

Brighton & Hove City Council

For general release

Meeting: Children, Families & Schools Sub-Committee

Date: Monday 20 October 2003

Report of: Director of Children, Families and Schools

Subject: School Governance Issues

Wards affected: All

1. Purpose of the report

- 1.1 This report sets out the decisions of the consultative meeting for the appointment of LEA governors which met on 22 July 2003 and reports on governor recruitment and retention
- 1.2 It alerts members of the Panel to changes to Regulations regarding the Constitution and Procedures of Governing Bodies.
- 1.3 Members of the Committee are asked to consider how information about becoming a school governor could be more widely disseminated.

2. Recommendations

- 2.1 That the decisions made by the Director of Children, Families & Schools in consultation with the Chair, Vice Chair and Opposition Spokesperson of this Sub-Committee, as set out in Appendix 1, be noted.
- 2.2 That the latest figures for the recruitment of LEA governors and factors affecting the retention of all school governors be noted.
- 2.3 That new regulations regarding the constitution and procedures of governing bodies be noted.

3. Information/background

- 3.1 The group considered applications for LEA governor vacancies at schools and made the appointments set out in the Appendix 1.
- 3.2 Currently, LEA governor vacancies are running at 10%. This compares with national figures issued by the Education Network in their report "Do the right thing" in May 2003 of 12% vacancies for LEA governors over the country as a whole and 14% in Unitary Authorities.
- 3.3 Overall governor vacancies at the end of last term were standing at 12%, although figures were higher for community governors vacancies (20%) and a small number of schools were having difficulty recruiting parent governors. However, schools with vacancies will be recruiting for new parent and community governors at the beginning of the school year.
- 3.4 As part of the LEA recruitment campaign, the Governor Support team has printed a new leaflet for distribution to schools, libraries and other public places, attended the Volunteers Recruitment Fair and Adult Learning "Sign Up Now" campaign, hosted an Open Day at the Learning Development Centre and had articles in City News. These resulted in 28 expressions of interest. Other prospective governors have contacted us as a result of articles in neighbourhood magazines, personal contacts, the One Stop Shop or contacts with particular schools. We shall be monitoring the number of governors appointed as a result over the coming months. There is sometimes a delay in tracking appointments as some will have applied directly to schools or the diocese to be parent, community or foundation governors rather than LEA governors.
- 3.5 As part of our retention strategy, we issue an exit questionnaire to governors who resign or do not wish to be re-appointed. Responses last year indicated that governors most enjoyed their involvement with school and the children, making a useful contribution to the school and having an opportunity to influence the way the school is managed. What they liked least was the amount of paperwork, the time commitment and bureaucracy. The most frequent reasons for standing down were the time commitment involved and change of personal circumstances.
- 3.6 A number of regulations arising from the 2002 Education Act have come into force on 1 September 2003. which will affect the way governing bodies operate.

3.7 The School Governance (Constitution) Regulations 2003

All governing bodies are required to consider their composition and agree a new constitution before 31 August 2006. All governors appointed or elected after 1 September 2003, will have a term of office lasting only until the new constitution comes into force and will have to be re-elected or appointed at that time. Governors appointed before 1 September 2003 may continue in place until the end of their term of office or 31 August 2006, whichever is the sooner. There are special arrangements for Nursery Schools which had to have an agreed Instrument, under the new Regulations by 1 September 2003.

3.8 Changes brought about by the introduction of the new constitution include:-

- Greater flexibility in determining the composition of the governing body, which may vary between 9 and 20 governors, although percentages of different categories of governors are laid down. This has led to a slight reduction in the percentage of LEA governors, but will not necessarily affect the actual numbers of LEA governors within governing bodies.
- The replacement of the term co-opted governors with community governors.
- one category for all staff governors (including headteacher, teaching and non teaching staff)
- Some additional restrictions on who may stand within each category. Elected members of the LEA may not stand as parent or community governors. Anyone eligible to be a staff governor may not be considered as an LEA governor at that school.
- More flexible terms of office although the norm remains 4 years.
- Associate Members appointed to committees can now attend full governing body meetings, albeit without voting rights. Associate Members can include pupils, school staff, representatives of PTAs or other governing bodies and individuals with specific expertise.

3.9 School Governance (Procedures) Regulations 2003

New Regulations on Governing Body Procedures allow governing bodies greater flexibility or simplicity in determining their own procedures. These include deciding on arrangements for electing the Chair and Vice Chair and determining their term of office, greater flexibility to delegate to committees, one quorum (50%) for all decisions at full governing body meetings, and the ability to suspend members for up to six months in specific circumstances. However, certain statutory responsibilities remain in place, particularly those relating to notice of meetings, voting and minutes. There is a new requirement to appoint a Clerk to all committees, although this can, if necessary, be a governor.

