

GOVERNOR APPOINTMENTS PANEL

Friday, 7th February, 2014

2.00 pm

Wantsum Room, Sessions House, County Hall,
Maidstone





AGENDA

GOVERNOR APPOINTMENTS PANEL

Friday, 7th February, 2014, at 2.00 pm
Wantsum Room, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone **01622 694342**

Tea/coffee will be available before the meeting

Membership (7)

- Conservative (4): Mr D L Brazier (Chairman), Miss S J Carey, Mrs V J Dagger and Mr R J Parry
- UKIP (1): Mrs Z Wiltshire
- Labour (1): Ms A Harrison
- Liberal Democrat (1): Mr D S Daley

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. PANEL BUSINESS

- A1 Substitutes
- A2 Declarations of Interests by Members in items on the Agenda for this meeting.
- A3 Minutes (Pages 5 - 8)

B. APPOINTMENT OF LEA SCHOOL GOVERNORS

- B1 Authority Governors for Primary, Secondary and Special Schools in Kent (Pages 9 - 22)
- B2 Proposed amendments to the Guidelines for the Appointment of Authority Governors (Pages 23 - 62)
- B3 Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

Thursday, 30 January 2014

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

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KENT COUNTY COUNCIL

GOVERNOR APPOINTMENTS PANEL

MINUTES of a meeting of the Governor Appointments Panel held in the Wantsum Room, Sessions House, County Hall, Maidstone on Friday, 22 November 2013.

PRESENT: Mr D L Brazier (Chairman), Miss S J Carey, Mr D S Daley, Ms A Harrison, Mr R J Parry and Mrs Z Wiltshire

OFFICERS: Mr N Morgan (School Governance Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

12. Minutes

(Item A3)

RESOLVED that the Minutes of the meeting held on 4 October 2013 are correctly recorded and that they be signed by the Chairman.

13. Authority Governors for Primary, Secondary and Special Schools in Kent

(Item B1)

(1) The Panel agreed to accept the following additional nominations:-

- (a) Mr K Long for Ditton Infant School;
- (b) Ms J Maynard for St Botolph's CE Primary School;
- (c) Miss H Humphrey-Baker for Claremont Primary School; and
- (d) Mrs M Cleaver for Davington Primary School.

(2) The School Governance Officer informed the Panel that Miss F Daly had withdrawn her nomination to the Governing Body of The Oaks Community Infant School.

(3) RESOLVED that the appointments of Authority Governors to primary, Secondary, Special Schools, Pupil Referral Units, the Pool of Additional Governors and nominations to non-Authority Academies be agreed as set out in the Appendix to these Minutes.

14. Amendments to the Guidelines for the Appointment of Local Authority Governors

(Item B2)

(1) The School Governance Officer asked the Panel to note that the recommended changes to the guidelines would need to be passed to Selection and Member Services Committee for its decision.

(2) The Chairman moved and it was duly seconded that the recommended change to the guidelines be amended by the replacement of "grandparent" with "a close relative."

Carried unanimously

(3) On being put to the vote, the revised recommendations were unanimously agreed.

(4) RESOLVED that Selection and Member Services Committee be recommended to amend the existing "General principles and expectations" (2) to read:

"A person is unlikely to be successfully nominated to a school's governing body if he/she is"

(2) eligible for election as a Parent Governor or is a close relative of a child at the school to which they are applying."

APPENDIX
(Paragraph 13 of the Minutes refers)

1. ASHFORD

School

High Halden CE Primary School
St Theresa's Catholic Primary School
Victoria Road Primary School
Wittersham CE Primary School

Appointee

Mr J Rutland
Mr J Moon
Mr T Botfield
Mr J Carroll

2. CANTERBURY

School

Bridge and Patricbourne CE Primary School
St Mary's Catholic Primary School
St Stephen's Infant School
Whitstable Junior School

Appointee

Mrs C Hellman
Mr P Sandey
Mr B McPhee
Ms M Donnellan

3. DARTFORD

School

Dartford Bridge Community School
Dartford Bridge Community School
Stone St Mary's CE Primary School

Appointee

Dr A Jefford
Mr J Muckle
Mr A Bonthron

4. DOVER

School

Ash Cartwright and Kelsey CE Primary School
St Margaret's-at-Cliffe Primary School

Appointee

Prof W Vennart
Mrs B Wells

5. GRAVESHAM

School

Culverstone Green Primary School
Sheers Green Junior School
St Botolph's CE Primary School

Appointee

Mrs D Bramer
Mrs M Wessel
Ms J Maynard

6. MAIDSTONE

School

Coxheath Primary School
East Borough Primary School
East Borough Primary School

Appointee

Mrs J Andrew
Mr D Hollands
Mr M Palmby

7. SEVENOAKS

School

Riverhead Infant School
St Bartholomew's Catholic Primary School
Weald Community Primary School

Appointee

Mr N Dawes
Mrs J Carter
Mrs C Smith

8. SHEPWAY

School

Hythe Bay CE Primary School

Appointee

Mrs K Belcourt

9. SWALE

School

Davington Primary School

Appointee

Mrs M Cleaver

10. THANET

School

Ellington and Hereson School
St Anthony's School
Stone Bay School

Appointee

Mr D Collins
Mrs C Stanion
Mr J Duke

11. TONBRIDGE AND MALLING

School

Burham CE Primary School
Ditton Infant School
Ryarsh Primary School
St Stephen's Primary School
Stansted CE Primary School

Appointee

Mrs M Davies
Mr K Long
Mrs R Rowland
Mr P Williams
Mrs L Mason

12. TUNBRIDGE WELLS

School

Bishops Down Primary School
Claremont Primary School
Goudhurst and Kilndown CE Primary School
Paddock Wood Primary School
Tunbridge Wells Girls Grammar School

Appointee

Mr J Watson
Mrs H Humphrey-Baker
Mr C Noakes
Ms S Hamilton
Mrs S Cooke

13. PUPIL REFERRAL UNITS

PRU

West Kent Health Needs Education Service

Appointee

Mr D Mills

14. PROPOSED FEDERATIONS

15. POOL OF ADDITIONAL GOVERNORS

16. NOMINATIONS TO ACADEMIES

By: Corporate Director Education, Learning and Skills
To: Governor Appointments Panel – 7th February 2014
Subject: AUTHORITY GOVERNORS FOR PRIMARY, SECONDARY
AND SPECIAL SCHOOLS IN KENT
Classification: Unrestricted
File Ref: LL/07/14

Summary: To consider nominations for appointments to school governing bodies.

FOR DECISION

The following schedule shows for each school the names of persons nominated for the vacancy and the sponsor submitting the nominations.

Recommendations

Members are asked TO MAKE appointments for Authority governors in primary, secondary and special schools in this schedule.

Linda Lissimore
Manager of Governor Services
Tel: 01622 203800

Background Documents
None.

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Governor Appointments Panel

07 February 2014

Issues Paper

Page No. Summary Papers	District	School Name Name of Nominee(s)	Comments	Guideline
	Sevenoaks	New Ash Green Primary School Cllr David Brazier	Cllr Brazier's attendance record falls below the requirements of the panel. A supporting statement has been provided by the Chair of Governors.	9a
	Shepway	Hythe Bay Cof E Primary School Cllr Rosemary Griffiths	Cllr Griffiths' attendance record fall below the requirements of the panel. A supporting statement has been provided by the Chair of Governors.	9a
	Shepway	Lympne CofE Primary school Mrs Rachel Gainsford	Mrs Gainsford is Chair of the Governing Body (since approx. Feb 2010) She is also the Special Educational Need & Child Protection Governor. A supporting email has been received from both of the vice chairs. She has a child in yr6. (moves to secondary school in July 2014) There are currently no other vacancies.	2
	Thanet	St Anthony's School Mrs Carol Stanion	Mrs Stanion's term as LA Governor ended on 31.12.13. She has worked as a teacher at the school previously but retired in 2002. She has held the position of Chair since Jan 2009. The vice and headteacher have provided a statement. The minutes from the FGB fully support her application. There are currently no other vacancies on the GB.	4
	Tonbridge and Malling	St Margarets Clitherow Catholic Primary School Tonbridge Dr Malcolm Bain	Dr Bain's wife works as the office manager in the school. This has been disclosed each time Dr Bain has been considered for re-appointment.	3
	Tonbridge and Malling	The Tonbridge Federation Dr Peter Brierley	Dr Beverley's' circumstances do not breach the guidelines for appointment however members should note the supporting statement provided by the chair.	

