

Classification: Open	Decision Type: Key
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Report to:	Cabinet	Date: 06 September 2023
Subject:	Proposals to change the way in which Local Authority school Governors are nominated and appointed	
Report of	Deputy Leader and Cabinet Member for Children and Young People	

1.0 Summary

- 1.1 In accordance with The Constitution of Governing Bodies of Maintained Schools (2017) regulations, Cabinet is requested to determine a proposal in respect of the policy and procedures regarding the nomination and appointment of Local Authority Governors in maintained schools in Bury.
- 1.2 The current nomination and appointment process is based upon the political representation model, where political affiliation determines Local Authority Governor nomination.
- 1.3 The Governance Handbook states in paragraph 52: *Once appointed, LA Governors must govern in the interests of the school and not represent or advocate for the political or other interests of the LA; it is unacceptable practice to link the right to nominate LA governors to the local balance of political power.*
- 1.4 The majority, if not all, of the Local Authorities within the Northwest of England stopped using the political model between 2012 and 2015. This is highlighted in Appendix 2.
- 1.5 Two thirds of the maintained schools in Bury either currently have a vacancy for a Local Authority Governor or have a Local Authority Governor with a term of office which is due to expire before the end of September 2023. This is highlighted in Appendix 1.
- 1.6 It is proposed to move from the political model of nomination for LA Governors to the panel model of nomination for LA Governors, which is detailed in more detail below.

2.0 Recommendation(s)

That:

- Cabinet approves the proposal to move to the panel model of nomination for Local Authority Governors.

2.1 Reasons for recommendation(s)

Many maintained schools within Bury have stated that they have concerns regarding Local Authority Governor recruitment and/or retention. Governor recruitment across all Governor categories remains a national concern, and within Bury the number of Local Authority Governor vacancies presents a

significant challenge. In addition to this, many Local Authority Governors will reach the end of their four-year term of office before the end of September 2023. Further detail regarding the current position is outlined in Appendix 1.

It is also recognised that the Governance Handbook states that it is inappropriate to link the nomination process to political affiliation, as quoted in paragraph 1.3 above.

2.2 Alternative options considered and rejected

It would be possible to retain the current political model of nomination and appointment, but this was rejected owing to the guidance outlined in the Governance Handbook. It was also rejected as the panel model should enable the LA to support schools to fill LA Governor vacancies more quickly.

Within one LA in the North West of England, an alternative model is in place, where the nomination process is delegated to the Executive Director for Children and Young People (or their equivalent). They may then delegate the responsibility within their team. This option was rejected in order to ensure that Elected Members were able to retain a role in the nomination process.

3.0 Background

- 3.1 Bury Council currently has 54 maintained Local Authority schools. Although this is a changing landscape and there are a number of expected Academy orders. Strong Governance is key to ensuring improving educational outcomes and an improvement in the proportion of good or better schools.
- 3.2 Local Authority Governors have always been nominated by the Local Authority, and appointed by each individual school's Governing Board. The School Governance (Constitution) Regulations 2012 were published to support the Department for Education's aim at that time to ensure that Governing Boards were no larger than they needed to be in order to ensure that they had all of the skills necessary to carry out their functions. All maintained schools were therefore required to reconstitute by 1st September 2015.
- 3.3 Prior to this change, many maintained schools had more than one Local Authority Governor on their Governing Board. It was common for there to be two, three or four Local Authority Governors on each individual Governing Board. These were often nominated and appointed according to the system known as the political model, where the political party representation within Council wards in each Local Authority area influenced decisions regarding schools where Local Authority Governors were to be nominated for appointment. This system was based upon the principle that Governing Board composition would be linked to Local Election results and party representation within the Council.
- 3.4 The School Governance (Constitution) Regulations 2012 state that every maintained school must have one Local Authority Governor on their Governing Board. This is a statutory requirement, and if a school reconstitutes it may neither increase nor decrease the number of Local Authority Governors in their Governing Board composition.

3.4 Following the publication of The School Governance (Constitution) Regulations 2012, many Local Authorities across the country moved from the aforementioned political model of Local Authority Governor appointments to a model where Local Authority Governors were nominated by a panel made up of Local Authority representatives, including Elected Members, and continued to be appointed by the Governing Board of each individual school. This model is often known as the panel model.

4.0 The proposal

4.1 It is proposed that Bury Local Authority move to the panel model to nominate and appoint Local Authority Governors to the Governing Boards of maintained schools. This is a system where a panel of seven Elected Members with a quorum of three would meet once each term to consider applications from prospective Local Authority Governors, and to agree nominations to individual school Governing Boards. The Principal Governance Officer, or their representative, would also be in attendance to advise the Panel regarding the process and to provide support with regard to any relevant governance law and procedure. The Panel may meet more frequently than once during each term of the academic year if this was deemed necessary.

4.2 Panel membership would be considered annually in order to ensure that it was representative of the political balance of seats on the Council. This would ensure an appropriate balance of representation across all parties. Applications would not be considered on the basis of political affiliation, but based on the skillset and commitment of the applicant.

4.3 Governing Boards would continue to appoint their nominated Local Authority Governor to the Governing Board. If they wished to reject the nomination, they must do this in writing, as set out in paragraph 51 on page 64 of the Governance Handbook.

4.4 The Panel would consider new appointments, and would also nominate serving Local Authority Governors for reappointment if they wished to continue as the Local Authority Governor at the end of the four-year term of office period. Local Authority Governors seeking reappointment would not be required to submit the application form

4.5 The Panel would be able to remove a Local Authority Governor from a Governing Board if this was considered necessary, and the criteria for removal had been met.