- 3.10 The Federation of Schools Regulations 2003 and School Governance Collaboration Regulations 2003**
These Regulations enable schools to work more closely together through the formal federation of up to five schools, initiated by the governing bodies concerned, or through a spectrum of more or less formal collaborative arrangements between governing bodies. At present the Federation Regulations do not apply to Voluntary Aided schools because of the more complicated staffing and premises arrangements. Collaborative arrangements could include informally linked committees or joint committees with delegated powers.
- 3.11 School Staffing Regulations 2003**
Although the new Staffing Regulations come into effect on 1 September 2003, it is recognised that governors and headteachers may need some time to adopt the new changes. In general, schools should aim to make any necessary preparation and adoption of new staffing arrangements by April 2004. Certain school policies will need to be altered and agreed with the staff-side. HR will assist in the process by consulting with school unions/professional associations and drafting/agreeing/recommending revised procedures to be adopted by schools.
- 3.12** The governing body retains overall responsibility for all staff appointments and dismissals in its school. However, with the exception of the appointment of heads and deputies, and the dismissal of headteachers, it may delegate these responsibilities to the headteacher, an individual governor or a group of governors, with or without the headteacher. This delegation of responsibility should be formally recorded at a full governing body meeting and reviewed annually.
- 3.13** Headteachers will normally be expected to lead in determining staff appointments outside the leadership group and all initial staff dismissal decisions. The headteacher may involve other governors in the selection or dismissal process, for example interviewing candidates or in hearing representations at a dismissal hearing, but the final decision should be the headteacher's. Appeals against dismissals should be heard by governors who have not been involved in the earlier part of the dismissal process.
- 3.14** On a case by case basis, the governing body may consider applying alternative arrangements, which may include decisions being made by a governor or governors with or without the headteacher. The headteacher would have the right to attend to offer advice on most occasions. The specific instances when this might apply are:

- when a headteacher is unwilling to perform these functions and whose previous history of service at the school did not include any such responsibilities
- where the headteacher has been directly involved in disciplinary procedures leading to dismissal
- where the governing body of a school with religious character has agreed staffing policies which provide for governor involvement in the interests of preserving the school's religious character.
- appointments of support staff acting in a senior management capacity
- when the headteacher is subject to suspension, disciplinary procedures (including capability) or disciplinary sanction, or the LEA has contacted the chair of governors with serious concerns about the performance of the headteacher.
- where the headteacher has failed to abide by financial limits agreed by the governing body for any school purpose.

Where the headteacher is exercising delegated responsibility, this cannot be delegated on to another person by the headteacher.

4. Consultation

- 4.1 All councillors, chairs of governors and headteachers at schools with LEA governor vacancies were asked to submit nominations. Chairs of governors, headteachers and members of this sub-committee were fully consulted about nominations and invited to submit comments to the consultative meeting.
- 4.2 The DfES consulted on draft proposals regarding the governing body constitution, procedures and federation and collaboration. Governors were consulted by the LEA and their responses contributed to the LEA response. All governors and governing bodies had the opportunity to respond directly to the DfES.

COMMITTEE REPORT APPENDIX



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|-----------------------|---|
| Meeting/Date | Children, Families & Schools Sub-Committee |
| Report of | Director of Children, Families & Schools |
| Subject | Appointment of LEA Governors |
| Wards affected | All |

Financial implications

There is a cost of legal time for sealing 75 new Instruments of Governance. However, other than this there are no direct financial implications arising from this report.

Finance Officer consulted: Catherine Vaughan../Date 7/10/03

Legal implications

Legal requirements relating to the appointment of LEA governors are set out in Schedule 11 of the School Standards and Framework Act 1998 and the Education (School Government) (England) Regulations 1999.

At the meeting of the Education Strategic Planning Functions Sub-committee on 16 June 1999, it was agreed that all LEA governor appointments would be made by the Director, Children, Families & Schools, in consultation with the Chair, Vice Chair and Opposition Spokesperson. Copies of reports were to be sent to all Sub-Committee members and decisions reported back for information

Changes to the composition and procedures of governing bodies must be instituted within the Regulations referred to in the main body of the report.

The new Instruments of Government required by the School Governance (Constitution) (England) Regulations 2003, have to be sealed by the Council's legal section.

Consultation has been undertaken in accordance with the requirements of the Human Rights Act (1998). There are no other specific Human Rights Act implications arising from this report.

Lawyer consulted: Sandra O'Brien.....Date 03.10.03

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| <p>Corporate/Citywide implications None.</p> | <p>Risk assessment All prospective governors are required to sign an agreement to undertake a Criminal Records Bureau check if requested. All LEA governor appointments are checked against List 99.</p> |
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COMMITTEE REPORT APPENDIX



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| Sustainability implications None. | Equalities implications Applications are encouraged from all sections of the population but specific efforts are being made to encourage applications from members of ethnic minority groups and people with disabilities. |
| Implications for the prevention of crime and disorder None. | |
| Background papers None. | |
| Contact Officer Janis Winkworth, Governor Support Manager, Tel 293506. | |

Appendix 1

LEA Governor Appointments

| School | Appointments |
|---------------------------------|----------------------------------|
| Hangleton Junior School | Councillor. Anne Giebeler |
| Portslade Infant School | Councillor Les Hamilton |
| Tarnerland Nursery School | Ms Linda Evans Ms Penny Dunne |
| Royal Spa Nursery | Ms Judy Simon Mrs Val Snowdon |
| West Blatchington Junior School | Councillor Gerry Kielty* |

*Agreed subject to a written reference.