

**By:** Strategic Director Education & Libraries

**To:** Governor Appointments Panel – 27<sup>th</sup> April 2012

**Subject:** NEW SCHOOL GOVERNOR CONSTITUTION REGULATIONS

**Classification:** Unrestricted

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**Summary:** This report sets out the implications of the Education Act 2012 for the work of the Governor Appointments Panel and recommends a new process for appointments.

## **FOR DECISION**

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### Background

1.1 The Education Act 2012 reached Royal Ascent in November 2011. In light of the Act new regulations have been released and will come into force as of September 2012. These will provide Governing Bodies new freedoms to decide their constitution and membership.

1.2 Under The School Governance (Constitution) (England) Regulations 2007 the make up of a governing body was formulated on the basis of stakeholder interest. These regulations have now been revoked and replaced with The School Governance (Constitution) (England) Regulations 2012 which places a much greater emphasis on skill set of governing bodies rather than stakeholder representation.

### Revocation and Transition

2.1 The new regulations will come into effect as of September 2012 but not all schools will automatically fall under these regulations. Although it will not be mandatory for schools to reconstitute, those that decide to change their composition after 1<sup>st</sup> September 2012 will be governed by the 2012 regulations. Governing Bodies that decide not to change will remain subject to the 2007 regulations. Although this will provide time to ensure that a robust appointment system is tested and in place to manage the appointment process, it will be necessary for a new process to be ready for implementation on the 1<sup>st</sup> September 2012.

### Local Authority Governors under the 2012 Regulations

3.1 There are some significant differences between the regulations the first being that all governing bodies need now only have a minimum of one Local Authority Governor within their number.

3.2 Although this reduction will have an implication on the overall representation of the Local Authority at Governing Body level, the greatest changes come in the form of the description of a Local Authority Governor. The regulations outline the following:

#### **“Local authority governor**

8. In these Regulations “local authority governor” means a person who—

(a) is nominated by the local authority; and

(b) is appointed as a governor by the governing body having, in the opinion of the governing body, met any eligibility criteria that they have set.”

3.3 In line with the aforementioned the Local Authority no longer has the right to appoint nominees. This has significant implications on the current GAP process. The governing body will be entitled to consider the skill set of any nominee above any other factor, therefore the process for appointing Local Authority Governors will need to take into account the interests of the Governing Body much more so than at present.

#### Recommended process for appointments

4.1 In light of the new regulations Governor Services have produced the following as a potential process for appointments of Local Authority Governors under the new regulations. The process ensures that the schools take the reins in terms of ensuring they find a candidate that is suitable for their required skill set whilst at the same time ensuring that the nominee meets the guidelines for appointment.

1. *The Governing body perform a skills audit and provide the details of this along with a completed skills audit form to Governor Services*
2. *Governor Services publish the Governor Appointments Panel report online once per month with school contact details as well as the details of the Skill set required as outlined by the governing body.*
3. *Applicants are invited to apply to the school directly via the contact details found online.*
4. *The Governing body interview and consider applications.*
5. *Once a suitable candidate is found by the Governors, details are sent to governor services to cross reference against the Guidelines for Appointment of Authority Governors.*
6. *Where a candidate meets the guidelines for appointment a letter is sent to the school advising them to appoint the candidate at the next available Governing Body meeting.*
7. *Candidates who do not meet the guidelines for appointment are considered by the Members of the GAP panel.*
8. *Governor Services write to the school based on the member's decision to support or not.*

