

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

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| 1. | <b>Meeting:</b>        | <b>Cabinet Member and Advisers for Lifelong Learning and Culture</b>                          |
| 2. | <b>Date:</b>           | <b>6<sup>th</sup> September, 2011</b>   |
| 3. | <b>Title:</b>          | <b>Procedure for the Appointment, Re-appointment and Removal of Local Authority Governors</b> |
| 4. | <b>Programme Area:</b> | Children and Young People's Services  |

### 5. Summary:

This report aims to update the Cabinet Member of the potential implications of the current Education Bill on the appointment of Local Authority (LA) governors and recommend a revised procedure for the appointment, re-appointment and removal of LA governors (see attached annex).

### 6. Recommendations:

- (i) That the Cabinet Member approves the revised procedure for the appointment, re-appointment and removal of LA governors
- (ii) That the Co-ordinator of Governor Services ensures that all governing bodies are made aware of the revised procedures

## 7. Proposals and Details

It is the responsibility of the local authority to appoint LA governors. The procedures for appointing LA governors were last revised in 2004 therefore, due to potential changes to the requirements on the local authority to appoint persons with appropriate skills; it seems an opportune time to revisit these procedures.

Regulation 24(1) of The School Governance (Constitution) (England) Regulations 2007 specify that “*any local authority governor..... may be removed from office by the person who appointed him...*”. It does not however lay down a procedure for removing LA governors; this is left to the discretion of each local authority. Regulation 24 does not give the local authority unfettered power to dismiss their appointed governors. In practice, case law indicates that the position is by no means that simple. In removing LA governors, the local authority must observe rules of natural justice and ensure that LA governors are not removed because of the way they have voted. There is currently no agreed mechanism for the removal of LA governors, therefore the revised procedures offer a consistent process for considering such matters.

The role of the governing body is to take a strategic overview of the school, act as a critical friend and ensure the head teacher and senior leadership team are held accountable for the quality of provision and for the school's overall performance. This requires the recruitment of people who have the time to give to this valuable role and have a range of skills and experience that are beneficial to the work of the governing body.

The Code of Practice on LA-School Relations gives statutory guidance on effective relationships between local authorities and maintained schools. As part of the Code, the local authority is required to publish the process and criteria by which LA governors are appointed. The relevant extract is reproduced below:

“Authorities can also support schools by appointing as Local Education Authority governors those who are best qualified to help schools improve. In making appointments to particular schools, Authorities should have regard to the skills and experience of which those schools have the greatest need and to candidates' support for the schools' ethos and mission. It is good practice to advertise for candidates, highlighting the skills and experience required. Authorities should in any case publish the process and criteria by which they identify candidates for appointment. Once appointed, those governors' priority is to contribute to raising standards at the school: they cannot be mandated by the Authority to take any particular line. Authorities may dismiss them for good reason. They should ensure that appointments are promptly made, normally within 3 months, when vacancies arise, and should not allow vacancies to remain because suitable political appointees are not available.”

The Education Bill currently progressing through Parliament proposes major changes to the constitution of governing bodies. With effect from early 2012, it is

proposed that governing bodies will be able to adopt a more flexible model of school governance if they so choose consisting as a minimum of:

- Two parent governors
- The head teacher
- One elected staff governor (in addition to the head teacher)
- One local authority governor, who has the skills required by the governing body
- In voluntary aided and foundation schools, the church or foundation will still be able to appoint the majority of governors

The Minister of State for Schools, Nick Gibb MP, in a letter dated 10<sup>th</sup> May 2011 addressed to the two Liberal Democrat members of the Public Bill Committee stated:

“In order to ensure that the local authority appointed governor has the skills required by the governing body, we propose the governing body should have a reserve right to reject unsuitable proposed local authority governors. In practice, this will mean there should be a dialogue between the school and local authority, prior to appointment, as to skills and experience being sought and ensure a suitable candidate or pool of candidates.”

The revised procedures attached to this report seek to maintain and improve the quality of LA governors in Rotherham schools and ensure that persons with the required attributes, skills and experience are proposed to fill LA governor vacancies.

## **8. Finance**

The appointment of LA governors is a statutory function of the local authority, however in view of current financial constraints, it is incumbent that the procedures adopted are efficient, cost effective and meet the requirements proposed by the current Education Bill.

The current Revenue Budget allocation of £669 to support school governance does not provide sufficient funding to meet this function, let alone deliver the other statutory responsibilities of the local authority in relation to supporting school governance.

## **9. Risks and Uncertainties**

Research suggests that an effective governing body is a key component of a successful school. The local authority can support improvements in schools by appointing as LA governors those who have the necessary skills and experience to help schools improve.

