



City of Westminster

# Cabinet Member Report

<b>Decision Maker:</b>	<b>Cabinet Member for Young People, Learning and Leisure</b>
<b>Date:</b>	<b>17 June 2022</b>
<b>Classification:</b>	<b>For General Release</b>
<b>Title:</b>	<b>Nomination and Appointment of LA Governors</b>
<b>Wards Affected:</b>	<b>All</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Financial Summary:</b>	<b>There are no financial implications arising from this report</b>
<b>Report of:</b>	<b>Executive Director Children's Services and Senior School Governance Adviser</b>

## **1. Executive Summary**

- 1.1 Every maintained school governing body must contain at least one Local Authority (LA) governor. Academies may choose whether or not to include a LA governor in their arrangements. In Westminster there are currently thirty-nine LA governor places. This report sets out proposals, following a review, for the nomination and appointment of LA Governors to maintained schools, converter, and sponsored academies.
- 1.2 It is for each Local Authority to determine its own procedures for making these appointments. The 2012 School Governance (Constitution) (England) Regulations simply define an LA governor as "any person who is eligible to be a local authority governor,". For governing bodies constituted under the 2012 regulations "local authority governor" means a person who:

- (a) is nominated by the local authority; and
- (b) is appointed as a governor by the governing body having, in the opinion of the governing body, the skills required to contribute to the effective governance and success of the school and met any eligibility criteria that they have set.

1.3 The procedure for the nomination and appointment of LA Governors in Westminster was last formally reviewed in 2013.

1.4 Following the increasing length of time it takes to nominate and appoint LA governors the process has been reviewed. The purpose of the review is to streamline the process for nominating or appointing LA governors to maintained schools, converter academies and sponsor academies to make it more efficient and ensure governors are appointed to Westminster schools, as LA governors, as quickly as possible.

1.5 The revised proposed arrangements are set out in Appendix A of this report.

## **2. Recommendations**

2.1 That the arrangements for the appointment of school Governors including Academies, as set out in Appendix A, be approved.

2.2 That the Senior School Governance Adviser will make a recommendation to the Cabinet Member for Young People and Learning relating to the appointment of LA governors in nominated Schools, and Academy governors. The Cabinet Member will then make the final and formal decision relating to the nomination or appointment, as appropriate.

2.3 That the delegation to the Local Authority Governor Nomination Panel in respect of making recommendations to the Cabinet Member in respect of the appointment of LA Governors be formally withdrawn.

## **3. Reasons for Decision**

3.1 The recommendations in this report arise from a review of the arrangements for the nomination and appointment of governors to LA maintained schools and Academies.

3.2 It is becoming more difficult to recruit governors and there is a need to streamline the process to ensure potential governors are appointed to Westminster schools as quickly as possible once a vacancy arises.

3.3 As the panel currently only meets twice a year as very few vacancies arise each year, this means there is a delay in replacing governors who resign or whose

term of office expires.

- 3.4 The number of vacancies considered by the panel has been reducing and removing delegation from Local Authority Governor Nomination Panel, which consists of three Cllrs, and making approval by the Cabinet Member for Young People, Learning and Leisure, will ensure the process is more efficient and also allow for a more productive use of Cllrs time.
- 3.5 The Members of the Local Authority Governor Nomination Panel support the proposal.

#### **4. Background, including Policy Context**

- 4.1 The current arrangements for the formal appointment of LA maintained School and Academy Governors provide for the Cabinet Member for Young People, Learning and Leisure, to agree the nomination or appointment having regard to the recommendation of the existing panel. This process can be lengthy and potential applicants often withdraw before the nomination is agreed, or during the process.
- 4.2 Both the Government and Ofsted continue to believe that there is a need to improve governance in schools, to ensure that governing bodies are skills based and professional and that they are able to effectively hold the school to account. This is reflected in the Ofsted framework for schools 2019 which increased the focus on effective governance.
- 4.3 The Schools Causing Concern guidance for Local Authorities also places a strong focus on governance, including high quality and effective governance, as being key to the success of any school.
- 4.4 The School Constitution regulations 2012 stipulate that the number of LA governors on a governing body will be a maximum of one. Governing bodies stipulate the skills they require in a new LA governor and, once the LA has made a nomination, the governing body can reject a proposed candidate if they do not consider the candidate meets their requirements.

#### **Options for Change**

- 4.5 In view of the increased difficulty in recruiting governors, increased scrutiny of Local Authority governor support and accountability for governor performance, a review of the current LA appointment process has been carried out.
- 4.6 The changes proposed allow for a more streamlined and efficient selection process to be made in order that vacancies can be filled as quickly as possible.

