

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 23

REPORT TO: **EXECUTIVE**
DATE : **21 FEBRUARY 2012**
REPORT BY: **DIRECTOR OF LIFELONG LEARNING**
SUBJECT : **PANEL FOR THE APPOINTMENT OF LEA GOVERNORS**

1.00 PURPOSE OF REPORT

1.01 To consider a recommendation by the Executive Member for Lifelong Learning that the Panel for the appointment of LEA Governors ceases to exist.

2.00 BACKGROUND

2.01 At the County Council meeting on the 19 October 2010 consideration was given to a Notice of Motion from Councillors Dodd, Heesom, Attridge and Peers when it was resolved that the Council request the Constitution Committee to review the arrangements, powers and responsibilities of the Panel for the appointment of Local Authority Governors.

2.02 The Constitution Committee has carried out such a review and at its meeting on the 19 October 2011 considered the attached report from the Director of Lifelong Learning and the Democracy & Governance Manager. The Committee agreed the recommendation in the report to amend the existing arrangements to those indicated in paragraphs 3.01 to 3.08 of the report.

2.03 Subsequent to the meeting of the Constitution Committee, The Executive Member has made a further recommendation that the Panel ceases to exist.

3.00 CONSIDERATIONS

3.01 There have been some practical difficulties with the workings of the Panel for the appointment of Local Authority Governors and the Constitution Committee consider that the workings of the Panel will improve if the recommendations in the attached report are implemented. Essentially these changes introduce greater transparency into the process, improve the current paperwork and should prevent unreasonable delay in the nomination process.

3.02 The Executive are asked to note that the recommendations made by the constitution Committee in it's report at 3.01 to 3.08 can be used in an alternative process.

4.00 RECOMMENDATIONS

4.01 That the Executive remove the requirement for an Appointments Panel.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 No statutory consultation required.

11.00 CONSULTATION UNDERTAKEN

11.01 With the Flintshire Governors Association.

12.00 APPENDICES

12.01 Appendix 1 - Report of the Director of Lifelong Learning and Democracy & Governance Manager to the Constitution Committee meeting 19 October 2011.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Attached

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FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 8

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **19 OCTOBER 2011**
REPORT BY: **DIRECTOR OF LIFELONG LEARNING AND DEMOCRACY**
 AND GOVERNANCE MANAGER
SUBJECT : **PANEL FOR THE APPOINTMENT OF LEA GOVERNORS**

1.00 PURPOSE OF REPORT

1.01 To review the arrangements, powers and responsibilities of the panel for the appointment of LEA Governors.

2.00 BACKGROUND

2.01 At the County Council meeting on the 19 October 2010 consideration was given to a Notice of Motion from Councillors Dodd, Heesom, Attridge and Peers when it was resolved that the Council request the Constitution Committee to review the arrangements, powers and responsibilities of the Panel for the appointment of LEA Governors.

2.02 The Panel was set up by the Executive at its meeting on the 18 November, 2008 comprising 5 Members nominated by Group Leaders. The terms of reference given to the Panel were:

- to ratify nominations to vacancies for LEA Governors
- to consider disputes concerning nominations, and
- to consider requests to remove LEA Governors in accordance with paragraph 27 of the Government of Maintained Schools (Wales) Regulations 2005.

2.03 The Panel was created due to a desire for transparency in decision making and to assist in the determination of disputed nominations and make recommendations in circumstances where a request for the removal of an LEA Governor is received. The Panel does not have power to make decisions and can only make recommendations to the Executive or Director of Lifelong Learning.

2.04 In all schools, the power of nomination to LEA Governor vacancies is with the Member of the Ward where the school is situated as confirmed by County Council policy (November 2008).

2.05 The Ward Member is asked to consider the following attributes when choosing his/her nomination:-

- nominee has a commitment to raising standards in the school to ensure the best possible education for its pupils;

