**DGAT Staff local governor Election Process**

The requirement for a staff local governor to be elected to an Academy Local Governing Board (LGB) is set out in the LGB’s Scheme of Delegation.

Staff local governors are elected to the LGB by the staff employed within the Academy where they work.

All employed members of staff are eligible for nomination and will be eligible to vote in a staff local governor election.

If no staff member expresses an interest to join the LGB a person who is employed within another Trust School/Academy may be appointed by the DGAT.

All staff local governors are appointed for a four-year term of office.

Staff local governors who have come to the end of their term of office may stand for election again but must not be appointed without an election, which must also be open to other staff within the Academy.

If a staff member ceases to be employed by the Academy or Trust they will cease to hold office as a staff local governor and an election will take place to fill the vacancy.

**Disqualification from holding or continuing to hold office as a local governor of a DGAT academy.**

**The DGAT articles of association, state that ‘Articles 68 to 74, Articles 77 to 79 apply to any committee of the Directors, including a Local Governing Body, who is not a Director’. Therefore, a member of staff is disqualified from holding or continuing to hold office as a local governor of a DGAT academy in the following circumstances (adapted from the DGAT Articles of Association).**

* Unless they are aged 18 or over at the date of their appointment.
* If they become incapable by reason of illness or injury of managing or adminsutering their own affairs.
* If they are absent without the permission of the Directors or other members of the Local Governing Board from all their meetings held in a period of six months and the Directors resolve that their office be vacated.
* If their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced.
* They are subject of a bankruptcy restriction or an interim order.
* If at any time they are subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section429(2) (b) of the Insolvency Act 1986 (failure to pay under county court administration order).
* If they have 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 they were responsible or to which they were privy, or which they by their conduct contributed to or facilitated.
* If at any time they have 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.
* If they have not provided 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 Chair of the Board of Trustees or CEO confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, as referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.
* Where by virtue of the Trust Articles a person becomes disqualified from holding, or continuing to hold office as a staff local governor, and they are proposed to be a such a governor or Director, they shall upon becoming disqualified give written notice of that fact to the Clerk.

**The role of the returning officer**

The role of the returning officer can be decided by the LGB. It is usual for the role to be undertaken by the Clerk to the LGB.

The returning officer has the following duties:

* To ensure elections are conducted in line with Trust guidance.
* To make certain that votes can be made by post, by hand or by electronic means
* To arrange a secure location for nomination and ballot papers to be submitted.
* To receive nomination forms.
* To invite nominees to observe the counting of votes.
* To count nomination forms and establish if a ballot is required.
* To ensure the counting of votes is undertaken in the presence of a witness.
* To ensure any spoilt ballot papers are discounted.
* To announce the results of the election to all interested parties.
* To re-count votes in the event of a tie.
* To draw lots in the event of a tie following a second count.

**The election process:**

Inform all staff eligible to vote and be nominated of the vacancy using the DGAT Notice of Staff Local Governor Vacancy Template Letter. The letter includes a template for nominations, which must be completed by any staff member wishing to self-nominated or be nominated for election.

The completed form is returned to the Returning Officer.

If more than one staff member is nominated for election, conduct an election for the appointment of the staff local governor.

Ensure that all employed members of staff at the Academy are given the opportunity to stand for election and vote in the election, consider how staff who may be absent from work are able to participate in the election process.

Ensure sufficient timescales are implemented to allow for a fair election and accessible process.

The Clerk to the LGB is responsible for issuing the appointed governor with:

* The Staff local governor Appointment Letter
* A copy of the Local Governor Code of Conduct for signing and return
* A copy of the DGAT Declarations of Interest form for completion and return
* Details of future meetings
* Details of how to set up their school email address
* Details of access to any membership services and the Local Governor area on the

DGAT website

The clerk to the LGB should forward the following documents to the Governance Lead at [nwadley@glosdioc.org.uk](mailto:nwadley@glosdioc.org.uk) within 14 days of the Staff local governor’s appointment:

• A copy of the Staff local governor’s nomination form

• A copy of the Staff local governor Appointment Letter

The clerk should retain copies for the LGB’s own records and store securely in line with Data Protection requirements and GDPR.

The Governance Lead will ensure that all records held at DGAT are updated and stored securely in line with Data Protection requirements and GDPR.

The Chair of the LGB must ensure that the appointed governor’s Section 128 check and DBS check is completed within 21 days of appointment and confirm either completion or non-completion via email to the Governance Lead within 14 working days. Re-appointed governors must have a new Section 128 check and DBS check undertaken on appointment.

The Chair of the LGB should ensure the Staff local governor commences an induction process, including any required training.

The term of office will commence from the date the last term expired if a re-appointment, or the date of the nomination/election if a new appointment.