4.6 The move to this model would be gradual, as current Local Authority Governors would complete their term of office.

4.7 Elected Members would be able to continue to apply to be a Local Authority Governor, and subsequently receive a nomination and be appointed as Local Authority Governors. It is important to note that the nomination would not be a political nomination.

5.0 The Nomination Process

5.1 It is proposed that all applicants for the position of Local Authority Governor must meet the criteria set out below. Schools may also propose candidates

they believe to be suitable, who must then complete the online application which would be considered by the Panel.

- The applicant should reside within the boundary of Bury Metropolitan Borough, and have a willingness to serve on either a particular school's Governing Board, or on the Governing Board of any school within the Bury borough.
 - An application can be made by any employee of Bury Council, but not of the Department for Children and Young People, or those employed to work in schools in either a teaching or non-teaching capacity within the borough. This exemption also applies to those employed to work in academies situated within the borough. Employees working within Legal Services and/or Litigation Services would also be ineligible. This is in order to reduce possible conflicts of interest.
 - A Governor who has been disqualified through non-attendance will not be re-appointed to the same governing body for a period of 12 months
 - A Governor previously disqualified through non-attendance must give a commitment to minimum attendance requirements before further nominations to any Governing Board within Bury is made.
 - The applicant should complete and sign a declaration of eligibility form to confirm that they are not disqualified from appointment as a governor.
 - Governing Boards are to ensure that all newly appointed or elected Governors apply for a Disclosure and Barring Service (DBS) check to be undertaken within 21 days after his or her appointment, if they do not already hold an enhanced DBS and also subscribe to the DBS update service. The nomination and subsequent appointment to the Governing Board would be a conditional offer subject to a satisfactory enhanced DBS disclosure being received.
 - Governing Boards must also ensure that the appropriate Section 128 check is completed, and that a record of this check is retained by the school.
- 5.2 The panel would consider the contribution that the applicant could bring to the governing body in terms of skills, knowledge and experience, as well as the applicant's commitment to improving and raising aspirations and educational achievements of young people in Bury. This would be supported further through the use of the Skills Audit available through the National Governance Association (NGA). Appendix 3, the draft Code of Practice for the Appointment of Local Authority Governors, contains further information regarding the attributes required in a Local Authority Governor.
- 5.3 It is important to note that the Local Authority Governor cannot be any person who is employed by the school and therefore eligible to be a Staff Governor.
- 5.4 It has been recognised that as maintained schools convert to academy status, the requirement to nominate and appoint Local Authority Governors will naturally diminish. Local Authority Governors may be appointed to the Local Governing Board (or equivalent) of the school following conversion to academy status, but they would most likely become a Co-opted Governor at this point, as Local Authority Governors are only nominated and appointed to the Governing Boards of maintained schools.

6.0 The Decision Making Process

- 6.1 When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification
- approve the proposal with modifications, having consulted the LA; or
- approve the proposal, with or without modification – subject to certain conditions being met.

Report Author and Contact Details:

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Position: Principal Governance Officer

Department: Quality, Standards and Performance (Children and Young People)

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Links with the Corporate Priorities:

The proposal will support key ambitions of the Let's Do It strategy:

- A better future for the children of the borough
- A chance to feel more part of the borough
- Building a fairer society that leaves no-one behind

Equality Impact and Considerations:

The outcomes of the initial equality analysis is positive.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to

a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

An equality impact assessment has been undertaken and identified no areas of negative impact in relation to protected characteristics.

Environmental Impact and Considerations:

There are no environmental impacts for this decision.

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
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Impact on stakeholders	Consultation, discussion and engagement
Opportunity to recognise and develop the skills of school Governors and prospective Governors	
Opportunity to build capacity within school governance	

Legal Implications:

The adoption of this approach would lead to the current model of Local Authority Governor political affiliation being superseded by the panel model.

Financial Implications:

There are no financial implications for this decision.

Background papers:

[Governance Handbook 2019 \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

APPENDIX 1

Bury Local Authority Governors, June 2023

Terms of office in red expire before the end of September 2023.

