

PROCEDURES FOR THE APPOINTMENT AND REMOVAL OF GOVERNORS AND MEMBERS APPOINTED BY THE LOCAL AUTHORITY

**Produced by Cambridgeshire Governor Services
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Children and Young People's Services**

1. BACKGROUND

- 1.1 Under Regulation 6 of the School Governance (Constitution) (England) Regulations 2007, the governing bodies of all categories of maintained schools have at least one place for a governor appointed by the local authority. In some categories of school they account for up to one-fifth of governing body membership. The Local Authority (LA) is also responsible for appointing to a Pupil Referral Unit's Management Board. Academies may choose a governor appointed by the local authority under their Articles of Association to the Academy Trust.
- 1.2 Governors appointed by the LA to maintained schools are Authority governors. Authority Members are appointed to Pupil Referral Units (PRU) and Local Authority governors are appointed to Academies
- 1.3 The Cambridgeshire County Council Scheme of Delegation to Officers, Appendix A includes the following item in the section on delegation of functions relating to schools:

	Delegated to:
Following consultation with Cabinet Member for Children, to appoint representatives of the Authority to school governing bodies, PRU management committees and Academies and, if required, to approve their subsequent removal.	The Service Director: Learning

- 1.4 Cambridgeshire County Council has a well-established procedure in place for the appointment of Authority governors to school, which has been in its current form since 2001. It was modified in June 2005, to reflect the structural changes within the County Council. This paper sets out the procedure and establishes the procedure for the removal of Authority governors. This process will apply to the appointment of Authority members to Pupil Referral Units and Local Authority governors to Academies.
- 1.5 The Service Director: Learning consults with the Cabinet Member for Children on all matters relating to the appointment and removal of governors/members by the LA, giving full consideration to the recommendations of the Cabinet Member for Children.

2. PROCESS OF APPOINTMENT

2.1 Nominations for Authority governor, Authority member and Local Authority governor appointments are requested from:

- the school's governing body, PRU's management board and academy
- the Local Member(s) for the school/PRU/academy
- the Cabinet Member for Children

2.2 A regular monthly schedule of nominations is produced by Cambridgeshire Governor Services and circulated to The Service Director: Learning and the Cabinet Member for Children.

- where a single nomination is received for a vacancy, nominations are approved or otherwise;
- where there are multiple nominations the Cabinet Member for Children will make a recommendation to The Service Director: Learning as to the most suitable appointment. The Service Director: Learning will normally accept the Cabinet Member's recommendation
- the appointment is made by The Service Director: Learning

3. EXPECTATIONS OF AN AUTHORITY GOVERNOR, AUTHORITY MEMBER OR LOCAL AUTHORITY GOVERNOR

3.1 Governors/Members are expected to commit to the principles set out in the Second Report of the Committee on Standards in Public Life chaired by Lord Nolan. These 'Seven Principles' are set out at Appendix 1.

3.2 Governors/Members are issued with guidance notes prepared by the Local Authority. Guidance Note 17 sets out a model code of practice for governing bodies/management committees and Academies, governors/members are asked to note in particular:

- the requirement to adhere to the principle that all governors/members have equal status
- the general duty to act fairly and without prejudice at all times
- the duty to ensure that they act as members of a corporate team, accepting collective responsibility for decisions, and recognising that individual governors/members have authority to act or speak on behalf of other governors/members only when it is delegated specifically to them by the whole governing body or management committee

- the commitment to be a ‘team player’, making time available to attend regularly, and to serve in an effective way, sharing responsibilities, including service on committees
- the importance of strong relationships, with the headteacher, and with other governors/members
- the necessity for confidentiality concerning matters discussed in governing body/management committee meetings, especially in relation to issues concerning individual staff, pupils or parents.
- that visits to the school/pupil referral unit/academy should be undertaken within a framework which has been established by the governing body/management committee and agreed with the headteacher
- the need to declare a pecuniary interest in connection with any matters relating to the governing body/management committee’s business. This should be recorded in the register of pecuniary interests, and to withdraw from the meeting when such matters are discussed
- that appointed Authority governors, Authority members and Local Authority governors will undertake induction training and other appropriate training for their role

3.3 Authority governors, Authority members and Local Authority governors would be expected to draw to the attention of The Service Director: Learning any serious concerns about matters likely to impact adversely on the standards of achievement of the pupils or the capacity of the school/pupil referral unit/academy to deliver the five outcomes as set out within the ‘Every Child Matters’ agenda. It is a statutory requirement for all governing bodies and management board to deliver Every Child Matters outcomes for all children at their school

4. PROCESS OF REMOVAL

4.1 Whilst it is anticipated that such procedures will be used infrequently, it is important for there to be a mechanism in place, if required, for the removal of Authority governors, Authority members and Local Authority governors in order to ensure that difficulties, if they arise, can be dealt with in a consistent way. It is expected that such procedures would be applied only where there is clear evidence that the governor/member concerned has infringed either seriously, or persistently, the expectations set out in 3 (above).

