

## Part 8 - Parent Governor Procedure Rules

*References: Local Government Act 2000, section 21 and Schedule 1 (paragraph 9), Parent Governor Representatives (England) Regulation 2001*

### 1. SUMMARY OF RIGHTS OF PARENT GOVERNOR REPRESENTATIVES WHO ARE MEMBERS OF THE OVERVIEW & SCRUTINY COMMITTEE

#### Speaking and voting rights

Parent and governor representatives, who are members of an Overview and Scrutiny Committee, are entitled to vote only on education matters, whether in respect of schools or wider educational issues. They may speak on any other matters within the remit of the Overview and Scrutiny Committee.

#### Agenda setting rights

Parent and governor representatives have the right to ensure their concerns are put on the agenda of their Overview and Scrutiny Committee. Such concerns would follow the usual process for agenda item clearance.

#### Chairing rights

Parent Governor representatives are eligible to Chair their Overview and Scrutiny Committee (or its sub-committees). If they are appointed as Chair and a non-education item is to be discussed, then they may vacate the Chair for such items and allow another voting member to take over. This would then allow the replacement Chair to cast a Chair's vote if necessary.

#### Minimum membership level

The minimum number of parent governor representatives that can be appointed to the Overview and Scrutiny Committee dealing with education matters is 2, the maximum number is 5.

## Term of office

The Council can determine the period as long as it is not less than two years nor greater than four years, and has agreed a four year term. The period will start not more than one month after the date of the announcement of the result of the election in which s/he has been elected. The Council has agreed that it will be on the fourth day after the election.

## Failure to attend meetings

A parent governor representative who has failed to attend the meetings for a continuous period of 6 months beginning with the date of a meeting, shall, on the expiry of that period, cease to be qualified to hold that office. A parent governor representative shall not be considered to have failed to attend a meeting if s/he has tendered an apology for absence before the meeting has taken place and the apology has been accepted by the meeting.

# PARENT GOVERNOR PROCEDURE RULES

## 1 Election Procedures for Parent Governors

The Council can make arrangements for, and determine all other matters relating to, the holding of an election of a parent governor representative. The Council can also appoint another body to conduct or oversee such elections.

A local education authority may make arrangements –

- (a) dividing parent governor representatives into different categories representing –
  - (i) particular types of school, or
  - (ii) maintained schools in a particular area; and

- (b) where they have done so, restricting the electorate for each such category to parent governors of the same type of school or parent governors of maintained schools in that area (but they need not do so).

Where a vacancy for a parent governor representative is required to be filled by election the local education authority shall announce that vacancy and at the time of that announcement shall –

- (a) appoint a returning officer to ensure fair conduct of the election;
- (b) take such steps as are reasonably practicable to secure that every person who is known to them to be eligible to vote in the election of a parent governor representative is –
  - (i) informed of the vacancy and that it is required to be filled by election;
  - (ii) informed that they are entitled to vote;
  - (iii) informed of any arrangements made in respect of the election under regulation 4(2);
  - (iv) informed of the details of the electoral timetable and procedures;
  - (v) informed of the qualifications which a person requires in order to be elected as a parent governor representative, and of the term of office of a parent governor representative; and
  - (vi) provided with a description of the role of a parent governor representative.

Any election of a parent governor representative which is contested shall be held by secret ballot.

No ballot paper in such an election shall contain any indication of an affiliation with a political party.

Where a vacancy for a parent governor representative arises, the local education authority shall -

- (a) determine, for the purposes of the election, any question as to a person's entitlement to vote or eligibility to stand for election;
- (b) provide for every person who is eligible to vote in the election to have an opportunity to do so by post;
- (c) secure that the results of the election are announced not more than one week after the date of the election, and not more than three months after the announcement of the vacancy.

Where a vacancy remains unfilled because no, or not enough, candidates seek election, the local education authority shall comply with the requirements of this regulation again with one year of the original vacancy having arisen and at six monthly intervals thereafter, calculated from the first anniversary of the original vacancy having arisen, until the vacancy is filled.

Nothing in these Regulations shall require a ballot to be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.

## **2. Eligibility to vote in elections**

A person shall be eligible to vote in the election of a parent governor representative if at the date of the election s/he is a parent governor at a maintained school maintained by the local education authority holding the election, and either -

- (a) where voting for a particular category of parent governor representative is restricted to parent governors of a particular type of school, s/he is a parent governor of that type of school; or
- (b) where voting for a particular category of parent governor representative is restricted to parent governors of schools in a particular geographical area, s/he is a parent governor of a maintained school in that area.

### **3. Qualification for election as a parent governor representative**

Subject to paragraphs (2) to (4), a person shall, unless disqualified under any enactment, be qualified to be elected as a parent governor representative in an election held by a local education authority if on the date of the election -

- (a) s/he is a parent governor at a maintained school which is maintained by the local education authority;
- (b) s/he is the parent of a registered pupil who is educated at a maintained school which is maintained by the local education authority, or who is educated by the authority otherwise than at a school;
- (c) where the vacancy is for a parent governor representative to represent a particular type of school, s/he is a parent governor at that type of school, and
- (d) where the vacancy is for a parent governor representative to represent maintained schools in a particular area, s/he is a parent governor of a school in that area.

