

GENERAL PURPOSES COMMITTEE

Monday, 8 February 2016 at 7.00 p.m.

MP702, 7th Floor, Mulberry Place, 5, Clove Crescent, London E14 2BG

This meeting is open to the public to attend.

Members:

Chair: Councillor Sabina Akhtar

Vice-Chair: Councillor David Edgar

Councillor Khaled Uddin Ahmed, Councillor Craig Aston, Councillor Aminur Khan, Councillor Abjol Miah and Councillor Ayas Miah

Deputies:

Councillor Abdul Asad, Councillor Asma Begum, Councillor Marc Francis, Councillor Danny Hassell and Councillor Oliur Rahman

[The quorum for this body is 3 Members]

Contact for further enquiries:

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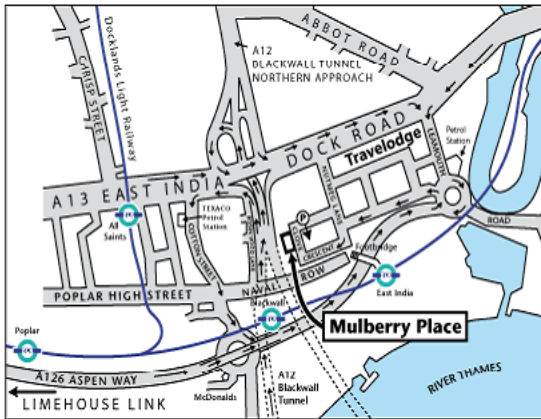
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**1. APOLOGIES FOR ABSENCE
DECLARATIONS OF DISCLOSABLE PECUNIARY
INTERESTS 1 - 4**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

See attached note from the Monitoring Officer.

2. REPORTS FOR CONSIDERATION

2.1 LOCAL AUTHORITY GOVERNOR APPOINTMENTS 5 - 14

The report sets out for Members the details of applicants who have expressed an interest in being appointed to local authority school governor positions at Tower Hamlets schools. The Committee is asked to endorse or reject the nominations for appointments set out in the report.

3. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

**3.1 LOCAL AUTHORITY GOVERNOR APPOINTMENTS EXEMPT
APPENDICES 15 - 20**

The report sets out for Members the details of applications of applicants who have expressed an interest in being appointed to local authority school governor positions at Tower Hamlets schools.

Next Meeting of the Committee:

Wednesday, 16 March 2016 at 7.00 p.m. in MP702, 7th Floor, Mulberry Place, 5, Clove Crescent, London E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, 020 7364 4801; or

John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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Non-Executive Report of the: General Purposes Committee 8 February 2016	 TOWER HAMLETS
Report of: Debbie Jones, Interim Corporate Director (Children's Services)	Classification: [Unrestricted or Exempt]
Local Authority Governor Application	

Originating Officer	Hania Franek
Wards affected	All

Summary

This report sets out for Members the detail of an applicant who has applied to be nominated as the local authority governor at Raine's Foundation School.

Recommendation:

The General Purposes Committee is recommended to:

1. Consider the application and agree to nominate the applicant to the position that is available for a local authority governor at Raine's Foundation School.

1. LOCAL AUTHORITY GOVERNOR NOMINATIONS AND APPOINTMENTS

- 1.1 The General Purposes Committee is responsible for the nomination and revocation of local authority school governors.
- 1.2 The School Governance (Constitution) (England) Regulations 2012 set out the process for the appointment of local authority governors to maintained schools. The Regulations allow for the local authority to nominate a person to fill the position of local authority governor. It is for the governing body to appoint that person if the governing body considers the person meets any eligibility criteria that it has set.
- 1.3 An application to be nominated as the local authority governor to Raine's Foundation School is attached as an Appendix to this report in the restricted area of the agenda.

2. APPLICATION FOR LOCAL AUTHORITY GOVERNOR

- 2.1 Mr Tim Williams has applied to join the governing body of Raine's Foundation School as the local authority governor. He has worked in education for all his working life as a teacher and as a local government officer as a School Improvement Officer. His professional background includes Head of 6th Form and he served as a staff governor at Mulberry School. Mr Williams has worked in Tower Hamlets since 1990.

