



Bolton Code of Practice for Local Authority Governor Appointments

January 2015

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Important Note

This guidance is for those governing bodies of schools that have reconstituted under the School Governance (Constitution) Regulations 2012 and subsequent amendments. This guidance does not apply to authority governors of pupil referral units.

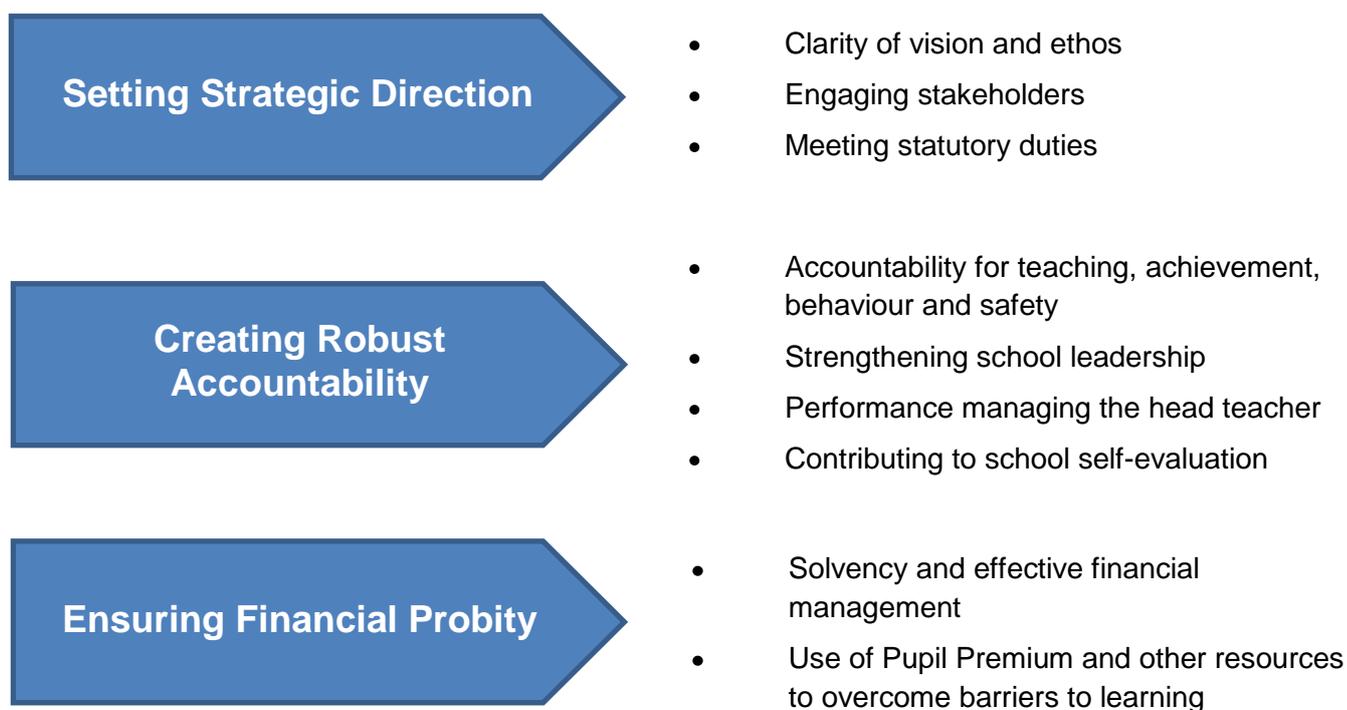
If you have any queries regarding this guidance, please speak to your clerk to governors in the first instance or contact John Ashworth, Governor Services Manager directly on 01204 338603 or via email at john.ashworth@bolton.gov.uk.

1. Introduction

Being a governor is very rewarding and worthwhile experience. Effective governors do not need educational expertise but do need to be committed to their school, willing to ask questions and offer appropriate challenge and support.

They also need to be able to work as an enthusiastic member of the governing body team with the aim of raising and maintaining high educational standards for all children. Governors are asked to act with integrity, honesty and objectivity and act at all times in the best interests of the school.

