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To: Governor Appointments Panel – 3 September 2014

Subject: Requested removal of an LEA Governor

Classification Unrestricted

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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.

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## **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

