

## COUNCIL

17 JUNE 2010

### APPOINTMENT OF AUTHORITY SCHOOL GOVERNORS: CHANGES TO CRITERIA

Portfolio Holder: Councillor Les Wicks, Children's Services  
Report from: Rose Collinson, Director of Children and Adults  
Author: Patricia Daniels, Governor Services Manager

#### Summary

This report seeks to change the criteria the Local Authority apply to nominations when appointing and removing Authority school governors.

#### 1. Budget and Policy Framework

1.1 Each Local Authority appoints a certain number of governors (Authority governors) to maintained school governing bodies. In Medway the decision to appoint can only be made by Full Council, or the Chief Executive under delegated powers. Criteria have previously been agreed by Full Council to guide the panel of councillors who consider nominations and make recommendations for appointment to the Chief Executive. Therefore, this is a matter for Council.

#### 2. Background

2.1 The criteria were last agreed in July 2005. Two different issues have arisen recently affecting governance arrangements and it is therefore prudent to review the criteria in the light of both issues.

#### 2.2 Governance/Training

2.2.1 Previously the then Department of Children, Schools and Families (DCSF) (now called the Department for Education) had suggested that Authority governors might be used to lead and enthuse the more effective governance of Local Authority (LA) maintained schools. The review of governance (The 21<sup>st</sup> century school: implications for governing bodies, DCSF March 2010) endorsed the consideration of compulsory training for chairs of governors and a revised emphasis on training for governors generally.

2.2.2 The Portfolio Holder for Children's Services has indicated his support to use LA appointed governors to ensure effective governance.

## 2.3 Independent Safeguarding Authority

- 2.3.1 A major change when the criteria were last reviewed was to include a requirement for an enhanced Criminal Records Bureau (CRB) clearance before consideration of a nomination. Governors do not currently legally have to have any CRB clearance unless they have significant unsupervised access to children.
- 2.3.2 The Independent Safeguarding Authority (ISA) begins to roll out compulsory registration, which includes CRB checking, through its Vetting and Barring Scheme (VBS) from June 2010. All newly appointed and reappointed governors will have to be registered from November 2010. Headteachers will be responsible for this process in each school, charged with ensuring that such checks are undertaken within a month of appointment/reappointment.

## 3. Options

- 3.1 By strengthening the commitment of Authority Governors to actively and effectively govern, the Local Authority indicates its intention for all governing bodies, and schools, to achieve the best for all children, in line with the Children and Young People's Plan. Where Authority Governors are not assisting their governing bodies in this way, the revised criteria would permit removal, and subsequent replacement, with more effective governors.
- 3.2 With regard to ISA, all governors will be required to register. Rather than distinguish between different types of governors, and possibly cause confusion, removing the criteria for a CRB clearance and using the general legal requirement to register with the ISA seems logical. Additionally, checking CRB before appointment and again as part of registration doubles costs, time and paperwork.
- 3.3 The current criteria are attached at appendix 1 to the report, with the proposed revised criteria attached at appendix 2 to the report.

## 4. Advice and analysis

- 4.1 Strong and effective governing bodies are vital to leading schools in delivering excellent education for our children. The Local Authority directly appoints only a small proportion of each governing body, but in requiring those Authority appointed governors to set an example of commitment to involvement and expertise it will show its ambition for all children to receive an excellent education.
- 4.2 Reducing the number of CRB checks will save on bureaucracy and in costs incurred in carrying out multiple checks. Safeguarding will not be affected, as all governors will be required to register with the ISA.

## 5. Risk Management

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>
Safeguarding	Persons on the Barred List having access to children.  This risk is rated D2.	All governors will have to register. The ISA will not permit persons on the Barred List to be governors, and will inform the responsible person (headteacher) if a governor is barred.
Children failing to thrive, enjoy and achieve	Schools failing to provide a reasonable standard of education for children, either by Ofsted standards, or by Local Authority standards.  This risk is rated D2.	Strengthen initial commitment. Require evidence of commitment for re-appointment. Removal of ineffective governors

## 6. Consultation

- 6.1 The cross-party panel of Councillors who consider nominations for recommendation to the Chief Executive, and the Portfolio Holder for Children's Services, have been consulted on the proposed changes to the criteria and indicated their support.
- 6.2 Individual governors were asked in the regular survey for their views on commitment to training. The number of respondents, 6%, is not statistically significant, however of those responding, 74% considered that asking Authority Governors to commit to regular training was definitely a good idea, but only 59% considered it definitely a good idea for all governors. Overall 90% consider that training is either definitely or probably a good idea for both Authority and all governors.
- 6.3 Members of the Medway Governor Association Executive Committee were also consulted on the proposed changes to the criteria and gave their support to the proposal.