The prime focus of the Governing Body is to develop the strategic direction of the school, be accountable to stakeholders and to ensure that financial resources are spent appropriately. The following diagram explains the role of the Governing Body in further detail:



There are various positions available on governing bodies, and how governors are appointed or elected is dependent on the body that they represent.

All maintained schools have an Instrument of Government which sets out the constitutional arrangements, including categories and numbers of governors, for the governing body. Representation on the governing body is therefore dependent on the school's Instrument of Government.

The School Governance (Constitution) Regulations 2012 and subsequent 2014 amendments, detail the different categories of governors and how they are appointed or elected in maintained schools. Academies do not follow these regulations and instead have their own articles of association which vary from each academy.

2. Background on Local Authority Governors

- 2.1 Governing Bodies Reconstituted under the School Governance Constitution Regulations 2012 and subsequent amendments, allow for one Local Authority governor on any maintained Governing Body.
- 2.2 Local Authority governors are nominated by the Local Authority and then appointed by the governing body as a governor having, in the opinion of the governing body, the skills required to contribute to the effective governance and success of the school and having met any additional eligibility criteria set by the governing body.
- 2.3 Local authority governors cannot be instructed by the Authority on how they should vote on matters to be decided by the governing body, and like other categories of governors, authority governors are free to contribute their own views and experiences and to make their own minds up on what they think is in the school's best interests.
- 2.4 Local authority governors cannot be a person who is eligible to be a staff governor of the school (i.e. who is employed to work at the school).
- 2.5 The Bolton Governor Services Team, on behalf of the Director for Children's and Adult Services will monitor and maintain a register of all governor vacancies within the Bolton borough.

3. The Local Authority School Governor Appointments Panel

3.1 Terms of Reference

In accordance with the principles/process of the Bolton Code of Practice for Authority Governor Appointments, the School Governor Appointments Panel have the power to act on behalf of the Cabinet Member for Children's and Adult Services in:

- (a) nominating local authority governors to serve on maintained school governing bodies and other educational establishments; and
- (b) removing authority governors from maintained school governing bodies and other educational establishments

3.2 Membership of the LA School Governor Appointments Panel

(At least) seven elected members (or their nominees) - Quorum of three.

The Governor Services Manager, or their representative, will be in attendance at all meetings to advise the Panel on the process and any relevant governance law and procedure

3.3 Frequency of Panel Meetings

The School Governor Appointments Panel will normally meet once a term or as required to consider nominations to vacant Local Authority Governor Positions.

4. Criteria/Attributes for Local Authority Governor Appointments

4.1 Criteria for Appointment

The School Governor Appointments Panel will agree nominations for Local Authority Governors based on the following criteria:

- 1) The applicant should reside within the Bolton Borough boundary and have a willingness to serve on a particular school or any school within the Bolton Borough.
- 3) The contribution that the applicant could bring to the governing body in terms of skills, knowledge and experience
- 4) The applicant's commitment to improving and raising aspirations and educational achievements of young people in Bolton.
- 5) An application can be made by any employee of Bolton Council, but not of the Children's Services Department, including those employed to work in schools (teaching and non-teaching) within the Borough (to reduce possible conflicts of interest)
- 6) A governor who has been disqualified through non-attendance will not be re-appointed to the same governing body for a period of 12 months
- 7) A governor previously disqualified through non-attendance must give a commitment to minimum attendance requirements before further nominations to any governing body within Bolton is made.
- 8) The applicant should complete and sign a declaration of eligibility form to confirm that they are not disqualified from appointment as a governor

4.2 Skills and Attributes

Applicants for Local Authority Governor positions in Bolton will be expected to have some or all of the following attributes:

- 1) An interest and knowledge of educational matters in general
- 2) Knowledge of the local community and school, if applying for a particular school;
- 3) A willingness to use and develop their own skills for the benefit of the school including attending relevant training;
- 4) An ability to work as a member of a team with the pupils' interests uppermost;
- 5) A willingness to sign up to and adhere to a governing body code of conduct;
- 6) A willingness to visit and learn about the school and;
- 7) An ability to attend governing body and committee meetings and other school events.