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Governing body	End Date	Governors Name	New/ Re-appointment	Nominating Body	Attendance	Issues
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Ashford

Aldington Primary School	11-Feb-14	Mrs Jane Stallwood	Willing to continue		16/17 94%	
Ashford St Mary's CE Primary School						
Brook Community Primary School - Governing Body						
Challock Primary School						
Challock Primary School						
Goldwyn school						
Godinton Primary School						
Kennington CE Junior School						
Kingsnorth CE Primary School						
Lady Joanna Thornhill (Endowed) Primary School						
Mersham Primary School - Governing Body						
North School, The	22-Apr-14	Mrs Amy Major	Re-appointment Wishes Unknown			
Rowenden Primary School						

Canterbury

Adisham CE Primary School			School Moving to Academy Vacancy removed			
Blean Primary School						
Blean Primary School						
Blean Primary School						
Chaucer Technology School						
Herne Bay Infant School	27-Apr-14	Ms June Jolly	Willing to continue		12/12 100%	
Herne CE Junior School						
Littlebourne CE Primary School		Mr David Stanley	New	KCC		
Littlebourne CE Primary School		Mr Peter Guise	New	KCC		
Parkside Community Primary School	22-Apr-14	Ms Sue Lindgren	Willing to continue		20/24 83%	
St Nicholas' School, Canterbury	22-Apr-14	Mrs Pat Tree	Re-appointment Wishes Unknown			
St Stephen's Infant School						

Swalecliffe Community Primary School						
The Archbishop's School						
The Community College Whitstable						
Whitstable Junior School - Governing Body						
Wickhambreaux CEP School						

Dartford

Bean Primary School - Governing Body						
Craylands School, The - Governing Body						
Dartford Technology College - Governing Body						
Fleetdown Primary School - Governing Body		Mrs Rosanna Currans	New	Kent County Council		
Langafel CE (VC) Primary School - Governing Body						
Maypole Primary School - Governing Body	22-Apr-14	Revd Anthony Green	Willing to continue		10/12 83%	
Northfleet School for Girls - Governing Body						
Northfleet School for Girls - Governing Body						
St Albans Road Infant School - Governing Body						
West Hill Primary School - Governing Body						
West Hill Primary School - Governing Body						
Westgate Primary School - Governing Body						
Westgate Primary School - Governing Body						

Dover

Green Park Community Primary School						
Kingsdown & Ringwould CEP school	22-Apr-14	Mr Roger Walton	Willing to continue		21/22 95%	
Harbour School						
Langdon Primary School		Mrs Jennifer Crisp	New	Governing body		
Lydden Primary School						
Portal House School	31-Mar-14	Mr David Robertson	Willing to continue		15/18 83%	
Priory Fields School	27-Apr-14	Mr Bryan Cope	Willing to continue		11/12 92%	
Priory Fields School		Mr Sean Barber	New	Governing body		
Sandown School						
Sandwich Infant School						
Sandwich Junior School						
St Mary's Catholic Primary School, Deal						

Gravesend

Cecil Road Primary School - Governing Body						
Lawn Primary School - Governing Body						
Painters Ash Primary School - Governing Body						
Painters Ash Primary School - Governing Body						
Shears Green Junior School - Governing Body						
Shorne CEP School - Governing Body						
Shorne CEP School - Governing Body	30-Apr-14	Mrs Audrey Tompkins	Willing to continue		12/12 100%	
Vigo Village School - Governing Body	22-Apr-14	Mrs Patricia Shelbrooke	Willing to continue		9/11 81%	
Whitehill Primary School - Governing Body		School Moving to Academy Vacancy removed				

Whitehill Primary School - Governing Body	26-Apr-14	Mrs Eileen Murray	Re-appointment Wishes Unknown			
Wrotham Road Primary School - Governing Body						

Maidstone

Barming Primary School - Governing Body						
Bredhurst CE Primary School - Governing Body						
Brunswick House Primary School - Governing Body						
Coxheath Primary School		Mrs Jane Andrew	New	Governing Body		
FED The Loose Schools Federation - Governing Body						
FED The Loose Schools Federation - Governing Body						
Greenfields Community Primary School - Governing Body						
Greenfields Community Primary School - Governing Body						
Headcorn Primary School - Governing Body						
Hunton CEP School - Governing Body						
Lenham Primary School - Governing Body						
Lenham Primary School - Governing Body						
Madginford Park Infant School - Governing Body						
Maidstone Grammar School - Governing Body		Mrs Linda Glenister	New	Governing Body		
Maidstone Grammar School for Girls - Governing Body	22-Apr-14	Mr James Findlay	Willing to continue		14/14 100%	
Marden Primary School		MS Junstine Earl	New	Governing Body		

Oak Trees Academy						
Palace Wood Primary School - Governing Body						
Platts Heath Primary School - Governing Body						
Senacre Wood Primary School - Governing Body						
Swadelands School - Specialist School & Sports College - Governing Body						
Swadelands School - Specialist School & Sports College - Governing Body	26-Apr-14	Mr Anthony Taylor	Willing to continue		10/10 100%	
West Borough Primary School - Governing Body						
Yalding St Peter & St Paul CE Primary School - Governing Body						

Sevenoaks

Crockenhill Primary School - Governing Body						
Crockenhill Primary School - Governing Body						
Downsview Primary - Governing Body						
Dunton Green Primary School - Governing Body		Mrs Sarah Brown	New	Kent County Council		
Four Elms Primary School - Governing Body	11-Feb-14	Mrs Dympna Aronow	Willing to continue		12/12 100%	
High Firs Primary School - Governing Body						
Horton Kirby CE Primary School - Governing Body						
Kemsing Primary School - Governing Body	14-Feb-14	Mr Robert Pierson	Willing to continue		8/11 72%	
Leigh Primary School - Governing						

Body						
New Ash Green Primary School - Governing Body						
New Ash Green Primary School - Governing Body	11-Feb-14	Mr David Brazier	Willing to continue		11/18 61%	Issues
Penshurst CE (VA) Primary School - Governing Body						
Sevenoaks Primary School - Governing Body	27-Apr-14	Mr Trevor Thake	Re-appointment Wishes Unknown		16/22 72%	
St Mary's CE (VA) Primary School - Governing Body						
St Paul's CE (VC) Primary School - Governing Body						
Sundridge and Brasted CEP School - Governing Body		Mrs Elaine Moss	New	Governing Body		

Shepway

Brighthelm CE Primary School						
Brookland CE (Controlled) Primary School						
Castle Hill Community Primary School - Governing Body						
Hythe Bay Church of England Primary School	22-Apr-14	Cllr Rosemary Griffiths	Willing to continue		6/11 55%	Issues
Lympne CEP School - Governing Body	11-Feb-14	Mrs Rachel Gainsford	Willing to continue		19/22 86%	Issues
Mundella Primary School						
Pent Valley Technology College		Mr Michael Chisnal	New	Conservative		

Swale

ACA Oasis Academy Isle of Sheppey		Mr Douglas Kimber	New	Conservative		
Bapchild and Tonge CEP School	11-Feb-14	Ms Suzannah Davies	Willing to continue		18/21 86%	
Boughton-under-Blean & Dunkirk Primary School (Methodist Voluntary Controlled)						

Bredgar CEP School						
Canterbury Road Primary School						
Eastchurch CEP School						
Eastling Primary School						
FED The Federation of Bobbing Village School						
FED The Federation of Bobbing Village School - Governing Body	22-Apr-14	Mr Lloyd Chapman	Willing to continue		10/12 83%	
FED The Sheerness West Federation						
Lansdowne Primary School						
Minterne Junior School		Elizabeth Smith	New	Labour		
Murston Infant School						
Murston Junior School						
Murston Junior School						
Ospringe CE Primary School		Mr Steven Bassett	New	Governing Body		
Queenborough Primary School		Mr Neil Hancock	New	Governing Body		
Richmond Primary School			School Moving to Academy Vacancy removed			
Richmond Primary School			School Moving to Academy Vacancy removed			
Rodmersham School	16-Feb-14	Mr Nigel Simpson	Re-appointment Wishes Unknown			
ST Edward's Cathlic Primary School		Alan Horton	New	KCC		
St George's CE Primary School (VA)						
Teynham Parochial CEP School						
Teynham Parochial CEP School						
The Oaks Community Infant School						

Thanet

Ellington & Hereson School - Governing Body						
Laleham Gap School - Governing Body						
Laleham Gap School - Governing Body						

