

NOTICE
OF
MEETING



**CABINET LOCAL AUTHORITY
GOVERNORS APPOINTMENTS SUB
COMMITTEE**

will meet on

TUESDAY, 27TH SEPTEMBER, 2016

At 6.45 pm

in the

ASCOT AND BRAY - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE CABINET LOCAL AUTHORITY GOVERNORS APPOINTMENTS
SUB COMMITTEE

COUNCILLORS NATASHA AIREY (CHAIRMAN), MJ SAUNDERS, SAMANTHA RAYNER
AND JACK RANKIN

PRINCIPAL MEMBER ALSO IN ATTENDANCE: COUNCILLOR CHRISTINE BATESON

Karen Shepherd - Democratic Services Manager - Issued: Monday, 19 September 2016

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

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

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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 28 July 2016.	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 - 16
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"	

PRIVATE MEETING

6. MINUTES 17 - 18

To consider the Part II minutes of the meeting held on 28 July 2016.

(Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

7. APPOINTMENT OF LOCAL AUTHORITY REPRESENTATIVES TO GOVERNING BODIES OF SCHOOLS IN THE ROYAL BOROUGH 19 - 28

To consider the above report

(Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

Details of representations received on reports listed above for discussion in the Private Meeting:

None received

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs 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 license 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.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you 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 discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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Agenda Item 3

CABINET LOCAL AUTHORITY GOVERNORS APPOINTMENTS SUB COMMITTEE

THURSDAY, 28 JULY 2016

PRESENT: Councillors Natasha Airey (Chairman), Geoff Hill, Jack Rankin and Samantha Rayner

Officers: Karen Shepherd

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bateson and Saunders.

DECLARATIONS OF INTEREST

None received

MINUTES

The clerk confirmed that the previous Chairman, Councillor Bicknell, had approved the draft minutes.

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 31 March 2016 were 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 of the report.

The Chairman requested that officers provide an update on actions taken to attract candidates to vacant positions, including the longstanding vacancies at Churchmead CofE School and Trinity St Stephens CE First School. The clerk agreed to pass the request to Governor Services.

RESOLVED UNANIMOUSLY: That:

- i) Ryan Powell be recommended for appointment to Oakfield First School**
- ii) Emma Wrigley be recommended for appointment to St Edwards Catholic First School**
- iii) It be noted that following conversion to an Oxford Diocese Multi Academy Trust, Holyport Primary CE Academy no longer required an LA Governor.**

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 6.08 pm

CHAIRMAN.....

DATE.....

Report for: ACTION



Contains Confidential or Exempt Information	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)
Title	Appointment of Local Authority Representatives to Governing Bodies of Schools in the Royal Borough
Responsible Officer(s)	Russell O’Keefe, Strategic Director Corporate and Community Services
Contact officer, job title and phone number	David Scott, Head of Governance, Partnerships, Performance & Policy, 01628 796748
Member reporting	Cllr Natasha Airey, Lead Member for Children’s Services
For Consideration By	Cabinet Local Authority Governors Appointments Sub Committee
Date to be Considered	27 September 2016
Implementation Date if Not Called In	Immediately after the five day call in period has expired.
Affected Wards	Castle Without, Clewer South, Hurley and Walthams, Park and Sunningdale

REPORT SUMMARY

1. This report deals with vacancies that have arisen or will shortly arise for Local Authority (LA) representatives on school governing bodies within the Royal Borough, and of nominations that have been received, so that appointments/recommendations may be made.
2. It also considers the role of LA representatives to governing bodies of Academies where appropriate.
3. It recommends that all applications are fully considered and the most suitable applicants are appointed/reappointed or recommended as appropriate.
4. These recommendations are being made in order that the LA may be represented on school governing bodies.
5. There are no financial implications for the Council.
6. Full details of candidates seeking appointment are given in Part II, in accordance with the Data Protection Act 1998. All appointments should be made in accordance with the Cabinet LA Governors Appointments Sub

Committee terms of reference.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. LA representation on schools' governing bodies will maintain the link between the LA and Borough schools and, where appropriate, Academies.	6 October 2016

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That the Cabinet Local Authority Governors Appointments Sub Committee:

- i. Consider all applications for The Royal Borough of Windsor and Maidenhead Schools and Academies.
- ii. Appoint/reappoint or recommend for appointment /reappointment the most suitable applicants.
- iii. 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 paragraph 2.6.

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 These recommendations are being 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. This is the recommended option.	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.
To defer some/all appointments/recommendations to a future meeting. This is 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. This is the recommended option.	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 1 LA governor representative on the Academy's governing body.

Applications received and LA vacancies to-date

- 2.2 Local Authority Governor vacancies where appointment is made by the Cabinet LA Governors Appointments Sub Committee are set out in table 1.

