

**DERBYSHIRE COUNTY COUNCIL**

**CABINET MEMBER FOR CHILDREN and YOUNG PEOPLE**

**1 October 2013**

**Report of the Strategic Director for Children & Younger Adults**

**Delegation of Authority for Approving Appointments and Nominations of Authority and Local Authority Governors to Local Area Committees**

**1. Purpose of Report**

To request approval to delegate the function of approving appointments and nominations of Authority and Local Authority governors to Local Area Committees.

**2. Information and Analysis**

This report relates to Derbyshire maintained schools. It also relates to academies which have decided to include a representative of the Local Authority on their governing body. This report does not apply to authority appointed members on Pupil Referral Unit management committees.

Authority for approving appointments and nominations currently lies with the Cabinet Member for Children and Young People. It is proposed to delegate this authority to Local Area Committees. The proposed Appointment and Nomination Process is attached as Appendix A.

Local Area Committees meet quarterly. Therefore, there is a need for a process whereby Governors can be appointed, nominated or removed on an urgent basis.

The Governor Support Service will write to all Authority and Local Authority governors eligible to be considered for re-appointment or re-nomination 6 months before their term of office ends, rather than the current 3 month period to accommodate the proposed longer procedure.

In the event that there is more than one applicant endorsed for a vacant place, selection interviews will take place undertaken by the Chair or Vice-Chair of the Local Area Committee, assisted by an officer of the Authority.

Once the appointee or nominee has been identified according to the agreed procedure, the Strategic Director (Children and Younger Adults) will submit a report for consideration to the Local Area Committee, instead of as now to the Cabinet Member for Children and Young People. The Local Area Committee

will either reject the application or approve each individual appointment or nomination, subject to:

- The satisfactory completion of Declaration of Eligibility by the approved governor. Following changes in the Protection of Freedoms Act 2012, there is no longer a requirement for school governors to undergo a Disclosure and Barring Scheme check.

### **For Appointments and Nominations requiring urgent Approval:**

A situation may arise where there is a request for urgent approval of an appointment or nomination. One situation would be in appointing Additional Authority Governors to support a school which has moved into an Ofsted category where delay could hinder the school's progress. Similarly, a re-appointment or re-nomination application may have been inadvertently delayed and the Authority or Local Authority Governor is dealing with an on-going sensitive school issue. In such cases, the Cabinet Member for Children and Young People will consider the application or nomination and, where approved, this will be noted on the next report to the relevant Local Area Committee.

### **Removal of Authority or Local Authority Governor:**

An Authority or Local Authority governor may be removed from office by the local authority which appointed or nominated the governor. It is proposed that this authority to remove is delegated to the relevant Local Area Committee. In cases of urgency, it is proposed that this will be dealt with by the Cabinet Member for Children and Young People.

### **3. Financial Considerations**

None

### **4. Legal Considerations**

The proposed delegation to Local Area Committees is permissible under the Local Government Act 2000 and associated guidance. Over-arching responsibility for the delegated function will remain with the Cabinet Member and so periodic reviews of the arrangements would be appropriate.

### **5. Property Considerations**

None

### **6. Other Considerations**

In preparing this report the relevance of the following factors has been considered: Prevention of Crime and Disorder, Equality of Opportunity, Human Resources, Environmental, Health, Property and Transport considerations.

**7. Background Papers**

The School Governance (Constitution) (England) Regulations 2007;  
The School Governance (Constitution) (England) Regulations 2012;

**7. Officer's Recommendations**

That the delegation of the function of approving Appointments and Nominations of Authority and Local Authority Governors to Local Area Committees as set out in this Report be approved, with effect from 8 October 2013.

**Ian Thomas, Strategic Director for Children & Younger Adults**

## Appendix A

The proposed Appointment and Nomination Process is as follows:

- Information for potential new Governors will be available on the Derbyshire County Council website, in leaflets available from County Council offices and from the Governor Support Service. Information packs will also be sent out by post or e-mail on request. A person who is eligible to be a staff governor at a school cannot be an Authority or Local Authority governor at that school.
- The Governor Support Service will retain lists of current and anticipated vacancies for Authority and Local Authority Governors, in Derbyshire County Council maintained schools. Copies of these lists will be circulated to Elected Members once per month. Regulations require Clerks to Governors to give notice of vacancies to the Local Authority as soon as they arise. The Governor Support Service will write to all Authority and Local Authority governors eligible to be considered for re-appointment or re-nomination 6 months before their term of office ends. The governors eligible to be considered for re-appointment or re-nomination must complete a registration form and this must be endorsed by a Derbyshire County Councillor.
- The Governor Support Service will also keep a list of potential candidates for appointment or nomination as Authority or Local Authority Governors. The list will include the details of potential candidates who have completed and returned the registration form for the appointment or nomination of Derbyshire Authority and Local Authority Governors.

