

SHINE Multi Academy Trust Parent Election Procedures



Person responsible for this policy Clerk to the Board

Reviewed and approved under Chair's action on behalf of the Board on 27 October 2018



Signed by Chair of the Board (Chris Coverley)

Date 27 October 2018



Signed by Chief Executive Officer (Judi O'Leary)

Date 27 October 2018

This policy will be reviewed biennially

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1. Equal opportunities statement

1.1 The SHINE Multi Academy Trust (SHINE) is committed to promoting equal opportunities in employment. You and any job applicants will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. (protected characteristics)

2. Introduction

2.1 This document explains the procedures to be followed by SHINE local governing bodies (LGBs) when electing local governors. It also contains information on a range of related issues.

3. Eligibility to be a local governor

3.1 There are important restrictions on who can become a local governor, and these are outlined in our articles of association¹. A summary is also listed in appendix A.

4. Responsibility for elections

4.1 The LGB have overall responsibility for all parent local governor elections. The academy makes all the arrangements for and determines all other matters relating to such elections. It also determines whether a person is a parent of a registered pupil at the academy. Any election of local governors which is contested shall be held by secret ballot.

5. Election of local governors

5.1 Definition of the elected parent local governor

5.1.1 The local governors shall be elected by parents of registered pupils at the academy. A parent local governor must be a parent of a pupil at the academy at the time of election.

5.1.2 The arrangements made for the election of a parent local governor shall provide for

¹ a copy is available on the SHINE website <http://www.shine-mat.com/statutory-documentation/> or on written request to the Clerk to the Board, SHINE Multi Academy Trust, c/o Whitemoor Academy, Bracknell Crescent, Whitemoor, Nottingham. NG8 5FF or clerk@shine-mat.com

every person who is entitled to vote in the election to have an opportunity to do so by post or by having the ballot paper returned to the academy by a registered pupil at the academy.

5.1.3 Where a vacancy for a parent local governor is required to be filled by election, the LGB shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the academy is informed of the vacancy and that it is required to be filled by election, informed that they are entitled to stand as a candidate and vote at the election, and given an opportunity to do so.

5.1.4 The number of local governors required shall be made up by local governors appointed by the LGB if the number of parents standing for election is less than the number of vacancies.

5.1.5 In appointing a parent local governor, the LGB shall appoint a person who is the parent of a registered pupil at the academy; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory academy age.

5.2. Definition of parents

5.2.1 Parent is defined as any individual who has or has had parental responsibility for, or cares for or has cared for a child or young person under the age of 18. It includes a person who the child lives with and looks after the child, irrespective of what their relationship is with the child. Further the parent must be to someone involved in the full-time care of the child on a settled basis.

5.3 Period of office

5.3.1 Local governors are elected for a four-year term of office, unless a shorter period is specified in the articles of association. They do not need to resign if their child leaves the academy during the period they serve, though they may do so if they wish.

5.4 Notification of vacancies

5.4.1 The academy will maintain information on the dates on which parent local governors' terms of office come to an end, or when resignations of local governors occur and provide

this information to the Clerk to the Board (Clerk). When a vacancy arises, the LGB will liaise with the Headteacher over the timing of the election and any action, which needs to be taken.

5.5 Timing of elections

5.5.1 Department for Education (DfE) guidance is that, where parent local governor vacancies occur at the beginning of the academy year, elections should be held in the autumn term. Where possible, elections should be completed before the first LGB meeting of the academy year, but with the new intake of parents. At other times, elections should be held as promptly as possible.

6. Nominations for election

6.1 All parents will be informed, by letter/flyer prepared by the Clerk and distributed by the Headteacher on behalf of the LGB and normally using parent-mail/pupil post, that:

- a) A vacancy, or vacancies, have arisen which are required to be filled by election.
- b) They are entitled to stand as a candidate and vote (subject to the provisions outlined in section 5.1).
- c) There are restrictions on certain people holding office as a local governor (see appendix A).
- d) The successful candidate(s) will be subject to a Disclosure and Barring Service check.

6.2 The letter will also explain that parents:

- a) May nominate themselves, providing they are not disqualified from standing for election (see appendix A).
- b) May nominate, with his/her permission, another parent (including their spouse) with a child at the academy, providing he/she is not disqualified from standing for election (see appendix A).
- c) Should apply to the Headteacher for a nomination form or use the electronic version available on the academy's website.

6.3 Parents cannot make more nominations than there are vacancies.

6.4 Those nominated will be asked to signify on the nomination form their willingness to stand for election. They will also be invited to supply, with their nomination, a short, personal statement of not more than 100 words for circulation to parents.

6.5 The Headteacher will be asked to ensure that the preliminary letter is distributed by pupils or by email to reach all eligible parents.

6.6 If pupils are absent, the postal service, or other means of delivery, must be used.

6.7 Nominations must be returned to the academy. There will be a closing date of approximately one week after the despatch of the information to the parents (see appendix B).

