

	<h2>General Functions Committee</h2> <h3>11 November 2015</h3>
<p style="text-align: center;"><b>Title</b></p>	<p><b>Decision of a School Governing Body not to Appoint a Local Authority Representative Nominated by the Council</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Head of Governance</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: center;"><b>Key</b></p>	<p>No</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>None</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Sarah Koniarski, Governance Officer  <a href="mailto:sarah.koniarski@barnet.gov.uk">sarah.koniarski@barnet.gov.uk</a> 020 8359 7574</p>

<h2>Summary</h2>
<p>The Council nominated a candidate to a vacancy on a school governing body. Following consideration of the candidate’s skills and experience, the school governing body decided not to appoint the nominee. The position of a local authority governor remains vacant on that governing body. The Committee is asked to note the Governing body’s decision, together with the reason for that decision.</p>

<h2>Recommendations</h2>
<p><b>The Committee is requested to note:</b></p> <ol style="list-style-type: none"> <li>1. That the governing body of a school considered the Council’s nomination (made on 28 July 2015) and decided not to appoint the candidate.</li> <li>2. The reason for the governing body’s decision (sections 1.5 to 1.7 of the report inclusive).</li> <li>3. That the local authority governor position at that school remains vacant.</li> </ol>

**1. WHY THIS REPORT IS NEEDED**

1.1 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.

- 1.2 On 23 June 2015 the General Functions Committee resolved that where a governing body chose to reject a candidate because they did not meet any stated eligibility criteria, it should explain its decision to the Head of Governance who will inform the General Functions Committee.

### **Nomination**

- 1.3 On 28 July Council nominated a candidate to a vacancy on the governing body of a school within the borough.

### **Decision of the school governing body**

- 1.4 The Governance Team (Assurance Group) received notification (7 October 2015) that the school governing body had met to consider the Council's nomination and collectively voted to not appoint the candidate as a local authority governor.

### **Reason**

- 1.5 Statutory guidance<sup>1</sup> recommends that a governing body (in filling a vacancy) should (amongst other things) 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.
- 1.6 The candidate had provided a self-assessment of their skills (using the National Governor Association Skills Audit) and met with the Chairman of the governing body to discuss the role, particularly how their skills and experience would suit the skills gap identified.
- 1.7 The school had identified that it was in need of skills primarily based in finance, leadership and education. Following consideration of the information provided by the candidate, the governing body did not believe that their skills would address the gap.

## **2. REASONS FOR RECOMMENDATION**

- 2.1 To comply with the General Functions Committee resolution conveyed in section 1.2 of this report.

## **3. POST DECISION IMPLEMENTATION**

- 3.1 Statutory guidance makes it clear that the Council needs to understand the school governing body's requirements and any skills gap identified by them. Following consideration of this requirement, the General Functions Committee has indicated that governing bodies should be encouraged to express a preference for desirable skills but urged that they should give particular consideration to a candidate's willingness and ability to learn and develop as a local authority governor.
- 3.2 The Head of Governance is working to communicate this message to school governing bodies.

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<sup>1</sup> [Constitution of Governing Bodies of Maintained Schools](#)

3.3 The Committee is asked to note the decision of the school governing body and that a local authority governor position remains vacant.

## **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 either the:

[School Governance \(Constitution\) \(England\) Regulations 2012 \(as amended\)<sup>2</sup>](#)

[School Governance \(Federations\) \(England\) Regulations 2012 \(as amended\)<sup>3</sup>](#)

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

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

- 4.3.3 In these Regulations “local authority governor” means a person who:
- (a) is nominated by the local authority; and
  - (b) is appointed as a governor 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 school and having met any additional eligibility criteria set by the governing body.

### **Risk Management**

- 4.3.3 None in the context of this report.

### **4.4 Equalities and Diversity**

- 4.4.1 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.
- 4.4.2 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.

### **4.5 Consultation and Engagement**

- 4.5.1 Not applicable.

## **5. BACKGROUND PAPERS**

- 5.1 None