

Local Authority School Governor Appointments Panel Agenda

Date:	Friday 7th February 2014
Time:	10.30 am
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence

2. Public Speaking Time/Open Session

In accordance with Procedure Rules Nos. 11 and 35, a total period of 10 minutes is allocated for members of the public to address the Panel on any matter relevant to its work.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Rachel Graves
Tel: 01270 686473
E-Mail: rachel.graves@cheshireeast.gov.uk

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

Declarations are a personal matter for each Member to decide. Whilst Officers can advise on the Code and its interpretation, the decision to declare or not, is the responsibility of the Member, based on the particular circumstances.

4. **Minutes of Previous Meeting** (Pages 1 - 6)

To approve the Minutes of the Meeting held on 18 October 2013

5. **Exclusion of Press and Public**

The reports relating to the following item has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Panel is asked to RESOLVE –

That the press and public be excluded from the meeting during consideration of the following item, pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of The Local Government Act 1972 and the public interest would not be served in publishing the information.

PART 2 - MATTERS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

6. **Local Authority Appointments to School Governing Bodies** (Pages 7 - 78)

The report of the Director of Children Services informs Members of current Local Authority Governor vacancies within Cheshire East maintained schools

7. **Date of Next Meeting**

The Panel is asked to note that the next meeting will be held on Friday 6 June 2014 in the Committee Suite at Westfields, Sandbach

CHESHIRE EAST COUNCIL**Minutes of a meeting of the Local Authority School Governor
Appointments Panel**

held on Friday, 18th October, 2013 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor Rhoda Bailey (Vice-Chair, in the Chair)

Councillors J Clowes, M Hardy, A Harewood, D Mahon and J Macrae (Sub for
Cllr Gaddum)

Officers

Cherrie Creager, Senior Admin Officer Schools Settings and Services
Rachel Graves, Democratic Services Officer

8 APOLOGIES FOR ABSENCE

Apologies were received from Councillors G Merry, H Gaddum and
M Martin.

9 DECLARATIONS OF INTEREST

Members were invited to declare any disclosable pecuniary or non
pecuniary interests in any item on the agenda.

Declarations of interest were made as appropriate during discussions of
the item of business in which there was an interest.

10 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rule 11 and 35, a total of 10 minutes was
allocated for members of the public to address the Panel on any matter
relevant to its work.

There were no members of the public in attendance and the Panel,
therefore, proceeded to the next item of business.

11 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting of the Panel held on 24 May 2013 be
approved as a correct record.

12 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item, in pursuant to Section 100(A)4 of the Local Government Act 1972 as amended on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing this information.

13 LOCAL AUTHORITY APPOINTMENTS TO SCHOOL GOVERNING BODIES

The report of the Director of Children's Services informed the Panel of vacancies within Cheshire East maintained schools and recommended individuals for appointment and re-appointment to identified posts.

Additional information was tabled at the meeting in respect of four new appointments and two re-appointments.

RESOLVED:

- (1) That the following appointments be made:
- (a) **New Appointments** for a four year term of office with effect from 18 October 2013:

DAVEN PRIMARY SCHOOL

Mr D Hermitt

In the interests of openness, Cllr Hardy declared that he knew Mr Hermitt

EGERTON PRIMARY SCHOOL

Mr T Addison

GAINSBOROUGH PRIMARY AND NURSERY SCHOOL

Mrs S Ashmore

MOBBERLEY CHURCH OF ENGLAND PRIMARY SCHOOL

Mr A MacLeod

In the interests of openness, Cllr Macrae declared that he knew Mr Macleod

PEOVER SUPERIOR ENDOWED PRIMARY SCHOOL

Cllr G Walton

In the interests of openness, all Members declared that they knew G Walton as he was a councillor colleague

POYNTON HIGH SCHOOL AND PERFORMING ACTS COLLEGE
Mrs J Hancock
Mrs S Benson

SCHOLAR GREEN PRIMARY SCHOOL
Mrs Teresa Johnson
In the interests of openness, Cllr Bailey declared that she knew Mrs Johnson

SIR WILLIAM STANIER COMMUNITY SCHOOL
Mr M Bayley subject to further discussion between the Senior Admin Officer – School Settings and Services, and the applicant and the agreement of the Vice Chairman of the Panel
In the interests of openness, Cllr Bailey declared that she knew Mr Bayley as he was an officer of the Council