The subsequent process is dependent upon the constitution of the governing body, or the academy, as follows:

### **A. For Appointments of Authority Governors to Governing Bodies constituted under The School Governance (Constitution) (England) Regulations 2007:**

- The Governor Support Service will notify the Clerk to Governors once a potential governor has been identified, asking them to inform the Chair of Governors.
- An Elected Member will then endorse the form, nominating the applicant as a suitable person to become an Authority Governor at their preferred or current school. The Elected Member may, with the agreement of the applicant, choose to indicate on the registration form that this applicant is suitable for any school.

- If the applicant is endorsed as being suitable for any school, the Governor Support Service will work to identify a suitable vacancy.
- In the event that there is more than one applicant endorsed for a vacant place, selection interviews will take place. Interviews will be undertaken by the Chair or Vice-Chair of the Local Area Committee, assisted by an officer of the Authority.
- Once the appointee has been identified and they have been linked to a particular school, the Strategic Director (Children and Younger Adults) will submit a report for consideration to the Local Area Committee. The Local Area Committee may either reject the application or approve each individual appointment, subject to:
  - The satisfactory completion of Declaration of Eligibility (DoE) by the approved governor. Following changes in the Protection of Freedoms Act 2012, there is no longer a requirement for school governors to undergo a Disclosure and Barring Scheme check.
- The Governor Support Service will provide a DoE form for the approved governor for completion, retained by the Clerk to Governors.
- The Governor Support Service will send a letter of appointment to the successful applicant, with a copy to the Clerk to Governors, asking them to inform the Chair of Governors, and a copy e-mail to the Head teacher. The copy to the Clerk to Governors will constitute written notice of appointment in accordance with the relevant Regulations.

**B. For Nominations of Local Authority Governors, for Appointment to Governing Bodies constituted under the School Governance (Constitution) (England) Regulations 2012:**

- A vacancy is identified
- The Local Authority ('the LA') writes to the Governing Body (GB) via the Chair of Governors, to ask if they have any eligibility criteria for the potential nominee, and sends a list of suggested eligibility criteria to assist the GB.
- If the GB has additional eligibility criteria, the LA sends these to the potential nominee, and asks them to return the LA application for nomination form together with details of how they meet the GB eligibility criteria. The form will also request consent to disclose the form to the GB.

- Following selection using the specified eligibility criteria, a potential nominee is identified and endorsed for nomination by an Elected Member as a suitable person to become a Local Authority Governor.
- If, at this point, there is an interest in the vacancy from more than one person, an interview will take place as per the procedure in **A** above.
- The form is sent to the Governing Body with a letter from the LA asking the GB to confirm in writing their agreement to appoint.
- If the GB agrees to appoint the potential nominee, follow the same procedure for approval as in **A** above, changing 'appointment' to 'nomination'.
- Once nominated, the LA writes to the GB asking for confirmation of appointment and term of office. The appointment is subject to the same checks as in **A** above.

### **C. For Appointment of Local Authority Governors to academies:**

Academies are independent of the Local Authority and there is no requirement for these to include a Local Authority Governor.

Where an Academy makes a decision to include a representative of the Local Authority on their Governing Body, the method of selection is as follows;

- The existing Governing Body of the School is dissolved on conversion. The Academy notifies the Local Authority of their decision to invite a Local Authority representative on to the Governing Body.
- Persons who are interested in becoming the Local Authority representative on an Academy Governing Body complete an expression of interest (equivalent to current process for schools).
- The Academy is notified of interested parties and invited to submit any comments on suitability – based on prior experience as a Governor at the school, specific experience and skills, existing balance of Governing Body, members - re background, gender etc.
- If required, an interview takes place and the most suitable is selected on the basis of:-
  - appropriateness as “ambassador” for Local Authority
  - school’s view
  - relevant experience

- expertise and skills
  - commitment and capacity to fill role.
- After an expression of interest form has been endorsed by an Elected Member as a suitable person to become a Local Authority governor, follow the same procedure as in **A** above.

To ensure that Governing Bodies can operate effectively, it is essential that, where possible, they have a full complement of Governors representing a wide range of interests and who are committed to serving the school and its pupils. Local Authorities are also required to ensure that vacancies do not remain open for an unreasonable period of time. Where it is not possible to fill a vacancy, the Governor Support Service will continue to advertise the vacancies and update Elected Members on a monthly basis with regard to current vacancies.

When making an application to be an Authority or Local Authority Governor, volunteers will be invited to complete a monitoring form to assist the LA in ensuring that it is meeting its duties in terms of equalities.

An exit questionnaire will be sent to all Authority and Local Authority Governors who resign from their role, to provide data on the reasons for resignation and general feedback on the quality of support provided by the Governor Support Service. This information can, over time, shape how the Service supports the needs of Governing Bodies in the future. Completion of the questionnaire will be voluntary.