
Responsible delivery units

The responsible delivery unit is the Governance Team (GT) managed by the Head of Governance (HoG).

Responsibility for managing the process for making local authority nominations to school governing bodies and managing / maintaining the database of governors is that of the HoG (Assurance Group) in accordance with the decision of the General Functions Committee on 23 June 2015.

Process for managing vacancies

1. The vacancy is identified by Head of Governance

The GT works with information provided by a team of in-house (LBB) and external clerks to governing bodies who maintain a record of local authority representatives on school governing bodies. Currently, this record provides the main overview of the status of each governing body. The record is updated by with all data being inputted manually.

Vacancies can arise at any point during the year by the following means:

- The local authority governor resigning (in person at the meeting, by phone or in writing). The clerk will note the vacancy on record with the date it applies from.
- The local authority governor be removed or disqualified in accordance with the 2012 Regulations (as amended). GFC/Council (being the body that nominated the person) may vote to remove the local authority governor from office. In practice this has not happened but it is expected that the Head of Governance would arrange for the Committee or Council to formally make the decision to remove the governor. The Head of Governance would need to convey the decision in writing to the governing body (copying in the relevant clerk) and the governor concerned.
- The governing body may refuse to endorse the local authority nomination if it decides that the nominee does not meet any stated eligibility criteria. Should it choose to reject a candidate on that basis; it must explain its decision in writing to the Head of Governance. The Head of Governance would inform the candidate in writing and would inform GFC of the governing body's decision, together with its reasons. The process to nominate to the vacancy would begin again.

The record is provided to the Head of Governance in preparation for each General Functions Committee meeting (or Council if a vacancy requires immediate action). It will be circulated to Group Secretaries who will need time to analyse the information and identify candidates. Consequently, the Head of Governance should be in possession of the list of vacancies no later than **four weeks** before the meeting date at which they will be considered.

- Date and save the record.

GT checks the record to identify two things:

1. Vacancies requiring a local authority representative to be nominated (these are highlighted in **red**)
2. Nominees who have been appointed or refused by a governing body (these are highlighted in **green**)

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GT cross-references the record with:

- Overview of decisions – nominations to school governing bodies.
This captures previous decisions of GFC and Council. It is created and maintained by GT.
- Register of appointments – LA Governors.
This is document requires a significant update following the reconstitution of many governing bodies. It will be updated and incorporated into a database as part of the SGB project (see note below) but is still referenced to inform where the expiring appointment originated from (Labour / Conservative / Governor Services nomination).

To note: The School Governing Bodies project aims to create a database which will cross-reference these three sources of information to generate an accurate report of the status of each local authority governor vacancy / nomination / appointment.

GT refers any inaccuracies or queries back to Governor Service (Education) Clerk or external clerk. Once resolved, GT can proceed confident that the information is correct. The record comprises:

1. Red = Vacancies that require nomination – see process to create schedule of vacancies for circulation in section (2) below.
2. Green = Nominees who have been:
 - a. Appointed – check that appointment has been communicated in writing to candidate. Check records updated by Governor Service (Education) Clerk to reflect term of appointment (normally four years). No further action required.
 - b. Refused – check that Head of Governance has informed candidate in writing. Forward letter (conveying reasons for refusal) to Group Secretaries. Report formally to next GFC meeting. Re-start process to seek nominees.

In summary:

- A. Where private companies provide the clerking service to schools:
 - The private clerk to the governing body, or Political Group Secretaries, or Political Assistants may advise GT of any changes to the local authority governors and (if possible) the skills required by the school at which a vacancy has arisen.
 - If there is any doubt as to the skills required then GT will contact the school for this information.
- B. Where LBB provides the clerking service to schools:
 - The LBB clerk to the governing body, Political Group Secretaries or Political Assistants to advise GT of any changes to the local authority governors and (if possible) the skills required by the school at which a vacancy has arisen.
 - If there is any doubt as to the skills required then GT will contact the Governor Service (Education) Clerk to obtain this information.

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- C. GT to maintain a database of all schools who have local authority governors and the details of the governors with date of appointment.

