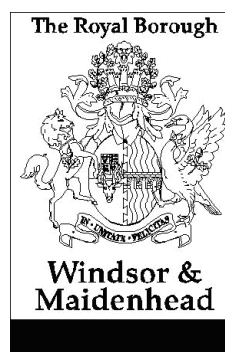


Report for: ACTION



Contains Confidential or Exempt Information	YES – Appendix A Part II (Not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)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	28 July 2016
Implementation Date if Not Called In	Immediately
Affected Wards	Clewer East, Castle Without, Datchet 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.	8 August 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
Datchet St Mary C of E Primary (Academy)	Datchet	No applicant	1	11 December 2014	Position being advertised

There is currently one vacancy but no applications so no appointments to be considered at this time.

- 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
Churchmead C of E School*	Datchet	No applicant	1	17 December 2014	Position being advertised
Holy Trinity CE Primary School	Sunningdale	No applicant	1	September 2016	Position being advertised
Oakfield First School	Clewer East	No applicant	1	2 February 2016	Application received
St Edwards Catholic First School	Clewer North	No applicant	1	7 June 2016	Application received
Trevelyan Middle School	Park	No applicant	1	June 2016	Position being advertised
Trinity St Stephen CE First School	Castle Without	No applicant	1	July 2015	Position being advertised
Woodlands Park Primary	Hurley and Walthams	No applicant	1	10 June 2016	Position being advertised

*This position is on the Shadow Governing Body

There are seven vacancies and two appointments to be considered by the committee. The longstanding vacancies are being investigated by officers.

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.

There are no new appointments to be considered at this time.

- 2.5 If the Sub Committee resolve to appoint/recommend where candidates are available, the vacancy rate will be 20.0% 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.

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
Holyport CE Primary School	Councillor Coppinger	Converted to an Oxford Diocese Multi Academy Trust – local governing body now.

There are no vacancies at Holyport CE Primary School and they will not be retaining a LA Governor position.

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 has applied or been requested	<100%	100%	n/a	n/a	5 August 2016

4. FINANCIAL DETAILS

Financial impact on the budget

	2015/16	2016/17	2017/18
	Revenue £’000	Revenue £’000	Revenue £’000

	2015/16	2016/17	2017/18
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 guidance at Part 5Q of the Royal Borough Constitution on the appointment of school governors is in line with this.
- 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
5 August 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	13 July 2016	13 July 2015	Sections 2.2 – 2.6.
Michaela Rizou	Cabinet Policy Assistant	13 July 2016		

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Alison Alexander	Managing Director / Strategic Director, Adult, Children and Health Services	12 July 2016	12 July 2016	Happy with Report.
Russell O'Keefe	Strategic Director Corporate and Community Services	5 July 2016	-	No Comments.
David Scott	Head of Governance, Partnerships, Performance and Policy	5 July 2016	5 July 2016	General comments about longstanding vacancies and the Churchmead position being on the Shadow Governing Body.
Kevin McDaniel	Head of Schools & Educational Services	5 July 2016	-	No Comments.
	Legal	N/A		
External – N/A				

REPORT HISTORY

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

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