

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

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**To: Selection and Member Services Committee – 8 October 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 which were introduced on 1 September 2014 to be implemented by 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. The Governor Appointments Panel considered those recommendations relating to school governance at a special meeting on 3 September 2014 and this report has been written in the light of its views.

**Recommendation(s):**

The Committee is invited to agree new guidelines for the appointment and removal of Authority Governors.

**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
<b>Totals</b>	<b>444</b>	<b>747</b>	<b>583</b>	<b>164</b>	<b>139</b>

### 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 KELSI 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 as soon as possible after 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**. It takes account of GAP's recommendation that the process should enable the Cabinet Member for Education and Health Reform, the Local Member and the Corporate Director for Education and Young People's Services as well as the governing body to make a written proposal for removal of an authority governor.

## 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 Committee is recommended to agree new guidelines for the appointment and removal of Authority Governors 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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### *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](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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270670/School_governance_constitution_regulations_final_CC.pdf)