

By: Strategic Director Education & Libraries
To: Governor Appointments Panel – 29th June 2012
Subject: NEW SCHOOL GOVERNOR CONSTITUTION REGULATIONS
Classification: Unrestricted

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

Background

1.1 The School Governance (Constitution) (England) Regulations 2012 provide governing bodies with greater flexibility to decide and find governors which fit a desired skill set rather than simply a stakeholder. These new flexibilities have an impact on the Local Authorities representation on each body.

1.2 At the Governor Appointments Panel meeting which took place 27 April 2012, members were presented with a proposal for a new process for the approval of Local Authority Governors to governing bodies where they reconstitute after 1st September 2012.

Revocation and Transition

2.1 To reiterate the details provided previously, the new regulations will come into effect as of September 2012 but are permissive rather than prescriptive. However those schools that decide to change their governing body composition after 1st September 2012 will be governed by the 2012 regulations. Governing Bodies that decide not to reconstitute will remain subject to the 2007 regulations. This will provide time to ensure that a robust appointment system is tested and fit for purpose. It will be necessary for the new process to be ready for implementation on the 1st September 2012.

Local Authority Governors under the 2012 Regulations

3.1 The main differences which affect the current process are as follows

- a) Governing Bodies may choose to have a minimum of one Local Authority Governor
- b) The Local Authority no longer has the right to appoint candidates to LA governor posts. In principle the Local Authorities role will now become that of an approver of nominees.

Recommended process for appointments

4.1 Following feedback from the previous GAP meeting Governor Services have revised the process to address some additional concerns. The intention of the new process is to ensure that schools take responsibility for finding potential candidates which meet their needs, while at the same time making sure that the nominee meets the Local Authorities guidelines for appointment and any other criteria that the Local Authority prescribes to safeguard its stakeholder interest.

1. *When a Local Authority position becomes available on a governing body, the school is contacted and advised to perform a skills audit and complete a skills audit form which is then sent to Governor Services. Within this form Governing Bodies will provide the details of skills required as well as providing the name of a school contact for potential applicants.*
2. *Governor Services publish the details provided by the Governing Body in the Local Authority Vacancy Report online via Kent.gov.uk once per month, together with a message for any interested parties to contact the school directly using the named contact above.*
3. *All interested parties, regardless of the route which they take to become a governor (political party, volunteer etc) are directed to the Kent.gov.uk website to review the posts available and advised via the report to contact the school directly.*
4. *The Governing body consider any interested applicants and interview them.*
5. *The details of all potential candidates are sent to Governor Services who cross reference their details against the Guidelines for Appointment of Authority Governors.*
6. *Where a single candidate meets the guidelines for appointment a letter is sent to the clerk of the governing body advising them to appoint the candidate at the next available Governing Body meeting. The clerk will be asked to advise governor services of the appointment date once this has taken place..*
7. *Where there is more than one suitable candidate or a proposed candidate does not meet the guidelines for appointment, the details are considered by the Members of the Governor Appointment Panel.*
8. *The Panel consider applicants on an issues paper 5 times per year. Members consider the information provided in the nomination form by the candidate, the supporting details offered by the school and any other pertinent factors.*
9. *Governor Services write to the school based on the member's decision to support a nomination or not.*