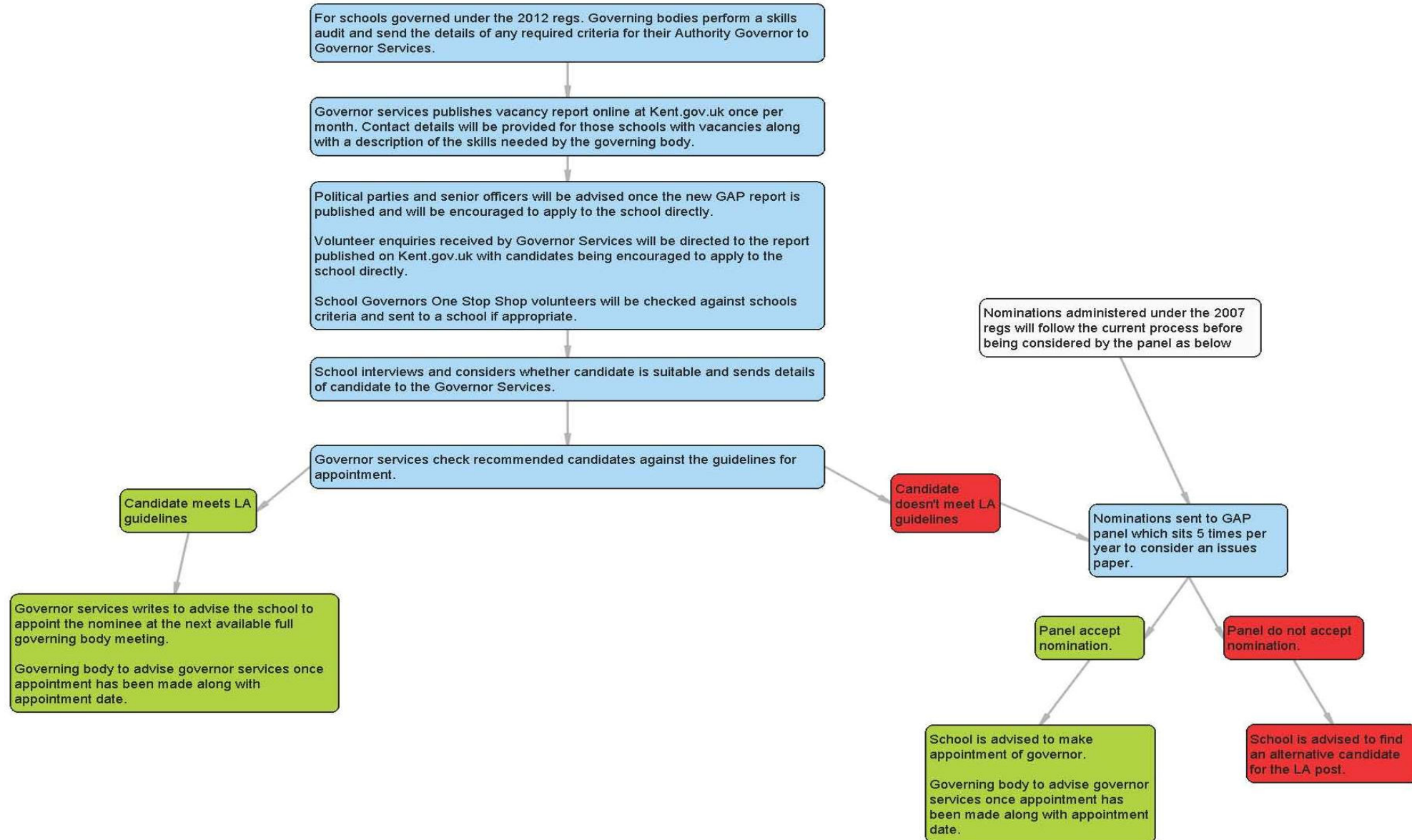
A more detailed diagram of the proposal is attached to this document at **Appendix 1** together with a draft copy of the Local Authority Governor Criteria form at **Appendix 2**.

#### **Recommendations**

5.1 Members are recommended to agree the process set out in paragraph 4.1 above from September 2012.

Linda Lissimore  
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*Background Documents None*

## Proposed Local Authority Appointment Procedures



## Appendix 2

### Local Authority Governor Criteria Form

In light of the Education Act 2011, Governing bodies have now been given greater freedoms to decide their membership under The School Governance (Constitution) (England) Regulations 2012. As a result of these freedoms, greater emphasis has been placed on ensuring that Governing Bodies are skills focused and this includes the position of Local Authority Governor.

Our records indicate that you currently have a position for an Authority Governor on your governing body. This position will be advertised via Kent.gov.uk with interested parties being invited to contact the school directly. In order to ensure that suitable candidates approach the school, we would be grateful if you could provide the details of the key skills required by the governing body. The details provided within this statement will be included with the schools details on the website and therefore would be grateful if your statement did not exceed 100 words.

It is recommended that the governing body complete a skills audit (models are available via the Kent Trust Web) in order to assess the strengths, weaknesses and skills most needed by the Governing Body.

Skills required	How will this benefit the Governing body

Please provide copies of relevant minutes which record and confirm that the audit has taken place. Copies of all documents will be kept by Governor Services for future reference.

Completed forms and evidence should be returned to

[Schoolgovernor@kent.gov.uk](mailto:Schoolgovernor@kent.gov.uk)

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Shepway Centre, Oxford Road  
Maidstone, Kent, ME15 8AW