

PARENT AND STAFF GOVERNOR ELECTION PROCEDURES

Legislation: School Governance (Constitution) (England) Regulations 2012

Please note that this guidance note applies to maintained schools.

Academy trusts should refer to their articles of association to find requirements for parent and/or staff trustees and the procedures for electing or appointing them. Local governing bodies should refer to their trusts for information.

Academy trusts and local governing bodies are welcome to adapt this guidance for their use.

The Appropriate Authority - Schedule 1 of the School Governance (Constitution) (England) Regulations 2012

For community, community special schools and voluntary controlled schools, the Appropriate Authority for determining all matters relating to electing parent and staff governors is the Local Authority, Suffolk County Council. Responsibility for running elections is delegated to the head teacher who acts as the 'returning officer' and ensures that the correct procedures are followed.

In voluntary aided schools, the Appropriate Authority is the governing body. In aided schools, governing bodies are responsible for making the arrangements for the election of parent or staff governors. It is open to the governing bodies to adopt the procedures described in this guidance note if they so wish.

Any candidate may appeal to the Director of Children & Young People's Service if he/she believes the election has not been fairly conducted.

Ensuring you hold an informed election

[DfE guidance](#) (pg 11) expects that all governors have the skills required to contribute to effective governance and the success of the school. The specific skills that governing bodies need to meet their particular challenges will vary. It is therefore for governing bodies to determine in their own opinion what these skills are. They may interpret the word skills to include personal attributes, qualities and capabilities, such as the ability and willingness to learn and develop new skills.

Governing bodies and local authorities should make every effort to conduct informed parent and staff governor elections in which the expectations and credentials of prospective candidates are made clear. The best governing bodies set out clearly in published recruitment literature:

- The core functions of the governing body and the role of a governor, and the induction and other training that will be available to new governors to help them fulfil it;
- the expectations they have of governors for example in relation to the term of office,

the frequency of meetings, membership of committees, willingness to undertake training and development;

- the code of conduct setting out clear expectations of the governors' role and behaviour; and
- any specific skills or experience that would be desirable in a new governor, such as the willingness to learn or skills that would help the governing body improve its effectiveness and address any specific challenges it may be facing.

Well run elections use secure and reliable voting systems and offer candidates the opportunity to publish a statement of sufficient length to set out:

- evidence of the extent to which they possess the skills and experience the governing body desires;
- their commitment to undertake training to acquire or develop the skills to be an effective governor;
- if seeking re-election, details of their contribution to the work of the governing body during their previous term of office; and
- how they plan to contribute to the future work of the governing body.

The purpose of governing bodies providing and publishing information about the role of a governor and the skills they ideally require is not to create additional eligibility criteria for potential candidates – which they do not have the power to do. It is for the electorate to have sufficient information to elect their choice of candidate(s). The purpose of publishing the information is to simply inform the electorate of the governing bodies' expectations.

This means you can't:

- Create additional eligibility criteria for potential candidates
- Endorse a particular candidate
- Run an interview process before or after the election to filter candidates

What Does this Mean for Elections?

When a governing body has a vacancy for an elected governor (parent or staff member) they should make sure that they explain to prospective candidates what skills they need on the governing body and what the commitment is. This can be done through a letter, a leaflet or through having a meeting where candidates can find out more. Those intending to stand for election could be invited to attend a GB meeting as observers before the closing date for nominations so that they have a better understanding of what is involved. The existing governors, including the head teacher, should not influence who is elected.

Experience shows that there are certain attributes which are needed in a good governor:

- a strong commitment to the role and to improving outcomes for all children,

- the inquisitiveness to question and analyse, and
- the willingness to learn.

The governing body should also consider whether they are looking for a person with particular skills, but they should be conscious of the risks of being discriminatory in their requirements and aim to ensure that they are not ruling out potentially good governors.

Setting out your procedure

The governing body needs to draw up a procedure for elections including information on how the required skills will be identified, how the election will be run, how votes will be cast etc. It is good practice for this to be published on the school's website.

Names may be put forward for election through self-nomination or by being nominated by a number of other people eligible to vote, and the governing body should include their decision on this number in the policy. We would strongly encourage governing bodies to allow self-nomination, and/or nomination by one or two other people eligible to vote in the election.

