BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

10 MAY 2016

REPORT BY THE DIRECTOR OF EDUCATION AND FAMILY SUPPORT

APPOINTMENT OF LOCAL AUTHORITY GOVERNORS

1. Purpose of Report

1.1 The purpose of this report is to seek approval from Cabinet for the appointment of Local Authority (LA) governors to the school governing bodies listed in paragraph 4.1 and 4.2.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 The work of LA governors supports the raising of educational standards and the well-being of children, young people and their local communities. In particular, their work contributes to the corporate priority:

- Supporting a successful economy.

3. Background

3.1 In accordance with the council's '*Guidance on the appointment of local education authority governors'* approved by Cabinet on the 14th October 2008, an officer panel from the Education and Family Support Directorate met on Tuesday 12th April 2016 to consider applications received for current and forthcoming vacancies of LA Governors on governing bodies (see paragraphs 4.1, 4.2 & Appendix A). The officer panel scrutinised all application forms.

4. Current situation / proposal

4.1 For the 5 schools below, the 6 applicants met the approved criteria for appointment as LA governors and there was no competition for any of the vacancies. Therefore, the recommended appointments are:

Mr David Boland	Ogmore Primary School
Miss Sarah Edwards	Oldcastle Primary School
Mr Matthew Bater	Penyfai Church in Wales Primary School
Mr Kevin Pascoe	Penyfai Church in Wales Primary School
Miss Stephanie Robinson	St Roberts Primary Catholic School
Mrs Anwen Worsfold	Ysgol Gynradd Gymraeg Y Ferch O'r Sger

4.2 There was competition, however, for one vacancy at one school. The officer panel scrutinised the applications received and recommended the following appointment:

NAME OF SCHOOL	APPLICANTS
Trelales Primary School	Dr Louisa Evans Mrs Laura Clarke
As Mrs Laura Clarke had no previous experience as a governor, and in line with the Council's selection criteria, it was agreed to recommend Dr Louisa Evans based on her attendance record at governing body meetings in the previous two years.	

4.3 Subject to the above appointments being approved, there are still 15 vacancies that need to be filled (see Appendix A).

5. Effect upon Policy Framework and Procedure Rules

5.1 There is no effect upon the Policy Framework or Procedure rules.

6. Equality Impact Assessment

6.1 An assessment of the appointment of Local Authority governors shows that there are no equalities issues related to this report.

7. Financial Implications

7.1 There are no financial implications regarding this report.

8. Recommendation

8.1 Cabinet is recommended to approve the appointments listed in paragraphs 4.1 and 4.2.

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Background documents

- Bridgend County Borough Council's 'Guidance on the appointment of local education authority governors', approved by Cabinet on 14th October 2008. (See Appendix B)
- The Government of Maintained Schools (Wales) Regulations 2005.

Appendix A

List of LA Governor vacancies up until MAY 2016

NAME OF SCHOOL	List of Current & Forthcoming Vacancies
YSGOL GYFUN GYMRAEG LLANGYNWYD	1
ABERCERDIN PRIMARY SCHOOL	1
AFON Y FELIN PRIMARY SCHOOL	2
BETWS PRIMARY SCHOOL	1
FFALDAU PRIMARY SCHOOL	1
MYNYDD CYNFFIG PRIMARY SCHOOL	2
NANTYMOEL PRIMARY SCHOOL	1
OLDCASTLE PRIMARY SCHOOL	1
PORTHCAWL PRIMARY SCHOOL	1
ST MARY'S PRIMARY CATHOLIC SCHOOL	1
TYNYRHEOL PRIMARY SCHOOL	1
YSGOL GYMRAEG BRO OGWR	1
YSGOL GYNRADD GYMRAEG CWM GARW	1
TOTAL VACANCIES	**15**

APPENDIX B

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

TUESDAY, 14TH OCTOBER 2008

REPORT BY THE CORPORATE DIRECTOR - CHILDREN

APPOINTMENT PROCESS OF LEA GOVERNORS

1. Purpose of Report.

1.1 The purpose of this report is to seek Cabinet approval for revisions to the process and criteria for the appointment of LEA governors on school governing bodies.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

2.1 The appointment of LEA Governors contributes to the corporate priority of "Creating Learning Communities".

3. Background.

3.1 Section 127 of the School Standards and Framework Act (SSFA) 1998 required the Secretary of State, to issue a Code of Practice for securing effective relationships between LEAs and maintained schools. The National Assembly for Wales 'Code of Practice on LEA – School Relations' was issued in 1999.

