

GOVERNOR APPOINTMENTS PANEL

Wednesday, 3rd September, 2014

10.00 am

Wantsum Room, Sessions House, County Hall,
Maidstone





AGENDA

GOVERNOR APPOINTMENTS PANEL

Wednesday, 3rd September, 2014, at 10.00 am
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.

B. APPOINTMENT OF LEA SCHOOL GOVERNORS

- B1 Recruitment of Local Authority Governors (Pages 5 - 24)
- B2 Requested removal of an LEA Governor (Pages 25 - 28)

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

Tuesday, 26 August 2014

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

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From: **Roger Gough, Cabinet Member for Education and Health Reform**

Patrick Leeson, Corporate Director for Education, Learning and Skills

To: **Governor Appointments Panel – 3 September 2014**

Subject: **Recruitment of Local Authority Governors**

Classification: **Unrestricted**

Summary:

This report summarises the proposed actions the local authority will take to comply with the new governance regulations to be introduced from 1 September 2014, and September 2015, with regard to local authority governors.

A report was considered by Education and Young People’s Services Cabinet Committee on 22 April 2014, and the new regulations were published in May 2014. Those changes which fall to the executive side of the County Council’s decision-making procedures have now been made.

Recommendation(s):

The Governor Appointments Panel is asked to recommend new guidelines for the appointment and removal of Authority Governors to Selection and Member Services Committee.

Introduction

1.1 In May 2014, new regulations were laid before parliament which will have an impact on local authority governor representation in maintained schools.

- i. From 1 September 2014, a key consideration in the appointment and election of all governors should be the skills and experience the governing body needs to be effective.
- ii. By September 2015, the governing bodies of all maintained schools will be required to have reconstituted under the new constitution regulations, with a maximum of one local authority governor.

1.2 In Kent, there are currently 747 KCC governor positions, with 583 serving local authority governors and 164 vacancies. By September 2015, the overall number of positions available will have been reduced from 747 to 444 (one per maintained school). This means that over the coming year there will be a reduction in number of 139 local authority governors. In addition the role of the local authority changes from one of appointing governors to the nomination of a suitably skilled and/or experienced individual for appointment by the governing body.

- 1.3 The new Regulations require all governing bodies to identify a skills set for each vacancy as it arises, including local authority governor positions.
- 1.4 All governing bodies will consist of a new minimum of one headteacher governor, one staff governor, one local authority governor and two parent governors. The remaining appointments will be to a new category of co-opted governor. These appointments will be made by the governing body itself, based on the skills of the individual when matched with its identified needs.
- 1.5 This report considers the impact these changes will have on the selection and appointment of local authority governors and makes recommendations which are intended to improve the effectiveness of local authority stakeholder representation on governing bodies of maintained schools and meet the need for skills based appointments.

2. Background

- 2.1 The local authority has the 'right' to nominate an individual to serve as a representative on the governing body of a school that is maintained by the local authority. This includes community, community Special schools, voluntary controlled and voluntary aided schools, but not the majority of academies and free schools.
- 2.2 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**'. However governing bodies were not at that time compelled to change their constitution, and could elect to change to the 2012 framework, or remain as they were (2007 constitution regulations). Under the 2012 regulations, the local authority role is redefined as one of 'nominating a suitably skilled individual' for the role, with the governing body itself making the appointment at school level.
- 2.3 To date, 35% of Kent maintained schools have chosen to reconstitute under the 2012 regulations, and all local authority nominees have been appointed. However, as all maintained schools are required to reconstitute under the 2012 regulations by September 2015, if they have not already done so. A further 277 governing bodies will therefore need to undertake this process over the next 12 months.
- 2.4 Currently, 65% of Kent governing bodies are constituted under the 2007 regulations which allow for more than one local authority governor per governing body. By September 2015 this will reduce from a maximum of 747 to 444, (one per school).
- 2.5 Any surplus in any governor category (apart from foundation) must be resolved by a vote of the governing body, with the Chair having a casting vote. Therefore the reduction in number of local authority governors will be determined by the governing body itself rather than the Governors' Appointment Panel. There is therefore, the potential to have a 0% vacancy rate by September 2015. These figures in the table below indicate the position in May 2014.