Elections

The requirements of Schedules 1 and 2 of the School Governance (Constitution) (England) Regulations 2012 relating to the election of Parent and Staff Governors are as follows:

It shall be for the Local Authority, in the case of a Community, Community Special or Controlled school, and for the Governing Body in the case of a Voluntary Aided, Foundation or Foundation Special School -

- a) to determine, for the purposes of an election of Parent Governors or Staff Governors to the Governing Body, any question whether a person is –
 - i) a parent of a registered pupil at the school or
 - ii) paid to work at the school as a school teacher or otherwise
- b) to make all necessary arrangements for, and to determine all other matters relating to, any such election (except any requirement as to the minimum number of votes required to be cast for a candidate to be elected).

Parent Elections

Background Information

Schools must have at least two parent governors.

The Instrument of Government of community, primary, secondary and special schools

provides for “Parent Governors, that is to say, persons who are elected to the governing body of the school by parents of registered pupils at the school and who are themselves such parents at the time when they are elected”. All voluntary controlled and voluntary aided schools also have parent governors.

The term of office for a parent governor is set out in the instrument of government. Parent governors are eligible for re-election subject to the necessary criteria continuing to be fulfilled. Elections should be held when a vacancy occurs either through expiration of the term of office or resignation of a parent governor. Nominations should normally be sought as soon as possible, excluding the main school holiday periods.

Within these broad guidelines and those set out below, each head teacher will be responsible for choosing appropriate dates for the distribution of the standard letters, for the return of nomination forms and the return of voting papers as, of course, the details will vary for each school.

It would not be appropriate to try to influence the nature of the nominations made or the votes cast for parent governors by referring to the desirability of appointing a due balance between men and women during the election process.

Eligibility – Parent Governors

The school must take such steps as are reasonably practicable to inform all parents known to the school that there is a vacancy for a parent governor that it is required to fill via an election, that they are eligible to stand in the election providing they are not disqualified (disqualifications are listed below in appendix F) and vote in the election.

All parents or carers of registered pupils at the school **at the time of a parent governor election** are eligible to become parent governors, unless they are:

- An elected member of the local authority (LA) or
- Paid to work in the school for more than 500 hours in any consecutive 12-month period (**at the time of election or appointment**)

Parent governors can continue until the end of their term of office if their child leaves the school, or if they become a member of staff after the election, but they would be disqualified from standing for re-election.

Definition of parent

For the purposes of parent governors, parents are:

- All natural (biological) parents
- Any person who, although not a natural parent, has parental responsibility for a child or young person (this could be a step-parent, guardian or other relative)

- Any person who, although not a natural parent, has care of a child or young person. This means they are the person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child

Grandparents would only be eligible to be parent governors if they care for the child on a full-time, settled basis or if they are the legal guardian of the child. Please see this [DfE guidance](#) for more information on issues relating to parental responsibility.

Parent Governor Election Procedure

1. Where there is a vacancy or prospective vacancy for a parent governor every eligible parent or carer known to the school must be given the opportunity to take part in the elections. There is no expectation that the school will track down parents.
2. The Headteacher should write to parents (a model letter is available at Appendix A) inviting nominations, and enclosing the leaflet, invitation to a meeting or other information the governors have decided to send. This should tell parents what skills the governing body is looking for in its new governors. The letter should also include a nomination form (see Appendix B), and a list of disqualifications (Appendix F).
3. The letter should give a closing date for the receipt of nominations which must not be less than 14 days. Letters and enclosures may be sent by post or via the pupils.
4. The nomination form should require the candidates full name and address, and should include a space for the candidate to write a personal statement in response to the published information on required skills and attributes, and the Headteacher may set a reasonable word limit on this. Governors are also able to invite candidates to submit a CV with their personal statement.
5. If there are the same number of candidates as vacancies (or fewer), you don't need to hold a ballot and the candidates are elected unopposed. These parents still count as elected governors rather than appointed.
6. If there are more candidates than vacancies a ballot will be required.
7. When a ballot is held it must be secret, and to ensure confidentiality a double envelope system should be used. Each parent should be sent two envelopes with their ballot paper.
8. The Headteacher should draw up a voting paper in accordance with the standard format on which the names of the candidates are listed in alphabetical order. The Headteacher should ensure that each voting paper is stamped with a distinguishing mark and that a record is kept of the number of voting papers issued.

