

Agenda Item: 8

Meeting: Executive

Date: 12 May 2009

Subject: Appointment of Local Authority School Governors

Report of: Portfolio Holder for Children, Families and Learning

Summary: The report proposes (a) extending the terms of office of existing local authority school governors initially until 31 August 2009 and (b) a process for then reviewing the mechanism for the appointment of local authority governors to school governing bodies in Central Bedfordshire following the election in June.

Advising Officer: Edwina Grant, Deputy Chief Executive/Director of Children, Families and Learning

Contact Officer: Rob Mills, Committee Services Manager

Public/Exempt: Public

Wards Affected: All

Function of: Executive

Key Decision No

**Reason for urgency/
exemption from call-in** Not applicable

RECOMMENDATIONS:

- 1. That the Deputy Chief Executive/Director of Children, Families and Learning be given delegated power, in consultation with the Portfolio Holder and group leaders, (a) to extend the terms of office of all local authority governors currently in place across Central Bedfordshire until 31 August 2009; and (b) to agree the mechanism for appointing local authority governors to school governing bodies across Central Bedfordshire, for a new four-year term beginning 1 September 2009.**
- 2. That the Monitoring Officer report to the Council's annual general meeting on 18 June 2009 on the 'in principle' allocation of governor places in line with overall political proportionality on the new Council.**

Reason for Recommendations: To begin the process for appointing local authority school governors to schools across Central Bedfordshire in good time for the governors to assume their responsibilities on 1 September 2009.

Requirement to Appoint Local Authority Governors

1. Every maintained school must have a governing body constituted in accordance with regulations which is responsible for its overall conduct, including promoting high standards of educational achievement at the school. Each school must also have an instrument of government which specifies (a) the size of the governing body, which can vary between 9 minimum and 20 maximum, and (b) its membership as between the various categories of parent, staff, local authority, community, foundation and partnership governors. The instrument of government may allow in addition for sponsor governors (up to four for a secondary school, up to two for other schools).
2. Under the regulations, local authority governors are required to comprise one fifth of the governing body in community schools, maintained nursery schools and community special schools (rounded up or down to the nearest whole number); at least one but no more than one fifth of the governors in foundation and voluntary controlled schools; and at least one but no more than one tenth of the governors in voluntary aided schools.
3. Governors must be 18 or over and not disqualified from holding office as a school governor for a reason listed in the regulations (e.g. criminal conviction, bankruptcy or unsuitability to work with children).
4. School governing bodies have legal duties to promote equality in terms of race, gender and disability, to promote social cohesion, to eliminate unlawful discrimination and to promote good relations between persons of different racial groups. It is therefore important that governors are drawn from a wide range of backgrounds and communities, especially under-represented groups.
5. Governors are appointed to hold office for a fixed period of four years from their date of appointment, unless the instrument of government specifies a shorter term, and may then be reappointed for a further term. Governors may resign at any time, or the local authority may decide to remove any of its own appointments (others may be removed by the governing body). Any governors who are appointed mid-term then serve for a fresh four-year period, not for the remainder of the previous term.

The Appointments Process in Bedfordshire Hitherto

6. Places are currently available for 325 local authority governors at 137 schools in Central Bedfordshire, the majority of them in community schools.
7. Appointments in Bedfordshire were normally made following the four-yearly County Council elections, the last of which were in 2005. A review of local authority governors was undertaken in September 2006 however, following new regulations which required all schools to reconstitute their governing body and resulted in an overall reduction in the number of local authority governors.

8. While there is no statutory requirement for governorships to reflect the political balance of the appointing authority, it was the custom in the former Bedfordshire County Council for appointments to be made by the political groups so as broadly to reflect (a) the overall strength of each group on the Council, and (b) wherever possible, the political representation in particular divisions of the former County. The appointments process was administered by Democratic Services and responsibility for determining the allocation of seats was delegated to the relevant Cabinet Member. When a new vacancy arose, the relevant political group was notified and asked to fill the position.
9. While councillors would normally be expected to take up at least one governorship, usually in their local ward, given the number of places to be filled it is inevitable that most appointees will not be elected councillors. In practice, appointments have traditionally been made less on the basis of political involvement and more on the basis of the contribution that an individual is likely to make to the school and its community. The priorities have been to recruit people who:
 - have a genuine interest in education and school improvement in the area;
 - have a good knowledge of their local community and its needs;
 - are able to commit time, skills and energy to the school; and
 - are willing to undertake necessary training, including an induction course for newly appointed governors.
10. Councillors for the local area have hitherto played a major role in speaking to potential community representatives and nominating them if willing and considered suitable. Sometimes a name has been provided by the local authority's governor support team or by the school itself and referred to the relevant political group for consideration. If a place remains vacant one month after a designated start date, it has been the practice to allow another political group to nominate someone to fill it, and the 'owning' political group is then informed.
11. Once appointed, local authority governors are not mandated to represent the views of the local authority but are expected to represent the wider local community. Governing bodies usually meet at least three times in each academic year and many meet more often. In addition, there are likely to be committee meetings to attend as well as other functions to support the school.

New Appointments Required from September 2009

12. In order to maintain continuity of appointments during the transition to Central Bedfordshire, all appointments made by the former County Council for the current academic year were extended last November until the election on 4 June 2009 without amendment. With the majority of appointments having been made in 2006, most of the current four-year terms would naturally have expired at the end of August 2010, with any more recent mid-term appointments due to expire at later dates.

13. It will be necessary (a) immediately, to extend the existing governors' terms of office formally until 31 August 2009, and (b) following the elections in June, to review the allocation of governorships and make fresh appointments from 1 September 2009, even if many of the existing local authority governors are willing and considered suitable to continue in that role. Existing terms of office can be terminated by exercising the statutory power to remove local authority governors. Nevertheless it will be crucial to preserve continuity of knowledge and experience in the governing bodies after September 2009.
14. It is therefore intended to convene a meeting of group leaders with the Portfolio Holder and the Deputy Chief Executive/Director of Children, Families and Learning to review arrangements for the appointment of governors from 1 September 2009.
15. In view of the short timescales before the start of the new academic year, it is suggested that the Director be authorised, following that meeting and in consultation with the Portfolio Holder and the group leaders, to agree the mechanism for making those appointments.
16. If the principle of proportional appointments is agreed, a report will be made to the annual Council meeting on 18 June 2009 to seek agreement in principle to the allocation of school governor places between the political groups, based on the overall political balance of the new Council.

CORPORATE IMPLICATIONS

Council Priorities:

An active and knowledgeable governing body in each school can provide strategic leadership, support, challenge and accountability to parents and the public, and will contribute to improvements in educational attainment in line with the Council's Strategic Plan 2009-11.

Financial:

The administrative costs of appointing new local authority governors will be contained within the Legal and Democratic Services budget.

Legal:

The appointment of school governors is regulated by the School Governance (Constitution) (England) Regulations 2007, made under Sections 19 and 20 of the Education Act 2002.

Risk Management:

There are no strategic or service risks provided the re-appointment process is completed on time and there is a reasonable degree of continuity between the two academic years.

Staffing (including Trades Unions):

None.

Equalities/Human Rights:

The re-appointment process will take account of the Council's responsibilities in these areas.

Community Safety:

None.

Sustainability:

None.

Appendices:

None.

Background Papers (open to public inspection):

Note on the appointment process for local authority governors in Bedfordshire, June 2008.

Location of papers: Priory House, Chicksands