5. The Appointment Process

- 5.1 The School Governor Appointment Panel, acting under delegated arrangements approved by the Council, has been established to consider Local Authority Governor nominations for appointment in Bolton schools and other educational establishments.
- 5.2 All candidates will be required to complete an application form, which is to be returned to the Bolton Governor Services Team, on behalf of the Director for Children and Adult Services.
- 5.3 It is open for a school, governing body, or Panel member to encourage potential applicants to submit an application for consideration by the Panel.
- 5.4 Applications from Local Ward Councillors will be considered if they meet the appointment criteria and have the skills and experience required by the Governing Body. A commitment to training will be required.
- 5.5 The Bolton Governor Services Team, on behalf of the Director for Children's and Adult Services will maintain a register of all applications received.
- 5.6 When a vacancy occurs on a Governing Body, the Bolton Governor Services Team, will contact the Chair of Governors and ascertain if there are any specific skills or experience required by the Governing Body or indeed if there is any additional eligibility criteria set by the Governing Body.
- 5.7 At the earliest opportunity, the School Governor Appointments Panel will meet to consider any applications received as appropriate against the vacancies, having also considered any specific skills, experience, or any additional eligibility criteria set by the Governing Body, and if possible, agree a nomination for appointment.
- 5.8 Following the Panel meeting, the Bolton Governor Services Team will contact the Chair of Governors to confirm the nomination and request the Governing Body to consider the nomination for appointment at the next available full Governing Body meeting.
- 5.9 As the appointing body, the Governing Body is responsible for considering the re-appointment, if appropriate, of the Local Authority Governor.
- 5.10 If a Governing Body refuses to appoint a nomination made by the Local Authority, the Chair of Governors must write to the Chair of the School Governor Appointment Panel, via Governor Services, clearly documenting the Governing Body's reasons for the refusal. This will then be considered further at the next School Governor Appointments Panel Meeting.

6. Making an Application to become a Local Authority Governor

To apply to be considered for an appointment as a local authority governor, it is necessary to complete an application form. This can be done electronically via the Bolton Governor Exchange website at www.governorexchange.boltonlea.org.uk/clerking-guidance-and-support/becoming-a-school-governor

The information included on this form will be made available to the LA School Governor Appointments Panel in the first instance.

Following successful nomination, the application will be shared with the nominated governing body for them to approve the appointment at their next full governing body meeting.

It is important that the applicant completes all sections of the application form, detailing any relevant skills and experience, how they plan to contribute to the future work of the governing body that they will be appointed to and, if seeking re-election, details of the contribution to the work of the governing body.

If applicants wish to discuss their application or have a query about the Bolton Code of Practice on Authority Governor Appointments, they should contact the Local Authority Governor Services Manager on 01204 338603.

Any potential new governors (and governors to be re-appointed) are required to sign a self-declaration form (**Appendix 3**) to declare that they are not disqualified under the School Governance Regulations. This declaration covers any previous convictions, including any that have become spent under the Rehabilitation of Offenders Act.

Most governing bodies have a code of conduct which includes a set of broad principles by which the governing body and individual governor are expected to operate. A copy of this along with guidance on the role of a local authority governor is enclosed for information. (**Appendix 1 and 2**)

7. Removal Process for Local Authority Governors

7.1 Background

Regulation 22 of the School Governance (Constitution) (England) Regulations 2012 gives the local authority (LA) the right to remove a local authority governor from office, that they have nominated, by giving written notice to the clerk to the governing body and the governor to be removed. The regulations do not give any clear procedure for removal which is therefore for the local authority to determine.

Although the removal of local authority governors from office is infrequent, it is important that procedures are in place in order that such circumstances can be addressed consistently, should the need arise. It is expected that these procedures would be used, for example, where there is evidence that the governor concerned has seriously or persistently breached their governing body's code of conduct or those grounds for removal listed under section 7.3 below.

Removal of a local authority governor from office will only be used as a last resort after seeking to resolve any difficulties or disputes in a constructive way. Before the Local Authority begins a formal process of removal, Local Authority Officers will offer some form of conciliation, if appropriate, to seek to resolve the situation. Where there is no effective remedy, then the governor may be considered for removal from office.

