

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Proposal for the management of elections to the Education Board and the Committees of School Managers
Paper No: 282/11
Date: 14 December 2011
Report of: Acting Director of Education

1.0 Purpose

To formalise the process for electing persons for nomination for appointment by the Governor to the Education Board and the Committee of School Managers, and the involvement of Executive Council in those two processes.

2.0 Recommendations

1. That Executive Council confirm Mrs Julie Halliday as a Member of the Education Board as set out in the Education Ordinance, section 5(4).
2. That Executive Council approves the procedure, set out in annex 1, for electing persons for nomination for appointment by the Governor to the Education Board and Committee of School Managers under sections 5(4) and 5(5) and 50(a) of the Education Ordinance.
3. That Executive Council is advised by the Education Department of the revised membership of committees following each election

3.0 Summary of Financial Implications

No financial implications

4.0 Background

4.1 The Education Department contacted the Governor several weeks ago asking that he confirm the nomination of Mrs Julie Halliday to the Education Board as the elected parent of a child over the age of twelve years attending school in the Falkland Islands (the request to the Governor is attached for information at annex 2; the delay in progressing the matter has been due to delay in obtaining legal advice on process). Section 6 of the Education Ordinance provides for an appointment under section 5(4) to be for three years (although it may automatically terminate sooner if the individual is no longer qualified for appointment, eg because their child no longer attends school).

4.2 Under the Education Ordinance 1989, Sections 5(4) 5(5) and 50(c), the Governor appoints members to the Education Board and also to the Committee of School Managers.

4.3 In 2007 the Director of Education drafted a procedure, a revised version of which is contained within annex A, for the election of Members to the Education Board. The procedures were agreed with the Attorney General. There is no requirement under the Ordinance for any elections, but it is believed they were put in place following a complaint about the process for nomination; and that they were intended to introduce an element of transparency.

4.4 It appears that the process has not previously been approved by Executive Council (perhaps because it pre-dated the new Constitution, although the reasons aren't entirely clear).

4.5 It is proposed that in asking Executive Council to approve the process, the opportunity be taken to extend to the process to election for nomination to the Committee of School Managers (Annex A has been amended to include reference to that Committee accordingly).

4.6 Appointments are to be made by the Governor under the Education Ordinance in accordance with the usual constitutional requirements; ie consultation with Executive Council is required unless the Governor, in his discretion, determines that the matter is too urgent or too unimportant. Executive Council are invited to indicate that they would not expect the Governor to consult with Executive Council in relation to individual appointments to be made in future in cases where a nomination is made in accordance with the annexed process; on the basis that such an appointment is too unimportant to require the advice of Executive Council.

4.7 Executive Council would be informed in the usual way by the Governor of any such appointments to the Board and Committee.

5.0 Financial Implications

None.

6.0 Legal Implications

None.

7.0 Human Resources Implications

None

Annex A

Procedure for Election for for nomination for appointment by the Governor of: New Members of the Education Board; and New Members of the Committee of School Managers.

The procedure for the election of new Education Board Members and also for Members of the Committees of School Managers is as follows:

1. An information pack be produced which includes:
 - Extracts of the relevant law;
 - a description of the role of the Board or Committee (as relevant)
 - a briefing note from the Portfolio holder; and
 - the eligibility criteria for selection.
2. That nominations will be sought for the relevant bodies using such means of communication as may be appropriate.
3. Each nominee should have a proposer and seconder.
4. Nominees may be asked to prepare a short summary indicating:
 - the category for which they wish to stand; and
 - what they hope to bring to the role of Member of the Board or Committee (as relevant).
5. A ballot would then be undertaken.
6. This will be a paper based vote. Ballot papers will be sent to all parent/carers. This will be accompanied by the 'mini-manifestos' of candidates to support the decision making process. It is recommended one person/one vote applies as one vote per family could raise difficulties when families are estranged. Voters must be over the age of 18.
7. Sufficient time will be allowed for votes from Camp to be received via the postal service – suggested 3 weeks.
8. Under the scrutiny of the Portfolioholder for Education and one other Board member or one other Committee Member (as relevant), ballot papers will be counted and those nominees who have secured the most votes would be recommended for appointment.
9. It is understood that the Governor is not bound to approve the recommendation and therefore all papers pertaining to the election would be available for scrutiny should this be necessary.
10. The outcome of the ballot and the details of the new members of the Board or Committee (as relevant), approved by the Governor, will be published in the Penguin News and also publicised within both school settings.



Falkland Islands Government

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27th October 2011

Your Excellency,

Re: Membership of the Education Board

Recently a vacancy occurred on the Education Board. The vacancy related to parental representation from the secondary sector of schooling and arises due to the departure of Mr. Roy Lowe from the Islands after a period of ill-health..

In accordance with the procedures agreed with the Attorney General's Chambers nominations for new appointment was sought.

For the parents/guardians of students over the age of twelve, two nominations was received. The nominations were for Mrs Julie Halliday and Mrs Janet Pompert-Robertson. Following an election of all the parents/guardians the most votes were cast for Mrs Halliday. (A total of sixty six votes were cast with forty for Mrs Halliday and twenty-six for Mrs. Pompert-Robertson.)

Therefore, after discussion with the Portfoliholder for Education, it is recommended that Mrs Halliday be appointed to the Education Board as the parental representative for students over the age of twelve..

It would be appreciated if an early response to this request could be considered in order that the Board can restore full representation as soon as possible.

Yours sincerely,

Richard Fogerty
Assistant Director of Education