
PROCEDURE FOR THE
APPOINTMENT AND REMOVAL
OF THE LOCAL AUTHORITY
GOVERNOR



Council of the
ISLES OF SCILLY

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PROCEDURE FOR THE APPOINTMENT AND REMOVAL OF THE LOCAL AUTHORITY GOVERNOR

1. BACKGROUND

1.1 Under Regulation 13 of the School Governance (Constitution) (England) Regulations 2012, and 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.

1.2 From September 2012, The School Governance (Constitution) (England) Regulations state:

Local authority governor

8. In these Regulations “local authority governor” means a person who (a) is nominated by the local authority; and (b) is appointed as a governor by the governing body having, in the opinion of the governing body, met any eligibility criteria that they have set.

1.3 There is no regulation to determine the selection of the Local Authority Nominated Governor, and therefore the Council is free to decide the arrangements for nomination.

1.4 Department for Education Guidance from March 2015 states;

“Local Authority Governors are nominated by the local Authority but are appointed by the governing body. The Local Authority can nominate any eligible person as a Local Authority Governor but it is for the Governing Body to decide whether the nominee has the skills to contribute to the effective governance and success of the school and meet any eligibility criteria set. Local Authorities should therefore make every effort to understand the Governing Bodies requirements and identify and nominate suitable candidates”.

1.5 There is one school on the Isles of Scilly – the Five Islands School (FIS)

2. PROCESS FOR APPOINTMENT

2.1 The Clerk to the FIS Governing Body shall notify the Council of the Isles of Scilly in the event that the local Authority Nominated Governor position is/has become available either through resignation or because the current holder of the role has come to the end of their period of office.

- 2.2 The Council of the Isles of Scilly will advertise the role on its website together with an application pack and application form, approved by Members (Appendix 2 and 3). The application pack will set out the Local Authority's expectations and enables candidates to demonstrate their eligibility for and commitment to the role. The role will be open to any eligible person.
- 2.3 Nominations will be reviewed by a Nomination Panel following the closing date for the submission of applications.
- 2.4 The Nomination Panel will comprise the following
- a) Chairman of Council;
 - b) Lead Member for Children;
 - c) Chairman of Children's Committee;
 - d) Senior Manager – Services to our Community; and the
 - e) Senior Officer – Children's Services.

In the event of a conflict of interest the Chairman will request other Members of the Children's Committee and/or Officers of the Council to attend.

- 2.5 The recommended eligibility criteria for reviewing nominations are that 'in the view of the Nominations Panel the nominee has the skills required to contribute to the effective governance and success of the school'. The required skill base will be informed by prior discussion with the Governing Body, and it will be for the Governing Body to determine at its sole discretion the skills required.
- 2.6 Where considered necessary the Nomination Panel will invite perspective nominees to be interviewed to consider whether or not the eligibility criteria has been met, especially in circumstances where more than one nomination is received. Interviews will be scheduled to take place following the closing date for receipt of nominations.
- 2.7 Following consideration of nominations received, and selection of a nominee to put forward, the Nominations Panel will ask the Head Teacher, Chairman and Clerk to the Governors to consider the nomination of a Local Authority Governor at the next full governing body meeting.
- 2.8 The Clerk/Chairman will inform all parties of the outcome and conduct appointment procedures.
- 2.9 The Local Authority will ensure the candidate's declaration form of eligibility has been completed before any nominations go forward to the Governing Body. The Local Authority will also ensure that the successful nominee has a DBS check prior to appointment.

3. PROCESS FOR REMOVAL OF AN LOCAL AUTHORITY APPOINTED GOVERNOR

- 3.1 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 Local Authority Nominated 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 concerned has infringed either seriously, or persistently, the expectations set out in the application pack, or fails to consistently meet the eligibility criteria.
- 3.2 Regulation 22 of The School Governance (Constitution) (England) Regulations 2012 gives Local Authorities the right to remove Governors they have appointed, by giving notice in writing to the Clerk to the Governing Body and also to the Governor to be removed.
- 3.3 As with the appointment of Local Authority Governors the regulations give no prescription for procedures for removal; this is a matter for local determination.
- 3.4 Before the Local Authority begins a formal process to remove a governor, Local Authority officers will offer conciliation, if appropriate, to seek to resolve the situation.
- 3.5 Only where conciliation is not an effective remedy, will a Local Authority Nominated Governor be considered for removal from office. Removal of a Local Authority Nominated Governor from office will only be used as a last resort after seeking to resolve any difficulties or disputes in a more constructive way.
- 3.4 As with nominations, matters of removal will be referred to the Nominations Panel.
- 3.5 It is anticipated that requests for removal might come from two sources:

