

BIRMINGHAM CITY COUNCIL CHILDREN AND FAMILIES DIRECTORATE

Procedure for Selection, Nomination and Removal of Local Authority Nominated School Governors

1. Introduction

1.1 The governing body (also referred to as the “governing board”) (“GB”) of each school maintained by a local authority (“LA”) is required by the School Governance (Constitution) Regulations 2012 (“the Constitution Regulations”) to include one local authority governor (“LA governor”).

1.2 Where two or more LA maintained schools have federated in accordance with Section 24 of the Education Act 2002, the GB of the federated schools is required by The School Governance (Federations) (England) Regulations 2012 (“the Federations Regulations”) to include a LA governor.

1.3 A LA governor is a person nominated by the LA and appointed by the GB as a governor having, in the opinion of the GB, the skills required to contribute to the effective governance and success of the school and having met any additional eligibility criteria set by the GB.

1.4 Under both the Constitution Regulations and the Federations Regulations, the LA can nominate any eligible person as a LA governor, but it is for the GB to decide whether to appoint the LA nominee. The LA will comply with “The constitution of governing bodies of maintained schools” (August 2017) (“the constitution statutory guidance”) that states: *‘LAs should make every effort to understand the GB’s requirements and identify and nominate suitable candidates.’*

1.5 The LA has the power to remove from office any LA governor who was nominated by the LA. The LA must give written notice of such removal to the Governance Professional/Clerk to the GB and to the LA governor who is being removed.

1.6 Individuals who are approved by the LA as suitable to be nominated as LA governors could alternatively be recommended to the GB of a maintained school as a person who the GB may wish to consider for appointment as a co-opted governor. Under the Constitution Regulations the power to recruit or remove a co-opted governor rests with the relevant GB.

1.7 The LA governor approval procedure does not apply to individuals whom the LA appoints to serve as “additional governors” on the GBs of schools which are “eligible for intervention” under Part 4 of the Education and Inspections Act 2006, nor to individuals whom the LA appoints to serve as interim executive members at schools eligible for intervention under Part 4 of the Education and Inspections Act 2006.

2. The expectation and commitment required of LA nominated school governors

2.1 The constitution statutory guidance says that all school governors need a strong commitment to the role and to improving outcomes for children; the inquisitiveness to question and analyse; and the willingness to learn. They need good inter-personal skills; appropriate levels of literacy in English (unless a GB is prepared to make special arrangements); and sufficient numeracy skills to understand basic data. Therefore, all volunteers who wish to be nominated or recommended by the LA for appointment as a school governor are required to provide evidence of these skills and abilities in their application.

2.2 All volunteers who wish to be nominated by the LA for appointment as a LA governor must abide by the (Nolan) Principles of Public Life and adhere to the requirements of Birmingham City Council's Model Code of Conduct for GBs.

3. Applying to become a LA nominated school governor

3.1 Anyone who wishes to be nominated by the LA for appointment as a LA governor or recommended by the LA for appointment by the GB as a co-opted governor, must complete the standard application form and the National Governance Association (NGA) skills audit form. Both documents must be submitted to the LA's School and Governor Support Team (S&GS).

3.2 All sections of the application and skills audit form must be completed. Where all sections have not been completed, S&GS will inform the individual that the application will not be considered and request resubmission.

3.3 Applicants will also be referred to the NGA model governor role description which provides an explanation of the activities that school governors are expected to undertake and the strategic role of governors.

3.4 S&GS will acknowledge receipt of applications and inform the applicant of the approval process (section 4 of this procedure).

3.5 Applications will include the name of two referees (not family members) who the applicant has known for at least 2 years, preferably in a professional capacity, who still know them and have agreed to supply a reference in support of their application. If an applicant is currently a governor, S&GS would expect one of the referees to be the Chair of the GB or Headteacher of the school on whose GB they currently serve.

3.6 In line with current Keeping Children Safe in Education ("the safeguarding statutory guidance"), upon receipt of applications, S&GS will carry out online searches on information that is available in the public domain. Any findings from these will be reported to the Head of Service who will decide if any further action is required. Results of online searches may be reported to the LA Nomination Committee if these are deemed relevant.

3.7 In order to maintain a balance of representation on GBs, the LA will not nominate parents (whose children attend the school in question) as LA governors unless there are exceptional circumstances.

4. The approval process

4.1 S&GS will forward complete application forms, skills audits and references for consideration by the LA School Governor Nomination Committee ("the Committee").

4.2 The Committee shall consist of at least 7 members, including: three elected members of the City Council (each being representative of a different political group, being the three largest groups as a proportion of the membership of the LA as a whole); at least two governors currently serving on the GBs of Birmingham maintained schools; and at least two Headteachers of Birmingham maintained schools.

