**Cumbria County Council**



**Clerk’s**

**Handbook**

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**V14, the information contained in this handbook was correct as at 1 April 2017**

The information contained in this publication, in the first instance, relates to Local Authority maintained schools. Where there is no legal requirement, we advise on the basis of best practice based on the principles of effective governance, which could be applied to all categories of schools.

**INTRODUCTION**

Welcome to the Clerk’s Handbook.

The role of clerk to governors is recognised by the Department for Education (DfE) as a key contributor to the effectiveness of the governing board (GB) and the resulting benefit in terms of school improvement. The clerk plays a central role in providing procedural, legislative, administrative and organisational support to the GB to ensure that they are meeting their statutory duties and working in accordance with the legal framework.

The Clerk’s Handbook has been produced to provide helpful information, along with model procedures and templates to support you in your role and should always be used together with the latest edition of the Governance Handbook. The [Governor Support Team (GST) website](http://www.cumbria.gov.uk/childrensservices/schoolsandlearning/governorservices/SchoolandGoverningBodySupport.asp) also provides a variety of links to other sources of support.

**CONTACT DETAILS**

Members of the team can be contacted either by telephone, email, fax or by post.

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| --- |
| **Governor Support Team Leader** |
| **Sue Leigh**  Email: [sue.leigh@cumbria.gov.uk](mailto:sue.leigh@cumbria.gov.uk) Tel: 01946 862263 |
|  |
| **Governor Support Assistants** |
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|  |
| --- |
| **Senior and General Advisers** |
| Carlisle Office Tel: 01228 226805  Kendal Office Tel: 01539 713602  Whitehaven Office Tel: 01946 506175 |

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Cumbria County Council

Cumbria House

117 Botchergate

Carlisle

CA1 1RD

**Team Fax:** 01228 226920

**Website:** <http://cumbria.gov.uk/childrensservices/schoolsandlearning/governorservices/default.asp>

**Schools’ Portal:** <https://schools-portal.cumbria.gov.uk/Governors/Forms/Files.aspx>

**CATEGORIES OF SCHOOLS**

There are various categories of school. The clerk to governors should be aware of the category of the school that they work in. The following categories of schools are classified as Local Authority (LA) maintained:

* community and community Special schools
* maintained nursery schools
* foundation schools
* voluntary controlled (VC) schools
* voluntary aided (VA) schools
* pupil referral units
* federations - federations are groups of two or more maintained schools, each of which remain on their own site and continue to be inspected independently by the Office for standards in education (OFSTED). The schools benefit from a shared governing board

There are other categories of schools which include:

* academies and free schools
  + single academy or free school

There is only one school which is governed by one set of Articles of Association (Articles) and a funding agreement between the school and the Secretary of State. Details regarding the composition of the GB will be found in the Articles

* + multi academy trust (MAT)

There is only one legal entity accountable for all schools within the chain, the MAT. The MAT has one set of Articles which govern all the academies in that chain. The MAT has a master funding agreement with the Secretary of State. Each academy also has a supplemental funding agreement

* independent schools- totally autonomous

**THE INSTRUMENT OF GOVERNMENT**

**LA Maintained Schools**

All LA maintained schools have an Instrument of Government. This is the legal document that details the composition of the GB and shows:

* The category of school
* Types/numbers of governors in each category
* The term of office
* Date of constitution

The effectiveness of a GB depends on the quality of its people and how they work together. A GB is able to choose the number of governors it has, and should bear in mind that they should have the necessary skills to carry out their functions effectively.

A GB can reconstitute at any time - it may be agreed that a smaller GB is more likely to be cohesive and dynamic and able to act more decisively. Equally a GB may wish to increase their number in order to gain access to further skills to enable them to fulfil their statutory responsibilities.

**Reconstitution process**

* Reconstitution is an agenda item at a full GB meeting
* At the meeting the governors decide and agree on the new composition which must comply with regulations. Include Diocese if applicable
* The minutes need to clearly record the GBs decision to reconstitute and include the new composition
* The clerk sends a copy of the approved minutes to the Governor Support Assistant (GSA)
* GST verify the accuracy of the Instrument in terms of the proportionality of each category of governor
* Once verified, the draft Instrument is emailed, for final approval, to the chair, Headteacher and Diocese (if applicable)
* Following this approval, the Instrument is submitted to Legal Services for approval and sealing
* The new Instrument will be posted, recorded delivery, to the school with photocopies for all the governors

**Key points to note:**

* The regulations allow GBs to have a minimum size of 7 members
* The GB is encouraged to recruit members on the basis of the skills they bring and are responsible for identifying gaps in skills, knowledge and experience
* There is only 1 place available for a LA governor, this person is appointed by the GB via a Local Committee process
* The category of co-opted governor allows people employed at the school to be co-opted; provided that the total number of co-opted governors who are also employed at the school, when counted together with the headteacher and the staff governor, does not exceed one third of the total membership of the GB

**What is Statutory?**

* A minimum of 7 governors
* At least 2 parent governors, elected by parents/carers of registered children at the school
* The headteacher (place reserved, but a headteacher continues to have the option of not being a member of the GB)
* 1 staff governor, elected by staff at the school
* 1 LA governor
* In VC schools they must have at least 2 but no more than a quarter foundation governors
* In VA schools the foundation governors must outnumber all the other governors by 2
* Such number of co-opted governors as the GB considers necessary, this agreed number will appear on the Instrument

**‘Surplus’ Governors**

It is up to the GB to ensure that all governors have the most relevant skills to contribute to the effectiveness and success of the school.

Where negotiations and the result of a skills audit do not result in sufficient resignations and there remains a surplus of governors:

* Any surplus in the number of foundation governors must be resolved by the person responsible for appointing foundation governors. They should decide who should continue to hold office on the basis of which foundation governors are best placed to contribute to the effective governance and success of the school, and to serve the purposes for which they were appointed as a foundation governor
* Any surplus in any other category of governor must be resolved by a separate vote of the GB on each category in which there is a surplus. This vote must be specified as an item on the agenda issued 7 days in advance of the meeting. Governors are not permitted to vote on their own category. The chair has a casting vote if necessary. Governors declared surplus do not cease to hold office until votes are cast on all categories in which there is a surplus

All decisions around appointments must be minuted as evidence of due process being followed.

Additional details of the process for reconstitution, can be found under the Improving

Your GB section of our website.

**Academies**

Academies do not have an Instrument of Government. The details of their arrangements for governance are reflected in their Articles.

Academy Trusts have almost complete flexibility to shape their governance arrangements. Each Academy Trust must have at least 3 members but there is no maximum that applies.

**ROLES AND RESPONSIBILITIES OF THE GOVERNING BOARD**

**The Purpose of Governance:**

The [Governance Handbook](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582868/Governance_Handbook_-_January_2017.pdf) along with [The Competency Framework for Governance](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/583733/Competency_framework_for_governance_.pdf) state that the purpose of governance is to provide confident, strategic leadership and to create robust accountability, oversight and assurance for educational and financial performance.

All boards, no matter what type of school or how many schools they govern, have 3 core functions:

* Ensuring clarity of vision, ethos and strategic direction
* Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff; and
* Overseeing the financial performance of the organisation and making sure its money is well spent

**Category of Governors**

The composition of a GB reflects a wide range of groups from the community sometimes referred to as stakeholders. The constitution for each school will vary in relation to categories and number of governors.

For single academies or a MAT, please make reference to your Articles, where it should contain details of the different types and numbers of governors that make up your constitution. Also in your Articles you will find details around the process of election or appointment for the different categories.

For LA maintained schools, make reference to your Instrument of Government where it will detail the category of your school, the different types and numbers of governors that make up your constitution.

