

ELECTION OF CHAIR AND VICE-CHAIR PROCESS MAP

The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, sets out the procedure for appointing a chair and vice-chair from among the existing members of the board. The focus should be on appointing someone with the skills for the role, not just the willingness to serve.

It is possible to appoint more than one person to share the role of chair, or similarly the role of vice chair, if the board believes this is necessary and in the best interests of the school. The board would need to ensure that any role-sharing arrangement does not lead to a loss of clarity in its leadership.

Whilst not a legal requirement, in this Diocese, the Bishop wishes that in the case of all voluntary aided schools and academies the position of chair of the governing body be held by a Foundation Governor.

MAPPING THE PROCESS (A Step by Step Guide)

Outlined below is a summary of good practice guidance on the steps governors are advised to follow when electing their chairs and vice chairs for the new academic year:

Clerk to act as chair during that part of the meeting at which the chair is elected (although he/she does not have a casting vote).
<i>Clerk establishes that the meeting is quorate. (Those present should include at least 50% of the complete membership of the governing body (rounded up) excluding vacancies, e.g. if the full membership is 15 and there are three vacancies, then the quorum for a governing body meeting is six governors – one half of 12.</i>
Clerk opens the meeting and invites governing body to decide term of office of Chair and Vice-chair. (See above.)
Clerk invites governing body to decide its election process. <i>(Good practice guidance suggests one of two options.)</i>



Option 1	Option 2
Clerk invites members of the governing body to self-nominate OR nominate others at the beginning of the first autumn term meeting. (No seconder necessary.)	Clerk invites eligible members of the governing body to nominate themselves for election as chair or vice chair before the agenda of the first autumn term meeting is compiled. (No seconder necessary.)

Clerk lists nominations on the agenda, for consideration at the meeting. If no names have been listed, governors may put themselves forward at the meeting.

Ballot – Governing body decides whether the ballot should be ‘secret’ or ‘open’. (Candidates must withdraw in either case and are not permitted a vote – election to be resolved by simple majority of those governors **present and voting**.) If there is an equal number of votes cast candidates should draw lots (toss a coin).

If there is only one nomination, the governing body should still discuss and agree formally that they want that person as chair. That person should leave the room during the discussion.

If the governing body rejects the only candidate, the meeting should then be adjourned. The governing body can, however, complete the agenda before adjourning, with the meeting being chaired by the new vice-chair or someone appointed as chair for the purpose of the meeting.

Option 1

Clerk should issue a new agenda for the continuation of the first meeting. Members of the governing body should be invited to self-nominate OR nominate others at the continuation meeting. (No seconder necessary.)

Option 2

Clerk must then write to governors asking for nominations and issue a new agenda for the continuation of the first meeting. (No seconder necessary.)

At least one half (rounded up to a whole number) of the complete membership of the governing body excluding vacancies must be present for appointing the chair and vice chair.

The chair and vice chair remain in their post until the election of their successor when respective terms of office come to an end, unless they choose to resign, cease to be a governor or take up employment at the school.

In the absence of the chair, the vice chair will act as chair (except in relation to the election of the chair).

If both chair and vice chair are absent the governing body must elect a chair for their particular meeting after having due regard to the rules on quorums.

The chair (and/or vice chair) can be removed from office at any time between elections but only if strict procedures are followed. These are detailed in the Guide to the Law for School Governors.

The process to elect a vice-chair follows the same sequence.

QUESTIONS WHICH MAY ARISE:

Who can and can't stand?

An individual must:

- Be a [Foundation] Governor, and
- Be officially appointed or elected as chair or vice-chair by the other members of the governing board

This also means that a chair or vice-chair will cease to hold office if that person ceases to be a member of the governing board

In maintained schools, you cannot serve as a chair or vice-chair if you are:

- An associate member, or
- A governor who is employed by the school

Someone is 'employed by the school' if they have a contract of **employment** with the school, even if it's a zero-hours contract.

However, if they're self-employed and have a contract to provide **services** to the school, they **can** still serve as chair or vice-chair. Just remember that the contract for services represents a pecuniary interest, which they must publish on the [register of interests](#).

A chair or vice-chair will cease to hold office if they become employed by the school during their term of office.

In academies:

Whether someone can be chair or vice-chair as an employee of the trust will be set out in your articles of association.

Who can Vote?

All governors on the board can vote in the election, including staff governors and the headteacher. However, you can't vote and must leave the room if:

- You are a candidate, or
- You have a [conflict of interest](#) or a pecuniary interest in the outcome

You also can't vote if you're an [associate member](#) – this is because you are not a full governor.

This is explained in schedule 1 section 2(1)(b) and regulations 14 and 16 of the [School Governance Regulations 2013](#) (as [amended](#)).

Can governors who are not present vote?

No. Only governors present either physically or virtually may vote.

Tied votes

A decision must be made by a majority vote of the governors present and voting on the question. Even if there's only 1 nominee, they should be elected by a majority vote.

If the vote is tied, ask the nominees to speak again before holding another vote. The current chair, or person acting as chair, shouldn't use their casting vote to break the tie in an election. You should attempt to reach an agreement on who should be chair rather than defer to 1 governor's choice.

What happens if nobody stands for election?

A governor must be elected to chair the meeting.

How do we determine the term of office of chair or vice-chair?

Good practice advice suggests the election of chair and vice-chair should continue to take place annually. This promotes flexibility, equal opportunities and transparency.

What happens if there are abstentions?

Only votes cast at the meeting are counted.

How is the outcome recorded in minutes?

e.g. "Resolved that _____. be elected for a term of office of ____ years."

Can governing bodies change the election process in the future?

Yes – provided there is an agenda item which relates to this.

What is a quorum?

The legal minimum number of governors needing to be present for the meeting to be valid. A meeting should not be held if it is not quorate and should terminate if it ceases to be quorate since it has no legal basis and therefore cannot take decisions or report back.

The quorum for any full governing body meeting and vote must be at least one half (rounded up to a whole number) of the current membership of the governing body (excluding vacancies).