

Decision Maker: **Children and Young People Portfolio Holder**

Date: **For Pre-Decision Scrutiny by the Children and Young People PDS Committee on 21 February 2012**

Decision Type: Non-Urgent Executive Non-Key

TITLE: PROPOSAL FOR APPOINTMENT OF LOCAL AUTHORITY GOVERNORS TO
(a) Academy Governing Bodies
(b) Local Maintained Schools Reconstituting under New Regulations – September 2012

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Chief Officer: Gillian Pearson, Director of Children and Young People Services

Ward: All

1. Reason for report

- 1.1 There is a need to establish the criteria for the appointment of Bromley Local Authority governors to former Bromley maintained schools which have converted or are converting to academies.
- 1.2 Section 38 of the Education Act proposes from September 2012 new constitutional regulations and new criteria for the appointment of LA governors of governing bodies of Local Authority maintained schools.
- 1.3 The proposal is to revise the current process in order to:
- support timely appointments which are approved by the schools and academies;
 - retain and reaffirm the LA commitment to supporting schools by appointing people committed to raising educational achievement who can contribute appropriate skills, experience and perspective;
 - retain LA governors in a high percentage of academies;
 - retain a low level of vacancies for LA governors in maintained schools.

2. **RECOMMENDATION(S)**

- 2.1 **It is recommended that endorsement be given to the revised process relating to appointments of LA governors to governing bodies of:**
- (a) Academies**
- (b) Local Authority maintained schools pending new regulations September 2012.**

Corporate Policy

1. Policy Status: Existing policy:
 2. BBB Priority: Children and Young People
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre:
 4. Total current budget for this head: £N/A
 5. Source of funding:
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Staff

1. Number of staff (current and additional) – N/A
 2. If from existing staff resources, number of staff hours – N/A
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Legal

1. Legal Requirement: Statutory requirement: Education Act 2011 and Academy Act 2010
 2. Call in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected) - N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments?
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 Background

3.1.1 The government is seeking to strengthen the critical role of governing bodies in setting strategic direction for schools and academies and in promoting school improvement. There is an increased emphasis on ensuring that governing bodies have the requisite skills and experience to carry out this role effectively. The provision for the appointment of LA governors for maintained schools in the Education Act 2011 and in the Academy Act 2010 emphasises the importance of a skills based consultative approach.

3.1.2 The quality of governing bodies and of LA governors in Bromley is high, and governing bodies of maintained schools and of academies have a high rate of engagement with LA governor training and network meetings.

3.1.3 In Bromley the current appointment process for appointment of LA governors to governing bodies works well and LA governor vacancies are at a low level. The process set out below was last reviewed 14 October 2009 (DCYP09139).

- LA governor vacancies are communicated to all councillors on a monthly basis and they are invited to apply or supply a nomination. Governing Bodies are also invited to make a nomination.
- Governor Services liaises with all LA governors approaching the end of their term to ascertain if they wish to be considered for a further term.
- Should a governing body have an LA governor vacancy and no nomination for a new appointment or reappointment, Governor Services works with the governing body in order to fill the vacancy.
- Governor Services collates potential applicants received from interested members of the community and School Governors One Stop Shop (SGOSS), an independent charity dedicated to recruiting volunteers to serve on school governing bodies across England.
- Potential applicants are invited to meet informally with the head teacher and chair of governors of the relevant school in advance. Their feedback to Governor Services substantiates the recommendation process.
- A regular report is produced by Governor Services to CYP PDS. The report provides the information on individual nominees in order for the CYP Portfolio Holder to make the appointment/ reappointment of an LA governor to a school governing body. Governor Services attends the pre meeting to provide further background information where necessary.
- Where a single nomination is received for a vacancy, the nomination is usually approved.
Where multiple nominations are received the Portfolio Holder will make a decision and may require further background information.
- When the appointment has been made Governor Services notifies the appointed/reappointed LA governor, chair of the governing body, head teacher and clerk.
- LA governors are then supported through an induction process, briefings specific to their role, LA forums and circulars and newsletters.

3.2 Academy Governing Bodies

- 3.2.1 The current statutory framework allows academy trusts to decide whether they have one LA governor on the academy governing body. The Articles of Association, issued by the DfE, state that “the LA may appoint the LA Governor” (August 2010).
- 3.2.2 Therefore when the Local Authority is approached it is a matter for the Authority to decide who it wishes to appoint to the governing body of the academy.
- 3.2.3 In summary, the Local Authority cannot insist on appointing to an academy, however, where the academy trust decides that it wishes to have an LA governor it is for the Local Authority to decide who it wishes to appoint to the academy.