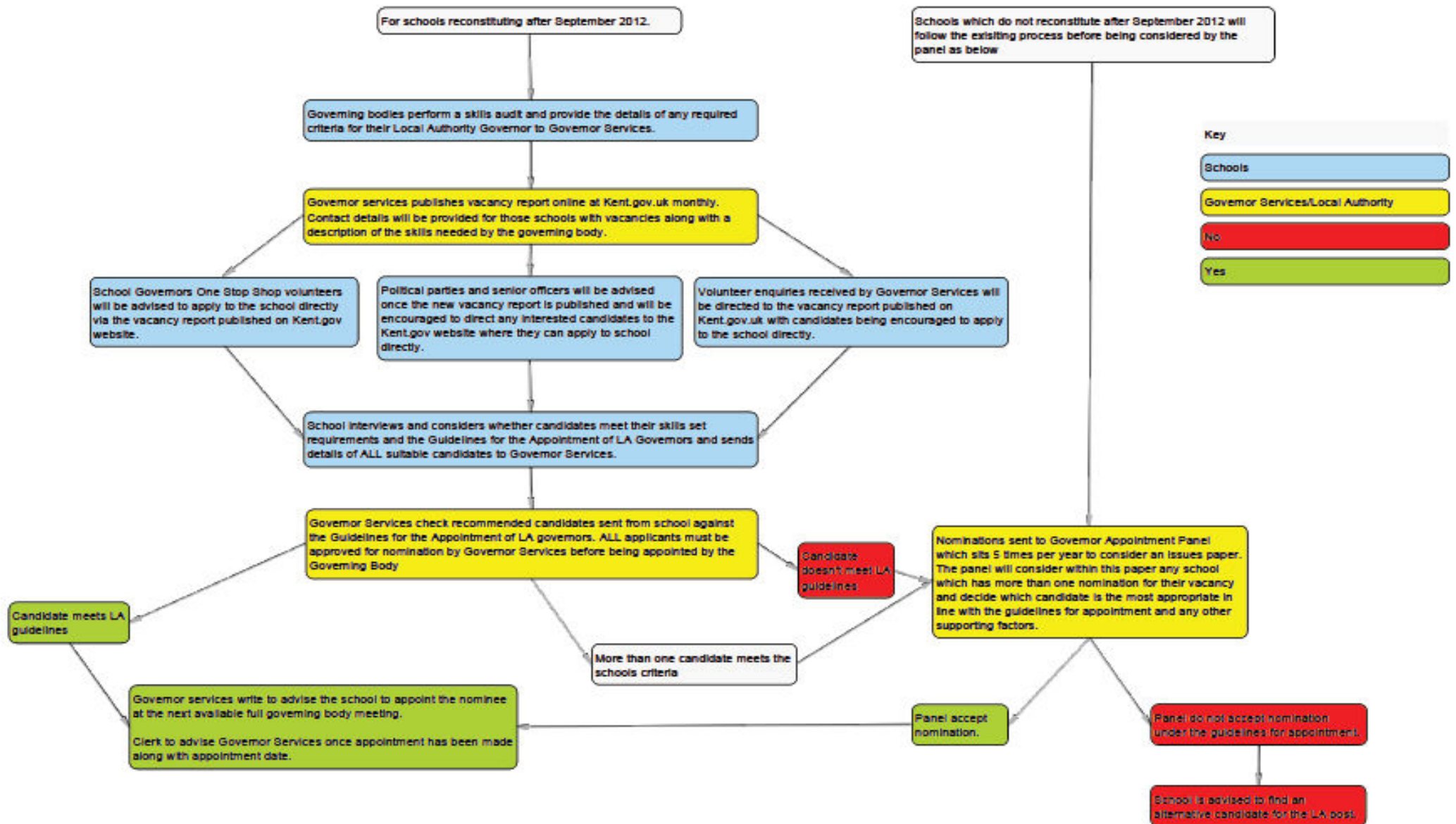
A detailed diagram of the proposal is attached to this document at **Appendix 1** together with a draft copy of the Local Authority Governor Criteria form at **Appendix 2**, a model format for the Vacancy report **Appendix 3** and recommendations for some revised appointment Guidelines **Appendix 4**.

Recommendations

5.1 Members are recommended to agree the process set out in paragraph 4.1 above from September 2012 with a review in September 2013.

Linda Lissimore
Interim Manager of Governor Services
Tel: 01622 203800
Background Documents None

Proposed Local Authority Appointment Procedures from September 2012



Appendix 2 Local Authority Criteria Form

The School Governance (Constitution) (England) Regulations 2012 has provided Governing Bodies with greater freedoms to decide their membership. This freedom places a greater emphasis on ensuring a focus on skill set and includes the position of Local Authority Governor.