Removal of governors in respect of non-attendance at governing body meetings should be dealt with by the governing body in accordance with the disqualification procedure in Regulations 17 (Schedule 4) of the School Governance (Constitution) Regulations 2012.

It is anticipated that requests for removal may come from two sources:

1. Directly from a School or Academy; or
2. from a Director or Member of the Local Authority.

7.2 Requests for Removal and Decision on Grounds for Removal

All requests to remove a local authority governor from office would in the first instance be referred to the Director for Children's Services, who will consider the grounds for removal.

The Director will then make a recommendation to the Chair of the LA School Governor Appointments Panel on whether there are grounds for removal and he/she will take a decision.

If the Chair of the LA School Governor Appointments Panel decides that there are no grounds for removal, he/she will write to the proposer and if appropriate, the governor concerned, setting out the reasons for the decision and advising, where appropriate, on a way forward to resolve any remaining difficulties.

If the Chair of the LA School Governor Appointments Panel decides that there may be grounds for removal, he/she will write to the governor concerned setting out the reasons why the matter has been referred for decision by the LA School Governor Appointments Panel and invite the governor to make written representation.

7.3 Grounds for Removal

Reasons for the removal from office may involve, but may not be limited to, any of the following:

- Conduct that is inconsistent with the ethos or religious character and has or is likely to bring the school, the governing body or their office as a governor, or the LA into disrepute
- Serious failure to co-operate with the LA, governors or the governing body as a whole
- Irretrievable breakdown in relationship between the governor and the governing body
- Failure to act in accordance with principles set out in the document at Appendix 1 (Role of the Authority Governor)

7.4 Removal Decision

The LA School Governor Appointments Panel will meet and make a decision on the matter following receipt of the written representations from both parties.

If necessary, both parties may be called to a meeting to give an account of their representation.

7.5 After the Removal Decision

If a decision to remove is made, the Chair of the LA School Governor Appointments Panel will write to the governor dismissing him or her from the Governing Body of the School/Academy, setting out the reasons for the decision. A copy of the letter will be copied to the clerk to the governing body.

If the proposal is not agreed, the Chair of the LA School Governor Appointments Panel 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.

Any governor who is removed from office may not be appointed to a governing body as a LA governor for a period of twelve months from removal. Should the governor concerned hold office on another governing body, that position would not necessarily be affected by his/her removal from the governing body the removal relates to; however, consideration would be given to this at the same time.

The Role of the Local Authority Governor

1. Although nominated by the Local Authority and appointed by the governing body, local authority governors are not delegates of the LA. Those appointed must be free to make/contribute to decisions in the light of circumstances, the full information available to the governing body and any debate within the governors' meeting.
2. The interests of the school must come before any party political considerations or any instruction from the Local Authority.
3. Notwithstanding the above, local authority governors should maintain an awareness of local policies and issues and attempt to bring a wider perspective to the discussion in governing bodies so as to reflect the broader picture of education and children's services across the Borough.
4. Local authority governors should make attendance at governing body meetings a priority and attempt to contribute fully to the work of the governing body through participation in its committee arrangements.
5. Local authority governors should aim to act as a "critical friend", supportive of the school but representing the interests of the wider community and seeking to raise the standards of achievement for pupils within the school and across the Borough.
6. Together with other governors and taking advice from the head teacher, local authority governors will contribute to the school's self-evaluation and school improvement planning processes.
7. Together with other governors, local authority governors will monitor implementation of school policies and priorities.
8. Together with other governors, local authority governors will ensure that the school consults as appropriate with parents and its community, and reports to parents, the Local Authority and Ofsted as required.
9. Local authority governors will develop their knowledge and understanding of their role and current educational developments by attending appropriate governor training courses.
10. Local authority governors should arrange, according to the school's agreed procedures, to visit school informally at least once each year, to see it at work.
11. Local authority governors should attempt to support other informal school events.