District	Maintained schools	Total LA governors	LA governors in post	LA governor vacancies	Potential reduction by Sept 2015
Ashford	41	72	58	14	17
Canterbury	39	58	42	16	3
Dartford	27	42	31	11	4
Dover	37	57	48	9	11
Gravesham	28	58	46	12	18
Maidstone	49	86	65	21	16
Sevenoaks	40	68	55	13	15
Shepway	34	54	45	9	11
Swale	35	63	46	17	11
Thanet	32	59	47	12	15
Tonbridge & Malling	45	74	55	19	10
Tunbridge Wells	37	72	58	11	21
Totals	444	747	583	164	139

3. Strengthening the quality of local authority representation on governing bodies

- 3.1 No matter what constituency governors are recruited from, all governors must govern in the best interests of pupils and contribute to effective governance. Governors nominated by the local authority should be selected only if they have the necessary skills and experience to drive school improvement and contribute to the success of the school.
- 3.2 Governors appointed as representatives of the local authority (local authority governors) do not act as delegates and cannot be compelled to act in any specified way by their nominating body. They should however have a basic knowledge and understanding of Kent education policies and aims in order to effectively carry out their local authority representative role.
- 3.3 From September 2014, KCC will host an annual briefing session for local authority governors to provide access to and information about KCC's Education strategy, policies, plans and performance. A written report of this briefing, together with supporting documents and any web links will be made available to all governors on the KELS! governor pages.
- 3.4 The agreed role description for a Local Authority Governor **is attached as Appendix A**. It will alert potential nominees of the need for them to develop an understanding of KCC strategies and plans as part of their governor representative role.
- 3.5 KCC will also provide elected Members with governor recruitment resources, including the role descriptions above and will invite them to a briefing session to:
- Outline the changes to school governance as a professional function
 - Explain the changes to the role of the local authority in nominating local authority governors

- Outline the support invited from local members to identify suitable individuals for selection

4. Skills Based Appointment

4.1 Local authority governor appointments are currently made by the Governor Appointments Panel (GAP). Panel Members make decisions about the suitability of candidates for appointment based on:

- An application form identifying skills and suitability
- A set of guidelines for appointment

4.2 The Panel is supported in its decisions by KCC's Governor Service's team and Democratic Services.

4.3 Currently potential appointees are nominated for appointment by either elected Members, SGOSS (a DFE governor recruitment charity), or the governing body itself. The number of nominations made by elected Members has decreased over recent years, with the majority of nominations now originating from the governing body itself. This has reduced local authority representation on the governing body and may now leave the local authority unrepresented when only one post per school is available.

4.4 From September 2014, KCC will be required to have amended its local authority governor appointment process to one based on the skills of the individual nominee matched to the skills identified for that vacancy by the governing body.

4.5 It is proposed to revise the duties of the Governor Appointments Panel from September 2014 to:

- Identify suitable nominees for the post of local authority governor from September 2014. A draft governing body form is included at **Appendix C** for the Panel's comments.

5. Process for the Removal of Governors.

5.1 The current procedures for the removal of Authority Governors were agreed at a time when the majority of requests for removal arose from a breakdown of relations between the individual governor and the governing body. The process is that the two sides are asked to undertake mediation. If mediation fails, the GAP meets to consider what steps to undertake. The circumstances under which requests are made for the removal of an Authority Governor are likely to become far more varied. A draft process is therefore attached at **Appendix D** for the Panel's comments.

6. Conclusions

In order to meet the requirements of the new regulations the local authority must review and revise its processes and procedures for identifying suitable individuals to serve as local authority governors. A review also provides an ideal opportunity to strengthen the effectiveness of local authority governors,

as well as improve the quality of local authority representation on the governing bodies of maintained schools.

7. Recommendation(s)

The Governor Appointments Panel is asked to recommend new guidelines for the appointment and removal of Authority Governors to Selection and Member Services Committee as set out in Appendices A-E of the report.