- nominee understands accountability for the use of funding to ensure value for money;
 - nominee has an attitude of fairness and an ability to act without prejudice and in accordance with statutory requirements;
 - nominees have a commitment to attend regularly and to update their skills and knowledge on all aspects relating to their role.
- 2.06 For Church Aided, Welsh Medium and Secondary Schools consultation by the Ward Member with neighbouring ward members is carried out prior to ratification by the Panel. The LEA provides administrative support for this consultation process.
- 2.07 For Community Primary Schools the requirement to consult neighbouring ward members is removed where more than 75% of pupils at the school come from within their ward.
- 2.08 Pursuant to the County Council resolution of the 19 October 2010 a report was submitted to the Constitution Committee meeting of the 10 January 2011 when following discussion it was resolved that a meeting be held between the Panel and the Head of Legal & Democratic Services as a matter of urgency to review the arrangements, powers and responsibilities of the Panel and a report on the outcome brought back to the Constitution Committee.
- 2.09 At the Constitution Committee meeting of the 20 April 2011 Councillor Dodd asked for an update on this and it was explained that the Head of Legal & Democratic Services had issued written advice to the Panel which would be considered at the Panel meeting to be held in June following which a report on the outcome would then be brought back to the Committee.
- 2.10 At the LEA Governors Panel meeting on the 17 June 2011 there was a detailed discussion of this matter and the relevant minute is attached as appendix 1 to this report.

3.00 CONSIDERATIONS

- 3.01 During the discussion at the Panel meeting on the 17 June 2011 it was decided that there should be more transparency introduced into the process through clearly specifying the criteria for choosing between candidates that are nominated and that these criteria should be set out on the nomination form which then seeks to obtain information relevant to the criteria. Nomination forms should also make it clear that a nomination can only be objected to on the basis that the candidate does not meet the criteria or does not satisfy the relevant regulations. If adopted this would mean that in future objections based on, for example, not knowing the candidate would not qualify as a valid objection.
- 3.02 At the Panel meeting it was agreed to recommend that the criteria to be used for deciding on the suitability of a candidate should be:-

- i) A commitment to raising standards in the school to ensure the best possible education for its pupils.
 - ii) Understanding the concept of value for money for funding from the public purse.
 - iii) Able to demonstrate they can give the requisite time commitment.
 - iv) Able to demonstrate sufficient local connection with the school's catchment area.
 - v) Any previous experience as a school governor.
 - vi) The candidate possesses skills which the governing body has identified in a self evaluation/skills analysis as a shortage on the governing body.
- 3.03 At the Panel meeting the following existing criterion was not mentioned and should be added to the above:-
- vii) The candidate has an attitude of fairness and an ability to act without prejudice and in accordance with statutory requirements.
- 3.04 The Panel also recommend that the nomination form is amended so that it sets out the criteria listed above and asks questions seeking information about the extent to which the candidate meets any of the criteria. The Panel also recommend that the nomination form sets out the basis on which a nomination can be objected to which would be either that the candidate does not sufficiently meet the criteria or does not satisfy the relevant regulations. The nomination form will contain details of the relevant regulations. Where a candidate is being renominated as a governor, information will be obtained about the candidate's previous record of attendance as a governor.
- 3.05 At the Panel meeting consideration was given to the situation where a secondary school based in one ward has the majority of its pupils from an adjoining Member's ward. The Panel were of the view that in such situations both the Member for the ward where the school is located and the Member for the majority of pupils should be able to make a nomination as to a suitable school governor. This could be achieved by amending the definition of local Member to cover such situations.
- 3.06 On occasions there has been delay in obtaining a nomination from a local Member and the Panel believe that in order to reduce the time taken in filling vacancies after the Member has had a month, a reminder will be sent saying that if a nomination is not received within a further 14 working days the Member will no longer be able to make a nomination. In the absence of a nomination the Panel will have the power to seek nominations and to make a recommendation for appointment to the Director of Lifelong Learning.
- 3.07 Due to problems that the Panel has experienced it is recommended that in future the Panel can decide that a candidate is not suitable on the basis of insufficiently meeting the criteria and make such a recommendation to the Director of Lifelong Learning. The Director will consider the recommendation and report back to the Panel with his

view and a suggestion as to how to proceed. This could include seeking a new nomination from the local Member.

- 3.08 Where there are more than one candidate nominated ("disputed nominations") the Panel shall make a recommendation to the Director of Lifelong Learning as to which candidate they believe best satisfies the criteria. The Director will then confirm the appointment and action it or refer it back to the Panel for further consideration.

4.00 RECOMMENDATIONS

- 4.01 That the Committee considers and endorses the recommendations of the Panel as set out in paragraphs 3.01 to 3.08 above for consideration by the Executive.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 Executive.

11.00 CONSULTATION UNDERTAKEN

- 11.01 LEA Governors Panel.

12.00 APPENDICES

- 12.01 Appendix 1 - Minutes of LEA Panel meeting 17 June 2011.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND DOCUMENTS

None

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LEA GOVERNORS PANEL

17th June 2011

Minutes of the meeting of the LEA Governors Panel held at County Hall, Mold on Friday 17th June 2011.