3.2 Paragraph 26 of the "Code of Practice on LEA – School Relations" provides that – *"The strength of the LEA's relationship with the governing body will depend on a number of factors. From the LEA side they include:*

- *The prompt appointment of effective governors;*
- *The quality of the information which the LEA provides to governing bodies;*
- *The quality and timing of LEA consultation with governing bodies and local governor associations;*
- *The quality of any governor training, clerking and support obtained by the school from the LEA; and*
- *The quality of the advice and support on staffing and other matters obtained by the school from the LEA.*

From the governing body side, there needs to be a willingness to recognise the LEA's role in securing an effective schools' service in the area, to contribute effectively to raising standards, and to respond constructively if the LEA raises concerns about the school's performance or operation."

3.3 Paragraph 74 provides that - *"…the governing bodies of all categories of school governors include governors appointed by the LEA. …..LEA governors are appointed representatives of the LEA on a school governing body. They may represent the LEA's view in the same way as other categories of governor represent the views of their constituency. But like other governors, LEA governors are not delegates and cannot be mandated by the LEA to take any particular line. Their first loyalty should be to the school and the community it serves."*

3.4 Furthermore, paragraph 75 goes on to state: – *"LEAs should publish the process and criteria by which they identify candidates for appointment as LEA governors, and should ensure that appointments are made promptly when vacancies arise."*

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3.5 Under the Authority's current arrangements, decisions on the appointment and removal of LEA governors can only be made by Cabinet.

3.6 The Authority's current "Guidance on the Appointment of LEA Governors" was devised and published in January 2006 and revised in July 2007. The guidance assists the LEA in ensuring that the appointment of LEA governors complies with legislative guidance and provides a framework for officers within the Children's Directorate to process the appointment of LEA governors. This report suggests further amendments.

4. Current situation / proposal.

4.1 The experience of officers in applying the criteria contained in "Guidance on the Appointment of LEA Governors" and comment by Cabinet members when considering recommendations for the appointment of LEA governors has highlighted the need for some adjustment to the appointment process.

4.2 The proposed criteria is as follows:

Current criteria:

- *Local ward member for the school;*
- *Elected member, outside the local ward for the school;*
- *Current and/or previous experience as a governor based on:*
  - *relevance of the phase of education;*
  - *attendance record at governor training events;*
  - *attendance record at governing body meetings in the previous two years;*
- *Experience and/or relevant knowledge of educational issues;*
- *A knowledge and understanding of the role and functions of the LEA.*

Proposed criteria

- *Local ward member for any part of the school's catchment area;*
- *Elected member, outside the local ward for the school;*
- *Community Councillors - for Secondary and Special Schools only (*please see note below);*
- *Current and/or previous experience as a governor based on (in priority order):*
  - *attendance record at governing body meetings in the previous two years;*
  - *attendance record at governor training events;*
  - *relevance of the phase of education;*
- *Experience and/or relevant knowledge of educational issues;*
- *A knowledge and understanding of*

the role and functions of the LEA

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* **NOTE The Government of Maintained Schools (Wales) Regulations 2005 already provides for the governing bodies of any community, voluntary or foundation primary school and maintained nursery school's to include one community governor nominated by the community council, therefore these schools have not been included in the above criteria**

4.3 The School Standards & Framework Act 1998 gives local authorities powers of intervention in schools causing concern. One of those powers is the appointment of additional LEA governors to strengthen the school's capacity to deal with the areas of concern. In all cases, such additional governors need to bring particular skills or experience to the governing body and these will vary depending on the weaknesses apparent in the particular school in question. There is also likely to be some urgency about the appointments. Because of these factors, the usual appointment process is not a suitable mechanism for appointing additional LEA governors to support schools causing concern. To enable the Council to respond rapidly and appropriately in cases where there are significant concerns about a school (including those which are identified by Estyn as requiring special measures), it is proposed that the power to appoint additional governors be delegated to the Corporate Director – Children in consultation with the Cabinet Member for Children and Young People.

