

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 24th March 2011
Report of: Lorraine Butcher, Head of Children and Family Services
Subject/Title: Local Authority Appointments to Governing Bodies

1.0 Report Summary

- 1.1 The report asks Members to consider revisions to the procedure for the appointment of Authority Governors to educational establishments. Officers have drafted a revised procedure which has been amended by the members of the Local Authority Governor Appointments Panel at its meeting on 1st December 2010.
- 1.2 The revised procedure is recommended to the Constitution Committee with the unanimous agreement of the Local Authority Appointments Panel.

2.0 Recommendation

- 2.1 That the Committee consider and approve the revised procedure enclosed at Annexe A and amend the Local Authority's Constitution to reflect this revised procedure.

3.0 Reasons for Recommendations

- 3.1 The requirement to make Authority Governor appointments is a statutory obligation on all Local Authorities. Cheshire East's Authority Governor vacancy level was very high when the Council was established. Over the last eighteen months, through the application of the approved process, this level has reduced from being one of the worst in the country at 26% of positions vacant, to 8.9% vacancies, which is below the 2010 national average of 10.1%.
- 3.3 Large numbers of vacancies lead to a risk of weaker Governing Bodies and Headteachers being unsupported or insufficiently challenged in their role.
- 3.4 The revised procedure will make the process more robust and also more transparent, particularly in relation to the appointment of governors in schools in the Authority's Improving Outcomes Programme (IOP), (formerly 'Schools Causing Concern').
- 3.5 The need for transparency and effectiveness in this process has been increased by the publication of the recent Education Bill. The Bill, if enacted unamended, will remove the requirement for schools to have an Authority Governor position. It is anticipated that regulations will follow for implementation in September 2012, which

will not require Governing Bodies to reconstitute, but will enable them to do so if they wish. The legislation will reduce the minimum size of Governing Bodies (currently nine) and remove the current proportionality requirements, retaining as the only mandatory positions a minimum of two elected parent governor positions and the Headteacher governor position. If the Local Authority wishes to retain a representation on school Governing Bodies at this point it is essential that schools are satisfied that the appointment process is transparent and effective, and is supplying them with valuable governors.

4.0 Wards affected

4.1 All.

5.0 Local Ward Members

5.1 Local Ward Members are made aware of the vacancy situation in their ward on a termly basis and are invited to make nominations to the positions.

6.0 Policy Implications (including climate change and health)

6.1 There are no implications for climate change. Evidence suggests that strong governance is linked to improved outcomes for children and young people which may include improved health outcomes.

7.0 Financial Implications

7.1 There are no financial implications.

8.0 Legal Implications

8.1 Cheshire East Council has a statutory obligation to appoint Authority Governors to school Governing Bodies and the Borough Solicitor has approved the revised process, supplied in Annexe A.

9.0 Risk Management

9.1 High numbers of vacancies limit the capacity of Governing Bodies and leave schools vulnerable to criticism by Ofsted.

9.2 On-going consideration is being given to ways of recruiting governors for Cheshire East schools.

10.0 Background and Options

10.1 The current Appointment Process was approved by the Governance and Constitution Committee at its meeting on 3rd November 2008.

10.2 The process has now been operating for five school terms and during that time the level of vacant Authority Governor positions in Cheshire East has reduced

significantly.

- 10.3 The proposed amendments to the process make two main changes:
- The process for making urgent appointments to critical vacancies has been clarified;
 - Where there are two competing nominations for a vacancy the Local Ward Member's nomination will no longer have automatic priority, but all applications will be considered equally against the agreed criteria.
- 10.4 The amendments have the unanimous support of the members of the Local Authority Governor Appointments Panel.
- 10.5 Under the revised process, the appointments panel would be renamed the Authority Governor Appointment Panel. A recent change in the law has redesignated LEA governors 'Authority Governors'.

11.0 Access to Information

- 11.1 All relevant completed application forms and signed codes of conduct will be attached as an appendix to the report.

For further information:

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