

**BIRMINGHAM CITY COUNCIL
EDUCATION AND SKILLS DIRECTORATE**

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

1. Introduction

1.1 The Local Authority (LA) is required by the School Governance (Constitution) (England) Regulations 2012 (“the 2012 Constitution Regulations”) to nominate LA governors for appointment to the Governing Boards (GB) of maintained schools.

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

1.3 Under both the 2012 Constitution Regulations and the 2012 Federations Regulations, the LA can nominate any eligible person as a LA governor, but it is for the GB to decide whether the LA nominee:

- a) has the skills to contribute to the effective governance and success of the school and
- b) meets any other eligibility criteria they have set.

LAs should therefore make every effort to understand the GB requirements and identify and nominate suitable candidates.

1.4 LAs have the power to remove their nominated governors, but must give written notice of the removal from office to the clerk to the GB and to the LA governor who is being removed.

1.5 This procedure also covers the volunteer school governors recommended to GBs by the LA for appointment in other governor categories e.g. Co-opted governor.

1.6 This procedure does not cover “additional” governors whom the LA appoints to the GBs of schools which are “eligible for intervention” under Part 4 of the Education and Inspections Act 2006.

1.7 This procedure does not cover individuals whom the LA appoints to serve on Interim Executive Boards (IEB) established to replace GBs 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 Statutory guidance on the constitution of maintained school GBs published in August 2017 says that all 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 representative school governor, or recommended by the LA for appointment by the GB as a co-opted governor, must abide by the (Nolan) Principles of Public Life and adhere to the requirements of the Birmingham City Council.

3. Applying to become a LA nominated school governor

3.1 Anyone who wishes to be nominated by the LA for appointment as a school 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 are submitted to the LA School and Governor Support Team (S&GS).

3.2 All sections of the application and skills audit forms 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 from the GB on which they currently serve.

3.6 . In line with Keeping Children Safe in Education 2022, on receipt of your application, S&GS will carry out online searches as part of the recruitment process. 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.

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 three elected members, (one from each party) of the City Council, at least two governors currently serving on the GB of a Birmingham maintained school 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 Committee will be drawn from a pool of volunteers.

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 officer.

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

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

4.9 The Council supports the view of the NGA that unless there are genuinely exceptional circumstances, it is not good practice for a governor to serve on more than two GBs at any one time. It will not approve the nomination of an applicant currently serving on two GBs to serve as a LA representative governor; unless the Committee agrees that 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 matching of approved applications to LA governor vacancies at maintained schools. For example, the suitability of matching volunteers to a particular school that they have requested. However, the matching of approved applications will be decided by S&GS (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 5.3).

4.12 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.

4.13 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.

4.14 The Committee will take into account any additional and background information submitted in writing by the individual concerned in support of their request and will seek independent advice if required before confirming its decision. However, it will not consider personal representation unless advised to do so.

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

4.16 S&GS will inform the individual concerned of the decision.

5. Nomination for appointment as a LA representative 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 the 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 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 the vacant position that has been identified. Volunteers who do not wish to be considered for appointment to the vacant position identified will be asked to give their reasons and, in some cases, it may be necessary to refer these to the Committee before any further match is made. For example, if the reasons given do not adhere to the principles referred to in section 2 of this document.

5.4 S&GS will inform the Clerk to the GB, Chair of the GB and the Headteacher in writing of the approved volunteer who has been nominated or recommended by the LA for appointment to the GB,

either as the LA representative or to a vacancy in another 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 Clerk to the GB shall inform S&GS by email giving the date of the meeting at which the nominated governor has been appointed. S&GS will update its records and provide the newly appointed governor with induction course dates.

6.2 The 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 disqualify them 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 appointments that are due to expire one term in advance of the expiry date.

7.2 The Council 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 GBs to adopt the position of the NGA that all governors should be restricted to two terms of office (eight years) at the same school.

7.3 The Committee will only nominate individuals to serve as LA governors on GBs where they have served for eight years or more when the GB has demonstrated that there are particular circumstances.

7.4 Where appropriate the Committee shall consider the nomination of LA governors to serve a further term on the GB of the school concerned.

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 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 shall be sought from all 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 LA nominated school governors referred to in section 2 of this procedure.

7.6 S&GS will refer the GB 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 Clerk to the GB of the school concerned that re-nomination has been approved and 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 and will seek independent advice if required before confirming its decision. However, it will not consider personal representation 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.

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 2012 Constitution and Federation Regulations.

8.2 In such cases the Corporate Director (Education and Skills) 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 for 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 whatever additional information it requires in order to make an informed decision and using as its broad criteria the expectation and commitment required of LA nominated school governors that is referred to in section 2 of this procedure.

8.5 The Corporate Director (Education and Skills), 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 decision of the Committee shall be final and binding on all parties.

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

List of Appendices accompanying this procedure

1. Birmingham City Council School Governor Application Form
2. National Governors' Association Governing Board Skills Audit
3. National Governors' Association Guidance – What does a governor do?
4. Birmingham City Council Model Code of Conduct for GBs