3.5.1 **Directly from FIS**

The Governing Body has no powers to remove a Local Authority Nominated Governor, but they may make a request for the Local Authority to do so.

In these circumstances the Local Authority 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 i.e.:

- (a) the proposal to the Local Authority to recommend the removal of a governor will be a specified item of business notified in advance of the meeting of the Governing Body;

- (b) a member of the Governing Body will propose recommending the removal of the Governor giving reasons for the proposal, and providing all relevant supporting evidence;
- (c) the Governor will have an opportunity in the meeting to respond to the proposal;
- (d) the Governor will withdraw whilst a vote is taken on the proposal.

If supported, the Clerk to the Governing Body will notify the Senior Manager: Services to our Community (DCS and DASS) of the proposal setting out the reasons for recommending removal.

On receipt of the recommendation, the Senior Manager: Services to our Community (DCS and DASS) will consult with the Nominations Panel.

3.5.2. From a Member or Officer of the Local Authority

A formal written request should be sent to the Senior Manager: Services to our Community (DCS and DASS), setting out the reasons for the Member/Officer proposal to remove the Local Authority Governor.

Any proposal will be supported by sufficient supporting evidence, and will be discussed with Senior Manager: Services to our Community (DCS and DASS) to assess the merits of the proposal prior to its submission to the Nomination Panel.

The Senior Manager: Services to our Community will discuss the proposal received with the Governor concerned to allow an opportunity to respond to the proposal prior to its consideration by the Nomination Panel.

- 3.6 On receipt of a proposal to remove, the Senior Manager: Services to our Community (DCS and DASS) will consult with the Nominations Panel.

The Nominations Panel will consider the grounds for removal set out either by:

- the Clerk to the Governors or management committee, or
- the relevant Officer or Member of the Local Authority

- 3.7 The Nominations Panel will make a recommendation to the Senior Manager – Services to our Community (DCS and DASS) on whether there are grounds for removal.

- 3.8 If the Nominations Panel decides that there are no grounds for removal, the Senior Manager – Services to our Community (DCS and DASS) 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.

- 3.9 If the Nominations Panel decides that there may be grounds for removal, the Senior Manager – Services to our Community (DCS and DASS) will write to the Governor concerned setting out the reasons why the matter has been referred for decision by the Nominations Panel and inviting the Governor to make written representations and/or to make direct representations at a meeting with the Senior Manager – Services to our Community (DCS and DASS), Lead Member for Children and the Monitoring Officer.
- 3.10 The following process will be followed at the meeting referred to at 3.9 above with the Senior Manager – Services to our Community (DCS and DASS), Lead Member for Children and the Monitoring Officer:
- (a) The Chairman of the Governing Body (or representative), or relevant officer or Member of the Local Authority, will propose to the Senior Manager – Services to our Community (DCS and DASS), in writing or in person at the meeting, the removal of the Governor giving reasons for the proposal;
 - (b) The Governor will have an opportunity to respond to the proposal through written representations and/or orally at the meeting;
 - (c) The proposer and Governor concerned will then leave the meeting whilst the Senior Manager – Services to our Community (DCS and DASS) in full consultation with the Lead Member for Children and the Monitoring Officer, make a decision.

Following that:

- (d) If the proposal is agreed, the Senior Manager – Services to our Community (DCS and DASS) will write to the Governor dismissing him or her from the Governing Body of the school/, setting out the reasons for the decision. The letter will be copied to the Clerk to the Governors.
- (e) If the proposal is not agreed, the Senior Manager – Services to our Community (DCS and DASS) 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.

ENDS