

Nomination, Election and Ballot Procedure for the Appointment of Staff Members to the Board of Governors

1. **Introduction**

This procedure is for use in the nomination and election of members of College staff to the Board of Governors.

2. **Responsibilities**

It is the responsibility of the Clerk to the Corporation to conduct the management of the election procedures when required to do so by the Board of Governors. These responsibilities include:-

- notification of the election to all relevant staff
- inviting nominations for vacant positions, stating where necessary the category of staff eligible for nomination being either for Sandwell College or Cadbury College
- administration of the nomination, election and ballot process, including, where appropriate, the appointment of staff and/or trade union representatives to witness key aspects of the process
- declaration of ballot results.

The Clerk to the Corporation is appointed as Returning Officer for the purposes of this procedure and is therefore ineligible to be nominated for appointment, act as a proposer or seconder or vote in any ballot.

3. **Eligibility to Stand for Office or Vote**

Standing for Office

All members of College staff, who have a contract of employment with the College, are eligible to be nominated either from Sandwell College or Cadbury College, subject to the ineligibility criteria detailed in the Instrument and Articles of Government. (Copy attached)

Voting

A list of eligible voters will be produced by the Human Resources Department against the above criteria. Any staff in doubt of their status with regard to voting should check directly with the Returning Officer.

All members of staff are eligible to have one vote in an election for their category of staff.

4. **Election Process**

The election process is initiated upon the authority of the Board of Governors, or upon the cessation of the term of office of a current Staff Member. This will normally be supported by an entry in the minutes of the appropriate meeting.

The Returning Officer will publish notification of the election on the College's intranet and via email to all staff. A sample notice is given in Appendix A.

The Returning Officer will distribute nomination details to all eligible staff via email, including a nomination slip and details of the vacancy. A sample nomination slip is given in Appendix B.

Completed nomination slips must include the name of the proposer and seconder, and be signed by the nominee. The proposer, seconder and nominee must all be from the relevant category of staff.

Nominees will also be required to sign a declaration stating that to the best of their knowledge and belief they are eligible for membership of the Board of Governors.

Completed nomination slips must be returned by the deadline set by the Returning Officer. An election statement, not exceeding 250 words, must be submitted with the nomination slip. Nominees are not allowed to canvas support from College staff, other than the submission and publication of their election statement.

Following the deadline for receipt of nominations by the Returning Officer, all nominees, proposers and seconders will be validated as eligible by the Returning Officer with the Human Resources Department.

Each nominee will be provided with a job description for the role of member of the Board of Governors, together with general information regarding the Board, its membership and committee structure.

Nominees will be invited to meet with the Principal and the Chair prior to a staff election taking place in order to assist nominees in being fully aware of the responsibilities of being a Staff Member and the time commitment required.

If only one nomination is received the nominee will be asked to complete a Nomination Form. This will then be submitted to the next meeting of the Board of Governors for consideration and approval. (Please go to paragraph 7)

If more than one nomination is received the Returning Officer will arrange for a ballot of relevant staff to be held.

5. **Ballot Procedure**

It will be the responsibility of the Returning Officer to:-

- a) determine the opening and closing dates and times for the ballot. A sample notice of ballot is given in Appendix C.
- b) obtain from the Human Resources Department details of staff that are eligible to vote, together with their person codes.
- c) notify all staff of the ballot via email and college intranet.

- d) arrange for the ILT Department to establish an electronic voting system utilising the College's virtual learning system staff area or college intranet.
- e) arrange for the ILT Department to review the detailed voting process should a written notification be received by the Returning Officer, that fraudulent voting may have taken place. Should any such issues be evidenced the ballot will be re-run.
- f) inform all candidates of the outcome of the vote and provide them with a copy of the ballot result before the results are made public. If the Returning Officer has been unable to contact all candidates within 24 hours of the ballot count, the results will be published.
- g) publish the result of the ballot to all staff by email and/or College intranet.
- h) retain ballot documentation for a period of three months from the date on which the votes are counted, when the documentation will be destroyed.
- i) request that the successful candidate completes a Nomination Form. This will be submitted together with the outcome of the ballot, to the Board of Governors for consideration and approval.

