

Meeting	General Functions Committee
Date	14 October 2013
Subject	Education Strategy - Changes to the LA Governor appointments process
Report of	Education and Skills Director
Summary	The report requests the approval of the General Functions Committee for a revised process for the appointment of Local Authority School Governors, in accordance with new regulations

Officer Contributors	Val White, Lead Commissioner for Education and Skills Heather Storey, Senior Strategy Officer Sarah Beaumont, Governor Services Manager
Status (public or exempt)	Public
Wards Affected	Not Applicable
Key Decision	Not Applicable
Reason for urgency / exemption from call-in	Not Applicable
Function of	Council
Enclosures	Appendix A – Current Practice across London
Contact for Further Information:	Val White, Lead Commissioner for Education and Skills, email: val.white@barnet.gov.uk . Tel: 0208 359 7036

1. RECOMMENDATION

- 1.1 That the General Functions Committee approve the revised process of appointing Local Authority School Governors as detailed at section 9 of the report, to be in accordance with the 2007 and 2012 Regulations.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Council Decisions 14 December 2004.
- 2.2 Education and Lifelong Learning Overview and Scrutiny Committee Decisions 3 March 2005.
- 2.3 First Class Education and Children Overview and Scrutiny Committee 30 June 2005.
- 2.4 First Class Education and Children Overview and Scrutiny Committee 19 September 2005.
- 2.5 First Class Education and Children Overview and Scrutiny Committee 28th November 2005.
- 2.6 First Class Education and Children Overview and Scrutiny Committee 14th November 2007.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1. The School Governance (Constitution) (England) Regulations 2012

The School Governance (Constitution) (England) Regulations 2007 continue to apply to existing governing bodies until such time as it is decided to vary the instrument of government.

Under the new regulations, the number of Authority Governors per Governing Body must not exceed one. The Authority Governor is to be nominated by the local authority but appointed by the Governing Body, based on eligibility criteria. An individual eligible to be a staff governor may not be appointed as an Authority Governor. Removal from office would be by the local authority that nominated them

Corporate Plan: This proposal meets the outcome laid out in the Corporate Plan to: 'create better life chances for children and young people across the borough'.

The amended procedure for appointing governors is intended to improve the selection and appointment of appropriate skilled governors to enhance schools' governance and overview, and contribute to good oversight and management of schools for the benefit of children and young people.

Barnet Children and Young People Plan identifies the ambition to achieve the best outcomes for young people including by high quality services; our revised procedure reflects this commitment to improving educational governance for schools:

'All children and young people in Barnet should achieve the best possible outcomes, to enable them to become successful adults, especially our most vulnerable children. They should be supported by high quality, integrated and inclusive services that identify additional support needs early, are accessible, responsive and affordable for the individual child and their family.'

Education Strategy: The strategy lays out the plans developed by elected members through consultation which includes the plan to:
'Streamline the appointment process for local authority appointed governors.'

4. RISK MANAGEMENT ISSUES

- 4.1 The risk of not complying with **The School Governance (Constitution) (England) Regulations 2012** is a risk to the council's reputation, a risk to the Council's ability to comply with legislation, and a risk in not complying with the council's own corporate objectives in relation to achieving positive outcomes for young people.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The process of amending the appointment of LA Governors in order to meet the requirements of 'The School Governance (Constitution) (England) Regulations 2012' has emerged from consultations with schools and governors and a review of processes across London. It is intended to streamline the appointment process, while maintaining a fair process: the appointments will be decided by a panel consisting of representatives from one minority and one majority party councillor together with the Governor Services Manager. Elected ward members would have first preference for these appointments.
- 5.2 The proposal should speed up the process of appointment, securing continued good quality governance for Barnet's schools and will enhance Barnet's reputation as a good place to work and live. The proposal does not compromise the Council in its compliance of the statutory equality duty.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 None

7. LEGAL ISSUES

- 7.1 The School Governance (Constitution)(England) Regulations 2012 came into force on 1 September 2012. See 3.1 above for full details.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Constitution Part 3 - Responsibility for Functions - General Functions Committee is responsible for 'appointing representatives to School Governing Bodies.'

9. BACKGROUND INFORMATION

9.1 Current Practice in Barnet

9.12 In Barnet, the current process for appointing Local Authority (LA) Governors is as follows:

In the first instance, nominations from political parties are invited for consideration by the Council;

If vacancies are not filled in a predetermined time period (of three months), the field of candidates is widened to incorporate applications from members of the local community, local groups and Council employees;

Applications from the wider community are screened by Governor Services according to the appointment criteria.

9.2 The School Governance (Constitution) (England) Regulations 2012

9.21 School Governance (Constitution) (England) Regulations 2012 set out new arrangements for the constitution of the governing body of those maintained schools in England:

that are established on or after 1 September 2012; or

whose instrument of government is varied following a decision to vary made on or after 1 September 2012.

9.22 The School Governance (Constitution) (England) Regulations 2007 continue to apply to existing governing bodies until such time as it is decided to vary the instrument of government.

9.23 Under the new regulations, the number of Authority Governors per Governing Body must not exceed one. The Authority Governor is to be nominated by the local authority but appointed by the Governing Body, based on eligibility criteria. An individual eligible to be a staff governor may not be appointed as an Authority Governor. Removal from office would be by the local authority that nominated them.

