

Mr Jupp, Cabinet Member for Education and Skills	Ref No: ES10 (19/20)
February 2020	Key Decision: No
Alteration to the process for nominating school governors	Part I
Report by Director of Law and Assurance	Electoral Divisions: All
<p>Summary</p> <p>The function of the nomination of school governors to maintained schools and academies is delegated to County Local Committees (CLCs). CLCs are the means by which the County Council involves local residents in decision making in their local area.</p> <p>It is within the remit of the CLCs to identify and nominate suitable persons to serve as school governors on behalf of the County Council within the CLCs area.</p> <p>A recent review of CLCs concluded that, as there is no statutory requirement for the nomination of school governors to be approved by members, this function should instead be delegated to the Director of Education and Skills, in liaison with the local Member.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>This proposal relates to the nomination of local authority governors to maintained schools and academies. This aligns with the Best Start in Life Priority in the West Sussex Plan.</p>	
<p>Financial Impact</p> <p>None</p>	
<p>Recommendation</p> <p>The Cabinet Member for Education and Skills is asked to approve the delegation of the nomination of school governors to the Director of Education and Skills, in liaison with the relevant local Member.</p>	

Proposal

1. Background and Context

- 1.1 The School Governance (Constitution) (England) Regulations 2012 sets out the requirement for all maintained schools to include one local authority governor on their governing body. Local authority governors are nominated by the local authority but appointed by the governing body.
- 1.2 As part of their executive function the County Local Committees (CLC) have been undertaking the role of nominating eligible persons as local authority governors for maintained schools and where appropriate, for academies (see Appendix). A report is included within the agenda papers for the CLC meeting that sets out recommended nominees for maintained schools and

academies within the CLC area. Following the meeting, the CLC decision regarding the nominations is published via the Executive Decision Database.

- 1.3 It is for the governing body to decide whether the nominee proposed by the CLC has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set.
- 1.4 A full review of all CLCs has recently been undertaken which was informed by feedback from a survey of Members, residents, community groups and other interested parties who attend CLC meetings.
- 1.5 The review identified that CLCs are a vital tool for the public to be heard and also to hear from county councillors. It was also acknowledged that there was a need to consider ways of increasing public interest in, and attendance at, CLC meetings. The survey feedback indicated that there was generally very little public interest in the agenda item on nominations for local authority governors.
- 1.6 Taking these points into account the conclusion of the Working Group undertaking the review included a recommendation that:

As there is no statutory requirement for the nomination of school governors to be approved by members, it is proposed that the Director of Education and Skills be asked to approve these nominations, in liaison with the relevant local member and that this change to the CLCs' terms of reference be forwarded to County Council for approval on 17 December.

- 1.7 This recommendation was approved by County Council at the meeting on 17 December 2019.

2. Proposal Details

- 2.1 The Cabinet Member for Education and Skills is asked to approve the delegation of the nomination of school governors to the Director of Education and Skills, in liaison with the relevant local Member.

Factors taken into account

3. Consultation

- 3.1 The Education and Skills Department have been consulted on the proposal and is content to manage this process internally. Governor Services have also been consulted on the revised process.

4. Financial (revenue and capital) and Resource Implications

- 4.1 There are no finance and resource implications as the proposal can be accommodated within existing resources

5. Legal Implications

- 5.1 As it is the governing board which appoints governors, there will be no legal implications from the nominations being made by the Director for Education and Skills in liaison with the relevant local member.

6. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
There is a risk of reduced engagement from the local Member if the nomination process is no longer an executive function of the CLC.	All efforts will be made to ensure the local Member is content with the proposed nomination before it is made to the governing body.

7. Other Options Considered (and reasons for not proposing)

- 7.1 The Working Group undertaking the CLC review considered the alternative option of the nomination of school governors reverting to the Cabinet Member. However, as there is no legal requirement for school governor nominations to be approved by members it was felt that a more streamlined approach could be taken, with the nominations being dealt with by Governor Services in consultation with the relevant local member(s). Other local authorities contacted follow a similar approach, with the nominations made by officers in liaison with elected members. The Working Group also considered maintaining the current process, but there was very clear feedback from consultation it carried out that school governor nominations should no longer be the responsibility of CLCs.

8. Equality and Human Rights Assessment

- 8.1 This assessment is not required as the decision relates to a procedural matter only.

9. Social Value and Sustainability Assessment

- 9.1 Not applicable

10. Crime and Disorder Reduction Assessment

- 10.1 Not applicable

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Appendix – Extract from the County Local Committees Terms of Reference

Background papers - None

Extract from County Local Committees Terms of Reference

Nominations and Appointments to School and Academy Governing Bodies

1. To make nominations for the County Council to governing bodies of maintained schools in the area with the exception of those schools in respect of which the Cabinet Member for Education and Skills intends to make such appointments in the exercise of a statutory power of intervention in respect of the school's performance.
2. To make appointments for the County Council to temporary governing bodies of maintained schools in the area, including temporary parent governors, temporary LEA governors, temporary community governors and temporary partnership governors.
3. To make appointments or nominations for the County Council to governing bodies of academies in accordance with either the funding agreement with the relevant government department or instrument of governance, as appropriate.

[Note: Where relevant appointments to independent schools and other institutions delivering education and to pupil referral units are made by the Cabinet Member for Education and Skills.]