School name	LA Governor	Term of office end date	Notes
All Saints C.E. Primary	Vacant		
Bury & Whitefield Jewish Primary	Russell Bernstein	02.05.2025	
Buttersile Primary	Gareth Lloyd-Johnson	05.10.2024	
Cams Lane Primary	Elaine Sexton	17.10.2026	
Chantlers Primary	Dene Vernon	31.08.2023	
Chapelfield Primary	Vacant		
Chesham Primary	Sandra Walmsley	31.08.2023	
Christ Church Ainsworth Primary	Vacant		
Cloughside College	Ian Chambers	24.01.2024	Bolton Governance Services clerk Cloughside
Craig Ormerod	Vacant		
Emmanuel Holcombe Primary	David Hulme	31.08.2023	
Fairfield Primary	Trevor Holt	31.08.2023	
Greenmount Primary	Vacant		
Guardian Angels Primary	Caroline Carlon	31.08.2025	Federation with Our Lady of Lourdes
Hazlehurst Primary	Nabila Afilal	31.08.2023	
Heaton Park Primary	Vacant		
Holcombe Brook Primary	Chris Baron	30.09.2025	
Hollins Grundy Primary	Tahir Rafiq	31.08.2023	
Holly Mount Primary	Khalid Hussain	31.08.2023	
Hoyle Nursery	Jihyun Park	05.07.2025	
Lowercroft Primary	Charlotte Morris	05.10.2024	
Manchester Mesivta High	Allan Quinn	31.08.2023	
Mersey Drive Primary	Mary Whitby	31.08.2023	
Millwood	Vacant		
Old Hall Primary	Jack Rydeheard	24.06.2025	
Our Lady of Grace Primary	Paddy Heneghan	31.08.2023	
Our Lady of Lourdes Primary	Caroline Carlon	31.08.2025	Federation with Guardian Angels
Park View Primary	Allan Quinn	31.08.2023	
Parrenthorn High	Andrea Simpson	23.07.2023	
Philips High	Russell Bernstein	31.08.2023	
Ribble Drive Primary	Andrea Simpson	31.08.2023	
Sedgley Park Primary	Deborah Quinn	22.07.2025	
Spring Lane School	Carol Bernstein	24.06.2025	
St. Andrew's Radcliffe Primary	James Mason	31.08.2023	
St. Andrew's Ramsbottom Primary	Vacant		
St. Bernadette's Primary	Joan Grimshaw	31.08.2023	
St. Hilda's Primary	Vacant		
St. John with St. Mark Primary	Ciaran Bowles	12.12.2025	
St. Joseph & St. Bede Primary	Darren John Walsh	31.08.2023	
St. Joseph's Primary	Lynsey Eaton	31.08.2023	
St. Luke's Primary	Tamoor Tariq	31.08.2023	
St. Margaret's Primary	Vacant		
St. Marie's Primary	Stella Smith	31.08.2023	
St. Mary's Hawkshaw Primary	Roger Brown	24.06.2025	
St. Mary's Prestwich Primary	Ugonna Edeoga	14.12.2025	
St. Mary's Radcliffe Primary	Tony Cummings	31.08.2023	
St. Paul's Primary	IEB in place		
St. Peter's Primary	Nikki Frith	06.01.2025	
St. Stephen's Primary	Vacant		
The Derby High	Susan Southworth	31.08.2023	
The Elton High	John Costello	31.08.2023	
Virtual School	Vacant		
Whitefield Primary	Lucy Smith	22.09.2023	
Woodbank Primary	Sarah Southworth	13.08.2023	

APPENDIX 2**Appendix 2: Local Authority Governor nomination models within the North West Region**

Political Model	Other Appointment Method (usually LA Panel)	Not Known
Bury	Salford	Rochdale
	Bolton	Halton
	Tameside	Liverpool
	Manchester	Westmorland & Furness
	Wigan	Cumberland
	Oldham	
	Trafford	
	Stockport	
	Blackburn with Darwen	
	Lancashire	
	Blackpool	
	Cheshire East	
	Cheshire West & Chester	
	Warrington	
	Knowsley	
	The Wirral	
	St. Helens	
	Sefton	



**Bury Code of Practice for the
Recruitment and Appointment of Local
Authority Governors to Maintained
Schools**

Contents

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Important Note

This guidance is for those governing boards of maintained schools which have reconstituted under the School Governance (Constitution) Regulations 2012, and subsequent amendments. This guidance does not apply to Local Authority Governors of Pupil Referral Units.

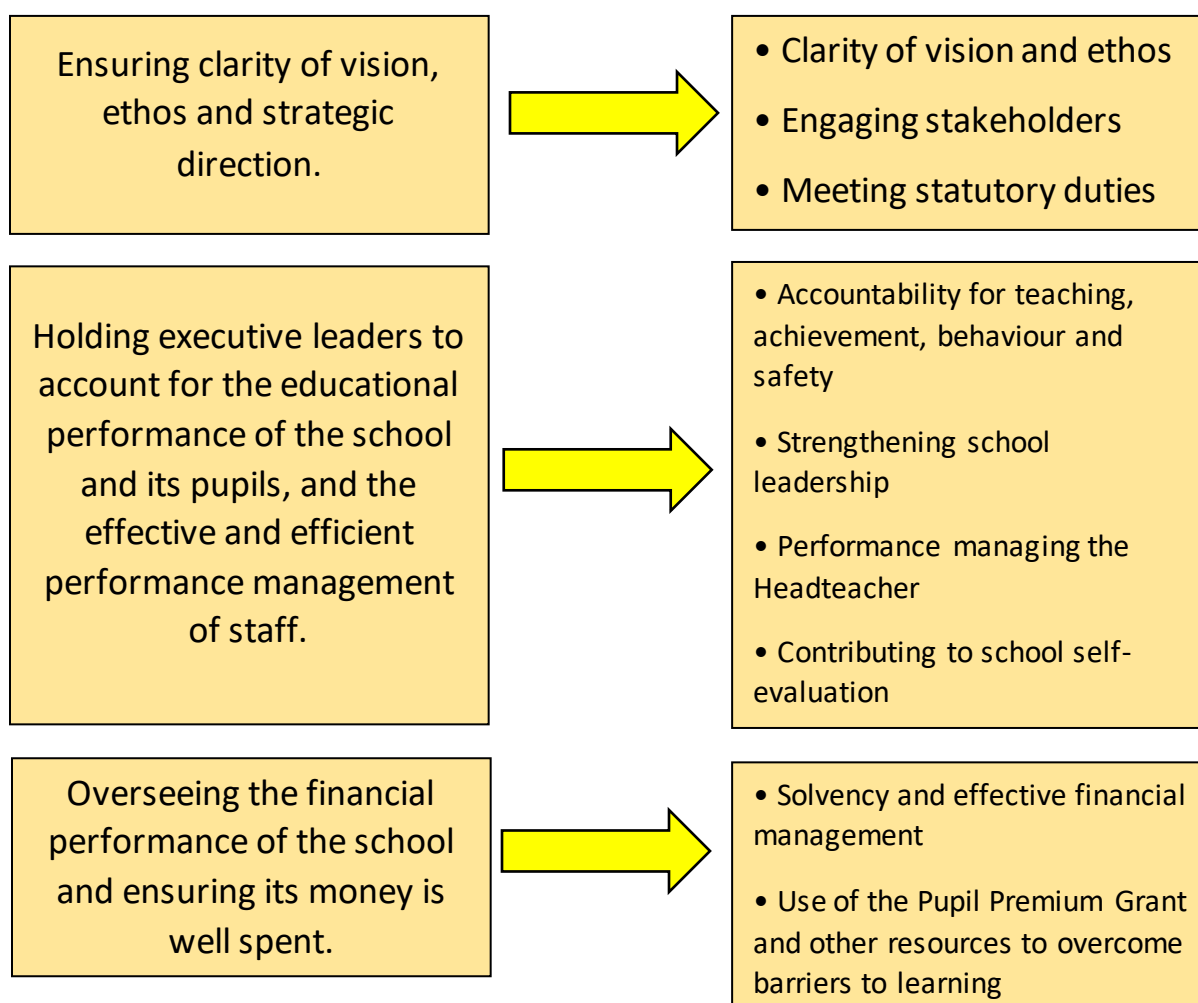
Information has been included with regard to academies, where the Articles of Association state that the Trust Board includes a Local Authority Trustee. However, it is important that academies refer to their own Articles of Association when recruiting trustees and/or local Governors.