4.4 The LEA has recently produced a Code of Conduct for governors and all governing bodies have been recommended to adopt the document as their own. When LEA governors have been appointed they are expected to meet the standards of conduct set out in the Code of Conduct attached (Appendix 2).

5. Effect upon Policy Framework& Procedure Rules.

5.1 There will be no direct effect upon the Policy Framework or Procedures rules.

6. Legal Implications.

6.1 The Authority is required to publish its process and criteria by which candidates for appointment as LEA governors are selected. The appended "Guidance on the Appointment of LEA Governors" will ensure the Authority complies with this requirement.

7. Financial Implications.

7.1 There are no financial implications regarding this report.

8. Recommendation.

8.1 It is recommended that:

(i) the "Guidance on the Appointment of LEA Governors", attached as Appendix 1, be approved;

(ii) cabinet delegates to the Corporate Director – Children in consultation with the Cabinet Member for Children and Young People the function of appointing additional governors in the circumstances set out in paragraph 4.3.

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26 September 2008

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Background documents

- Welsh Assembly Government Code of Practice on LEA – School Relations (1999)
- The School Standards and Framework Act 1998
- Code of Conduct for School Governors

APPENDIX 1

GUIDANCE ON THE APPOINTMENT OF LOCAL EDUCATION AUTHORITY GOVERNORS

1. Role of Local Education Authority (LEA) Governors

- LEA Governors are representatives of the LEA and not delegates. This means that they cannot be directed by the LEA but they should represent the views of the LEA.
- An LEA Governor is expected to help the school improve and support the school's ethos and mission.
- An LEA Governor is expected to provide the school with the skills and experience that it needs.

2. Criteria for Identification of Candidates

An LEA Governor is expected to possess the following attributes:

- A commitment to raising the aspirations and achievement of young people
- Good communication skills and interpersonal skills
- An ability to respect confidentiality
- Tact, diplomacy and an open mind.
- A willingness to attend regularly meetings of the governing body
- An understanding and/or knowledge of the role of the LEA
- An interest in education and/or knowledge in this field
- A good knowledge of the area and community that the school serves
- An ability to absorb information
- An ability to work as part of a team
- A commitment to equal opportunities
- A willingness to undertake training

The LEA has produced a Code of Conduct for governors and governing bodies have been recommended to adopt the document as their own. When LEA governors have been appointed they would be expected to meet the standards of conduct set out in the Code of Conduct.

The LEA recognises that individual governors are bound by the corporate responsibilities of the governing body. The LEA may provide its representative governors with information from time to time but this will not replace the LEA's duty to communicate and consult with governing bodies (as required by the Welsh Assembly Government's Code of Practice on LEA - School Relations).

3. The Appointment Process

The Directorate will take a pro-active role in identifying existing and potential LEA governor vacancies and will endeavour to make appointments as soon as possible. In the first instance, where a vacancy for an LEA governor arises at a school:

- the local ward member(s) of the County Borough Council will be invited to declare an interest in being appointed at the school;
- where no ward member declares an interest, the vacancy will be open to other elected members;
- should the vacancy still exist, then nominations from elected members, headteachers and governing bodies will be considered. The LEA will also advertise locally to seek nominations from interested persons who wish to be considered for the position as an LEA governor;
- all candidates including local ward members will be required to complete an application form which is to be returned to the Governor Support Unit. Recommendations for appointment will be based on the information provided on the application form;
- application forms will be considered by an officer panel made up of the Corporate Director – Children, Head of Service and Group Manager for Learner Support Services, or their representatives. The panel will meet to consider applications on a regular basis as determined by the vacancy situation;
- the officer panel will make recommendations to Cabinet for approval of applicants who possess the most appropriate skills and/or experience. Where more than one application is received for the position, the panel will use the following criteria as tiebreakers (listed in descending order of priority):

