

From: **Eric Hotson, Cabinet Member for Corporate and Democratic Services**
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To: **Selection and Member Services Committee – 22 March 2018**

Subject: **The Governor Appointments Panel**

Classification: **Unrestricted**

Electoral Division: **All**

Summary:

The Governor Appointments Panel is a Sub-Committee of Selection and Member Services Committee. This report sets out a rationale for the abolition of the Governor Appointments Panel and recommends alternative arrangements.

Please note that the term “LEA Governors” is often used in the Appendices and also appears in the Constitution. This should always be read as “Local Authority Governors.”

1. Background

1.1 Changes to school governance constitution regulations in September 2012 reduced the number of local authority governors on a single governing body to **‘one, and only one’**. Under the *School Governance (Constitution) (England) Regulations 2012*, the local authority role is redefined to one of “nominating a suitably skilled individual” for the role, with the governing body making the appointment at school level. The Local Authority retains the right to appoint additional governors where a school is eligible for intervention

1.2 On 23 June 2016 this Committee delegated authority to the Corporate Director of Education, Learning and Skills (in consultation with the Members of the Governor Appointments Panel) to make or refuse all appointments to governing bodies where the nominee did not meet the guidelines in full, providing that all Panel Members were in agreement with the Director’s proposed course of action. This followed a previous decision taken on 16 January 2015 which gave delegated powers to the Corporate Director of Education, Learning and Skills (in consultation with the Chairman of the Governor Appointments Panel) to make all appointments and nominations of LA Governors where the nominated governor met the guidelines in full. These decisions enabled Panel meetings to be cancelled unless there were requests to consider exceptions. Copies of the two reports are attached at **Appendices 1 and 2**.

2. Subsequent Developments

2.1 Since these decisions were taken, there have been no meetings of the Panel. This is because candidates nominated by the County Council no longer represent it. The Local Authority's role is purely to nominate candidates based on their skill sets for consideration by the Governing Body itself. This means that the number of occasions where the Panel would have the opportunity to take a decision has dwindled to a trickle. The Panel's only potential opportunity for decision-making occurs when an Authority Governor's name comes forward for re-nomination.

2.2 Whenever a sitting Governor's term expires, the Governing Body can decide not to renew the appointment. If the Governing Body does decide that it wishes the Governor to serve a second term, it can ask the Local Authority to make a nomination to this effect.

2.3 The DfE Governance Handbook (published January 2017) sets out a number of recommended qualities before setting out the criteria that both the LEA and the Governing Body must follow:

"For LA Governor appointments, a board should make clear its eligibility criteria including its expectations of the credentials and skills prospective candidates should possess. LAs must then make every effort to understand the board's requirements in order to identify and nominate suitable candidates. It is for the board 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 LA.

27. Once appointed, LA Governors must govern in the interests of the school and not represent or advocate for the political or other interests of the local authority; it is unacceptable practice to link the right to nominate local authority governors to the local balance of political power."

2.4 One of the effects of the new arrangements is that the current County Council guidelines for appointment have become out-of-date and unenforceable. This is because they were formulated with the aim of ensuring that the nominee represented the County Council to its satisfaction, whereas the new remit is to seek to meet the stated needs of the School's governing body to enable it to appoint people with the qualities and skills it has asked for.

3. Proposed way forward

3.1 The absence of any meeting of the Governor Appointments Panel since June 2016 strongly suggests that its role has become largely defunct as a result of the 2012 regulations. It is therefore suggested that the entire nomination of Governors process is delegated to the Corporate Director of Children, Young People and Education. This would include the few and diminishing number of re-nominations which are requested by Governing Bodies. The Governor Support Team will continue to seek and welcome suggested nominees from the County Council's political groups, although it can do no more than suggest them to the Governing Body.

3.2 The current guidelines (attached at **Appendix 3**) are also no longer fit for purpose, as explained above. It is therefore suggested that they should no longer apply, enabling the Corporate Director of Children, Young People and Education to develop a fresh set of guidelines for approval by the Cabinet Member for Children, Young People and Education.

3.2 The Governor Appointments Panel also has requests for the removal of Authority Governors as part of its terms of reference. Given the ever-decreasing number of governors appointed as KCC representatives, it is likely that the number of occasions when the County Council Governors will receive such a request will be very low. It is nevertheless necessary that this particular function is retained by Members. For this reason, it is recommended that the amended arrangements set out in **Appendix 4** are applied. These are based on the current arrangements.

4. Amendments to the Constitution.

4.1 In order to achieve the aims of this report, Sections 6 (e), (f) and (g) of Appendix 2 Part 2 of the Constitution will need to be amended to read:

“ (e) the removal of Local Authority Governors to school governing bodies

(f) the removal of Local Authority nominees to the Management Committees of Pupil Referral Units (PRUs)

(g) the removal of Local Authority governors to Academies.”

4.2 Function H16 of the Schedule of Council Functions will also need to be amended so that the responsibility for the appointment or nomination of Local Authority Governors to Schools, Academies and PRUs rests with the Corporate Director of Children, Young People and Education.

4.3 There will also need to be consequential minor amendments to other parts of the Constitution.

5. Recommendation(s)

Recommendation(s):

5.1 The Committee is invited to:

- (a) abolish the Governor Appointments Panel;
- (b) adopt the amended arrangements set out in Appendix 4 of the report to consider requests for the removal of Authority Governors; and
- (c) recommend to the County Council that the power to appoint or nominate Local Authority Governors is delegated to the Corporate Director of Children, Young People and Education and that the constitution be amended accordingly.

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Background Documents

The DfE Governance Handbook (published January 2017).

The Constitution of Governing Bodies of Maintained Schools (DfE Statutory Guidance – August 2017)