

## **Appendix A Lancashire County Council Governor Services**

### **Procedures for the Consideration of the Appointment and Removal of Local Authority Governors (April 2021)**

#### **1. Introduction**

- 1.1 *The School Governance (Constitution) (England) Regulations 2012* define a “local authority governor” as a person who (a) is nominated by the local authority; and (b) is appointed as a governor by the governing body having, in the opinion of the governing body, met any eligibility criteria that they have set.
- 1.2 There are no statutory regulations to determine how local authorities should select the local authority nominated governor for a maintained school, and therefore the local authority is free to decide the arrangements for nomination. Similarly, the regulations give no prescription for procedures for the removal of local authority Governors which again is a matter for local determination.
- 1.3 The Executive Director Education and Children's Services will consult with the Cabinet Member and Lead Member with responsibility for education and school support throughout these procedures, as detailed below.

#### **2. Governor Review Panel**

- 2.1 The Governor Review Panel has a key role to undertake with regard to Local Authority governor appointments and removals. The Governor Review Panel will comprise the following (or their nominated representatives):
  - Head of service – Governor Services
  - Area team leader
  - Representative of the Lancashire County Council Human Resources Team
  - Two serving governors selected by Lancashire Association of School Governing Bodies. **NB.** A governor may not consider the appointment/dismissal of a governor from a school where they are or have within the last two years been a serving governor, or where they have sat on a Governing Body with the governor for whom appointment/dismissal is being considered.
- 2.2 To be quorate, the Governor Review Panel should comprise at least three members, including at least one representative from Lancashire Governor Services, one from the Lancashire Human Resources Team and one serving governor.

### **3. Appointment of a Local Authority Governor**

- 3.1 Local Authority governors are appointed to be a link between the Local Authority and its schools. They are nominated by the Local Authority and appointed by the governing body.
- 3.2 The School Governance (Constitution) (England) Regulations 2012 state that governing bodies must only have one Local Authority governor.
- 3.3 The DfE Statutory Guidance (May 2014) states *“The local authority can nominate any eligible person as a local authority governor, but it is for the governing body to decide whether their nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set. Local authorities should therefore make every effort to understand the governing body’s requirements and identify and nominate suitable candidates”*.
- 3.4 The 2012 Regulations allow individual governing bodies to specify a term of office between 1 and 4 years for any category of governor including Local Authority appointed governors. Reappointment to a Local Authority governorship when a term of office expires is not automatic. Consideration will be given to a re-appointment taking into account the willingness of the governor to stand and any representations made from the governing body.
- 3.5 The Local Authority actively encourages applications from under-represented groups, and is committed to ensuring that all applications received will be considered equitably, regardless of gender, age, race, ethnic origin, sexual orientation or disability.

### **4. Process for the appointment of Local Authority governors**

- 4.1 Lancashire County Council seeks to appoint Local Authority governors that have a keen and active interest in education and school improvement, are able to commit their time, skills and energy to the school and are willing to undertake any necessary governor training.
- 4.2 Nominations for Local Authority governors may be made by an Elected Member, Headteacher or Governing Body.
- 4.3 During school term time, a short monthly report will be provided to inform the meeting of the Governor Review Panel, providing an overview of the current and anticipated level of governor vacancies and monthly recruitment figures; this report will also be shared with the Cabinet Member and Lead Member with responsibility for education and school support. Where necessary, the Local Authority will work with other agencies and/or advertise to seek nominations from interested persons who wish to apply for the position of Local Authority governor.

- 4.4 The application process is as follows:
- i) All candidates will be required to complete and submit an online application form [[https://lancashire-self.achieveservice.com/service/Application for appointment as a Local Authority Governor](https://lancashire-self.achieveservice.com/service/Application%20for%20appointment%20as%20a%20Local%20Authority%20Governor)];
  - ii) All applications will be anonymised by removing any personal identifiable information (except address);
  - iii) Anonymised application forms will be circulated to the Governor Review Panel five working days to allow scrutiny before they are formally considered;
  - iv) During term time, the Governor Review panel will meet to consider applications at least monthly, with the facility to meet outside of the agreed schedule to consider individual applications where a more timely decision is required. Where successful, if no particular school has been specified on the application form, Local Authority governors will be offered a list of vacant schools in their area or assigned to a “pool” from which governing bodies may draw to fill Local Authority governor vacancies;
  - v) The panel will refer its appointment decisions to the Executive Director Education and Children's Services, who will notify the applicants of the outcome in writing within ten working days of the panel meeting.
- 4.5 The successful application will be sent to the Chair, Headteacher and Clerk of the governing body that the applicant has specified, and will be an Agenda item for the next governing body meeting. The Chair and Head will have time to review the application before the governing body meeting. The Clerk will then inform the Local Authority of the decision made by the governing body, who have the final decision on the applicant, whether successful or not. If successful, the Local Authority will confirm the appointment of the applicant, the start date and any further information by letter. If unsuccessful, applicants may be offered a vacant position in another school, or added to the "pool".
- 4.6 The School Standards & Framework Act 1998 gives local authorities the power of intervention in schools causing concern. One of those powers is the ability to appoint additional Local Authority governors to strengthen a school's capacity to deal with identified areas of concern. In such cases, additional governors may require particular skills/experience to the Governing Body, dependent upon the concerns highlighted in the school. It is highly likely that there will be some urgency with such appointments. Because of these factors, the normal appointment process may not be a suitable mechanism for appointing additional Local Authority governors to support schools causing concern. To enable the council to respond rapidly and appropriately in these cases, the appointment of additional governors is to be delegated to the Executive Director Education and Children's Services following consultation with the Cabinet Member and Lead Member with responsibility for education and school support.
- 4.7 With regard to reappointment, Local Authority governors will be contacted by Governor Services six months before the end of their term, with further prompts as necessary. If the Local Authority governor wishes to reapply for the position, they must follow the appointments process outlined above; where a serving