THE BERKELEY PRIMARY SCHOOL, WISTASTON
Mrs S J Pochin
In the interests of openness, Cllrs Bailey and Clowes declared that they knew Mrs Pochin

UPTON PRIORY SCHOOL
Mrs V Bourne
In the interests of openness, Cllr Hardy declared that he was a Governor at Upton Priory School

WARMINGHAM CE PRIMARY SCHOOL
Mr I J Rutter, subject to further discussion between the Senior Admin Officer – School Settings and Services, and the Headteacher and the agreement of the Vice Chairman of the Panel

WESTON VILLAGE PRIMARY SCHOOL
Mrs C J Minshall

WHEELOCK PRIMARY SCHOOL
Cllr G Wait subject to further discussion between the Senior Admin Officer – School Settings and Services, and the Headteacher and the agreement of the Vice Chairman of the Panel
In the interests of openness, all Members declared that they knew G Wait as she was a councillor colleague

WISTASTON CHURCH LANE PRIMARY SCHOOL
Mr C Marsh

- (b) **Nominations as Local Authority Governors** for appointment by School:

CALVELEY SCHOOL
Mr M Jefferies

WYCHE PRIMARY SCHOOL

Cllr P K Butterill

In the interests of openness, all Members declared that they knew P Butterill as he was a councillor colleague

- (c) **Re-appointment** from the day after their term of office comes to an end or from 18 October 2013 if their term of office has already ended:

ALDERLEY EDGE COMMUNITY PRIMARY SCHOOL

Mrs S C Keegan

In the interests of openness, Cllr Macrae declared that he knew Mrs Keegan

BLACK FIRS PRIMARY SCHOOL

Cllr R M Domleo

In the interests of openness, all Members declared that they knew R Domleo as he was a councillor colleague

BOSLEY ST MARY'S CE PRIMARY SCHOOL

Mrs P Hughes

BUNBURY ALDERSLEY CE PRIMARY SCHOOL

Mr W Done OBE

CHELFORD CE PRIMARY SCHOOL

Mr D McLeod

In the interests of openness, Cllr Macrae declared that he knew Mr Macleod

CHELFORD CE PRIMARY SCHOOL

Mrs J M Nichols

GOOSTREY PRIMARY SCHOOL

Mr D Smith

HASLINGTON PRIMARY SCHOOL

Mrs C A Davies

In the interests of openness, Cllr Hardy declared that he knew Mrs Davies

LITTLE BOLLINGTON CE PRIMARY SCHOOL

Mrs J A Blackburn subject to further discussion between the Senior Admin Officer – School Settings and Services, and the Headteacher and the agreement of the Vice Chairman of the Panel

MOSSLEY CE PRIMARY SCHOOL

Mr I Boyes

OFFLEY PRIMARY SCHOOL

Rev'd T Shepherd, subject to further discussion between the Senior Admin Officer – School Settings and Services, and the Headteacher and the agreement of the Vice Chairman of the Panel

PEAR TREE PRIMARY SCHOOL

Cllr A Martin subject to further discussion between the Senior Admin Officer – School Settings and Services, and the Headteacher and the agreement of the Vice Chairman of the Panel

In the interests of openness, all Members declared that they knew A Martin as he was a councillor colleague

RUSKIN SPORTS COLLEGE

Mrs P Minshall

In the interests of openness, Cllr Harewood declared that she knew Mrs Minshall

RUSKIN SPORTS COLLEGE

Mr J Rhodes

SPRINGFIELD SCHOOL

Mr D N Taylor

ST ANNE'S CATHOLIC PRIMARY SCHOOL

Mrs P A Lockett

ST BENEDICT'S CATHOLIC PRIMARY SCHOOL

Mrs P Tyrrell

In the interests of openness, Cllr Harewood declared that she knew Mrs Tyrrell

THE DINGLE PRIMARY SCHOOL

Mr S J S Mottram

WILMSLOW HIGH SCHOOL

Mr S Beythoun

WILMSLOW GRANGE PRIMARY AND NURSERY SCHOOL

Mrs G Winder

- (2) The following appointment, made in accordance with the procedures for emergency LA Governor, be noted:

BUGLAWTON PRIMARY SCHOOL

Mrs J Thorp

EXCALIBUR PRIMARY SCHOOL

Mrs G Burgess

MOBBERLEY PRIMARY SCHOOL
Cllr J Macrae

SMALLWOOD PRIMARY SCHOOL
Mr J Ball

14 DATE OF NEXT MEETING

The next meeting is to be held on Friday 7 February 2014 in the Committee Suite at Westfields, Sandbach.