1. PRESENT:

Councillors: Q. R. H. Dodd, M. J. Peers

2. APOLOGIES

Councillor Adele Davies-Cooke, Cllr Patrick Heesom, Cllr Bernie Attridge

3. IN ATTENDANCE:

Kim Brookes, School Staffing and Governance Manager; Faye Davey, Staffing and Governance Administrative Officer and Clerk.

1 declaration of interest was declared by Cllr Dodd.

4. MINUTES OF LAST MEETING

Cllr Q Dodd (Vice Chair) opened the meeting requesting any Declarations of Interest.

The minutes were accepted and seconded.

5. MATTERS ARISING:

From previous minutes

No matters arising.

6. To review the arrangements, powers and responsibilities of the Panel – Peter Evans, Democracy and Governance Manager.

Peter Evans attended as Barry Davies representative due to his unavailability. He explained the legal advice and answered queries on it. Following discussion it was agreed a report would be made to the Constitution Committee recommending the Executive amend existing procedures in the following ways.

Revisions proposed:

¾ Objections following consultation: That criteria be established as to valid objections;

¾ Identify criteria to use when deciding between candidates – nomination papers amended to obtain relevant information;

¾ Disputed nominations to be resolved by recommendation by panel giving reasons to Director of Lifelong Learning who confirms appointment and actions or refers back to Panel for further consideration;

- Terms of reference of Panel amended so Panel can say no to a candidate nominated;
- On re-nominations obtain record of attendance as governor;
- In the case of nominations to secondary schools, that the definition of local member be amended to include both the member whose ward the school is situated and the member from the ward with the majority of pupils;
- that power to nominate will be removed from a member who fails to make a nomination 14 working days after a reminder has been sent. The Panel will make a recommendation for appointment to the Director of Lifelong Learning.
- Criteria to be used for candidate selection:
 - Demonstrates commitment to raising standards
 - Understanding of the concept of value for money with the public purse;
 - Previous experience as a governor;
 - Sufficient local connection with the school's catchment area;
 - Candidate has skills which the governing body has identified in their self evaluation/skills analysis as a shortage;
 - Ability to demonstrate and can give requisite time commitment
- Change nomination form so it:
 - Sets out above criteria
 - Asks questions seeking information about criteria
 - Sets out the basis on which a nomination can be objected to namely not meet criteria or nor satisfy regulations

7. LEA GOVERNOR NOMINATIONS: TO INFORM THE PANEL OF THE LEA GOVERNOR NOMINATIONS FOR THE SCHOOLS DETAILED IN THE REPORT

Ysgol Derwenfa, Leeswood

RESOLVED: Cllr Kenneth Richardson, Teresa Vista, Pontybodkin, Leeswood CH7 4RA be appointed.

Ysgol Croes Atti

RESOLVED: Mrs Christine Hughes, 1 Clos Farm, Flint Mountain CH6 5UX be appointed.

John Summers High School

RESOLVED: Cllr Gary Cooper, 110 Shotton Lane, Shotton CH5 1QS be appointed

Castell Alun High School

RESOLVED: Cllr Stella Jones, 25 Pen Y Bryn, Hope LL12 9NQ be appointed.

Ysgol Maes Edwin

RESOLVED: Cllr Ted Evans, 3 Third Avenue, Flint CH6 5LT be appointed.

Argoed High School

RESOLVED: Cllr Hilary McGuill, Wylfa House, Wylfa Hill, Mynydd Isa CH7 6TG be appointed.

St Mary's R C Primary School

RESOLVED: Mr Paul Cunningham, 23 Bryn Mor, Flint CH6 5RZ be appointed.

Ysgol Bryn Coch

RESOLVED: Mrs Jacqueline Rogers, 3 Ffordd Argoed, Mold CH7 1LY be appointed.

Llanfynydd C P School

RESOLVED: Mr Mark Davies, Meadow View, Llanfynydd, Nr Wrexham LL11 5HG be appointed.

Sychdyn C P School

RESOLVED: Cllr Marion Bateman, Cortonwood, Blackbrook, Sychdyn CH7 6LT be appointed.

Ysgol Maes Glas

RESOLVED: Miss Linda Hachett, 4 Dyffryn Glas, Greenfield, Holywell be appointed.

Westwood C P School

RESOLVED: Mrs Joan Williams, 41 Lexham Green Close, Buckley CH7 2HS be appointed.

Westwood C P School

RESOLVED: Mrs Jeanne Hutchinson, Newlyn, Padeswood Road, Buckley CH7 2JW be appointed.

