

KENT COUNTY COUNCIL

GOVERNOR APPOINTMENTS PANEL – REMOVAL REQUEST PANEL

MINUTES of a meeting of the Governor Appointments Panel – Removal Request Panel held in the Swale 2, Sessions House, County Hall, Maidstone on Friday, 24 July 2015.

PRESENT: Mr D L Brazier (Chairman), Miss S J Carey and Ms A Harrison

OFFICERS: Mr S Patel (Senior Solicitor), Mr L Round (Governor Support Officer) and Mr A Tait (Democratic Services Officer)

EXEMPT ITEMS (Open Access to Minutes)

(Members resolved under Section 100A of the Local Government Act 1972 that the public be excluded from the meeting for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 5 of Part 1 of Schedule 12A of the Act.)

1. Request for the removal of a Local Authority Governor (Item B1)

(1) The Panel considered a request from St Peter's CEP School for the removal of a Local Authority Governor.

(2) The Panel firstly considered whether the allegations made by the School against the Governor were true. These were:-

(a) that she had sent a private and confidential document to all members of staff before forwarding it on to the Governing Body;

(b) that she had been in regular contact with the suspended member of staff (the Head Teacher) after all the governors had been told by the Local Authority that they needed to remain untainted and should not have any contact with the member of staff;

(c) that she assisted the suspended member of staff to breach the grounds of his suspension;

(d) matters arising since the suspension of the member of staff; and

(e) that she had brought the Governing Body of St Peter's School into disrepute.

(3) The Panel considered that, on the balance of probabilities, there was sufficient evidence to enable it to conclude that allegations (a) and (b) were substantiated. The Panel did not feel it had sufficient information to come to a definitive conclusion on allegations (c), (d) and (e).

(4) The Panel moved on to consider whether the Governor had breached the School's Code of Practice by carrying out the actions set out in (a) and (b) above. It was the Panel's view that she had breached four of its provisions. These were:-

6) *We understand that we have no legal authority to act individually, make statements or express opinions on behalf of the governing body except when the governing body has given delegated authority to do so.*

10) *We will express our views openly within meetings but accept collective responsibility for all decisions.*

16) *We will respect complete confidentiality of those items of business which the governing body decides from time to time should remain confidential, especially in relation to matters concerning individual staff or pupils;*

17) *We respect the discussions on which the decisions are based will be regarded as confidential although decisions reached at governors' meetings will normally be made public through minutes or otherwise.*

(5) The final stage of the Panel's deliberations was to consider whether these breaches of the Code justified the Governor's removal. It was the Panel's view that it had the responsibility to ensure that those people who were appointed as its representatives on Governing Bodies should follow their School's Code of Practice in full. It understood that the Governor considered that she had cause to breach the Code and that she was adamant that she and the member of staff had not discussed anything of relevance to his case. The Panel considered these points to be immaterial, particularly as the Code was specific about the need for collective responsibility in the event of open disagreement within the governing body and that it did not give delegated authority to any of its members to act individually.

(6) The Panel also considered the Governor's concerns about her suspension and asked itself whether this might constitute a mitigating factor. It took note of the letter from the DfE to the Governing Body of 16 May 2014 in which it stated that no breach of the statutory regulations had been identified.

(7) RESOLVED that the request by St Peter's CE Primary School for the removal of a Local Authority Governor be agreed subject to her right of appeal against the decision.