The meeting commenced at 10.30 am and concluded at 11.45 am

Councillor Rhoda Bailey (Vice-Chair, in the Chair)

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Department
for Education

Launch date 13 January 2014

Respond by 14 March 2014

Ref: Department for Education

Constitution of governing bodies of maintained schools - proposed changes to regulations

Constitution of governing bodies of maintained schools - proposed changes to regulations

This consultation sets out proposed changes to the regulations and guidance that govern the constitution of governing bodies in maintained schools and federations of maintained schools in England.

To Governing Bodies, Local Authorities, School leaders in England,
Governor Organisations, and other organisations with an interest

Issued 13 January 2014

Enquiries To If your enquiry is related to the policy content of the consultation you
can contact the Department on 0370 000 2288

e-mail:

SchoolGovernance.CONULTATION@education.gsi.gov.uk

Contact Details

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Department's '[Contact Us](#)' page.

1 Overview

1.1 *Introduction*

This consultation document sets out the changes that we propose to make to the regulations and guidance that govern the constitution of governing bodies in maintained schools and federations of maintained schools in England.

The principles underpinning the majority of the proposed changes were subject to a short targeted consultation with members of the Department's Advisory Group on Governance (AGOG) in July 2013. A list of AGOG members can be found at Section 5. In response to this targeted consultation, a number of the Department's current proposals are for amendments to statutory guidance rather than changes to regulations.

Policy Context

Governing bodies have a vital and demanding role as the strategic leaders of our schools. No matter what constituency governors are recruited from, all governors must govern in the best interest of pupils, and need to have or develop the skills governing bodies need to be effective. The overall purpose of the proposed changes set out in Sections B to D of this document is to:

- simplify the overall legislative framework by ensuring that there is a single consistent approach across all maintained schools; and
- enable more effective governance by ensuring that the primary consideration in decisions about the constitution and membership of governing bodies is the skills that they require to be effective.

Our intention is that the proposed changes prompt governing bodies to think more explicitly and more regularly about whether their constitution and membership is fit for purpose.

Timelines

This consultation was launched on 13 January 2014, and will close on 14 March 2014. Our intention is to lay amendments to regulations in the spring of 2014 to come into force on 1 September 2014.

Responses

Responses to this consultation should be made using the response form attached at the end of this document and sent to SchoolGovernance.CONSULTATION@education.gsi.gov.uk by 14 March 2014. We will publish a summary of responses to the consultation.

Structure of this document

The following sections of this document set out our specific proposals as follows:

- Section 2: Proposed changes to the School Governance (Constitution) (England) Regulations 2012 (“the 2012 Constitution Regulations”)
- Section 3: Proposed changes to the Statutory Guidance on the School Governance (Constitution) (England) Regulations 2012
- Section 4: Proposed changes to the School Governance (Federations) (England) Regulations 2012 (“the 2012 Federations Regulations”).

2 Proposed changes to the School Governance (Constitution) (England) Regulations 2012

2.1 New skills-based eligibility criteria for appointed governors

Governing bodies have a vital role to play as the non-executive leaders of our schools. It is their role to set the strategic direction of the school and hold the headteacher to account for its educational and financial performance.

This is a demanding task, and we think that anyone appointed to the governing body should therefore have the skills to contribute to effective governance and the success of the school. To embed skills as a fundamental consideration in all governor appointments we propose to bring the eligibility criteria of all categories of appointed governor in line with the current skills-focused definition of co-opted governors.

We propose to change the 2012 Constitution Regulations to require that any newly appointed governor has in the opinion of the person making the appointment ‘the skills required to contribute to the effective governance and success of the school’. This could include specific skills such as an ability to

understand data or finances as well as general capabilities such as the capacity and willingness to learn.

While effective governing bodies and other appointing persons will already think carefully about the governors they appoint, we think these changes are necessary to emphasise to all governing bodies and appointing persons the importance of governors' skills.