If the procedures adopted by the local authority are cumbersome, long-winded and complicated, this will delay the process for appointing LA governors which could negatively impact on the quality of provision within schools.

## **10. Policy and Performance Agenda Implications**

Transforming Rotherham Learning is one of the “4 Big Things” within the Children and Young People’s Plan. The defining principles of TRL are:-

- We are all responsible for Rotherham’s children and young people
- All children and young people in Rotherham will achieve; no one will be left behind.
- Learning is the core business: investment, policy and strategy must be driven by opportunities for learners.
- Learning Communities will be rooted in and responsive to the needs of local people

By appointing people with key skills and experience as LA governors to Rotherham school governing bodies, this can make a major contribution to achieving the defined principles of TRL.

## **11. Background Papers and Consultation**

Code of Practice on LEA-School Relations

Letter from Nick Gibb MP, Minister of State for Schools dated 10<sup>th</sup> May 2011

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# **Procedure for the Appointment, Re-appointment and Removal of Local Authority (LA) Governors**

## **1. Introduction**

The local authority has a duty to appoint effective LA governors to all of its schools. The role of the LA governor is an important one; reflecting the wider community and bringing a range of skills and experience that can benefit the work of the governing body. These positions can and should be filled by people who can bring practical experience and an interest in community life to the running of schools in Rotherham. LA governors will be chosen on the contribution that they can bring to a school in terms of those wider skills and experiences.

The local authority will ensure that appointments are made promptly, taking into consideration any views expressed by the governing body in relation to skills and experience being sought. To enable LA governor vacancies to be filled as quickly as possible, the local authority will maintain a pool of interested persons who are eligible to be a LA governor based on the principles outlined below and confirmed by the completion of a Registration of Interest form (or a School Governors' One Stop Shop (SGOSS) application form).

## **2. Criteria for Appointment or Re-appointment of LA Governors**

The local authority will appoint an individual who is eligible to be a governor based on the principles outlined below. Potential LA governors must demonstrate:

- A commitment to raise standards and pupil achievement
- An interest in or knowledge of educational matters and/or the local community
- A commitment to corporate working as a member of the governing body
- A commitment to attend governing body meetings on a regular basis, undertake induction training and on-going training as appropriate
- They are not an employee, or partner of an employee, of the school in question
- They are not a parent of a child/ren on roll at the school in question (unless a LA governor position has been vacant for a period in excess of 6 months)

### **3.1 Procedure for the Appointment of LA Governors**

All individuals who wish to be considered for LA governor vacancies are required to complete a Registration of Interest form, or a SGOSS form, confirming their eligibility and willingness to comply with the principles outlined above and to identify any particular skills and experience they might have that will support the effective governance of our schools.

All applications will be processed by the Co-ordinator of Governor Services and potential LA governors matched to vacancies as they arise, taking into account the skills and experience being sought by the relevant governing body. Appropriate methods of communication will take place with the Chair of governors and head teacher of the school in question, prior to formal consideration by Cabinet Member.

The Cabinet Member and Advisers for Lifelong Learning and Culture will make all appointments of LA governors. The Co-ordinator of Governor Services will prepare a

list of prospective LA governors, matched to current vacancies, to be considered by Cabinet Member and Advisers and ratified, where appropriate, at Cabinet Member meetings.

### **3.2 Procedure for the Re-appointment of LA Governors**

Existing LA governors whose term of office is nearing completion and who wish to continue as a LA governor at the same school will follow the procedure for appointment as outlined in 3.1 above, with the following amendments:

- The Co-ordinator of Governor Services will write to all LA governors nearing completion of their term of office asking whether they wish to be reconsidered for nomination to their existing LA governor position
- The Chair of governors of the school in question will be contacted to ascertain whether or not the individual has the type of skills and/or experience required by the governing body
- Cabinet Member will consider all potential nominations for re-appointment, taking into account the attendance record of the individual. Save in exceptional circumstances, Cabinet Member will not agree to re-appoint if their attendance record at full governing body meetings is below 50% of possible attendances.

### **4. Criteria for Removal of LA Governors**

Regulation 24(1) of The School Governance (Constitution) (England) Regulations 2007 enables the local authority to remove its appointed LA governors for good reason. The decision to remove a LA governor will be taken by Cabinet Member and Advisers at a hearing to which the LA governor in question will be invited. In considering whether to remove a LA governor, Cabinet Member and Advisers will consider removing a LA governor for the following reasons:

- The governor has failed to adhere to the selection criteria agreed on the Registration of Interest form
- The governor has acted in a manner that disregards the corporate nature and responsibilities of the governing body
- Relationships between the LA governor and the governing body have broken down to such an extent that the continued presence of the LA governor is not conducive to the effective functioning of the governing body
- The governor has breached the governing body's own rules and Code of Conduct covering relationships and conduct within school.

