



CORPORATE GOVERNANCE COMMITTEE: 29 JANUARY 2021

PROCESS FOR THE REMOVAL OF LOCAL AUTHORITY NOMINATED GOVERNORS

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of report

1. The purpose of this report is to seek the Committee's agreement to the introduction of a new process to manage requests from maintained schools to remove a Local Authority Nominated School Governor and to agree to the delegation of this function to the Director of Children and Family Services

Policy Framework and Previous Decisions

2. All Governing Bodies of maintained schools are required to be constituted under the School Governance (Constitution) (England) Regulations 2012 (the Regulations). Under Regulation 13(3)(d) every maintained school is required to have one Local Authority Governor. The Director of Children and Family Services currently has delegated authority to nominate such LA Governors on behalf of the Council.
3. Regulation 22 gives the local authority the right to remove a Local Authority school Governor by giving notice to the Clerk of the relevant board of governors and the governor concerned.
4. The County Council's constitution currently states that one of the functions of the Corporate Governance Committee is "*(q) Considering and determining representation seeking the removal of any LEA [LA] appointed school governor.*"

Background

5. The Local Authority (LA) is required by the Regulations to nominate LA governors for appointment to the Governing Bodies of maintained schools. The LA can nominate any eligible person as a LA governor, but it is for the Governing Body to decide whether the LA nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set.
6. Only the LA has the power to remove its nominated governor and as stated above, to do so it must give written notice of the removal to the Clerk of the

governing body of the school which proposed that they be removed, and to the LA governor. Given that such events and circumstances are rare, the County Council does not currently have a prescribed process for such a removal and therefore the Committee is being asked to consider the options set out below and to agree the proposed preferred approach to manage this process going forward.

Proposals/Options

7. Three potential options for the consideration of requests for the removal of a LA nominated Governor have been considered as set out below:

Option 1 That the Director of Children and Families Services be granted delegated authority to remove a LA nominated Governor following consultation with the Director of Law and Governance and the Chair and Spokespersons of the Committee (this option is recommended for the reasons outlined below). A proposed process to support this option is attached as Appendix A to this report.

Option 2 That a panel of three elected members be convened from the membership of the Corporate Governance Committee (one from each main political group) to consider and determine such matters. Such an item would need to be considered by the Panel in private. A proposed process which would support this option is attached as Appendix B.

Option 3 That the matter be referred to the Director of Children and Family Services who will make a recommendation to the Chair of the Committee and if the Chair considers there may be grounds for removal, that the matter be referred to the Committee for consideration at its next meeting, or at an earlier meeting scheduled specifically for that purpose should this be necessary to meet the required timescales. Such an item would need to be considered by the Committee in private. A proposed process to support this option is attached as Appendix C.

8. In considering each option, the approaches adopted by other local authorities have been considered and it is common for this function to be delegated to the Director of Children and Family Services. It is worth noting that the County Council's Director of Children and Family Services already has authority to nominate LA Governors and Option 1 would be an extension of that delegation. With this in mind and taking into account the sensitivity of such matters and the need to manage them swiftly, Option 1 is considered to be the most appropriate way forward.
9. To support this approach, it is also proposed that the process attached as Appendix A be adopted. This provides an independent, fair and transparent process for managing requests to remove the Council's nominated representatives on governing boards as outlined in Option 1.

Resource Implications

- 10 The LA is responsible for the nomination of a LA governor for appointment by the governing body in a maintained school. A clear process for the removal of a LA nominated governor should be in place. There are no direct financial implications arising from this report.
- 11 Each maintained school must have a governing body constituted in accordance with current law. The LA is responsible for the nomination and removal of LA governors for maintained schools and for assessing the effectiveness of the work of governing bodies to support school improvement.

Timetable for Decisions

- 12 If approved by the Corporate Governance Committee the process and delegation will become effective immediately.

Recommendations

- 13 It is recommended that the Committee
- (a) Notes the proposed options for dealing with requests made by maintained schools to remove a LA nominated school Governor;
 - (b) Agrees the Process for handling requests for the removal of a LA nominated school Governor as set out in Appendix A to this report;
 - (c) Delegates to the Director of Children and Family Services, following consultation with the Director of Law and Governance and the Chair and Spokespersons of the Corporate Governance Committee:
 - (i) power to consider and determine representations seeking the removal of a LA nominated school governor;
 - (ii) power to amend the Process for handling requests for the removal of a LA appointed school Governor attached as Appendix A.

Background papers

School Governance (Constitution) (England) Regulations 2012.

Leicestershire County Council's Constitution

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1187&MId=6195&Ver=4&Info=1>

Circulation under the Local Issues Alert Procedure

None.

Equality and Human Rights Implications

There are no equality or human rights implications arising from this report.

Other Relevant Impact Assessments

None

Appendices

Processes for the removal of an LA Governor:

Appendix A

Appendix B

Appendix C

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