

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