12. Local authority governors should comply with the Code of Conduct for the Governing Body of the School to which they are appointed.
13. A Governor of a school is a holder of public office and in carrying out the roles and responsibilities should abide by the seven principles of public life, as recommended by the Nolan Committee's report "Standards in Public Life".

The principals, in summary, are:

- **Selflessness**
Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain any financial or material benefit for themselves, their family, or their friends.
- **Integrity**
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their duties.
- **Objectivity**
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability**
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness**
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when wider public interest clearly demands.
- **Honesty**
Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership**
Holders of public office should promote and support these principles by leadership and example.

Local Authority Model Governing Body Code of Conduct

The following is not a definitive statement of responsibilities but is concerned with the common understanding of broad principles by which the Governing Body and individual governors will operate.

The Governing Body accepts the following principles and procedures: -

General

1. We have responsibility for determining, monitoring and keeping under review the broad policies, plans and procedures within which the school operates.
2. We recognise that our head teacher is responsible for the implementation of policy, management of the school and the implementation and operation of the curriculum.
3. We accept that all governors have equal status, and although appointed by different groups (i.e. parents, staff, LA) our overriding concern will be the welfare of the school as a whole.
4. We have no legal authority to act individually, except when the governing body has given us delegated authority to do so.
5. We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all the legal expectations as, or on behalf of, the employer.
6. We will encourage open government and shall be seen to be doing so.
7. We will consider carefully, how our decisions may affect other schools.
8. We acknowledge that all individuals have fundamental human rights and welcome the diversity of the community living, working and learning in the Borough. We will be committed to promoting equality and tackling social exclusion and as such will integrate equality into all of our activities.

Commitment

9. We acknowledge that accepting office as a governor involves the commitment of significant amounts of time and energy.
10. We will each involve ourselves actively in the work of the governing body, attend regularly and accept our fair share of responsibilities, including service on committees or working groups.
11. We will get to know the school well and respond to opportunities to involve ourselves in school activities.
12. We will consider seriously our individual and collective needs for training and development.

Relationships

13. We will strive to work as a team in which constructive working relationships are actively promoted.
14. We will seek to develop effective working relationships with our head teacher, staff, parents, the Local Authority, other relevant agencies and the community.

Confidentiality

15. We will observe confidentiality regarding proceedings of the governing body in meetings and from our visits to school as governors.
16. We will observe complete confidentiality when required or asked to do so by the governing body, especially regarding matters concerning individual staff or students.
17. We will exercise the greatest prudence if a discussion of a potentially contentious issue affecting the school arises outside the governing body.
18. We will not disclose the details of any governing body vote.

Conduct

19. We will encourage the open expression of views at meetings, but accept collective responsibility for all decisions made by the governing body or its delegated agents. This means we will not speak out against decisions, in public or private, outside the governing body.
20. We will only speak or act on behalf of the governing body when we have been specifically authorised to do so.
21. In making or responding to criticism or complaints affecting the school we will follow the procedures established by the governing body.
22. Our visits to school will be undertaken within the framework established by the governing body, in agreement with the head teacher and staff.
23. In discharging our duties we will always be mindful of our responsibility to maintain and develop the ethos and reputation of our school.
24. We will abide by the seven principles of public life recommended in the Nolan Committee's report "Standards in Public Life" which are as follows:
 - **Selflessness**
Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain any financial or material benefit for themselves, their family, or their friends.
 - **Integrity**
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their duties.

- **Objectivity**
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability**
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness**
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when wider public interest clearly demands.
- **Honesty**
Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership**
Holders of public office should promote and support these principles by leadership and example.

Breach of this Code of Conduct

25. If the need arises to use the sanction of suspending a governor, we will do so by following the Procedures Regulations so as to ensure a fair and objective process.
26. We recognise that removing a governor from office is a last resort, and that it is the appointing bodies which have the power to remove those they appoint.

If the need arises to use the sanction of removing a governor, we will do so by following the Constitution Regulations so as to ensure a fair and objective process.

As a member of the Governing Body I will always have the well-being of the children and the reputation of the school at heart; I will do all I can to be an ambassador for the school, publicly supporting its aims, values and ethos; I will never say or do anything publicly that would embarrass the school, the Governing Body, the Head Teacher or staff.