A request to remove a LA governor may come from the governing body or the head teacher, and should clearly indicate the reasons for such a request. Such a request would normally follow a resolution from the governing body that has been agreed by a majority of governors eligible to vote on the matter. The LA governor would be invited to attend a formal hearing or to submit a written representation to be considered by Cabinet Member. Following the hearing, the Co-ordinator of Governor Services will communicate the decision to the LA governor and Chair of governors/head teacher.

# Registration of Interest Form - School Governor Vacancies

First Name:

Last Name:

Address:

Home Tel. No:

Mobile Tel. No:

Email Address:

**Please Explain Why You Would Like To Be A School Governor:**

**Please Describe The Skills, Experience and Personal Qualities You Would Bring:**

## Commitment To School Governance

I confirm that I have a commitment to:

|  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| • Raising standards of attainment and pupil achievement      | <input type="checkbox"/> | <input type="checkbox"/> |
| • Acting as part of a corporate body                         | <input type="checkbox"/> | <input type="checkbox"/> |
| • Attending governing body meetings on a regular basis       | <input type="checkbox"/> | <input type="checkbox"/> |
| • Undertaking induction and on-going training as appropriate | <input type="checkbox"/> | <input type="checkbox"/> |
| • Taking an active role in the work of the governing body    | <input type="checkbox"/> | <input type="checkbox"/> |
| • Respecting confidentiality                                 | <input type="checkbox"/> | <input type="checkbox"/> |

**Please indicate the type of school(s) that you are interested in becoming a governor**  
(please tick all applicable boxes):

|                  |                          |                |                          |
|------------------|--------------------------|----------------|--------------------------|
| Nursery school   | <input type="checkbox"/> | Special school | <input type="checkbox"/> |
| Primary school   | <input type="checkbox"/> | Any school     | <input type="checkbox"/> |
| Secondary school | <input type="checkbox"/> | A faith school | <input type="checkbox"/> |

**Please state if a particular area of Rotherham is preferred:**

**Please indicate to how many governing bodies you would consider being appointed:**

**If you or a partner are, or have previously been, employed to work at a school in Rotherham, please name the most recent school:**

**If you currently have a child(ren) of compulsory school age attending a school in Rotherham, please name the school(s):**

## **Appointment Checks on School Governors**

Schools undertake a range of safeguarding checks on all individuals who have been elected or appointed as school governors. Two checks are undertaken; a check against the **Children's Barred List**, which is a check against a list held nationally containing the details of all people whose employment from working with children has been barred or restricted; and a **Declaration Form** which you will be required to sign confirming that you are not disqualified from being a school governor.

A significant number of governing bodies also request that all governors obtain an **Enhanced CRB Certificate**. Refusal to obtain such a certificate would result in your disqualification from holding or continuing to hold office as a school governor.

By signing this form below you are confirming that you agree to these checks being undertaken.

In addition, you are also agreeing to adhere to the Code of Conduct for LA governors.

**Signed:**

**Date:**

## Code of Conduct: Local Authority (LA) Governors

LA governors are the appointed representatives of the local authority on a school's governing body. They are not delegates but can be removed, for good reason, at the discretion of the local authority.

LA governors should abide by the following key principles:

- To act with integrity, objectivity and honesty, in the best interests of the school and of the wider interests of all children and young people within Rotherham
- To promote school improvement and to support the raising of standards of attainment and achievement in schools
- To aim to further develop a constructive partnership between the local authority and schools within Rotherham
- To work as a member of a team – the governing body – at all times and be loyal to collective decisions made by the governing body
- To recognise that all governors have the same rights and responsibilities unless particular responsibilities are conferred on them by the full governing body

To do this, all LA governors are expected to:

- Have an appreciation of the aims and objectives of the local authority and its policies, but to follow their own judgement on individual issues
- Keep the interests of the school and its pupils as a key focus, within a wider collaborative framework which promotes wider partnerships
- Attend meetings promptly and regularly
- Prepare for meetings by reading papers beforehand
- Work in partnership with fellow governors, the head teacher and the senior leadership team to promote school improvement
- Listen to and respect the views of others
- Express their own views clearly and succinctly
- Take their fair share of work/positions of responsibility
- Respect confidentiality, although any evidence of fraud, corruption or misconduct should be reported to an appropriate person or authority
- For newly appointed LA governors - undertake induction training within a year of appointment
- For existing governors - undertake other relevant training as appropriate and take responsibility for their own learning and development as a governor