

Electronic governor elections: guidance for clerks and governing boards

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Parent governor electronic elections in maintained schools

[The School Governance \(Constitution\) \(England\) Regulations 2012](#) (the Regulations) set out the requirements for the election of parent and staff governors in maintained schools through the 'appropriate authority'. The governing board, headteacher and clerk to governors should understand who the 'appropriate authority' is for their school to ensure that the correct procedure is followed when electing parent governors.

Elections are only required when there are more nominations than vacancies for elected governors.

In community schools, community special schools and voluntary controlled schools, the appropriate authority – as determined by the Regulations – is the LA. Where the LA is the appropriate authority, it is permitted within the regulations to delegate to the headteacher any function with regard to the election of parent governors.

In voluntary aided (VA), foundation schools or foundation special schools, the appropriate authority is the governing board.

In VA, foundation and foundation special schools, the LA may be the appropriate authority and delegate responsibility for parent governor elections to the governing board.

It is the responsibility of the appropriate authority or its delegated officer to make the arrangements for the election of parent governors.

Many LAs have established procedures regarding the election of parent governors that schools must follow when the LA is the appropriate authority. For schools where the governing board is the appropriate authority, the governing board is permitted to determine its own procedures.

The process

When an elected parent vacancy arises, the governing board should first check whether the LA (when it is the appropriate authority) has established a process to be followed and whether the LA permits electronic elections.

If the governing board is its own appropriate authority, then it should agree a process that is formally adopted and recorded in the minutes of a meeting of the board, before a vacancy arises.

The Regulations state that:

- Any election which is contested must be held by ballot.
- The appropriate authority cannot impose any requirements as to the minimum number of votes required to be cast for a candidate to be elected.
- Arrangements **must** provide for every person who is entitled to vote to do so by post – ‘post’ includes delivery by hand.
- Arrangements **may** provide for every person who is entitled to vote to do so by electronic means.
- Where a vacancy for an elected parent governor arises, the appropriate authority must take reasonable steps to ensure that:
 - All parents/those with parental responsibility eligible to vote are informed of the vacancy and that an election will take place.
 - The person is entitled to stand as a candidate and vote in the election and be given the opportunity to do so.

Electronic elections

There is not an established, statutory procedure for electronic voting. Increasingly, this is a preferred method by schools and governing boards to ease administration, to support the school’s commitment to minimising the use of paper for environmental reasons and to keep costs down in what otherwise can be a labour-intensive process.

Where the headteacher and governing board decide to use an electronic process, governors should be aware that there is no requirement to use any particular system. Whatever system is chosen, it must meet the requirements set out in the Regulations as detailed above.

It is permissible to provide the details of the vacancy and how nominations can be made and processed online – as long as paper copies are available for any parent who has requested them.

The details of those who have been nominated or parents who have self-nominated can also be published online, e.g. on the school website, providing it is made clear that this will happen when parents are informed of the vacancy.

There are some practical challenges that may arise when using electronic systems for voting, so the headteacher and governing board should ensure that:

- The chosen system includes functionality to ensure only eligible parents can vote.

- Each eligible parent only has the opportunity to cast one vote – including preventing the use of multiple devices to vote being used from the same IP address and this applies regardless of the number of children they have attending the school.
- Each vote remains anonymous and cannot be seen by other voters.
- Parents cannot see the results coming through over the course of the balloting period.
- There is a postal/hand delivery option available for those parents who request it and who may not be able to use an electronic means of voting.
- A cross-referencing process is available to ensure there are no multiple entries from those voting online and voting by paper.
- GDPR requirements are met.

There is free software available that will enable electronic voting to be set up, but the headteacher and governing board will need to satisfy themselves that the above criteria can be met. Survey sites, especially those that are free, may not restrict the number of votes nor access to the results during the voting period. Any site that allows an organisation to collect votes by sending out a link which does not require the respondent to identify themselves, would not provide the means to check eligibility to vote, nor prevent someone from voting more than once.

Solutions

Schools should review the options available in advance of needing to conduct an election and ensure the process for electronic elections is formally decided within a governing board meeting and included in the school's parent election written processes.

There are several providers of electronic surveys that, for payment of a fee, will enable the school to meet the criteria above. Some are dedicated to meeting the electronic communication needs of schools and will already be a supplier. The additional module required for conducting electronic elections may prove to be very cost-effective.

Any business case considering the move to electronic voting should consider offsetting the costs of manually managing the election process, including counting the costs and the time of the returning officer and clerk – or whoever administers the process on behalf of the headteacher and governing board. The cost of setting up the system versus the longer-term savings in administering the system should be considered. It is often easier if the new system can be added to the existing system used by the school to communicate with parents, but there are various options available.