4.2 Regulation 24 of the School Governance (Constitution) (England) Regulations 2007 gives Local Authorities the right to remove governors/members they have appointed, by giving notice in

writing to the clerk to the governing body and also to the governor/member to be removed. As with the appointment of Authority governors, Authority members and Local Authority governors the regulations give no prescription for procedures for removal; this is a matter for local determination.

- 4.3 Before the LA begins a formal process to remove a governor/member, LA officers will offer some conciliation, if appropriate, to seek to resolve the situation. Where this is not an effective remedy, then an Authority governor, Authority member or Local Authority governor may be considered for removal from office. Removal of an Authority governor, Authority member or Local Authority governor from office will only be used as a last resort after seeking to resolve any difficulties or disputes in a more constructive way.
- 4.4 As with appointments, matters of removal will be referred by The Service Director: Learning to the Cabinet Member for Children. As set out below, the Cabinet Member for Children will consider the matter and make recommendations to The Service Director: Learning. The Service Director: Learning will make a decision on the matter, giving full consideration to the recommendations of the Cabinet Member or Children. It is anticipated that requests for removal might come from two sources:

4.4.1 Directly from the School/Pupil Referral Unit/Academy

The governing body/management committee of a PRU/academy has no powers to remove an Authority governor, Authority member or Local Authority governor, but they may make a request for the LA to do so. In these circumstances the LA will expect governors/members to have acted in accordance with Regulation 15 of the School Governance (Procedures) Regulations 2003, which would apply in relation to the suspension of a governor/member i.e.

- (a) the proposal to recommend to the LA the removal of a governor/member will be a specified item of business notified in advance of the meeting;
- (b) a member of the governing body/management committee will propose recommending the removal of the governor/member giving reasons for the proposal;
- (c) the governor/member will have an opportunity in the meeting to respond to the proposal;

- (d) the governor/ member will withdraw whilst a vote is taken on the proposal

If the proposal is supported, the clerk to the Governing Body/Management Committee will notify The Service Director: Learning of the proposal setting out the governors'/members' reasons for recommending removal.

On receipt of the recommendation, The Service Director: Learning will consult with the Cabinet Member for Children.

4.4.2 From a Director or Member of the Local Authority:

On receipt of the recommendation, The Service Director: Learning will consult with the Cabinet Member for Children.

4.5 Procedures for dealing with requests for removal

4.5.1 The Cabinet Member for Children will consider the grounds for removal set out either by:

- The clerk to the governors, or
- The relevant Director or Member of the Local Authority.

4.5.2 The Cabinet Member for Children will make recommendations to The Service Director: Learning on whether there are grounds for removal and the Director will take a decision.

4.5.3 If The Service Director: Learning decides that there are no grounds for removal, s/he will write to the proposer and governor concerned, setting out the reasons for the decision and advising, where appropriate, on a way forward to resolve any remaining difficulties.

4.5.4 If The Service Director: Learning decides that there may be grounds for removal, s/he will write to the governor/member concerned setting out the reasons why the matter has been referred for decision by the Cabinet Member for Children and inviting the governor/member to make written representations and/or to make direct representations at a meeting with The Service Director: Learning and Cabinet Member for Children.

4.5.5 The Service Director: Learning does not have to follow the recommendations given by the Cabinet Member for Children, as set out under paragraphs 4.5.3 and 4.5.4. If s/he makes a different

decision, s/he will report back to the Cabinet Member for Children, giving reasons.

4.5.6 Meeting with The Service Director: Learning and Cabinet Member for Children.

- (a) The Chair of the Governing Body/Management Committee (or representative), or relevant Director or Member of the Local Authority, will propose to The Service Director: Learning, in writing or in person at the meeting, the removal of the governor/member giving reasons for the proposal;
- (b) The governor will have an opportunity to respond to the proposal through written representations and/or at the meeting;
- (c) The proposer and governor/member concerned will then leave the meeting whilst The Service Director: Learning, in full consultation with the Cabinet Member for Children, makes a decision.

Following that:

- (d) If the proposal is agreed, The Service Director: Learning will write to the governor/member dismissing him or her from the governing body/management committee of the school/PRU/academy, setting out the reasons for the decision. The letter will be copied to the clerk to the governors/members.
- (e) If the proposal is not agreed, The Service Director: Learning will write to the proposer and governor/member concerned, setting out the reasons for the decision and advising, where appropriate, on a way forward to resolve any remaining difficulties.

The Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands this.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.