governor is seeking reappointment to the same school, they have the option of using a 'fast track' application form.

## **5. Removal of a Local Authority Governor**

5.1 Regulation 22 of the School Governance (Constitution) (England) Regulations 2012 prescribe that:

- (1) Any local authority governor may be removed from office by the local authority who nominated the local authority governor under regulation 8(a).
- (2) The local authority must give written notice of the removal from office to the clerk to the governing body and to the local authority governor who is being removed.

5.2 Whilst it is anticipated that such procedures will be used infrequently, the procedure is necessary to ensure that difficulties can be dealt with in a consistent way.

5.3 The procedure will only be applied where there is clear evidence that the local authority governor concerned has infringed either seriously, or persistently, the expectations set out in their appointment, acted in conflict with their role as a member of the governing body or failed to consistently meet the eligibility criteria and relevant governing body's code of conduct.

## **6. Requests for removal of a Local Authority governor**

### **6.1 Requests from a governing body**

6.1.1 A governing body has no power to remove a local authority nominated governor, but may request that the local authority do so. In these circumstances the local authority will expect the governing body to have acted in accordance with its policies, procedures and regulations.

6.1.2 Any proposal to recommend the removal of a governor by a governing body will be a specified item of business, notified in advance of the meeting of the governing body or committee, delegated to act by the governing body.

6.1.3 In order for a governing body to request removal of a governor, the following procedure should be followed:

- a) A member of the governing body ('the proposer') will propose the removal of the Governor in question ('the governor'), giving reasons for the proposal and providing all relevant supporting evidence. This will include, where appropriate, evidence of previous warnings being issued to the governor about their conduct

- b) During the meeting, the governor will have an opportunity to respond to the proposal
- c) The proposer and the governor will leave the room whilst representations from each party are considered, and a vote will be taken on the proposal.

6.1.4 If the request for removal is supported by a majority, the clerk to the governing body will notify the Head of Service: Governor Services of the proposal, setting out the reasons for recommending removal, and the outcome of the governing body/Committee meeting.

## **6.2 Request from a Member/Officer of the local authority/Diocesan Officer or other third party**

6.2.1 A Member/Officer of the Local Authority/Diocesan or Church Authority Officer/other third party may submit a written request to Head of Service: Governor Services, setting out the reasons for the proposal to remove a local authority governor.

## **7. Procedure for considering the removal of a governor**

7.1 On receipt of a request to remove from the Clerk to the Governing Body or Member/Officer/Diocesan Officer/other third party, the Head of Service: Governor Services will notify the Executive Director Education and Children's Services, and a Governor Review Panel will be convened to consider the case and arrive at a decision.

7.2 The process for considering the case will be:

- i). The Head of Service – Governor Services will inform the governor in question and the Chair of the Governing Body, in writing, of the reasons why removal is proposed, inviting them to make written representations regarding the proposal within ten working days
- ii). After the ten day period has passed, the panel will meet and consider the case, requesting whatever additional information it requires in order to make an informed decision on whether the governor should be removed
- iii). The panel will refer its decision to the Executive Director Education and Children's Services, who will inform the governor who is the subject of the proposal and the Chair of the Governing Body of the panel's decision in writing within ten working days of the panel meeting
- iv). If the decision is taken to remove the governor, the notification referred to in iii) above will also be provided to the clerk to the governing body in order to provide notice of the removal.
- v). The notification referred to in iii) above will also be provided to the Cabinet Member and Lead Member with responsibility for education and school support.
- vi). The decision of the Panel is final and there is no right of appeal.

- 7.3 Any Local Authority governor that is removed from office may not be appointed to a governing body as a Local Authority 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.