

Committee: **Education and Learning Scrutiny Committee**

Date of meeting: **15th September 2020**

Report Subject: **Revised LA Governor Policy**

Portfolio Holder: **Cllr Joanne Collins, Executive Member for Education**

Report Submitted by: **Michelle Jones, Strategic Education Improvement Manager**

| Reporting Pathway | | | | | | | | |
|-----------------------------|---------------------------|--------------------------|-----------------|-------------------------------|--------------------|---------------------|---------|----------------------|
| Directorate Management Team | Corporate Leadership Team | Portfolio Holder / Chair | Audit Committee | Democratic Services Committee | Scrutiny Committee | Executive Committee | Council | Other (please state) |
| x | x | 01.09.20 | | | 15.09.2020 | 14.10.20 | | |

1 Purpose of the Report

- 1.1 The purpose of this report is to consult Members of the Education and Learning Scrutiny Committee on the revised Local Authority Governor Policy prior to consideration at the Executive Committee.

2 Scope and Background

- 2.1 The original Local Authority Governor policy was agreed and implemented during the 2014-15 academic year and established a Member Panel process for the appointment and removal of Local Authority Appointed Governors.
- 2.2 Education and Learning Scrutiny Members will be aware that each maintained school must have a governing body constituted in accordance with the Education Act 2002.
- 2.3 The governing bodies of all maintained schools are corporate bodies. As such, a corporate body has a legal identity separate from that of its members.
- 2.4 As governing bodies are corporate bodies, individual governors are generally protected from personal liability as a result of the governing body's decisions and actions. Provided they act honestly, reasonably and in good faith, any liability will fall on the governing body even if it has exceeded its powers, rather than on individual members.
- 2.5 All school governing bodies are a combination of appointed or elected governors of various types. The composition of each governing body will depend upon the number and age range of pupils at the school and the category of the school

- 2.6 All governing bodies have four key groups of governors; these are:
- **Parent Governors** are elected by the parents or appointed by the governing body to represent the interests of parents on the governing body.
 - **Teacher Governors** are elected by fellow teaching staff at the school.
 - **Staff Governors** are elected from and by the non-teaching staff employed to work at the school.
 - **Local Education Authority (LEA) Governors** are appointed by the Local Authority. Local Authority's can appoint any eligible person as an LEA governor. For example, not all LEA governors are councillors, they may include any person who is interested in supporting schools and whose appointment has the support of the authority.

2.7 In addition to these, the Headteacher (or acting Headteacher) is a member of the governing body unless he or she chooses not to be. Also, different categories of governing bodies may also include some governors of the following types: sponsor, community governor foundation governor etc.

2.8 The revised policy has been strengthened to ensure that the local authority can discharge its statutory function in a timely manner and is considerate of current operational panel arrangements. Consultation on the development of the policy has also taken place with the EAS and the current Local Authority Governor Appointment Panel at their meeting held on 10th July 2020. The main changes to the policy are summarised below and for ease of reference are: -

- Confirmation of the quorum for meetings;
- Clarification of roles and responsibilities of LA Governor Panel, Full Council and the role of the Executive Member for Education;
- Declaration of interests' section updated; and,
- Operational and management arrangements of the LA governor panel further strengthened and aligned to current practice to further support the timely appointment / removal of LA governors.

3. **Options for Recommendation**

3.1 This report has been approved by Education DMT, CLT for submission to Education and Learning Scrutiny Committee. The options are:

3.2 **Option 1**

Members are requested to scrutinise the information detailed within the report and policy and to make appropriate recommendations to the Executive Committee.

3.3 **Option 2**

Accept the report and policy as provided.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 **Statutory Responsibility**

4.1.1 Each maintained school must have a governing body constituted in accordance with the Education Act 2002, which sets out the framework for the establishment of governing bodies. The Local Authority is responsible for the appointment of Local Authority governors.

4.1.2 **Corporate Improvement Plan**

| Outcome Statement 2020/22 | Corporate Plan activity |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Support a fairer sustainable economy and community | <ul style="list-style-type: none">• Support all learners to achieve improved outcomes• To improve pupil outcomes , progress and wellbeing |

4.1.3 **Blaenau Gwent Wellbeing Plan**

The statutory framework is clearly aligned to the objectives in the Blaenau Gwent Wellbeing Plan which aims for everyone to have the best start in life. The plan seeks to ensure that the education provision is appropriate and able to meet the needs of children and young people so that their progress is as good as it should be.

