

	<h2>General Functions Committee</h2> <h3>11 November 2015</h3>
<p style="text-align: right;">Title</p>	<p>Nomination and Appointment of Local Authority Representatives on School Governing Bodies</p>
<p style="text-align: right;">Report of</p>	<p>Head of Governance</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A: Proposed draft letter to school governing bodies Appendix B: Overview of governance arrangements Appendix C: Project brief</p>
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<h2>Summary</h2>
<p>This report describes the governance arrangements for managing local authority nominations and appointments to vacancies on school governing bodies. In light of recent legislation affecting the composition of school governing bodies, the Council’s Governance Team initiated a project to review whether the Council’s management of the nomination and appointment process was compliant and efficient. The Committee is invited to review and comment on the on-going project, particularly the areas identified in section 2.</p>

<h2>Recommendations</h2>
<ol style="list-style-type: none"> 1. The Committee is requested to review and comment on the: <ol style="list-style-type: none"> a) Nomination and Appointment of Local Authority Representatives on School Governing Bodies project, particularly the areas identified in section 2. b) Proposed draft correspondence to school governing bodies attached as Appendix A. 2. To authorise the Head of Governance, following consultation with the Committee Chairman, to approve and distribute the final draft of the letter to school governing bodies (Appendix A) incorporating the Committee’s comments. 3. To request the Head of Governance to provide an update report upon the realisation of the project deliverables identified in Appendix C.

1. WHY THIS REPORT IS NEEDED

- 1.1 The [Education Act 2002](#) requires each maintained school (including federated schools) to have a governing body constituted under either of the following Regulations as appropriate:
 - a. [School Governance \(Constitution\) \(England\) Regulations 2012 \(as amended\)¹](#)
 - b. [School Governance \(Federations\) \(England\) Regulations 2012 \(as amended\)²](#)
- 1.2 The deadline for compliance with the new constitutional arrangements was 1 September 2015.
- 1.3 Under both of the 2012 Regulations “local authority governor” means a person who is **nominated** by the Council and is **appointed** by the governing body as a governor having, in the opinion of the governing body, the skills required to contribute to the effective governance and success of the school (or federation) and having met any additional eligibility criteria set by the governing body.³ The composition of the governing body must include one (and one only) local authority governor.
- 1.4 Accordingly, the Council is required to nominate one person as its representative on the governing body of each maintained or federated school(s). The General Functions Committee (or where necessary Council) make nominations to vacancies as they arise. This process is supported by the Governance Team (Assurance Group) with assistance from Governor Services (Children’s Services).
- 1.5 The Council can nominate any eligible person as a local authority governor, but it is for the governing body to decide whether the candidate has the skills to contribute to the effective governance and success of the school. The governing body must decide if the candidate meets any stated eligibility criteria, together with the general expectations of a school governor and appoint or reject a candidate on that basis.
- 1.6 The [Constitution of Governing Bodies of Maintained Schools](#) is statutory guidance published by the Department for Education in August 2015. The Council must have regard to it when carrying out duties relating to the constitution of governing bodies in maintained schools. It recommends that the council (in nominating to a vacancy) should:
 - a. Make use of all available channels to identify suitable governors. This includes the services of [SGOSS](#) and [Inspiring the Future](#)
 - b. Have regard to the skills gap identified by the school governing body, together with the general skills expectation of all governors⁴
 - c. Make every effort to understand the governing body’s requirements and identify and nominate suitable candidates.

¹ [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](#)

² [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](#)

³ Prior to the 2014 amendment this provision read as “(b) is appointed as a governor by the governing body having, in the opinion of the governing body, met any eligibility criteria that they have set.”

