



**Cabinet
14 April 2015**

**Report from the Strategic Director of
Children and Young People**

Wards affected:
ALL

**Process for the appointment of local authority school
governors**

1.0 Summary

- 1.1 This report outlines proposed changes to the council procedure for appointing and removing Local Authority (LA) governors in accordance with the School Governance (Constitution) (England) Regulations 2007 and 2012. The proposal aims to streamline and expedite the process for appointing LA nominated school governors.
- 1.2 In Brent, school governing bodies are currently a mixture between those that have reconstituted under the 2012 Regulations and those that have not, so in this interim period there are two appointment models operating in our maintained schools.
- 1.3 The process detailed below addresses the Education Commission's recommendation to streamline and expedite the process of appointing LA nominated governors.

2.0 Recommendation

- 2.1 That the new procedure for appointment of local authority school governors, which is designed to meet the requirements of recent legislative changes, as set out in paragraphs 3.5 to 3.9 be approved.
- 2.2 That the skills criteria set out in Appendix 1 be approved.
- 2.3 That it be noted that for all governing bodies of maintained schools which have reconstituted under School Governance (Constitution) (England)

Regulations 2012 or the School Governance (Federations) (England) Regulations 2012, governors will be **nominated**, while in the interim period (until 1 September 2015) for non-reconstituted governing bodies, governors will be **appointed**.

3.0 **Detail**

3.1 The legislation dealing with the appointment of school governors changed in 2012. Under the 2007 regulations, a 'local authority governor' was defined as 'a governor appointed by the local authority', whereas under the 2012 regulations a local authority governor is nominated by the local authority but appointed by the governing body itself. The governing body is expected to make the decision on the appointment against eligibility criteria that it has set. Although under the 2012 regulations the governing body is the appointing body, the local authority retains the authority to disqualify a LA governor. Under the 2012 regulations, reconstituted governing bodies are required to have only one local authority governor.

3.2 Currently 31 out of the 62 Brent governing bodies that are required to reconstitute have reconstituted. They have been assisted in this by the issuing of model documentation, plus reminders and guidance in the termly briefing to governors. The local authority is therefore in the position of nominating governors for those schools which have reconstituted as well as appointing governors for those schools which have not yet reconstituted.

3.3 The local authority governor appointment process in Brent has been the same for many years. The right to make nominations for each identified seat has been distributed among the council's political groups in proportion to the voting share at the most recent full council election. If the group concerned is unable to identify a nominee within a set time, a suitable candidate is identified by officers. The Governor Support Service manages the appointments process in co-operation with the group offices.

3.4 Many local authorities moved away from this approach some time ago. Brent's Education Commission also identified that the governor appointment process should be updated. Nationally, Lord Nash's letter to all Directors of Children's Services, dated October 2014, urges local authorities to adopt a skills based model and states that the practice of nominations based on the local balance of political power is now unacceptable.

3.5 Proposed revised process for recruiting local authority nominated governors

Applications to be a local authority governor will be sought via the Brent Council website School Governor page and through the national 'One Stop Shop' for governor applications. In addition political parties will still have a role in identifying suitable applicants and encouraging them to fill in an application form.

Application forms received for the post of local authority governor will be assessed for suitability against the criteria outlined in the 'Recommended skills, experience and attributes for nominated LA governors:' (Appendix 1) by

a panel of four Chairs of Governors and the Governor Support Coordinator. All Chairs of Governors will be invited to become a member of the Governor Nomination Panel. We would aim to have a balanced group of as many as twelve volunteers who can be used according to availability.

3.6 Those applicants to be a governor who are considered suitable by the panel will then be assigned to a 'pool' from which governing bodies may draw to fill a LA governor vacancy.

3.7 The Governor Support Service will apply for references and carry out a check against the Children's Barred List before asking the Strategic Director of Children and Young People to ratify the nomination of an applicant.

3.8 It will be the governing body's responsibility to apply for a DBS (Disclosure and Barring Scheme) check as soon as possible after the governor has been appointed by them.