Appendices

A – Role and Expectations of a Local Authority Governor

B – The Role of the Governor Appointment Panel from September 2014

C – Governing Body Request for LA Governor Nomination

D – Process for the Removal of a local authority governor

E – Guidelines for the nomination of local authority governors

D – Disqualification criteria

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Lead Director

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Background Documents

Constitution of governing bodies of maintained schools – proposed changes to regulations (13 January 2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270668/Constitution_of_governing_bodies_con_doc_final_draft.pdf

The School Governance Constitution Regulations 2012 Statutory Guidance for leaders and governing bodies of maintained schools and local

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270670/School_governance_constitution_regulations_final_CC.pdf

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Role and Expectations of a Local Authority Governor September 2014 (2012 Constitution regulations)

You would want to be a good governor therefore you will need to:

- Develop a basic understanding of KCC Education Policy, strategy and plans and contribute appropriately to governing body discussion
- **You are a representative and not a delegate of the local authority**
- Be prepared to be deployed flexibly within a district or an area e.g. a governing body in North Kent
- Develop an understanding of the school, its strengths and weaknesses, vision, ethos, and values
- Attend full governing body meetings (details of the day and time of meetings for a particular school will be shared with you as part of the nomination process)
- Read agenda papers in advance, and participate in discussions and decision making in governing body or committee meetings
- Accept a governing body responsibility, either as an individual, monitoring pair, or as part of a committee
- Make a minimum of one governor visit to the school each year
- Undertake a one-day face to face induction training session for new governors, followed by at least 6 hours of training annually (either face to face or by e'learning)
- Attend an annual briefing for local authority governors, held in Maidstone in the autumn term each year
- Abide by any additional governing body requirements in place at the school to which you are appointed e.g. code of conduct, training and development expectations (these will be shared with you prior to appointment)
- Notify the clerk to the governing body if you meet any of the criteria for disqualification

General Information about the role of a school governor

Governing bodies have a vital and demanding role as the strategic leaders of our schools. All governors must govern in the best interests of pupils, no matter what category they represent. Being a governor is a demanding task, and anyone appointed should therefore have the skills to contribute to effective governance and the success of the school. You can find full details in the Governors Handbook

<https://www.gov.uk/government/publications/governors-handbook>

You will be expected to attend a minimum of 3-6 governing body meetings each year, attend committee meetings or undertake an additional responsibility, and visit the school as part of your monitoring

Appendix A

role. You should also expect to undertake approximately 4 hours reading and/or analysis each month in preparation for meetings.

All maintained schools have one governor who is nominated to serve as a representative of the local authority, and is then considered for appointment by the governing body of a particular school. All governors are selected for the skills and experience they can contribute to the role matched to the needs identified by the governing body. A term of office is between 1 and 4 years.

An individual who is also a member of staff at the school cannot be appointed as a local authority governor.

Guidelines for the appointment of local authority governors set out the required criteria for appointment. Potential local authority governors are required to complete an application form identifying their skills, experience and suitability for the role.

A local authority panel of elected members will select individuals as nominees based on the application form and references. Successful nominees will then be 'matched' to suitable governing body vacancies and offered for appointment. The governing body will then 'appoint' the candidate who most closely matches their requirements.

The Role of the Governor Appointment Panel (GAP) From September 2014

Background and context

Changes to governance regulations from September 2014

Two major regulatory changes are being proposed, which will have an impact on local authority governor representation in maintained schools.

1. All appointed governors will **selected for the skills and experience** they bring to the role
2. **All** maintained school governing bodies will be required to **reconstitute** under the 2012 constitution regulations **by September 2015**

In Kent, this means that by September 2015, the number of local authority governor positions in Kent schools will have reduced from 747 to 444, and that all posts should be filled by skilled and experienced individuals. Governing bodies will themselves decide by vote which local authority governors continue in post based on the skills and experience required to make them effective. The local authority will not have a role in this reduction in number.

GAP Duties from September 2014

1. Shape and influencing future protocols and decisions
2. Select suitable nominees for the post of local authority governor and create a pool of expertise
3. Oversee the matching and appointment of nominees to governing body vacancies
4. Make decisions about the removal from office of a local authority governor

Guiding principles for the selection of local authority governor nominees in Kent

The local authority

- makes decisions about local authority governor representation on the governing bodies of maintained schools based on the skills they require to be effective governors
- has established clear criteria and expectations for the role and function of a local authority governor

Appendix B

- has fair open and transparent procedures for selection and nomination
- has established a robust procedure for matching individual nominees with the skills requirements identified by each governing body
- ensures that local authority governors are provided with access to information outlining Kent's education policy, aims, objectives, and targets
- has established clear and fair criteria and procedures for the removal of local authority governors

