



Executive
26 May 2009

**Report from the Director of
Children and Families**

Wards Affected:
None

Local Authority (LA) Governor Appointment Procedure

Forward Plan Ref: C&F-08/09-024

1.0 Summary

1.1 This report sets out relatively minor changes to the council procedure for appointing LA governors and for dealing with any complaints made against them. The main changes are:

- Sections 1.3, 1.4. Clarifying the adjustment of allocation process following local elections.
 - Section 1.5. Provision for Academy appointments.
 - Sections 2.4. 2.8. Independent Safeguarding Authority (ISA) requirements.
 - Section 2.5. Exceptional discretionary probationary period.
 - Section 2.6. Discretion over the appointment process for existing governors and staff.
 - Section 3.1. Updated skills and experience criteria to match the demands of the role.
 - Section 5. Simpler process for complaint and possible removal for LA governors, giving the governing body an enhanced role consistent with that for community governors.
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2.0 Recommendations

- 2.1 Members are asked to agree to the procedures set out as appendix one of this report.

3.0 Detail

- 3.1 Every Brent school governing body and children's centre management board has a set number of Local Authority (LA) appointees. Appointments are made by the Director of the Children and Families department. The right to make nominations for each seat is given to the three political parties, with seats being allocated to each in proportion to the voting proportions at the most recent full council election. The LA can also make nominations where the party concerned is unable to identify a nominee within a set time. The Governor Support office manages the appointments' process in co-operation with the three local party offices.
- 3.2 This report recommends relatively minor changes to the procedure in order to streamline the process and make it more flexible following each full council election. It makes it easier to manage a growing number of new situations including school federations and the opening of new children's centres. It also sets out a simpler process for dealing with any complaints made against LA governors. The appointment of LA representatives on academy boards is included. Revised selection criteria for LA governors are included in order to match the changing and more demanding role of governing bodies. Provision for a discretionary probationary period is included, for exceptional use as required.
- 3.3 The revised procedure also takes into account the forthcoming vetting and barring requirements where all new governors will be required to register with the Independent Safeguarding Authority (ISA) before appointment. From October 2009 it will become a criminal offence for the LA to allow anyone to become a governor who cannot be registered with the scheme in view of their criminal background.
- 3.4 The recruitment of LA governors is becoming more challenging and there is a need to make the procedures as simple as possible consistent with appropriate vetting and the application of suitable selection criteria.

4.0 Financial Implications

- 4.1 Any additional costs will be met from existing budgets.

5.0 Legal Implications

- 5.1 None
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6.0 Diversity Implications

6.1 None. An Equality Impact Assessment has been carried out.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 The new ISA registration scheme will entail an increased workload on the LA in processing registration applications.

Background Papers (essential)

- i) Policy and Procedure For The Appointment And Removal of LA School And Children's Centre Governors in Brent

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Brent Council**Governor Services**

Policy And Procedure For The Appointment And Removal of LA School And Children's Centre Governors in Brent

1. Introduction

- 1.1. Every maintained school and children's centre in Brent has a set number of Local authority (LA) governor seats on its governing body/board. These are set out in the Instrument of Government. LA governors in schools, and LA board members in Pupil Referral Units (PRUs) and children's centres, are appointed and can be removed by the Director of the Children and Families Department.
 - 1.2. Brent LA delegates the nomination of potential LA governors in maintained schools, PRUs and children's centres to the local Conservative, Labour and Liberal Democrat party offices (with the exception of governing body nominated LA governors in children's centres and the appointment of temporary additional LA governors). The parties are invited to agree jointly how many of each party are on each governing body, with overall numbers approximately reflecting the proportion of votes cast for each party at the most recent council election. The Governor Support Office will provide a proposal on allocations to the party offices as necessary. In the event of no agreement being reached, the Director of Children and Families will make the decision over allocations to each party.
 - 1.3. Should the required proportions of governors be changed significantly following an election, the Governor Support Office will propose reasonable and fair means of making adjustments to party allocations, and seek to agree the proposals with the three party offices. Such proposals will aim to minimise disruption to governing bodies. Serving governors will not have their current term of office terminated as a result of any proposed changes. In the event of no agreement being reached, the Director of Children And Families will make the decisions over adjustments.
 - 1.4. Where LA governor seats are newly created or deleted, The Governor Support Office will make appropriate adjustments to party allocations with regard to the political balance and the best interests of the governing body and school/centre.
 - 1.5. For academy governing bodies, the director of Children & Families will identify appropriate LA representation as necessary, to help foster a close working relationship between the LA and academy. This process is separate from that for maintained schools, PRUs and children's centres.
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2. Appointment Process

