

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

Patrick Leeson, Corporate Director for Education, Learning and Skills

**To: Education and Young People Services Cabinet Committee
– 22 April 2014**

Subject: Recruitment of Local Authority Governors

Classification: Unrestricted

Electoral Division: All

Summary:

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

However, in the consultation phase, major changes to the proposed regulatory changes are not expected.

Recommendation(s):

Education and Young People's Services Cabinet Committee is asked to consider and comment on the proposals set out in this paper to:-

- (i) Revise the duties of the Governor Appointment Panel (GAP)
- (ii) Consult on and agree new processes and procedures
- (iii) Strengthen the quality of local authority representation on governing bodies

1.1 In December 2013, the Education Cabinet Committee was asked to consider a report on the recruitment and training of local authority governors recommending

- the review of nomination and appointment procedures for local authority governors
- a briefing session for elected members on the roles and responsibilities of 2013 school governance, with the aim of improving the quality and quantity of nominations in 2014
- support for all newly appointed local authority governors to attend a face to face induction event

1.2 In January 2014, the Department for Education (DFE) opened a consultation on two proposed major regulatory changes which will have an impact on local authority governor representation in maintained schools.

- i. From 1 September 2014, all appointed governors will be selected for the skills and experience they bring to the role
 - ii. By September 2015, all maintained school governing bodies will be required to reconstitute under the 2012 constitution regulations with a maximum of one local authority governor
- 1.3 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), and potentially 139 serving KCC governors removed from their current posts as 'surplus governors'. As this will need to be achieved on a skills basis, the authority will require a new approach to the process of selection and appointment, including a mechanism to identify 'surplus' KCC governors.
- 1.4 All governing bodies will be required to identify a skills set for each vacancy as it arises, including local authority governor positions.
- 1.5 Changes are proposed to all the stakeholder groups (with the exception of foundation governors) with new minimums of one headteacher governor, one staff governor, one local authority governor; and two parent governors. The remaining appointments will be to a new category that of co-opted governor, with the governing body making the appointments based on the skills of the individual when matched with the needs of the governing body.
- 1.6 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 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 to one of 'nominating a suitably skilled individual' for the role, with the governing body 'making' the appointment at school level.
- 2.3 To date, only 23% of Kent maintained schools have chosen to reconstitute under the 2012 regulations, with all local authority nominees being appointed. All maintained schools will be required to reconstitute under the 2012 regulations by September 2015, if they have not already done so.

Approximately 342 governing bodies will therefore need to undertake this process over the next 17 months.

2.4 Currently, 77% 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*, which means one per school. Currently there are 583 individual serving local authority governors.

2.5 KCC will be required to have a skills based process in place to select which 444 of the 583 serving local authority governors are retained, reassigned or removed. There is the potential to have a 0% vacancy rate by September 2015.

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

- Subject to reduction as schools convert to academy status

3. Strengthen the quality and 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 It is proposed that the local authority introduce with effect from September 2014, 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 would be made available to all governors on the KELS I governor pages.

- 3.4 The role description for a Local authority governor (**draft attached**) would 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 It is further proposed that KCC provides elected members with governor recruitment resources, including the role descriptions above and invites 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 members of a cross party sub-group of the Selection and Member Services Committee known as 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 (to be drafted once regulations are approved)
 - A set of guidelines for appointment (**draft attached**)
- 4.2 The panel is supported in its decisions by KCC's Governor Services 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 reduces local authority representation on the governing body and with the proposed changes may leave the local authority unrepresented when only one post 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 By September 2015, KCC will have made decisions about which serving local authority governors will remain in post, be reassigned, or removed from office as surplus governors, again based on the skills identified by each governing body.
- 4.6 It is proposed to revise the duties of GAP from September 2014 to

- Manage the de-selection process for local authority governors as governing bodies reconstitute under the 2012 regulations for the period to September 2015 **(draft process to be finalised once regulations approved)**
- Identify suitable nominees for the post of local authority governor from September 2014 **(draft process attached)**
- Make decisions about the removal from office of a local authority governor **(draft process attached)**

5. 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.

6. Recommendation(s)

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6. Background Documents

- 6.1 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
- 6.2. 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
- 6.3 Appendix 1 (Draft) Role of the Local Authority Governor
- 6.4 Appendix 2a & 2b (Draft) Process for the Removal of a local authority governor

6.5 Appendix 3 (Draft) KCC Procedures and Guidelines for the appoint of local authority governors

6.6 Appendix 4 (Draft)The Role of the Governor Appointment Panel (GAP)

7. Contact details

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