Newington Community Primary School & Nursery						
Palm Bay Primary School						
Priory Infant School						
Ramsgate, Holy Trinity Church of England Primary - Governing Body		Mrs Valerie Woodin	Willing to continue		15/20 75%	
St Anthony's School	27-Apr-14	Mrs Carol Stanion	New	Governing body		Issues
St Crispin's Community Primary Infant School - Governing Body						
St Gregory's Catholic Primary School	School Moving to Academy Vacancy removed					
St Joseph's Catholic Primary School Broadstairs	School Moving to Academy Vacancy removed					
St Mildred's Primary Infant School						
Upton Junior School						
Ursuline College, Westgate-on-Sea		Mr Tony Carpenter	New	Governing Body		
Ursuline College, Westgate-on-Sea		Mr Timothy Woolmer	New	KCC		

Peabridge & Malling

St James the Great Academy - Governing Body						
Brookfield Junior School, Larkfield - Governing Body						
East Peckham Primary School - Governing Body						
Hildenborough Primary School		Mr Phillip Williams	New	Kent County Council		
Kings Hill School - Governing Body						
Kings Hill School - Governing Body						
Kings Hill School - Governing Body	11-Feb-14	Mrs Heather Viligiardi	Not willing			
Leybourne St Peter and St Paul CE (VA) Primary School - Governing Body		Mr Robert Brownlee	New	Governing Body		
Lunsford Primary School - Governing Body						

Mereworth Community Primary School - Governing Body						
More Park RCP School - Governing Body						
Plaxtol Primary School - Governing Body	27-Apr-14	Mrs Joan Owen	Willing to continue			
Shipbourne School - Governing Body		Mr Philip Williams	New	KCC		
Shipbourne School - Governing Body						
Slade Primary School - Governing Body		Mr Brett Egan	New	Governing Body		
Slade Primary School - Governing Body	22-Apr-14	Mr Michael Morrison	Not willing			
Snodland CE (VA) Primary School - Governing Body						
St George's CE (VC) Primary School, Wrotham - Governing Body						
St Katherine's School - Governing Body						
St Katherine's School - Governing Body						
St Margaret Clitherow Catholic Primary School - Governing Body	31-Mar-14	Dr Malcolm Bain	Willing to continue		19/23 83%	Issues
St Stephen's (Tonbridge) Primary School - Governing Body		Mrs Anita Jackson	New	Governing Body		
Stocks Green Primary School - Governing Body	11-Feb-14	Mr Paul Robertson	Not willing			
The Discovery School - Governing Body						
The Discovery School - Governing Body						
The Judd School - Governing Body						
The Tonbridge Federation - Governing Body	18-Apr-14	Dr Peter Brierley	Willing to continue		100%	Issues

Tunbridge Wells

Benenden CEP School - Governing						
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Body						
Bidborough CEP School - Governing Body						
Broadwater Down Primary School - Governing Body	06-Mar-14	Ms Penny Kift	Willing to continue		12/12 100%	
Capel Primary School - Governing Body	31-Mar-14	Mrs Phyllis Darbyshire	Willing to continue		18/19 95%	
Claremont Primary School - Governing Body	22-Apr-14	Mrs Deborah Bruce	Willing to continue		13/13 100%	
Claremont Primary School - Governing Body	01-Apr-14	Mr James Scholes	Willing to continue		9/13 69%	
Cranbrook CEP School - Governing Body						
Frittenden CE Primary School - Governing Body						
Hadlow School - Governing Body						
Horsmonden Primary School - Governing Body						
Laurelburhurst St Mary's CEP School - Governing Body						
Paddock Wood Primary School - Governing Body						
Pembury School - Governing Body						
PRU West Kent Learning Federation PRU - Governing Body						
Southborough CE Primary School - Governing Body		Mr Roger Gibson	New	Kent County Council		

By: Linda Lissimore, Head of Governors Services

To: Governor Appointments Panel

Subject: proposed amendment to the guidelines for the appointment of local authority governors

Classification: Unrestricted

Summary:

The report recommends the adoption of a revised set of *Guidelines for the Appointment of Authority Governors* which does not include the agreed change to include 'grandparents' as ineligible, pending a new set of procedures and guidelines following a major change to Governance Regulation proposed by the DFE for implementation in September 2014. These guidelines will be presented to Selection and Services Committee on 6 March 2014, taking account of any comments made by the Panel.

Background

- 1.1. The Governors Appointment Panel agreed at its last meeting on 22 November 2013 to recommend a minor change to the *Guidelines for the appointment of Authority Governors*
- 1.2. On the advice of Democratic Services, some redrafting of the guidelines has been carried out to clarify certain aspects and bring KCC's practice into line with current expectations (Appendix 1)

New Information

- 2.1 On 13 January 2014, The Department for Education opened a consultation, 'Constitution of Governing Bodies or Maintained Schools – Proposed Changes to Regulations', together with draft regulations and Statutory Guidance (Appendices 2 and 3), with a closing date for responses of 14 March 2014, and implementation of the first set of proposals by September 2014.
- 2.2 The key changes which will impact on the appointment of Authority Governors are as follows;
 - A key consideration in the appointment and election of new governors should be the skills and experience the governing body needs to be effective.
 - For every vacancy, the governing body should conduct an audit to identify any gaps that need to be filled in the skills, knowledge and experience of existing governors.
 - Anyone appointing governors to the governing body must appoint someone they believe has the skills to contribute to effective governance and the success of the school.
 - Governing bodies and local authorities should take steps to inform governor elections so that the electorate understands the extent to which nominated candidates possess the skills the governing body ideally requires.
 - All governing bodies must be constituted under the 2012 Constitution Regulations by 1 September 2015.

2.3 The Statutory Guidance suggests that governing bodies define a set of

Skills required for their needs, conduct a skills audit, and recruit governors to provide a balance of skills and experience. Individual skills suggested include inquisitiveness to question and analyse, and the willingness to learn, good inter-personal skills, a basic level of literacy in English (unless a governing body is prepared to make special arrangements), and sufficient numeracy skills to understand basic data. As a corporate team they are encouraged to develop expertise and experience in analysing performance data, in budgeting and driving financial efficiency, and in performance management and employment issues, including grievances.

- 2.4 All governing bodies will be required to reconstitute under the 2012 Constitution Regulations by September 2015. Under these regulations, local authority governors are nominated by the local authority but appointed by the governing body. The local authority can nominate any eligible person as a local authority governor, but it is for the governing body to decide whether their nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set. Local authorities should therefore make every effort to understand the governing body's requirements and identify and nominate suitable candidates.

Review of appointment Procedures and process

- 3.1 In the light of these regulatory changes, the local authority will be required to review its procedures and processes for identifying, selecting and appointing governors to schools, including local authority governors.
- 3.2 Governor Services has been invited to produce a draft Governor Recruitment and Retention Strategy, together with accompanying procedures, guidance documents and resources, for KCC's Education Cabinet Committee (ECC) on 14 March 2014
- 3.2 Major changes to the procedures for appointing local authority governors will be included in the new draft strategy, and will be presented to the Governor Appointments Panel once approved for wider circulation.

Recommendation

- 4.1 The committee is advised to recommend the redrafted guidelines (Appendix 1) to Selection and Member Services Committee without the proposed changes to make grandparents ineligible for appointment.
- 4.2 Revised processes, procedures and guidelines will be presented to the panel for their consideration, review and comments at the first GAP meeting following agreement by the ECC.

Linda Lissimore
Head of Governor Services
linda.lissimore@kent.gov.uk
01622 203800 ext 205

APPENDIX 1

KENT COUNTY COUNCIL

GUIDELINES FOR THE NOMINATION OR APPOINTMENT OF LOCAL AUTHORITY GOVERNORS

The following guidelines are based upon the legislation outlined at the end of this document and are reviewed on a regular basis by Kent County Council. Kent County Council has delegated the authority to appoint or remove LEA governors to school governing bodies, Pupil Referral Units and Academies to a sub-committee of its Selection and Member Services Committee - the Governor Appointments Panel (GAP) - as set out in Appendix 2 Part 2 of the Constitution. This guidance applies to only this category of governorship.

General principles and expectations

Local Authority governors should be able to make a full and effective contribution as a school governor and meet any skill set identified by the appointing school.

Candidates for appointment will be considered from (amongst others) political groups, Kent Governor Services, School Governors One Stop Shop and the school where there is a vacancy.