6.8 The academy will acknowledge the receipt of nominations within seven days and parents will be informed of this procedure and invited to contact the academy to confirm that their form has been received.

6.9 If the number of qualified nominees is smaller than, or equal to, the number of vacancies, voting will not be required. Those nominated will simply be declared to be local governors. The Headteacher will inform the parents and the Clerk will inform the SHINE Board of Trustees and LGB of the successful candidate.

6.10 The Clerk on behalf of the LGB will send a letter of appointment to the successful candidate.

6.11 The successful candidate will be subject to a Disclosure and Barring Service check.

6.12 If the number of nominations exceeds the number of vacancies, an election will be held by ballot.

7. Conduct of the election

7.1 The Headteacher will act as the Returning Officer for all elections. A ballot will be held using the first-past-the post method.

7.2 Parents will each be entitled to one vote per vacancy.

7.3 The Clerk will prepare the ballot papers required together with the personal statements provided by candidates.

7.4 The Headteacher will write to all parents to explain that:

- a) An election will be required and is being held by ballot.
- b) Each parent, regardless of the number of children attending the academy, will be entitled to one vote.
- c) Each parent will be provided with a ballot form together with details provided by the candidates.
- d) Each parent will be entitled to vote only for the number of vacancies that exist.
- e) Parents will vote by making a cross against the name(s) of the candidate(s) for whom they wish to vote; no other mark should be made on the ballot paper.
- f) The ballot form will then be returned to the academy by the closing date, which is stipulated.
- g) If ballot papers are spoilt, or lost, then duplicates may be issued before the closing date.

7.5 Headteacher will prepare the explanatory letters and ballot forms, which will be distributed to parents, normally by pupil post.

7.6 Headteacher will ensure that parents receive only one ballot form each, even if more than one child from a family attends the academy.

7.7 If pupils are absent, special arrangements should be made to send the ballot forms and letters to the parents concerned.

7.8 Headteacher will also be asked to ensure that forms are sent to all persons known to be parents of pupils at the academy.

7.9 The votes will be counted by the Chair of the LGB or nominated local governor. Candidates, or their representatives, may be present if they wish.

7.10 Chair of the LGB or nominated local governor will decide the validity of dubious, or spoilt, ballot papers.

7.11 Headteacher will be asked to inform all parents of the name(s) of the successful candidate(s).

7.12 If there is a tie, the election will be decided by the drawing of lots.

7.13 The successful candidate(s) will be requested to undergo a Barring and Disclosure Service check. The academy will write to the candidate(s) to explain how the check will be carried out.

7.14 All ballot papers will be retained securely for six months in case the result is challenged.

8. The procedure where vacancies cannot be filled through election

8.1 If insufficient numbers of parents are elected to fill vacancies for parent local governors, then the LGB must use their powers to appoint governors.

8.2 In such circumstances the LGB will appoint as a parent local governor:

- a. a person who is the parent of a registered pupil at the academy; or (failing that)
- b. a person who is the parent of a former registered pupil at the academy; or
- c. a parent of a child under or of compulsory academy age.

8.3 They will not appoint:

- an elected member of any Local Authority; or
- a person who is paid to work at the academy for more than 500 hours in any consecutive twelve-month period (at the time of election or appointment).

9. Barring and Disclosure Service

9.1 Being an academy brings considerable responsibility for the proper management of academies and the protection of children. There are important restrictions on who can become a local governor. (see appendix A)

9.2 The LGB is empowered to carry out checks to ensure that newly appointed and re-appointed local governors are not disqualified by these restrictions.

9.3 The checks follow the requirements of the Criminal Justice and Courts Act 2000 and guidance issued by the DfE. They include a request by the Clerk to make an application for a Barring and Disclosure Service check. A person is disqualified from being or becoming a local governor if he/she refuses this request.

Appendix A

Parent local governor means a parent elected or appointed in accordance with the Trust's articles.

Our Board of Trustees have agreed that SHINE academies will elect or appoint no fewer than two parent local governors on each established LGB.

Restrictions preventing people from becoming a parent local governor

A parent of a registered pupil at the academy is disqualified from standing for election or being appointed as a parent local governor if he/she is:

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

Restrictions preventing people from becoming an academy local governor

The following people are disqualified from becoming academy local governors in accordance with our Trust's articles of association.

68. No person shall be qualified to be a trustee unless he is aged 18 or over at the date of his election or appointment. No current pupil of any of the academies shall be a trustee.

69. A trustee shall cease to hold office if he becomes incapable by reason of illness or injury of managing or administering his own affairs.

70. A trustee shall cease to hold office if he is absent without the permission of the trustees from all their meetings held within a period of six months and the trustees resolve that his office be vacated.

71. A person shall be disqualified from holding or continuing to hold office as a trustee if

- a. he has been declared bankrupt and/or his estate has been seized from his possession for the benefit of his creditors and the declaration or seizure has not been discharged, annulled or reduced; or
- b. he is the subject of a bankruptcy restrictions order or an interim order.

