

Protocol for the Appointment of Authority Governors

1. Statutory Duty

“Authority governors are appointed by the LA (Local Authority). LAs can appoint any eligible person as an Authority governor. LAs are encouraged to appoint high calibre governor candidates to schools that need most support, and to appoint candidates irrespective of any political affiliation or preferences.”

The above is taken from the Statutory Guidance on the School Governance (Constitution) (England) Regulations 2007 SI 2007/957.

2. The appointment process

Appointments are made by the Director of Children’s Services under delegated powers. It is the practice in Norfolk for County Councillors to nominate candidates, for consideration by the Director to vacant Authority governor positions at schools within their electoral division. County Councillors should bear in mind agreed criteria for nominating individuals as Authority governors. The person should:

- have a commitment to, and an interest in, education
- have a desire to support the school/s concerned
- be willing to serve the local community
- have skills and experience that will support the work of the school
- have the ability to work as a member of a team
- be able to devote time to, and arrange their commitments to fit in with, membership of the governing body
- be willing to undertake regular governor training
- not be an employee of the school concerned
- not be knowingly disqualified from serving as a school governor

3. Disqualification from becoming a school governor

There are a number of reasons why a person is automatically disqualified from becoming a school governor. If a County Councillor is aware of any potential disqualification applying to an individual s/he should not approach that person to become a governor of a Norfolk school.

The reasons for disqualification are set out at Appendix 1 of this document.

4. The appointment procedure

4.1 Governor Services has the responsibility for implementing Authority Governor appointments once individuals have been nominated. The Authority Appointments Group, made up of members from the main political parties, oversees the process to ensure it is efficient, effective and fair.

4.2 The agreed appointment procedure is as follows:

4.2.1 Governor Services is notified of an Authority Governor vacancy; this is usually by the school or Clerk to the Governing Body, but may be by the relevant County Councillor.

4.2.2 Governor Services informs the appropriate County Councillor of the vacancy. At the same time Governor Services asks the school/governing body if there is someone they would like to suggest for the position and passes the name to the County Councillor. Additionally, Governor Services may suggest an individual from a list of prospective governors held.

4.2.3 The County Councillor considers the candidate/s available and formally nominates a person for the vacant governor position, using the agreed criteria as a guide. If, within 4 weeks (including school holidays) of notifying the County Councillor of the vacancy, Governor Services has not received a formal nomination, the appointment of an individual suggested by either the school or Governor Services under Point 2 above will be made automatically. The County Councillor may only object to the appointment if s/he has clear evidence that the individual is unsuitable to hold the position of school governor. The members of the Appointments Group will deal with objections electronically as urgent business.

4.2.4 Governor Services notifies the nominee and asks them to complete the appropriate documentation to declare that they are not disqualified from becoming a school governor. This includes an ISA (Independent Safeguarding Authority) Check, which is a formal check made to ensure that the person is not disqualified from working with children and young people.

4.2.5 When the checks are successfully completed Governor Services informs the person that they have been appointed.

4.2.6 Governor Services notifies the school's Headteacher of the appointment.

NOTE: Following notification of a vacancy to the local member, where the position remains vacant for more than 12 weeks it will be referred back to the Authority Appointments Group for consideration.

4.3 County Councillors should note that, as stated in the DfE (Department for Education) Statutory Guidance quoted, it is not essential for Authority governors to be politically active, nor necessarily to support the County Councillor's own chosen political party. Norfolk Children's Services is committed to reducing governor vacancies across the spectrum, as this supports schools to improve by building strong leadership and management.

4.4 County Councillors should also be aware that neither the Headteacher nor the Governing Body has the right to formally veto Authority Governor appointments. However, they may lodge an objection to a nominee, supported by objective reasoning, which will be considered by the Authority Appointments Group at their next meeting, and a decision made as to whether the individual should be appointed.

