



CABINET – 25TH NOVEMBER 2015

SUBJECT: THE PROCESS FOR THE APPOINTMENT AND REMOVAL OF LOCAL AUTHORITY (LA) GOVERNORS

REPORT BY: CHIEF EDUCATION OFFICER

1. PURPOSE OF REPORT

1.1 For Cabinet Members to agree a process for the recruitment and removal of Local Authority (LA) governors.

2. SUMMARY

2.1 Currently, Caerphilly County Borough Council (CCBC) has the highest percentage of vacancies for LA governors within the South East Wales Consortium (SEWC). It is important that competent, committed LA governors are recruited so that schools can function effectively.

2.2 In order to support the recruitment of such governors it is important to review and agree the process for doing so, along with a process for removing LA governors from governing bodies should this be necessary.

3. LINKS TO STRATEGY

3.1 The Council has a statutory requirement to provide support to schools and achieving the Council's Improvement Objectives of improving standards across all year groups, particularly Key Stage 3 and 4 is dependant upon the Council's interaction with schools.

4. THE REPORT

4.1 LA governors are appointed by the LA which maintains the school. LA governors may present the LA's views but they are not delegates of the LA and they cannot be mandated by the LA to take a particular view.

4.2 Regulation 7 of the Government of Maintained Schools (Wales) Regulations 2005 (the 2005 Regulations") confirms that the LA must appoint LA Governors for each School. There must be the following numbers of LA Governors for each type of Schools;

Community Primary or Special Schools	3 or 4 (or 2 if less than 100 pupils)
Community Secondary Schools	5 (or 4 for less than 600 pupils)
Voluntary Aided Primary Schools	1
Foundation Schools	2

- 4.3 The Code of Practice on LEA/School Relations document of (1999) requires Local Education Authorities to publish the procedure and criteria for the appointment of Local Education Authority Governors to Governing Bodies. Governors Wales guidance also states that LAs should publish the process and criteria for identifying candidates for appointment as LA governors.
- 4.4 CCBC has had a good record of appointing LA Governors to Governing Bodies in the past. However, currently there are vacancies.

Recruitment and Selection

- 4.5 In order to support the recruitment of LA governors, it is recommended that an Advisory Panel for the Appointment of LA Governors is established as, at present, decisions are taken by the Chief Education Officer in consultation with the Cabinet Member.
- 4.6 In advising on appointments, the Panel should note that LA governors cannot be mandated by the LA to take any particular line. They may represent the LA view but in all cases the interests of the school are paramount and all governors must abide by the governing body's rules and code of conduct.

Membership and terms of reference of the Advisory Panel for the Appointment of LA Governors

- 4.7 The Advisory Panel for the Appointment of LA Governors will comprise no fewer than three elected members, will be politically balanced and must include a member of the Executive. The Panel will be chaired by the Cabinet Member for Education & Lifelong Learning. A representative of the Caerphilly Governors' Network Association, as determined by the Executive Committee of that Association, will be invited to attend any meetings of the Panel in an advisory capacity (i.e. without voting rights). In the event of any of the members or the representative being unable to attend, named substitutes will be eligible to take their place to ensure that all groups are adequately represented. The quorum for meetings of the Panel will be 40% of the membership. In the event of a tied vote the Chair of the Panel will have a casting vote.
- 4.8 The Advisory Panel for the Appointment of LA Governors will be responsible for advising the Chief Education Office about appointments in line with the approved criteria contained within this policy.

Criteria for the appointment of LA governors

- 4.9 The Advisory Panel and Chief Education Officer shall apply the following criteria when considering appointments. Whilst applying these criteria the Advisory Panel should consider the appointment of local members wherever possible and also the experience and potential contribution to the school of all applicants. Factors for consideration include: -
- A genuine desire to help improve standards of education within the school in partnership with the headteacher and the rest of the governing body.
 - A knowledge of modern education issues.
 - Willingness to share their individual skills and expertise within the context of the governing body.
 - A commitment to regular attendance at full governing body meetings as well as meetings of any committees of the governing body to which they are elected.
 - A commitment to attend governor-training courses to update their skills and knowledge to enhance their ability and effectiveness as a governor and meet any statutory requirements to attend training.
 - Experience as an effective school governor measured in terms of regular attendance and the contribution made during their term(s) of office.
 - Knowledge of and an interest in the community in which the school is situated.

- 4.10 In addition to applications from Ward Members, invitation to apply for these positions will be extended to the members of the Business Forum, Voluntary Sector and LA staff. (Appendix 1) These applications will be managed within the same process. Should vacancies remain unfilled, they will be advertised locally and also managed within the agreed process.

Criteria for the removal of LA Governors

- 4.11 The Advisory Panel will also provide advice to the Chief Education Officer about the removal of LA governors as this power must be used reasonably. Any queries relating to the removal of LA governors should be referred to the Governor Support Liaison Officer (Caerphilly) of the Education Achievement Service (EAS).
- 4.12 Disqualification of LA governors, or indeed any governors, is dealt with in Schedule 5 of the 2005 Regulations. Some of these circumstances involve automatic disqualification, and so any relevant Governors would be informed in writing accordingly. In the case of removal of a LA Governor on the basis that concerns that they are not appropriate to continue as an LA Governor, the relevant Governor will be informed in writing of the concerns and permitted to respond in writing before the Advisory Panel meet to discuss whether to advise the Chief Education Officer to remove them as an LA Governor. The LA Governor will be informed of the decision in writing.

Declaration of Interests

- 4.13 In accordance with the Council's Code of Conduct for Members and Officers, anyone involved in the appointment or removal process, including Members of the Advisory Panel, should not preside over governor appointments to schools where they are also Members of the governing body or if they have a personal or prejudicial interest. Should any Member of the Panel need to withdraw during the consideration of any appointment a substitute may be appointed.