9. Voting papers will be distributed on the basis of one paper per parent irrespective of the number of children they may have on roll at the date of distribution, e.g. mother and father with one child on roll – one voting paper for each parent; single parent with two children on roll – one voting paper; mother and father with three children on roll – one voting paper for each parent.
10. The voting papers will be distributed to all parents via their children or by post if the child is absent, and parents will have votes on each voting paper according to the number of Governors being elected. There will be no proxy voting.
11. Voting papers should be returned to school by a set time on the prescribed day – not less than five clear school days should elapse between the distribution of the voting papers and closing the vote.
12. Parents may return voting papers to school personally by post or via their children. As the ballot paper must be secret, parents returning their voting papers with their children should be advised that the voting papers should be returned using the two envelopes provided. The returning officer can then open the first envelope, and gather all the second sealed envelopes together thus preserving the secrecy of the ballot.
13. Schools should record the number of voting papers issued and returned, but not how individuals have voted.
14. Responsibility for counting the votes should rest with the Headteacher who shall act as returning officer. An opportunity should be afforded to each candidate or their nominee to be present when the votes are counted. The Headteacher should determine the validity of any spoiled voting papers, after consultation if necessary with the Area Office.
15. Election will be by simple majority vote. In the event of a tie after a recount the election shall be determined by the drawing of lots. No other method of breaking a tie will be acceptable.
16. The number of votes cast for each candidate should be recorded. Parents and Governors should be notified of those parents thus elected to the Governing Body, and a notice should be displayed in the school.
17. The ballot papers should be retained securely for six months in case the election result is challenged.

If nobody stands for election or a vacancy remains after all nominees have filled available vacancies

If you still have a remaining vacancy, or nobody stands for election at all, you must appoint:

- A parent of a registered pupil at the school – *or, if that's not possible;*
- A parent of a former pupil – *or, if that's not possible;*
- A parent of a child of, or below, compulsory school age who is not a pupil at the school

In special schools, you must appoint:

- A parent of a registered pupil at the school - *or, if that's not possible;*
- A parent of a former registered pupil at the school - *or, if that's not possible;*
- A parent of a child under or of compulsory school age with special educational needs for which the school is approved - *or, if that's not possible;*
- A parent of a child who has special educational needs and is over compulsory school age

This is specified in schedule 1 of the constitution regulations.

Specimen Letters and Forms

The following specimen letters and forms are attached as Appendices A - C at the end of this document:

- a) Sample letter inviting nominations to stand as parent governors
- b) Sample nomination form
- c) Sample voting paper

Election of Staff Governors

Background Information

Schools must have one staff governor in addition to the Headteacher. The term of office of staff governors is determined by the governing body and set out in the Instrument of Government. They retire on the completion of their term of office, but like other governors they are eligible for re-election. Headteachers should aim to complete the election before the next meeting of the governing body. If a vacancy occurs, the vacancy should normally be filled as soon as possible, excluding the main school holiday periods.

Staff governors cease to be a governor if they cease to be employed at the school.

The Headteacher may vote as appropriate in elections for staff governors.

Eligibility – staff governors

Teaching and support staff who, at the time of election, are employed by either the governing body or the local authority to work at the school under a contract of employment, are eligible to be staff governors. Staff governors are elected by this same category of school staff.

Holding an informed election (see also the section above – Ensuring you hold an informed election)

It is important that prospective staff governors understand the nature of the role of a governor – and specifically that their role will not be to represent staff, nor to stand alongside the headteacher in being held to account by the governing body, but to operate as part of the governing body to provide strategic leadership and to hold the headteacher to account. It is advised that clear expectations of role and conduct are communicated and agreed upfront.

If nobody stands for election

If no candidates are forthcoming, the position on the governing body remains vacant and an election should be held as soon as an eligible candidate is identified.