Below we have listed the various categories of governors, along with details of how and by whom they are either elected or appointed. We have also noted details of any disqualifications that apply:

|  |  |
| --- | --- |
| **PARENT GOVERNOR** | Elected by parents/carers of registered children at the school.  Disqualifications:   * Parent/carer, who works at the school for more than 500 hours per year * Elected members of the LA * Registered pupil’s at the school * Anyone under the age of 18   Note: Parent governors do not have to stand down if their child leaves the school during the period of their current term of office.  Procedure for the election of parent governors, see Appendix 1 |
| **STAFF GOVERNOR** | Elected by staff at the school – exception is the headteacher who by virtue of their office hold the role of governor (\*Ex-officio). The headteacher can choose not to be a governor but no one other than the headteacher can fill the governor position.  Disqualifications:   * Anyone who is not employed at the school * Registered pupil’s at the school * Anyone under the age of 18   Procedure for the election of staff governors, see Appendix 2 |
| **LA GOVERNOR** | Appointed by GBs via a Local Committee process.  Disqualifications:   * Anyone who is eligible to be a staff governor * Registered pupil’s at the school * Anyone under the age of 18   Procedure for the nomination/appointment of LA governors, see Appendix 14 |
| **CO-OPTED GOVERNOR** | Appointed by the GB.  Disqualifications:   * Registered pupil’s at the school * Anyone under the age of 18 |
| **FOUNDATION GOVERNOR** | Appointed by the diocese, the local church, founding body or by some other foundation organisation named on the Instrument of Government.  \*Ex-officio Foundation Governor will be detailed on the Instrument of Government.  Disqualifications:   * Refer to your diocese, local church or founding body/organisation * Registered pupil’s at the school * Anyone under the age of 18 |
| **PARTNERSHIP GOVERNOR** | Appointed by the GB after seeking nominations from parents and others in the community. In a foundation school that has no foundation or equivalent body, partnership governors replace the category of foundation governors.  Disqualifications:   * Parent of a registered child at the school * Anyone eligible to be a staff governor * Elected members of the LA * Anyone employed by the LA in connection with their education functions * Registered pupil’s at the school * Anyone under the age of 18 |
| **ASSOCIATE MEMBER** | Associate Members are **not** governors.  Appointed by the GB due to their particular skills and experience. |

**\*Ex-officio** – indicates that the person is a governor ‘by virtue of office’. This usually applies to headteachers and local incumbents who are a governor as long as they are in post.

**Election/Appointment of Governors**

It is good practice as part of the induction process to confirm to governors and associate members details of their appointment or re-appointment, including category of governor and their term of office dates.

In Appendix 3 we have provided a model appointment/re-appointment letter for governors and associate members, which can be adapted for individual school requirements.

In Appendix 16 we have provided a model Governor Self-Declaration Form for governors and associate members to complete to confirm their identity.

Alternatively if the GB has adopted the model Induction Handbook, this has the facility for appointment/election details to be included.

**Election Process for Chair and Vice Chair of Governors**

The School Governance (Roles, Procedures and Allowances) (England) Regulations state that a GB must appoint a chair and vice chair of governors, determine the term of office (1, 2, 3 or 4 years) and who is not in the employ of the school.

In Appendix 4 we have provided a model procedure which the GB can adopt/amend to their needs.

**Code of Conduct**

The National Governance Association (NGA) has for a number of years, recommended that GBs adopt a code of conduct which sets out the purpose of the GB and includes confidentiality and the appropriate relationship between individual governors, the whole GB and the leadership team of the school.

We recommend that the code should be thoroughly discussed so that the whole GB has ownership of it, and once it has been adopted, the governors should be asked to review it and sign it on an annual basis, ideally at the first meeting in the autumn term.

Model code of conduct documents for both maintained schools and academies can be found on the NGA website [**http://www.nga.org.uk/Guidance/Legislation,policies-and-procedures/Model-Policies/Code-of-Practice.aspx**](http://www.nga.org.uk/Guidance/Legislation,policies-and-procedures/Model-Policies/Code-of-Practice.aspx).

**Enhanced Criminal Record Certificates**

DfE require **ALL** governors to have an Enhanced Criminal Record Certificate in place. Checks for volunteers incur an administration fee and can be done via the Disclosure Barring Service:

[**www.gov.uk/government/organisations/disclosure-and-barring-service**](http://www.gov.uk/government/organisations/disclosure-and-barring-service)

**ROLES AND RESPONSIBILITIES OF THE CLERK**

**The clerk to the governing board**

Good clerking is a major contribution to effective governance and school improvement. A good clerk can really help a GB to be effective by providing administrative support and by giving legal and good practice advice on governance matters.

The School Governance (Roles, Procedures and Allowances) (England) Regulations and Clerking competency framework, place a clear focus on the expectation of the role of clerk as well as placing an obligation on GBs to have regard to advice from the clerk to governors.

The clerk is appointed by, and responsible to the GB. All GBs are legally required to appoint a clerk to the GB.

**Functions of the clerk to the governing board**

**The clerk to the governing board must:**

1. attend meetings of the governing board and ensure minutes of the proceedings are produced in accordance with regulations
2. maintain a register of members of the governing board and of associate members and report any vacancies to the governing board; and
3. perform such other tasks as may be determined by the governing board from time to time

**GOVERNING BOARD MEETINGS**

GB business is carried out at meetings, either at the full GB or in committees. Legislation enables GBs to delegate certain functions to committees or individuals if they wish.

**Prior to the meeting**

**Producing a purposeful agenda: the process**

**4 weeks prior**

* check the minutes of the last meeting
* ensure any correspondence received has been dealt with or referred where appropriate

**3 weeks prior**

* Meet/discuss with the headteacher and chair to discuss and set the agenda
* Confirm the date for circulation of agenda
* Circulate email reminder to governing board informing of deadline for submission of reports/documents
* Determine what is confidential

**2 weeks prior**

* Prepare the final agenda
* Collate all documents and papers to be circulated

**7 days prior**

* Governors to receive the notice of the meeting, agenda and papers

As the chair directs, for matters of urgent consideration the agenda and papers could be sent within a shorter period.

To note:

* GBs must hold at least 3 full GB meetings per year
* The meetings are convened by the clerk
* Any governor can request an agenda item
* Any 3 members of the GB may request a meeting by giving written notice to the clerk

**Agenda Setting**

There is no set example for a GB agenda and no two GBs agendas will be the same. However, below we have an example of skeleton GB agenda, it shows some of the most common items that should be included in a GBs agenda:

*Name of school*

*Date and time of meeting*

*Venue of meeting*

1. *Attendance*
2. *Apologies*
3. *Declaration of Interests*
4. *Approval of previous minutes*
5. *Matters arising*
6. *Receive committee minutes*
7. *Matters arising from committee meetings*
8. *Governing board membership*
9. *Headteacher report*
10. *School Improvement Plan*
11. *Governor report*
12. *Date and time of next meeting*

Below we have detailed information in relation to each of the items listed:

|  |
| --- |
| **Attendance** |
| Those present and the person clerking is recorded at the top of the minutes. |
| **Apologies for absence** |
| Governors should present their apologies in advance of the meeting via the chair or the clerk if possible. The GB must consider whether or not to accept any apology for absence received. A governor may be removed from office if they are absent from meetings for a period of six months without the consent of the GB (not applicable to ex officio governors). |
| **Declaration of interests** |
| Governors are requested to declare an interest in any item on the agenda or any matter discussed during the meeting. The governor may be asked to withdraw from the meeting whilst the item is discussed. The chair should point out that it is important that governors and staff not only act impartially, but are also seen to act impartially. The GB and school staff have a responsibility to avoid any conflict between their business and personal interests and those of the school. There is a legal duty of all governors to declare an interest likely to lead to questions of bias when considering any item of business at a meeting and for the governor concerned to withdraw, if necessary, whilst the matter is considered. Interests may be pecuniary or relative to a discussion about a work colleague i.e. pay, performance, grievance or disciplinary.  We have included model staff and governor ‘Declaration of Personal and Pecuniary Interests’ with some guidance notes, see Appendix 9 and 10.  **Note:** there is also an additional requirement for all school staff to complete a ‘Declaration of Personal and Pecuniary Interest’ form and the clerk to hold this information. Staff declarations do **NOT** need to be displayed on the school website. |
| **Approval of previous minutes** |
| All minutes are draft until approved by the GB. Governors are asked to confirm that the minutes are a true and accurate record of the meeting. Once agreed by the GB, the minutes become a public record (except any items deemed as confidential). |
| **Matters arising** |
| Governors discuss any matters arising from the minutes. |
| **Receive committee minutes** |
| The GB receives minutes from committee meetings for information and accuracy (not approval). The GB remains accountable for decisions made. |
| **Matters arising from committee minutes** |
| Governors discuss any matters arising from the minutes which do not feature elsewhere on the agenda. |
| **Governing board membership** |
| To consider any relevant information relating to the membership of the GB i.e. vacancies, terms of office due to end.  **Note:** The clerk must have an accurate, up-to-date record of the membership of the GB along with address and email details. The clerk must be aware of the term of office for each member of the GB and should bring to the attention of the GB when a term of office is coming to an end. Please ensure the GSA for your school has the up to date details for the chair, LA governor, headteacher and clerk to governors.  It is also a requirement for the GB membership to be uploaded onto the Edubase system.  We have included a template to help record details of the governing board membership, including attendance and additional roles and responsibilities, see Appendix 11. |
| **Headteacher report** |
| The Headteacher’s report is the main mechanism by which s/he accounts the developments and issues in the school. Good practice deems that the report should be provided to governors in advance of the meeting in order that they can read and digest the information and prepare any questions they may have. |
| **School improvement plan** |
| The GB should have the opportunity to discuss the schools improvement plan, receiving updates on progress and being able to comment/challenge progress. |
| **Governor report** |
| This can be the time for governors to report back to the GB regarding any training they have attended, visits to the schools, monitoring and evaluation reports, school trips etc. |
| **Any other business (AOB)** |
| If your governing board chooses to have AOB on the agenda it is essential that the item is well chaired and does not result in a lengthy unproductive item at the end of a meeting. The chair can decide to defer items tabled at the meeting, however if the item is urgent we would advise that it is discussed. |
| **Date and time of next meeting** |
| The date and time for the next meeting should be confirmed by the GB. It is good practice for GBs to set dates for the full academic year. |