If you have any queries regarding this guidance, please contact the Principal Governance Officer.

Introduction

Being a school Governor is very rewarding and worthwhile experience. Effective Governors do not need educational expertise, but do need to be committed to their school, willing to ask questions and offer appropriate challenge and support. They also need to be able to work as an enthusiastic member of the Governing Board, with the aim of raising and maintaining high educational standards for all children and young people.

Governors are asked to conduct themselves with integrity, honesty and objectivity, and to act at all times in the best interests of the school. The prime focus of the Governing Board is to support and develop the strategic direction of the school, be accountable to stakeholders and to ensure that financial resources are spent appropriately. The Department for Education has identified three core functions that Governing Boards of state funded schools should prioritise, and these are explained below.



There are various positions available on Governing Boards, and how Governors are appointed or elected is dependent

on the category of governor. The information in this document relates only to Local Authority Governors.

All maintained schools have an Instrument of Government which sets out the constitutional arrangements, including categories and numbers of Governors, for the Governing Board. Representation on the Governing Board is therefore dependent on the school's Instrument of Government. The School Governance (Constitution) Regulations 2012 and subsequent amendments detail the different categories of Governors, and how they are appointed or elected in maintained schools. Academies do not follow these regulations and instead have their own Articles of Association which are specific to each individual academy trust.

Background Information: Local Authority Governors

Governing Boards reconstituted under the School Governance Constitution Regulations 2012 and subsequent amendments, allow for one Local Authority governor on any maintained Governing Board.

Local Authority Governors are nominated by the Local Authority and then appointed by the Governing Board as a governor having, in the opinion of the Governing Board, the skills required to contribute to the effective governance and success of the school and having met any additional eligibility criteria set by the Governing Board.

Local Authority Governors cannot be instructed by the Local Authority with regard to how they should vote on matters to be decided by the Governing Board, and like other categories of Governors, Local Authority Governors are free to contribute their own views and experiences and to make their own minds up on what they think is in the school's best interests.

If a maintained school subsequently converts to academy status, the Governing Board of the maintained school would often be offered the opportunity to remain as Governors on the Local Governing Board (sometimes known as a Local Academy Council or similar). Local Authority Governors should note that they would be eligible to join the LGB in these circumstances, but that they would no longer hold the position of Local Authority Governor as this would only apply in a maintained school. They would most likely become a Co-opted Governor following conversion to academy status.

Local Authority Governors cannot be a person who is eligible to be a staff governor of the school (i.e. who is employed to work at the school).

Bury Council will monitor and maintain a register of all governor vacancies within the Metropolitan Borough of Bury.

To apply to become a Local Authority Governor, please go to [Apply to become a school governor - Bury Council](#) to complete the online application form.

For further information, please e-mail Governors.support@bury.gov.uk.

The Local Authority School Governor Appointment Panel

Terms of Reference

In accordance with the principles and process of the Bury Code of Practice for Local Authority Governor Appointments, the School Governor Appointments Panel have the power to act on behalf of the Cabinet Member(s) for the Department for Children and Young People in:

- (a) nominating Local Authority Governors to serve on maintained school governing boards and other educational establishments; and
- (b) removing Local Authority Governors from maintained school governing boards and other educational establishments.