All candidates for nomination must conform in full with the qualifications and disqualifications specified in The School Governance (Constitution) (England) Regulations 2003 (appended).

Kent County Council has laid down the following guidelines for the appointment of local authority governors. GAP will also take account of any relevant comments received from the Head Teacher, governing body or local authority officers before recommending a candidate for nomination.

Potential Conflicts of Interest

Kent County Council aims to ensure that no potential conflicts of interest will arise between the personal interests of the local authority governor and the local authority. Accordingly, a candidate is unlikely to be successfully nominated for appointments as a local authority governor to a school if s/he:

1. is a member of staff in a Kent funded school (however, a candidate who volunteers at the school may be nominated if GAP deems that their relationship to the School is sufficiently remote to make a potential conflict of interest unlikely to arise)
2. is a parent of a child attending the school
3. is related to a member of staff or a member of the school's governing body
4. has worked at the school in the past
5. has worked at a school in the same area in the last 2 years
6. has made a complaint of a vexatious nature to either the school or the local authority

Priority Order

Where more than one person wishes to be the local authority governor for a vacancy at a school, the following priority will be given:

1. an existing local authority governor with an attendance record at governing body meetings of at least 2/3
2. the local County Councillor
3. a nomination supported by a political group
4. any other suitable nomination

Reappointment

An effective governing body needs an element of continuity. Therefore local authority governors are normally appointed for a four year term of office. This accords with the School Governance (Constitution) (England) Regulations 2003, which allow individual governing bodies to specify a term of office between 1 and 4 years for any category of governor. A person can be re-appointed for a further 1-4 years provided s/he:

1. has attended at least 2/3 of the governing body meetings or explains their absence and agrees to improve attendance and/or
2. has attended at least 1 session of governor training during each year of their previous term.

Nominees who are parents of children at the school at the time of their potential re-appointment will be considered by GAP. The time that the child is to remain in the school will be a factor in its decision.

The Governor Appointments Panel's Discretion

GAP has the discretion to agree to the nomination or re-appointment of any candidate. In considering whether to exercise its discretion, it will take account of any relevant comments received from the Head Teacher, governing body or local authority officers before recommending a nominee for appointment. Its decision will be taken with full regard to all aspects of equal opportunities legislation and will also take into account any other factor that the candidate wishes to be taken into consideration.

Note: A register of exceptions is maintained of any person appointed against these guidelines.

These Guidelines were approved by Selection and Member Services Committee on 6 March 2014. They take into account changes arising from the Education Act 2002: specifically, the new School Governance (procedures) (England) Regulations 2003, the Education and Inspections Act 2006, and The School Governance (Constitution) (England) Regulations 2012.



Department
for Education

Launch date 13 January 2014

Respond by 14 March 2014

Ref: Department for Education

Constitution of governing bodies of maintained schools - proposed changes to regulations

Constitution of governing bodies of maintained schools - proposed changes to regulations

This consultation sets out proposed changes to the regulations and guidance that govern the constitution of governing bodies in maintained schools and federations of maintained schools in England.

To Governing Bodies, Local Authorities, School leaders in England, Governor Organisations, and other organisations with an interest

Issued 13 January 2014

Enquiries To If your enquiry is related to the policy content of the consultation you can contact the Department on 0370 000 2288

e-mail:

SchoolGovernance.CONSULTATION@education.gsi.gov.uk

Contact Details

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Department's '[Contact Us](#)' page.

1 Overview

1.1 *Introduction*

This consultation document sets out the changes that we propose to make to the regulations and guidance that govern the constitution of governing bodies in maintained schools and federations of maintained schools in England.

The principles underpinning the majority of the proposed changes were subject to a short targeted consultation with members of the Department's Advisory Group on Governance (AGOG) in July 2013. A list of AGOG members can be found at Section 5. In response to this targeted consultation, a number of the Department's current proposals are for amendments to statutory guidance rather than changes to regulations.

Policy Context

Governing bodies have a vital and demanding role as the strategic leaders of our schools. No matter what constituency governors are recruited from, all governors must govern in the best interest of pupils, and need to have or develop the skills governing bodies need to be effective. The overall purpose of the proposed changes set out in Sections B to D of this document is to:

- simplify the overall legislative framework by ensuring that there is a single consistent approach across all maintained schools; and
- enable more effective governance by ensuring that the primary consideration in decisions about the constitution and membership of governing bodies is the skills that they require to be effective.

Our intention is that the proposed changes prompt governing bodies to think more explicitly and more regularly about whether their constitution and membership is fit for purpose.

Timelines

This consultation was launched on 13 January 2014, and will close on 14 March 2014. Our intention is to lay amendments to regulations in the spring of 2014 to come into force on 1 September 2014.

Responses

Responses to this consultation should be made using the response form attached at the end of this document and sent to

SchoolGovernance.CONSULTATION@education.gsi.gov.uk by 14 March 2014. We will publish a summary of responses to the consultation.

Structure of this document

The following sections of this document set out our specific proposals as follows:

- Section 2: Proposed changes to the School Governance (Constitution) (England) Regulations 2012 (“the 2012 Constitution Regulations”)
- Section 3: Proposed changes to the Statutory Guidance on the School Governance (Constitution) (England) Regulations 2012
- Section 4: Proposed changes to the School Governance (Federations) (England) Regulations 2012 (“the 2012 Federations Regulations”).

2 Proposed changes to the School Governance (Constitution) (England) Regulations 2012

2.1 New skills-based eligibility criteria for appointed governors

Governing bodies have a vital role to play as the non-executive leaders of our schools. It is their role to set the strategic direction of the school and hold the headteacher to account for its educational and financial performance.

This is a demanding task, and we think that anyone appointed to the governing body should therefore have the skills to contribute to effective governance and the success of the school. To embed skills as a fundamental consideration in all governor appointments we propose to bring the eligibility criteria of all categories of appointed governor in line with the current skills-focused definition of co-opted governors.

We propose to change the 2012 Constitution Regulations to require that any newly appointed governor has in the opinion of the person making the appointment ‘the skills required to contribute to the effective governance and success of the school’. This could include specific skills such as an ability to

understand data or finances as well as general capabilities such as the capacity and willingness to learn.

While effective governing bodies and other appointing persons will already think carefully about the governors they appoint, we think these changes are necessary to emphasise to all governing bodies and appointing persons the importance of governors' skills.

We propose to amend the regulations:

- *at regulation 8 in respect of LA governors.*
- *at regulation 9 in respect of Foundation governors.*
- *at Schedule 1 in respect of appointed Parent governors; and*
- *at Schedule 3 paragraph 4 in respect of Partnership governors.*

We do not propose any changes to the eligibility criteria for elected parent governors or staff governors.

Surplus governors

A school may have more governors in a particular category than is provided for in its instrument of government. This situation could arise if a governing body has decided to reconstitute and reduce in size but sufficient resignations are not forthcoming for the remaining members to fit within the new structure. If this circumstance arises, regulation 15 requires at present that governors must cease to hold office on the basis of their juniority.

The Education Select Committee has recommended, and the Parliamentary Under Secretary of State for Schools has agreed, that the current 'juniority principal' for removing surplus governors is unhelpful. We believe that the current regulation 15 is unnecessarily prescriptive and should be amended to provide greater local discretion to identify which existing governors should continue to hold office, on the basis of skills.

We propose that any surplus in the number of foundation governors should be resolved by the person responsible for appointing foundation governors. They would need to decide who should continue to hold office on the basis of which foundation governors are best skilled to contribute to the effective governance and success of the school, and to secure the purposes for which they were appointed

as a foundation governor.

We propose that the governing body should be responsible for resolving any surplus in any other category of governor. We propose that there should be a separate vote of the governing body on each category in which there is a surplus. Through an amendment to the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, this vote would need to be specified as an item on the agenda issued seven days in advance of the meeting. We think governors should not be permitted to vote on their own category; and that governors declared surplus should not cease to hold office until votes are cast on all categories in which there is a surplus.

Transition from 2007 Regulations

Regulation 4 of the 2012 Constitution Regulations currently provides for the 2007 Constitution Regulations to continue to apply to a governing body constituted under an instrument of government that takes effect before 1st September 2012 unless it chooses to reconstitute under the 2012 Constitution Regulations.

This creates a complex regulatory regime which we now consider unnecessary. Since the 2012 Constitution Regulations provide greater flexibility for governing bodies to constitute as they see fit we see no need to perpetuate the more prescriptive 2007 regime. We therefore propose to amend regulations to require all governing bodies to be constituted under the 2012 Constitution Regulations by September 2015. We think this will provide a helpful stimulus for governing bodies to review and evaluate their effectiveness and ensure their constitution and membership is fit for purpose.