6. **Electronic Voting System**

The voting system, referred to in 5 (d) above, will be populated with the names and person codes of staff who are eligible to vote, as provided by the Human Resources Department, together with:-

- i) an explanation of the ballot process
- ii) candidates nomination slips
- iii) candidates election statements
- iv) a ballot paper

A sample ballot paper is given in Appendix D.

The electronic voting system will open and close for voting at dates and times determined by the Returning Officer. All staff will be notified of these dates and times by email and/or College intranet, together with instructions on how to access the voting system and how to cast votes.

Staff will cast their vote anonymously, however, the system will maintain a record of votes cast, which will prevent staff from casting more than one vote. Staff who are eligible to vote will be asked to ensure that they cast their own vote and must not knowingly allow another person to logon and cast a vote on their behalf.

Access to the number of votes cast will only be available at the end of the ballot, when the Returning Officer requests that the number of votes cast be released to him/her. Candidates and/or staff/trade union representatives will be invited to witness the release of the number of votes cast. A record of the candidates' names and the number of votes cast will be recorded. Witnesses will sign the record confirming the results as witnessed. A sample ballot result form is given in Appendix E.

7. **Appointing Authority and Appointment of Staff Members**

The Board of Governors, as the appointing authority, shall decline to appoint a person as a Staff Member if they prove to be ineligible for membership.

The Board of Governors may decline to appoint a person as a Staff Member if it is satisfied that the person has, within ten years before his/her appointment would otherwise have taken effect, been removed from office as a member of a further education corporation, or, if the person is ineligible for membership.

If the Board approves the appointment, the nominee will be notified, in writing, of their appointment, term of office and provided with appropriate information and documentation.

If the Board of Governors rejects the appointment, the nominee will be formally notified of the reasons for that decision. The decision of the Board of Governors is final. In such cases, it will be necessary for the Returning Officers to repeat the nomination and election process.

7. **Review of Procedure**

The Search & Governance Committee will review this procedure, on behalf of the Board of Governors, at least every three years.

ES/CSU
30.01.23



Appendix A

Election of a Staff Member to Serve on the Board of Governors

The term of office of the current Staff Member (Sandwell College/Cadbury College) on the Board of Governors ceases on _____

Nominations are therefore invited from staff of Sandwell College/Cadbury College for the appointment of a Staff Member from Sandwell College or Cadbury College.

A nomination slip is attached to this email, together with additional information.

Each nominee must submit, with their nomination slip, an election statement not exceeding 250 words.

Any queries concerning the election process should be addressed to the:

Elise Scotford
Returning Officer
Sandwell College

elise.scotford@sandwell.ac.uk

The closing date for the receipt of nomination slips and election statements by the Returning Officer is _____



Appendix B

Nomination Slip for the Appointment of a Staff Member (Sandwell College/Cadbury College) to the Board of Governors

This nomination slip, **together with an election statement**, must be received by the Returning Officer, Central Campus, elise.scotford@sandwell.ac.uk , by no later than _____

The nominee, proposer and seconder must all be from the relevant category of staff.

FULL NAME OF NOMINEE _____
(PRINT NAME)

PROPOSER: _____
(PRINT NAME)

Signature/Date _____

SECONDER _____
(PRINT NAME)

Signature/Date _____

I give my approval to the submission of this nomination, and declare that I have read the document entitled "Persons Ineligible to be Members of the Board of Governors" and to the best of my knowledge and belief, I know of no reason why I may not be considered for appointment as a Staff Member on the Board of Governors.

I also declare that during the 10 year period immediately prior to the date upon which this appointment will take effect, I **have / have not*** been removed from office as a member of a further education corporation.

If you have been removed from office as a member of a further education corporation during the above period, please give brief details.

*** delete as appropriate**

I (NOMINEE PRINT NAME) _____ give my consent to this nomination.

Signed _____ Date _____



Appendix C

Notification of Election

Staff Member – Board of Governors

An election to appoint a member of staff from Sandwell College/Cadbury College, as Staff Member on the Board of Governors will commence at _____ on _____

In order to cast a vote staff should access the Virtual Learning system and follow the link to the ballot paper and related information.

Sandwell College/Cadbury College staff are eligible to cast one vote.

The election will cease at _____ on _____

If you encounter any difficulties with the voting system please contact Elise Scotford, Returning Officer, on elise.scotford@sandwell.ac.uk.



