

**Cabinet Member for Education**

**20 January 2016**

**Name of Cabinet Member:**

**Cabinet Member for Education - Councillor D Kershaw**

**Director Approving Submission of the report:**

**Director of Education, Libraries and Adult Learning**

**Ward(s) affected:**

**None**

**Title: Selection, Nomination and Removal of Local Authority Nominated School Governors**

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**Is this a key decision?**

No

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**Executive Summary:**

The proposed Policy (attached as Appendix 1) has been developed as a direct response to concerns raised by Education and Childrens Services Scrutiny Board (2) regarding the process for nominating Local Authority Governors. The proposed Policy complies with legislation and statutory guidance.

**Recommendations:**

The Cabinet Member for Education is requested to approve the proposed Policy (Appendix 1) for arrangements to Select, Nominate and Remove Local Authority governors.

**List of Appendices included:**

The proposed Policy is detailed in Appendix 1.

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

Yes - the details of the proposed policy was considered at the Education and Children's Services Scrutiny Board (2) on 7 January 2016.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

**Report title:** Selection, Nomination and Removal of Local Authority Nominated School Governors

**1. Context (or background)**

- 1.1 There is a need to introduce a robust process for the selection, nomination and removal of Local Authority nominated governors.

**2. Options considered and recommended proposal**

**Information/Background**

- 2.1 The Local Authority (LA) is required by the School Governance (Constitution) (England) Regulations 2012 (“the 2012 Constitution Regulations”) to nominate LA governors for appointment to the Governing Bodies of maintained schools for those schools whose Governing Bodies are either constituted under an instrument of government that takes effect on or after 1st September 2012, or whose existing instrument of government is varied pursuant to regulation 30(2) of the 2012 Constitution Regulations.
- 2.2 Where the Governing Bodies of two or more maintained schools have federated in accordance with section 24 of the Education Act 2002, the LA is required by the School Governance (Federations) (England) Regulations 2012 to nominate LA governors to the Governing Body of the federation.
- 2.3 Under both the 2012 Constitution Regulations and the 2012 Federations Regulations, the LA can nominate any eligible person as a LA governor, but it is for the Governing Body to decide whether the LA nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set. LA’s should therefore make every effort to understand the Governing Body’s requirements and identify and nominate suitable candidates.
- 2.4 The LA has the right to nominate a representative governor to the Governing Body of an Academy where there is provision in the Academy’s Articles of Association for such an appointment.
- 2.5 The number of governors that the LA is entitled to nominate (as appropriate) to the Governing Body of a maintained school is stated in the school’s Instrument of Government. Where the Governing Body of either a maintained school or a federation of maintained schools is constituted in accordance with the 2012 Constitution Regulations or the 2012 Federations Regulations, the Governing Body concerned must only include in its number one LA governor.
- 2.6 LA’s have the power to remove their nominated governors, but must give written notice of the removal from office to the clerk to the governing body and to the LA governor who is being removed.
- 2.7 The proposed policy procedure does not cover “additional” governors whom the LA appoints to the Governing Bodies of schools which are “eligible for intervention” under Part 4 of the Education and Inspections Act 2006 (e.g. schools which require special measures or have been given notice to improve by Ofsted) because the LA has no power to remove governors in those circumstances.
- 2.8 The proposed policy procedure also includes arrangements for volunteer school governors to be recommended to governing bodies by the LA for appointment in other governor categories e.g. Co-opted governor.

**3. Results of consultation undertaken**

Not applicable.

**4. Timetable for implementing this decision**

To be implemented with immediate effect.

**5. Comments from Executive Director of Resources**

**5.1 Financial implications**

There are no financial implications.

**5.2 Legal implications**

All governing bodies of maintained schools were required to be constituted under the School Governance (Constitution) (England) Regulations 2012 or the School Governance (Federations) (England) Regulations 2012, as appropriate, by 1 September 2015.

Governing bodies and local authorities must also have regard to “The constitution of governing bodies of maintained schools statutory guidance for governing bodies of maintained schools and local authorities in England” when carrying out duties relating to the constitution of governing bodies in maintained schools.

Public authority decision makers are under a duty to have due regard to 1) the need to eliminate discrimination, 2) advance equality of opportunity between people who share a protected characteristic and those who do not 3) foster good relations between persons who share a relevant protected characteristic and people who do not (public sector equality duty - s 149(1) Equality Act 2010). The applicable protected characteristics are disability; age; gender reassignment; race; religion or belief; sex; sexual orientation; pregnancy or maternity.