## 7. Financial and legal implications

- 7.1 Legally, the local authority can appoint any person as a school governor, other than a person who is eligible to be a staff governor or a person disqualified by Schedule 6 of the School Governance (Constitution) (England) Regulations 2007 (e.g. a person under 18 or a pupil registered at the school is not able to be appointed as a governor). The criteria are a guide to the matters that will be considered in determining whether to make an appointment as a governor.
- 7.2 There are no financial implications arising from this report.

## **8. Recommendation**

- 8.1 The Council is recommended to approve the revised criteria for the appointment of Authority School governors, as set out in appendix 2 to the report, with effect from 6 September 2010.

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### **Background papers**

Forms to support the new criteria  
Schedule 6, qualifications and disqualification.  
The School Governance (Constitution)(England) Regulations 2007: SI2007/957

## Appendix 1: Current criteria

### Part A

In deciding whether a candidate should be appointed as an LA governor, the Council will consider the following:

- i) the statutory qualifications and disqualifications criteria as set out in the current Regulations;
- ii) the skills and experience of which the school has the greatest need;
- iii) the skills and experience of the candidate and the ability to make full and effective contribution to the work of the governing body of the school;
- iv) the candidates' support for the school's ethos and mission;
- v) in the case of governors requesting re-appointment, the candidate's prior attendance record;
- vi) the results of an enhanced CRB check – or current one dated within the last 12 months

### Part B

Unless in exceptional circumstances, the following candidates will not normally be eligible for appointment as LA governors:

- i) a member of staff in any maintained school in Medway (apart from supply teachers, who can be a LA governor of a governing body in schools at which they do not work);
- ii) the spouse, partner or close family relation of any paid employee of the school (as a governor to that school);
- iii) a former head-teacher or teacher to the governing body of the school where they were employed, until at least two years after the end of his/her employment; unless at the express recommendation of the Director of Children's Services;
- iv) those where the result of the enhanced CRB check raises issues of child protection.

## **Part C**

Once appointed, the Local Authority will expect that the governors appointed by them will continue to meet the criteria set out in Part A above and in particular will

- i. do nothing that could bring the school or the Local Authority into disrepute, and
- ii. disclose any information that could form the basis for disqualification; and
- iii. be prepared to apply for an enhanced CRB check if requested to do so by the Governor Services Manager or equivalent.

Failure to do so will be grounds for removal from office.

## Appendix 2: Proposed criteria – amendments in bold

### Part A

In deciding whether a candidate should be appointed as an Authority governor, the Council will consider the following:

- i) the statutory qualifications and disqualifications criteria as set out in the current Regulations;
- ii) the skills and experience of which the school has the greatest need;
- iii) the skills and experience of the candidate and the ability to make full and effective contribution to the work of the governing body of the school;
- iv) the candidate's support for the school's ethos and mission;
- vi) in the case of governors requesting re-appointment, the candidate's prior attendance record, **and evidence of their commitment to maintaining up-to-date expertise, and taking a full part in the work of the governing body;**
- vi) **the willingness of the candidate to commit to regular training, to keeping expertise up-to-date and to taking a full part in the work of the governing body**

### Part B

Unless in exceptional circumstances, the following candidates will not normally be eligible for appointment as Authority governors:

- i) a member of staff in any maintained school in Medway (apart from supply teachers, who can be a Authority governor of a governing body in schools at which they do not work);
- ii) the spouse, partner or close family relation of any paid employee of the school (as a governor to that school);
- iii) a former head-teacher or teacher to the governing body of the school where they were employed, until at least two years after the end of his/her employment; unless at the express recommendation of the Director of Children and Adults;

## **Part C**

Once appointed, the Local Authority will expect that the governors appointed by them will continue to meet the criteria set out in Part A above and in particular will

- i. do nothing that could bring the school or the Local Authority into disrepute, and
- ii. disclose any information that could form the basis for disqualification; and
- iii. **demonstrate a commitment to regular training, to keeping expertise up-to-date and to taking a full part in the work of the governing body**

Failure to do so will be grounds for removal from office.

**The Authority would, in line with the School Improvement Strategy, expect to review Authority governors' commitment if their school went into an Ofsted category or became of serious concern to the Authority.**