3.3 Governing Bodies of Local Authority Maintained Schools

- 3.3.1 Section 38 of the new Education Act is relevant to Local Authority maintained schools as it refers to the constitution of the governing body.
- 3.3.2 Governing bodies that reconstitute under the new constitution regulations pending publication from the DfE September 2012 will be able to specify eligibility criteria for the LA governor appointment. It is also proposed to give schools the right to veto an LA governor nominee if they consider the person would not bring the skills the governing body requires and ask the local authority to make a different nomination.
- 3.3.3 The minimum number of governors will be 7 with no maximum number. Governing bodies will consist of
- parent governors (the regulations specify 2)
 - head teacher
 - a staff governor
 - a Local Authority governor
 - foundation governors (voluntary aided and voluntary controlled schools)
 - partnership governor (foundation schools)
 - governors (appointed by a governing body on a skills basis)

3.4 Proposal for a revised process for LA Governor appointments to both Academies and to Local Authority Maintained Schools reconstituting within new regulations from September 2012

- 3.4.1 It is proposed to revise the current process for new appointments of LA governors to academy governing bodies (3.2) and to governing bodies of Local Authority maintained schools which choose to reconstitute within the new framework from September 2012 (3.3). A request should be made to the governing bodies for information about the skills, knowledge and expertise required prior to nomination.
- 3.4.2 Governor Services will circulate the skills and knowledge requirements for all individual LA governor vacancies to Council Members who receive a notification on a monthly basis. Members are requested to make nominations prior to submitting a full list of candidates to the CYP Portfolio Holder for consideration of appointment as LA governor. The report also includes nominations sought from the school or academy governing body.
- 3.4.3 The role description for a LA governor to all schools and academies is set out in **Appendix 1**.

4. POLICY IMPLICATIONS

- 4.1 Schools contribute to the achievement of improved outcomes for children and young people as outlined in the Borough's Sustainable Community Strategy: 'Building a Better Bromley 2010 Vision' and in the CYP Portfolio Plan for 2011/12.

5. LEGAL IMPLICATIONS

- 5.1 Governing bodies of academies are appointed by the individual academy trust. Government guidance allows for academies to include one LA governor.
- 5.2 Local maintained schools which reconstitute from September 2012 will already have LA appointed governors and the purpose of this report is to respond quickly to a request for a new LA governor appointment.

Non-Applicable Sections:	Financial Implications Personnel Implications
Background Documents: (Access via Contact Officer)	

ROLE DESCRIPTION FOR A LOCAL AUTHORITY GOVERNOR

The role of all school governors is to contribute to the work of the governing body in raising standards of achievement for all pupils. The governing body provides strategic direction for the school or academy, acts as a critical friend and secures accountability.

Local authority governors are appointed by and represent the local authority on a school or academy governing body. They should consider the views and advice of the local authority but are not delegates. Like other categories of governor they cannot be directed to present a particular point of view. They should act in the best interests of the pupils and the community which the school or academy serves.

Academies and maintained schools may reject the appointee proposed by the local authority if they feel that they he or she does not have the skills required by the governing body.

The governing body is a team and individual governors must be loyal to collective decisions .No governor can act alone without proper authority from the full governing body

Responsibilities of the governing body include:

- Developing the strategic plan for the school
- Appointing the head teacher or principal
- Agreeing policies and plans including the school improvement plan
- Monitoring and evaluating the work of the school in particular the progress made by all pupils
- Managing the budget
- Ensuring that all children in the schools have access to a broad and balanced curriculum
- Securing high standards of attendance and behaviour
- Ensuring the Health and Safety of pupils and staff

All governors must:

- Get to know the school well
- Attend meetings regularly (full governing body meetings and committee meetings)
- Respect confidentiality
- Respect any code of conduct agreed by the governing body
- Know, understand and work within the prescribed regulatory framework
- Take responsibility for their own learning and development as a governor including attending training

LA governors should:

- Attend briefings specifically for local authority governors
- Familiarise themselves with local authority policy
- Act in the best interest of the pupils and the school/academy.