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NOTICE OF MEETING

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CABINET LOCAL AUTHORITY GOVERNORS APPOINTMENTS SUB COMMITTEE

will meet on

THURSDAY, 23RD MARCH, 2017

At 6.00 pm

in the

DESBOROUGH 2 & 3 - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF CABINET LOCAL AUTHORITY GOVERNORS APPOINTMENTS SUB COMMITTEE

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

PRINCIPAL MEMBER ALSO ATTENDING: COUNCILLOR CHRISTINE BATESON

Karen Shepherd - Democratic Services Manager - Issued: Wednesday, 15 March 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 minutes of the meeting held on 6 February 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"	

PRIVATE MEETING

6.	<p><u>MINUTES</u></p> <p>To consider the Part II minutes of the meeting held on 6 February 2017</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(Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)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>	15 - 16
7.	<p><u>APPOINTMENT OF LOCAL AUTHORITY REPRESENTATIVES TO GOVERNING BODIES OF SCHOOLS IN THE ROYAL BOROUGH</u></p> <p>To consider the appendix to the earlier 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(Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)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> <p><u>Details of representations received on reports listed above for discussion in the Private Meeting:</u></p> <p>None received</p>	17 - 22

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

MONDAY, 6 FEBRUARY 2017

PRESENT: Councillors Natasha Airey (Chairman), Samantha Rayner, Jack Rankin, and David Coppinger

Principal Member also in attendance: Councillor Christien Bateson

Also in attendance: Councillor Simon Dudley

Officers: Karen Shepherd

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Saunders.

DECLARATIONS OF INTEREST

None received

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 24 November 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 2.1 the report, and a number of re-appointments as detailed in section 2.2.

The Chairman requested that for long-term vacancies, Ward Councillors be asked to recommend suitable individuals for the role.

RESOLVED UNANIMOUSLY: That:

- i) Tommy Lau be recommended for appointment to Cheapside C of E Primary School.**
- ii) Karin Taylor be recommended for appointment to Wraysbury Primary School.**
- iii) Matthew Wall be recommended for re-appointment to Holy Trinity CE Primary School, Cookham.**
- iv) Nigel Smith be recommended for re-appointment to Larchfield Primary and Nursery School**
- v) Clive Baskerville be recommended for re-appointment to Alwyn Infant School; the school be offered support where appropriate in encouraging individual governors to take a more pro-active role**

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 4.30 pm, finished at 4.42 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?	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 – 23 March 2017
Responsible Officer(s):	Russell O’Keefe, Strategic Director Corporate and Community Services Mary Kilner, Head of Law and Governance
Wards affected:	Boyn Hill, Clewer North, Clewer South 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.**

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 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
Recommended option.	

Option	Comments
	immediately.
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 four vacancies and one appointment, 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
Hilltop First School	Clewer South	No applicant	1	22 October 2016	Position being advertised
St. Edward's Royal Free Ecumenical Middle School	Clewer North	Dr Andrew Saunders	1	05 February 2017	Application Received (see Appendix A)
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
None				

- 2.5 If the Sub Committee appoint/recommend where candidates are available (one recommendation for appointment), the vacancy rate will be 7.7% 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 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	<100%	100%	n/a	n/a	4 April 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
29 March 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: 4 April 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/ Principal Member/Deputy Lead Member	14/03/17	
Alison Alexander	Managing Director	13/03/17	13/03/17
Russell O'Keefe	Strategic Director	02/03/17	13/03/17

Name of consultee	Post held	Date sent	Commented & returned
	Section 151 Officer		
Mary Kilner	Head of Law and Governance	06/03/17	13/03/17
Kevin McDaniel	Head of Schools & Educational Services	02/03/17	13/03/17

REPORT HISTORY

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

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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