

Report for: ACTION



Contains Confidential or Exempt Information	Part I - except for appendix A (Not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).
Title	Appointment of LA Representatives to Governing Bodies of Schools in the Royal Borough
Responsible Officer(s)	David Scott, Head of Governance, Policy & Performance
Contact officer, job title and phone number	Karen Shepherd, Democratic Services Manager – 01628 796529
Member reporting	Cllr Bicknell, Lead Member for Children’s Services
For Consideration By	Cabinet LA Governors Appointments Sub Committee
Date to be Considered	26 November 2015
Implementation Date if Not Called In	Immediately
Affected Wards	Boyn Hill, Bray, Castle Without, Cox Green, Datchet, Furze Platt, Hurley & Walthams.
Keywords/Index	Appointment, Representatives, School Governors, Academies, LA, Royal, Borough

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?

Local Authority representation on schools’ governing bodies will maintain the link between the Local Authority and Borough schools and where appropriate Academies.	Immediately
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1. Details of Recommendations

RECOMMENDATION: That:

- i. All applications for borough schools and Academies are fully considered and the most suitable applicants are appointed or reappointed.
- ii. For borough schools constituted under an Instrument of Governance (IoG) that have taken effect after 1 September 2012 /that have properly decided to vary their Instrument of Governance post 1 September 2012, all applications are fully considered and recommendations for appointment are made to the School Governing Body.
- iii. For Academies within the borough, to note the approach taken by each Academy in relation to the LA 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 LA may be represented on school's governing bodies.

2.2 Under the Cabinet LA Governor Appointments Sub Committee Terms of Reference, nominations will only be considered if submitted on the appropriate application form. Appointments to fill any of the vacancies can only be made from the nominations list.

2.3 Applications received and LA vacancies to-date:

2.31 LA Governor vacancies where appointment is made by the Cabinet LA Governor Appointments Sub Committee

School	Ward	Name of Applicant (s)	Number Of Vacancies	Vacant Since	Comment
Datchet St Mary C of E Primary – Academy	Datchet	No applicant	1	11/01/14	RBWM advertising position.

2.32 LA Governor vacancies where the Cabinet LA Governor Appointments Sub Committee may make recommendations to the School Governing Body under the statutory guidance on School Governance (Constitution) (England) Regulations 2012

School	Ward	Name of Applicant (s)	Number Of Vacancies	Vacant Since	Comment
Churchmead C of E School*	Datchet	No applicant	1	17/12/14	RBWM advertising position.
Woodlands Park Primary School	Hurley & Walthams	Mrs Liz Kelsall	1	02/03/15	Feedback received from School.
Braywood C of E First School	Bray	Ms Heidi Berry	1	12/05/15	Awaiting feedback from School.

					School contacted 03/11/15 & 17/11/15
The Queen Anne Royal Free C Of E First School	Castle Without	Miss Sarah New	1	01/11/15	Feedback received from School.
Wessex Primary School	Cox Green	No applicant	1	07/09/15	RBWM advertising position.
Boyne Hill Infant & Nursery School	Boyn Hill	Mr Paul Baxter	1	21/12/15	Feedback received from School.
Furze Platt Infant School	Furze Platt	Mr Paul Hey	1	17/10/15	Feedback received from School.
All Saints C of E Junior School	Boyn Hill	Mrs Susan Webb	1	10/9/15	Feedback received from School.

*This position is on the Shadow Governing Body

2.4 Governors Seeking Re-Appointment

2.41 The following LA governors will shortly reach the end of their current term of office. Letters are sent to each 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.

2.42 As resolved by the Cabinet LA Governor Appointments Sub Committee which met on 24 January 2013, these positions are also advertised as vacancies.

2.43 LA Governors whose term of office is ending soon where reappointment is made by the Cabinet LA Governor Appointments Sub Committee.

<u>School</u>	<u>Ward</u>	<u>Term Ends</u>	<u>Applicants</u>	<u>Comment</u>
None				

2.44 LA Governors whose term of office ends soon where the Cabinet LA Governor Appointments Sub Committee may make recommendations to the School Governing Body under the statutory guidance on School Governance (Constitution) (England) Regulations 2012.

<u>School</u>	<u>Ward</u>	<u>Term Ends</u>	<u>Applicants</u>	<u>Comment</u>
None			<u>Current LA Governor(s)</u> <u>New applicants</u> No new applicant(s)	

2.45 If the Sub Committee resolve to appoint/recommend where candidates are available as above, the vacancy rate will be 6.7% of all LA governors. Ward Councillors have been notified via e-mail about these vacancies.

