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NOTICE OF MEETING

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CABINET LOCAL AUTHORITY GOVERNORS APPOINTMENTS SUB COMMITTEE

will meet on

THURSDAY, 5TH OCTOBER, 2017

At 4.30 pm

in the

MAY ROOM - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF CABINET LOCAL AUTHORITY GOVERNORS APPOINTMENTS SUB COMMITTEE

COUNCILLORS NATASHA AIREY (CHAIRMAN), MJ SAUNDERS,
SAMANTHA RAYNER & DAVID COPPINGER

PRINCIPAL MEMBERS ALSO ATTENDING: COUNCILLORS CHRISTINE BATESON

Karen Shepherd - Democratic Services Manager - Issued: Wednesday, 27 September 2017

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Karen Shepherd** 01628 796529

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive and apologies for absence	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest	5 - 6
3.	<u>MINUTES</u> To consider the Part I minutes of the meeting held on 27 July 2017	7 - 8
4.	<u>APPOINTMENT OF LOCAL AUTHORITY REPRESENTATIVES TO GOVERNING BODIES OF SCHOOLS IN THE ROYAL BOROUGH</u> To consider the above report	9 - 14
5.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> To consider passing the following resolution:- "That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 6-7 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"	

PART II PRIVATE MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
6.	<u>MINUTES</u> To consider the Part II minutes of the meeting held on 27 July 2017 <i>(Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	15 - 16
7.	<u>APPOINTMENT OF LOCAL AUTHORITY REPRESENTATIVES TO GOVERNING BODIES OF SCHOOLS IN THE ROYAL BOROUGH - APPENDIX</u> To note the appendices to the earlier Part I report <i>(Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	17 - 44

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Agenda Item 3

CABINET LOCAL AUTHORITY GOVERNORS APPOINTMENTS SUB COMMITTEE

THURSDAY, 27 JULY 2017

PRESENT: Councillors Natasha Airey (Chairman), MJ Saunders, Samantha Rayner, Christine Bateson and David Coppinger

Officers: Shilpa Manek

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Jack Rankin. Councillor David Coppinger attended as a substitute.

Councillor MJ Saunders wished his apologies for previous meetings be recorded.

DECLARATIONS OF INTEREST

None received.

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 30 May 2017 be approved.

APPOINTMENT OF LOCAL AUTHORITY REPRESENTATIVES TO GOVERNING BODIES OF SCHOOLS IN THE ROYAL BOROUGH

The Sub Committee considered the latest list of vacancies and candidates for LA representatives to Governing Bodies of Schools in the Royal Borough, as detailed in section 2.1 of the report.

In relation to the application by Mr Jeremy Spooner, the Sub Committee noted that the administrator had not yet heard back from the school as it was the lead up to the school end of term. The Chairman suggested that, rather than deferring the appointment to the next meeting, the Sub Committee should recommend the candidate for appointment subject to the school being able to meet the candidate and providing positive feedback.

Members noted that a previous vacancy that had been recommended had now ceased as the school had converted to an academy and no longer required a LA Governor.

RESOLVED UNANIMOUSLY: That:

- i) **Mrs Gillian Cocklin be recommended for appointment to the Nursery Federation Cookham, Windsor and The Lawns.**
- ii) **Mr Jeremy Spooner be recommended for appointment to Furze Platt Infant School subject to the school being able to meet with the candidate and providing positive feedback.**

- iii) **A list of vacancies for LA Governor positions be sent to the applicant who had applied for the vacancy at the school that had converted to an academy.**

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion took place on items 6-7 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1-7 of part I of Schedule 12A of the Act.

The meeting, which began at 6.00 pm, finished at 6.05 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

Report Title:	Appointment of Local Authority Representatives to Governing Bodies of Schools in the Royal Borough
Contains Confidential or Exempt Information?	Part I except for - YES – Appendix A Part II (Not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)
Member reporting:	Cllr Natasha Airey, Lead Member for Children's Services
Meeting and Date:	Cabinet Local Authority Governors Appointments Sub Committee – 5 October 2017
Responsible Officer(s):	Alison Alexander, Managing Director Mary Kilner, Head of Law and Governance
Wards affected:	Boyn Hill, Clewer North, Clewer South, Maidenhead Riverside, Old Windsor and Hurley and Walthams.

