

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	Part I except for - YES – Appendix A Part II (Not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)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 – 30 May 2017
Responsible Officer(s):	Alison Alexander, Managing Director Mary Kilner, Head of Law and Governance
Wards affected:	Boyn Hill, Clewer South, Datchet, Furze Platt, Hurley and Walthams, Oldfield and Old Windsor.

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.**

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.

Option	Comments
To select/recommend an appropriate applicant from those available.	If it is deemed that the skills and knowledge of the applicants meet the needs of the schools it will be an advantage to the governance resource of that school to endorse the application immediately.
Recommended option.	

Option	Comments
To defer some/all appointments/recommendations to a future meeting. Not recommended.	The DfE recommends that appointments should normally be made to fill vacancies within three months. Any deferral could delay this process.
To note the approach taken by each Academy in relation to the LA governor representative role. N/A for this report.	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.

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 two potential appointments, see table 1. 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 1: Sub-committee recommendations

School	Ward	Name of Applicant(s)	Number of Vacancies	Vacant Since	Comment
All Saints Junior School	Boyn Hill	No applicant	1	15 November 2016	Position being advertised
Churchmead Secondary School	Datchet	Kathryn FitzGerald	1	17 December 2014 (As school was having an IEB)	Comments from School in Appendix A.
Hilltop First School	Clewer South	Gemma Donnelly	1	22 October 2016	School confirmed 18/5/17 that a meeting would be arranged with the applicant as soon as possible

School	Ward	Name of Applicant(s)	Number of Vacancies	Vacant Since	Comment
Furze Platt Infant School	Furze Platt	No applicant	1	15 May 2017	Position being advertised
Woodlands Park Primary	Hurley and Walthams	No applicant	1	10 June 2016	Position being advertised

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 2.

Table 2: Sub-committee reappointment recommendations

School	Ward	Term Ends	Applicants	Comment
Kings Court First School	Old Windsor	2 April 2017	Lynne Jones	Would like to continue role.
Oldfield Primary School	Oldfield	1 July 2017	Vivienne Williams	Would like to continue role.

- 2.5 If the Sub Committee appoint/recommend where candidates are available (two recommendations for appointment and two recommendations for reappointments), the vacancy rate will be 7.69% of all LA governors; this equates to three vacancies out of a total of 39 positions over all schools.

Academies' approach regarding the retention of LA appointed governors

- 2.6 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 3.

Table 3: Academy approach to LA governor appointments

Academy	LA Governors Prior to Conversion to Academy Status	Academies' Approach Regarding the Retention of LA Appointed Governors
None		

3. KEY IMPLICATIONS

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Appointment to vacant LA Governor positions	<100%	100%	n/a	n/a	9 June 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

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

Date	Details
9 June 2017	On appointment or recommendation for appointment (subject to call-in) successful applicants and the relevant 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: 9 June 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	11/05/2017	No Comments
Alison Alexander	Managing Director	09/05/2017	No Comments
	Section 151 Officer		
Mary Kilner	Head of Law and Governance	03/05/2017	No Comments
Kevin McDaniel	Director of Children's Services	03/05/2017	No Comments

REPORT HISTORY

Decision type: Key decision	Urgency item? No
Report Author: Karen Shepherd, Democratic Services Manager, 01628 796529	