- 4.7 The current system for appointments to Westminster maintained schools was agreed on 11th September 2013 by the then Cabinet Member for Children and Young People who decided that:
- a Panel comprising a majority party councillor and a minority party councillor assisted by a representative of the Director of Education would make recommendations on appointments and re-appointments of LA governors. In an emergency the Director could undertake any function of the Panel in consultation with the Committee Chairman (now Cabinet Member).
  - appointments to be on the basis of information contained in an application form, with a reference from a referee or sponsor.
  - schools would be consulted on desirable skills and qualities in potential governors.
  - Westminster LA would aim to support schools by nominating as LA governors' people committed to raising educational achievement who could contribute appropriate skills, experience and perspective which reflected an understanding of wider local and national issues.
  - where a school is experiencing difficulties or is significantly lacking particular skills on the governing body, priority will be given to that schools' needs.
- 4.8 Since 2013 LA vacancies have consistently remained at a low level, but it can take up to six months, or longer, to fill places when a vacancy arises. A large number of vacancies are filled by applicants referred through Governors for Schools, although referrals also come through councillors, schools, self-referral etc.
- 4.9 In order to keep the arrangements for the appointment of Governors across schools and academies the same, it is proposed to continue with a similar system for all. This reflects that a system is established whereby the Senior School Governance Adviser will make written recommendations to the Cabinet Member for Young People, Learning and Leisure who will approve or reject the recommendation. Officers in the Education Service will work with the Chair of the school/academy to identify the best skills match and report accordingly to the Senior School Governance Adviser who will consider this and make a formal recommendation to the Cabinet Member.
- 4.10 The arrangements outlined in this report can be administered by existing School Standards Officers.

- 4.11 Before making any recommendation the senior school governance adviser will ensure that applicants complete an application form, two references are obtained for the applicant in accordance with safer recruitment practices, the Chair of governors of the school being matched has stated what skillset the governing body requires, and the diversity needs of the governing board are taken into account. The responsibility for obtaining DBS certificates is the responsibility of the governing board not the Local Authority.
- 4.12 The Cabinet Member will then make the final and formal decision relating to the nomination or appointment, as appropriate. The detailed arrangements are set out in Appendix A.
- 4.13 Details of new appointments and resignations will be reported to the Policy and Scrutiny Committee for the purposes of transparency.

## **5. Financial Implications**

- 5.1 There are no financial implications arising from this report.

## **6. Legal Implications**

- 6.1 In accordance with the School Constitution (England) Regulations 2012 and School Federation (England) (Regulations) 2012, it is a matter for each local authority to establish its own procedure for the appointment of LA nominated Governors and Academy Governors.

## **7. Carbon Impact**

- 7.1 The decision will have no carbon impact.

## **8. Consultation:**

- 8.1 No ward consultation has been undertaken. The current panel of Councillors with existing delegated responsibility to make recommendations have been consulted and unanimously support the proposal.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Jackie Saddington, Tel: 07739 315 427, email: [jackie.saddington@rbkc.gov.uk](mailto:jackie.saddington@rbkc.gov.uk)**

**BACKGROUND PAPERS:** None

**PROCEDURE FOR THE APPOINTMENT OF LA MAINTAINED SCHOOL AND ACADEMY GOVERNORS**

1. The Senior School Governance Adviser will make a recommendation to the Cabinet Member for Young People, Learning and Leisure relating to the appointment of LA nominated School and Academy governors. The Cabinet Member will then make the final and formal decision relating to the nomination or appointment, as appropriate.
2. In making a recommendation consideration will be given to the skills and qualities required of a nominee by the governing body to fill a vacancy.
3. The chair of governors will be consulted initially to ascertain the skills and experience required by the governing body, which will be taken into account when making a nomination or appointment.
4. Candidates will be asked to complete an application form setting out their relevant skills and experience and to sign a declaration / protocol which sets out the LA's expectations of its nominees.
5. The candidate will be contacted by a member of the School Standards team, on receipt of the application form, to confirm that s/he is aware of and able to meet the expected commitment.
6. Candidates will be required to provide two referees in order to comply with safer recruitment standards. The School Standards Team will obtain written references from the two referees. These will be checked and approved by the Senior School Governance Adviser.
7. The Senior School Governance Adviser and Cabinet Member for Young People, Learning and Leisure must have regard to the following criteria for the appointment and conduct of LA governors:
  - commitment to improving standards in schools and children's well-being
  - the personal and professional qualities, experience and skills which are required by the governing body
  - involvement in the wider community as a resident, in a voluntary capacity or through employment
  - time to commit to the work of the governing body and to get to know the school

8. The Cabinet Member for Young People, Learning and Leisure needs to be satisfied that the nominated Governor will, once appointed, be prepared to:

- attend governing body meetings regularly
- take an active part in the work of the governing body – e.g. by participating in committee meetings, taking responsibility for aspects of the governing body's work etc
- attend the local authority governor induction course within six months of appointment and other appropriate training courses
- understand and respect the differing roles and responsibilities of the various partners in education and the relationships between them.
- work constructively with other governors and respect the principles of collective responsibility and accountability
- share skills and expertise as they relate to specific areas of governors' work
- attend briefing sessions for authority governors in order to be aware of the policy of the local authority in relation to any significant local or national issue identified by the local authority
- undertake a DBS check

9. The following are not eligible to serve as Local Authority governors in Westminster schools (but could serve in other capacities and as associate members):

- an employee of Westminster Children's Services Department
- an employee of the governing body of voluntary aided schools maintained by the City Council or of Academies within Westminster
- a close relative (mother, father, brother, sister, partner, or child) of a member of staff at the school to which the appointment is to be made.

For completion by the

**Cabinet Member for Young People, Learning and Leisure**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NAME: **COUNCILLOR TIM ROCA**  
\_\_\_\_\_

State nature of interest if any  
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*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled

**Nomination and Appointment of LA Governors** and reject any alternative options which are referred to but not recommended.

Signed .....

**Cabinet Member for Young People, Learning and Leisure**

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:  
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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.