Membership of the LA School Governor Appointments Panel

The panel will be comprised of at least seven elected members (or their nominees). The quorum is three. The Principal Governance Officer, or their representative, will be in attendance at all meetings to advise the panel regarding the process and with regard to any relevant governance law and procedure

Frequency of Panel Meetings

The School Governor Appointments Panel will normally meet once during each term of the academic year, or as required, to consider nominations to vacant Local Authority governor positions

Criteria and Attributes of a Local Authority Governor

Criteria for Appointment or Re-Appointment

The School Governor Appointments Panel will agree nominations for Local Authority Governors based on the following criteria:

- 1) The applicant should reside within the boundary of Bury Metropolitan Borough, and have a willingness to serve on either a particular school's Governing Board, or on the Governing Board of any school within the Bury borough.
- 2) The contribution that the applicant could bring to the Governing Board in terms of skills, knowledge and experience.
- 3) The applicant's commitment to improving and raising aspirations and educational achievements of young people in Bury.
- 4) An application can be made by any employee of Bury Council, but not of the Department for Children and Young People, or those employed to work in schools in either teaching or non-teaching capacity within the borough. This is in order to reduce possible conflicts of interest. This exemption also applies to those employed to work in academies situated within the borough.
- 5) A governor who has been disqualified through non-attendance will not be re-appointed to the same Governing Board for a period of 12 months
- 6) A governor previously disqualified through non-attendance must give a commitment to minimum attendance requirements before further nominations to any Governing Board within Bury is made.
- 7) The applicant should complete and sign a declaration of eligibility form to confirm that they are not disqualified from appointment as a governor.
- 8) Governing Boards are to ensure that all newly appointed or elected Governors apply for a Disclosure and Barring Service (DBS) check to be undertaken within 21 days after his or her appointment, if they do not already hold an enhanced DBS and also subscribe to the DBS update service.
- 9) Governing Boards must also ensure that the appropriate Section 128 check is completed, and that a record of this check is retained by the school.

Skills and Attributes

Applicants for Local Authority Governor positions in Bury will be expected to have some or all of the following attributes. The person to be considered for appointment or re-appointment must complete an application form, and the decision to nominate an individual for the position of Local Authority governor is made by considering how an applicant shows, on the form, that they can demonstrate the following attributes:

1. An interest in education

2. An understanding that being a governor requires a time commitment

To attend meetings regularly and to prepare adequately.

To be willing to take a share of the workload.

To be willing and able to learn about the school through visits during school hours.

3. An understanding that they are joining a team

To demonstrate an ability and willingness to work as a team member and understand the principle of collective responsibility.

4. An understanding that they will work in support of any school to which they are appointed

To be ready to use their skills, as appropriate, in support of their work as a governor.

To be willing to act in a positive and supportive manner.

5. A commitment to learning about the role and responsibilities of Governors

To be willing to take part in regular training.

To be willing to learn about the role of Governors and keep to the rules of procedure, especially confidentiality, where appropriate.

6. An ability to demonstrate skills and experience required by the Governing Board.

The Appointment Process

The Local Authority School Governor Appointment Panel, acting under delegated arrangements approved by the Council, has been established to consider Local Authority Governor nominations for appointment in Bury schools and other educational establishments.

All candidates will be required to complete an application form, which is to be returned to Bury Governors Support, on behalf of the Executive Director of Children's Services.

A school, Governing Board, or panel member may encourage potential applicants to submit an application for consideration by the panel.

Applications from local Ward Councillors will be considered if they meet the appointment criteria, and have the skills and experience required by the Governing Board.

A commitment to training will be required.

Bury Council will maintain a register of all applications received.

When a vacancy occurs on a Governing Board, Bury Governors Support will contact the Chair of Governors to ascertain whether there are any specific skills or experience required by the Governing Board, or if there are any additional eligibility criteria set by the Governing Board.

At the earliest opportunity, the Local Authority School Governor Appointment Panel will meet to consider any applications received as appropriate against the vacancies, having also considered any specific skills, experience, or any additional eligibility criteria set by the Governing Board, and if possible, agree a nomination for appointment.

Following the panel meeting, Bury Governors Support will contact the Chair of Governors to confirm the nomination and request that the Governing Board consider the nomination for appointment at the next available full Governing Board meeting.

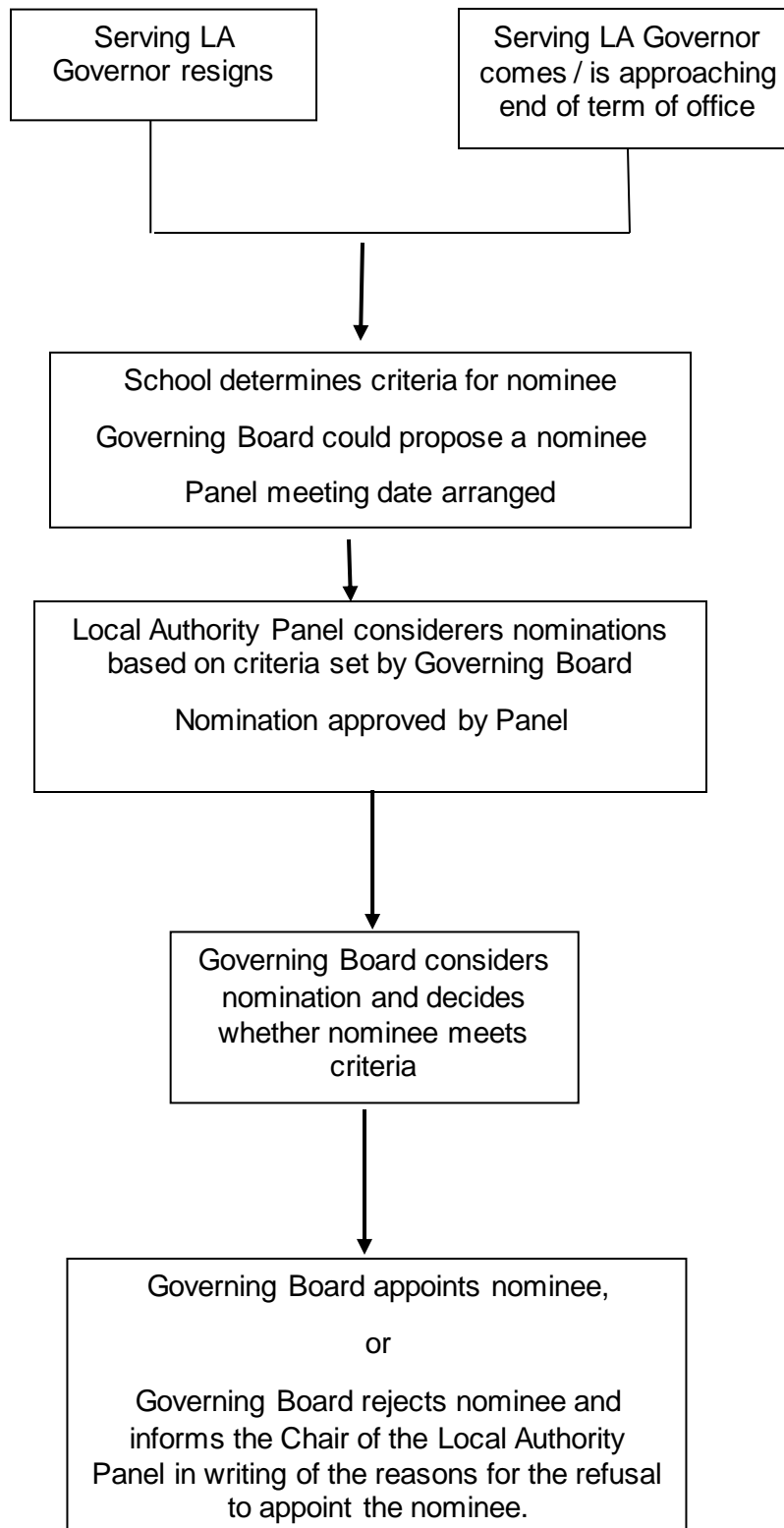
As the appointing body, the Governing Board is responsible for considering the re-appointment, if appropriate, of the Local Authority governor.