**During the meeting**

**Minutes**

During the GB meeting the minutes of the last meeting will be agreed as a true and accurate record. If minor amendments are required they should be handwritten in before the chair signs as a true record, with the amendments initialled by the chair.

**Effective minutes**

They are a true and accurate record of the GB discussions and decisions and are used as evidence that the GB are carrying out their statutory responsibilities. For example, Ofsted will want to see that the governors are supporting and challenging the school ie, the recording of questions asked by governors. If they don’t, is this because you haven’t captured these discussions in the minutes or is it because they were not discussed?

Minutes do not have to be a complete record of everything that was said and who said it. They should, however, provide a true and accurate record of:

* The important facts and discussion including questioning and challenge
* The agreed actions/decisions taken by the GB
* Who is responsible for implementing the agreed action/decisions taken
* The date/timescale for the implementation of the agreed action/decisions taken
* Jargon, use as little as possible, if an acronym must be used then at the first instance write in full and put acronym in bracket following ie governing board (GB)
* Don’t be scared to ask for clarification

**Voting**

Every question to be decided at a meeting of the GB is to be determined by the majority of votes of the governors present and voting on the question. If there is an equal division of votes the chair or the person who is acting as chairperson (provided that such person is a governor) for the purposes of the meeting will have a second or casting vote.

**Note:** The clerk will also act as a non-voting chair during the part of the meeting at which the chair is elected.

**Quorate for Local Authority maintained schools**

The quorum for a full GB meeting to make decisions must be half (rounded **up** to the whole number) of the membership of the GB, excluding vacancies for example, if the full membership is 12 and there are 3 vacancies, then the quorum for the full GB meeting is 5.

A decision can be made to hold a meeting that is not quorate but only discussions can take place, no decisions can be made.

**Quorate for Academies**

Quorate for academies (this is for meetings and for decision purposes) is detailed in your Articles.

**What if the clerk cannot attend a full governing board meeting?**

The GB may, if the clerk cannot attend a full GB meeting appoint any member of the GB (excluding headteacher) to act as clerk for the purpose of the meeting.

**After the meeting**

**Distribution of Minutes**

Minutes of the full GB meeting should be distributed to all governors. **Exception**: minutes referring to any confidential item should only be distributed to those who were present for the discussion.

Regulations state that the GB must make available for inspection to any interested person, a copy of the agenda, signed minutes and reports or papers considered at the meeting as soon as is reasonably practical. This does not include confidential minutes.

**Storage of Minutes**

Minutes should be kept in the minute file or book within the school, and should be freely available for inspection on demand (with the exception of confidential minutes).

**Guide to Confidential Minutes**

School Governance (Roles, Procedures, and Allowances) (England) Regulations state the following to be confidential items:

*(3) The governing board may exclude from any item required to be made available in pursuance of paragraph (2) any material relating to;*

1. *a named person who works, or who it is proposed should work, at the school;*
2. *a named pupil at, or candidate for admission to, the school; or*
3. *any other matter that, by reason of its nature, the governing board is satisfied should remain confidential*.

**How to record confidential minutes**

Any confidential minute should be recorded on a separate piece of paper and the following applies:

* It should include the name of the school, date of the meeting and those present for the confidential item including the clerk at the top of the page
* It should record the heading and number of the agenda item
* In the **ordinary minutes** the agenda item number and heading only should be recorded, along with a reference to the minute being found in the confidential minutes for those in attendance
* The page number of the confidential minute should carry on from the last page number of the ordinary minutes
* Good practice would be to print confidential minutes on a different coloured paper to make them easily identifiable
* Confidential minutes should be kept separate from the ordinary minutes in a confidential minute file or book, in a locked cupboard/drawer at the school. Confidential minutes are not public documents

**Committees**

**Establishment of committees**

Committees are put in place for the purpose of delegating work of the GB. The usual practice is that a GB has a number of committees underpinning their work. The membership of any committee may include associate members whose voting rights will be determined by the GB and recorded within the terms of reference for the committee. The GB may remove the chair to any committee from office at any time.

**Committees with delegated powers must have:**

* Terms of reference setting out the membership, quorum and activities and powers the committee has been delegated. Reviewed annually
* A chair who is elected by the GB or by the committee, as determined by the GB
* A clerk, who may be a member of that committee, but not the headteacher

**Functions that cannot be delegated to a committee are those relating to the:**

* Constitution of the GB
* Appointment or removal of the chair and vice chair
* Establishment of committees
* Delegation of functions
* Suspension of governors

**Who can attend committee meetings?**

* Any member of the committee, provided that the member of the committee is not a governor who has been suspended
* The headteacher of the school, whether or not they are a member of the committee (please note the headteacher does not have a vote unless they are a member of the committee)
* The clerk to the committee
* Other persons that the committee decide can make a valuable contribution due to their skills and expertise

**Accountability**

The full GB remains accountable for any decision including those relating to functions delegated to a committee.

**Voting**

Every question to be decided at a committee meeting is to be determined by the majority of votes of the members present. If there is an equal division of votes the chair or the person who is acting as chairperson for the purposes of the meeting will have a second or casting vote.

**Quorate for Local Authority maintained school committees**

The quorum for a committee meeting is 3 governors who are members of the committee or half of the committee membership if the membership is greater than 6.

A decision can be made to hold a meeting that is not quorate but only discussions can take place and no decisions can be made.

**Quorate for academy committee meetings**

Please refer to your Articles.

**School Website**

Every school must publish specific information on its website including details pertaining to their GB.

LA maintained schools must comply with The School Information (England) (Amendment) Regulations, <https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>.

We have developed a template that covers the necessary information required for schools to have on their websites with regards to their governing board, see Appendix 15.

**Please note** that in ‘The constitution of governing bodies of maintained schools: Statutory Guidance’, it states that information in relation to governance on the school website needs to be in a readily accessible form, they clarify this by stating the following: *Readily accessible means that the information should be on a webpage without the need to download or open a separate document*.

Academies/free schools should consult their funding agreements for details of what they have to publish.

**Clerks Health Check**

In Appendix 5 there is a Clerks Health Check which is a valuable exercise to look at your current practices and processes to ensure that statutory requirements are being met. We have also provided some models/templates which you can amend to your needs, which you may find useful:

* Appendix 7 provides an example of a ‘Policy Review Chart’ (which can be amended as required); this can be used to keep a record of when policies are due for review and when they have been reviewed
* Appendix 8 is an example of ‘Governor meeting attendance record’; this can be used to keep a record of individual governors’ attendance at meetings. By recording a tick for attending, cross for non-attendance (including non-acceptance of apologies) and writing in apologies, this provides an easy to refer to sheet for monitoring purposes and also meets the requirement for the information required on your website
* Appendix 6 provides some guidance and a template disqualification letter in relation to governors’ non-attendance at meetings

**APPENDICES**

**PLEASE NOTE THAT ITEMS IN RED OR ITALICS WILL NEED EITHER CORRECTED OR AMENDED DEPENDING ON THE POLICY & PROCESS ADOPTED BY AN INDIVIDUAL SCHOOL**

***Appendix 1***

**PROCEDURE FOR THE ELECTION OF PARENT GOVERNORS**

**The Appropriate Authority**

Cumbria County Council is the appropriate authority with regard to the election arrangements for parent governors in community, community special, maintained nursery and voluntary controlled schools. The County Council has delegated that responsibility to the headteacher. In voluntary aided, foundation and foundation special schools, the appropriate authority is the governing board, who may adopt these procedures.