The flexibility of the 2012 Constitution Regulations, particularly the ability to co-opt governors, means that as long as the governing body believed all existing members had the skills to contribute to effective governance, there would be nothing preventing them from retaining all of the individuals currently serving on the governing body.

In due course, we intend to also amend The School Governance (New Schools) (England) Regulations 2007 so that the temporary governing bodies of all new maintained schools will be constituted according to a model akin to the 2012 Constitution Regulations, rather than the 2007 Constitution Regulations as at present. Our intention is to make this change by September 2015 – the date by which we are proposing all governing bodies must be constituted according to the

2012 Constitution Regulations.

Draft Consolidated Regulations

A draft of how the amended 2012 Constitution Regulations would appear in the light of our proposed changes is attached to this consultation.

3 Proposed changes to Statutory Guidance on the School Governance (Constitution) (England) Regulations 2012

3.1 Introduction

In response to feedback from the Department's Advisory Group on Governance (AGOG) following a short targeted consultation in July 2013, we propose to take forward a number of ideas through changes to statutory guidance, rather than regulatory change. This means that rather than becoming new mandatory requirements, governing bodies and local authorities would need to have regard to them in exercising their duties under the regulations.

We are consulting on the draft revised statutory guidance attached to this consultation. This has been drafted to take account of and explain the proposed changes to the 2012 Constitution Regulations outlined in Section B. It also reflects a number of additional changes to the [existing guidance](#) as set out below.

Size and membership

We propose to provide guidance that governing bodies should be no bigger than they need to be to have all the skills necessary to carry out their functions. We think every member should actively contribute relevant skills and experience. Governing bodies should conduct regular skills audits and use the process of filling governor vacancies as an opportunity to address any skills gaps.

Skills

It is for governing bodies to decide what skills they need and whether prospective governors have the skills to contribute to the effective governance and success of the school. But we think it would help to provide guidance on the key skills that all governors need, and the skills that governing bodies as a whole need to be effective. We have identified these skills through the targeted consultation with

AGOG members. These can be found at paragraphs 15 to 17 of draft statutory guidance which accompanies this consultation document.

Governor elections

Elected parent governors and staff governors are chosen by the relevant electorate – the governing body has no role in the decision. However, we think that governing bodies have an important role in informing elections. This includes setting out for potential candidates what they expect of governors and publishing information for the electorate on the type of person or skills they ideally require. Ensuring that good information is published about candidates standing for election will further inform the electorate's choice of governor.

Draft Statutory Guidance

A draft of the revised statutory guidance on the proposed amended 2012 Constitution Regulations is attached to this consultation.

4 Proposed changes to the School Governance (Federations) (England) Regulations 2012

4.1 Skills-based eligibility criteria

The 2012 Federations Regulations mirror the categories of governor set out in the 2012 Constitution Regulations.

We propose to amend the eligibility criteria of the categories in the 2012 Federations Regulations in line with the changes we propose to the categories of governor defined in the 2012 Constitution Regulations. This will mean that the eligibility criteria for all categories of appointed governor are in line with the current skills-focused definition of co-opted governors.

The composition of governing bodies of federations

There is a restriction in the 2012 Federations Regulations on the number of co-opted governors who are also eligible to serve as staff governors. This is intended to replicate the analogous provision in the 2012 Constitution Regulations. The intention behind both provisions is to restrict the number of staff serving as

governors to less than one third of the governing body.

An omission in the 2012 Federations Regulations could currently lead to an excess number of staff serving as co-opted governors. We propose to amend Regulation 21 (5) to make clear that the total number of co-opted governors who are also eligible to be elected or appointed as staff governors (when counted with the staff governor and the head teacher/s) must not exceed one third of the total membership of the governing body of the federation.

We propose to make an analogous change to Schedule 1 paragraph 3 in respect of temporary co-opted governors in new schools intending to federate.

Surplus governors

There is currently no provision on surplus governors in the 2012 Federations Regulations. We propose to amend the 2012 Federations Regulations to add the same provision we are proposing for the 2012 Constitution Regulations.

Transition from 2007 Regulations

Regulation 4 of the Federations Regulations currently provides for the 2007 Federations Regulations to continue to apply to a governing body of a federation that is constituted under an instrument of government that takes effect before 1st September 2012 unless it chooses to reconstitute under the 2012 Federations Regulations.

In line with the changes proposed to the 2012 Constitution Regulations, we propose to amend the 2012 Federations Regulations, to require all governing bodies of Federations to be constituted under the 2012 Federations Regulations by September 2015.

Draft Consolidated Regulations

A draft of how the amended 2012 Federations regulations would appear in the light of our proposed changes is attached to this consultation.

5 Members of the DfE Advisory Group on Governance

(AGOG)

5.1 The organisations represented on the Department's Advisory Group on Governance (AGOG) include:

Association of Directors of Children's Services (ADCS)

Association of Governing Bodies of Independent Schools (AGBIS)

Association of School and College Leaders (ASCL)

Catholic Education Service (CES)

Church of England Board of Education (CEBE)

Freedom and Autonomy for Schools National Association (FASNA)

Information for School and College Governors (ISCG)

Independent Academies Association (IAA)

Local Government Association (LGA)

National Association of Headteachers (NAHT)

National College for Teaching and Leadership (NCTL)

National Co-ordinators of Governor Services (NCOGS)

National Governors' Association (NGA)

A National Leader of Governance

Office for Standards in Education (OFSTED)

School Governors' One-Stop Shop (SGOSS)

Specialist Schools and Academies Trust (SSAT)

6 Draft Revised Statutory Guidance on the 2012 Constitution Regulations

- 6.1 Draft statutory guidance on the 2012 Constitution Regulations as amended under these proposals.

7 How To Respond

- 7.1 Consultation responses can be completed online at www.education.gov.uk/consultations

by emailing SchoolGovernance.CONULTATION@education.gsi.gov.uk or

by downloading a response form which should be completed and sent to:

School Governance Unit

Department for Education
Area F Ground Floor
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

8 Additional Copies

- 8.1 Additional copies are available electronically and can be downloaded from the Department for Education e-consultation website at: www.education.gov.uk/consultations

9 Plans for making results public

- 9.1 Our intention is to lay amendments to regulations in the spring of 2014 to come into force on 1 September 2014.

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Department
for Education

The School Governance Constitution Regulations 2012

**Statutory guidance for leaders and
governing bodies of maintained schools
and local authorities**

January 2014 DRAFT

Contents

Summary	3
About this guidance	3
Expiry or review date	3
What legislation does this guidance refer to?	3
Who is this guidance for?	3
Purpose and structure of this guidance	5
Priorities in deciding the constitution of the governing body	5
Priorities in deciding the membership of the governing body	6
The skills governing bodies need	7
Governor elections	7
Annex A: The Regulations explained	9
A. Categories of governor (Part 2 and Schedules 1-3 of the Regulations)	9
B. Constitution of governing bodies (Part 3 of the Regulations)	12
C. Notification of appointments, term of office, removal and disqualification (Part 4 of the Regulations)	14
D. The instrument of government (Part 5 regulations 26 - 31)	18
E. Further sources of information	19
Annex B: A summary of maintained school governing body constitution under the 2012 Constitution Regulations	20
Annex C: Model instrument of government	21

Summary

About this guidance

This is statutory guidance from the Department for Education. This means that governing bodies and local authorities must have regard to it when carrying out duties relating to the constitution of governing bodies in maintained schools.

This guidance is about the School Governance (Constitution) (England) Regulations 2012 (“the Regulations”). The Regulations set out the 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.

Until 1 September 2015, The School Governance (Constitution) (England) Regulations 2007 will continue to apply to all other existing governing bodies until such time as it is decided to vary the instrument of government. After this date, all governing bodies will be required to be constituted under the 2012 Regulations.

Expiry or review date

This guidance will next be reviewed in September 2015.

What legislation does this guidance refer to?

The School Governance (Constitution) (England) Regulations 2012 as amended by The School Governance (Constitution) (England) (Amendment) Regulations 2013.

Who is this guidance for?

This guidance is for:

- School governors in all maintained schools in England;
- Local authorities in England;
- School leaders and school staff in all maintained schools in England; and
- Governor organisations and other organisations with an interest.