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REPORT SUMMARY

1. This report deals with vacancies that have arisen or will shortly arise for Local Authority (LA) representatives on school governing bodies, of maintained or academy schools, within the Royal Borough, and of nominations that have been received, so that appointments/recommendations may be made.
2. These recommendations are being made in order that the LA may be represented on school governing bodies.
3. There are no financial implications for the Council.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet Local Authority Governors Appointments Sub Committee notes the report and:

- i. **Appoint/reappoint or recommend for appointment/reappointment the most suitable applicants.**
- ii. **Notes the approach taken by Academies within The Royal Borough of Windsor and Maidenhead in relation to the Local Authority governor representative role, as detailed in Table 4.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 These recommendations are made in order that the Local Authority may be represented on school governing bodies.

Table 1: Options

Option	Comments
To select/recommend an appropriate applicant from those	If it is deemed that the skills and knowledge of the applicants meet the

Option	Comments
available.	needs of the schools it will be an advantage to the governance resource of that school to endorse the application immediately.
Recommended option.	
To defer some/all appointments/recommendations to a future meeting.	The DfE recommends that appointments should normally be made to fill vacancies within three months. Any deferral could delay this process.
Not recommended.	
To note the approach taken by each Academy in relation to the LA governor representative role.	There is no requirement for Academies to have an LA governor representative. However, if they choose to do so, there can be no more than one LA governor representative on the Academy's governing body.
N/A for this report.	

Applications received and Local Authority vacancies to-date

- 2.2 There are no Local Authority Governor vacancies where appointment is directly made by the LA Governors Appointments Sub Committee for consideration at this meeting.
- 2.3 There are five vacancies and four potential appointments, see table 2. Where applicants have come forward, these positions can all be considered and recommendations made to the School Governing Body under the statutory guidance on School Governance (Constitution) (England) Regulations 2012 by the Cabinet LA Governors Appointments Sub Committee.

Table 2: Sub-committee recommendations

School	Ward	Name of Applicant	Number of Vacancies	Vacant From	Comment
All Saints Junior School	Boyn Hill	Holly Naughton Sajjad Ahmed	1	15 November 2016	Comments from School in Appendix A.
Hilltop First School	Clewer South	Lars Swann	1	22 October 2016	Comments from School in Appendix A.
The Royal School	Old Windsor	Rachel Smillie	1	26 September 2017	Comments from School in Appendix A.
St Edwards Catholic First School	Clewer North	No applicant	1	18 September 2017	Position being advertised

School	Ward	Name of Applicant	Number of Vacancies	Vacant From	Comment
Woodlands Park Primary	Hurley and Walthams	Amran Hussain Sajjad Ahmed	1	10 June 2016	Awaiting School Comments

Governors seeking re-appointment

- 2.4 When a Local Authority Governor is nearing the end of their term a letter is sent to the governor inviting them to apply for re-appointment for a further term of office. In accordance with the terms of reference, current post holders are not required to complete a further application form, see table 3.

Table 3: Sub-committee reappointment recommendations

School	Ward	Term Ends	Applicants	Comment
Riverside Primary School	Maidenhead Riverside	19 November 2017	Simon Dudley	Awaiting School Comments

- 2.5 If the Sub Committee appoint/recommend where candidates are available (four recommendations for appointment), the vacancy rate will be 2.56% of all LA governors; this equates to one vacancy out of a total of 39 positions over all schools.

2.6 Academies' approach regarding the retention of LA appointed governors

There is no requirement for Academies to have a Local Authority governor representative. If they choose to do so, there can be no more than one LA governor representative on the Academy's governing body as per Department for Education (DfE) guidance. When schools are considering converting to academy status governor services will contact schools prior to the academy order being issued to establish ongoing requirements regarding the LA governor position going forward as an academy member. The Sub Committee is therefore requested to note the approach taken by each Academy as detailed in table 4.

Table 4: Academy approach to LA governor appointments

Academy	LA Governors Prior to Conversion to Academy Status	Academies' Approach Regarding the Retention of LA Appointed Governors
Bisham School	No LA Governor as they were an IEB not a governing board.	Bisham School is now part of the Ashley Hill Multi Academy Trust (Converted 1st September 2017) - Their Articles of Association does not require a LA governor on their local governing Board.