Appendix D

Ballot Form

Appointment of a Staff Member to serve on the Board of Governors Sandwell College/Cadbury College

Instructions to voters:

YOU MAY ONLY VOTE FOR ONE CANDIDATE

Candidate's Name	Please click on one of the buttons below to cast your vote
Mr A B	●
Mrs D C	●
Miss E F	●



Appendix E

Ballot Result Form

**Election of a Staff Member to serve on the Board of Governors
Sandwell College/Cadbury College Staff**

The result of the ballot to appoint a Staff Member to serve on the Board of Governors is detailed below:

Candidate's Name	Number of Votes Cast
Mr A B	XXX
Mrs D C	XXX
Miss E F	XXX

The Board of Governors, as appointing authority, will be informed of the outcome of this ballot at its meeting on _____

Returning Officer

Signed _____ Date _____

PRINT NAME _____

Witnessed by:

Signed _____ Date _____

PRINT NAME _____

Signed _____ Date _____

PRINT NAME _____

Signed _____ Date _____

PRINT NAME _____

Extract from the Instrument of Government (August 2013)

Persons who are ineligible to be members of the Board of Governors

- 7 (1) No one under the age of 18 years may be a member, except as a student member.
- (2) The Clerk may not be a member.
- (3) A person who is a member of staff of the institution may not be, or continue as, a member, except as a staff member or in the capacity of Principal.
- (4) Paragraph (3) does not apply to a student who is employed by the Corporation in connection with the student's role as an officer of a students' union.
- (5) Subject to paragraphs (6) and (7), a person shall be disqualified from holding, or from continuing to hold, office as a member, if that person has been adjudged bankrupt or is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking within the meaning of the Insolvency Act 1986, or if that person has made a composition or arrangement with creditors, including an individual voluntary arrangement.
- (6) Where a person is disqualified by reason of having been adjudged bankrupt or by reason of being the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking, that disqualification shall cease -
- (a) on that person's discharge from bankruptcy, unless the bankruptcy order has before then been annulled; or
 - (b) if the bankruptcy order is annulled, at the date of that annulment; or
 - (c) if the bankruptcy restrictions order is rescinded as a result of an application under section 375 of the Insolvency Act 1986, on the date so ordered by the court; or
 - (d) if the interim bankruptcy restrictions order is discharged by the court, on the date of that discharge; or
 - (e) if the bankruptcy restrictions undertaking is annulled, at the date of that annulment.
- (7) Where a person is disqualified by reason of having made a composition or arrangement with creditors, including an individual voluntary arrangement, and then pays the debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of three years from the date on which the terms of the deed of composition, arrangement or individual voluntary arrangement are fulfilled.

- (8) Subject to paragraph (9), a person shall be disqualified from holding, or from continuing to hold, office as a member if -
- (a) within the previous five years that person has been convicted, whether in the United Kingdom or elsewhere, of any offence and has received a sentence of imprisonment, whether suspended or not, for a period of three months or more, without the option of a fine; or
 - (b) within the previous twenty years that person has been convicted as set out in sub-paragraph (a) and has received a sentence of imprisonment, whether suspended or not, for a period of more than two and a half years; or
 - (c) that person has at any time been convicted as set out in sub-paragraph (a) and has received a sentence of imprisonment, whether suspended or not, of more than five years or.
 - (d) The Corporation has substantial grounds for believing that that person presents a significant risk to the safety, health or welfare of children or vulnerable adults.
- (9) For the purpose of this regulation there shall be disregarded any conviction by or before a court outside the United Kingdom for an offence in respect of conduct, which, if it had taken place in the United Kingdom, would not have constituted an offence under the law then in force anywhere in the United Kingdom.
- (10) Upon a member of the Corporation becoming disqualified from continuing to hold office under paragraphs (5) or (8), the member shall immediately give notice of that fact to the Clerk.

Reasons for automatic disqualification also now include:

- (1) Unspent conviction for specified terrorism, money laundering or bribery offences
- (2) Unspent conviction for the offence of contravening a Charity Commission Order or Direction
- (3) Unspent conviction for offences of misconduct in public office, perjury, or perverting the course of justice
- (4) Unspent convictions for aiding attempting or abetting the above offences
- (5) Disobeying a Commission Order
- (6) Being on the sex offenders register
- (7) Unspent sanction for contempt of Court
- (8) Being a designated person (under specific anti-terrorist legislation)