

**Item No. 4**  
**The School Governance**  
**(Constitution) (England)**  
**Regulations 2012 –**  
**Implications for the**  
**Appointment of Authority**  
**Governors.**

**North Tyneside Council**  
**Report to the**  
**Outside Bodies Committee**  
**Date: 4<sup>th</sup> July 2012**

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**Report from:** Governor Services

**Report Author:** Jacki Kelly, Governor Services Manager (Tel: 0191 643 8714)

**Wards affected:** All

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**PART 1**

**1.1 Purpose:**

The report is submitted to update the Committee on the changes to legislation governing how governing bodies can reconstitute their membership from 1 September 2012, particularly in relation to the implications for Local Authority Governor appointments/reappointments.

**1.2 Recommendations:**

It is recommended that the Committee agrees to a system being put in place which provides a clear framework for the direct appointment or nomination for appointment of Local Authority Governors. To schools in the Borough...

**1.3 Information:**

All maintained schools' governing bodies currently comply with The School Governance (Constitution) (England) Regulations 2007 in relation to their membership. From September 2012, a dual system will operate so that governing bodies that wish to retain their current membership, current school name, current terms of office for governors can do so under the 2007 regulations.

However, from 1<sup>st</sup> September 2012, any school that wishes to make any changes to its Instrument of Government (e.g. change of name, change of membership, change of terms of office), or any school that is required to change its Instrument of Government because of a change of category (e.g. moving to trust status), must comply with The School Governance (Constitution) (England) Regulations 2012.

The present situation is:

- Governors appointed by the Local Authority are called Authority Governors;
- Governing bodies may have up to 1/5<sup>th</sup> of their members as Authority Governors;
- Authority governors are appointed by the Outside Bodies Committee of the Council and the governing body has no right of veto;
- The Outside Bodies Committee has delegated authority to remove any Authority Governors appointed by the local authority.

While many schools will not change their Instrument of Government, for those schools that do change the following implications will be effected:

- Governors nominated by the Outside Bodies Committee and appointed by the governing body will be called Local Authority Governors;
- The governing body will only be allowed to have 1 Local Authority governor (they would be removed by juniority i.e. last in-first out);
- Current Local Authority governors would be able to change category if they wished to remain on the governing body but the decision on whether to co-opt them as Co-opted Governors would be the governing body's to make;
- Local Authority governors will be appointed by the governing body, following nominations from the Outside Bodies Committee of the Council, i.e. the governing body will be able to veto any nominations which do not fit within criteria which they may have set;
- North Tyneside Council will still have responsibility to remove any governors nominated by the Outside Bodies Committee if so instructed and by established procedure.

The following documents may be subject to change and Governor Services will seek advice on how the changes should be made from Democratic Services and Legal Services teams:

- Procedure for the Appointment, Re-Appointment of 'Authority' Governors and Communication with 'Authority' Governors
- Procedures for the Removal of 'Authority' Governors.

Those schools that might be affected from September 2012 by the changes:-

Burnside High School  
West Moor Primary School  
Wellfield Middle School  
Marden Bridge Middle School  
Monkseaton Middle School  
Monkhouse Primary School.

The above schools would be affected if they become trust schools following consultation during the Summer term/Autumn term.

The new legislation does make some other quite significant changes to the size and membership of governing bodies which are not detailed in this report, e.g. minimum of 2 parent governors replaces the current requirement of 1/3<sup>rd</sup> of all places are parent governors, only 1 staff governor (not including the headteacher who has a specific place), 7 minimum and no maximum on a governing body, no restrictions on the number of Co-opted governors.

#### **1.4 Decision options:**

The new regulations are a statutory directive and therefore no decision is required in relation to the regulations.

A decision would be required to use the current procedures for appointing, re-appointing Authority Governors in schools where the new 2012 regulations apply but make these nominations rather than appointments.

#### **1.5 Reasons for recommended option:**

Schools will be able to veto the nominations made by the Outside Bodies Committee but where possible, actions will be identified by the Governor Services Manager to reduce the occasions when this might happen, e.g. prior consultation with schools about new candidates and a revision of the forms currently used to seek headteacher and chairs' recommendation for re-appointments.

Governing bodies will receive recommendations in the Autumn term from the Governor Services Manager to delegate the final appointment of Local Authority governors to the Headteacher and Chair of Governors rather than delaying the appointment of Local Authority governors by holding a full governing body meeting.

## **1.6 Appendices:**

None.

## **1.7 Contact officers:**

Jacki Kelly, Governor Services Manager - (Tel: 0191 6438714)

## **1.8 Background information:**

The following documents have been used in compilation of this report and are available for inspection at the offices of the author of the report:

- The School Governance (Constitution) (England) Regulations 2012
- The School Governance (Constitution) (England) Regulations 2007.
  
- Procedure for the Appointment, Re-Appointment of 'Authority' Governors and Communication with 'Authority' Governors
- Procedures for the Removal of 'Authority' Governors.

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

The proposal does not have direct financial implications.

### **2.2 Legal**

Actions to be in line with Constitution Regulations detailed in the report.

### **2.3 Consultation/Community Engagement**

Consideration of this report by the Outside Bodies Committee, provides the key element to the consultation process.

### **2.4 Human Rights**

The report does not have direct implications in respect of the Human Rights Act 1998.

### **2.5 Equalities and diversity**

The report does not have any direct implications in relation to equality and diversity.

## **2.6 Risk Management**

As the recommendations are procedural and a recognised part of the business of the Committee, no risk assessment has been undertaken.

## **2.7 Crime and disorder**

The report does not have any crime and disorder implications.

## **2.8 Environment and sustainability**

The report does not have any crime and disorder implications.

**Report author Jacki Kelly**