Key points

- Governing bodies should be no bigger than necessary to secure the range of skills they need. Smaller governing bodies are likely to be more cohesive and dynamic.
- A key consideration in the appointment and election of new governors should be the skills and experience the governing body needs to be effective.
- For every vacancy, the governing body should conduct an audit to identify any gaps that need to be filled in the skills, knowledge and experience of existing governors.
- Anyone appointing governors to the governing body must appoint someone they believe has the skills to contribute to effective governance and the success of the school.
- Governing bodies and local authorities should take steps to inform governor elections so that the electorate understands the extent to which nominated candidates possess the skills the governing body ideally requires.
- Foundation governors have a particular purpose to safeguard the character of the school and ensure it is conducted in accordance with any founding documents, but otherwise every governors' role is to govern the school in the best interest of pupils, not to represent the interests of the constituency from which they were elected or appointed.
- Meaningful and effective engagement with parents, staff and the wider community is vital. It is not the role of the governing body to provide this through its membership. They need to assure themselves that specific arrangements are in place for this purpose.
- Governing bodies should review their effectiveness regularly, including the extent to which their size and structure is fit for purpose and their members have the necessary skills.
- Governing more than one school can generate a more strategic perspective and more robust accountability through the ability to compare and contrast across schools.
- All governing bodies must be constituted under the 2012 Constitution Regulations by 1 September 2015.

The Constitution of governing bodies

Purpose and structure of this guidance

1. This is statutory guidance under section 19(7) of the Education Act 2002, on the discharge of governing bodies and local authorities' functions under the 2012 Constitution Regulations, as amended. The main purpose of this guidance is to highlight the direct impact that decisions about the constitution and membership of the governing body have on the governing body's ability to provide effective governance and contribute to the success of the school.
2. Annex A to this guidance explains the four aspects of the arrangements for the constitution of governing bodies set out in the Regulations:
 - the description of the different categories of governor
 - how governing bodies are to be constituted
 - terms of office, removal and disqualification of governors, and
 - instruments of government.
3. Annex B summarises constitution requirements in different types of school. A model instrument of government is provided at Annex C.

Priorities in deciding the constitution of the governing body

4. Governing bodies should be no bigger than they need to be to have all the skills necessary to carry out their functions. The size and structure of the governing body should allow every member to actively contribute relevant skills and experience.
5. Smaller governing bodies are more likely to be cohesive and dynamic, and able to act more decisively. This is particularly true when things go wrong, as illustrated by the contrast between the impact of small tightly focused Interim Executive Boards and the often large and unfocused governing bodies that many academy sponsors report they need to reform.
6. The need for governing bodies to establish committees, including for exclusions or disciplinary matters, does not in itself necessitate a large governing body. Committees of the governing body can be established specifically for these purposes to which new associate members may be appointed and/or the committee may be established as joint committee with another governing body to enable the committee to include governors from another school.
7. All governing bodies should review their effectiveness on a regular basis. This should include reflecting on the merits of their constitution and the additional benefits that

may be gained from forming a single governing body across more than one school in order to develop a more strategic perspective and create more robust accountability through the ability to compare and contrast across schools.

8. Governing bodies should re-evaluate their constitution if things are not going well – for example following an Ofsted inspection or in the light of an external review. They should also consider the benefits of re-constitution as a positive and proactive move to ensure they are fit for purpose for the future, including in the context of a conversion to academy status.

Priorities in deciding the membership of the governing body

9. Each of the various categories of governor prescribed in the Regulations has its own eligibility criteria and means of appointment – this guidance does not add additional eligibility criteria, but sets out considerations to which those exercising their powers under the Regulations must have regard.
10. Once appointed or elected, all governors must operate in the best interest of pupils, not as representatives to lobby on behalf of their constituency¹. Their task is to govern the school. This means focusing on the core functions of providing strategic leadership, holding the headteacher to account and making sure the school's money is well spent. This is a demanding task for which all governors need to have, or develop, relevant and appropriate skills.
11. Meaningful and effective engagement with parents, staff and the wider community is vital, but not guaranteed by the presence of the various categories of governor on the governing body. The membership of the governing body should focus on skills, with stakeholder engagement as an important, but distinct activity for which governing bodies will need to assure themselves that appropriate structures and arrangements are in place. Governors themselves should seek to assist their school to build relationships with business and other employers in order to enhance the education and raise the aspirations of pupils.
12. While all current and prospective governors should commit to continuing professional development to develop their skills as governors, filling a vacancy on the governing body provides a specific opportunity to fill any skills gaps. The first priority for a governing body in filling a vacancy on the governing body should therefore be to do what is in their power to secure a new governor with the skills and experience they require – or at least the capacity and willingness to develop them. Governing bodies should do this by conducting a skills audit to identify the skills, knowledge and

¹ Notwithstanding the role of Foundation governors to preserve and develop the school's character (including religious character where it has one) and where the school has a foundation, ensure that the school is conducted in accordance with the foundation's governing documents.

experience of their current members and any additional specific skills or experience that they ideally require.

13. The outcome of the skills audit will help the governing body or other appointing persons² to formulate their opinion as to whether prospective governors have the skills to contribute to effective governance and the success of the school. It will also help to inform governor elections as discussed further below.
14. Governing bodies and others responsible for nominating or appointing governors should make use of all available channels to identify suitable governors. This includes working with SGOSS which the Department has committed to fund until April 2015 to provide a free service to governing bodies and local authorities to help them find new governors with the skills they require.

The skills governing bodies need

15. The amended Regulations create an explicit requirement that all appointed governors have the skills required to contribute to effective governance and the success of the school. The specific skills that governing bodies need to meet their particular challenges will vary. It is therefore for governing bodies and other appointing persons to determine in their own opinion what these skills are and be satisfied that the governors they appoint have them.
16. Experience has shown, however, that all governors need a strong commitment to the role, the inquisitiveness to question and analyse, and the willingness to learn. They need good inter-personal skills, a basic level of literacy in English (unless a governing body is prepared to make special arrangements), and sufficient numeracy skills to understand basic data.
17. Experience also shows that effective governing bodies seek to secure or develop within their membership as a whole expertise and experience in analysing performance data, in budgeting and driving financial efficiency, and in performance management and employment issues, including grievances. They seek to recruit and/or develop governors with the skills to work constructively in committees, chair meetings and to lead the governing body. They set aside a budget to fund appropriate and necessary continuing professional development for their members.

Governor elections

18. Governing bodies and local authorities should make every effort to conduct informed elections in which the expectations and credentials of prospective candidates are

² 'Person' is the term used in the regulations, in practice this will be an organisation such as a Diocese, Parochial Church Council or Foundation Trust

made clear. The best governing bodies set out clearly in published recruitment literature:

- the nature of the role of a governor and the induction and other training that will be available to the new governor to help them fulfil it;
- the expectations they have of governors for example in relation to the term of office, the frequency of meetings, membership of sub-committees and the willingness to undertake training; and
- any specific skills or experience that would be desirable in a new governor, such as the willingness to learn or skills that would help the governing body improve its effectiveness and address any specific challenges it may be facing.

19. Well run elections offer candidates for election the opportunity to publish a statement of sufficient length to set out:

- Evidence of the extent to which they possess the skills and experience the governing body desires;
- Their commitment to undertake training to acquire or develop the skills to be an effective governor;
- If seeking re-election, details of their contribution to the work of the governing body during their previous term of office; and
- How they plan to contribute to the future work of the governing body.

20. The purpose of governing bodies providing and publishing information about the role of a governor and the skills they ideally require is not to create additional eligibility criteria for potential candidates – which they do not have the power to do. It is for the electorate to elect their choice of candidate(s). The purpose of publishing the information is to simply inform the electorate of the governing bodies' expectations, circumstances and ideal requirements.

Annex A: The Regulations explained

A. Categories of governor (Part 2 and Schedules 1-3 of the Regulations)

This section relates to the appointment/ election of the various categories of governor, and summarises the provision made in the Regulations for each. The categories applicable to each type of school are summarised at Annex B. Information about disqualification is in section C of this guidance.

A.1 Parent governors (regulation 6 and Schedule 1)

Parent governors are elected by other parents at the school. Any parent, or carer, of a registered pupil at the school at the time of election is eligible to stand for election as a parent governor. Parent governors may continue to hold office when their child leaves the school.