1. When a parent\* governor vacancy occurs, the first stage in the procedure for filling that vacancy is for the *headteacher/chair/clerk* to distribute a letter to the parents and legal guardians of all pupils in the school via their children. The letter should outline the procedure to be adopted, see Appendix A.

Parents will be asked to declare their interest by submitting a letter of nomination countersigned by at least two sponsors, who should be parents/carers of children currently at the school, see Appendix B.

1. If the number of nominations received is equal to or less than the number of vacancies, then those nominees will automatically be elected unopposed. Once the successful nominee has been informed, all parents should be notified of their name, see Appendix C.
2. Where no nominations are received and the governing board has made every reasonable effort to fill the vacancy by other means, the governing board can appoint to the role of parent governor someone who is:

(a) a parent of a registered pupil at the school,

(b) a parent of a former registered pupil at the school, or

(c) a parent of a child under or of compulsory school age

4. In circumstances where there are more nominations than vacancies, there must be a secret ballot. The procedure for which is as follows:

1. The *headteacher/chair/clerk* should inform the candidates that such an election is necessary, see Appendix D, if they wish a written statement in support of their nomination. The statement:

(a) must be limited to one side of A4 paper

(b) all nominations will be in a standard format, preceded by the candidate’s name

It should be made clear that candidates are responsible for the contents of their statements and that school is unable to provide further assistance in the conduct of their election campaigns.

(ii) The *headteacher/chair/clerk* should circulate a letter to all parents and guardians (via the children unless other arrangements have been made with individual parents), informing them that an election is to take place. The letter should specify the precise period during which the ballot papers may be returned and should be accompanied by:

(a) the candidates’ statements

(b) numbered ballot papers showing the candidates’ names with a box alongside in which voters can make their mark, see Appendix E. It would be helpful to include a reminder of the number of candidates to be elected i.e. ‘you may vote for one/two/etc candidates’

(c) envelope per household, marked in the top left hand corner **‘BALLOT PAPER – PARENT GOVERNOR ELECTIONS’**

(iii) Parents should be given the choice of returning their envelopes either by post, via their children or delivered by hand. It would be helpful if a ballot box is placed in a prominent position in school for the duration of the election period.

(iv) All parents\* of children who, at the time of the election, are on the school register are entitled to receive a ballot paper. In light of the Children Act, eligibility to vote has widened to include those with parental responsibility. For example, both the natural mother and father have the right to vote. In addition, a stepfather/stepmother who has parental responsibility also has the right to vote. Parental responsibility implies a degree of permanency rather than, say, looking after a child at the weekend or during holidays.

Reasonable measures should be taken to ensure that those eligible to vote are informed of their rights. ‘Reasonable’ is not easy to interpret but be wary of rejecting a claim from a parent or other carer who claims the right to vote. Each family unit should receive the appropriate number of ballot papers irrespective of the number of children who are pupils of the school, i.e. one for each parent.

5. Once the specified period for the return of ballot papers has elapsed, the votes cast should be counted. A serving governor (preferably the chair or vice chair) should be asked to supervise the count. The candidate/s receiving the highest number of votes will be elected parent governor/s. In the event of a tie, lots should be drawn.

6. On the completion of the count, if any nominees are not present at the count, the *headteacher/chair/clerk* should confirm to them in writing the outcome of the election, see Appendix F.

7. The *headteacher\chair\clerk* should write to all parents\carers informing them of the election result, see Appendix C.

8. Any queries relating to the above procedure should be made to Governor Support Team, Children’s Services, Cumbria House, 117 Botchergate, Carlisle, CA1 1RD. Telephone: 01228 226925.

\*DEFINITION OF “PARENT”

See Section 576 of the Education Act 1996

*Appendix A*

**SCHOOL LETTERHEAD**

Date: INSERT DATE

Our reference: INSERT REFERENCE

Dear PARENT/CARER

**PARENT GOVERNOR ELECTION – INSERT NAME OF SCHOOL**

I am writing to inform you of a (insert number if more than 1) vacancy(ies) on the school governing board for (a) parent governor(s). Details of the process to fill the vacancy follow.

**THE NOMINATION OF PARENTS AS CANDIDATES**

Each parent\* of a pupil attending the school is to be given the opportunity of putting their name forward with a view to becoming a parent governor. If you want to submit a nomination on your behalf you should do so, in writing, to the HEAD OF THE SCHOOL\CHAIR\CLERK. Letters of nomination, enclosed, must be countersigned by two sponsors, who must also be parents of children currently attending the school. The closing date for the receipt of nominations by the school is INSERT DATE. Please note that incomplete nominations will not be accepted.

In the event of there being no more than one nomination, the person nominated will automatically be elected, unopposed as a parent governor.

**THE ELECTION PROCEDURE**

If the school receives more nominations than vacancies, an election by secret ballot will be held as soon as possible. Each parent\* of a child who at the time of the election is a pupil at the school will be entitled to vote.

In the event of an election, the HEAD OF THE SCHOOL\CHAIR\CLERK will issue all parents with further details concerning the way in which the ballot (which will be entirely secret and as foolproof as possible) is to be organised and supply the official ballot papers.

**CANDIDATES' CONTRIBUTION TO THE ELECTION**

Candidates will be given the opportunity to write a short statement, which will be circulated to all parents of the school. Should candidates wish to seek support in any other way, this will be entirely their own responsibility.

Following an election, parents will be told the name of the successful candidate.

**TERM OF OFFICE OF PARENT GOVERNORS**

An elected parent governor will hold office for a period of four years (ENSURE THIS IS CORRECT).

**PARENTS' PARTICIPATION**

It is very important for the efficiency and effectiveness of schools that parents should be encouraged to have an active involvement in their children's education. Consequently, parents are encouraged to participate and take an interest in the election process whether as candidates or voters.

If you have any queries at this stage regarding the subject of parent governors, would you please contact the HEAD OF THE SCHOOL\CHAIR\CLERK, who will be pleased to try to help you.

Yours SINCERELY/FAITHFULLY

NAME OF HEADTEACHER/CHAIR/CLERK

HEADTEACHER/CHAIR OF GOVERNORS/CLERK

\*DEFINITION OF “PARENT”

See Section 576 of the Education Act 1996

*Appendix B*

**SCHOOL LETTERHEAD**

**Parent Governor Nomination Form**

Name of Nominee:

Address of nominee:

Signature of nominee:

**The above-named has a child at the school, is willing to serve if elected and is hereby nominated to stand for election.**

Sponsored by (Name in capitals and address):

Signature of sponsor:

Sponsored by (Name in capitals and address):

Signature of sponsor:

Candidate’s statement for inclusion on ballot paper (limited to one side of A4):

Completed nomination must be returned to the school by:

**INSERT TIME**

**INSERT DATE**

*Appendix C*

**SCHOOL LETTERHEAD**

Dear PARENT/CARER

**Re: Election of Parent Governor(s) at INSERT NAME OF SCHOOL**

I am pleased to inform you of the result of our election for parent governor(s).

Elected: Name(s) of candidate(s)

We would like to thank all those who expressed an interest and put their names forward for consideration **(ONLY INCLUDE IF ELECTION HAS GONE TO A BALLOT).**

Yours SINCERELY/FAITHFULLY

**NAME OF HEADTEACHER/CHAIR/CLERK**

**HEADTEACHER/CHAIR OF GOVERNORS/CLERK TO GOVERNORS**

*Appendix D*

**SCHOOL LETTERHEAD**

NOMINEE ADDRESS

Dear NOMINEE NAME

**Re: Election of Parent Governor at INSERT NAME OF SCHOOL**

Thank you for your nomination to become a parent governor at our school.

As there are more nominations than vacancies, there will be a ballot.

The count will be held at the school on INSERT DATE at INSERT TIME am/pm, and you are entitled to attend this count. If you wish to attend please let me or the school office know. If you are unable to attend, I will inform you in writing of the result.

If you have any queries about the election process I shall be glad to answer them.