Any system adopted for electronic voting that can provide anonymity will need to:

- Allow for an individual link, e.g. an ID number, to be sent to all voters.
- Send the same link to all voters, supported by the need for some form of identification before a vote is cast – this may raise questions around the anonymity of votes.
- Provide clear guidance for parents eligible to vote.

Electing staff governors

In maintained schools, there must be at least one elected staff governor in addition to the headteacher. The appropriate authority is defined as [above](#).

Similar processes can be adopted for the election of staff governors and the process is usually delegated to the headteacher. Although there are generally a smaller number of votes, an electronic process can be adopted for voting as set out above.

Elections for parent trustees and elected parents in academy trusts

The School Governance (Constitution) (England) Regulations 2012 do not apply to academy trusts.

The guidance below refers to the [latest model articles](#) produced by the DfE.

The process for appointing and electing parent trustees or parents on local governing boards in academies is set out in individual trusts' articles of association – these have evolved over the last few years and it is important that an academy trust's own articles are used in determining appropriate processes.

For MATs, the model articles require that there are two elected parent governors on every local governing body, where these exist. Where local governing boards do not exist, there must be two elected parent trustees on the academy trust board.

For SATs, the model articles require that there must be two elected parent trustees on the academy trust board.

Parents who are elected to either the trust board or a local governing board will need to confirm that they are not disqualified from acting as a trustee or company director or school governor.

The model articles do not prescribe any process for electing parents to either local governing boards or to the trust board. They state that the board of trustees shall make all arrangements for, and determine all other matters relating to, an election of parent trustees, including any question of whether an individual is a parent or an individual exercising parental responsibility.

The articles state that:

- Any election of parent trustees which is contested shall be held by secret ballot.
- Every person entitled to vote shall have the opportunity to do so by post or by having his ballot paper returned by a pupil.
- The trustees shall take reasonable steps to ensure that every person is informed of the vacancy and that an election will take place.
- The person is entitled to stand as a candidate and vote in the election and be given the opportunity to do so.

The trust board should determine and record in minutes the process that will be adopted for electing parent trustees and parents to local governing boards.

Many academy trusts choose to adopt the process determined or recommended by LAs for electing parent trustees or governors, as these follow good practice established in The School Governance (Constitution) (England) Regulations 2012. There is, however, no requirement to do this, and academy trusts are free to determine their own processes.

Electronic elections in academy trusts

Academy trusts can choose to adopt a process for electronic elections when there are more nominations for elected positions than vacancies.

If an academy chooses to adopt an online or electronic process when a parent election is contested, it should consider the issues highlighted and solutions offered for maintained schools, as described [above](#).

Academy trust local governing boards

Apart from determining that, if there are no parent trustees elected to the trust board, there should be a minimum of two elected/appointed parent governors on a local governing board, the model articles do not provide any further guidance.

Each academy trust should determine its own process for electing local parent governors, which should be approved by trustees and documented so that the process is transparent. The same principles for electronic elections described above may be adopted when the board of trustees chooses to include elected parents to its local governing boards.

There is no requirement to appoint or elect staff governors to local governing boards, although many academy trusts continue to do so – in these circumstances the processes above may be adopted.

Electing staff trustees

There is no longer any requirement to elect or appoint staff members to the trust board or local governing boards. The DfE has a strong preference that staff in academy trusts do not sit on academy trust boards due to potential conflicts of interest. Academy trust members are permitted to appoint the trust's senior executive leader, e.g. the headteacher or CEO, to the trust board.

Some early academy trust articles may allow for the election or appointment of staff to the trust board and, where this is the case, any guidance in the trust's own articles, e.g. on appointing teachers or support staff, should be followed. It should be noted that in most cases where there was a position open for a staff trustee, in addition to the headteacher or CEO, the articles usually stated that they would be appointed by the trust's members, or the process for their appointment was usually determined by the members.

The same principles described in the guidance for electing parent trustees apply and may be followed. There is no criteria that specifically determines the meaning of 'staff' in the latest model articles or who would be eligible for election – although the 'Academies financial handbook 2019' uses the term 'employees' when making its recommendation for employees not to be appointed to the trust board. Where staff trustees are elected to the board, the process for election should be agreed and documented. It may be that the members of the trust and not the trustees determine the process. If that is the case, the process should be determined in a members' annual general meeting and recorded in the meeting minutes.

If the trust's own articles state that staff trustees may be appointed, there is no need to establish an election process and staff can be appointed to the trust board based on the skills they can contribute.

Where there is provision in the trust's articles for electing staff trustees, the guidance for electronic voting for parent trustee vacancies [above](#) can be followed.

Next steps

For further guidance on staff and governor elections and to access templates to support the headteacher and governors in managing the election process, please see our [Governor Election Resource Pack](#).

Bibliography

DfE (2017) 'Academy Articles of Association: Model One'

ESFA (2019) 'Academies financial handbook 2019'

The School Governance (Constitution) (England) Regulations 2012, schedule 1 (1-7)