

EDUCATION (APPOINTMENT OF GOVERNORS) PANEL

12TH MARCH 2012

PROPOSED CHANGES TO CONSTITUTION OF SCHOOL GOVERNING BODIES

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

1. Introduction

As members will be aware, the constitution of maintained school Governing Bodies has since 2003 been based on a stakeholder model which prescribes the proportion of governors from each category (Parent Governors, Staff Governors, Community Governors, Foundation Governors, Authority Governors etc.).

For some time it has been known that the government was considering changes to the constitution of school Governing Bodies and this report outlines the proposals that have been published as part of a consultation on these changes.

2. Governing Body constitution – the current position

The instrument of government of a school must specify the size of the membership of the governing body, which must be no fewer than 9 or more than 20 governors, (excluding any sponsor or additional foundation governors).

The proportions of places on the governing body that must be reserved for the different categories of governor are as follows:

Community schools, maintained nursery schools and community special schools -

- (a) one third or more must be parent governors;
- (b) at least two but no more than one third must be staff governors;
- (c) one fifth must be LEA governors; and
- (d) one fifth or more must be community governors.

The governing body may in addition appoint up to two sponsor governors.

Voluntary controlled schools -

- (a) one third or more must be parent governors;
- (b) at least two but no more than one third must be staff governors;
- (c) at least one but no more than one fifth must be LEA governors;
- (d) one tenth or more must be community governors; and
- (e) at least two but no more than one quarter must be foundation governors.

The governing body may in addition appoint up to two sponsor governors.

Voluntary aided schools -

- (a) at least one but no more than one tenth must be LEA governors;
- (b) at least two but no more than one third must be staff governors;
- (c) at least one must be a parent governor;
- (d) such number of foundation governors as out number all the other governors listed in sub-paragraphs (a) to (c) by two; and

(e) one-fifth or more of the persons appointed as foundation governors must be parents. When they are counted with the parent governors, parents must comprise one third or more of the total membership of the governing body.

3. Governing Body constitution – the proposals

The Government have recently published proposals relating to the future constitution of Governing Bodies. However, unlike in the past when changes have taken place, it is intended that this will be permissive legislation (i.e. Governing Bodies can choose to go to the new constitution or remain with the existing stakeholder model).

Whilst these new regulations are not finalised yet we do know that the draft proposals are that Governing Bodies will be able to move to a smaller Governing Body comprising: -

- (a) at least two parent governors;
- (b) the head teacher;
- (c) one staff governor; and
- (d) one authority governor.

It is expected that the choice of constitution will become available for September 2012.

There also a significant change which relates to the appointment of Authority Governors. Under the proposals it will be possible for a school Governing Body to specify 'eligibility criteria' for persons to be appointed as Authority Governors.

Therefore the effect of these proposals would be that any person interested in serving as an Authority Governor would need to: -

- (a) meet the eligibility criteria, if any, specified by the governing body;
- (b) be nominated by the Local Authority; and appointed by the governing body.

4. Action Required

This report is for information only.

As the proposals are only at consultation stage, there is no action required by the Appointments Panel. Members may, however, wish to begin considering the implications should the changes be implemented in their current form and in particular how the Council's procedures for the recruitment and appointment of Authority Governors will be impacted by these changes.

Further papers will be issued to the Appointments Panel as information becomes available.

Background papers

School Governance (Constitution) (England) Regulations 2003
Consultation on the School Governance (Constitution) (England) Regulations 2012