The Governing Body of [School Name] adopted this code of conduct on _____.

Governors will receive and note the Code at the first governing body meeting of each school year and sign a copy of the ‘Governing Body Code of Conduct Acceptance Form’ to confirm that they have individually read and accepted this Code of Conduct.

All new governors will be asked to adopt the code on their appointment and sign the acceptance form to confirm that they have read and accepted the code. Completed forms should be returned to the school and stored securely.

**Governor Services Team
Children's and Adult Services**

DECLARATION OF ELIGIBILITY

Surname: _____ **First Name:** _____ **Title:** _____

Address: _____

_____ **Postcode:** _____

Home Tel: _____ **Work Tel:** _____

Mobile: _____ **Email:** _____

Date of Birth: _____

1. Appointment Details

Governor Position Applied for:

Parent Governor	<input type="checkbox"/>	(Please check as appropriate)
Co-opted Governor	<input type="checkbox"/>	
Local Authority Governor	<input type="checkbox"/>	
Foundation Governor (PCC)	<input type="checkbox"/>	
Foundation Governor (Diocesan)	<input type="checkbox"/>	
Foundation Trust Governor	<input type="checkbox"/>	
Foundation Ex-Officio Governor	<input type="checkbox"/>	
Staff Governor	<input type="checkbox"/>	

School/Academy/PRU: _____

2. Declaration

Governor qualifications and disqualifications as per Regulation 17 (Schedule 4) of the School Governance (Constitution) Regulations 2012.

I declare that:

- **I am** aged 18 or over at the date on this form;
- **I do not** already hold a governorship of the same school;
- **I am not** disqualified on grounds of non-attendance at governing body meetings;
- **I am not** subject of a bankruptcy restrictions order, an interim bankruptcy restriction order, a debt relief restrictions order or an interim debt relief restrictions order, **nor is** my estate subject to a

sequestration order, **nor am I** subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, Part 2 of the Companies (Northern Ireland) Order 1989, the Company Directors Disqualification (Northern Ireland) Order 2002 or under section 429(2)(b) of the Insolvency Act 1986;

- **I have not** been removed from the office of trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity **nor**, under section 34 of the Charities and Investment (Scotland) Act 2005, from being concerned in the management or control of any body;
- **I am not** included in the list kept under S.1 of the Protection of Children Act 1999 of persons considered as unsuitable to work with children and young people; **nor am I** subject to a direction under S.142 of the Education Act 2002; **nor am I** disqualified from working with children under S.28 and S.29 of the Criminal Justice and Court Services Act 2000; **nor am I** disqualified from registration for child minding or providing day care; **nor am I** disqualified from registration under Part 3 of the Childcare Act 2006;
- **I have not**, in the five years prior to or since becoming a governor, been convicted in the U.K. or elsewhere of an offence and received a sentence of imprisonment, suspended or not, for a period of three months or more without the option of a fine;
- **I have not**, in the twenty years prior to becoming a governor, been convicted in the U.K. or elsewhere of an offence and received a sentence of imprisonment for a period of two and a half years or more;
- **I have not**, at any time, prior to becoming a governor, been convicted in the U.K. or elsewhere of an offence and received a sentence of imprisonment for a period of five years or more;
- **I have not**, in the five years prior to or since becoming a governor, been convicted and fined for an offence of nuisance and disturbance on school premises.

Signed: _____ **Date:** _____

The Information you supply will be held by the Governor Services Team at Bolton Children's Services Department in compliance with the Data Protection Act 1998. To help improve communications between itself, Governors and their schools, particularly electronic communications, there are occasions the Authority needs to share your contact details. The information would be shared for no other purpose than those relating to school governance.

If you would prefer that your details are not shared for this purpose please sign here: _____

After completion please email this form to: john.ashworth@bolton.gov.uk

or Post to: John Ashworth, Governor Services Manager, The Governor Services Team, Bolton Science & Technology Centre, Minerva Road, Bolton, BL4 0HA