

	<h2>General Functions Committee</h2> <h3>15 January 2018</h3>
Title	Decision of a School Governing Body not to Appoint a Local Authority Representative Nominated by the Council
Report of	Head of Governance
Wards	Hendon
Status	Public <i>(with separate associated exempt report)</i>
Urgent	No
Key	No
Enclosures	None
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<h2>Summary</h2>
<p>The Council nominated a candidate to a vacancy on a school governing body. Prior to the governing body considering the nomination, the school did not receive a nomination form and the nominee did not complete a skills audit. As the governing body were unable to assess the contribution that the nominee might make to the governance of the school, the governing body decided not to appoint the nominee. The position of a local authority governor remains vacant on that governing body. However, the school have proposed their own nominee via Governor Services and the Committee will consider that under the appropriate agenda item elsewhere on the agenda. The Committee is asked to note the Governing body’s decision, together with the reason for that decision.</p>

<h2>Recommendations</h2>
<p>The Committee is requested to note:</p> <ol style="list-style-type: none"> 1. That the governing body of a school considered the Council’s nomination (made on 28 June 2017) and decided not to appoint the candidate. 2. The reason for the governing body’s decision (as set out in section 1.6 of the

report).

3. That the local authority governor position at that school remains vacant.

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 school 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 June 2017, the General Functions Committee 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 Head of Governance (Assurance Group) received notification (5 December 2017) 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 guidance¹ 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. The school reported that the headteacher had tried on several occasions to contact the nominee, but had received no response. The governing body had also not received a nomination form or skills assessment from the nominee; this meant that they governing body considered that they were unable to assess the contribution that the nominee could make to the governance of the school and therefore rejected the nomination at their meeting held on 4 December 2017.
- 1.6 The school have proposed their own nominee via Governor Services and the Committee will consider that nomination under the appropriate agenda item elsewhere on the agenda.

¹ [Constitution of Governing Bodies of Maintained Schools](#)

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. The Head of Governance is working to communicate this message to school governing bodies through the appointments process.

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.

4.2 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 Article 7 (Committees, Sub-Committees, Area Committees and Forums, and the Local Strategic Partnership).

- 4.3.2 All governing bodies of maintained schools are required to be constituted under either the:

[School Governance \(Constitution\) \(England\) Regulations 2012 \(as amended\)²](#)
[School Governance \(Federations\) \(England\) Regulations 2012 \(as amended\)³](#)

- 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.

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

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

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 residents 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