Staff Governor Election Procedure

1. Nominations should be submitted on a standard form. Staff must be given a minimum of seven days for the return of nomination papers. No staff member may nominate more candidates than there are vacancies available.
2. Persons nominated will be asked to give, on the nomination form, such details as they wish about themselves, their views and what they will bring to the governing body in no more words than determined by the headteacher, which will be included in the voting paper.
3. The voting paper is to be prepared in accordance with the standard format.
4. If the number of candidates nominated is the same or fewer than the number of vacancies, then any such candidates will be duly elected unopposed. If, however, there are more candidates than vacancies, it will be necessary to proceed with arrangements for an election.
5. The ballot is to be secret and the Headteacher should ensure that each voting paper is stamped with a distinguishing mark when it is issued and a record kept to show who has received ballot papers.

6. Each staff member, including the Headteacher, will be entitled to cast one vote for one candidate only in respect of each vacant post.
7. Staff should vote in person or by post and no arrangements may be made for proxy voting. The period allowed for voting should be a minimum of one week. During this period the ballot box should be kept in a secure place. It should be sealed before any votes are cast and the seal should not be broken until the count. All candidates should have the opportunity of witnessing the sealing and unsealing. As far as postal votes are concerned, these should be collected at the school in their sealed envelopes and opened in the presence of candidates at the same time as the ballot box is opened. The postal votes should then be added to the contents of the ballot box and counted in the normal way.
8. The Headteacher, as returning officer, should open the ballot box and count the ballot papers in the presence of the candidates. All candidates have the right to nominate up to two other members of the staff to be present with them at the count. It is also for the Headteacher as returning officer to determine whether a spoilt voting paper is valid. If necessary, further advice may be obtained from the Area Office.
9. Election will be by simple majority vote. In the event of a tie after a recount, the election shall be determined by the drawing of lots. No other method of breaking a tie will be acceptable.
10. The Headteacher should inform staff of the result of the election by posting a notice on the school noticeboard.
11. The number of votes for each candidate should be recorded.

Standard Form

The following standard forms are attached as Appendices D-E:

- a) Sample nomination form
- b) Sample voting paper

**SUFFOLK COUNTY COUNCIL (OR GOVERNING BODY IN VOLUNTARY AIDED
SCHOOLS)**

INSERT SCHOOL NAME

ELECTION OF PARENT GOVERNORS

Dear Parent

ELECTION OF PARENT GOVERNOR

There are currently **X** places for parent governors on the governing body of your child's school, and a vacancy for **X** of these places has recently occurred. I am therefore writing to give you details of the arrangements for nominations and voting for new parent governors.

Governing bodies are the key strategic decision-making body of every school and have a vital role to play in making sure every child gets the best possible education.

In all schools governing bodies should have a strong focus on three core strategic functions:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding the headteacher to account for the educational performance of the school and its pupils, and the performance management of staff; and
- Overseeing the financial performance of the school and making sure its money is well spent.

No special qualifications are needed and the most important thing is to have a keen interest in the school and be prepared to play an active part in the governing body's work. However, we would particularly welcome at this time nominations from parents with the following skills **<description of desired skills>**.

Enclosed with this letter is a nomination form on which parents who have children at the school can nominate themselves or another parent, with their consent, for election as a parent governor. It is necessary for a parent governor to have a child at the school at the time he or she is elected. Certain people are disqualified from being governors and, as such, candidates are asked to please consult the attached sheet detailing the disqualification criteria before making a nomination. If grounds for disqualification come to light after appointment the person is automatically barred from being a governor and the appointment will terminate with immediate effect.

There is space on the nomination form for a statement of not more than **X** words by the

person nominated in which they can give such details as they wish about themselves, their views and the skills they believe they can bring to the governing body. This statement would then be included on the voting paper.

The term of office is for **X** years whether or not the child of the elected parent remains at the school for the whole of this period. A parent governor elected now will hold office until **X** and, like other governors, will be able to stand for re-election providing they are still eligible.

The closing date for nominations is **insert date**. If there are more nominations than vacancies the election will be by secret ballot. If that is necessary, voting papers will be sent to all parents together with details of the ballot procedure.

Suffolk County Council / The governing body (delete as appropriate) would like parents to play as full a part as possible in your children's education and, therefore, it is hoped that you will use your vote in this election.

If you would like to discuss what the role entails further please call **X** on **insert number**.

Yours sincerely

(to be signed by the Headteacher)

**SUFFOLK COUNTY COUNCIL / (OR GOVERNING BODY IN VOLUNTARY AIDED
SCHOOLS)**

INSERT SCHOOL NAME

Election of Parent Governors

Nomination Form

Full Name:

Address:

I have a child at the above named school and am willing to serve as parent governor if elected.