- 2.1. The appointment process is managed by Brent's Governor Support Service, working in partnership with the three local political party offices. Each party may have its own procedures for identifying nominees for vacant posts.
 - 2.2. When a vacancy for an LA governor arises, the political party concerned will be informed of the vacancy by the Governor Support Office, and will be requested to identify a nominee for the seat. Details of the nominee will be sent to the Governor Support Office.
 - 2.3. In the event that the party office is unable to make a nomination two months after they were informed of the vacancy, the Governor Support Office may identify a nominee other than from the political party group. In such cases the political affiliation or lack of such affiliation of any nominee will not be taken into account. As and when the non-party LA governor resigns or is removed, the seat will revert to the relevant party.
 - 2.4. Each nomination (apart from nominees who are currently or who have recently served as LA governors in Brent) will be vetted by the LA as follows:
 - The nominee will be asked to complete an application form;
 - Two references will be obtained;
 - The nominee will be checked against list 99 (to be replaced by registration with the Independent Safeguarding Authority – ISA – in 2009); in some cases a CRB disclosure may be requested;
 - The nominee will be asked to attend an interview.
 - 2.5. At the conclusion of this process, the Governor Support Office will make a recommendation about possible appointment to the director. The director's decision as to whether or not to appoint is final and will normally be based on the outcome of the vetting process and the extent to which the nominee fulfils the requirements for the post, as set out below. The director may make any appointment subject to satisfactory completion of a probationary period. The director may exceptionally decline to make an appointment if his view is that the nominee would not be a suitable representative of the LA.
 - 2.6. If the nominee is or has been a Brent governor, an LA officer or school/centre staff member, the director will use discretion in deciding whether or not to follow the whole procedure as outlined above. In all cases registration, with the ISA will be required before the appointment takes effect.
 - 2.7. If a nominee does not sufficiently meet the selection criteria they will be informed of the reasons for this. The nominating body will also be informed and asked to identify a further candidate.
 - 2.8. The term of office is up to four years. LA governors may serve for more than one term of office, at the director's discretion. Before reappointment, the governor will be required to register with the ISA if she/he is not already registered.
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3. LA Governor Selection Criteria

3.1. Skills and Experience

LA governors need the following attributes:

- Ability to be involved to the extent set out in this document;
- Ability to deal with strategic issues and help bring both support and constructive challenge;
- Ability to leave party political matters aside from work as a governor;
- Ability to maintain confidentiality, remain impartial and act with integrity;
- Ability to understand and assimilate unfamiliar and complex information, and contribute positively to discussions and decision making processes;
- Ability to work within a multi-cultural and diverse team;
- Ability to work within the statutory framework of education, children's services and governance in the state sector;
- Desire to make a difference and contribute to the community;
- Good interpersonal skills;
- Good listening, oral and literacy skills;
- Readiness to accept responsibility;
- Readiness to become familiar with specific LA policy if requested and act as a representative of the LA in governing body meetings.

4. Level Of Involvement

4.1. LA governors, as representatives of the LA, are expected to play a full and positive part on their governing body or board, working for the good of the school or centre as part of Brent's overall provision of services for children and their families. This includes all of the following:

4.2. Attend the LA's induction training for new governors within a year of appointment.

There is no charge to governors. New governors will receive a Brent governor learning and development brochure and booking form on appointment.

4.3. Consider completing other governor training and development as appropriate, including the annual Brent governors' conference.

Again there is no charge to governors.

4.4. Prepare for, attend and take an active part in all full governing body meetings for their entirety.

This is of course subject to exceptional unforeseen circumstances or rare unavailability, where apologies should be sent to the clerk before the meeting. Preparation involves reading paperwork supplied before the meeting. There could normally be between three and approximately six full meetings each year, usually held in the evening.

4.5. Join and attend at least one governing body committee.

This is again subject to exceptional unforeseen circumstances or rare unavailability. Most governing bodies have committees that focus on Finance, Premises, Staffing, Curriculum, Personnel. A committee may be expected to meet between 3 and 6 times per year. It is not necessary for a new governor to be proficient in the area covered by the committee, as explanations and training are available.

4.6. Visit the school/centre during the school day as soon as possible after appointment and then each year.

This is important so that governors not only meet staff and pupils but can experience the working environment. Every visit must be pre-arranged with the head.

4.7. Attend any occasional (e.g. annual) whole governing body development or review meeting.

Many governing bodies hold such an event to enhance their own effectiveness. In addition to these activities there will probably be opportunities to take other responsibilities and help in various ways. LA governors are encouraged to consider this favourably where possible.

