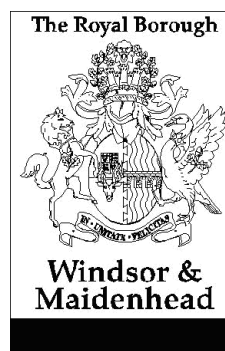


Report for: ACTION



Contains Confidential or Exempt Information	YES – Appendix A Part II (Not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)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