Yours sincerely

**NAME OF HEADTEACHER/CHAIR/CLERK**

**HEADTEACHER/CHAIR OF GOVERNORS/CLERK**

*Appendix E*

**SCHOOL LETTERHEAD**

Dear PARENT/CARER

Due to more nominations coming forward than vacancies available, a ballot has to be conducted, please see below instructions:

**Ballot Paper - Election of Parent Governor**

Number of vacancies to be filled INSERT WORD.

1. Each parent must vote on a separate form

2. Each parent is entitled to a number of votes equal to the number of vacancies e.g. one vacancy one vote; three vacancies three votes but only one vote can be used per candidate.

3. Please vote in ink by placing an X against the candidate(s) of your choice

Papers recording more than the required votes or marked in any other way will be invalid.

**CANDIDATES:**

|  |  |
| --- | --- |
| INSERT NAME  Candidate’s Statement enclosed: |  |
| INSERT NAME  Candidate’s Statement enclosed: |  |
| INSERT NAME  Candidate’s Statement enclosed: |  |

**Completed ballot papers must be returned to the school by:**

**INSERT TIME**

**INSERT DATE**

Yours SINCERELY/FAITHFULLY

**NAME OF HEADTEACHER/CHAIR/CLERK**

**HEADTEACHER/CHAIR OF GOVERNORS/CLERK TO GOVERNORS**

*Appendix F*

**SCHOOL LETTERHEAD**

NOMINEE ADDRESS

Dear NOMINEE NAME

**Re: Ballot Result for the Election of Parent Governor at INSERT NAME OF SCHOOL**

Following the recent ballot for the election of Parent Governor, unfortunately I have to notify you that on this occasion your nomination was not successful.

I am very grateful to you, however, for agreeing to stand for election and for your wish to support the work of the school in the role of school governor.

Yours sincerely

**NAME OF HEADTEACHER/CHAIR/CLERK**

**HEADTEACHER/CHAIR OF GOVERNORS/CLERK**

***Appendix 2***

**PROCEDURE FOR THE ELECTION OF STAFF GOVERNORS**

This procedure applies to the election of staff\* governors in community, community special, maintained nursery and voluntary controlled schools. Voluntary aided, foundation and foundation special schools may adopt these procedures.

Staff governors include staff employed under a contract of employment in the school and are elected by the teachers and support staff paid to work at the school. The term of office for a staff governor is stated on the Instrument of Government. When a staff governor ceases to work at the school they must stand down from the governing board.

**The Headteacher** is a member of the governing board by virtue of their office and their place remains reserved for them and cannot be taken by anyone else even if the Headteacher elects not to be a governor.

**The governing board can only have one elected staff governor,** however, other staff members can be appointed as co-opted governors as long as the number of staff members does not exceed a third of the total number of governors.

1. When a staff governor vacancy occurs, the first stage in the procedure for filling that vacancy is for the *headteacher/chair/clerk* to notify all members of staff of the vacancy. The letter should outline the procedure to be adopted, see Appendix A.

Staff will be asked to declare their interest by submitting a letter of nomination countersigned by at least two sponsors, who should be members of staff at the school, see Appendix B.

1. If only one nomination is received, then the nominee will automatically be elected unopposed. Once the successful nominee has been informed, all members of staff should be notified of their name, see Appendix C.
2. If no nominations are received, the position on the governing board remains vacant and an election should be held as soon as an eligible candidate is identified, or an appropriate length of time has passed during which staff changes have taken place. The governing board has no authority to appoint to the position of staff governor.

4. In circumstances where there are more nominations than vacancies, there must be a secret ballot. The procedure for which is as follows:

1. The *headteacher/chair/clerk* should inform the candidates that such an election is necessary, see Appendix D, if they wish a written statement in support of their nomination. The statement:

(a) must be limited to one side of A4 paper

(b) all nominations will be in a standard format, preceded by the candidate’s name

It should be made clear that candidates are responsible for the contents of their statements and that school is unable to provide further assistance in the conduct of their election campaigns.

1. As soon as possible following the closing date given for the submission of nominations/statements, *headteacher/chair/clerk* should circulate a letter to all members of staff, informing them that an election is to take place. The letter should specify the precise period during which the ballot papers may be returned and should be accompanied by:

(a) the candidates’ statements

(b) numbered ballot papers showing the candidates’ names with a box alongside in which voters can make their mark, see Appendix E

(c) one envelope per member of staff, marked in the top left hand corner **‘BALLOT PAPER – STAFF GOVERNOR ELECTIONS’**

(iii)Staff should be given the choice of returning their envelopes either by post, or delivered by hand. It would be helpful if a ballot box is placed in a prominent position in school (staff room) for the duration of the election period.

5. Once the specified period for the return of ballot papers has elapsed, the votes cast should be counted. A serving governor (preferably the chair or vice chair) should be asked to supervise the count. The candidate/s receiving the highest number of votes will be elected staff governor.

6. On the completion of the count, if any nominees are not present at the count, the *headteacher/chair/clerk* should confirm to them in writing the outcome of the election, see Appendix F.

7. The *headteacher\chair\clerk* should notify all members of staff informing them of the election result, see Appendix C.

8. Any queries relating to the above procedure should be made to Governor Support Team, Children’s Services, Cumbria House, 117 Botchergate, Carlisle, CA1 1RD. Telephone: 01228 226925.

**\*DEFINITION OF “STAFF”**

Teaching and support staff who, at the time of the election, are employed by either the governing board or the local authority to work at the school under a contract of employment, are eligible to be staff governors. The headteacher cannot be nominated but is entitled to vote.

*Appendix A*

**SCHOOL LETTERHEAD**

Date: INSERT DATE

Our reference: INSERT REFERENCE

Dear STAFF MEMBER

**STAFF GOVERNOR ELECTION – INSERT NAME OF SCHOOL**

I am writing to inform you of a vacancy on the school governing board for a staff governor. Details of the process to fill the vacancy follow.

**THE NOMINATION OF STAFF AS CANDIDATES**

Each member of staff\* is to be given the opportunity of putting their name forward with a view to becoming a staff governor. If you want to submit a nomination on your behalf you should do so, in writing, to the HEAD OF THE SCHOOL\CHAIR\CLERK. Letters of nomination, enclosed, must be countersigned by two sponsors, who must also be members of staff. The closing date for the receipt of nominations by the school is INSERT DATE. Please note that incomplete nominations will not be accepted.

In the event of there being no more than one nomination, the person nominated will automatically be elected, unopposed as staff governor.

**THE ELECTION PROCEDURE**

If the school receives more than one nomination then an election by secret ballot will be held as soon as possible. Each member of staff\* at the time of the election will be entitled to vote.

In the event of an election, the HEAD OF THE SCHOOL\CHAIR\CLERK will issue all members of staff with further details concerning the way in which the ballot (which will be entirely secret and as foolproof as possible) is to be organised and supply the official ballot papers.

**CANDIDATES' CONTRIBUTION TO THE ELECTION**

Candidates will be given the opportunity to write a short statement, which will be circulated to all members of staff. Should candidates wish to seek support in any other way, this will be entirely their own responsibility.

Following an election, staff will be told the name of the successful candidate.

**TERM OF OFFICE OF STAFF GOVERNORS**

An elected staff governor will hold office for a period of four years (ENSURE THIS IS CORRECT).

**STAFFS' PARTICIPATION**

It is very important for the efficiency and effectiveness of schools that staff are encouraged to participate and take an interest in the election process whether as candidates or voters.

If you have any queries at this stage regarding the subject of staff governors, would you please contact the HEAD OF THE SCHOOL\CHAIR\CLERK, who will be pleased to try to help you.

Yours SINCERELY/FAITHFULLY

NAME OF HEADTEACHER/CHAIR/CLERK

HEADTEACHER/CHAIR OF GOVERNORS/CLERK

**\*DEFINITION OF “STAFF”**

Teaching and support staff who, at the time of the election, are employed by either the governing board or the local authority to work at the school under a contract of employment, are eligible to be staff governors. The headteacher cannot be nominated but is entitled to vote.