3. BACKGROUND

- 3.1 On 10 December 2015, the governing body of Raine's Foundation School discussed the implications of the November Ofsted inspection of the school. On a motion proposed by the Chair of Governors the governing body voted to disband itself and requested that the local authority (LA), assisted by the London Diocesan Board for Schools (LDBS) and Department for Education (DfE) take over responsibility for the school until such time as a new governing body could be appointed.
- 3.2 The LA and LDBS proposed establishing an Interim Executive Board (IEB) of highly skilled professionals to be responsible for the governance of the school for an interim period prior to forming another governing body. The DfE did not consider that the school was eligible for intervention and therefore decided that the Secretary of State could not consent to an IEB.
- 3.3 The LA has taken advice from the Regional Schools Commissioner, who recommended establishing a "pseudo IEB" that would develop in to a fully constituted governing body in due course. Following discussions with the LDBS and the Raine's Foundation and it was agreed to set about arranging the appointment of seven new permanent members of the governing body with the skills needed to make it effective. In time, the membership will expand to 14 governors, the full membership.

- 3.4 Tim Williams was identified to become a member of the IEB and is now applying to be the LA governor. His application is available at Appendix 1 in the restricted section.
- 3.5 In about 2005/6, the LA adopted a protocol on the appointment of local authority governors, which has been applied to governing bodies, but not to IEBs. It states that officers of the Directorate will not be appointed as LA governors. This is a local arrangement, the rationale for which is no longer clear, particularly as appointments are no longer made by the LA. It is proposed that an exception to the protocol should be made with respect to Tim Williams' nomination. The protocol is attached as Appendix 2.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no financial implications arising from the recommendations in this report.

5. LEGAL COMMENTS

- 5.1 Section 19 of the Education Act 2002 requires each maintained school to have a governing body, which is a body corporate constituted in accordance with the Regulations. Each maintained school is required to have an instrument of government, which specifies the membership of the governing body. Regulations require a governing body to include person appointed as a local authority governor and for a number of associated matters.
- 5.2 The 2012 Regulations detail the composition of the governing body and the appointment of governors, including local authority governors. The 2012 Regulations provide that there can be only one local authority nominated governor. A local authority governor is a person who is nominated by the local authority and is appointed by the governing body after being satisfied that the person meets any eligibility criteria set by the governing body. It is for the governing body to decide whether the Local Authority nominee has the skills to contribute to the effective governance and success of the school and meets any eligibility criteria they have set. If the governing body has set eligibility criteria, then these should be notified at the meeting, so the Committee can consider them before making a nomination.
- 5.3 Schedule 4 to the 2012 Regulations set out the circumstances in which a person is qualified or disqualified from holding or continuing in office as a governor, details of which are as follows –
- A person who is a registered pupil at a school is disqualified from holding office as a governor of the school.
 - A person must be aged 18 or over at the date of appointment to be qualified to be a governor.
 - A person cannot hold more than one governor post at the same school at the same time.

- A governor who fails to attend meetings for six months without the consent of the governing body becomes disqualified from continuing to hold office.
- A person is disqualified from holding or continuing in office if: (1) his or her estate is sequestered (under bankruptcy) or the person is subject to a bankruptcy restrictions order or an interim order; (2) he or she is, broadly speaking, disqualified from being a company director; (3) he or she has been removed from office as trustee of a charity; (4) he or she has a criminal conviction of a specified kind within a specified time period; (5) he or she is subject to a specified prohibition or restriction on employment, such as being barred from 'regulated activity' relating to children under the Safeguarding of Vulnerable Groups Act 2006; or (6) he or she refuses to apply for a criminal records certificate when requested to do so by the clerk to the governing body.
- A person is disqualified from appointment as a local authority governor if he or she is eligible to be a staff governor.

5.4 Once appointed, a governor will hold office for a fixed period of four years from the date of appointment, except in a limited number of circumstances. This does not prevent a governor from being elected for a further term. A governor may resign, be removed or be disqualified from holding office in the circumstances specified in the relevant Regulations.

5.5 In determining whether to appoint an authority governor, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. The Committee will wish to be satisfied that the process of selection is fair, open and consistent with furtherance of these equality objectives.

5.6 The Council's Constitution gives the General Purposes Committee responsibility for appointment of local authority school governors.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 Local Authority Governors are drawn from all sectors of the community. There is a mechanism in place to ensure, as far as possible, that the composition of governing bodies reflects the makeup of the school and wider community.