If a Governing Board refuses to appoint a nomination made by the Local Authority, the Chair of Governors must write to the Chair of the Local Authority School Governor Appointment Panel, clearly documenting the Governing

Board's reasons for the refusal. This will then be considered further at the next meeting of the Local Authority School Governor Appointment Panel.

The appointment flowchart can be found overleaf.

Procedure for the Appointment of Local Authority Governors



Removal Process for Local Authority Governors

Background

Regulation 22 of the School Governance (Constitution) (England) Regulations 2012 gives the Local Authority the right to remove a local authority governor from office, that they have nominated, by giving written notice to the clerk to the Governing Board for the Governor to be removed. The regulations do not give any clear procedure for removal which is therefore for the local authority to determine.

Although the removal of Local Authority Governors from office is infrequent, it is important that procedures are in place in order that such circumstances can be addressed consistently, should the need arise. It is expected that these procedures would be used, for example, where there is evidence that the governor concerned has seriously or persistently breached their Governing Board's code of conduct or those grounds for removal listed under section 7.3 below. Removal of a Local Authority Governor from office will only be used as a last resort after seeking to resolve any difficulties or disputes in a constructive way. Before the Local Authority begins a formal process of removal, Local Authority Officers will offer some form of conciliation, if appropriate, to seek to resolve the situation. Where there is no effective remedy, then the governor may be considered for removal from office. Removal of Governors in respect of non-attendance at Governing Board meetings should be dealt with by the Governing Board in accordance with the disqualification procedure in Regulations 17 (Schedule 4) of the School Governance (Constitution) Regulations 2012. It is anticipated that requests for removal may come from two sources:

1. Directly from a School or Academy (in the case of a Local Authority Trustee);
or
2. from a Director or Member of the Local Authority.

Requests for Removal and Decision on Grounds for Removal

All requests to remove a Local Authority governor from office would in the first instance be referred to the Executive Director of Children's Services, who will consider the grounds for removal. The Director will then make a recommendation to the Chair of the LA School Governor Appointments Panel on whether there are grounds for removal, and he/she will take a decision. If the Chair of the Local Authority School Governor Appointments Panel decides that

there are no grounds for removal, he/she will write to the proposer and if appropriate, the governor concerned, setting out the reasons for the decision and advising, where appropriate, on a way forward to resolve any remaining difficulties. If the Chair of the Local Authority School Governor Appointments Panel decides that there may be grounds for removal, he/she will write to the governor concerned setting out the reasons why the matter has been referred for decision by the Local Authority School Governor Appointments Panel and invite the governor to make written representation.

Grounds for Removal

Reasons for the removal from office may involve, but may not be limited to, any of the following:

- Conduct that is inconsistent with the ethos or religious character and has or is likely to bring the school, the Governing Board or their office as a governor, or the LA into disrepute.
- Serious failure to co-operate with the LA, Governors or the Governing Board as a whole.
- Irretrievable breakdown in relationship between the governor and the Governing Board
- Failure to act in accordance with principles set out in the document at Appendix 1 (Role of the Authority Governor).

Removal Decision

The LA School Governor Appointments Panel will meet and make a decision on the matter following receipt of the written representations from both parties. If necessary, both parties may be called to a meeting to give an account of their representation.

After the Removal Decision

If a decision to remove is made, the Chair of the Local Authority School Governor Appointments Panel will write to the governor dismissing him or her from the Governing Board of the School/Academy, setting out the reasons for the decision. A copy of the letter will be copied to the clerk to the Governing Board.