*Appendix B*

**SCHOOL LETTERHEAD**

**Staff Governor Nomination Form**

Name of Nominee:

Address of nominee:

Signature of nominee:

**The above-named is in the employ of the school, is willing to serve if elected and is hereby nominated to stand for election.**

Sponsored by (Name in capitals and address):

Signature of sponsor:

Sponsored by (Name in capitals and address):

Signature of sponsor:

Candidate’s statement for inclusion on ballot paper (limited to one side of A4):

Completed nomination must be returned to the school by:

**INSERT TIME**

**INSERT DATE**

*Appendix C*

**SCHOOL LETTERHEAD**

Dear STAFF MEMBER

**Re: Election of Staff Governor at INSERT NAME OF SCHOOL**

I am pleased to inform you of the result of our election for staff governor:

Elected: Name of candidate

We would like to thank all those who expressed an interest and put their names forward for consideration **(ONLY INCLUDE IF ELECTION HAS GONE TO A BALLOT)**.

Yours SINCERELY/FAITHFULLY

**NAME OF HEADTEACHER/CHAIR/CLERK**

**HEADTEACHER/CHAIR OF GOVERNORS/CLERK TO GOVERNORS**

*Appendix D*

**SCHOOL LETTERHEAD**

NOMINEE ADDRESS

Dear NOMINEE NAME

**Re: Election of Staff Governor at INSERT NAME OF SCHOOL**

Thank you for your nomination to become a staff governor at our school.

As there are more nominations than vacancies, there will be an election.

The count will be held at the school on INSERT DATE at INSERT TIME am/pm, and you are entitled to attend this count. If you wish to attend please let me or the school office know. If you are unable to attend, I will inform you in writing of the result.

If you have any queries about the election process I shall be glad to answer them.

Yours sincerely

**NAME OF HEADTEACHER/CHAIR/CLERK**

**HEADTEACHER/CHAIR OF GOVERNORS/CLERK**

*Appendix E*

**SCHOOL LETTERHEAD**

Dear STAFF MEMBER

Due to more than one nomination coming forward, a ballot has to be conducted, please see below instructions:

**Ballot Paper - Election of Staff Governor**

1. Each member of staff is entitled to vote.

2. Please vote in ink by placing an X against the candidate of your choice

Papers recording more than the required votes or marked in any other way will be invalid.

**CANDIDATES:**

|  |  |
| --- | --- |
| INSERT NAME  Candidate’s Statement enclosed: |  |
| INSERT NAME  Candidate’s Statement enclosed: |  |
| INSERT NAME  Candidate’s Statement enclosed: |  |

**Completed ballot papers must be returned to the school by:**

**INSERT TIME**

**INSERT DATE**

Yours SINCERELY/FAITHFULLY

**NAME OF HEADTEACHER/CHAIR/CLERK**

**HEADTEACHER/CHAIR OF GOVERNORS/CLERK TO GOVERNORS**

*Appendix F*

**SCHOOL LETTERHEAD**

NOMINEE ADDRESS

Dear NOMINEE NAME

**Re: Ballot Result for the Election of Staff Governor at INSERT NAME OF SCHOOL**

Following the recent ballot for the election of Staff Governor, unfortunately I have to notify you that on this occasion your nomination was not successful.

I am very grateful to you, however, for agreeing to stand for election and for your wish to support the work of the school in the role of school governor.

Yours sincerely

**NAME OF HEADTEACHER/CHAIR/CLERK**

**HEADTEACHER/CHAIR OF GOVERNORS/CLERK**

***Appendix 3***

**SCHOOL LETTERHEAD**

Date: INSERT DATE

Our reference: INSERT REFERENCE

Dear INSERT NAME

**Congratulations on your** APPOINTMENT/RE-APPOINTMENT/ELECTION/RE-ELECTION as CATEGORY OF GOVERNOR/ASSOCIATE MEMBER to NAME OF SCHOOL.

I am writing to welcome you to this important role as a volunteer to support effective school leadership and achieve the best outcomes for our children’s futures.

Your term of office will run from START DATE to END DATE.

In due course, you will be contacted with the agenda and papers for the next meeting of the governing board, as well as the details of our schools’ induction process for new governors.

The following information and web links are provided, to guide you through the start of your term of office:

* The Department of Education’s publication ‘Governance’ Handbook’, gives guidance of school governance and legislation for governors, and is available at the following link:

<https://www.gov.uk/government/publications/governors-handbook--3>

* We encourage all new governors, associate members and clerks to attend the ‘Introduction to Governance’ training available through the Local Authority. Please see the Governor Support Team website for details at: <http://www.cumbria.gov.uk/childrensservices/schoolsandlearning/governorservices/>

I wish you every success in your work as a school governor. Please do not hesitate to contact any member of the governing board, if we can be of any further help to you at any time in your role of governor.

Yours sincerely

INERT NAME

Chair of Governors

***Appendix 4***

**PROCEDURES FOR THE ELECTION OF GOVERNING BOARD CHAIR AND VICE CHAIR**

**INSERT NAME OF SCHOOL**

**\*\*\*ITEMS IN BOLD ARE REQUIRED BY REGULATION AND ARE NOT OPTIONAL\*\*\***

*Relevant regulations are from The School Governance (Roles, Procedures and Allowances) (England)*

*Regulations 2013; Regulation 7 (Appointment of chair, vice chair); Regulation 16 (Restrictions on persons taking part in proceedings) and Schedule 1 (Office of governor, chair and vice chair or clerk); and Regulation 22 (Establishment of committees of the governing board)*

1. The governing board will agree the election procedure for chair and vice chair at its first:

* Summer term meeting
* Spring term meeting
* Autumn term meeting

1. Term of office for the chair **will be for 1, 2, 3 or 4 year(s) from date of appointment**
2. Term of office for the vice chair **will be for 1, 2, 3 or 4 year(s) from date of appointment**

**If the term of the office is broken, the governing board will, at the next meeting hold an election following the agreed procedure and the full term of office will commence from that date**

1. Nomination procedures: All nominations to be

* written nominations in advance only OR
* nominations at meeting only OR
* nominations in advance and at meeting OR
* self-nomination OR
* nominee to be proposed (and seconded)

**Candidates must leave the meeting when a vote is taken.**

1. Election Procedure: All elections to be conducted by the clerk where there is no chair

* In the event of a single nomination the governing board will still vote by
  + Secret Ballot (best practice) OR
  + Open Vote

1. Election results in a tie, the person acting as chair has a casting vote (only if a governor).
2. Committee chairs:

* The governing board will appoint a chair for its committees OR
* Each committee will elect its own chair

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­­­­­­­­­­­­­­­\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Chair of Governors, on behalf of the governing board)

**Good Practice**

Some other factors a governing board should consider when agreeing their election process:

* Whether a governor can be re-elected?
* Should there be a limit to the number of terms a governor can serve as chair or vice chair?
* Whether the governing board should put in place some sort of succession planning in relation to the role of chair and vice chair?
* If there was a tie in votes and the chair does not have a casting vote (chaired by the clerk), does the governing board give candidates an opportunity to speak to the governing board about what they can bring to the role of chair and vice chair, then followed by another vote?

***Appendix 5***

**CLERKS HEALTH CHECK**

The Health Check will support clerks to begin the process of self-evaluation. It is a simple exercise to look at your practices and processes and make sure statutory requirements are met. It will identify good practice and areas requiring development and further training and support. The check covers a number of areas and requires a simple ‘yes/no’ response. An Evidence/Personal action column enables you to note down any actions.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Yes** | **No** | **Evidence /**  **Personal Actions** |
| **Advisory Role** | | | |
| Are you clear of the process to elect or appoint different categories of governors? |  |  |  |
| Are all policies up to date and reviewed where necessary? |  |  |  |
| Do you provide advice, to governors, on legislation and procedural matters where necessary before, during and after the meeting? |  |  |  |
| Do you check the ‘Notices’ section of the Governor Support Team website regularly for updates? |  |  |  |
| **Membership** | | | |
| Do you keep an accurate membership of GB details including name, address, email, category of governor and term of office? |  |  |  |
| Are your governors all within their term of office? |  |  |  |
| Do you advise the chair of potential disqualification through lack of attendance? |  |  |  |
| Do you have a copy of your Instrument of Government or Articles of Association? |  |  |  |
| Are induction materials provided to new governors eg induction pack, code of conduct? |  |  |  |
| Are details of the governing board on the school website up to date? |  |  |  |
| Inform the GSA for your school of any changes in membership relating to the headteacher, chair of governors and clerk? |  |  |  |
| **Manage Information** | | | |
| Do you maintain copies of current terms of reference and membership of committees? |  |  |  |
| Are copies of statutory policies kept in school?   * Are all statutory policies in place? * Where can they be found? * When they were last reviewed? |  |  |  |
|  | **Yes** | **No** | **Evidence /**  **Personal Actions** |
| Are the signed minutes kept in school? |  |  |  |
| Are confidential minutes kept in a locked cupboard in the school? |  |  |  |
| Do you check/update governor information on the school website regularly? |  |  |  |
| Do you maintain a ‘Declaration of Personal and Pecuniary Interests’ for governors and members of staff? |  |  |  |
| **Personal Development/Relationships** | | | |
| Do you keep up to date with current changes in governance legislation? |  |  |  |
| Do you undertake training to maintain knowledge and improve practice? |  |  |  |
| Do you have a good professional relationship with chair, headteacher and governors? |  |  |  |
| Are you part of a Clerk Cluster Group? |  |  |  |
| **Meetings** | | | |
| Are you involved in agenda setting? |  |  |  |
| Is the agenda and supporting papers sent to governors at least 7 days prior to the meeting? |  |  |  |
| Do you record governor challenge, questioning and support in your minutes? |  |  |  |
| Do you clearly inform governors of their actions eg are actions clearly detailed on your minutes? |  |  |  |
| Are your meetings quorate? |  |  |  |