2. Nominations are sought from Group Secretaries

- No later than **three** weeks before the meeting the nominations should be circulated to Group Secretaries. This allows two weeks (prior to publication of the Committee papers) for them to identify suitable candidates. The Head of Governance should endeavour to allow as much time as possible for Group Secretaries to consider the schedule and identify candidates. It is expected that Group Secretaries will seek permission from candidates before putting their names forward and providing contact details.
- Use the information gathered in step (1) above to draft a schedule using the format in the example template.
- Email the Chairman of the General Functions Committee to seek permission to circulate the schedule (attach schedule to email). Confirm clearance of the accompanying cover report (attach to email). Note: if the vacancies are to be determined by Council, the schedule will simply form an appendix to the Head of Governance report.
- Subject to the Chairman's consent, circulate the schedule to Group Secretaries and specify a deadline (being the same day as the final deadline for Committee reports) for receipt of nominations. Ensure the deadline and GT contact details are clear. Approaching the deadline, send reminders if necessary.
- Where no Group nomination has been forthcoming in three months Governor Service (Education) Clerk may put forward a non-political nomination for consideration. This is entered in the GS column.

To note: Currently the Council does not have a consistent process for informing Group Secretaries of the skills gap identified by the governing body. Where information is known, an informative note is included in the schedule circulated by GT. The School Governing Bodies project (June 2015) will suggest a process to ensure a governing body's needs are routinely communicated to Group Secretaries and that any prospective candidates are provided with guidance about the governing body's expectations.

*The project currently will also suggest that candidates are asked to complete the [NGA Skills Audit](#) and a brief application form to outline their relevant skills and experience. Prospective candidates could be signposted to the *Governors' Handbook*, together with Council and national guidance. Group Secretaries may also benefit from being reminded of the services of [SGOSS](#) and [Inspiring the Future](#).*

In summary:

- A. When preparing the schedule of Vacancies on School Governing Bodies for GFC/Council, GT to include the skills required by the schools.
- B. The Political Group Secretaries or Political Assistants to ask the people they put forward to complete the National Governors' Association Skills Audit and to provide copies thereof to GT as required.

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- C. The skills of the people put forward to be considered by the GFC alongside the skills requirements of the school.

3. General Functions Committee or Council (as appropriate) determines which candidate will be put forward as the local authority nominee

- In line with the usual statutory Committee deadline (publication of the Committee agenda **five** clear working days before the meeting) the schedule is updated to include any candidates put forward by the political parties. This schedule is appended to the covering Committee report and published with the agenda. Note: only the names of candidates should feature in the schedule. Any contact details should be kept securely by GT and deleted after the meeting should the candidate not be put forward by the Committee.
- At the meeting, the Committee considers and votes on the table of nominations. The resolution records those nominees recommended for appointment to the governing body. The resolution also records any vacancies which are deferred to a future meeting.
- Following the meeting GT updates:
 - The overarching record/database
 - Overview of decisions – nominations to school governing bodies.
 - Register of appointments – LA Governors.
- The HoG uses the following information to communicate the Council's nomination to the candidate, relevant Governor Service (Education) Clerk and school governing body:
 - Candidate name and contact details.
 - Any skills and experience information provided by the candidate for consideration by the governing body.

4. Follow up communications

- Make contact with candidate and provide written confirmation that the nomination will be considered at the next governing body meeting.
- Advise the Chairman of the governing body of the nomination and enter it as an agenda item of business on the next governing body meeting.
- Manage the process to seek appointment of the nominee by the governing body.
- Following the governing body meeting, communicate the final decision to appoint/refuse appointment (with reasons) to:
 - the candidate;
 - the Head of Governance.
- The Governor Service (Education) Clerk or external Clerk will act as first point of contact for newly appointed governors to request information on their obligations and expectations of their new role, declarations of interests, code of conduct and calendar of governing body meetings.

In summary:

- A. GT to provide details of the person nominated along with their skills audit to the private or LBB clerk of the school.
- B. When a school appoints in line with the GFC/Council nomination:

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- The clerk (private or LBB) to notify GT
- GT to inform the nominee
- GT to notify the Governing Body Clerking Service for their records and copy to the Members on the GFC.