⁴ Outlined in sections 18 to 21 of [The Constitution of Governing Bodies of Maintained Schools Statutory Guidance.pdf](#)

- 1.7 The statutory guidance recommends that a governing body (in filling a vacancy) should:
- a. Aim to secure a new governor with the ability and experience they require – or, if this is not possible, at least the capacity and willingness to develop them
 - b. Use a skills audit, such as that produced by the [National Governors' Association](#) to identify the skills, knowledge and experience of current governors and any additional specific skills or experience that the governing body ideally requires
 - c. Conduct an interview or detailed discussion with each prospective candidate, with references (oral or written) taken as necessary and appropriate, to make an informed decision
 - d. Make every effort to help all prospective governors understand clearly the role of a governor
 - e. Maintain a code of conduct and communicate the code to all prospective governors to set clear expectations of the governors' role and behaviour.
- 1.8 In wake of the completion of the re-constitution process (see 1.2 above) the Governance Team initiated a project to review the process supporting the nomination and appointment of candidates. This on-going project aims to ensure the Council is compliant with the 2012 Regulations and associated statutory guidance when nominating representatives. Further, it aims to promote efficiency and consistency in the administration of a process which co-ordinates information from a number of stakeholders, including:
- a. General Functions Committee (and Council)
 - b. Political Group Secretaries
 - c. Candidates
 - d. Governance Team (Assurance Group)
 - e. Clerks to school governing bodies (internal and external to the Council)
 - f. Chairmen of school governing bodies.
- 1.10 The Governance Team has reviewed the existing process and briefed the Committee Chairman on areas identified for improvement. The Committee is invited to comment on these areas. At its October 2015 meeting, the General Functions Committee identified a number of issues (see 2.5 below) and requested a report to address these matters.

2. REASONS FOR RECOMMENDATION

- 2.1 The process of nominating and appointing a representative should enable the Council and the governing body to have regard to the skills and experience of a candidate, together with their willingness and ability to learn and develop as a governor at the particular school in which a vacancy has arisen.
- 2.2 An overview of the existing process to support nominations and appointments is attached as Appendix B.
- 2.3 The project briefing note summarises the project deliverables and is attached as Appendix C.

Communication with school governing bodies

- 2.4 At a previous meeting, the Committee discussed whether governing bodies were giving sufficient consideration to a candidate's ability and willingness to develop as a school governor as a way of meeting their skills gap. The Committee feared that valuable contribution from experienced candidates could be lost if governing bodies focused on addressing a narrow skills specification. The Committee also questioned whether the council had corresponded with school governing bodies regarding the implications of legislative changes.
- 2.5 The Committee Chairman has reviewed guidance on the 2012 Regulations distributed to School Governing Bodies by the Council, namely:
- Briefing paper on the School Governance (Constitution) (England) Regulations 2012 published by Governor Services - September 2012
 - Points for Governing Bodies of Maintained Schools to Consider when Reconstituting published by Governor Services - September 2014
 - Education and Skills Director's Report to Governors – Summer Term 2014, Autumn Term 2014 and Summer Term 2015.
- 2.6 It is suggested that establishing a direct line of correspondence between the Committee and the School Governing Bodies to which it is nominating would be a beneficial way of communicating the Committee's concerns. A draft letter is attached as Appendix A for the Committee's comment.

Understanding a governing body's requirements

- 2.7 Statutory guidance makes it clear that the Council needs to understand the school governing bodies' requirements and any skills gap identified by them. The draft correspondence in Appendix A encourages governing bodies to express a preference for desirable skills but urges them to give particular consideration to a candidate's willingness and ability to learn and develop as a governor.
- 2.8 Currently the Council does not enforce a requirement for a governing body to provide a role specification about each vacancy. Rather, where information is provided by the school, an informative note is included in the schedule circulated to Group Secretaries.
- 2.9 Each governing body could be asked to provide a role specification which would be recorded on a database managed by the Governance Team (Assurance Group). The specification for each vacancy would be provided to Group Secretaries. The Governance Team (Assurance Group) would be aware of when a local authority appointment to a school governing body was due to expire and could approach the governing body to ask for a role specification to enable the Political Groups to have sufficient time to match potential candidates to the role specification/skills gap.
- 2.10 It should be made clear to the governing bodies that the role specification would be regarded as a preference for desirable skills. It would also be used to help candidates to understand the role of a governor at that particular school. Guidance is sent from the Committee as to whether this would be helpful.