If the proposal is not agreed, the Chair of the LA School Governor Appointments Panel will write to the proposer and governor concerned, setting out the reasons for the decision and advising, where appropriate, on a way forward to resolve any remaining difficulties. Any governor who is removed from office may not be appointed to a Governing Board as a Local Authority governor for a period of twelve months from removal. Should the governor concerned hold office on another Governing Board, that position would not necessarily be affected by his/her removal from the Governing Board the removal relates to; however, consideration would be given to this at the same time.

Local Authority Trustees and Local Authority Associated Persons within Academy Trusts

Although rare, Local Authority Trustees are occasionally appointed to the Trust Board of academy trusts, where this is stipulated in the Articles of Association. This is more common where academy trusts use older Articles of Association. The current model Articles of Association from the Department for Education do not include a Local Authority Trustee.

Where reference is made to a Local Authority trustee, they are usually appointed by the Local Authority. With regard to the removal of a Local Authority Trustee, this process may be undertaken by the appointing body, in this case the Local Authority. However, in academy trusts, the Members have the right to remove any Trustee under the Companies Act 2006, so the Members also have the power to remove a trustee if they wish to do so.

Academy trusts will need to check their Articles of Association carefully, as these detail the regulations for each individual academy trust.

Local Authority Associated Persons

The Articles of association for some academy trusts contain a rule that no more than 19.9% of the voting rights of trustees can be held by “LA-associated persons”, known as LAAPs.

Any Trustee could be a LAAP. A Local Authority Trustee may or may not also be a LAAP.

The definition of a LAAP is found in the Local Government and Housing Act 1989 (revised 2014), which explains that a person qualifies as a LAAP if they:

- Are currently an elected member of a Local Authority (e.g. a councillor)
- Have been an elected member of a local authority in the past four years
- Currently work for a Local Authority
- Are both an employee and either a director, manager, secretary or other similar officer of a company which is under the control of the Local Authority.

If someone meets the definition of a LAAP, they may only be appointed or elected to the academy Trust Board with the permission of the relevant Local Authority.

Appendix A

The Role of the Local Authority Governor

1. Although nominated by the Local Authority and appointed by the Governing Board, Local Authority Governors are not delegates of the Local Authority. Those appointed must be free to make and/or contribute to decisions in the light of circumstances, the full information available to the Governing Board and any debate within the Governors' meetings.
2. The interests of the school must come before any party-political considerations, or any instruction from the Local Authority.
3. Notwithstanding the above, Local Authority Governors should maintain an awareness of local policies and issues and attempt to bring a wider perspective to the discussion in governing boards so as to reflect the broader picture of education and children's services across the borough.
4. Local Authority Governors should make attendance at Governing Board meetings a priority, and attempt to contribute fully to the work of the Governing Board through participation in its committee arrangements.
5. Local Authority Governors should aim to act as a "critical friend", supportive of the school but representing the interests of the wider community and seeking to raise the standards of achievement for pupils within the school and across the borough.
6. Together with other Governors and taking advice from the Headteacher, Local Authority Governors will contribute to the school's self-evaluation and school improvement planning processes.
7. Together with other Governors, Local Authority Governors will monitor implementation of school policies and priorities.
8. Together with other Governors, Local Authority Governors will ensure that the school consults as appropriate with parents and its community, and reports to parents, the Local Authority and Ofsted as required.
9. Local Authority Governors will develop their knowledge and understanding of their role and current educational developments by attending appropriate governor training courses.
10. Local Authority Governors should arrange, according to the school's agreed procedures, to visit school informally at least once each year, to see it at work.

11. Local Authority Governors should attempt to support other informal school events.

12. Local Authority Governors should comply with the Code of Conduct for the Governing Board of the school to which they are appointed.

13. A Governor of a school is a holder of public office and in carrying out the roles and responsibilities should abide by the seven principles of public life, as recommended by the Nolan Committee's report "Standards in Public Life". The Principles, in summary, are: -

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain any financial or material benefit for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

Appendix B

Governing Board Code of Conduct Local Authority Model

This code, developed through the National Governors' Association, sets out the expectations on and commitment required from school Governors in order for the governing board to properly carry out its work within the school and the community. As individuals on the board we agree to the following:

Role and Responsibilities

1. We understand the purpose of the board and the role of the Headteacher.
2. We accept that we have no legal authority to act individually, except when the board has given us delegated authority to do so, and therefore we will only speak on behalf of the Governing Board when we have been specifically authorised to do so.
3. We accept collective responsibility for all decisions made by the board or its delegated agents. This means that we will not speak against majority decisions outside the governing board meeting.
4. We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all that is expected of a good employer.
5. We will encourage open government and will act appropriately.
6. We will consider carefully how our decisions may affect the community and other schools.
7. We will always be mindful of our responsibility to maintain and develop the ethos and reputation of our school. Our actions within the school and the local community will reflect this.
8. In making or responding to criticism or complaints affecting the school we will follow the procedures established by the governing board.
9. We acknowledge that all individuals have fundamental human rights and welcome the diversity of the community living, working and learning in the Borough. We will be committed to promoting equality and tackling social exclusion and as such will integrate equality into all of our activities.
10. We will actively support and challenge the head teacher.
11. We will undertake an enhanced Disclosure and Barring Service (DBS) check on appointment and ensure that the Chair (or Headteacher in the case of the Chair) be informed of any subsequent criminal convictions or cautions received at the earliest opportunity.

Commitment

12. We acknowledge that accepting office as a governor involves the commitment of significant amounts of time and energy.

13. We will each involve ourselves actively in the work of the governing board, and accept our fair share of responsibilities, including service on committees or working groups.