We propose to amend the regulations:

- *at regulation 8 in respect of LA governors.*
- *at regulation 9 in respect of Foundation governors.*
- *at Schedule 1 in respect of appointed Parent governors; and*
- *at Schedule 3 paragraph 4 in respect of Partnership governors.*

We do not propose any changes to the eligibility criteria for elected parent governors or staff governors.

Surplus governors

A school may have more governors in a particular category than is provided for in its instrument of government. This situation could arise if a governing body has decided to reconstitute and reduce in size but sufficient resignations are not forthcoming for the remaining members to fit within the new structure. If this circumstance arises, regulation 15 requires at present that governors must cease to hold office on the basis of their juniority.

The Education Select Committee has recommended, and the Parliamentary Under Secretary of State for Schools has agreed, that the current 'juniority principal' for removing surplus governors is unhelpful. We believe that the current regulation 15 is unnecessarily prescriptive and should be amended to provide greater local discretion to identify which existing governors should continue to hold office, on the basis of skills.

We propose that any surplus in the number of foundation governors should be resolved by the person responsible for appointing foundation governors. They would need to decide who should continue to hold office on the basis of which foundation governors are best skilled to contribute to the effective governance and success of the school, and to secure the purposes for which they were appointed

as a foundation governor.

We propose that the governing body should be responsible for resolving any surplus in any other category of governor. We propose that there should be a separate vote of the governing body on each category in which there is a surplus. Through an amendment to the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, this vote would need to be specified as an item on the agenda issued seven days in advance of the meeting. We think governors should not be permitted to vote on their own category; and that governors declared surplus should not cease to hold office until votes are cast on all categories in which there is a surplus.

Transition from 2007 Regulations

Regulation 4 of the 2012 Constitution Regulations currently provides for the 2007 Constitution Regulations to continue to apply to a governing body constituted under an instrument of government that takes effect before 1st September 2012 unless it chooses to reconstitute under the 2012 Constitution Regulations.

This creates a complex regulatory regime which we now consider unnecessary. Since the 2012 Constitution Regulations provide greater flexibility for governing bodies to constitute as they see fit we see no need to perpetuate the more prescriptive 2007 regime. We therefore propose to amend regulations to require all governing bodies to be constituted under the 2012 Constitution Regulations by September 2015. We think this will provide a helpful stimulus for governing bodies to review and evaluate their effectiveness and ensure their constitution and membership is fit for purpose.

The flexibility of the 2012 Constitution Regulations, particularly the ability to co-opt governors, means that as long as the governing body believed all existing members had the skills to contribute to effective governance, there would be nothing preventing them from retaining all of the individuals currently serving on the governing body.

In due course, we intend to also amend The School Governance (New Schools) (England) Regulations 2007 so that the temporary governing bodies of all new maintained schools will be constituted according to a model akin to the 2012 Constitution Regulations, rather than the 2007 Constitution Regulations as at present. Our intention is to make this change by September 2015 – the date by which we are proposing all governing bodies must be constituted according to the

2012 Constitution Regulations.

Draft Consolidated Regulations

A draft of how the amended 2012 Constitution Regulations would appear in the light of our proposed changes is attached to this consultation.

3 Proposed changes to Statutory Guidance on the School Governance (Constitution) (England) Regulations 2012

3.1 Introduction

In response to feedback from the Department's Advisory Group on Governance (AGOG) following a short targeted consultation in July 2013, we propose to take forward a number of ideas through changes to statutory guidance, rather than regulatory change. This means that rather than becoming new mandatory requirements, governing bodies and local authorities would need to have regard to them in exercising their duties under the regulations.

We are consulting on the draft revised statutory guidance attached to this consultation. This has been drafted to take account of and explain the proposed changes to the 2012 Constitution Regulations outlined in Section B. It also reflects a number of additional changes to the [existing guidance](#) as set out below.

Size and membership

We propose to provide guidance that governing bodies should be no bigger than they need to be to have all the skills necessary to carry out their functions. We think every member should actively contribute relevant skills and experience. Governing bodies should conduct regular skills audits and use the process of filling governor vacancies as an opportunity to address any skills gaps.

Skills

It is for governing bodies to decide what skills they need and whether prospective governors have the skills to contribute to the effective governance and success of the school. But we think it would help to provide guidance on the key skills that all governors need, and the skills that governing bodies as a whole need to be effective. We have identified these skills through the targeted consultation with

AGOG members. These can be found at paragraphs 15 to 17 of draft statutory guidance which accompanies this consultation document.