    - Local ward member for any part of the school's catchment area;
    - Elected member, outside the local ward for the school;
    - Community Councillors - Secondary and Special Schools only (please see footnote below[1]);
    - Current and/or previous experience as a governor based on (in priority order):

[1] **NOTE The Government of Maintained Schools (Wales) Regulations 2005 already provides for the governing bodies of any community, voluntary or foundation primary school and maintained nursery school's to include one community governor nominated by the community council, therefore these schools have not been included in the above criteria.**

  - attendance record at governing body meetings in the previous two years;
  - attendance record at governor training events;
  - relevance of the phase of education;
- Experience and/or relevant knowledge of educational issues;
- A knowledge and understanding of the role and functions of the LEA.

The LEA is committed to ensuring that all applications received are regarded equitably and given due consideration regardless of gender, age, race, ethnic origin, sexual orientation or disability.

Once appointed, each applicant will be notified in writing and the LEA will provide its representative governor with information and support. LEA governors would be expected to comply with the Code of Conduct for School Governors that has been issued and recommended for adoption by individual governing bodies.

Re-appointment of Governors

Where there has been no significant change in circumstances. LEA governors applying for re-appointment may request their original application form to be re-considered. This request must be stated on an additional form where personal details will be included on the form and an extra section will be added so that any changes that have occurred over the past four years can be added.

Special Cases

The School Standards & Framework Act 1998 gives local authorities powers of intervention in schools causing concern. One of those powers is the appointment of additional LEA governors to strengthen the school's capacity to deal with the areas of concern. In all cases, such additional governors need to bring particular skills or experience to the governing body and these will vary depending on the weaknesses apparent in the particular school in question. There is also likely to be some urgency about the appointments. Because of these factors, the usual appointment process is not a suitable mechanism for appointing additional LEA governors to support schools causing concern. To enable the Council to respond rapidly and appropriately in cases where there are significant concerns about a school (including those which are identified by Estyn as requiring special measures), the power to appoint additional governors is to be delegated to both the Cabinet Member for Children and Young People and the Corporate Director - Children.

4. Removal of LEA Governors

- Only the Cabinet has the authority to dismiss an LEA governor but only after appropriate procedures have been followed. These procedures will ensure the individual is subject to the rules of natural justice and advice on the dismissal of a governor will be provided to the Cabinet by the Corporate Director- Children.

- Should any concerns arise during a governor's term of office, the Group Manager for Learner Support Services will act as an intermediary in an attempt to resolve the matter. Should removal be thought to be necessary, the governor will be

invited to a meeting of the officer panel to hear the concerns and to be given the opportunity to respond. Following the meeting the officer panel will make a recommendation to Cabinet on the issue of removal, and the individual governor and the Chair of Governors will be informed in writing of the Cabinet's decision.

- Such cases of removal might involve, but may not be limited to, any of the following:

    - Conduct or bias that is clearly not in the best interest of the school;
    - Serious failure to co-operate with the LEA, governors or the governing body as a whole;
    - An irretrievable breakdown in relationship between the LEA governor and the governing body;
    - Failure to attend governing body meetings;
    - Failure to meet the standard of behaviour set out in the Code of Conduct for School Governors.

Any LEA governor who is removed from office may not be appointed to a governing body as an LEA governor for a period of twelve months from removal. Should the governor concerned hold office on another governing body, that position would not be affected.

For further information please contact the Governor Support Co-ordinator, Children's Directorate, Governor Support Unit, Bridgend County Borough Council Sunnyside, Bridgend CF31 4AR Tel: 01656 - 642661

Appendix 2

Code of Conduct for School Governors

Background

A Code of Conduct is to be used as a basis for clarifying the behaviour and conduct expected of all school governors. Whilst recognising that every governing body works and operates differently according to the type of school, there is nevertheless a general expectation of the standard of behaviour that is acceptable. This Code of Conduct seeks to articulate that expectation in a framework that can be easily understood by all governors and is recommended for adoption by your governing body.