A statement for inclusion in the voting paper is given below.

STATEMENT

(not more than X words)

I confirm that I am not disqualified from appointment for any of the reasons detailed on the enclosed form.

Signed:

Dated:

Completed nomination forms must be returned to the school by ***insert date***.

**SUFFOLK COUNTY COUNCIL / (OR GOVERNING BODY IN VOLUNTARY AIDED
SCHOOLS)**

INSER SCHOOL NAME

Election of Parent Governors

Voting Paper

This voting paper contains the names of all candidates nominated in accordance with the procedures for election. Statements provided by the candidates are set out overleaf.

There is one voting paper for each parent irrespective of the number of children from the family on roll at the school.

VOTE FOR NOT MORE THAN X CANDIDATE(S).

Insert X in this column against the candidate(s) for whom you are voting	Name of Candidate(s)

Completed voting papers should be returned to the school by post or by hand. It is recommended that voting papers are returned sealed in a double envelope to safeguard the secrecy of the ballot. For your convenience two envelopes are enclosed.

The closing date for votes is *insert date*.

APPENDIX D

**SUFFOLK COUNTY COUNCIL / (OR GOVERNING BODY IN VOLUNTARY AIDED
SCHOOLS)**

INSERT SCHOOL NAME

Election of Staff Governors

Nomination Form

Full Name:

I am a member of staff at the above named school and am willing to serve as a staff governor if elected.

A statement for inclusion in the voting paper is given below.

STATEMENT

(not more than X words)

I confirm that I am not disqualified from appointment for any of the reasons detailed on the enclosed form.

Signed:

Dated:

Completed nomination forms must be returned to the Headteacher by *insert date*.

SUFFOLK COUNTY COUNCIL / (OR GOVERNING BODY IN VOLUNTARY AIDED SCHOOLS)

INSERT SCHOOL NAME

Election of Staff Governors

Voting Paper

This voting paper contains the names of all candidates nominated in accordance with the procedures for election.

Statements provided by the candidates are set out overleaf.

VOTE FOR NO MORE THAN 1 CANDIDATE.

Insert X in this column against the candidate for whom you are voting	Name of Candidate(s)

Staff should vote in person (ballot box is located in _____) or by post and no arrangements may be made for proxy voting. It is recommended that voting papers returned by post are in a sealed double envelope marked "Staff Governor Election" to safeguard the secrecy of the ballot.

The closing date for votes is ***insert date***.

Qualifications and disqualifications - Schedule 4 of the School Governance (Constitution) (England) Regulations 2012

General

1. A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when the person is a registered pupil at the school.
2. A person is disqualified from being elected or appointed as a governor unless the person is aged 18 or over.
3. Save as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a governor of a particular category at a school does not disqualify the person from election or appointment or from continuing as a governor of any other category at that school, but no person may at any time hold the office of more than one governor of the same school.
4. Any person who is disqualified from holding office as a governor of a school under this Schedule is likewise disqualified from holding or continuing to hold office as an associate member of the governing body unless the disqualification is under paragraphs 1 or 2 of this Schedule.

Disqualification criteria for categories of governor

- 5.—(1) A person is disqualified from election or appointment as a parent governor of a school if the person—
 - (a) is an elected member of the local authority; or
 - (b) is paid to work at the school for more than 500 hours in any twelve consecutive months.(2) A person (“P”) is not disqualified from continuing to hold office as a parent governor because P ceases to be a parent of a registered pupil at the school or to fulfil any of the requirements set out in paragraphs 10 and 11 of Schedule 1 (as the case may be) .
6. A person is disqualified from appointment as a local authority governor if the person is eligible to be a staff governor of the school.
- 7.—(1) A person is disqualified from nomination or appointment as a partnership governor of a school if the person is—
 - (a) a parent of a registered pupil at the school;
 - (b) eligible to be a staff governor of the school;
 - (c) an elected member of the local authority; or
 - (d) employed by the local authority in connection with their education functions.(2) The disqualification criterion in paragraph 7(1)(d) does not apply in the case of a person who is employed by a local authority in England under a contract of employment providing for the person to work wholly at a school or schools maintained by the local authority.
8. Upon ceasing to work at the school, a staff governor of a school is disqualified from continuing to hold office as such a governor.