14. We will make full efforts to attend all meetings and where we cannot attend explain in advance why we are unable to.

15. We will get to know the school well and respond to opportunities to involve ourselves in school activities.

16. We will visit the school, with all visits to school arranged in advance with the staff and undertaken within the framework established by the governing board and agreed with the Headteacher.

17. We will consider seriously our individual and collective needs for training and development, and will undertake relevant training.

18. We accept that in the interests of open government, our names, terms of office, roles on the governing board, category of governor, the body responsible for appointing us and attendance information will be published on the school's website.

19. We will abide by the seven principles of public life recommended in the Nolan Committee's report "Standards in Public Life" as detailed below.

Relationships

20. We will strive to work as a team in which constructive working relationships are actively promoted.

21. We will express views openly, courteously and respectfully in all our communications with other Governors.

22. We will support the Chair in their role of ensuring appropriate conduct both at meetings and at all times.

23. We are prepared to answer queries from other Governors in relation to delegated functions and take into account any concerns expressed, and we will acknowledge the time, effort and skills that have been committed to the delegated function by those involved.

24. We will seek to develop effective working relationships with the Headteacher, staff and parents, the Local Authority and other relevant agencies and the community.

Confidentiality

25. We will observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside or outside school.

26. We will exercise the greatest prudence at all times when discussions regarding school business arise outside a governing board meeting.

27. We will not reveal the details of any governing board vote.

Conflicts of Interests

28. We will record any pecuniary or other business interest (including those related to people with whom we are connected) that we have in connection with the governing board's business in the Register of Business Interests, and if any such conflicted matter arises in a meeting, we will offer to leave the meeting for the appropriate length of time. We accept that the Register of Business Interests will be published on the school's website.

29. We will also declare any conflict of loyalty at the start of any meeting should the situation arise.

30. We will act in the best interests of the school as a whole and not as a representative of any group, even if elected to the governing board.

The Seven Principles of Public Life

(Originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations).

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain any financial or material benefit for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

Appendix C

Declaration of Eligibility and Privacy Consent Form

Title: _____ First Name: _____ Surname: _____

Address: _____

Postcode: _____

Contact Number: _____ Email: _____

1. Appointment Details

Governor Position:

- | | | |
|--------------------------------|--------------------------|-------------------------------|
| Parent Governor | <input type="checkbox"/> | (Please check as appropriate) |
| Co-opted Governor | <input type="checkbox"/> | |
| Authority Governor | <input type="checkbox"/> | |
| Foundation Governor (PCC) | <input type="checkbox"/> | |
| Foundation Governor (Diocesan) | <input type="checkbox"/> | |
| Foundation Trust Governor | <input type="checkbox"/> | |
| Foundation Ex-Officio Governor | <input type="checkbox"/> | |
| Staff Governor | <input type="checkbox"/> | |
| Head Teacher Governor | <input type="checkbox"/> | |

Governing Board: _____

2. Declaration

- In accordance with the governor qualifications and disqualifications as per the School Governance (Constitution) (England) Regulations 2012 - Schedule 6
- **I declare that:**
- **I am** aged 18 or over at the date on this form;
- **I do not** already hold a governorship of the same school;
- **I am not** disqualified on grounds of non-attendance at governing body meetings;
- **I am not** subject of a bankruptcy restrictions order, an interim bankruptcy restriction order, a debt relief restrictions order or an interim debt relief restrictions order, **nor is** my estate subject to a sequestration order, **nor am I** subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, Part 2 of the Companies (Northern Ireland) Order 1989, the Company Directors Disqualification (Northern Ireland) Order 2002 or under section 429(2)(b) of the Insolvency Act 1986;

- **I have not** been removed from the office of trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity **nor**, under section 34 of the Charities and Investment (Scotland) Act 2005, from being concerned in the management or control of any body;
- **I am not** included in the list kept under S.1 of the Protection of Children Act 1999 of persons considered as unsuitable to work with children and young people; **nor am I** subject to a direction under S.142 of the Education Act 2002; **nor am I** disqualified from working with children under S.28 and S.29 of the Criminal Justice and Court Services Act 2000; **nor am I** disqualified from registration for child minding or providing day care; **nor am I** disqualified from registration under Part 3 of the Childcare Act 2006;
- **I have not**, in the five years prior to or since becoming a governor, been convicted in the U.K. or elsewhere of an offence and received a sentence of imprisonment, suspended or not, for a period of three months or more without the option of a fine;
- **I have not**, in the twenty years prior to becoming a governor, been convicted in the U.K. or elsewhere of an offence and received a sentence of imprisonment for a period of two and a half years or more;
- **I have not**, at any time, prior to becoming a governor, been convicted in the U.K. or elsewhere of an offence and received a sentence of imprisonment for a period of five years or more;
- **I have not**, in the five years prior to or since becoming a governor, been convicted and fined for an offence of nuisance and disturbance on school premises.
- **I agree**, that my appointment or election as a school governor is subject to an enhanced criminal record Disclosure and Barring Service (DBS) and Section 128 check.
- **I agree** that the information I have supplied in this form will be held by the Governors Support team at Bury Council in accordance with their Privacy Notice.

Signed _____

Date _____

After completion, please return this form either:

- To your Clerk at the meeting
- Scan and e-mail to Governors.support@bury.gov.uk
- Post to:

School Governors Support Team,
 Fourth Floor,
 3, Knowsley Place,
 Duke Street,
 Bury,
 Lancashire,
 BL9 0EJ.