Gronant C P School

RESOLVED: Miss Joanne Gilmore, 9 Mostyn Road, Gronant be appointed.

Derwen Foundation School, Kinnerton

RESOLVED: Mrs Jean Brain, 2 Paddock Way, Higher Kinnerton, Chester CH4 9BA be appointed.

Derwen Foundation School, Kinnerton

RESOLVED: Cllr Norma Humphreys. 3 Bennetts Lane, Higher Kinnerton, CH4 9AR be appointed.

Ysgol Estyn

RESOLVED: Mr Peter Pemberton, Shordley Cottage, Shordley Road, Hope be appointed.

Sealand C P School

RESOLVED: Cllr Christine Jones, 31 Welsh Road, Garden City, Deeside CH5 2HU be appointed.

Rector Drew V A School

RESOLVED: Cllr Glenys Diskin, Ambleside, Duckers lane, Mancot, CH5 2ED be appointed.

Hawarden infants School

RESOLVED: Mrs Tracey Bousfield, 12 Blackbrook Avenue, Hawarden CH5 3HJ be appointed.

Connahs Quay High School

RESOLVED: Cllr Aaron Shotton, 48 Pinewood Avenue, Connahs Quay, Deeside CH5 4SJ be appointed.

Abbotts Lane Infants

RESOLVED: Mrs Jane Littler, 4 Lilac Drive, Penyffordd, Chester be appointed.

Penyffordd Junior School

RESOLVED: Mrs Patricia Ransome, 10 Priory Close, Penyffordd, Nr Chester CH4 0NJ be appointed.

Wepre C P School

RESOLVED: Mrs Carol Granger, 4 Cae Llys Close, Connahs Quay, Deeside be appointed.

8. LEA GOVERNOR NOMINATIONS: TO RESOLVE DISPUTED LEA GOVERNOR NOMINATIONS FOR THE SCHOOLS DETAILED IN THE REPORT

Joint ward members nominated different nominees therefore 2 names were put forward to the panel.

Golftyn C P School

DEFERRED: Mrs Jennifer Gray / Cllr Eric owen

St Davids High School

Ward member nominated Mr Jimmy Ashton 32A Tolbar Road, Chester CH3 5QX. 3 objections were received by neighbouring ward members.

DEFERRED: Mr Jimmy Ashton 32A Tolbar Road, Chester CH3 5QX.

9. **DURATION OF MEETING**

The meeting commenced at 1.10 pm and ended at 2.10 pm

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Chair

FLINTSHIRE COUNTY COUNCIL

EXECUTIVE RECORD OF DECISION

DATE OF MEETING: **21 FEBRUARY 2012** **AGENDA ITEM NO.**
23

REPORT OF: **DIRECTOR OF LIFELONG LEARNING**

SUBJECT: **PANEL FOR THE APPOINTMENT OF LEA**
GOVERNORS

RECOMMENDATIONS OF REPORT: That the Executive remove the requirement
for an Appointments Panel.

DECISION: Approved the recommendation.

REASON FOR DECISION: As per the report.

CONSULTATION REQUIRED: No statutory consultation required.

CONSULTATION UNDERTAKEN: With the Flintshire Governors Association.

FINANCIAL IMPLICATIONS: None as a result of this report.

DECLARATIONS OF INTEREST: None.

DISPENSATIONS: None.

DATE PUBLISHED: 22 February 2012

SIGNED:  **(Proper Officer)**

Insert date here...23rd February 2012....

To Democracy & Governance Manager

We, the undersigned, wish to call in the following decision of the Executive:

Date of Executive meeting: 21st February 2012.....

Report title: Panel for the appointment of LEA Governors

Record of Decision number: 2639.....

Reason(s) for call in: Due to the Executive's failure to respond to the recommendations of the Constitution Committee and the terms of the Notice of Motion to full Council the issues have not been resolved. We call on the Executive to explain the reasons and reconsider.

In initiating this call in, we recognise that it will be regarded as a gross discourtesy to the committee if members who have requested the call in do not attend the meeting of the committee without contacting the Member Engagement Manager to explain their reasons.

We understand that the call in meeting will be held within 7 working days of this call in notice being received and accepted.

Signature

Printed name

1..... Cllr J B Attridge

2..... Cllr M J Peers

3..... Cllr Q R H Dodd

4..... Cllr P G Heesom

5.....

6.....

7.....

8.....

Call in notice received 23/2 2012 accepted 29/2 2012

Signed  Democracy & Governance Manager