Schools must make every reasonable effort to fill parent governor vacancies through elections. However, the Regulations make provision for the governing body to appoint parent governors where:

- not enough parents stand for election,
- at least 50% of the registered pupils at the school are boarders and it is not reasonably practicable to elect, or
- in the case of community special or foundation schools established in a hospital, the governing body judges that an election is impractical.

The method of appointment is set out in paragraphs 10 and 11 of Schedule 1 to the Regulations.

Governing bodies may only appoint as a parent governor a parent who has, in their opinion, the skills to contribute to effective governance and the success of the school.

A.2 Staff governors (regulation 7 and Schedule 2)

Teaching and support staff who, at the time of election, are employed by either the governing body or the local authority to work at the school under a contract of employment, are eligible to be staff governors.

Staff governors are elected by the school staff. They cease to hold office when they cease to work at the school.

It is important that prospective staff governors understand the nature of the role of a governor – and specifically that their role will not be to represent staff, nor to stand

alongside the headteacher in being held to account by the governing body, but to operate as part of the governing body to provide strategic leadership and to hold the headteacher to account.

If no candidates are forthcoming, the position on the governing body remains vacant and an election should be held as soon as an eligible candidate is identified.

A.3 The headteacher

The headteacher is a member of the governing body by virtue of their office.

The headteacher may at any time resign as a governor, and withdraw their resignation, in both cases by notifying the clerk in writing.

A.4 Local authority governors (regulation 8)

Local authority governors are nominated by the local authority but appointed by the governing body. The local authority can nominate any eligible person as a local authority governor, but it is for the governing body to decide whether their nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set. Local authorities should therefore make every effort to understand the governing body's requirements and identify and nominate suitable candidates.

An individual eligible to be a staff governor at the school may not be appointed as a local authority governor.

A.5 Foundation governors (regulation 9)

Foundation governors are either appointed or take the role by virtue of an office that they hold.

Where appointed, the appointment is made by the person entitled under the instrument of government (usually the school's founding body, church or other organisation). A foundation governor is someone who, in the opinion of the person entitled to appoint them, has the skills to contribute to the effective governance and success of the school, and who is appointed for the purpose of securing:

- in all cases, that the school's character (including religious character where it has one) is preserved and developed; and
- that the school is conducted in accordance with the foundation's governing documents.

In appointing a foundation governor, the person entitled to make the appointment should seek to understand and take into account the skills and experience the governing body identifies that they need.

If an ex-officio foundation governor is unwilling or unable to act as a governor or has been removed from office under regulation 21(1) then a substitute governor can be appointed.

A.6 Partnership governors (regulation 10 and Schedule 3)

Partnership governors are appointed by the governing body. Individuals are only eligible to be nominated as a partnership governor if the person nominating them believes that they have the skills needed to contribute to the effective governance and success of the school. Likewise the governing body may only appoint a person as a partnership governor if they believe that they have the skills needed to contribute to the effective governance and success of the school.

The number of partnership governors required on the governing body is set out in the instrument of government.

The governing body must first try to appoint partnership governors from those nominated:

- where the school has a religious character: by the “appropriate diocesan authority” in the case of a Church of England or Roman Catholic school, and
- by the “appropriate religious body” in any other case; and,
- where the school does not have a religious character, by the parents of registered pupils at the school and such others in the community as they consider appropriate (for example, staff, community organisations and other local bodies).

Where the governing body cannot fill all the vacant posts from among the nominees, either because there were not enough or because they rejected some of the nominees as ineligible, then the governing body can fill those posts from among persons nominated by governors.

Where the governing body makes an appointment having rejected nominees as ineligible then they must put their decision and reasons not to appoint in writing to:

- the local authority
- the person or body who nominated the rejected individual, and
- the person rejected.

A.7 Co-opted governors (regulation 11)

Co-opted governors are appointed by the governing body. They are people who in the opinion of the governing body have the skills required to contribute to the effective governance and success of the school.

A.8 Associate members (regulation 12)

Associate members are appointed by the governing body to serve on one or more governing body committee. They may also attend full governing body meetings. They are not governors and therefore do not have a vote in governing body decisions, but may be given a vote on decision made by committees to which they are appointed.

Associated members should be appointed because of the specific expertise and experience they can contribute to the effective governance and success of the school. The definition of associate member is wide. Subject to the disqualifications set out in the Regulations, the governing body may appoint a pupil, school staff member, or any other person as an associate member so that they can contribute their specific expertise. This can help to address specific gaps identified in the skills of governing body members, and/or help the governing body respond to particular challenges that they may be facing.

B. Constitution of governing bodies (Part 3 of the Regulations)

This section explains how the governing body of every maintained school must be constituted. The table at Annex B summarises the constitution of governing bodies by type of school.

B.1 Requirements for all maintained schools (regulation 13)

The governing body must have a minimum size of seven members³, and include:

- at least two **parent governors**;
- the **headteacher** unless the headteacher resigns as a governor;
- one, and only one, **staff governor**;
- one, and only one, **local authority** governor; and
- any number of **co-opted** governors.

The governing body may appoint as many **co-opted governors** as they consider necessary but the number of co-opted governors who are eligible to be elected or

³ Subject to the requirements regarding foundation governors in qualifying foundation schools and voluntary aided schools

appointed as staff governors under Schedule 2 must not, when counted with the one staff governor and the headteacher, exceed one-third of the total membership of the governing body.

There is no upper limit but governing bodies should have regard to this statutory guidance in deciding their size.

B.2 Additional requirements for foundation and voluntary schools (regulation 14)

In addition to the requirements imposed by regulation 13 and considered in the preceding section, foundation and voluntary schools are required to have **partnership** or **foundation** governors as follows:

- foundation and foundation special schools without a foundation must have at least two **partnership governors**;
- foundation and foundation special schools that have a foundation but are not a qualifying foundation school must have at least two **foundation governors**;
- qualifying foundation schools must have up to two more **foundation governors** than all other governors;
- voluntary aided schools must have two more **foundation governors** than all other governors; and
- voluntary controlled schools must have at least two **foundation governors**.

B.3 Surplus governors (regulation 15)

A school may have more governors in a particular category than is provided for in its instrument of government. This situation could arise if a governing body has decided to reconstitute and reduce in size but sufficient resignations are not forthcoming for the remaining members to fit within the new structure.

Governing bodies, and chairs of governors in particular, should make every effort to achieve any restructuring or downsizing amicably through sensitive and honest negotiation about which governors are best placed to contribute to effective governance and the success of the school. If necessary, the governing body should put in place a fair and transparent process to define the skills it requires and conduct a skills audit of its members.

Where negotiations and the result of a skills audit do not result in sufficient resignations and there remains a surplus of governors:

- Any surplus in the number of foundation governors must be resolved by the person responsible for appointing foundation governors. They should decide who should continue to hold office on the basis of which foundation governors are best

skilled to contribute to the effective governance and success of the school, and to secure the purposes for which they were appointed as a foundation governor.

- Any surplus in any other category of governor must be resolved by a separate vote of the governing body on each category in which there is a surplus. This vote must be specified as an item on the agenda issued seven days in advance of the meeting. Governors are not permitted to vote on their own category. Governors declared surplus do not cease to hold office until votes are cast on all categories in which there is a surplus.

C. Notification of appointments, term of office, removal and disqualification (Part 4 of the Regulations)

C.1 Notification of appointments (regulation 16)

The person making an appointment or nominating a person to be appointed to the governing body must give written notice to the clerk of the name and usual place of residence of the person nominated or appointed.

C.2 Qualifications and disqualifications (regulation 17 and Schedule 4 to the Regulations)

Grounds for disqualification fall into three broad categories:

- general grounds;
- grounds that apply to particular categories of governor; and
- grounds that arise because of particular failings or actions on the part of the governor.

All the grounds for disqualification apply also to associate members except that associate members can be registered pupils at the school and can be under 18.

General grounds

Registered pupils cannot be governors.

A governor must be aged 18 or over at the time of election or appointment.

A person cannot hold more than one governor post at the same school at the same time.

Grounds that apply to particular categories of governor

A person is disqualified from being a **parent governor** if they are an elected member of the LA or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).

A person is disqualified from being a **local authority governor** if they are eligible to be a staff governor at the school.

A person is disqualified from being a **partnership governor** if they are:

- a parent of a registered pupil at the school;
- eligible to be a staff governor at the school;
- an elected member of the LA; or
- employed by the local authority in connection with its education functions.

Grounds that arise because of particular failings or actions on the part of the governor

A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the **headteacher** or to **foundation governors** appointed by virtue of their office.