Selection of nominees for vacant posts

1. Elected members are provided with recruitment resources and vacancy information
2. The GB identifies skills required for a particular vacancy and provides additional information about their governing body needs
3. Potential nominees receive further information (role expectations, an application form and a skills audit) and returns completed forms to Governor Services
4. Initial matching exercise undertaken by Governor Services and GAP report prepared
5. Nominations are discussed and approved by GAP members
6. Nominees provided with any additional school based information and encouraged to make contact with the Chair of Governors and/or make a visit to the school/observe a governing body meeting
7. Approved nomination(s) passed to the school for appointment
8. Nominee appointed by the governing body and LA notified
9. Nominee rejected – decision and reasons in writing to the LA, and to the person rejected

The role of elected members

1. Attend an annual briefing on school governance
2. Receive regular vacancy reports
3. Have access to appropriate resources
4. Share recruitment materials and invite nominations
5. Sign application forms

6. Be proactive in encouraging nominee applications

Supporting Resources

1. Individual Governor Application form accompanied by an National Governors' Association (NGA) skills audit
2. Disqualification Criteria (appendix F)
3. Governing Body request for LA governor nomination form (appendix C)
4. Member's recruitment resources (role expectations, marketing materials etc)
5. Protocols for an Annual Briefing session for local authority governors
6. Procedure for removing surplus local authority governors

Appointment Form overview

- Disqualification criteria
- Evidence of the skills and experience (skills audit)
- Role expectations shared
- Their commitment to undertake training to develop or acquire the skills to be an effective governor
- How they plan to contribute to the work of the governing body

Governing Body request for nominee form

- Outline of skills required
- Other eligibility criteria (Code of Conduct etc)
- Term of office (if less than 4 years)
- Frequency and time of meetings
- Committee structure and any additional requirements

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GOVERNING BODY REQUEST FOR LOCAL AUTHORITY GOVERNOR NOMINATION

Name of School	
Address	
Chair of Governors	
Contact	Telephone: Email address:
Identified Skills Set	<i>With reference to the attached NGA Skills Audit and any additional governing body requirements</i>
Term of office (if other 4 years)	
Frequency and time of governing body meetings	Full governing Body meeting: Committees (if applicable)
Other eligibility criteria	e.g. copy of your Code of Conduct

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Process for the Removal of local authority governors

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.

Procedure

1. The governing body makes a formal written proposal to KCC Governor Appointment Panel (GAP) for removal of a local authority governor, giving reasons for the proposal
2. The proposal for removal is shared with the governor concerned, and he/she is provided with an opportunity to provide a written response
3. A panel of 3 elected members is convened by GAP to consider the removal proposal and the governor response
4. an investigation may be commissioned by the panel if they feel they have insufficient evidence on which to base their decision
5. a decision is reached and shared with the individual governor concerned and governing body that made the proposal
6. the individual is informed of their right of appeal

Appeal

1. Further information is sought and/or provided by either or both parties
2. A panel of 3 (previously uninvolved) elected members is convened to consider the proposal, finding of the original hearing, and any additional information provided
3. The panel reach a decision and share with the individual governor and the governing body

*Local authority governors may be **disqualified** from continuing to serve if they meet the grounds for disqualification*

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KENT COUNTY COUNCIL GUIDELINES FOR THE NOMINATION 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 LA 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 the skill set identified by the appointing school.

Candidates will be considered for nomination to a governing body vacancy by reference to a completed application form, and matching to the identified skill set

A member of staff who works at the school cannot be appointed as a local authority governor.

All candidates for nomination must conform in full with the qualifications and disqualifications specified in The School Governance (Constitution) (England) Regulations 2014.

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 or re-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)

Appendix E

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

Re-appointment

Because appointment is at governing body level, if a person continues to meet the skills requirements, the governing body can make an appointment for a further term of office providing they have satisfied the following conditions.

- within 2 months of the end of the governors' term of office, the governing body provides to the panel
- a statement from the governor outlining the contribution they have made to the effectiveness of the governing body over their term of office, and
- a statement from the governing body supporting their reappointment

The Governor Appointments Panel's Discretion

GAP has the discretion to agree to the nomination 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 DATE. They take into account changes arising from the Education Act 2002: specifically, the new School Governance (procedures) (England) Regulations 2014, the Education and Inspections Act 2006, and The School Governance (Constitution) (England) Regulations 2014.