4.8. Fulfil responsibility appropriately.

If accepting a specific responsibility, or appointed as Vice-Chair or Chair of a committee or governing body, ensure that the responsibility is exercised effectively and appropriately, making use of relevant training/development activities.

4.9. Act appropriately.

Ensure that conduct and practice are consistent with that expected of all governors.

5. Removal Of LA Governors

5.1. Any possible removal of an LA governor will be managed according to the following process.

5.2. LA governors are appointed and can have their appointment terminated by the Director of Brent's Children And Families Department.

5.3. If Involvement Becomes Difficult

All governors are volunteers, and both the Council and the governing body appreciate the willingness to serve. However, it sometimes happens that other commitments can significantly limit the time a governor is able to give. In this situation it is usually best to face the reality that it might be better to stand down in order to make room for someone who can play a fuller part. This is not an admission of failure or weakness; merely an acceptance that priorities and commitments change.

5.4. Possible Termination Of Appointment

Occasionally the LA may need to consider terminating an appointment. This may be due to:

- A level of involvement that falls significantly short of the expectations above.
 - Conduct or bias which is not seeking the good of the school/children's centre.
 - Persistently bringing party political matters into governing body business.
 - Any conduct which would be a likely cause of dismissal, had the governor been an employee of Brent Council.
 - Serious failure to co-operate with governors or the governing body as a whole.
 - An irretrievable breakdown in relationship between the governor and the governing body.
 - Significant malpractice in matters connected with the role of governor.
 - Significant evidence that an LA governor has not adequately met the requirements of Brent LA governors.
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- For a Chair or Vice-Chair of governors; fulfilling their leadership role in such a way as to have a significantly detrimental effect on the proper functioning of the head, other staff or the leadership, management or governance of the school or centre.

This is in addition to the usual six months' absence and other disqualification criteria that apply to all governors.

Should the Governor Support Office receive a complaint that falls short of a request to remove, attempts will be made to resolve the issue/s informally with the governor concerned.

5.5. Procedure For Termination

The most likely trigger for possible termination is likely to be dis-satisfaction with the commitment and/or performance of an LA governor expressed by the governing body. In such cases the director of Children And Families will consider terminating the appointment if the following procedure is followed:

5.6. Action By The Governing Body

- After attempting to discuss the matter with the governor concerned, the governing body must include an agenda item, identified and listed on its written agenda and circulated to all governors at least seven days before the meeting, to consider requesting termination of the appointment of the LA governor concerned.
- The governor in question must be given the opportunity to make a statement in response before the vote is taken on a resolution to request termination.
- The governor must be invited to submit a written statement if unable to attend the meeting, but reasonable attempts must be made to hold the meeting on a date suitable for the governor concerned.
- The governing body must make a resolution to request termination of the appointment giving substantial valid reasons and must write to the Governor Support Office, requesting termination of the appointment. The appropriate minutes (approved by the head and chair) must be included, and these must include the reasons for the request.

5.7. Action By The LA

- On receipt of a formal request to terminate the appointment of an LA governor, the Governor Support Office will write to the governor in question within seven days giving him/her the opportunity to submit a written response within fourteen days, which will be submitted to the Director with the request for termination.
 - The Governor Support Office will inform the governor's local party office within seven days (if a political nominee) of the request for termination, and will give an opportunity for them to submit a written response within fourteen days which will also be submitted to the Director.
 - The Governor Support Manager will make a recommendation to the Director over the matter, after the fourteen day period.
 - Upon determination by the Director, the Governor Support Manager will write to the governor, governing body (and local party office for political nominees) informing them of the LA's decision.
 - The Director's decision will be final.
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- Any governor so removed may not be appointed as an LA governor in Brent within twelve months of their removal. (NB This does not necessarily prevent reappointment to another concurrent appointment, if a governor holds two or more appointments.)

5.8. Removal Initiated By The LA

The LA expects that the governing body would normally initiate the possible removal process since they have the greatest knowledge of the governor.

- In the event that the Local Authority initiates the removal procedure, the Governor Support Manager will write to the governor concerned setting out substantial reasons for asking the Director to consider terminating the appointment. The local party office (if applicable) and the Chair(s) of governors will also be informed, and all will be given the opportunity to submit a written response within fourteen days. The Governor Support Manager will then make a recommendation to the Director.
 - Upon determination by the Director, the Governor Support Manager will write to the governor, governing body (and local party office if applicable) informing them of the LA's decision.
 - The Director may in exceptional circumstances terminate the appointment of an LA governor with immediate effect and without following the procedure above. In such cases he will write to the governor and his/her political party office (if applicable) informing them of the decision and the reasons for his action.
 - The Director's decision will be final.
 - Any governor so removed may not be appointed as an LA governor in Brent within twelve months of their removal.
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