

Bath & North East Somerset Council

MEETING	Early Years, Children & Youth Policy Development & Scrutiny Panel	
MEETING	24th November 2014	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	The Reconstitution of Governing Bodies in Maintained Schools	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: none		

1 THE ISSUE

- 1.1 The Department for Education (DfE) has issued guidance for the reconstitution of governing bodies in all maintained schools including governing bodies of Federations. All governing bodies of maintained schools are required to constitute under the School Governance (Constitution) (England) Regulations 2012 or the School Governance (Federations) (England) Regulations 2012, by 1 September 2015.
- 1.2 The Regulations will result in a reduction in the number of Local Authority governor representatives on maintained and federated school governing bodies and changes in the way in which they are appointed.
- 1.3 The reconstitution of governing bodies may result in a surplus in the number of Local Authority governors on governing bodies. The guidance sets out a process for the removal of surplus governors once governing bodies have reconstituted.

2 RECOMMENDATION

- 2.1 Note the changes in the appointment and the reduction in the number of local authority governors on the governing body of maintained and federated schools.
- 2.2 The local authority makes every effort to understand the requirements of governing bodies before nominating suitable candidates as local authority governors. However, governing bodies now have the ability to appoint LA governors if they feel they possess the relevant skills for the role. The guidance insists the LA governor role is “to govern the school in the best interest of pupils, not to represent the interests of the constituency from which they were elected or appointed”.

2.3 All local authority governors who lose their place on a governing body through reconstitution receive a letter to thank them for their work as a governor in supporting schools from the Leader of the Council.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 There are no financial implications arising directly as a result of this report.

4 THE REPORT

4.1 The Regulations set out the eligibility criteria and means of appointment for each of the prescribed categories of governors. Governing bodies are encouraged to carry out a skills audit and use this to identify the skills, knowledge and experiences and use this to determine whether prospective governors have the skills to contribute to effective governance and the success of the school.

4.2 Regulation 13 sets out the size of governing bodies, which must not be smaller than seven members and must include one and only one local authority governor. This will result in a surplus of local authority governors on a significant number of governing bodies. Where there is a surplus in any category of governor and there are insufficient resignations to fit the reconstituted governing body, governors are advised to resolve this through a vote on each of the categories. Governors who lose their LA positions can be appointed as co-opted or associate governors if the governing body thinks fit & they have the relevant skills.

4.3 Governors have been given greater flexibility for drawing up additional eligibility criteria for the appointment of governors linked to the skills, knowledge and experiences they seek on their governing body. They also have the flexibility to reconstitute at anytime up to the 1 September 2015.

4.4 Under Regulation 8, the local authority can nominate any eligible person as a local authority governor but it is the governing body's decision whether the nominee has the skills to contribute to the effective governance and success of the school and meet any other eligibility criteria they have set. It is therefore important for governing bodies to identify any skill gaps before reconstitution.

4.5 The local authority retains responsibility for the removal from office of a local authority governor. The local authority must give written notice of the removal to the clerk to the governing body and the governor concerned.

Contact person	<i>Margaret Simmons-Bird Head of Education Improvement and Rob Sidaway, Senior Adviser School Improvement & Achievement Service 01225 395108</i>
Background papers	<i>The constitution of governing bodies of maintained schools – Statutory guidance for governing bodies of maintained schools and local authorities. May 2104 The DfE Reconstitution Guidance – May 2104</i>
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