

# Procedure for the appointment and removal of Local Authority Governors

## Purpose:

All Governing Bodies of maintained schools are required to be constituted under the School Governance (Constitution) (England) Regulations 2012. Under 13 (3) (d) of those Regulations every maintained school is required to have one Local Authority (LA) Governor.

This document sets out the criteria for selection of LA Governors and the process by which they may be removed.

At Northamptonshire County Council the Director of Children's Services, in consultation with the relevant portfolio holder, has delegated authority to deal with all matters relating to the selection, appointment and removal of LA Governors.

## Criteria for Selection of LA Governors

The Local Authority will nominate a person to act as the LA Governor but it is for the Governing body of each individual school to appoint according to the skills the Board requires (The Constitution of Governing Bodies of maintained schools: Statutory Guidance, September 2016, Annex A.4).

The name and details of the agreed nominee is sent to the Governing Body's Clerk and Head Teacher so that arrangements can be made for the Chair of Governors/ Head Teacher to meet the LA nominee.

If the Governing Body decide to appoint the LA nominee then the local authority, via Governor Services, must be informed immediately so that our database can be updated, otherwise a vacancy will still exist.

The Governing Body may decide to appoint their own candidate and reject the LA's nomination. In this case the clerk must inform the LA.

Clerks must notify Governor Services of any LA governor vacancy that arises for reasons other than the term of office coming to an end. It is vital that LA governor vacancies are filled as quickly as possible and we will aim to do this within three months of notification of the vacancy arising. Regulations do allow individual Governing Bodies to specify a term of office between 1 and 4 years for any category of governor including LA governors.

Any person applying to be an LA governor should:

- be eligible to be a governor (not disqualified by regulations);
- have an interest in the well-being of children and young people and their education;
- 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.

## Protocol for the Removal of LA Governors

LA governors are nominated by County Councillors and appointed by the Director.

LA governors are appointed according to the criteria agreed by the Local Authority.

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 party political stance on issues discussed at the governing body's meetings but do need to be mindful of County 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:

- 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).*
- Breach of Nolan Principles;
- Contravention of agreed County Council policies eg. Equal Opportunities, Race Relations, Dignity at Work etc.;
- Continued membership of the governing body seriously impedes school improvement and the effective operation of a governing body;

## **Process of removal:**

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

Northamptonshire County Council has set out the following process for removal of LA Governors:

- (1) Where an Ofsted report is critical of the governing body and the LA recovery plan for a school in Special Measures or Requires Improvement which includes removal of some or all governors (including the LA Governor):
  - a) Local member/s notified.
  - b) LA seeks resignation of the governor/governors identified
  - c) LA agrees to withdraw nomination (within 4 weeks of the date that the Ofsted Report is published).
  - d) LA writes to the Clerk to remove the LA Governor
- (2) In response to a complaint received by the governing body or general public or in response to a report/request from an LA officer:

Before a formal process for removal starts, the LA will offer 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 the following process will take place:

- a) Independent investigation commissioned by LA.
- b) Serious enough for a governor to receive a formal warning or so serious only removal from the governing body is appropriate.
- c) Right of appeal: The LA Governor may write to Governor Services informing them that they wish to appeal the decision. Governor Services will arrange for a panel of two independent governors and a School Improvement Officer appointed by the Director to meet to hear the appeal.