Governor elections

Elected parent governors and staff governors are chosen by the relevant electorate – the governing body has no role in the decision. However, we think that governing bodies have an important role in informing elections. This includes setting out for potential candidates what they expect of governors and publishing information for the electorate on the type of person or skills they ideally require. Ensuring that good information is published about candidates standing for election will further inform the electorate's choice of governor.

Draft Statutory Guidance

A draft of the revised statutory guidance on the proposed amended 2012 Constitution Regulations is attached to this consultation.

4 Proposed changes to the School Governance (Federations) (England) Regulations 2012

4.1 Skills-based eligibility criteria

The 2012 Federations Regulations mirror the categories of governor set out in the 2012 Constitution Regulations.

We propose to amend the eligibility criteria of the categories in the 2012 Federations Regulations in line with the changes we propose to the categories of governor defined in the 2012 Constitution Regulations. This will mean that the eligibility criteria for all categories of appointed governor are in line with the current skills-focused definition of co-opted governors.

The composition of governing bodies of federations

There is a restriction in the 2012 Federations Regulations on the number of co-opted governors who are also eligible to serve as staff governors. This is intended to replicate the analogous provision in the 2012 Constitution Regulations. The intention behind both provisions is to restrict the number of staff serving as

governors to less than one third of the governing body.

An omission in the 2012 Federations Regulations could currently lead to an excess number of staff serving as co-opted governors. We propose to amend Regulation 21 (5) to make clear that the total number of co-opted governors who are also eligible to be elected or appointed as staff governors (when counted with the staff governor and the head teacher/s) must not exceed one third of the total membership of the governing body of the federation.

We propose to make an analogous change to Schedule 1 paragraph 3 in respect of temporary co-opted governors in new schools intending to federate.

Surplus governors

There is currently no provision on surplus governors in the 2012 Federations Regulations. We propose to amend the 2012 Federations Regulations to add the same provision we are proposing for the 2012 Constitution Regulations.

Transition from 2007 Regulations

Regulation 4 of the Federations Regulations currently provides for the 2007 Federations Regulations to continue to apply to a governing body of a federation that is constituted under an instrument of government that takes effect before 1st September 2012 unless it chooses to reconstitute under the 2012 Federations Regulations.

In line with the changes proposed to the 2012 Constitution Regulations, we propose to amend the 2012 Federations Regulations, to require all governing bodies of Federations to be constituted under the 2012 Federations Regulations by September 2015.

Draft Consolidated Regulations

A draft of how the amended 2012 Federations regulations would appear in the light of our proposed changes is attached to this consultation.

5 Members of the DfE Advisory Group on Governance

(AGOG)

5.1 The organisations represented on the Department's Advisory Group on Governance (AGOG) include:

Association of Directors of Children's Services (ADCS)

Association of Governing Bodies of Independent Schools (AGBIS)

Association of School and College Leaders (ASCL)

Catholic Education Service (CES)

Church of England Board of Education (CEBE)

Freedom and Autonomy for Schools National Association (FASNA)

Information for School and College Governors (ISCG)

Independent Academies Association (IAA)

Local Government Association (LGA)

National Association of Headteachers (NAHT)

National College for Teaching and Leadership (NCTL)

National Co-ordinators of Governor Services (NCOGS)

National Governors' Association (NGA)

A National Leader of Governance

Office for Standards in Education (OFSTED)

School Governors' One-Stop Shop (SGOSS)

Specialist Schools and Academies Trust (SSAT)

6 Draft Revised Statutory Guidance on the 2012 Constitution Regulations

- 6.1 Draft statutory guidance on the 2012 Constitution Regulations as amended under these proposals.

7 How To Respond

- 7.1 Consultation responses can be completed online at www.education.gov.uk/consultations

by emailing SchoolGovernance.CONSULTATION@education.gsi.gov.uk or

by downloading a response form which should be completed and sent to:

School Governance Unit

Department for Education
Area F Ground Floor
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

8 Additional Copies

- 8.1 Additional copies are available electronically and can be downloaded from the Department for Education e-consultation website at: www.education.gov.uk/consultations

9 Plans for making results public

- 9.1 Our intention is to lay amendments to regulations in the spring of 2014 to come into force on 1 September 2014.

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