Decision makers must be consciously thinking about these three aims as part of their decision making process with rigour and with an open mind. The duty is to have “due regard”, not to achieve these aims but to have due regard to the need to achieve these goals, together with other relevant factors such as budgetary, economic and practical factors. Consideration being given to the potential adverse impacts and the measures needed to minimise any discriminatory effects.

**6. Other implications**

None.

**7. How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

**8. How is risk being managed?**

Not applicable.

**9. What is the impact on the organisation?**

Not applicable.

**10. Equalities / EIA**

Not applicable.

**11. Implications for (or impact on) the environment**

Not applicable.

**12. Implications for partner organisations?**

Not applicable.

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**Proposed Policy for the Selection, Nomination and Removal of Local Authority (LA) Nominated School Governors**

**1. The expectation and commitment required of LA nominated school governors**

- 1.1 Statutory guidance on the constitution of maintained school Governing Bodies published in August 2015 states that all governors need a strong commitment to the role and to improving outcomes for children, the inquisitiveness to question and analyse, and the willingness to learn. They need good inter-personal skills, appropriate levels of literacy in English (unless a governing body is prepared to make special arrangements), and sufficient numeracy skills to understand basic data. Therefore, all volunteers who wish to be nominated or recommended by the LA for appointment as a school governor are required to provide evidence of these skills and abilities in their application.
- 1.2 All volunteers who wish to be nominated by the LA for appointment as a LA representative school governor, or recommended by the LA for appointment by the governing body as a co-opted governor, must abide by the Nolan principles of public office and adhere to the requirements of the Model Code of Conduct for Governing Bodies.

**2. Applying to become a LA nominated school governor**

- 2.1 Anyone who wishes to be nominated by the LA for appointment as a school governor, or recommended by the LA for appointment by the governing body as a co-opted governor, must complete an application form and the National Governors' Association (NGA) skills audit form. Both documents are submitted to the LA's Governor Services Manager (GSM).
- 2.2 All sections of the application and skills audit forms must be completed. Where all sections have not been completed, the GSM will inform the individual that the application will not be considered and request resubmission.
- 2.3 The GSM will acknowledge receipt of applications and inform the applicant of the approval process (section 4 of the procedure).
- 2.4 Applications will include the name of one referee who preferably the current or last employer but not a family member, from whom a reference will be requested by the GSM prior to the approval process.

**3. The approval process**

- 3.1 The GSM will forward completed application forms and references for consideration by the LA School Governor Nomination Committee ("the Committee").
- 3.2 The Committee shall consider the suitability of each application for nomination by the LA as a school governor, using as its broad criteria the expectation and commitment required of LA nominated school governors that is referred to in section 4 of this procedure.
- 3.3 The LA supports the view of the National Governors Association (NGA) that unless there are genuinely exceptional circumstances, it is not good practice for a governor to serve on more than two governing bodies at any one time. It will therefore not approve the nomination of an applicant currently serving on two governing bodies to serve as a LA representative governor.

- 3.4 The Committee shall notify the GSM of the applications it has approved for nomination by the LA as a school governor and or recommendation by the LA for appointment by the governing body as a co-opted governor.
- 3.5 The GSM will inform the individual concerned that their application has been approved and a suitable match will be identified.
- 3.6 The Committee shall notify the GSM of the applications it has declined and the reasons for its decision. The GSM will inform the individual concerned that their application has been declined.
- 3.7 The Committee shall consist of two elected members, (the Cabinet Member and Deputy Cabinet Member for Education) of the City Council, two governors currently serving on the Governing Body of a LA maintained school and two Headteachers of LA maintained schools
- 3.8 The Committee will be chaired by the Cabinet Member for Education.
- 3.9 The Committee will be drawn from a pool of volunteers.
- 3.10 The quorum for the Committee will be one elected member, one governor and one Headteacher.
- 3.11 The Committee will be organised and clerked by a City Council officer.
- 3.12 The Committee shall meet every half-term.