5. **Implications Against Each Option**

5.1 **Impact on Budget (short and long term impact)**

5.1.1 There are no direct financial implications for this policy report. However, the Council allocates approximately £42 million to schools via the Individual Schools Budget (ISB) to provide high quality education and to improve pupil outcomes.

5.1.2 Blaenau Gwent continues to make a financial contribution to the regional EAS arrangements of approximately £300,000+ from the core Education Directorate revenue budget. The EAS is the Council's commissioned school improvement service commissioned to work directly with schools to provide professional challenge and support to improve and this service hosts the Governor Support function.

5.2 **Risk including Mitigating Actions**

5.2.1 Risk is associated with underperformance and ineffective processes to improve performance in identified schools. Failure to raise standards is identified as a key risk to the Council, both in terms of reputation and pupil life chances. This is reflected in the Education Directorate and EAS risk registers.

5.3 **Legal**

- 5.3.1 Each maintained school must have a governing body constituted in accordance with the Education Act 2002 which sets out the framework for the establishment of governing bodies. The Local Authority is responsible for the appointment of Local Authority governors and for assessing the effectiveness of the work of governing bodies to support school improvement.

6. **Supporting Evidence**

6.1 **Performance Information.**

- 6.1.1 The most recent Local Government Education Services (LGES) self-evaluation report dated March 2020 confirmed that the process for the appointment of Local Authority Governors is now well established and there is evidence of improved governance in a majority of schools. The Spring term Local Authority termly overview from the EAS, which is the latest data available prior to the Covid emergency identified that there were 58 (15%) vacancies across Blaenau Gwent's schools. This is consistent with the rate of vacancies for the Autumn term. It is anticipated that the changes to the proposed policy will further improve this and moving forward this committee will receive termly updates on the level of governor vacancies.

- 6.1.2 Moreover, as part of usual business arrangements Governor Support officers contact all Headteachers and Chairs of Governors of governing bodies that currently hold vacancies with the details and relevant forms to support the management of vacancies. In addition, the Local Authority Governor Panel now receives details of Local Authority governors whose term of office has come to an end/is due to end in the following term as well as details of the attendance and uptake of training by appointed Local Authority governors.

6.2 **Expected outcome for the public**

- 6.2.1 Through the appointment process, Local Authority governors can then play an active role in the improvement journey of schools, and in doing so, contribute to the corporate and wellbeing objectives of the Council.

6.3 **Involvement (consultation, engagement, participation)**

- 6.3.1 The primary purpose of governing bodies is to ensure the quality of education provision and to act as the accountable bodies for school. The governing body has responsibility for ensuring the good conduct and high standards of educational achievement in the school.

6.4 **Thinking for the Long term (forward planning)**

- 6.4.1 The revised policy demonstrates the mature approach to the process to secure effective governance and is aligned with the Welsh Government's strategic document Education in Wales: Our national Mission, the Council's

agreed Vision for Education and the Local Government Inspection framework.

6.5 Preventative focus

6.5.1 A key element of the Council's work is to monitor settings and ensure appropriate support to secure continuing high standards. As part of this work the effectiveness of Governing Bodies is scrutinised which includes the level and type of vacancies on governing bodies. Also, Estyn Inspection reports reflect the extent to which settings and Local Authorities have been effective in achieving this requirement.

6.6 Collaboration / partnership working

6.6.1 Educational school improvement is delivered on a regional basis through the South East Wales Consortium in collaboration with Caerphilly, Monmouthshire, Newport and Torfaen Councils. The EAS host the Governor Support function on behalf of all Councils within the consortia.

6.7 Integration (across service areas)

6.7.1 Ensuring that schools deliver high quality education provision to secure high pupil outcomes relates directly to the corporate outcomes for 2020/22 within the Corporate Improvement Plan.

6.8 EqIA(screening and identifying if full impact assessment is needed)

6.8.1 An EQIA has been completed for this report and no positive or negative impact has been identified.

7 Monitoring Arrangements

7.1 This report sets out the proposed Local Authority Governor Policy that deals with the recruitment and removal of Local Authority governors. Effective governance is a key consideration of leadership and management of schools and a properly constituted governing body is essential for school working arrangements.

7.2 Consequently, the effective management of Local Authority governors is key to securing school improvement and the proposed policy will help facilitate improved governance across the school estate.

8. Background Documents /Electronic Links

Appendix 1 – Policy for the Appointment of LA Governors