3. KEY IMPLICATIONS

Table 5: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Appointment to vacant LA Governor positions	<100%	100%	n/a	n/a	17 October 2017

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no financial implications of this report.

5. LEGAL IMPLICATIONS

5.1 Local Authorities are entitled to representation on the Governing Bodies (GB) of maintained schools in accordance with the School Governance (Constitution) (England) Regulations 2012. LA's are entitled to have only one LA governor on each Governing Body. A person may not be appointed as an LA governor if they are entitled to be a staff governor. The process as set out in Part 3 A, 2.17 of the Royal Borough Constitution, outlines the process for the appointment of school governors.

5.2 The School Governance (Constitution) (England) Regulations 2012 SI 2012/1034 regulations provide that for any GB:

- (i) constituted under an Instrument of Governance (IoG) that takes effect after 1 September 2012; or
- (ii) constituted under an IoG that took effect before 1 September 2012 who properly decide to vary that IoG post 1 September 2012

the Local Authority (LA) may only nominate a person to be appointed as a LA representative on that GB but that it would be the GB themselves who would decide whether the nominee meets the GB eligibility criteria i.e. the GB do not have to appoint the LA's appointed nominee.

N.B. the GB, as a public body, would be subject to the principles of public law i.e. any decision to reject a LA nominee would have to be reasonable and in accordance with any policy and eligibility criteria that they may have, which would also have to be reasonable.

5.3 In relation to Academies, there is no formal legal advice on the issue of LA governors, but there is informal guidance from the DfE. This states there is no obligation for the Academy to agree to include an LA governor in the governing body, but if they do so, then there can only be one and the LA can decide upon the specific identity of the LA governor.

5.4 In the first instance of an Academy being established, a trust/governing body will need to make sure that at any one time the number of LA associated

persons is not greater than 20% of the total number of governors/members. If this is the case then those governors/members who are deemed to be LA associated persons will have to resign in order of their appointment date – the most recently appointed resigning first.

6. RISK MANAGEMENT

Table 6: Risks and Mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
LA will not be represented on school governing bodies	Medium	Continuous advertising and promotion of vacancies plus monitoring of current LA governors' term of office end dates	Low

7. POTENTIAL IMPACTS

7.1 None.

8. CONSULTATION

- 8.1 Governing bodies are invited to comment on candidates' suitability for reappointment and to submit nominations to fill these and any casual vacancies that arise. Where a school has expressed a view, this is noted in the candidate's details as listed in the Part II appendix A.
- 8.2 Following the closing date for receipt of applications, those applicants who have not requested one particular school are matched to current vacancies, taking account of a variety of factors including any expressed requirements or preferences of both schools and candidates, and the proximity of a school to a candidate's home or business address. As far as possible, schools and applicants are then contacted to discuss options available and to ascertain that they have no objection to the recommendation proposed.
- 8.3 All Members will receive email notification when the Sub Committee agenda is published.

9. TIMETABLE FOR IMPLEMENTATION

Table 7: Timetable for Implementation

Date	Details
17 October 2017	On appointment or recommendation for appointment (subject to call-in) successful applicants and the relevant

Date	Details
	governing body are notified of the appointment in writing.
Ongoing following appointment	All new governors are provided with full training by Governor Services.

9.1 Implementation date if not called in: 17 October 2017

10. APPENDICES

10.1 Appendix A – Full details regarding candidates seeking appointment (Part II in accordance with the Data Protection Act 1998).

11. BACKGROUND DOCUMENTS

11.1 N/A

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Airey	Lead Member for Children's Services	27/09/17	27/09/17
Alison Alexander	Managing Director	25/09/17	No Comments
Mary Kilner	Head of Law and Governance	19/09/17	19/09/17
Kevin McDaniel	Director of Children's Services	19/09/17	No Comments
Karen Shepherd	Democratic Services Manager	12/09/17	12/09/17

REPORT HISTORY

Decision type: Key decision	Urgency item? No
Report Author: Shilpa Manek, Democratic Services Officer, 01628 796310	

Agenda Item 6

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 7

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