

Non-Executive Report of the: General Purposes Committee 08 th October 2019	
Report of: Debbie Jones, Corporate Director (Children's Services)	Classification: [Unrestricted]
Local Authority Governor Application	

Originating Officer(s)	Runa Basit
Wards affected	All wards

Executive 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.

Recommendations:

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.

1. REASONS FOR THE DECISIONS

- 1.1 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.
- 1.2 The governor nominations in this report are to fill the current LA governor vacancies

2. ALTERNATIVE OPTIONS

- 2.1 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.

2.2 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.

2.3 As this is a function of the local authority there is no alternative option.

3. DETAILS OF THE REPORT

3.1 Applications to be nominated as the Local Authority governor to 6 schools are attached as Appendices to this report in the restricted area of the agenda.

3.2 APPLICATIONS

New Appointments

- a) The Headteacher of Harbinger Primary School is in support of the appointment of John Bradshaw. John Bradshaw's application is enclosed at **Appendix 1.**
- b) The Headteacher of Wellington Primary School is in support of the appointment of Clifford Atkins. Clifford Atkins' application is enclosed at **Appendix 2.**
- c) The Headteacher of Marion Richardson Primary School is in support of Mark Owen-Lloyd's application. Mark Owen-Lloyd's application is enclosed at **Appendix 3.**
- d) The Headteacher of George Green Secondary School is in support of James Kilmartin's application. James Kilmartin's application is enclosed at **Appendix 4.**
- e) The Headteacher of Guardian Angel's RC Primary School is in support of Martin Tune's application. Martin Tune's application is enclosed at **Appendix 5.**

NB: Martin Tune already serves on three Governing Boards – Woolmore, Bangabandhu and Cherry Trees.

The department recognises that there are people who have the skill and the time to serve effectively on a number of boards, and does not want to restrict their ability to do so. However, where a prospective appointee is already governing at another school or MAT, the chair of the board, should speak to the chair of the other board to discuss both the skills of the individual and, where appropriate, their capacity to serve effectively on an additional board. It is likely that only in exceptional circumstances will an individual have the

capacity to serve effectively on more than two boards – but this is rightly a matter for the board and/or other appointing body to decide.

[Governance handbook

For academies, multi-academy trusts and maintained schools March 2019]

Re-appointments

- f) The Headteacher and Chair of Bowden House Special School are in support of Dennis Jenner's application. Dennis Jenner's application is enclosed at **Appendix 6.**

4. EQUALITIES IMPLICATIONS

- 4.1 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.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 5.2 There are no further specific statutory implications arising from the report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

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

7. COMMENTS OF LEGAL SERVICES

- 7.1 *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.

7.2 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.

7.3 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.

7.4 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.

7.5 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.

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

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

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

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

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

Runa Basit