2.5 All maintained schools were required under the statutory guidance on School Governance (Constitution) (England) Regulations 2012 to re-instrument by 1st September 2015. Under their new instruments, maintained schools may only have 1 LA governor.

2.6 Academies' approach regarding the retention of LA appointed governors

2.61 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 (Source: DfE). The Sub Committee are therefore requested to note the approach taken by each Academy as detailed below.

Academy	LA Governors Prior to Conversion To Academy Status	Academies' Approach Regarding The Retention Of LA Appointed Governors
Newlands Girls' School	Newlands Girls' School converted to Academy status on 1 October 2015. Prior to this conversion, the LA governor was Francisco Vaeza.	Francisco Vaeza has been co-opted onto the board of governors.

2.7 Options

Option	Comments
To select/recommend an appropriate applicant from those included to be recruited to the corresponding vacancy. Recommended.	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.	The DfE recommends that appointments should normally be made to fill vacancies within three months. Any deferral could delay this process.
To reject some/all applications.	Members have the right to reject applications. This would be on the basis that the applicant's skills and knowledge will not support the school and/or do not fit with the current governance skills/knowledge deficit.
To note the approach taken by each Academy in relation to the LA governor representative role. Recommended.	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.

3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
LA to have representation on school/Academy governing bodies where applicants have come forward, and for Academies where representation has been requested.	Recommendations for appointment made for less than 100% of vacancies, where at least one applicant has come forward	Recommendations for appointments made for 100% of vacancies, where at least one applicant has come forward	n/a	n/a	Successful applicants appointed by Sub Committee will be notified in writing by Thursday 10 th December 2015 with the caveat that all appointments are subject to the call-in process. Governing Bodies to which the Sub Committee may nominate a person to be appointed will be informed of nominations by Thursday 10 th December 2015.

4. Financial Details

a) Financial impact on the budget (mandatory)

There are no financial implications by virtue of the recommendations.

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 guidance at Part 5Q of the Royal Borough Constitution on the appointment of school governors is lawful.

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 Sep 12; or

(ii) constituted under an IoG that took effect before 1 Sep 12 who properly decide to vary that IoG post 1 Sep 12

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 There are no financial implications by virtue of the recommendations.

7. Sustainability Impact Appraisal

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

8. Risk Management

8.1 Schools have the right to advise the authority of their governing body's needs in terms of balance of skills, gender or any other consideration for the good of the school, and to submit names for consideration.

8.2 For GBs to which appointment is made by the Cabinet LA Governor Appointments Sub Committee, if the person appointed does not match the specified needs of the

GB and/or the GB's preferred candidate is rejected, the GB may request the authority to give its reasons.

8.3 For GBs to which the Cabinet LA Governor Appointments Sub Committee may make recommendations on appointments under the statutory guidance on School Governance (Constitution) (England) Regulations 2012, it is for the GB themselves to decide whether the nominee meets their eligibility criteria i.e. the GB do not have to appoint the LA's nominee.

8.4 Candidates have the right to decline an appointment if it does not meet their preferences.

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 governor's term of office end dates	Low

9. Links to Strategic Objectives

9.1 This recommendation links 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.

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 The agenda for Sub Committee meetings will be sent to the Children's Services Overview & Scrutiny Panel Chairman and all Members will receive email notification when the Sub Committee agenda is published.

15. Timetable for Implementation

15.1 On appointment (subject to call in) successful applicants and the relevant schools are notified of the appointment in writing. All new governors are provided with full training by Governor Services.

16. Appendices

16.1 Full details of candidates seeking appointment are given in Part II appendix A in accordance with the Data Protection Act 1998.

17. Background Information

17.1 Cabinet LA Governor Appointments Sub Committee Terms of Reference.

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments In paragraph:
Internal				
Cllr Burbage	Leader of the Council	12/11/15	16/11/15	
Cllr Bicknell	Lead Member for Education	12/11/15	12/11/15	
	Conservative Political Assistant			
Alison Alexander	Managing Director & Strategic Director of Children's Services	11/11/15	11/11/15	
Andrew Brooker	Interim Strategic Director of Corporate Services	11/11/15		
Andrew Elkington/David Scott	Head of Policy and Performance/Head of Governance, Policy & Performance	9/11/15 11/11/15	9/11/15 & 11/11/15	
	Legal	28/02/13 & 12/03/13		5

	Finance			4 & 6
External				
n/a				

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