**NOTES:**

***Appendix 6***

**GUIDANCE NOTES ON GOVERNORS NON-ATTENDANCE AT MEETINGS**

Legislation states (School Governance (Constitution) (England) Regulations), that governors who fail to attend meetings (full governing board (GB) or committees) for a consecutive 6 month period without permission of their fellow governors will disqualify themselves from the GB. The 6 months commences on the date that the meeting was held (and the governor failed to attend).

The National Governance Association provides a model Code of Conduct which a GB can adopt or adapt to their needs. The code clearly sets out the expectations of the commitment involved when volunteering to be a governor. Your clerk should keep an attendance record so that any persistent absences can be easily identified and brought to the attention of the GB.

There is an expectation that all governors to know their school and its activities. To achieve this, the expectation means that governors need to attend full GB meetings and committee meetings, where governors have agreed to be members.

There may be occasions when a governor cannot attend a meeting; the governor should make every effort to explain in advance why they cannot attend.

The GB should consider all apologies. The minutes should reflect that they have been considered and whether they have been accepted.

In the case of persistent absences with or without the provision of apologies, again governors should consider all absences and the minutes reflect if no apologies have been provided.

In such cases, the GB can/may have a discussion about the persistent absence from meetings. Good practice would be for the GB to delegate a governor (usually the chair of governors); to make contact with the absent governor to make enquiries as to whether there is a reason for their persistent absence. There could be a number of reasons for the persistent absence for example ill health, change in personal circumstances, timing of meetings clashes with personal commitments etc.

When the delegated governor makes contact with the absent governor they should enquire if there are any specific reasons for their absence and if there is anything the GB could do to help support them to attend meetings. The delegated governor needs to also explain that if the unauthorised absence continues for a 6 month continuous period they disqualify themselves from the role of governor.

The delegated governor should report back to the GB at the next meeting and then the GB will make the decision as to whether they can do anything to support the absent governors attendance or if the absent governor has disqualified themselves. If the GB decides that the absent governor has disqualified themselves by their actions, the GB should notify them in writing, see suggested model letter Appendix A. The GB is free to amend/adapt the model letter to their needs.

*Appendix A*

**SCHOOL LETTERHEAD**

NAME

ADDRESS 1

ADDRESS 2

ADDRESS 3

ADDRESS 4

Date: INSERT DATE

Our reference: INSERT INITIALS/INSERT INITIALS

Dear INSERT NAME

**Disqualification as INSERT CATEGORY Governor at INSERT NAME OF SCHOOL.**

We are writing to you due to your non-attendance at meetings of the full governing board or committees for a period of 6 months, starting from INSERT DATE OF FIRST MEETING GOVERNOR WAS ABSENT WITHOUT CONSENT OF THE GOVERNING BOARD without the approval of the governing board.

Under the terms of The School Governance (Constitution) (England) Regulations 2012, Schedule 4, 9, (2), I regret to inform you that you have ceased to be a governor as a result of your record of attendance. You have, therefore, been removed from the governing board.

YOU MAY WANT TO INSERT A SENTENCE THANKING THEM FOR THEIR PREVIOUS CONTRIBUTION, IF APPLICABLE ie:

*I understand that your personal commitments may have effected your ability to attend meetings and wanted to take this opportunity to express the governing board’s’ thanks for your support in the past and wish you all the best for the future*

Yours sincerely

INSERT NAME

**Chair of Governors**

***Appendix 7***

**POLICY REVIEW CHART**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Policy** | **Status** | **Responsible**  **person** | **Date approved by governors** | **Review date** |
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***Appendix 8***

**GOVERNOR MEETING ATTENDANCE RECORD**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Name** | ***Date of meeting*** | ***Date of meeting*** | ***Date of meeting*** | ***Date of meeting*** | ***Date of meeting*** | ***Date of meeting*** | ***Date of meeting*** | ***Date of meeting*** | ***Date of meeting*** |
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*Appendix 9*

GOVERNING BOARD DECLARATION OF PERSONAL AND PECUNIARY INTERESTS - GUIDANCE NOTES

The governing board and individual governors should always act in the best interest of the school. Declaring conflicts of interest is a legal requirement as laid out in the School Governance (Roles, Procedures and Allowances) (England) Regulations.

Governors are required to make an annual declaration; however this does not remove the requirement for a governor to make a declaration of interest at a meeting where an interest is relevant to something being discussed.

Pecuniary Interests

Pecuniary interests are quite wide in their scope for example:

* Where a governor may personally benefit from the consequences of a decision of the governing board
* A governor’s employer, or a partner in a partnership, company directorship(s), charity trusteeships, membership of professional bodies, etc, may benefit from the consequences of a decision of the governing board
* Offers of gifts or hospitality (declined or accepted)
* The supply of goods/services to the school
* Any other perceived possible conflict

Personal Interests

A personal interest should be declared if there is any chance that a governor’s personal interest could unfairly prejudice, influence or conflict with decision making processes for example:

* Where a governor has immediate family/personal connections to another governor or member of staff
* Where a governor is a governor at another educational establishment

It is important that any declarations, pecuniary or personal, made at meetings of the governing board or committees are minuted and whether a governor(s) withdrew from the meeting. There is now a legal duty for schools to display on the school website a Register of Personal and Pecuniary Interests for the governing board.

**Useful Links:**

The Seven Principles of Public Life(originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations) <https://www.gov.uk/government/publications/the-7-principles-of-public-life>.

The Charity Commission has produced [guidance on dealing with conflicts of interests](https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29) which may be useful, even for schools that do not have charitable status.

GOVERNING BOARD DECLARATION OF PERSONAL AND PECUNIARY INTERESTS

**Name of school:**

**Name:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **NAME OF ORGANISATION** | **NATURE OF INTEREST**  *Including governor elsewhere, related/married/spouses/ partners to other governors or a member of staff, employed at school, other employment, business interests* | **DATE INTEREST WAS REGISTERED**  *Date appointment as governor* | **DATE OF CESSATION OF INTEREST** | **COMMENTS/NOTES** |
| **Examples**:  *Cumbria County Council* | *Employed in Governor Support Team* | *17 11 16* |  | *Training provider and Local Authority employee* |
| *Anywhere Secondary School* | *Parent Governor* | *21 09 16* |  | *Governor at another educational establishment* |
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I certify that to the best of my knowledge I have declared all personal and pecuniary interests. I understand that it is my responsibility to declare any interests, personal/business, at a meeting and agree to update/review this declaration on an annual basis:

Signed …………………………………………………….. Date …………………………………..

*Appendix 10*

STAFF DECLARATION OF PERSONAL AND PECUNIARY INTERESTS - GUIDANCE NOTES

School staff should always act in the best interest of the school. School staff are required to make an annual declaration, if circumstances change then please amend/submit an updated declaration. It is important for anyone involved directly/indirectly in spending public money to demonstrate that they do not benefit personally from decisions that they make.