Table 1: Sub-committee appointments

School	Ward	Name of Applicant(s)	Number of Vacancies	Vacant Since	Comment
None					

There are currently no vacancies.

Datchet St Marys had been an academy for 4 years and have now put in their Articles of Association that all governors are members of the Academy Board and no longer have the LA governor category.

- 2.3 LA Governor vacancies where the Cabinet LA Governors Appointments Sub Committee may make recommendations to the School Governing Body under the statutory guidance on School Governance (Constitution) (England) Regulations 2012, are set out in table 2.

Table 2: Sub-committee recommendations

School	Ward	Name of Applicant(s)	Number of Vacancies	Vacant Since	Comment
Holy Trinity CE Primary School	Sunningdale	Mr Tim Fettes	1	September 2016	Application Received.
Trevelyan Middle School	Park	No applicant	1	June 2016	Position being advertised
Trinity St Stephen CE First School	Castle Without	Mrs Abby Settle	1	July 2015	Application Received.
Woodlands Park Primary	Hurley and Walthams	No applicant	1	10 June 2016	Position being advertised

There are four vacancies and two appointments to be considered by this Sub committee.

Churchmead are now moving from a Shadow Governing Body to a Full Governing Body – The Sub committee are asked to note that in the first instance the LA position with full GB will be one of the current IEB members for continuity.

Trinity St Stephen CE First School – This position has been vacant for more than a year because the LA were not aware that there was no longer a LA Governor at the school as they had relocated. The departing governor had only informed the school. No one had informed the LA.

Governors seeking re-appointment

- 2.4 When a LA 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. The LA Governor position in this category are shown in Table 3.

Table 3: Sub-committee reappointment recommendations

School	Ward	Term Ends	Applicants	Comment
Hilltop First School	Clewer South	22 October 2016	James Evans (Current LA governor)	Awaiting response from current LA governor. Once response is received, the school will be advised accordingly.

2.5 If the Sub Committee resolve to appoint/recommend where candidates are available, the vacancy rate will be 10.0% of all LA governors.

Academies' approach regarding the retention of LA appointed governors

2.6 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 1 LA governor representative on the Academy's governing body as per Department for Education (DfE) guidance. The Sub Committee is therefore requested to note the approach taken by each Academy as detailed in table 4 which reflects no change with the last report.

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
None		

3. KEY IMPLICATIONS

3.1

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Recommendations for appointment to vacant LA Governor positions on a School/Academy governing body made where at least one applicant	<100%	100%	n/a	n/a	4 October 2016

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
has applied or been requested					

4. FINANCIAL DETAILS

Financial impact on the budget

	2015/16	2016/17	2017/18
	Revenue £'000	Revenue £'000	Revenue £'000
Addition	£0	£0	£0
Reduction	£0	£0	£0

	2015/16	2016/17	2017/18
	Capital £'000	Capital £'000	Capital £'000
Addition	£0	£0	£0
Reduction	£0	£0	£0

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. VALUE FOR MONEY

- 6.1 LA representation helps to ensure the management of a school by its governing body maintains a focus on value for money.

7. SUSTAINABILITY IMPACT APPRAISAL

- 7.1 There are no sustainability implications by virtue of the recommendations.

8. RISK MANAGEMENT

8.1

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

9. LINKS TO STRATEGIC OBJECTIVES

- 9.1 The recommendations link to the following strategic objectives:
- Supporting Children & Young People (Residents First)
 - Strengthen partnerships (Delivering Together)

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

- 10.1 None. EQIA not required.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1 None.

12. PROPERTY AND ASSETS

12.1 None.

13. ANY OTHER IMPLICATIONS

13.1 None.

14. CONSULTATION

14.1 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 Part II.

14.2 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.

14.3 All Members will receive email notification when the Sub Committee agenda is published.

15. TIMETABLE FOR IMPLEMENTATION

15.1

Date	Details
4 October 2016	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.

16. APPENDICES

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

17. BACKGROUND INFORMATION

17.1 N/A

18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Airey	Lead Member for Education	14/09/2016	14/09/2016	No comments
Alison Alexander	Managing Director / Strategic Director, Adult, Children and Health Services	12/09/2016	13/09/2016	No comments
Russell O'Keefe	Strategic Director Corporate and Community Services	08/09/2016	12/09/2016	No comments
David Scott	Head of Governance, Partnerships, Performance and Policy	08/09/2016	12/09/2016	Minor changes
Kevin McDaniel	Head of Schools & Educational Services	08/09/2016	08/09/2016	No comments
	Legal			
External – N/A				

REPORT HISTORY

Decision type:	Urgency item?
Key decision – (November 2015)	No

Full name of report author	Job title	Full contact no:
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

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

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