Failure to attend meetings

9.—(1) This paragraph applies to every governor, other than governors who are governors by virtue of the office that they hold.

(2) A governor who, without the consent of the governing body, has failed to attend their meetings for a continuous period of six months beginning with the date of the first such meeting the governor fails to attend is, on the expiry of that period, disqualified from continuing to hold office as a governor of that school.

(3) A foundation governor, authority governor, co-opted governor or partnership governor who has been disqualified as a governor of a school under sub-paragraph (2) is not qualified for election, nomination or appointment as a governor of any category at that school for twelve months starting on the date on which they are so disqualified.

Bankruptcy

10. A person is disqualified from holding or continuing to hold office as a governor of a school if—

(a) the person's estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

(b) the person is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order(1), a debt relief restrictions order or an interim debt relief restrictions order(2).

Disqualification of company directors

11. A person is disqualified from holding, or from continuing to hold, office as a governor of a school at any time when the person is subject to—

(a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(3);

(b) a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002(4);

(c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or

(d) an order made under section 429(2)(b) of the Insolvency Act 1986(5) (failure to pay under county court administration order).

Disqualification of charity trustees

12. A person is disqualified from holding or from continuing to hold office as a governor of a school if—

(a) the person ("P") has been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which P was responsible or to which P was privy, or to which P contributed or which P facilitated by P's conduct; or

(b) the person has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(6), from being concerned in the management or control of any body.

Persons whose employment is prohibited or restricted

13. A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when the person is—

- (a) included in the list kept under section 1 of the Protection of Children Act 1999(7) (list of those considered by the Secretary of State as unsuitable to work with children);
- (b) subject to a direction of the Secretary of State under section 142 of EA 2002(8) (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction);
- (c) barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006(9);
- (d) disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(10);
- (e) disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010(11) for child minding or providing day care; or
- (f) disqualified from registration under Part 3 of the Childcare Act 2006(12).

Criminal convictions

14.—(1) Subject to sub-paragraph (6) below, a person is disqualified from holding, or continuing to hold, office as a governor of a school where any of sub-paragraphs (2) to (4) or (6) below apply to the person.

(2) This sub-paragraph applies to a person (“P”) if—

- (a) within the period of five years ending with the date immediately preceding the date on which P’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which P would otherwise have become a governor by virtue of an office, or
- (b) since P’s appointment or election as governor or, as the case may be, since P became a governor by virtue of an office, P has been convicted, whether in the United Kingdom or elsewhere, of any offence and a sentence of imprisonment (whether suspended or not) has been imposed on P for a period of not less than three months without the option of a fine.

(3) This sub-paragraph applies to a person (“Q”) if within the period of 20 years ending with the date immediately preceding the date on which Q’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which Q would otherwise have become a governor by virtue of an office, Q has been convicted of any offence and a sentence of imprisonment has been imposed on Q for a period of not less than two and a half years.

(4) This sub-paragraph applies to a person who has at any time been convicted as aforesaid of any offence and a sentence of imprisonment has been imposed on the person for a period of not less than five years.

(5) For the purposes of sub-paragraphs (2) to (4) above, any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom must be disregarded.

(6) This sub-paragraph applies to a person (“R”) if—

- (a) within the period of five years ending with the date immediately preceding the date on which R’s appointment or election as governor would otherwise have taken effect or,

as the case may be, on which R would otherwise have become a governor by virtue of an office, or

(b) since R's appointment or election as governor or, as the case may be, since R became a governor by virtue of an office, R has been convicted under section 547 of EA 1996(13) (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992(14) (nuisance or disturbance on educational premises) of an offence and has been sentenced to a fine.

Refusal to make an application for a criminal records certificate

15. A person is disqualified from holding or continuing to hold office as a governor at any time when the person refuses a request by the clerk to the governing body to make an application under section 113B of the Police Act 1997(15) for a criminal records certificate.

Notification to clerk

16. Where a person ("P") is, or is proposed to become, a governor and by virtue of any of paragraphs 10 to 14 P is disqualified from holding, or from continuing to hold, office as a governor, P must give notice of that fact to the clerk to the governing body.