Pecuniary Interests

Pecuniary interests are quite wide in their scope for example:

* Where a member of staff may personally benefit from the consequences of a decision or by being involved in the decision
* A partner in a partnership, company directorship(s), charity trusteeships, membership of professional bodies, etc, may benefit from the consequences of a decision of the governing board
* Offers of gifts or hospitality (declined or accepted)
* The supply of goods/services to the school
* Any other perceived possible conflict

Personal Interests

A personal interest should be declared if there is any chance that a member of staff’s personal interest could unfairly prejudice, influence or conflict with decision making processes for example:

* Where a member of staff has immediate family/personal connections to a governor or member of staff
* Where a member of staff works at another educational establishment

**Useful Links:**

The Seven Principles of Public Life(originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations) <https://www.gov.uk/government/publications/the-7-principles-of-public-life>.

The Charity Commission has produced [guidance on dealing with conflicts of interests](https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29) which may be useful, even for schools that do not have charitable status.

STAFF DECLARATION OF PERSONAL AND PECUNIARY INTERESTS

**Name of school:**

**Name:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **NAME OF ORGANISATION** | **NATURE OF INTEREST**  *Including related/married/spouses/ partners to governors or a member of staff, employed at another school, other employment, business interests* | **DATE INTEREST WAS REGISTERED**  *Date appointment as governor* | **DATE OF CESSATION OF INTEREST** | **COMMENTS/NOTES** |
| **Examples**:  *Anywhere Secondary School* | *Related* | *21 09 16* |  | *Married to a school governor.* |
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I certify that to the best of my knowledge I have declared all personal and pecuniary interests. I understand that it is my responsibility to declare any interests, personal/business and agree to update/review this declaration on an annual basis:

Signed …………………………………………………….. Date …………………………………..

***Appendix 11***

**GOVERNING BOARD MEMBERSHIP AS AT *(insert date)***

**Name of school:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Name** | **governor category**  *Incl Associate Members* | **appointing board** | **APPOINTMENT date** | **attendance over LAST ACADEMIC YEAR** | | **additional roles and responsibilities**  *ie chairs of governing board and committees and is Associate members have voting rights at committee level* |
| **Governing Board\*** | **Committee\*** |
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**\*** **Percentage or actual number**

***Appendix 12***

**GOVERNING BOARD REGISTER OF PERSONAL AND PECUNIARY INTERESTS**

**Name of school:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Name of organisation** | **Nature of interest**  *ie business, relationship or governorship roles in other educational establishments* | **Date interest was registered** | **Date of cessation of interest** | **Comments/Notes** |
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**Record of Review**

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| **Date**  *Review annually* |  |  |  |  |  |  |  |
| **Signature** |  |  |  |  |  |  |  |

***Appendix 13***

**STAFF REGISTER OF PERSONAL AND PECUNIARY INTERESTS**

**Name of school:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Name of organisation** | **Nature of interest** | **Date interest was registered** | **Date of cessation of interest** | **Comments/Notes** |
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**Record of Review**

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| **Date**  *Review annually* |  |  |  |  |  |  |  |
| **Signature** |  |  |  |  |  |  |  |

***Appendix 14***

Cumbria County Council Local Authority (LA) governor

nomination/appointment process

1. ‘LA governor candidate proposal form’ available on Governor Support Team (GST) website.
2. School Governing Body (GB) must inform GST of vacancy.
3. GB must send details of name of school and required skill set on the LA Governor Candidate proposal form (see Appendix A). Name(s) of potential candidate(s) **must not** be included.
4. GST checks information provided; returns to school if incomplete; forwards to Area Manager if complete.
5. Area Manager must inform councillor(s) of vacancies and **forward form to them** to complete.
6. On receipt of the form, it is the responsibility of the Councillor to ensure a candidate name for nomination is added to the form.
7. Councillor may also contact the GB to discuss possible candidates who may have the required skills.
8. The Councillor must then return the form with the details of the proposed candidate to the Area Manager.
9. It is the responsibility of the Area Manager to report on all LA governor vacancies to Local Committee (LC).
10. Proposed candidate(s) and vacancies considered at subsequent LC meeting.
11. Candidate nominated by the LC.
12. Relevant section on form completed by Area Manager and returned to GST.
13. GST adds date to form and forwards to school GB.
14. At GB meeting, skill set of nominee is discussed.
15. Nominee appointed if GB’s requirements are met.
16. GB must complete remaining sections on form stating date GB met and name of person appointed.
17. Completed form to be returned to GST to be logged on database.

*Appendix A*

**Local Authority governor candidate nomination/appointment form**

|  |  |
| --- | --- |
| **NAME OF SCHOOL**  *(To be completed by school)* |  |
| **SKILLS AND EXPERIENCE**  **(as required by governing body)**  *(To be completed by school)* |  |
|  |  |
| **CANDIDATE PROPOSED BY COUNCILLOR**  **(including relevant skills/experience)**  *(To be completed by councillor)* |  |
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| --- | --- |
| **NOMINATION AGREED BY LOCAL COMMITTEE**  **(date)**  *(To be completed by the Area Manager and returned to the Governor Support Team)* |  |
|  |  |
| **NOMINEE DETAILS FORWARDED TO GB**  **(date)**  *(To be completed by Governor Support Team)* |  |
|  |  |
| **NOMINEE/GB meeting**  **(date)**  *(To be completed by school)* |  |
| **NAME OF PERSON APPOINTED BY GB**  **(date)**  *(To be completed by the school and returned to Governor Support Team)* |  |

***Appendix 15***

**INFORMATION FOR WEBSITE**

***LA Maintained Schools:***

**The remit of the governing board:**

It is stated in the Governance Handbook that all boards, no matter what type of schools or how many schools they govern, have three core functions:

• Ensuring clarity of vision, ethos and strategic direction;

• Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff; and

• Overseeing the financial performance of the organisation and making sure its money is well spent.

**The constitution of our governing board is as follows:**

* X Parent governors
* 1 Local Authority governor
* 1 Headteacher
* 1 Staff governor
* X Foundation governors (if applicable)
* X Co-opted governors (if applicable)
* X Partnership governors (if applicable)

Term of office for all governors is 4 years *(amend as necessary)*

**Committee Structure is:**

*List name(s) of committee(s)*

*Include committee terms of reference*

***Academies:***

The structure and remit of the members, board of trustees, its committees, local governing bodies and the full names of the chair of each (where applicable), including Scheme of delegation for the Trust and terms of reference detailing clear lines of accountability.

The academy memorandum, articles of association, annual accounts, annual report and funding agreement. Trusts must publish their annual accounts no later than the end of January following the financial year to which the accounts relate.

**GOVERNING BOARD MEMBERSHIP**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Name** | **governor category**  *Incl Associate Members* | **appointing body** | **APPOINTMENT date** | **date stepped down**  *(if applicable)* | **attendance over LAST ACADEMIC YEAR *(2016-2017)***  *Amend as necessary* | | **additional roles and responsibilities**  *ie chairs of governing board and committees and if Associate Members have voting rights at committee level* |
| **Governing Board*\**** | **Committee*\**** |
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***\*******Percentage or actual number***

**GOVERNING BOARD REGISTER OF PERSONAL AND PECUNIARY INTERESTS**

**Name of school:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Name of organisation** | **Nature of interest**  *ie business, relationship or governorship roles in other educational establishments* | **Date interest was registered** | **Date of cessation of interest** | **Comments/Notes** |
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**Record of Review**

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| **Date**  *Review annually* |  |  |  |  |  |  |  |
| **Signature** |  |  |  |  |  |  |  |

***Appendix 16 –* GBs may use as part of pre-appointment checks**

**GOVERNOR SELF-DECLARATION FORM**

|  |  |
| --- | --- |
| FULL NAME |  |
| PREVIOUS NAME(S)/MAIDEN NAME |  |
| ADDRESS  POSTCODE |  |
| TELEPHONE | Home |
| Work |
| Mobile |
| DATE OF BIRTH |  |

**Qualifications and disqualifications, regulation 17 and Schedule 4 to ‘The School Governance (Constitution) (England) Regulations 2012.**

Grounds for disqualification fall into three broad categories:

* general grounds
* grounds that apply to particular categories of governor; and
* grounds that arise because of particular failings or actions on the part of the governor

All the grounds for disqualification apply also to associate members except that associate

members can be registered pupils at the school and can be under 18.

**I declare that I am not disqualified from serving as a school governor:**

Signed Governor

**CONFIRMATION OF IDENTITY**

I can confirm that I have seen one of the following means of identification:

Driving Licence Passport

Marriage Certificate Birth Certificate

Signed on behalf of school

Signed Governor