

Non-Executive Report of the:  <b>General Purposes Committee</b>  8 <sup>th</sup> February 2018	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Debbie Jones, Corporate Director (Children's Services)	<b>Classification:</b> [Unrestricted]
<b>Local Authority Governor Application</b>	

<b>Originating Officer</b>	Runa Basit
<b>Wards affected</b>	All

### 1. SUMMARY:

This report sets out for Members details of applicants who have applied to be nominated as the local authority governor at Tower Hamlets maintained schools.

### 2. RECOMMENDATION:

The General Purposes Committee is recommended to:

1. Consider the applications and agree to nominate the applicants to the positions that are available for local authority governors at maintained schools in Tower Hamlets.
2. Temporarily delegate authority for the Appointment and revocation of local authority school governors to the Corporate Director Childrens Services in consultation with the Chair of the General Purposes Committee, until the first ordinary meeting of the General Purposes Committee in the 2018/19 municipal year.
3. Request that a report on the exercise of this delegation (if any) by the Corporate Director be submitted to the first ordinary meeting of the General Purposes Committee in the 2018/19 municipal year.

### **3. REASONS FOR DECISION:**

- 3.1 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.
- 3.2 The governor nominations in this report are to fill the current LA governor vacancies.

### **4. ALTERNATIVE OPTIONS:**

#### **Background - LA appointed governors**

- 4.1 To improve the efficiency for appointing local authority governors to school vacancies, the General Purposes Committee at a meeting held on Wednesday 15 February 2006 made the decision to delegate authority to the Corporate Director (Children, Schools & Families) to appoint and revoke the appointment of local authority governors, except where there was a dispute about an appointment or there was more than one applicant for a post in which case the Committee would decide the appointment.
- 4.2 At a meeting on 29 November 2011, the Council resolved to amend the constitution and the terms of reference of the General Purposes Committee were amended. The committee is now responsible for the appointment and revocation of local authority school governors.
- 4.3 As this is a function of the local authority there is no alternative option.
- 4.4 Due to upcoming local elections in May 2018, it is anticipated that there will be an extended period in which the Committee does not meet. To ensure local authority school governors can still be nominated if required in this period, it is proposed that the Committee delegates this function to the Corporate Director Childrens Services in consultation with the Chair of the General Purposes Committee, until the first ordinary meeting of the General Purposes Committee in the 2018/19 municipal year. Alternatively, the Committee may choose to delegate the function to the Corporate Director only.

### **5. LOCAL AUTHORITY GOVERNOR NOMINATIONS AND APPOINTMENTS**

- 5.1 Applications to be nominated as the local authority governor to six schools are attached as Appendices to this report in the restricted area of the agenda.

## **6. APPLICATIONS**

### **New applications**

**6.1** The Headteacher and Chair of Stephen Hawking Special School are in support of Beatrice Roberts' application.

Beatrice Roberts' application is enclosed at **Appendix 1**.

**6.2** The Headteacher and Chair of The Cherry Trees Special School are in support of Clare Lovett's application.

Clare Lovett's application is enclosed at **Appendix 2**.

**6.3** The Headteacher of St Saviour's CoE Primary School is in support of Sian Acreman's application.

Sian Acreman's application is enclosed at **Appendix 3**.

**6.4** The Headteacher and Chair of Central Foundation Girls' School are in support of Hilary Evenett's application.

Hilary Evenett's application is enclosed at **Appendix 4**.

### **Re-appointments**

**6.5** The Headteacher at Harbinger Primary school is in support of Dr Katy Bennett-Richards' application.

Dr Katy Bennett-Richards' application is enclosed at **Appendix 5**.

**6.6** The Headteacher and Chair at Halley Primary School are in support of Kimberley McNeil's application.

Kimberley McNeil's application is enclosed at **Appendix 6**.

## **7. COMMENTS OF THE CHIEF FINANCE OFFICER**

**7.1** There are no financial implications arising from the recommendations in this report.

## **8. LEGAL COMMENTS**

**8.1** 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.

8.2 The School Governance (Constitution) (England) Regulations 2012 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.

8.3 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, and cannot be reappointed for 12 months from the date they are disqualified.
- 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 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.

8.4 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.

- 8.5 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.
- 8.6 The Council's Constitution gives the General Purposes Committee responsibility for appointment of local authority school governors.
- 8.7 The pre-election period runs from 27 March 2018 until the final election results have been confirmed and during this period, the council is prohibited from making announcements or decisions which may be seen a politically advantageous to one party, although the Council's ordinary business can continue. It is therefore prudent to delegate decision-making in respect of appointment and revocation of local authority school governors during this period.

## **9. ONE TOWER HAMLETS CONSIDERATIONS**

- 9.1 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.

## **10. BEST VALUE (BV) IMPLICATIONS**

- 10.1 There are no best value implications arising from the report.

## **11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 11.1 There are no SAGE implications in the report.

## **12. RISK MANAGEMENT IMPLICATIONS**

- 12.1 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.

## **13. CRIME AND DISORDER REDUCTION IMPLICATIONS**

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

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE.

### **Appendices**

- Appendices 1 – 6 [EXEMPT]. LA Governor Application Forms

### **Officer contact details for documents:**

- Runa Basit