

Central and South Mid Sussex County Local Committee

12 March 2019

Nominations for Local Authority Governors to Maintained Schools and Academy Governing Bodies

Report by Director of Education & Skills

Ref: CSMS12
(18/19)

Key Decision:
No

Part I

Electoral
Divisions: All in
CLC Area

Executive Summary

The County Local Committee (CLC) duty regarding school governance is to stimulate interest and commitment to the governance of maintained schools and academies in the area and to identify and nominate suitable persons to serve as school governors on behalf of the County Council.

This report asks the Committee to make nominations of Local Authority Governors as outlined below.

Recommendation

That the nomination (s) for appointment(s) / reappointment(s) of Local Authority Governor(s) set out in Appendix A, be approved.

Proposal

1. Background and Context

- 1.1 The function of the nomination of school governors to maintained schools and academies is delegated to County Local Committees (CLCs) because it enables local county councillors to maintain a valuable link with the schools and helps promote to the wider public the important role of school governors.
- 1.2 Local authority governors are nominated by the local authority but appointed by the governing body. The CLC can nominate any eligible person as a local authority governor, but it is for the governing body to decide whether their nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set. The duty of the CLC is therefore to identify and nominate suitable persons to serve as school governors for maintained schools and academies on behalf of the County Council. The CLC, as representatives of the local authority, should make every effort to understand the governing body's requirements and identify and nominate suitable candidates. Without a CLC nomination a school is not able to appoint a Local Authority Governor.

- 1.3 CLCs' delegated powers include the ability to appoint Authority, Community and Parent Governors to temporary governing bodies. Further changes are expected in due course in relation to temporary governing bodies.
- 1.4 CLCs also have the function to make 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.

2. Nominations for Local Authority Governors

- 2.1 All county councillors are entitled to nominate for any school, although normal practice has dictated that the local county councillor's nomination can take precedence. County councillors should aim to familiarise themselves with the schools in their local area and are advised to consult the chairman of governors and/or head teacher concerning any local authority governing body vacancies.
- 2.2 The role of a governor can be complex as specific actions or ways of operating will vary depending on the type of school, its individual ethos and current circumstances. Governors provide the strategic leadership for schools alongside the head teacher. They should look to provide support and challenge for the school. Experience gained through a range of activities e.g. work, voluntary service or family life, where relevant, should be given equal consideration.
- 2.3 The 2012 Regulations (as amended) require that any newly-appointed governor has, in the opinion of the person making the appointment, 'the skills required to contribute to the effective governance and success of the school'. This could include specific skills such as an ability to understand data or finances as well as general capabilities such as the capacity and willingness to learn.
- 2.4 The following criteria are in place for the nominations of local authority governors:
 - i) governors are nominated on the basis of suitability and not in accordance with political party affiliations,
 - ii) applicants will not normally be nominated as local authority governors at a school if they are the husband, wife or partner of a permanent member of staff at that school,
 - iii) where the local authority appoints additional members to the governing body of a school identified by Ofsted as having serious weaknesses or requiring special measures, such governors will be appointed by the relevant Cabinet Member on the nomination of the relevant Executive Director since it is usually advantageous to bring in experienced governors from other areas

- iv) if a county councillor is appointed as a local authority governor, and either does not stand for re-election or does not retain the seat during the quadrennial County Council elections, his/her term of office will automatically end on 31 August next following the elections. A county councillor, who resigns his /her seat on the Council, will within 4 months of his/her resignation cease to be a local authority governor. In either case, he/she is, of course, eligible for re-appointment if nominated by a county councillor.
- 2.5 If there are more applications than vacancies this will be made clear in Appendix A. Any discussion of the relevant merits of the candidates will be discussed in Part II of an agenda, in the absence of the press and public. This should then not discourage any potential candidates from applying, knowing that any discussion of their application will occur in private session.

3. Reappointments

- 3.1 Details of local authority governors seeking nomination for reappointment are forwarded to the governing body chairman and to the local county councillor. These nominations automatically progress to the next CLC meeting for decision unless an objection is received from a member by the given closing date. The governing body would be asked for comments on the nomination, and an objection may be lodged on the grounds of poor attendance.

4. Current Vacancies

- 4.1 The current vacancies in the CLC area are detailed in Appendix B.
- 4.2 Information about the role of school governors is available on the County Council website via this link:

<https://www.westsussex.gov.uk/education-children-and-families/schools-and-colleges/information-for-governors/>

5. Proposal

- 5.1 That the Committee makes the nomination (s) of Governors as set out in the recommendation above and Appendix A.

6. Resources

- 6.1 There are no resource implications arising from this decision as it is a nomination to a governing body.

Factors taken into account

7. Consultation

- 7.1 Local county councillors, head teachers and chairmen of governors have been consulted on all applications received. It is assumed that all are in support unless objections are received by Governor Services and/or the local county councillor.

8. Risk Management Implications

- 8.1 There may be a risk that on-going vacancies on a school governing body above a level of 25% will weaken its effectiveness.

9. Other Options Considered

- 9.1 County Councillors can decide not to make a nomination to a governing body. They may defer an application if they require further information or consultation to enable them to come to a decision.

10. Equality Duty.

- 10.1 The Equality Duty does not need to be addressed as it is a decision making an appointment or nomination to a governing body.

11. Social Value

- 11.1 None

12. Crime and Disorder Act Implications

- 12.1 None

13. Human Rights Implications

- 13.1 None

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Appendix A: Local Authority Governors - Appointments, Reappointments or Nominations

Appendix B: Current Vacancy List

Background Papers: None.