72. A person shall be disqualified from holding or continuing to hold office as a trustee at any time when he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

73. A trustee shall cease to hold office if he ceases to be a trustee by virtue of any provision in the Companies Act 2006, is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).

74. A person shall be disqualified from holding or continuing to hold office as a trustee if he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.

75 & 76. Not used.

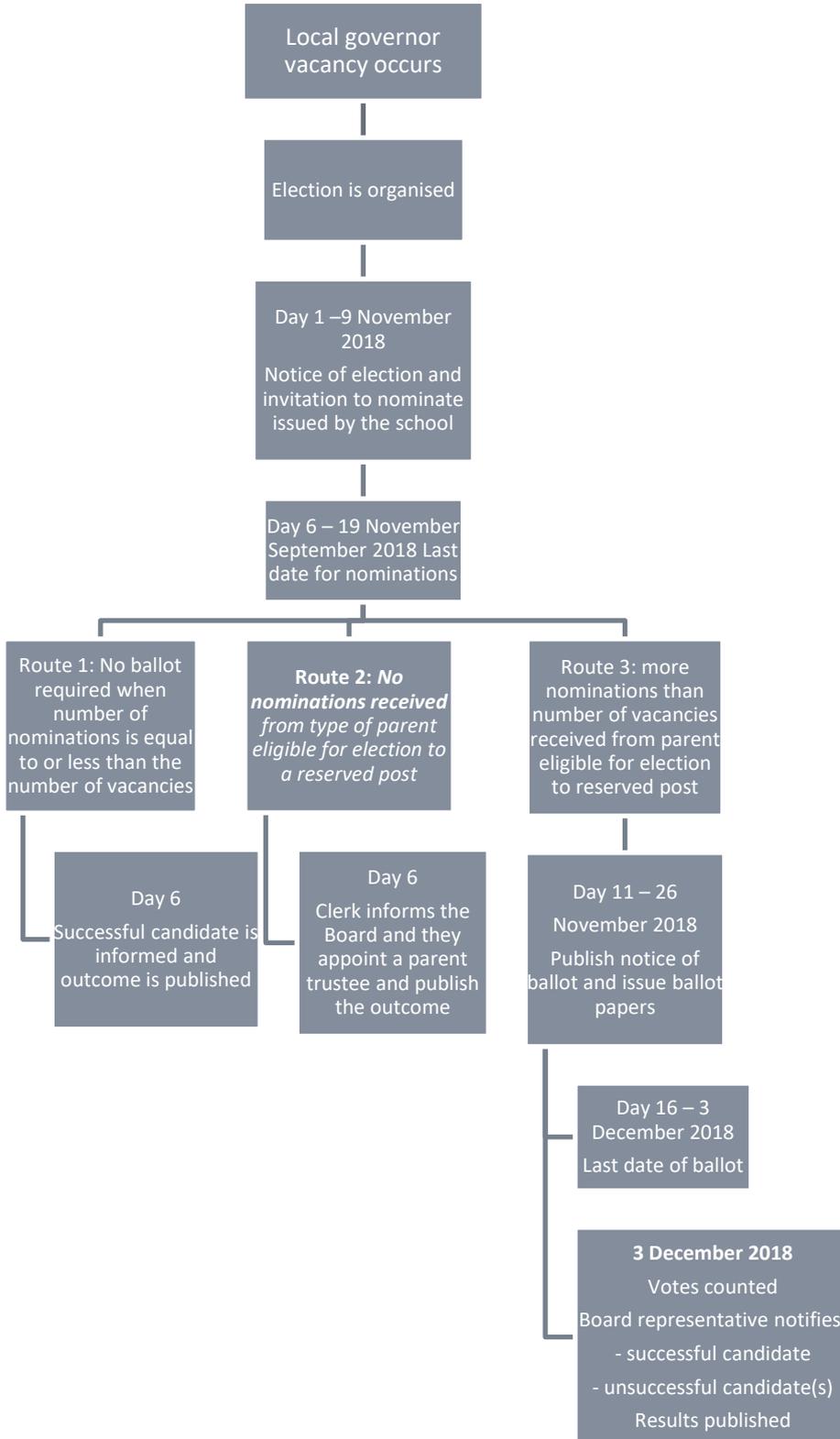
77. A person shall be disqualified from holding or continuing to hold office as a trustee where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.

78. After the first Academy has opened, a person shall be disqualified from holding or continuing to hold office as a trustee if he has not provided to the chairman of the trustees a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the chairman or the Chief Executive Officer confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

79. Where, by virtue of these articles a person becomes disqualified from holding or continuing to hold office as a trustee; and he is, or is proposed, to become such a trustee, he shall upon becoming so disqualified give written notice of that fact to the Clerk.

80. Articles 68 to 74, Articles 77 to 79 and Articles 97 to 98 also apply to any member of any committee or delegate of the trustees, including a Local Governing Body, who is not a trustee.

Appendix B – Election process autumn 2018 (days are quoted in academy days)



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