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no best value implications arising from the report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no SAGE implications in the report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 Governors have a crucial strategic role in promoting school improvement and supporting headteachers and staff in their work. Their statutory responsibilities and duties require a range of skills. There is a risk that the local authority will not be able to meet governing body requirements for particular skills. The LA engages in a number of activities to ensure a range of applications from the community and local business.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 The proposals in the report do not have an impact in relation to the reduction of crime and disorder.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 [EXEMPT]. LA Governor Application – Mr T Williams
- Appendix 2 Protocol for the appointment of LA governors

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

- NONE.

Officer contact details for documents:

- Hania Franek

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TOWER HAMLETS CHILDREN, SCHOOLS AND FAMILIES

Protocol for the Appointment of Local Authority (LA) Governors

Introduction

The Local Authority (LA) has a responsibility to nominate governors for appointment by governing bodies of all categories of maintained schools under Regulation 8 of the *School Governance (Constitution) (England) Regulations 2012*. The number of governors depends upon the constitution adopted. Local Authorities have the power to remove any of their appointed governors for good reason.

This protocol sets out the criteria and methods by which the Children, Schools and Families Directorate will nominate potential governors to governing bodies.

Code of Practice on LA-School Relations

It is for each LA to determine its own arrangements. However, this protocol has full regard for the revised Code of Practice on Local Authority – School Relations 2001 issued under Section 127 of the School Standards and Framework Act 1998. In respect of the nomination of LA governors, Tower Hamlets will:

- support schools by nominating as local authority governors those who are best qualified to help schools improve;
- when making nominations to particular schools, have regard for those schools with the greatest need;
- when advertising for candidates, highlight the skills and experience required;
- remove local authority governors for good reason and ensure nominations are promptly made when vacancies arise; and
- support governing bodies by ensuring they have the information and training needed to operate effectively.

Nomination Process

Tower Hamlets Council has delegated responsibility for nominating LA governors to the Corporate Director of the Children, Schools and Families, except for where there are more applicants for a particular school than existing vacancies. In these circumstances the decision as to who is nominated is referred to the General Purposes Committee of the Council.

The Corporate Director will make nominations in consultation with the Service Head, Learning & Achievement. The Director may recommend nominees for appointment to certain vacancies by virtue of their expertise which has been matched to expertise that is required by the governing body of a particular school.

The local authority can nominate any eligible person as a local authority governor. Individual applications to become local authority governors come from a number of sources including the following:

- The Education Business Partnership
- Local Industry and commerce
- The School Governors One Stop Shop
- The Collective of Bangladeshi Governors
- The Ocean Somali Community Association (OSCA)
- Individual enquiries through the Governors Services Team
- Tower Hamlets Website.

A person is disqualified from appointment as a local authority governor if they are eligible to be a staff governor of the school or are an employee in Children, Schools and Families Directorate.

The appointments process will be carried out as follows:

1. Governor Services is alerted of a LA governor vacancy
2. Governor Services will identify whether the vacancy is for a nursery, primary, special or secondary school and the length of time the vacancy has existed.

Ethnic Monitoring

Tower Hamlets recognises that many of its ethnic minority groups are under-represented within the school governor population. Accordingly:

- all governors will be asked to complete an ethnic monitoring form on appointment;
- anonymous statistics will be provided where legitimately requested and also used as a tool towards achieving a more balanced representation; and
- Governor Services will actively seek to increase the percentage of black and ethnic minority governors to more closely reflect the cultural diversity of the Tower Hamlets school population.

Term of Office

LA governors are normally appointed for a four-year term of office. Towards the end of this term governors will be asked whether they wish to be

nominated by the local authority for re-appointment by the governing body. There is no automatic right to repeat nomination or of re-appointment.

Removal

LA governors will only be removed during their term of office in exceptional circumstances. There must be clear evidence of serious misconduct.

Examples are:

- non-disclosure of information which would have resulted in the person not being appointed;
- conduct likely to bring the authority or school into disrepute;
- conduct making it impossible for the governing body to carry out its strategic roles;
- conduct seriously disturbing the smooth running of the school;
- persistent failure to attend meetings.

Expectations of LA governors

Local Authority governors would be expected to:

- subscribe to some basic principles: raising achievement and school improvement; schools and the LA working together; inclusion and equal opportunities for all;
- give a *minimum* time commitment: in general be able to attend two full governing body meetings per term, usually held in the evening;
- be willing to join at least one governing body committee or working party;
- be able to visit the school during the day on occasion;
- be willing to undertake training and receive support and advice; and
- identify any relevant skills, interests and experience.

Protocol Review

This protocol will be reviewed as and when required.

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