3.9 Filling a governing body vacancy for the nominated LA governor

In order for a vacancy to be filled, the process would be as follows:

1. The Clerk or Chair should advise the Governor Support Service of the vacancy within 10 school working days of it arising.
2. The Chair must advise the Governor Support Service of the skills and attributes required of the new governor. (The expectation is that the governing body will have carried out a skills audit within the last six months).
3. When advised of a LA nominated governor vacancy the Governor Support Service will send a list of prospective governors, within 5 working days of receipt of the vacancy notification, from the 'pool', to the Chair who will then choose a candidate who best meets the requirements of the governing body.
4. The Chair will be encouraged to meet the candidate before he/she sends written confirmation of their chosen candidate to the Governor Support Service.
5. Once the Strategic Director has approved the nomination, a letter of recommendation will be sent to the Chair, Headteacher and Clerk, within 5 working days of receipt of written confirmation from Chair of chosen candidate, asking the Chair to recommend the appointment at the next full governing body meeting.
6. The Clerk will then inform Governor Support Services of the outcome immediately after the governing body meeting.
7. In the case of governing bodies which have yet to reconstitute, the Governor Support Service will send an appointment letter on behalf of the Strategic Director.

3.10 Removal of Local Authority governors

Local authority governors are subject to the same disqualification rules as other governors. The Strategic Director has the authority to remove a LA governor. The Strategic Director will give serious consideration to any request from a governing body for the removal of a local authority nominated or appointed governor if there is evidence of a breach of the code of conduct of that governing body or if a governor qualifies for disqualification under Schedule 4, regulation 17 of the School Governance (Constitution) (England) regulations 2007 and 2012.

4.0 **Financial Implications**

4.1 While there is some additional bureaucracy involved in this process, the costs of this will be absorbed within existing budgets and staff resources.

5.0 **Legal Implications**

5.1 The LA governor appointment processes must comply with the School Governance (Constitution) (England) Regulations 2012 and the School Governance (Federations) (England) Regulations 2012.

5.2 The law now requires that all governors are appointed on the basis of the skills they have to contribute to effective governance.

5.3 The local authority has a statutory duty to promote high standards of education in its schools.

6.0 **Diversity Implications**

6.1 An Equalities Impact Assessment on the new process has been carried out. This is important as in Brent it is vital that governing bodies are representative of local communities. The application form and the recording of the appointment process will collect equalities data and there will be an annual review of the process to monitor equalities outcomes.

7.0 **Staffing/Accommodation Implications**

7.1 None

Background Papers

The constitution of governing bodies of maintained schools - Statutory guidance for governing bodies of maintained schools and local authorities in England; Department of Education; May 2014

Statutory Instruments 2012 No. 1034 - Education, England - The School Governance (Constitution) (England) Regulations; 2012

Lord Nash Parliamentary Under Secretary of State for Schools letter to Directors of Children's Services; October 2014

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Appendix 1

Recommended skills, experience and attributes for nominated LA governors: *National Governors Association, Skills Audit, May 2014*

Essential for all governors/trustees

- Commitment to improving education for all pupils
- Ability to work in a professional manner as part of a team and take collective responsibility for decisions
- Willingness to learn
- Commitment to the school's vision and ethos
- Basic literacy and numeracy skills
- Basic IT skills (i.e. word processing and email)

Vision and strategic planning

- Understanding and experience of strategic planning
- Ability to analyse and review complex issues objectively
- Problem solving skills
- Ability to propose and consider innovative solutions
- Change management (e.g. overseeing a merger or an organisational restructure, changing careers)
- Understanding of current education policy

Holding the headteacher to account

- Communication skills, including being able to discuss sensitive issues tactfully
- Ability to analyse data
- Ability to question and challenge
- Experience of project management
- Performance management/appraisal of someone else
- Experience of being performance managed/appraised yourself

Financial oversight

- Financial planning/management (e.g. as part of your job)
- Experience of procurement/purchasing
- Experience of premises and facilities management

Knowing your school and community

- Links with the community
- Links with local businesses
- Knowledge of the local/regional economy
- Working or volunteering with young people (e.g. teaching/social work/youth work/sports coaching/health services for young people)
- Understanding of special educational needs