4.3 The Committee will be chaired by an elected member of the City Council.

4.4 The Headteachers and school governor members of the Committee shall be volunteers selected by S&GS (every four years) through an expression of interest process.

4.5 The quorum for the Committee will be one elected member, one governor and one Headteacher.

4.6 The Committee will be organised and clerked by a City Council S&GS Business Support Officer.

4.7 The Committee shall meet at least once every half-term.

4.8 The Committee shall consider the suitability of each application for nomination by the LA as a LA governor, using as its broad criteria and the expectation and commitment required of school governors that is referred to in section 2 of this procedure.

4.9 The LA supports the position set out in the constitutional statutory guidance that only in exceptional circumstances will it be practical and beneficial for an individual to serve on more than two governing bodies. Therefore, the Committee will not approve the application of a volunteer currently serving on two GBs, to serve as a nominated governor, unless the Committee agrees there are exceptional circumstances.

4.10 The Committee shall notify S&GS of the applications it has approved for nomination.

4.11 The Committee may advise S&GS on the suitability of matching volunteer to particular schools. However, S&GS will be responsible for the process of matching individuals approved by the Committee with specific GBs, in accordance with local conditions and requirements. (section 5 of this procedure).

4.12 S&GS will inform the individual concerned that their application has been approved and of the match that has been identified (see 5.4).

4.13 The Committee shall notify S&GS of the applications it has declined and the reasons for its decision. S&GS will inform the individual concerned that their application has been declined and give reasons.

4.14 Where an application has been declined, the individual concerned may request in writing to S&GS that the Committee reconsiders their decision at the earliest available opportunity. S&GS shall inform the Committee of this request and provide it with any additional and background information submitted by the individual concerned in support of their request.

4.15 The Committee will take into account any additional and background information submitted in writing by the individual concerned in support of their request. Before confirming its decision, the Committee may also seek additional background information about a specific LA governor vacancy or advice about general governor recruitment policy and procedure from the appropriate BCC Officer. The Committee may also request additional references or other additional information relevant to the application. The Committee will not consider representations in person unless advised to do so.

4.16 The Committee shall notify S&GS of its decision, which shall be final.

4.17 S&GS will inform the individual concerned of the decision and reasons.

5. Nomination for appointment as a LA governor

5.1 S&GS manages the process of nomination of school governors by the LA and will only nominate for appointment those volunteers who have been approved by the Committee referred to in section 4 of this procedure.

5.2 The specific skills that GBs need to meet their particular circumstances will vary. S&GS will make every effort to understand a GB's requirements and identify and nominate suitable candidates through an open dialogue and by encouraging GBs to keep them informed, on a regular basis, of the specific skills or experience that the GB ideally requires. S&GS will obtain details of the skills that GBs are seeking in respect of their LA governor vacancies.

5.3 S&GS will seek to prioritise nominations to fill LA governor vacancies in schools where it believes there is a priority need, such as schools requiring improvement, having a high level of vacant positions or other identified needs.

5.4 When S&GS have matched an approved volunteer to a vacant LA governor position, it will contact the volunteer in order to establish their willingness to be considered for appointment to that vacant position. Volunteers who do not wish to be considered for appointment to the vacant position identified will be asked to give their reasons. In some cases, for example, if the reasons given do not adhere to the principles referred to in section 2 of this document, it may be necessary to refer the candidate back to the Committee to reconsider their suitability to remain as a nominee, and before any further match is made.

5.5 S&GS will inform the Governance Professional/Clerk to the GB, Chair of the GB and the Headteacher in writing of the approved volunteer who has been nominated by the LA for appointment to the GB, either as the LA governor or recommended to be appointed in another governor category. The written communication shall request that the nomination is considered by the GB as soon as is reasonably practicable. It will also confirm the volunteer's willingness to be considered for appointment to the GB and include copies of their completed application form, skills audit, the references provided and any comments made by the Committee regarding their application.

6. Appointment of nominated governors

6.1 The Governance Professional/Clerk to the GB shall be asked to inform S&GS by email of the date of the meeting at which the nominated governor is appointed. S&GS will update its records and provide the newly appointed governor, Governance Professional/Clerk to the GB and Chair of the GB with induction course dates and an induction checklist.

6.2 Upon appointment, the school will be responsible for carrying out their own due diligence and relevant barred list checks.

6.3 The Governance Professional/Clerk to the GB shall inform S&GS if the GB decides not to appoint the nominated governor and the reasons for that decision. S&GS will inform the nominated governor of the GB's decision and will then match the applicant to an alternative GB, unless the reasons they were not appointed by the first GB constitute grounds for disqualification from appointment to any GB.