C. If a school governing body decides to reject the local authority nomination then they must write to the Head of Governance, giving the reason - details of which will put before the GFC.

DECISION OF A SCHOOL GOVERNING BODY TO NOT APPOINT A LOCAL AUTHORITY NOMINEE

GFC minutes (23 June) state that where a Governing Body chooses to reject a candidate because they do not meet any stated eligibility criteria, it should explain its decision to the Head of Governance who will inform the General Functions Committee.

“For local authority governor appointments to governing bodies which have reconstituted, a governing body should make clear to the Head of Governance in the Assurance Group of the Local Authority its eligibility criteria including its expectations of the credentials and skills prospective candidates should possess. The General Functions Committee must then make every effort to understand the governing body’s requirements in order to identify and nominate suitable candidates. The Head of Governance in the Assurance Group will then notify the Governing Body of nominations made. It is for the governing body to decide whether the local authority nominee meets any stated eligibility criteria and, if it chooses to reject the candidate on that basis, to explain their decision to the Head of Governance in the Assurance Group of the Local Authority who will inform the General Functions Committee.”

Relevant legislation

The [Education Act 2002](#) requires each maintained school (including federated) to have a governing body constituted under either of the following Regulations as appropriate:

[School Governance \(Constitution\) \(England\) Regulations 2012 \(as amended\)¹](#)

In these Regulations “local authority governor” means a person who:

- (a) is **nominated** by the local authority; and
- (b) 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 and having met any additional eligibility criteria set by the governing body.²

The governing body of a maintained school must include the following:

- (a) at least two parent governors;
- (b) the head teacher unless the head teacher resigns the office of governor in accordance with regulation 19;
- (c) one staff governor; and

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

² 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.”

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(d) **one local authority governor.**

The governing body may in addition appoint such number of co-opted governors as they consider necessary. Conditions (see [regulations](#)) apply to the number of co-opted governors.

[School Governance \(Federations\) \(England\) Regulations 2012 \(as amended\)](#)³

These Regulations apply to governing bodies of maintained schools in England that are either federated governing bodies or are proposing to federate.

In these Regulations “local authority governor” means a person who:

- (a) is **nominated** by the local authority; and
- (b) is **appointed** by the governing body having, in the opinion of the governing body, the skills required to contribute to the effective governance and success of the federation and having met any additional eligibility criteria set by the governing body.⁴

Where the federation includes schools which are maintained by two or more local authorities, those local authorities must agree who may nominate the local authority governor. A person is disqualified from appointment as a local authority governor if the person is eligible to be a staff governor.

The governing body of a federation must include the following—

- (a) one parent governor;
- (b) the head teacher of each federated school unless any such head teacher resigns the office of governor in accordance with regulation 19 of the Constitution Regulations 2012;
- (c) one staff governor; and
- (d) **one local authority governor.**

The governing body may in addition appoint such number of co-opted governors as they consider necessary provided that [conditions](#) are met.

Under (both) 2012 School Governance Regulations:

Where any person makes an appointment or nominates a person to be appointed to the governing body, that person must give **written notice** of the appointment or the nomination to the clerk to the governing body specifying the name and usual place of residence of the person appointed or nominated.

A governor holds office for a fixed period of **four years** from the date of that governor’s election or appointment unless the instrument of government specifies a shorter term of office for a particular category of governor, not being less than one year.

A governor may:

- (a) be appointed for a further term
- (b) [resign](#) in accordance with regulation 19(1);
- (c) be [removed](#) from office under regulations 20 to 25; or
- (d) be [disqualified](#), by virtue of any provision of these Regulations.

³ [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](#)

⁴ Prior to the 2014 amendment this provision read as “(b) is appointed by the governing body having, in the opinion of the governing body, met any eligibility criteria that they have set.”

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Any local authority governor may be **removed from office by the local authority who nominated** the local authority governor under regulation [8\(a\)](#). The local authority **must** give **written notice** of the removal from office to the clerk to the governing body and to the local authority governor who is being removed.

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

These Regulations **amend** the School Governance (Constitution) Regulations [here](#) and (Federations) Regulations [here](#). With regards to local authority representatives on school governing bodies, the key amendments have been incorporated above.