Operational Procedures

- 4.14 All existing LA governors whose terms of office are due to cease will be contacted by the Governor Support Officer in advance to ascertain whether they wish to be re-nominated. Their response will then be reported to the Advisory Panel and Chief Education Officer for consideration.
- 4.15 All resignations or retirements of LA governors should be brought to the attention of the Governor Support Officer as soon as possible in order that these vacancies can be considered by the Advisory Panel and the Chief Education Officer at the earliest opportunity.
- 4.16 The Advisory Panel and the Chief Education Officer will take into consideration any views expressed by the Governing Body of the school concerned and Governing Bodies will be contacted by the Governor Support Officer inviting submissions. All such submissions should be made in writing for the attention of the Governor Support Officer well in advance of the next scheduled meeting of the Advisory Panel. However, the decision of the Chief Education Officer, based upon the Advisory Panel's recommendations will be final on all matters relating to LA governor appointments.
- 4.17 The Advisory Panel will meet on an ad hoc basis determined by the number of vacancies. This way, vacancies will be considered soon after they become known and it will avoid the situation where schools are without their full complement of governors for long periods of time which would otherwise increase the burden on the remaining members of the Governing Body.
- 4.18 If the LA, for whatever reason, fails to make an appointment of an LA governor at a particular school within six months of being notified of the vacancy, the nominee of the Governing Body will automatically be appointed.

Background checks

- 4.19 Currently there is no legal requirement for school governors to be subject to police clearance prior to them taking up their appointments. Therefore LAs, dioceses and schools do not have to apply to the Disclosure and Barring Service (DBS) for Disclosures for school governors prior to appointment.
- 4.20 However, Paragraph 12 of Schedule 5 of the 2005 Regulations includes a provision covering disqualification of governors from holding office if they refuse a request from the governing body to undergo a DBS check. The LA strongly advises governing bodies that it is good practice for all governors to have DBS checks. As part of the LA Governors application process, references will be requested.

Application form to become or continue as an LA governor

- 4.21 Anyone who expresses an interest in becoming an LA governor or continuing to be an LA governor must complete the appropriate application form giving reasons why they are particularly interested as well as details of the skills and experience that they could bring to the role. (Appendix 2) Anyone who has not completed an application form should not be appointed or re-appointed as an LA governor. This is because the WG Guidance on LA-School Relations clearly states that “governors should be chosen on the basis of the contribution which they can bring to a school in terms of their skills and experience”. The application form is the fairest method of ensuring that the Council does everything in its power to comply with this requirement when making LA governor appointments. Late applications i.e. those received after the closing date clearly stated on the application form itself will not be considered in the interests of fairness to all those who submit their applications by the requisite date.
- 4.22 In preparation for each meeting of the Advisory Panel, the Governor Support Officer will prepare a report detailing all current vacancies to be considered along with the application forms.
- 4.23 The agenda, application forms and criteria grid (Appendix 3) for Panel meetings will only be circulated to Panel Members. Only Panel Members and advisors are entitled to attend meetings of the Panel. The only exception is where substitutes are required. There is no entitlement for other Members of the Council to attend meetings of the Panel.
- 4.24 Once the Advisory Panel has made its recommendations and the Chief Education Officer has confirmed the decision, the Governor Support Officer will write to all the appointees to notify them of their appointments or reappointments. The Officer will also contact the Headteacher and Clerk to the Governing Body with details of appointees. LA governors who are not reappointed will also be contacted by the Governor Support Officer by letter and informed accordingly. Any queries whatsoever relating to the procedure for the appointment or removal of LA governors should be referred to the Governor Support Liaison Officer on 01443 863155.

Training

- 4.25 All Governors are required to complete mandatory training on Induction and Performance Data within the first year of appointment. In addition to this, LA governors will be offered bespoke training which will highlight the relevant points of contact within the LA in order to enhance communication and understanding.

Additional Governors

- 4.26 The LA has powers under section 6 of the School Standards and Organisation (Wales) Act 2013 to appoint additional LA governors for schools causing concern. The purpose of this is to strengthen the local authority’s voice on the governing body and/or provide additional expertise to the governors in key areas to support a school’s improvement. These governors will be those with relevant expertise and experience in the particular situation.

5. EQUALITIES IMPLICATIONS

- 5.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore, a full EqIA has not been carried out. Equalities implications will be taken into account in the appointments process.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications as the process outlined above can be undertaken within existing resources.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications as the process outlined above can be undertaken within existing resources.

8. CONSULTATIONS

- 8.1 The views of all consultees listed have been incorporated in this report.

9. RECOMMENDATIONS

It is recommended that:

- 9.1 an LA advising appointments panel is established as outlined in this report; and
9.2 the process for LA governor recruitment and removal is approved.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 Current arrangements are in need of review and additional measures need to be taken to fill the increasing percentage of vacancies.

11. STATUTORY POWER

- 11.1 Education Act 1996.
11.2 Government of Maintained Schools (Wales) Regulations (2005) (Schedule 5, Regulation 12).

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Angharad Price, Legal Services
Lynne Donovan - HR Division
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Liz Everson, Governor Support Division, EAS
Councillor Wynne David, Chair Education for Life Scrutiny Committee
Councillor Rhianon Passmore, Cabinet Member for Education & Lifelong Learning
Caerphilly Governors' Network

Appendices:

- Appendix 1 Advertisement for LA governors
- Appendix 2 Application form for LA governors
- Appendix 3 Criteria grid for selection of LA governors