7. Re-appointment of LA nominated governors

7.1 LA governors at maintained schools normally serve a four-year term of office. S&GS monitors all LA governor appointments and notifies the relevant parties one term in advance of the expiry date.

7.2 The LA agrees with the Department for Education (DfE) that with effective succession planning in place, it can be beneficial for strong governors and chairs in particular to move on to another school after a reasonable time (e.g. two terms of office). It recommends that GBs adopt the position that all governors should be restricted to two terms of office (eight years) at the same school.

7.3 Where volunteers have served for two terms of office (eight years), the Committee will only nominate individuals to serve as LA governors on the same GB for a third term when the GB has demonstrated that there are particular circumstances.

7.4 Where volunteers have served for three terms (twelve years) or more, the Committee will not approve the re-nomination of a governor for a fourth term of office at the same school. In these cases, the LA will work with the volunteer to nominate them to an alternative school or Interim Executive Board at a school eligible for intervention.

7.5 S&GS shall write to LA governors that are eligible for re-nomination under this procedure to ascertain their willingness to serve for a further term on their current GB, subject to approval by the Committee. S&GS will also write to the Governance Professional/Clerk to the GB, to the Chair of the GB (or Vice Chair, if the Chair is the subject) and to the Headteacher of the school concerned, to establish whether the GB is prepared to appoint the LA governor for a further term. Feedback will be sought from these parties on the contribution made by the LA nominated governor during their term of office, with specific reference to the expectation and commitment required of school governors referred to in section 2 of this procedure.

7.6 S&GS will refer the GB's response along with any supporting information obtained through LA oversight of the GB, to the Committee for consideration.

7.7 The Committee shall notify S&GS of the LA governors that it has approved for nomination for a further term. S&GS shall inform the Governance Professional/Clerk to the GB of the school concerned that re-nomination has been approved, and will request that it is informed of the date that the LA nominated governor has been appointed by the GB to serve a further term.

7.8 The Committee shall notify S&GS of the LA governors who it has declined to re-nominate and the reasons for its decision. S&GS will inform the individual concerned of the decision and the reasons given.

7.9 Where a request to re-nominate a LA governor has been declined, the GB concerned may request in writing to S&GS that the Committee reconsiders their decision at the earliest available opportunity. S&GS shall inform the Committee of this request and provide it with any additional and background information submitted by the GB concerned in support of their request.

7.10 The Committee will take into account any additional and background information submitted in writing by the GB concerned in support of their request. Before making its decision, the Committee may also seek additional background information or advice about general governor recruitment policy and procedure from an appropriate BCC Officer. The Committee will not consider representations in person unless advised to do so.

7.11 The Committee shall notify S&GS of its decision, which shall be final.

7.12 S&GS will inform the GB concerned of the decision.

7.13 Where LA governors are not eligible for re-nomination under this procedure, S&GS will write to the volunteer and GB concerned advising them of this and offer the opportunity to retain the experience and knowledge they have accumulated by placing them on another GB or to be an Interim Executive Board Member at a school causing concern.

8. Removal of LA Governors at LA Maintained Schools

8.1 LA governors may be removed by the LA from the GB of a maintained school or federation of maintained schools in accordance with the Constitution and Federation Regulations.

8.2 In such cases the Strategic Director, Children and Families will inform the governor in question and the Chair of the GB, in writing, of the full reasons why removal is proposed, inviting them to make written representations regarding the proposal and stating the deadline by which the written representations are to be received (ten working days).

8.3 The proposal to remove and written representations will be referred to the Committee for consideration.

8.4 The Committee shall consider whether to approve the proposal to remove the LA governor, requesting additional information if required in order to make an informed decision and using as its broad criteria, the expectation and commitment required of all school governors that is referred to in section 2 of this procedure and BCC's Model Code of Conduct for GBs.

8.5 The Strategic Director, Children and Families, the governor who is the subject of the proposal and the Chair of the GB concerned shall be informed in writing of the Committee's decision within ten working days of the meeting at which the proposal was considered.

8.6 The LA must give written notice of the removal from office to the Governance Professional/Clerk to the GB and will do so within ten working days of the meeting at which the proposal was accepted.

8.7 The decision of the Committee shall be final and binding on all parties.

Appendices accompanying this procedure

1. Birmingham City Council School Governor Application Form
2. National Governance Association - Governing Board Skills Audit
3. National Governance Association Guidance – Role description for maintained school governors
4. Birmingham City Council Model Code of Conduct for GBs