A person who is already a member of the Council is disqualified from being elected as a parent governor representative.

A person who is a teacher at, or is otherwise employed in, a school maintained by the Council is disqualified from being elected as a parent governor representative.

A person who is employed by the Council, is disqualified from being elected as parent governor representative.

### **4. Disqualification from holding office as a parent governor**

A parent governor representative shall cease to be qualified to hold office if -

- (a) s/he resigns or is disqualified from the office of parent governor,

- (b) s/he ceases to be a parent governor for any reason other than ‘
  - (i) s/he completed their term of office, or
  - (ii) s/he no longer holds office as a result of the discontinuance of the school at which s/he was a parent governor, or
  - (iii) s/he no longer holds office as a result of a change in the constitution of the governing body of the school at which he was a parent governor.

A parent governor representative shall cease to be qualified to hold that office if s/he is elected as a member of a local authority.

A parent governor representative shall cease to be a qualified to hold that office if s/he takes up employment –

- (a) whether as a teacher or otherwise, in a school maintained by the local education authority, or
- (b) with the local authority.

A parent governor representative shall not hold the office of parent governor representative on the Overview and Scrutiny Committee of more than one local education authority at any one time.

A parent governor representative who has failed to attend the meetings of the Overview and Scrutiny Committee of which s/he is a member for a continuous period of six months beginning with the date of a meeting, shall, on the expiry of that period, cease to be qualified to hold that office.

For the purpose of paragraph (5), a parent governor representative shall not be taken to have failed to attend a meeting of the Overview and Scrutiny Committee if s/he has tendered an apology for their absence and that apology has been accepted by the Committee.

## **5. Term of Office**

The Term of office of a parent governor representative on the Overview and Scrutiny Committee–

- (a) Shall begin on such date as the local education authority shall determine, being a date not more than one month after the date of the announcement of the result of the election in which s/he has been elected, and
- (b) Shall be of such duration as the authority shall determine, being a period not less than two years not greater than four years.

## **6. Vacation of Office**

Where a parent governor representative completes their term of office or that office becomes vacant for any other reason, the local education authority must hold an election in sufficient time to fill the vacancy no later than six months after the date on which the vacancy occurred.

Where a parent governor representative does not complete their term of office, the local education authority may decide whether the successor should be appointed for a full term of office, for the unexpired portion of the previous term of office, or for the aggregate of the unexpired portion of that term and a further full term, provided that such aggregate period does not exceed four years.

## **7. Voting rights of parent governor representatives**

A parent governor representative is entitled to vote at a meeting of the Overview and Scrutiny Committee of which they are a member on any question –

- (a) which relates to any education functions which are the responsibility of the Cabinet, and
- (b) which falls to be considered at the meeting.

## 8. Who can vote for a parent governor

A person is eligible to vote in the election of a parent governor if on the date of the election –

- (a) S/he is the parent of a registered pupil who is educated at a maintained school which is maintained by the authority, or who is educated by the authority otherwise than at school; or
- (b) S/he is resident in the area of the authority and is the parent of a registered pupil who is educated at a maintained school which is maintained by another local education authority, or who is educated by another authority otherwise than at school.

## 9. The role of a parent governor representative

The role of a parent governor representative is to:-

- (a) act as an apolitical voice for parents in the area; representing to the local education authority the main education issues which concern parents of pupils maintained by the authority
- (b) liaise with the other parent governor representatives on their own local education authority
- (c) attend and contribute to the committees to which they have been appointed
- (d) establish good relations with other members and officers
- (e) feed back the local education authority's discussions of and decisions on education to the parents
- (f) abide by the local education authority's rules on committee procedure (Standing Orders)
- (g) act with due propriety according to standards laid down for conduct in local government

### Timetable for election and appointment of parent governor representatives

Action	Statutory Timescale	Timeline
<ul style="list-style-type: none"> <li>decide: committee places; type of representation; election method election date term of office support/training delivery</li> </ul>		
<ul style="list-style-type: none"> <li>appoint: returning officer those who will run the election</li> </ul>		
<ul style="list-style-type: none"> <li>publish: announce vacancy; explain eligibility and election procedures; invite nominations by deadline</li> </ul>		Week 1
<ul style="list-style-type: none"> <li>check nominations</li> </ul>		Weeks 5-6
<ul style="list-style-type: none"> <li>issue ballot papers</li> </ul>		Week 6
<ul style="list-style-type: none"> <li>returning officer monitors campaign</li> </ul>		Week 7-10
<ul style="list-style-type: none"> <li>hold polls, if not solely by post</li> </ul>		Week 10
<ul style="list-style-type: none"> <li>count ballots</li> </ul>		Week 10
<ul style="list-style-type: none"> <li>announce result</li> </ul>	Within one week of the election; within three months of the announcement of the vacancy	Week 10
<ul style="list-style-type: none"> <li>term of office of previous incumbent expires</li> </ul>		Week 11
<ul style="list-style-type: none"> <li>appoint representatives</li> </ul>	No more than one month after the announcement of the result	Week 12
<ul style="list-style-type: none"> <li>begin support of the representatives</li> </ul>		
<ul style="list-style-type: none"> <li>explain committee rules/local government legislation</li> </ul>		Week 12