



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 Telford & Wrekin Council the Director of Education and Skills 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 School Governance Service (SGS), must be informed immediately so that our database can be updated, otherwise a vacancy will still exist.

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

Clerks must notify SGS 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 the Local Authority via SGS and 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 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 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.

Telford & Wrekin Council has set out the following process for removal of LA Governors:

1. Where the local authority considers that governors have not taken appropriate action to improve the performance and standards of school in special measures or requires improvement.
 - a) LA seeks resignation of the governor/governors identified
 - b) LA writes to the Clerk to remove the LA Governor

2. 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):
 - c) LA seeks resignation of the governor/governors identified
 - d) LA writes to the Clerk to remove the LA Governor

3. In response to a complaint received by the governing body or general public or in response to a report/request from an LA officer:
 - 3.1 In response to a complaint, 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 SGS informing them that they wish to appeal the decision. SGS will arrange for a panel of two independent governors and a School Improvement Officer appointed by the Director to meet to hear the appeal.



CODE OF CONDUCT

This code sets out the expectations on and commitment required from school governors, trustees and academy committee members in order for the governing board to properly carry out its work within the school/s and the community. It can be amended to include specific reference to the ethos of the particular school. Unless otherwise stated, 'school' includes academies, and it applies to all levels of school governance.

This code can also be tailored to reflect your specific governing board and school structure, whether that is as a maintained school or academy, either as a single school or group of schools. Where multiple options are given, i.e. senior executive leader / headteacher and governor/trustee/academy committee member, please amend to leave the option relevant to your governing board.

Once approved by the governing board, the Code will apply to all governors/trustees/academy committee members.

This Code should be read in conjunction with the relevant law and for academies, their articles of association and agreed scheme of delegation. It should be adapted as appropriate depending on the governance setting and level of delegation. However, its guiding principles should be retained regardless of the governance setting and level of delegation afforded to it.

NAME OF SCHOOL OR ACADEMY:

AS GOVERNORS / TRUSTEES, WE WILL FOCUS ON OUR STRATEGIC FUNCTIONS:

1. ensuring there is clarity of vision, ethos and strategic direction
2. holding executive leaders to account for the educational performance of the organisation and its pupils and the performance management of staff
3. overseeing the financial performance of the organisation and making sure its money is well spent
4. ensuring the voices of stakeholders are heard

AS INDIVIDUALS ON THE BOARD WE AGREE TO:

Fulfil our role & responsibilities

1. We accept that our role is strategic and so will focus on our core functions rather than involve ourselves in day to day management.
2. We will develop, share and live the ethos and values of our school/s.
3. We agree to adhere to school/trust policies and procedures as set out by the relevant governing documents and law.
4. We will work collectively for the benefit of the school/s.
5. We will be candid but constructive and respectful when holding senior leaders to account.
6. We will consider how our decisions may affect the school/s and local community.

7. We will stand by the decisions that we make as a collective.
8. Where decisions and actions conflict with the Seven Principles of Public Life or may place pupils at risk, we will speak up and bring this to the attention of the relevant authorities.
9. We will only speak or act on behalf of the board if we have the authority to do so.
10. We will fulfil our responsibilities as a good employer, acting fairly and without prejudice.
11. When making or responding to complaints we will follow the established procedures.
12. We will strive to uphold the school's / trust's reputation in our private communications (including on social media).

Demonstrate our commitment to the role

1. We will involve ourselves actively in the work of the board, and accept our fair share of responsibilities, serving on committees or working groups where required.
2. We will make every effort to attend all meetings and where we cannot attend explain in advance why we are unable to.
3. We will arrive at meetings prepared, having read all papers in advance, ready to make a positive contribution and observe protocol.
4. We will get to know the school/s well and respond to opportunities to involve ourselves in school activities.
5. We will visit the school/s and when doing so will make arrangements with relevant staff in advance and observe school and board protocol.
6. When visiting the school in a personal capacity (i.e. as a parent or carer), we will continue to honour the commitments made in this code.
7. We will participate in induction training and take responsibility for developing our individual and collective skills and knowledge on an ongoing basis.

Build and maintain relationships

1. We will develop effective working relationships with school leaders, staff, parents and other relevant stakeholders from our local community/ communities.
2. We will express views openly, courteously and respectfully in all our communications with board members and staff both inside and outside of meetings.
3. We will support the chair in their role of leading the board and ensuring appropriate conduct.

Respect confidentiality

1. We will observe complete confidentiality both inside and outside of school when matters are deemed confidential or where they concern individual staff, pupils or families.
2. We will not reveal the details of any governing board vote.
3. We will ensure all confidential papers are held and disposed of appropriately.
4. We will maintain confidentiality even after we leave office.

Declare conflicts of interest and be transparent

1. We will declare any business, personal or other interest that we have in connection with the board's business and these will be recorded in the Register of Business Interests.
2. We will also declare any conflict of loyalty at the start of any meeting should the need arise.
3. If a conflicted matter arises in a meeting, we will offer to leave the meeting for the duration of the discussion and any subsequent vote.

4. We accept that the Register of Business Interests will be published on the school/trust's website.
5. We will act in the best interests of the school/trust as a whole and not as a representative of any group.
6. We accept that in the interests of open governance, our full names, date of appointment, terms of office, roles on the governing board, attendance records, relevant business and pecuniary interests, category of governor and the body responsible for appointing us will be published on the school's website.
7. We accept that information relating to board members will be collected and recorded on the DfE's national database of governors (Get information about schools), some of which will be publicly available.

We understand that potential or perceived breaches of this code will be taken seriously and that a breach could lead to formal sanctions.

Adopted by **(Name of school governing board / board of trustees)** on **(date)**

Signed **(Chair of board)**

The governing board / board of trustees agree that this code of conduct will be reviewed annually, upon significant changes to the law and policy or as needed and it will be endorsed by the full governing board.

ANNEX

The seven principles of public life

Originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations)

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty – Holders of public office should be truthful

Leadership – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.