of the Clerk

Running elections is not always easy especially if there are a number of candidates or equally if there are none. Some top tips include

Make sure that

- only eligible governors vote,
- that the candidates are eligible to stand as chair,



- that you have agreed the length of the term of office before the election,
- that everyone has equal chance to speak, including the candidates. It is not a popularity contest.
- election is an item on the agenda,
- that you have given adequate notice that the election will be taking place eg a minimum of 7 days,
- if you have new governors at the meeting and they do not know the candidates make sure that introductions take place,
- that you keep any ballot papers in a secure place – there is no time limit on this but it would be reasonable to keep them for at least a term in case there is any governors not present at the meeting for whatever reason who
- may wish to challenge the process for whatever reason,
- you minute clearly the successful governor and if proposed and seconded who this was,
- that the term of office is agreed/confirmed before the election.

Succession Planning

Regulation 7 of the maintained school regulations says *where the chair is absent from any meeting or there is at the time a vacancy in the office of the chair, the vice-chair is to act as chair for all purposes.*

Sometimes vice chairs don't think they have the confidence or skills to be chair but they probably do. There is free DfE funded

training and development available for leading governors and you can find out more [here](#).

Sources of Information

[Constitution of maintained school regulations](#)

<http://www.legislation.gov.uk/ukxi/2013/1624/contents/made>

[National Governance Association](#)

You may find the NGA Chair's Handbook a useful read.

www.nga.org.uk

DfE Model Articles of Association

[academy model memorandum and articles of association](#)

About The Elbow

The Clerk's Elbow is a National Leader of Governance, academy trustee, and independent clerk in the primary sector and has over 15 years of governance experience. She [blogs](#) regularly on clerking and governance and all points in between.

The Elbow is a passionate believer in the importance of good clerking and the power of good governance and doesn't mind saying so; and in fact does so often. She is always learning.

If you are so inclined, please follow her on Twitter @thesarkyclerk or @dogpaws23

Thank you for reading...

September 2018