A **foundation, local authority, co-opted or partnership** governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office if that person:

- is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)
- has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
- is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people
- is barred from any regulated activity relating to children

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- is disqualified from working with children or from registering for childminding or providing day care
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
- has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor
- has received a prison sentence of two years or more in the 20 years before becoming a governor
- has at any time received a prison sentence of five years or more
- has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor
- refuses a request by the clerk to make an application to the Criminal Records Bureau for a criminal records certificate.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing body.

C.3 Term of office (regulation 18)

The term of office for all categories of governor is a fixed period of four years, but:

- the instrument of government may specify a shorter term of office (being at least a year) for a particular category of governor
- a **headteacher** or an **ex officio foundation governor** stops being a governor when the position which entitles them to be a governor comes to an end
- an **additional governor** appointed under Part 4 of the Education and Inspections Act 2006 holds office for such period as the appointer determines up to a maximum of four years
- a **substitute governor's** term of office is dependent on the return or replacement of the original governor.

A governor may be elected or appointed for a further term.

Associate members are appointed for a period of between one and four years, as determined by the governing body on appointment, and may be reappointed.

Any governor may at any time resign by giving written notice to the clerk.

C.4 Removal of governors (regulations 20 - 24)

Foundation governors may be removed from office by the person who appointed them. The appointer must give written notice of the removal to the clerk to the governing body and to the governor concerned.

The governing body may remove any **ex-officio foundation governor** if requested by the person named in the instrument of government as the person entitled to make such a request. That person must give the clerk and the governor concerned written reasons for the request.

Local authority governors may be removed from office by the local authority that nominated them. The local authority must give written notice of the removal to the clerk to the governing body and to the governor concerned.

The governing body may remove **co-opted governors and partnership governors** (for details see section C.5).

The governing body may also remove an appointed, but not an elected, **parent governor**. (A parent governor is considered to be elected if they stood for election for parent governorship; whether or not a ballot took place is irrelevant for this purpose).

The governing body may not remove any **staff governor**.

C.5 Procedure for removal of governors by the governing body (regulation 25)

Removal by a governing body of a **co-opted governor, partnership governor, ex officio foundation governor** or **appointed parent governor** is effected by resolution of the governing body but only if:

the removal is confirmed by a resolution passed at a second meeting of the governing body not less than 14 days after the first meeting;

the removal of the governor has been specified as an item on the agenda of both meetings; and

the following additional conditions are satisfied.

Where the governor concerned is an **ex-officio foundation governor**, or is a **partnership governor whose removal has been requested by the nominating body**, the additional condition is that the governing body considers the reasons for removal and gives the governor concerned the chance to respond.

Where the governor concerned is a **co-opted governor**, a **partnership governor** or an **appointed parent governor**, the governor proposing the removal must at the meeting

give reasons for the proposal and the governor concerned must have the chance to respond.

D. The instrument of government (Part 5 regulations 26 - 31)

Section 20 of the Education Act 2002 requires all maintained schools to have an instrument of government which determines the constitution of the governing body and other matters relating to the school. Part 5 of the Regulations makes provision regarding the contents and form of the instrument and the procedure for making and reviewing it.

D.1 Contents and form (regulation 28)

A model instrument of government is shown at Annex C. There are additional requirements for certain categories of school, which are highlighted in the Annex.

All instruments of government must include:

- the name and category of school
- the name of the governing body
- the categories of governor
- the number of governors in each category
- the total number of governors
- the term of office of any category of governor, if less than four years
- the date the instrument of government takes effect.

D.2 Making the instrument of government (regulation 29)

The governing body prepares the draft instrument of government and submits it to the local authority to consider whether it complies with the relevant legal requirements.

If the local authority is not content with the draft instrument of government it must tell the governing body and give reasons. If it is not possible for the local authority and governing body to agree on a revised draft the local authority will produce a final draft for the school as they think fit, having regard to the category of school to which the school belongs, and make the instrument of government.

Extra requirements apply in the case of a school with **foundation governors**.

D.3 Reviewing and varying the instrument of government (regulation 30)

The governing body or local authority can review and vary the instrument of government at any time after it is made. In this event:

- each party should let the other know what item in the instrument of government they wish to vary and give reasons
- the other party should respond, with any objections and give reasons
- if there is disagreement, some other variation can be proposed by either party
- if the local authority is not content with the governing body's revised proposal, it should inform the governing body giving reasons, or propose their own variation giving reasons, and in each case give the governing body reasonable opportunity to reach an agreed revised draft between them
- once an agreement has been reached, the local authority can vary the instrument of government
- in the absence of an agreement, the local authority will vary the instrument of government as it thinks fit
- the varied instrument of government should record the date the variation takes effect.

D.4 Copies of the instrument of government (regulation 31)

The local authority must supply a copy of the instrument of government, or a consolidated version where there has been a variation, to each member of the governing body (and the headteacher if they are not a governor).

E. Further sources of information

Associated resources (external links)

- [The School Governance \(Constitution\) \(England\) Regulations 2012](#)
- [The Education Act 2002](#)

Annex B: A summary of maintained school governing body constitution under the 2012 Constitution Regulations

School Type	Foundation/trust governors	Partnership governors	Parent governors	Staff governors (including headteacher)	Local authority governors	Co-opted Governors
Community ⁴	N/A	N/A	At least 2	Headteacher + 1	1	As determined by the GB and no more than $\frac{1}{3}$ where they are also eligible to be elected as staff governors when counted with the staff governor and headteacher.
Foundation with no foundation ⁵	N/A	At least 2 but no more than $\frac{1}{4}$				
Foundation with a foundation that appoints a minority of the GB	At least 2 but no more than 45%	N/A				
Qualifying Foundation	Overall control of GB. A majority of up to 2 over all other categories of governor	N/A				
Voluntary controlled	At least 2 but no more than $\frac{1}{4}$	N/A				
Voluntary aided	Overall control of GB. Majority of 2 over all other categories of governor	N/A				

⁴ Including community special schools and maintained nursery schools

⁵ Including foundation special schools

Annex C: Model instrument of government

INSTRUMENT OF GOVERNMENT

1. The name of the school is.....
2. The school is a *[insert category]* school.

Also *[If applicable]* whether the school has a foundation, and whether the school is a qualifying foundation school.
3. The name of the governing body is "The governing body of....."
[insert the name of the school as set out in paragraph 1. above].
4. The governing body shall consist of⁶:
 - a. X parent governors
 - b. One LA governor
 - c. One staff governor
 - d. One headteacher
 - e. X foundation governors *[at least two (but no more than 45%)], or*
 - e. X foundation governors *[must outnumber the other governors by two], or*
 - e. X foundation governors *[must outnumber the other governors by up to two], or*
 - e. X foundation governors *[at least two (but no more 1/4)]*
 - f. *[If applicable]* X co-opted governors
 - g. *[If applicable]* X partnership governors
5. Total number of governors *[.....including additional foundation governors where appropriate].*
6. *[Applicable if the term of office of one or more categories of governor is shorter than four years]* **The term of office of [category of governor] is [insert period between one and four years].**
7. Set out the name of any foundation body or person entitled to appoint foundation governors. If this is more than one person set out the basis on which appointments are made.
8. *[where applicable]*
 - (a) the holder of the following office shall be a foundation governor ex officio:
[name of office]
 - (b) The foundation body or person named in paragraph 8 shall be entitled to appoint a foundation governor to act in the place of the ex officio foundation

⁶ For paragraph 4, the required number of governors by category are provided at Annex A and B to this guidance

governor whose governorship derives from the office named in (a) above, in the event that that ex officio foundation governor is unable or unwilling to act as a foundation governor, or has been removed from office under regulation 21(1) of the Regulations.

- VA, QF, VC, F 9. *[Repeat 8(a) and (b) as necessary where there is more than one ex officio foundation governorship].*
- VA, QF VC, F 10. Set out the name of any person entitled to request the removal of any ex officio foundation governor and to appoint any substitute governor.
- F, QF 11. *[Where the school has a trust]* the fact that a trust exists.
- VA, QF VC, F 12. *[If the school has a religious character]* a description of the ethos of the school.
13. This instrument of government comes into effect on [...]
14. This instrument was made by order of Local Authority on
15. A copy of the instrument must be supplied to every member of the governor body (and the headteacher if not a governor), any trustees and to the appropriate religious body.

Key:

VA - Voluntary Aided

VC - Voluntary Controlled

QF - Qualifying foundation

F - Foundation

All other clauses are mandatory for all schools



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