

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Children, Young People and Damilies' Services
2.	Date:	5th March, 2014
3.	Title:	DfE Consultation on proposed changes to the constitution of maintained school governing bodies
4.	Directorate:	Children and Young People's Services

5. Summary

The Department for Education published a consultation, on 13th January 2014, setting out proposed changes to regulations and guidance that govern the constitution of governing bodies in maintained schools and federations of maintained schools in England.

This report summarises the main changes proposed by the consultation and aims to provide the Cabinet Member with an opportunity to consider the detail of a response to be submitted, before the 14th March deadline, on behalf of the Local Authority.

6. Recommendations

- (i) That Cabinet Member determines the content of a response to the DfE consultation on behalf of the local authority
 - (ii) That, in due course, a further report be brought to Cabinet Member outlining the implications on the procedure for appointing LA governors
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7. Proposals and Details

Governing bodies have a vital and demanding role as the strategic leaders of schools. Since the introduction of the revised school inspection framework (September 2012), expectations of effective governance have raised significantly, and every inspection report now contains a comment on the quality of governance as part of the overall judgement on the quality of the school's leadership and management.

The consultation proposals aim to ensure that governing bodies have, or can develop, within their membership, the skills and experience that governing bodies need to be effective by ensuring that the primary consideration in decisions about the constitution and membership of governing bodies is the skills that they require to be effective. Following the outcomes of the consultation, the DfE intends to lay amendments to regulations in the spring of 2014 to come into force on 1st September 2014.

Changes to the **regulations** are proposed in the following key areas: -

- All maintained school governing bodies must reconstitute in accordance with the revised regulations before 1st September 2014, unless they have already reconstituted in accordance with the 2012 regulations (this will impact upon the number of LA governor positions on governing bodies)
- The eligibility criteria for all categories of **appointed** governors, including local authority governors, is to be amended to require that the appointing person or body ensures that any newly-appointed governor has "*the skills required to contribute to the effective governance and success of the school*". This could include specific skills such as an ability to understand data or finances as well as general capabilities such as the capacity and willingness to learn (this will impact upon the appointment of LA governors)
- Following reconstitution, the removal of any "surplus" governors should be based on skills required rather than the current "juniority" principle, i.e. "last in, first out".

In addition, the following changes to **statutory guidance** are being suggested: -

- Governing bodies should be no bigger than they need to be to have all of the skills necessary to carry out their functions effectively
- Governing bodies should carry out regular skills audits and use the process of filling vacancies (as well as through a commitment to continuous professional development) to fill any skills gaps
- Eligibility criteria for **elected** governors, i.e. parent and staff governors, will remain unchanged, however governing bodies will have greater flexibility to identify specific skills or experiences that would be **desirable** in a new governor. The parents and staff bodies, as appropriate, would still be able to vote for the candidate(s) of their choice.

These proposals will have implications for the governance of all schools and, in particular, for maintained schools. The proposals will also have implications in relation to local authority governors.

The changes introduced in September 2012, which **enabled** governing bodies to reconstitute in accordance with the revised regulations, has already led to an overall reduction in the number of LA governor positions. Up to 1st March 2014, 32 governing bodies had already reconstituted in accordance with the regulations, leading to a reduction in the overall number of LA governor positions by 64.

On another issue not related to the consultation but pertinent to the above issue, the increasing number of Academy schools is also impacting on the number of LA governor positions because Academy school governing bodies are not required to have any LA-nominated governors within their membership. At 1st March 2014, there are now 22 academy schools in Rotherham, with a further 7 conversions to Academy status agreed by the Secretary of State up to July 2014, and a number of other governing bodies investigating the possibility of conversion. Of the 22 existing Academy schools, 7 no longer have an LA-nominated position on the governing body, which together with a reduction in the number of LA-nominated governors at the other 15, has led to a reduction in the number of LA-nominated governors in Academy schools of 39 positions.

Across all schools within the LA, there are now 209 LA governor positions. Ignoring the impact further Academisation might have on the number of LA governor positions, the impact of **requiring** all LA-maintained school governing bodies which have not already done so, to reconstitute would mean a further reduction of 95 LA governor positions on Rotherham school governing bodies by 1st September 2015.

The process of appointing to LA governor positions in accordance with the regulations will also need to be reviewed. The current situation is not ideal, in that appointments to LA governor positions follow two different processes; those prescribed by the 2007 Constitution regulations where the decision of Cabinet Member is final, and those prescribed by the 2012 Constitution regulations where Cabinet Member nominates an eligible person as a LA governor, but the governing body determines whether the nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set. This is an issue that will require further discussion before another report is brought to Cabinet Member for discussion.

8. Finance

There are no financial implications for the LA as a consequence of this report.

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

- DfE Consultation document – Constitution of governing bodies of maintained schools – proposed changes to regulations
- The School Governance Constitution Regulations 2012 – draft statutory guidance
- CSN Policy Briefing – constitution of maintained school governing bodies

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