

## **Procedure for the Appointment and Removal of Local Authority Governors**

This document sets out the process and criteria for selection of Local Authority (LA) governors and the process by which they may be removed.

Every maintained school has one LA governor position in its constitution who is appointed to serve by the governing body (generally a four year term), following a nomination by the Local Authority (ref: School Governance (Constitution) (England) Regulations 2012).

This procedure relates to all Shropshire maintained schools. It also relates to those academies which have decided to include a Local Authority governor on their governing board. Any reference to schools within this document also applies to these academies. Academies specify in their Articles of Association whether or not there is a position for a Local Authority governor on their governing board.

Shropshire Council has delegated authority to deal with all matters relating to the selection, appointment and removal of LA governors.

### **Appointment**

Local Councillors have the responsibility to seek nominations for approval by the Local Authority.

A Local Councillor may decide to nominate themselves to the Local Authority for approval and appointment by the governing body.

The arrangements for nominating are straight forward. In relation to Councillors

- the responsibility for nomination lies with the Councillor in whose electoral division the school is situated;
- where there are two elected members within one electoral division, nominating rights are shared;
- a federated governing body is responsible for the governance of more than one school and potentially across more than one electoral division. In this scenario nominating rights are shared.

**Criteria for selection** - A person nominated or applying to be a governor should:

- be eligible to be a governor (not disqualified by regulations);
- have an interest in the well-being and education of children and young people
- understand that being a governor requires commitment of time for meetings, reading, sharing the workload and visiting the school in school hours;
- understand that a governing body is a corporate body seeking to raise standards in the school;
- seek to support the school to which they are appointed and abide by any Code of Practice that the governing body has agreed;

- act in accordance with the Nolan Principles for public office (Selflessness, Integrity; Objectivity; Accountability; Openness; Honesty; Leadership);
- have a commitment to undertake basic training;
- not be an employee of the school.

**Disqualification rules**, which apply to all governors, are stated in law. The Clerk to Governors is responsible for ensuring disqualification rules are known and accepted. LA governors are automatically disqualified from continuing to serve if at any time they meet the grounds for disqualification.

### **Nomination and appointment process**

- Local Authority: monitors the 4 year term of office and resignation of LA governors;
- Local Authority: advises Councillor of LA governor vacancy via email to include a nomination form and disqualification rules. Headteacher and administrator are copied into email request to Councillor. Nomination form completed by Councillor's nominee, to include Councillor's signature.
- Councillor: emails completed nomination form to the LA.
- Local Authority: considers Councillor's nomination form for approval. This is checked to ensure the necessary information is provided and the nominee has suitable skills to be approved by the Authority for appointment by the governing body. The LA approved nomination form is forwarded to school (headteacher and administrator/Clerk);
- Clerk: ensures that at a full governing body meeting an agenda item is listed for 'consideration of the LA governor nomination for appointment'. Completed nomination form is made available to all governors.
- Clerk: ensures the LA is informed of the date of the governing body meeting at which the nominee is appointed as LA governor. This is the start of their 4 year term of office;
- Local Authority: emails appointment letter to the LA governor with a disqualification form for completion and return to the school for their records;
- Clerk: ensures the disqualification form is received and retained in school records and all safeguarding checks are completed;
- Clerk: updates the school's governor website information;

- Clerk: ensures DfE's: Getting Information About Schools site is updated;

## **Removal of Local Authority Governors by the Local Authority**

Regulation 22 of the School Governance Constitution (England) Regulations 2012 gives the Local Authority the right to remove an LA governor by giving notice in writing to the Clerk to Governors.

There is no prescription for the process by which removal may take place; this is a matter for local determination.

### **Protocol**

LA governors are representatives on the governing body and must act in the best interests of the school community. They cannot be mandated to take a particular political party stance on issues discussed at the governing body's meetings but do need to be mindful of Council priorities and agreed protocols and policies.

In certain circumstances the LA might consider withdrawing the nomination and thereby removing the governor.

Circumstances where this will be considered are:

- Continued membership of the governing body seriously impedes the effective operation of a governing body and school improvement
- Breach of Nolan Principles;
- Contravention of agreed Council policies in relation to e.g. Equal Opportunities, Race Relations, Dignity at Work etc
- Where the school is deemed to require Special Measures or Requires Improvement following an Ofsted Inspection. (It is not suggested that any school in Special Measures should remove LA governors automatically).

### **Process**

The following process is set out for the removal of a LA governor by the Local Authority:

1. In response to a complaint received from a governing body or general public or in response to a report/request from an LA officer:
  - Before a formal process for removal starts, the governing body and Local Authority will offer advice and mediation in an attempt to resolve any difficulties and to allow all parties an opportunity to present their case.
  - Where mediation or conciliation is unsuccessful, or the complaint is of a serious nature that deems mediation unsuitable, the following process will take place:
    - a) the complaint and the governing body's proposal to remove the LA governor is received by the Local Authority. This is considered at a

meeting of the Senior Education Improvement Adviser, Assistant Director of Education and Achievement and Portfolio Holder or Deputy Portfolio Holder Children & Education.

- b) The complaint and proposal for removal is shared with the LA governor concerned, and he/she is provided with an opportunity to provide a written response.
- c) Right of appeal: The LA governor may write to the Local Authority informing them that they wish to appeal the decision. The Local Authority will arrange for a panel of two independent governors and a LA officer appointed by the Director to meet to hear the appeal.

2. Where Ofsted or the Local Authority considers that governors have not taken appropriate action to improve the performance and standards of a school which Requires Improvement;

- a) LA may seek resignation of LA governor
- b) LA writes to the Clerk to remove the LA Governor

NB: As previously noted LA governors are automatically disqualified from continuing to serve if at any time they meet the grounds for disqualification.

These Guidelines take into account the Education Act 2002: specifically, the School Governance (procedures) (England) Regulations 2014, the Education and Inspections Act 2006, and The School Governance (Constitution) (England) Regulations 2014.