9.3 Current Practice in London

9.31 As part of the review, information was obtained from London boroughs with regard to their LA Governor appointment practices. The majority of appointments are non-party political as set out below. Practice among other boroughs includes:

9.32 A panel with one minority and one majority party councillor meet together with Governor Service manager to decide on appointments based on an application form, CV and comments from the chair of governors regarding desirable skills and experience. Candidates are asked to visit the school to confirm that they understand the role and can make the commitment before finalising the appointment.

- 9.33 Individuals in the community nominate themselves by completing an application form. These applicants are not from political parties, but are members of the community. The application form is considered by a panel of five councillors. If they agree, the person is then appointed by the Director to a vacancy. Parents are not appointed to schools where they have a child and the head teacher's agreement is sought if the applicant is known to the school (e.g. ex-governor).
- 9.34 The Cabinet Member for Education and Children's Services would be granted power to appoint after Governor Services recruit and nominate. Appointments are made on a non-political basis. Under the new 2012 regulations for schools that have reconstituted, the Cabinet Member would be granted the power to nominate a candidate after Governor Services has identified candidates. The governing body then chooses whether to appoint or not.
- 9.35 LA Governors appointed by Appointment Panel comprising representative from Council, Representative HT and Representative Governor

9.4 Proposal for New Appointment Process in Barnet

- 9.41 It is proposed that Barnet adopts an amended system for LA Governor appointments. Details are set out below:
- 9.42 A Panel with one minority and one majority party councillor would meet together with the Governor Services Manager to decide on appointments. First preference would be given to Ward Members who have put themselves forward. If a Ward Member is not put forward, other candidates, who have applied independently to Governor Services, will be assessed for suitability based on an application form and CV, together with comments from the Chair of Governors regarding desirable skills and experience being sought.
- 9.43 The Ward Member/proposed candidate would be invited to visit the school to confirm that they understand the role and can make the commitment before finalising the appointment. The candidate is then appointed to a vacancy, either by the Director of Children's Services (under The School Governance (Constitution) (England) Regulations 2007), or by the Governing Body (under School Governance (Constitution) (England) Regulations 2012).
- 9.44 The proposed new arrangements would: be in accordance with the 2007 and 2012 Regulations; streamline the current process; and would further enhance the promotion of effective governance through the recruitment and appointment of suitably skilled Governors.

10. LIST OF BACKGROUND PAPERS

- 10.1 None

Cleared by Finance (Officer's initials)	Not Applicable
Cleared by Legal (Officer's initials)	LC

APPENDIX A - CURRENT PRACTICE ACROSS LONDON

<p>Political Party nomination voted by a council committee</p>	<p>Political Party nomination voted by a council committee initially. Subsequently (after 3 months) Governor Services (GS) has power to nominate, then voted by a council committee</p>	<p>Non-party political</p>
<p>Ealing – Currently under review to change to initial political appointment, with Governor Services having power to nominate after 3 months.</p>		<p>Westminster– a panel with one minority and one majority party councillor meet together with Governor Services Manager to decide on appointments based on an application form and CV and comments from the Chair of Governors re desirable skills and experience. We then ask the candidate to visit the school to confirm that they understand and can make the commitment before finalising the appointment</p>
<p>Barking and Dagenham</p>		<p>Redbridge - Individuals in the community nominate themselves by completing an application form. These applicants are not from political parties but members of the community. The application form is considered by a panel of 5 councillors and if they agree the person is then appointed by the Director to a vacancy. We do not appoint parents to schools where they have a child and we seek the agreement of the Headteacher if the applicant is known to the school (e.g. ex-governor). Hillingdon - The Cabinet Member for Education and Children's Services has the power to appoint after Governor Services recruit and</p>

nominate. Appointments are not on a political basis.

Under the new 2012 regs for schools that have reconstituted, the Cabinet Member has the power to nominate a candidate after Governor Services has done the 'donkey work' to find someone. Then the Governing Body chooses to appoint or not.

Havering – LA Governors appointed by Appointment Panel comprising representative from Council, Representative Headteacher, Representative Governor.

Lambeth - have a completely non-political LA governor appointment process, delegated to the Executive Director, and in turn to Governor Services. All applicants are interviewed by a panel of three experienced school governors (membership of the panel is different every time, drawn from a fairly small pool).

Southwark – Formerly Governor Services put forward nominations for the councillors on the community councils to decide. Now Governor Services put forward nominations for the Deputy Director to agree.

Lewisham - Governors Services puts forward the candidates to the Mayor and Cabinet who ultimately make the appointment.

Hounslow - advertise for LA Governors on Governor Services website and have some direct applicants but most nominees come via School Governors One-Stop Shop (SGOSS) or are experienced governors seeking to change

	<p>position. Potential Governors complete an application form. Hounslow have a Governor Appointment Panel comprising Councillors and have an interview panel for potential governors comprising Governor Services Manager and one or two Councillors from the panel. The formal appointment is made by the Lead Member using delegated authority. People wanting to be reappointed also have to complete an application but this is different, and asks for examples of what they have done as a governor in accordance with the expectations in the criteria.</p>
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