- 2.11 It is suggested that Group Secretaries and Political Assistants could direct prospective candidates to the role specification, together with:

Council Publications

- [Becoming A School Governor](#) (currently being updated by Governor Services)
- Contact information to encourage communication with those interested in being a governor: <https://www.barnet.gov.uk/citizen-home/schools-and-education/schools-and-colleges/school-governors.html>
- Supporting information for existing governors such as training: <https://www.barnet.gov.uk/wvc-home/information-for-schools/school-governors.html>

Department for Education Publications

- [Governors' Handbook](#) (January 2015)

National Guidance

- [National Governors' Association](#) and [NGA Skills Audit](#)
The National Governors' Association (NGA) is an independent charity that aims to improve the educational standards and well-being of children and young people through supporting and promoting outstanding governance in all state-funded schools.
- [Governor Line](#)
GovernorLine is a free professional helpline offering telephone support to school governors, clerks and individuals involved directly with issues of school governance in England. The independent service is completely confidential between caller and advisor.

Identifying and nominating suitable candidates

- 2.12 It is recognised that the process of nominating local authority representatives should not be unnecessarily onerous on Group Secretaries or prospective candidates. With regards to the former, the services of [SGOSS](#) and [Inspiring the Future](#) are funded by the Department for Education to provide a free service to governing bodies, local authorities and diocese to help them find new governors with the skills they require. Any applications received by Governor Services could also be made available to Group Secretaries for the purpose of nominations.
- 2.13 The Regulations, as amended, create an explicit requirement that all appointed governors have the skills required to contribute to effective governance and the success of the school. Statutory guidance necessitates some information pertaining to the skills and experience of candidates to be gathered (in accordance with the appropriate confidentiality preserves) and provided to governing bodies upon nomination. It is suggested that candidates are asked to complete the [NGA Skills Audit](#) and a brief application form (template to be agreed by the Committee Chairman) to outline their relevant skills and experience. It would also be helpful if the candidate provided a referee as a point of contact for the school governing body. This could be a character or professional reference.

3. POST DECISION IMPLEMENTATION

- 3.1 The Head of Governance (Assurance Group) will implement any recommendations of the Committee, following consultation with the Committee Chairman, and provide an update report upon the realisation of the project deliverables identified in Appendix C

4. IMPLICATIONS OF DECISION

4.1 Corporate Priorities and Performance

- 4.1.1 To ensure that the Council has robust governance arrangements that enable the delivery of its objectives as set out in the Corporate Plan, its decision making structures will be kept under review to provide effective opportunities for resident participation and engagement.

- 4.1.2 Through the timely execution of its functions, the Committee can assist school governing bodies to fulfil their duties and contribute to the corporate priorities to make sure Barnet is a place:

- of opportunity, where people can further their quality of life
- where people are helped to help themselves, recognising that prevention is better than cure
- where responsibility is shared, fairly
- where services are delivered efficiently to get value for money for the taxpayer.

4.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 4.2.1 None in the context of this report.

4.3 Legal and Constitutional References

- 4.3.1 Responsibility for nominating local authority representatives to school governing bodies is attributed to the General Functions Committee in accordance with Annex A to Responsibility for Functions. Section 1.8 of Responsibility for Functions, Functions of Full Council provides that Full Council can make appointments to school governing bodies where an urgent decision is required:

[Section 15 London Borough of Barnet Constitution - Responsibility for Functions](#)

- 4.3.2 All governing bodies of maintained schools are required to be constituted under the School Governance (Constitution) (England) Regulations 2012 or the School Governance (Federations) (England) Regulations 2012, as amended by the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014.

- 4.3.3 The governing body must not be smaller than seven members, and must include (subject to the requirements regarding foundation governors in qualifying foundation schools and voluntary aided schools):

- at least two parent governors;
- the headteacher (unless the headteacher resigns as a governor);

- one staff governor;
- one, and only one, local authority governor; and
- the governing body may appoint as many additional co-opted governors as they consider necessary subject to conditions in the regulations.

4.3.4 An individual eligible to be a staff governor at the school may not be appointed as a local authority governor.

4.4 Risk Management

4.4.1 None in the context of this report.

4.5 Equalities and Diversity

4.5.1 All sectors of the community are eligible for nomination to the vacancies. It is expected that all political parties will promote equalities and diversity when making nominations to vacancies.

4.5.2 In delivering this Corporate Plan, the Council's priorities and the actions it takes to deliver them will reflect our Strategic Equalities Objective which is that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.

4.6 Consultation and Engagement

4.6.1 Not applicable.

5. BACKGROUND PAPERS

5.1 None