Our records indicate that you have a vacant position for a Local 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 three core skills required by the governing body as well as some details relating why these would help you to improve the school. The details provided within this statement will be used directly within the vacancy report on the website and therefore we 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 [insert web link here](#)) in order to assess the strengths, weaknesses and skills most needed by the Governing Body.

Skills required	How will this be utilised the Governing body	
1.		
2.		
3.		
School Contact		
Name	Contact number	Contact Address

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

or

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

Appendix 3 Model Local Authority Governor vacancy report

The details provided below offer a general view of the type of skills required at each governing body. If you are interested in a post or require further information, please make contact directly using the details provided. These details and vacancies are correct at the time of publication and are subject to change.

School Name and Address	School Contact name and Number	Number of Posts Vacant	Post Vacant Since	Skills required	
A School, School Lane, Kent	Mrs C, Clerk	1	01/12/2012	<ul style="list-style-type: none"> •Strategic Management •HR/ Staffing •Marketing 	A School is currently in the process of investigating Academy status and so is looking for any candidates who can support us in this process. Candidates with experience in these fields would be most welcome.
B CE Primary School, New School Road, Kent	Mr C, Hair	1	03/04/2011	<ul style="list-style-type: none"> •Finance 	Our school is currently lacking in governor with Financial expertise to help with our budget and would welcome any applicants who are willing to help in this field.
C School for the Arts, School Road, Kent	Mr Clerk	1	03/06/2010	<ul style="list-style-type: none"> •Finance •Health and Safety •Planning and Surveying 	We require governors with the following skills to help our governing body
The Federation of D Schools, Kent	Mrs H, Teacher	2	13/02/2012	<ul style="list-style-type: none"> •Time To Spare •Willingness to contribute •Wants to help us succeed 	Having recently federated our schools require committed individuals who are ready for the challenges involved in holding more than one school to account. Any applicant is welcome to help bolster our combined knowledge and expertise but a willingness to contribute during meetings and undertake monitoring visits during the day is essential.

GUIDELINES FOR THE APPOINTMENT OF AUTHORITY GOVERNORS SEPTEMBER 2012

All governing bodies have at least one local authority governor post as part of their membership. The Governor Appointment Panel (GAP) is responsible for approving nominations and in very rare circumstances removing authority governors.

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.

Nominations for appointment will be considered from political groups, Kent Governor Services, School Governors Once Stop Shop, and the school where there is a vacancy.

GAP have agreed the following guidelines for the appointment of Local Authority governors which will also take account of any relevant comments received from the headteacher, governing body or LA officers before recommending a nominee for appointment.

A person is unlikely to be successfully nominated to a school if he/she;

1. Is a member of staff in a Kent funded school. This because they can apply to become a staff governor at their school. A person who volunteers at the school may be considered.
2. Is a parent of a child attending same school. This is because they can already apply to become a parent governor at their school.
3. Is related to a member of staff or a member of the 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 complaints of a vexatious nature to either the school or the LA
7. Where there is more than one person wishing to be the Local Authority Governor for a school, the following priority will occur:
 - a) an existing Authority governor with an attendance record of at least 2/3.
 - b) the local County Councillor.
 - c) a nomination supported by a political group.
 - d) any other suitable nomination.

Reappointment

8. The length of time a person serves as an authority governor is between 1 and 4 years. A person can be re-appointed for a further 1-4 years provided he or she:

- i) Has attended at least 2/3 of the governing body meetings or explains their absence and agrees to improve attendance.

ii) Has attended at least one session of governor training during each year of their previous term.

iii) Nominees who are parents of children at the school at the time of their re-appointment will be considered by the panel at their meeting. The time that the child is to remain in the school will be considered when making a decision.

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

The original guidelines were agreed by the former Case Sub-Committee at its meeting on 9 April 2001.

These Guidelines have been amended to take into account changes arising from the Education

Amendments September 2012 and agreed by the Governor Appointments Panel at its meeting on 29 June

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