Governor 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:

Appendix F

- 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
- Is subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008
- Is disqualified from working with children or from registering for child-minding 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.

By: Peter Sass, Head of Democratic Services
Linda Lissimore, Head of Governor Services

To: Governor Appointments Panel – 3 September 2014

Subject: Requested removal of an LEA Governor

Classification Unrestricted

Summary: A school has decided to suspend a Local Authority Governor and has asked Kent County Council to remove her from its Governing Body. This report sets out a suggested procedure for the Panel to consider this request.

1. Introduction

(1) Kent County Council has received a request from a School to remove a Local Authority Governor. She has been suspended for 2 periods of 6 months (the maximum available under regulation). The Governor Appointments Panel would not be entitled to override this suspension. It can, however, decide either to remove the Governor or to not do so and recommend to the School that the suspension should be lifted. In the event that the latter option is agreed, the Panel would be able to appoint her to another School's Governing Body.

2. The Procedure

(1) The current procedure for considering a request for removal of a school governor was agreed by Selection and Member Services Committee at its meeting on 10 May 2002. It sets out that:

In cases where a request is received from a school to remove a Governor, it is the Local Authority's policy to initially promote conciliation between all the parties involved.

When conciliation fails each party is requested to submit a detailed statement of case together with all documents upon which they wish to place reliance to the Head of Democratic Services at least 10 working days before the meeting to consider the matter. The Head of Democratic Services will then serve the bundles upon the opposing party and request that any further comments be made in writing, to be received by the Head of Democratic Services no later than 5 working days before the hearing. The paperwork in full will then be provided to the Members of the Panel. Documentation not disclosed or arguments not advanced in this fashion will not, save in exceptional circumstances, be allowed in evidence.

A meeting of the Governor Appointments Panel then determines whether there is sufficient evidence available to enable it to make a decision as to whether the Governor should be removed. If so, it will then proceed to consider the papers before making a decision.

Should the Panel agree that no such decision is possible it will then decide what further steps need to be taken to enable it to reach a decision.

(2) The Panel has only been required to consider one removal request under this procedure since its adoption.

3. The Implications of the Procedure Review

(1) The Panel is entitled to use the current procedure. This would have the benefit of enabling the Panel to consider written representations at its next meeting on 3 October 2014. Alternatively, the Panel could decide to defer consideration of this case until the draft process (agenda item 4) has been approved by Selection and Member Services Committee at its meeting on 8 October 2014. This course of action could delay the eventual consideration of the request to the Panel's meeting on 21 November 2014.

(2) The Articles of the County Council's Constitution specify that where the Constitution permits the Council to choose between different courses of action, it will choose that option which is closest to the role and purposes stated in Article 1.1. One of this Article's stated methods for improving the quality of life of the people of Kent is to arrange "delivery of responsive, accessible and cost-effective services with policies driven by the sole purpose of serving all Kent residents and Council Tax payers".

(3) As there are no significant cost implications arising out of a decision on which particular procedure should be used, it is considered that the most appropriate qualities are "responsive" and "accessible". This would be achieved by offering the both parties the opportunity to express a preference as to which procedure they would prefer to use. The wishes of the Governor would be paramount.

(4) If the recommended draft process is adopted by Selection and Member Services Committee, the effect of enabling the Governor to opt for the current procedure would be that all Members of the Panel would consider the written representations on 3 October and there would be no automatic right of appeal. It would be open to the Panel to offer her that opportunity. It could even specify the number of Members who should hear it.

(5) If the Governor were to prefer the procedure as eventually adopted by Selection and Member Services Committee, arrangements would need to be made as soon as possible after 8 October for a Panel of 3 Members (*2 Conservative and 1 Opposition in accordance with the legislation on proportionality*) to meet by 21 November at the latest.

4. RECOMMENDATION

The Panel is recommended to offer the Governor concerned the opportunity to have the request for her removal considered at the next Panel meeting on 3 October 2014 under the current procedure. If she would prefer to have the request considered under the future procedure, this will be reported to the 3 October meeting which should then nominate the Members to serve on the first Panel.

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Background Documents: None