4.5 County Councillors should always encourage potential nominees to visit the school before the County Councillor makes his/her formal nomination. This will give individuals an opportunity to talk to the Headteacher, or Chair or Clerk of Governors, and find out more about the expectations of governors at that school. It will also enable the individual to make a more informed decision about whether they wish to take up the position of Authority Governor. **However, it must be made clear to the potential nominees that visiting the school does not constitute formal nomination to the vacant position.** It would greatly

assist Governor Services if County Councillors would notify them, either by telephone or e-mail, that the process had reached this stage.

4.6 Special consideration needs to be given to High Schools, which have a catchment area covering several electoral divisions, and where there are likely to be up to 4 Authority Governor positions. The County Councillor in whose division the school sits should take account of the views of the County Councillors from the other electoral divisions covered by the school. When notifying the local member of an authority vacancy at the school Governor Services will also notify the other appropriate County Councillors.

5. Re-appointment of Authority governors

5.1 School governors generally have a four-year term of office, unless the governing body has decided that, under the Constitution Regulations 2003, it has agreed shorter terms for some categories of governor.

5.2 When an Authority Governor is approaching the end of their term of office Governor Services will notify the local member. If the County Councillor has a concern about the governor they should contact either their representative member on the Authority Appointments Group, or Governor Services, and make their views known. It is not usual practice to replace Authority governors where the school is happy for them to continue in post, even where there has been a change in the political representation of the locally elected County Councillor. It can be hard to find people who are prepared to give appropriate time and energy to being a school governor. Where individuals are making such a significant commitment to their local community it is generally agreed that they should remain in post until they choose to 'retire' or resign.

5.3 Governor Services also contacts the Clerk to the Governing Body, and asks if the governors would like the person to be re-appointed. In most cases the governing body is happy for the person to continue.

5.4 In a very few cases the governing body is not happy for the Authority governor to continue. This may be for any of a number of reasons, for example, lack of commitment, minimum required attendance at governing body meetings or a poor relationship between the governing body/school and governor. In such cases Governor Services will inform the Authority Appointments Group that the governing body does not wish the individual to continue, and the Group will decide whether or not to re-appoint. Where the Group agrees that the re-appointment should not be made Governor Services will notify the County Councillor and Clerk of the vacant position, and the appointment process for a new governor will commence. A letter will be sent to the governor not being re-appointed, thanking them for their past service.

6. Contacting Governor Services

Governor Services is always willing to assist County Councillors in making Authority Governor appointments. If you need any further advice Dawn Turner can be contacted on:

Telephone: 01603 303361, or

E-mail: dawn.turner@norfolk.gov.uk or governorservices@norfolk.gov.uk

Qualifications and Disqualifications

(Chapter 2 section 39 of A Guide to the Law for School Governors - 2010)

I declare that I am not disqualified from serving as a school governor and that:

- **I am** aged 18 or over at the date of this election or appointment;
- **I do not** already hold a governorship of the same school;
- **I am not** a person who is detained under the Mental Health Act 1983;
- **I am not** the subject of a bankruptcy restrictions order or an interim order;
- **I have not** had my estate sequestrated and the sequestration has not been discharged, annulled or reduced
- **I have not** been removed from the office of a charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement or, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005, from being concerned in the management or control of any body;
- **I am not** included in the list (List 99) of teachers and workers with children or young persons whose employment is prohibited or restricted;
- **I am not** disqualified from registration for child minding or providing day care;
- **I am not** disqualified from working with children or subject to direction under section 142 of the Education Act 2002;
- **I am not** disqualified from registration under Part 3 of the Childcare Act 2006;
- **I have not**, in the five years prior to becoming a governor, received a sentence of imprisonment, suspended or otherwise, for a period of not less than three months without the option of a fine;
- **I have not**, received a prison sentence of 2.5 years or more in the past 20 years;
- **I have not**, at any time, received a prison sentence of five years or more
- **I have not** been fined, in the five years prior to becoming a governor, for causing a nuisance or disturbance on school or education premises;