#### **4. Nomination for appointment as a LA representative governor**

- 4.1 The GSM manages the process of nomination of school governors by the LA and will only nominate for appointment those volunteers who have been approved by the Committee referred to in section 6 of this procedure.
- 4.2 The specific skills that Governing Bodies need to meet their particular challenges will vary. The GSM will make every effort to understand the Governing Body's requirements and identify and nominate suitable candidates through an open dialogue and by encouraging Governing Bodies to keep them informed, on a regular basis, of the specific skills or experience that the Governing Body ideally requires.
- 4.3 When the GSM has matched an approved volunteer to a vacant governor position, they will contact the volunteer in order to establish their willingness to be considered for appointment to the vacant position that has been identified. Volunteers who do not wish to be considered for appointment to the vacant position identified will be asked to give their reasons.
- 4.4 The Committee shall approve LA governor nominations to academy governing bodies.
- 4.5 The GSM will write to the Clerk to the Governing Body, Chair of the Governing Body and Headteacher of the school and, where applicable, to the Academy Trust, notifying them of the approved volunteer who has been nominated or recommended for appointment by the LA for appointment to the Governing Body, either as the LA representative or to a vacancy in another category. Written notification will refer to the volunteer's willingness to be considered for appointment to the Governing Body and include copies of the completed application form, skills audit, the reference provided and any comments made by the Committee regarding their application.

4.6 The GSM will request that the nomination is considered by the Governing Body as soon as is reasonably practicable.

## **5. Appointment of nominated governors**

5.1 The Clerk to the Governing Body shall inform the GSM when the nominated governor has been appointed and provide a copy of their letter of appointment. The GSM will update its records and provide the newly appointed governor with relevant information and induction course dates.

5.2 The Clerk to the Governing Body shall inform the GSM if the Governing Body decides not to appoint the nominated governor and the reasons for that decision. The GSM will inform the nominated governor of the Governing Body's decision.

## **6. Re-appointment of LA nominated governors**

6.1 LA governors at maintained schools normally serve a four year term of office. The GSM monitors all LA appointments that are due to expire one term in advance of the expiry date.

6.2 Where appropriate the Committee shall consider the nomination of LA representative governors to serve a further term on the Governing Body of the school concerned.

6.3 The GSM shall write to LA governors that are eligible for re-nomination under this procedure to ascertain their willingness to serve for a further term, subject to approval by the Committee. The GSM will also write to the Clerk to the Governing Body, to the Chair of the Governing Body (or vice-chair, if the chair is the subject) and to the Headteacher of the school concerned to establish whether the Governing Body is prepared to appoint the LA representative governor for a further term. Feedback shall be sought from all parties on the contribution made by the LA nominated governor during their term of office, with specific reference to the expectation and commitment required of LA nominated school governors referred to in section 4 of this procedure.

6.4 The GSM will refer the Governing Body's response along with any supporting information obtained through LA oversight of the Governing Body to the Committee for consideration.

6.5 The Committee shall notify the GSM of the LA governors that it has approved for nomination for a further term. The GSM shall inform the Clerk to the Governing Body of the school concerned that re-nomination has been approved and request that it is informed of the date that the LA nominated governor has been appointed by the Governing Body to serve a further term.

6.6 The Committee shall notify the GSM of the LA governors who it has declined to re-nominate and the reasons for its decision. The GSM will inform the individual concerned of the decision and the reasons given.

## **7. Removal of LA Governors at LA Maintained Schools**

7.1 LA governors may be removed by the LA from the governing body of a maintained school or federation of maintained schools in accordance with the 2012 Constitution and Federation Regulations.

7.2 In such cases the GSM will inform the governor in question and the Chair of the Governing Body, in writing, of the full reasons why removal is proposed, inviting them to make written representations regarding the proposal and stating the deadline for which the written representations are to be received (ten working days).

- 7.3 The proposal to remove and written representations will be referred to the Committee for consideration.
- 7.4 The Committee shall consider whether to approve the proposal to remove the LA governor, requesting whatever additional information it requires in order to make an informed decision and using as its broad criteria the expectation and commitment required of LA nominated school governors that is referred to in section 4 of this procedure.
- 7.5 The GSM, the governor who is the subject of the proposal and the Chair of the Governing Body concerned shall be informed in writing of the Committees decision within ten working days of the meeting at which the proposal was considered.
- 7.6 The decision of the Committee shall be final and binding on all parties.
- 7.7 The LA must give written notice of the removal from office to the Clerk to the Governing Body and will do so within ten working days of the meeting at which the proposal was accepted.