If governors are to contribute effectively to their schools and communities, there is a general standard of behaviour that will be required. There is no legislation for enforcing such a Code of Conduct or for dealing with all situations where behaviour of governors is unacceptable. Hence, governing bodies need to take responsibility for ensuring high standards among their members.

By adopting this Code of Conduct, governing bodies are setting their own standard of behaviour and expectations from governors. The Code of Conduct should be reviewed from time to time.

Aims

- Governors make a positive contribution by giving of their time and bringing their experience to help the school provide the best possible education for each of its pupils;
- Governors contribute effectively to: the development of the school; its strategic framework; the character, aims, ethos and values of the school; and developing policies;
- Governors behave as “critical friends” to the school at all times. This includes monitoring and evaluating the work of the school, offering support, giving constructive advice and being a sounding board for ideas. This will also include challenging and asking questions of the Headteacher where necessary;
- Governors have a clear understanding of the role of the Headteacher which, through his/her day-to-day organisation and management of the school, is to deliver the curriculum and promote pupils’ well-being through the implementation of policies, plans and procedures agreed by the governing body;
- Governors act fairly and without prejudice, and in so far as the governing body has responsibility for staff, collectively fulfil all that is expected of a good employer;
- The governing body acts at all time in accordance with statutory legislation.

Commitment

- Governors accept that the role does require a significant level of commitment, time and energy;
- Governors will be actively involved in the work of the governing body, attend regularly, and accept their fair share of responsibilities, including service on committees and taking on links with curriculum subjects and areas of special responsibility;
- Governors will ensure they are prepared for meetings by reading all papers beforehand;
- Governors will make every effort to attend the Governors Foundation Course and any other relevant topical training courses in order to develop their role;

- Governors will get to know the school well and respond to opportunities to involve themselves in school activities;
- Governors will be conscious of, and act within, the limits of the responsibilities of the governing body and when necessary, seek and give due consideration to professional information, advice and guidance.

Conduct

- Governors must accept collective responsibility for all decisions taken by the governing body, that is, they do not have the legal authority to act individually except when the governing body has delegated authority for them to do so (the chair has powers in certain situations);
- Governors must demonstrate a commitment to equality of opportunity and reflect this in developing and applying all school policies;
- Governors must act fairly and without prejudice, with the overall good of the school overriding any personal feelings or individual concerns they may have;
- Governors must behave in a way that will help the governing body to work as a team, there should be no personal attacks and it is not acceptable to undermine the contribution of others, and should be courteous and sensitive to the needs of others;
- Governors must be demanding and challenging rather then attacking and crushing by being tolerant of different points of view;
- Governors must encourage and participate in systems which provide for open and effective communication, helping to establish a clear vision of the school's development;
- Governors' decisions must always take account of the views of the staff, parents, pupils, community and other interested parties;
- Governors must also be conscious that the welfare of pupils should always come first in terms of child protection, health and safety and helping each child to develop their full potential;
- Governors' visits to the school must be carried out within a framework that has been established by the governing body and agreed with the Headteacher;
- Governors must declare any personal or financial conflict of interest arising from a matter before the governors or from any other aspect of governorship and should not use their position as governor to benefit him/herself or other individuals or agencies.

Confidentiality

- Governors must respect the governing body's right to deem certain matters to be confidential, restricting discussion of such matters, whether inside or outside governing body meetings, solely to fellow governors and in appropriate cases solely to discussion within governing body committees;
- Governors must exercise the highest degree of caution when involved in sensitive issues arising outside the governing body which may have an impact on the work of the governing body or the operation of the school.

Relationships

- Governors should encourage open governance and should be seen to be doing so;
- Governors should recognise that each member of the governing body has equal status irrespective of their appointing body (i.e. parents, staff, LEA, diocese or the governing body) unless particular responsibilities are conferred on them by the full governing body;

- Governors should develop effective working relationships with the Headteacher, senior management team, teachers, support staff, parents, LEA and other relevant agencies where appropriate;
- Governors should operate as a team and always in the best interests of the school.