

NOTICE
OF
MEETING



**CABINET LOCAL AUTHORITY
GOVERNORS APPOINTMENTS SUB
COMMITTEE**

will meet on

THURSDAY, 24TH NOVEMBER, 2016

At 4.30 pm

in the

DESBOROUGH 2 & 3 - 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: Tuesday, 15 November 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.

Recording of Meetings – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

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 September 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. | <p><u>MINUTES</u></p> <p>To consider the Part II minutes of the meeting held on 27 September 2016</p> <p><i>(Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p> | 17 - 18 |
| 7. | <p><u>APPOINTMENT OF LOCAL AUTHORITY REPRESENTATIVES TO GOVERNING BODIES OF SCHOOLS IN THE ROYAL BOROUGH (APPENDIX)</u></p> <p>To consider the above report</p> <p><i>(Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p> | 19 - 26 |

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

TUESDAY, 27 SEPTEMBER 2016

PRESENT: Councillors Natasha Airey (Chairman) and Samantha Rayner

Principal Member also in attendance: Councillor Christine Bateson

Officers: Karen Shepherd

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rankin and Saunders.

DECLARATIONS OF INTEREST

None received

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 28 July 2016 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 of the report.

In relation to the application by Mrs Abby Settle, the Sub Committee noted that both the administrator and the school had been unable to make contact with Mrs Settle to discuss her application. 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.

It was noted that vacancies were advertised to all councillors on a monthly basis. Councillor Bateson requested that the list of vacancies be sent to her for inclusion in her regular email to the Conservative Group.

Members noted that two further vacancies had arisen since the agenda had been published, at Hilltop First School as James Evans had confirmed he did not wish to be put forward for reappointment, and also at Waltham St Lawrence.

Members asked whether the vacancies were advertised on the council website. The clerk agreed to find out if this already happened and, if not, to ask Governors Services to ensure it happened in future, linked to the volunteering areas of the website.

RESOLVED UNANIMOUSLY: That:

- i) Tim Fettes be recommended for appointment to Holy Trinity CE Primary School.**
- ii) Abby Settle be recommended for appointment to Trinity St Stephen CE First School subject to the school being able to meet with the candidate and providing positive feedback.**

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

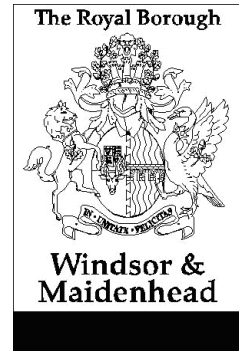
RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 6-7 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I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

The meeting, which began at 6.48 pm, finished at 7.00 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	24 November 2016
Implementation Date if Not Called In	Immediately after the five day call in period has expired.
Affected Wards	Boyn Hill, Castle Without, Clewer South and Hurley and Walthams

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.

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
LA representation on schools’ governing bodies will maintain the link between the LA and Borough schools and, where appropriate, Academies.	30 November 2016

1. DETAILS OF RECOMMENDATIONS

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

- i. **Appoint/reappoint or recommend for appointment/reappointment the most suitable applicants.**
- ii. **Notes the approach taken by Trevelyan Middle School, Academy, see point 2.6.**

2. REASON 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. Recommended option.	If it is deemed that if 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. 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 There are no Local Authority Governor vacancies this quarter.
- 2.3 There are four vacancies and two appointments to be considered by this Sub committee meeting, see table 1. These positions can all be considered by the Cabinet LA Governors Appointments Sub Committee and recommendations made to the School Governing Body under the statutory guidance on School Governance (Constitution) (England) Regulations 2012.

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
Hilltop First School	Clewer South	No applicant	1	22 October 2016	Position being

School	Ward	Name of Applicant(s)	Number of Vacancies	Vacant Since	Comment
					advertised
Trinity St Stephen CE First School	Castle Without	Mrs Karin Taylor	1	July 2015	Application Received.
Waltham St Lawrence Primary School	Hurley and Walthams	Mr Richard Pelly	1	October 2016	Application Received
Woodlands Park Primary	Hurley and Walthams	No applicant	1	10 June 2016	Position being advertised

Governors seeking re-appointment

- 2.4 There are no governors seeking re-appointment this quarter.
- 2.5 If the Sub Committee appoint/recommend where candidates are available, the vacancy rate will be 13.0% of all LA governors; this equates 5 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 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 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 2.

Table 2: Academy approach to LA governor appointments

Academy	LA Governors Prior to Conversion to Academy Status	Academies' Approach Regarding the Retention of LA Appointed Governors
Trevelyan Middle School	Trevelyan Middle School converted to Academy status on 1 November 2016. Prior to this conversion, the LA governor was Gillian Barnes.	Trevelyan Middle School has decided not to retain an LA Governor position, however Gillian Barnes has been co-opted onto the board of governors.

3. KEY IMPLICATIONS

3.1

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Appointment or recommendations for appointment to vacant LA Governor positions on a School/Academy governing body are made where at least one applicant has applied	<100%	100%	n/a	n/a	29 November 2016

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 loG that took effect before 1 September 2012 who properly decide to vary that loG 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

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

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. An EQIA is 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 the Part II appendix.

- 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

Date	Details
29 November 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 Children's Services	14 November 2016	14 November 2016	
Alison Alexander	Managing Director / Strategic Director, Adult, Children and Health Services	8 November 2016	13 November 2016	Minor amendments
Russell O'Keefe	Strategic Director Corporate and Community Services	3 November 2016	-	-
David Scott	Head of Governance, Partnerships, Performance and Policy	3 November 2016	4 November 2016	Minor amendments
Kevin McDaniel	Head of Schools & Educational Services	3 November 2016	3 November 2016	-

REPORT HISTORY

Decision type:	Urgency item?
Key decision	No

Full name of report author	Job title	Full contact no:
Karen Shepherd	Democratic Services Manager	01628 796529

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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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